

7 December 2015

Ms Mary-Lynne Taylor
Chair – Sydney West JRPP
c/- Dept of Planning & Environment
Panels Secretariat
23-33 Bridge Street
Sydney NSW 2000

Dear Ms Taylor,

Re: Parramatta Leagues Club Carpark (DA310/2015)

This letter is written on behalf of Parramatta Leagues Club (the Club) development application DA310/2015 and in response to Council's report to JRPP. Whilst the Club is disappointed with from Councils report including the change in Council's views on key aspects of the DA, the Club trusts that our correspondence to JRPP will address these issues and the Club will be able to proceed with a practical and realistic approval.

In terms of the current DA, the process commenced in March 2015 with a pre-lodgement meeting held with Council and the Club through its advisers held ongoing meetings with Council up until the release of the Council report.

From that point and for the subsequent months, Council had given no indication that there were concerns with either the number of carparks or with permissibility. It was around September 2015 that Council raised these items.

As a result of that feedback from Council, the Club undertook a further study on carparking numbers and also agreed to modify its car park management plan to address Council concerns.

After the lengthy period of consultation, Council's report is disappointing for a number of reasons - the primary concern being the economic impact of the conditions imposed. However, the Club has a small margin of flexibility from an economic feasibility perspective and is willing to consider reducing parking in an appropriate and responsible way, and it is hoped a reasonable compromise can be achieved.

Council conditions are problematic

The current recommendations from Council are akin to refusal as they are not practical, realistic or economical.

It is not practical to not use heavy machinery nor to cease work for three months. It is not realistic (or legally accurate) to take the view that there is no link between the Club and the stadium for either a quantum of carpark perspective or from a permissibility perspective.

Usage of the carpark is defined in its lease with the trust as being governed by the registered Clubs act. As the Club leases the stadium for Eels home games, the stadium forms a part of the Clubs facilities for members and guests. Therefore members visiting the stadium constitutes permissible use and it is unrealistic to suggest otherwise.

The conditions in the Council report make the project uneconomical as the interruption to Club business operations outweigh the return for a carpark with the reduced numbers proposed by Council.

Note also that section 16.1 of the Club's lease agreement with the Trust requires the lessee (the Club) to allow persons visiting Parramatta Park to park their vehicle in the carpark.

Club significance in the history of Parramatta

Parramatta Leagues Club (the Club) was granted a liquor license on 17th of August 1959 and is the sole owner of the Parramatta Eels NRL franchise. The Club is a successful one however the long-term sustainability of both the Club and the Eels depends upon providing suitable and profitable

facilities for its members and by meeting its constitutional requirements to fund and propagate rugby league in the Parramatta district.

The Parramatta Eels were founded on November 4 1947 however the roots of the playing of rugby union and rugby league in Parramatta lie in the 19th century with the formation of the Parramatta Rugby Club in 1879. With the advent of a Sydney District competition in 1900, the Parramatta Club merged with Western Suburbs and played some of its matches at Cumberland Oval. On a local level, rugby league began to be played in 1910 when a district competition was formed.

Economic sustainability

The Club car park DA consultation process with the local community commenced in 2011 and continued with a new board in 2013. In mid-2014 following months of negotiation, the Club secured the approval from the Parramatta Park Trust (the Trust) to develop the site currently used as car parking and of which the Club has a lease until March 6, 2049 with an option to renew for an additional 49 years expiring March 6, 2098.

Revenue growth for the Club has averaged less than the CPI for last several years and the sole contributor to this lack of growth. The Clubs profitability has recently improved through improved governance and efficiencies however future profitability is a function of revenue growth and diversification. Lack of carparking is a critical component in retaining, attracting and supporting growth for the current 40,063 members of the Club and the annual increase of a little over 800 new members.

With the Clubs tenure and history in mind, the annual growth experienced in membership, and the surrounding investment in nearby Parramatta, it is obvious that the club needs additional carparking, and that that parking should be of a quantum that considers the Clubs tenure of the site.

Carpark numbers

In terms of parking, the demands of the existing carpark regularly exceed its capacity. This is reflected in responses to member surveys that express difficulty in finding parking and in the low levels of revenue increases experienced by the Club. With expected growth of the surrounding area, we need to plan against assuming the surrounding area will be able to accommodate parking demand for members.

Whilst a survey of current usage shows periods when the carpark is not fully occupied, the survey will not capture numbers of persons who do not attend the club because of the difficulties associated in parking and it is a short-sighted assessment to fail to consider the predictable future demand of the club – in addition to demand associated with planned development.


Planned development

A separate DA will also be progressed for a Leisure Centre, consistent with securing additional attractions for sustained growth.

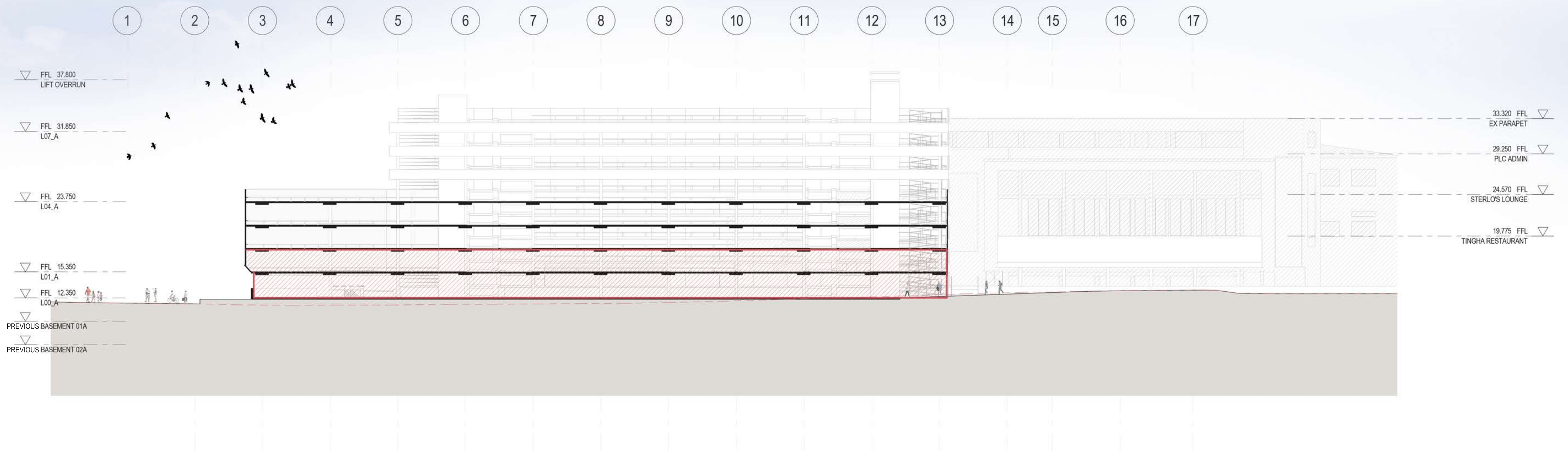
While it is recognised “DA2” is not lodged and before the JRPP, both the carpark and adjoining proposal have arisen after years of hard work and masterplanning, resulting in a carpark with a smaller footprint, of high architectural merit, integrated with a high quality Club expansion which will better engage the surrounding public domain and surrounding areas to significantly improve a high-profile precinct, at no cost to taxpayers.

In addition to this letter separate correspondence has been provided to JRPP by our Planner, our Architect and a legal opinion on the matter of permissibility that supports our DA.

Sincerely yours



Bevan Paul
Chief Executive Officer, Parramatta Leagues Club



C SECTION C LONG
SK004 1:250

LEGEND
INDICATES 2650mm MINIMUM HEAD CLEARANCE

2015.12.07_BASEMENT REMOVAL MARK-UP

Revision	Date
A ISSUED FOR INFORMATION	06.03.2015
B ISSUED FOR INFORMATION	02.04.2015
C DA APPLICATION	16.04.2015

Date
06.03.2015
02.04.2015
16.04.2015

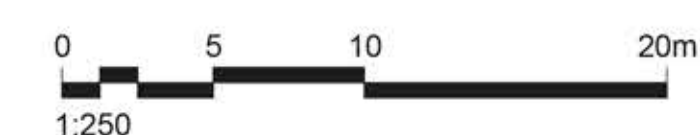
Scale
1:250 @ A1

Client
PARRAMATTA LEAGUES CLUB

Project Name
CLUB EXTENSION

Drawing
SK022
BUILDING SECTIONS

HASSELL



Mary-Lynne Taylor
Chair Sydney West JRPP
C/O Department of Planning & Environment
Panel Secretary
22-33 Bridge St, Sydney 2000

7 December 2015

Dear Mary-Lynne

Re: Parramatta Leagues Club – Carpark Design

I write in response to the recommendations made by Parramatta City Council to the Joint Regional Planning Panel with respect to the proposed multi-storey carpark (DA No. 310/2015).

Parramatta Leagues Club (our client) have a preferred approach to address the reduction in carpark spaces being recommended by the council by removing the basement, and maintaining the above ground car parking levels instead.

HASELL are supportive of this approach and make note of several key design criteria that are not compromised by adopting this approach;

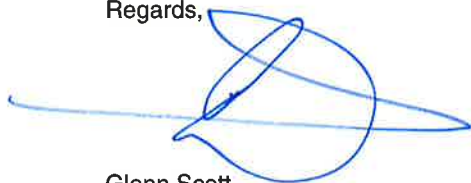
- The removal of the basement from the proposal will have no effect on the building elevations. The building form, materiality and composition are not affected.
- The proposed building massing in the original proposal has been carefully considered to reduce impact on adjacent sites, including maintaining solar access to Parramatta Park by the stepped form, and 3 distinct façade treatments to reduce the overall appearance of the building. The Council's Urban Design department have commended us on this approach and design consideration. The removal of the basement will have no effect on this consideration
- The design of the Fitness & Leisure Centre directly adjacent (Future Club Extension – DA2) relates to the currently proposed building mass of the carpark, and maintains the initial principles with respect to massing established in the master planning phases of the project. The Master planning of the Leagues Club will not be compromised.

Our primary concern in reducing the carpark building to Basement, Ground and Level 1 as council proposes is that it will result in an incoherent development overall. The Carpark and Fitness & Leisure Centre have always been designed and considered together as a complete ensemble. It is only due to the Parramatta Leagues Club operational needs that they have been

staged. The massing and stepping profile is consistent in both structures and the overall design strategy is intended to be interrelated to create a unified whole.

If you have any queries, please do not hesitate to contact directly.

Regards,

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the left.

Glenn Scott
Principal

Mobile +61 410 921 644
Email gscott@hassellstudio.com

cc Ron Aquilina, APP
Adam Howard, APP
Nick Owen, HASSELL
Bevan Paul, Parramatta Leagues Club

7 December 2015

Our Ref: RXV SKK PERSONAL-PERSONAL

Parramatta Leagues Club Ltd
c/- Mr Bevan Paul
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Dear Sirs

Parramatta Leagues Club Ltd
Advice regarding permissibility of car park

1 Our instructions

We act for Parramatta Leagues Club (**Club**) in this matter.

We have been instructed to provide advice to the Club in relation to the permissibility of a proposal by the Club to construct a car park.

Specifically, we have formulated the below questions that the Club requires a response to:

- 1 Are clubs, stadiums and recreation facilities permissible uses pursuant to the Parramatta Local Environmental Plan 2011 (**LEP**);
- 2 Is the proposed car park ancillary to the Club; and
- 3 Would the proposed car park be prohibited if it was used by visitors to Parramatta Park and/or adjoining Pirtek Stadium (**Stadium**) (not being Club members, visitors or staff)?
- 4 Is the car park able to be managed with a requirement for the payment of a fee or does the payment of a fee make the proposal prohibited?

In preparing this advice, we have relied only on material provided to us by email(s). These include:

- JRPP Assessment Report (**Report**);
- Car Park Management Plan (**Plan of Management**);
- Record of Pre-Lodgement Application Meeting;
- Letter to Council dated 27 October 2015;
- Statement of Environmental Effects (**SEE**), dated 8 May 2015; and

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- Lease between Club and Minister, dated 5 March 1999.

This advice is qualified to the extent that it only relies on that material. It may be necessary to revisit this advice (or relevant parts of it) if any additional facts or materials subsequently become known or available.

2 The facts

On 27 May 2015, the Club lodged a Development Application (**DA**) for a multi-level car park proposed to be located immediately adjacent to the Club, on the site of an existing at-grade car park.

Currently, the car park provides for 365 car spaces.

The car park (existing and proposed) is within the Parramatta Park Trust Land. One of the lease provisions requires that parts of the car park be available to park users (**Lease**).

The need for increased car parking comes as a result of greater demand by the public for the use of the Club. Two separate and independent traffic consultancy firms were engaged to conduct an assessment regarding traffic and parking issues. These assessments were undertaken by Taylor Thomson Whitting and Parking and Traffic Consultants respectively, and both concluded there was a need for increased parking and the proposed parking was adequate to meet demand.

On 24 August 2015, and at the request of Council, further information was requested from the Club regarding the issue of traffic and parking. A Plan of Management was submitted regarding the operation of the car park, which was subsequently amended to state that parking during events at the adjoining Stadium would only be provided to Club members and staff. It is understood this was due to a concern raised by Council staff about the permissibility of the car park by users of the adjoining Stadium.

Adjacent to the car park is the Stadium, currently known as "Pirtek Stadium."

3 Relevant legislation

The site of the car park is zoned RE2 Private Recreation under the LEP, and is not subject to any land reservations.

The SEE clarifies that all works occur within the RE2 zone.

According to the Land Use Table contained in the LEP, the following uses are permitted with development consent in the zone:

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Charter and tourism boating facilities; Child care centres; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Information and education facilities; Jetties; Kiosks; Markets; Recreations areas; Recreation facilities (indoor); **Recreation facilities (major)**; Recreation facilities (outdoor); **Registered clubs**; Respite day care centres; Restaurants or cafes; Roads; Take away food and drink premises; Tourist and visitor accommodation; Water recreation structures; Water, recycling facilities [our emphasis added].

"Registered club" is defined as the following:

"a club that holds a club licence under the *Liquor Act 2007*."

"Recreation facilities (major)" is defined as the following:

"a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, **sports stadiums**, showgrounds, racecourses and motor racing tracks" [our emphasis added].

A "recreation area" is defined as the following:

"a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground; or
 - (b) **an area used for community sporting activities; or**
 - (c) **a public park, reserve or garden or the like,**
- and any ancillary buildings**, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor) [our emphasis added].

A car park is defined as the following:

"a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not [our emphasis added].

4 Advice

4.1 Are clubs, stadiums and recreation facilities permissible uses pursuant to the LEP?

"Registered clubs", "recreation facilities (major)" and "recreation area" are all permissible with development consent in the relevant zone, as can be seen from the Land Use Table.

Therefore, it follows that the Club is a permissible use in the zone.

The definition of "recreation area" includes a public park, reserve or garden. This definition would very clearly encompass the surrounding areas of Parramatta Park and the like.

The definition of "Recreation facilities (major)" specifically notes that sporting stadiums are included in the definition. However, it is also broad enough to encompass any place at which sporting or recreation activities are held.

Therefore, it follows that the Stadium is a permissible use in the zone.

4.2 Is the proposed car park ancillary to the Club?

Car parking is permitted in the zone if it is ancillary to the development. In this case, the car park needs to be ancillary to the Club (or other permissible use in the zone).

The principal use of the car park is for Club members, while the secondary use is for users of the visitors of Parramatta Park. The submitted DA proposed parking may be available for Stadium users, although this was subsequently clarified/modified in the Plan of Management to state the car park would only be available to Club members and staff during Stadium matches or events (in response to a concern raised by Council). Under the

Lease, a certain part of the car park is required to be available for public parking, including visitors to Parramatta Park and the adjacent recreation/leisure facilities.

Both the TTW Report and the PTC Report indicate that there is an increased demand by the public for the Club, and consequently, increased car parking will be required to accommodate the larger number of visitors to the Club. Therefore, it follows that the car park is principally for Club patrons and, if not for the rise in visitors, would not need to be provided.

From the material provided, the car park is to be considered ancillary to the Club. Registered clubs are a permitted use in the zone and without the increased demand for the Club, there would be no need to increase the number of car parks. Contrary to the Report, the car park is not an independent development, as its primary use is to provide car parking to patrons of the club.

Would the proposed car park be prohibited if it was used by visitors to Parramatta Park and/or adjoining the Stadium (not being Club members, visitors or staff)? The Stadium is adjacent to the Club. As mentioned in paragraph 4.2, while the primary use of the car park is to provide parking for Club patrons, the car park will also include parking for visitors to Parramatta Park and the surrounding recreation facilities, and to the Stadium (following the change in the Plan of Management).

Both the Stadium and Parramatta Park (and surrounding recreation/leisure facilities) are permitted uses in the zone. Therefore, it follows that the car park is also ancillary to both the Stadium and Parramatta Park and its recreation facilities. Conversely, the car park is open to visitors other than patrons of the Club.

4.3 Is the car park able to be managed with a requirement for the payment of a fee or does the payment of a fee make the proposal prohibited?

As discussed at section 3, it is irrelevant as to whether a car park is operated for gain.

Therefore, the payment of a fee to operate the car park is not considered crucial, and is not relevant when considering the permissibility of the proposed car park.

5 Conclusion

We summarise our advice as follows:

- 1 Clubs, stadiums and recreation facilities are all permitted uses in the relevant zone.
- 2 The car park is ancillary to all three permitted uses (i.e. the car park is ancillary to the Club, Stadium and recreation facilities).
- 3 Therefore, the car park can be used by patrons of all three developments.
- 4 The payment of a fee to operate the car park is not relevant.

We further note that the Plan of Management has stated that the car park would only be available by Club members and staff on game days. However, there is no legal impediment to such a restriction.

Please let us know if any part of this advice requires clarification.

Yours faithfully



Hall & Wilcox

6 December 2015

Jason Perica
Perica and Associates
11 Bayview Street
Bronte
NSW 2024

1. Parramatta Leagues Club Parking Provision Methodology

This letter describes the methodology undertaken by Parking and Traffic Consultants to determine the potential parking demands associated with the Parramatta Leagues Club based on the existing operation and a comparison with similar clubs.

Rather than reference planning policies and public authority guidelines, we took a first principles approach to the project electing to collect new data relevant to the parking provision. Our methodology is outlined in the following points:

- We undertook a parking demand survey at the Parramatta Leagues Club during a typical Saturday evening. The survey involved the recording of parking usage every half hour through the evening.
- The results of the parking survey were then benchmarked against a number of units of measurement to derive parking ratios (e.g. current membership, maximum club capacity etc).
- During the same Saturday evening, parking surveys were also conducted at three similar clubs:
 - Canterbury Leagues Club
 - Wests Ashfield Leagues Club
 - Dooleys Catholic Club, Lidcombe
- In order to compare each club a number of data points were collected relating to each club so that a comparison could be drawn with the Parramatta Leagues Club. Based on the membership numbers it was determined that the Club could generate a demand for 641 parking spaces adopting the ratio of 1 space per 63 members found at the Canterbury Leagues Club. The Canterbury Club was also hosting an event during the parking surveys, which demonstrated the potential for the PLC to generate a similar parking demand when hosting events.
- During the week that the parking surveys were undertaken, member intercept surveys were also undertaken, which involved a member of staff asking each member a series of questions as they signed in to the club. This was done to collect data relating to the travel mode choice of members. The results indicate a high proportion of car usage and a relatively low car occupancy rate of 1.6 persons per car. This data is important in the determination of parking demand as it is directly related to the club population and the parking demand. Based on this data it was established that the current capacity of the club could generate a demand for 630 parking spaces.
- Allowing for the DA2 proposal of 275 spaces, our methodology derived a parking demand of 905 parking spaces with a margin of 96 spaces to allow for visitors to the park.

I trust that this information assists in the determination of this matter, however should any clarification be required I will be attending the JRPP meeting on the 9th December and would be happy to assist.

Yours faithfully



Andrew Morse

Date: 7 December 2015



Ms Mary-Lynne Taylor
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Dear Ms Taylor,

Re: Parramatta Leagues Club Carpark (DA310/2015) – Response to Council Report and supporting reasons for deferral

This letter accompanies other letters from Parramatta Leagues Club, PTC regarding parking methodology, HASSELL as architects regarding changes to the design/basement and Hall and Wilcox lawyers regarding permissibility issues.

While development consent for the proposal as submitted is warranted for reasons outlined in this letter (despite the Council report), in order to resolve the issue, the Club is willing to consider an alternative approach which would warrant deferral of the application for a specified period (e.g. 2 months) to enable the matter to be resolved.

This letter addresses 3 main issues

- (a) Comment on positive aspects of the assessment;
- (b) A brief response to the key issues raised in the planning assessment report; and
- (c) Outline the key aspects and planning justification for the matters Parramatta Leagues Club will wish to address in collaboration with the Council as part of the deferral.

(a) Comment on positive aspects of the assessment

There are several positive aspects within the staff assessment report, namely:

1. From an environmental impact viewpoint, and particularly regarding traffic, access and circulation, there are no concerns with the site accommodating 1001 spaces;
2. From an urban design, visual and heritage viewpoint, there are no concerns (subject to minor issues in conditions) with the height, bulk, scale and design/scale and bulk of the proposal (indeed there is positive commentary);
3. Other environmental impacts are addressed by conditions; and
4. The application is recommended for approval.

(b) Response to key issues raised in the assessment report

The Council's assessment report raises two main issues upon which the assessment is based:

1. The quantum of parking; and
2. Permissibility issues related to use.

We do not concur with the Council's position, as outlined below.

Quantum of Parking

The original DA was accompanied by a traffic and parking assessment report by Taylor Thomson Whitting (TTW). Carpark surveys were undertaken, although as noted in the assessment report (and in submitted information), these were not during peak demand periods.

Council staff raised issue with the parking assessment/parking demand justification and required further assessment of parking demand, in particular requesting a comparative assessment against other Clubs. This is not uncommon in development assessment for additional information or justification to be sought.

In specific response to Council's request, a new consultancy firm was used for such assessment and justification, not due to any dissatisfaction with the original firm, but to ensure a robust, independent peer review. This was undertaken by Parking and Traffic Consultants (PTC). That report adopted an alternative assessment (as encouraged by seeking a review), which is legitimate and defensible. It is also legitimate in these circumstances to rely upon the PTC parking assessment.

PTC has provided a thorough assessment including comparison with 3 other similar Clubs: Canterbury Leagues Club, Wests Ashfield Leagues Club and Dooleys Catholic Club, Lidcombe.

A parking capacity survey was undertaken for the other clubs on the same night (a Saturday) as well as Parramatta Leagues Club. Various indices or comparators were

also assessed, including membership, turnover, profit and gaming machines. Additionally, a survey of the Parramatta Leagues Club members was undertaken, which included 100 respondents. This included data on transportation modal split in attending the Club and difficulty in finding a carpark space.

Based on this empirical data, using the modal split survey information together with planned Club extensions (DA2 involving a Leisure Centre and being finalised as a separate imminent DA), the report finds that the existing and projected Parramatta Leagues Club "demand" is 905 car spaces, with 96 spaces being available for peak demand and complementary park visitation.

A letter from PTC addressing the detailed methodology for assessing demand is provided under separate cover.

Membership of the Club has increased from 26080 in 1997 to 40,367 in December 2014 (around a 54% increase in 17 years, or around 3% per annum). Based on this, it is reasonable to conclude the Club membership would exceed 50,000 by 2024 and more for the life of the carpark.

Based on an alternative comparison with Canterbury Leagues Club (the most directly comparable Club) in terms of a membership:parking ratio, it is noted that Canterbury Leagues Club has a parking supply of 901 spaces and 47,127 members. Using the same ratio of members to car parking, the Parramatta Leagues Club would reach a comparable demand for the proposed 1001 spaces within 10 years (based on 3% annual growth of membership, consistent with past average growth for the last 17 years), or within 20 years if the historical rate is conservatively halved. Either way, reasonable forward projection of demand for the life of the structure favours the quantum of parking proposed, based on this direct comparison.

Permissibility

The second (and partially related) issue is one of permissibility. The original DA argued that ancillary parking for uses which are permissible in the zone would be permissible and the principal use is parking associated with the Leagues Club. It is noted a pre-DA meeting was held and while it is accepted the onus regarding permissibility lies with an applicant, the Council saw no in-principle issue at that time regarding ancillary parking for uses permissible in the zone.

Subsequently, and relatively late in the assessment process, Council staff raised an issue with the use of the carpark by users of the adjoining Pirtek Stadium. At the time, based on discussion with Council, it was understood that no issue was held regarding the permissibility of use by users of Parramatta Park (noting recreational uses are permissible and the carpark is on Park Trust land, currently used by the Club and park users in accordance with a lease). In response to the issue raised by Council regarding

Stadium use, a Plan of Management regarding use of the carpark was amended to state the carpark would only be used by Club patrons on match/event days at the Stadium. This is able to be regulated given there is secure boom gate entry and a card swipe operation.

The assessment report before the JRPP raises issues with use of the carpark by anyone other than Club members, which came as a surprise given the history outlined above.

Legal advice has been obtained from Hall and Wilcox Lawyers and is provided under separate cover. That advice confirms the use of the carpark by users of Parramatta Park (and indeed the Stadium) is permissible in the zone. This is contrary to the position of Council staff.

(c) Outline of key aspects sought to be addressed through deferral (if approval as submitted not favoured)

As outlined in the covering letter by Parramatta Leagues Club, despite the recommendation for partial approval, the effect of the proposed conditions is akin to a refusal, as the proposal would not be built if the current recommendation was adopted. This may also jeopardise the proposed Club expansion, which would be a sad missed opportunity.

Given the scope of the proposed conditions and the limited time to draft an alternative acceptable solution to be endorsed by the Club board (nor for that to be fully assessed and considered by the Panel), if the Panel does not support the DA as submitted, it is requested that the Club and their team work to a mutually agreeable solution with Council staff, also having regard to the content of letters provided. This would favour deferral of the application to an appropriate timeframe.

If an alternative compromised outcome pathway was followed, the following outlines the key aspects of the recommended conditions the Club would wish to discuss in collaboration with the Council staff in the hope that a mutually acceptable position could be reached during a deferral:

1. A reduction in parking, though by deletion of the two basement levels

Despite the Club maintaining a position that the carparking numbers sought are justified, the Club is willing to compromise and consider a relatively significant reduction in parking proposed. However, the reduction in parking does significantly affect the business case, particularly given the high cost of constructing the basement parking.

The two basement levels equate to 228 spaces. If removed, this change would reduce the quantum of parking from 1001 to 773 spaces.

773 spaces compares to the staff recommendation of 806 if the temporary parking is included in the total, or 712 if the temporary parking is excluded (all based on the assumption of 275 spaces for DA2). This quantum is reasonable, particularly noting the parking justification provided by PTC for the parking proposed and the legal advice which supports including ancillary parking for recreational users of the park (and the Stadium). However, this concession by the Club is on a without-prejudice basis and with the proviso the parking is reduced from the basement.

The other aspect of this approach is whether the reduced amount of parking should “come off the top or the bottom”. The Council staff recommendation suggests taking parking from the top of the structure. However, the following sound planning reasons are given as to why it would be appropriate in this particular instance for a reduction to occur from the base of the carpark, rather than the top:

- a. The assessment has found no streetscape, design, aesthetic, heritage, bulk or visual issues with the proposed above-ground bulk;
- b. Indeed, this would help achieve a stepped building form, acknowledged as a positive element in the staff assessment report (see page 17 of the assessment report), whereas the recommendation would not;
- c. The appropriateness of the massing in terms of the relationship and matching height with the adjoining Club building (and subsequent building);
- d. The removal of the basement significantly reduces impacts in terms of archaeological impacts (noting the medium-high likelihood of aboriginal archaeology);
- e. The removal of the basement significantly reduces issues associated with the watertable and de-watering;
- f. The removal of the basement significantly minimises and simplifies issues and impacts related to contaminated soil; and
- g. The removal of the basement significantly reduces measures related to the flooding level.

Given all the above, reduction from the basement is not just acceptable, it is appropriate.

In terms of the change (by deletion of the basement levels) being certain, for a planning purpose and reasonable (as well as the results being known and substantially the same as proposed), HASSELL as architects have provided a letter and sketch plans showing how the visual impact and relationship with the surrounding public domain would remain essentially unchanged as a result of the deletion of the basements.

2. An ability to potentially “add-on” the parking associated with an imminent DA for a Club expansion (referred to as DA2) in an efficient and defensible manner

As background, prior to lodgement of the DA, various options regarding staged or stand-alone DAs were discussed and considered in consultation with the Council. There was a desire for the carpark DA to be lodged, given plans were finalised and agreed by the Club after consultation with various stakeholders over a long period of time. In contrast, plans for the adjoining Club expansion were settled conceptually but not in final detail. It was expected this detail and DA (DA2) would be lodged in the latter part of 2015, as stated in the SEE. The plans for the Stage 2 are now completed (consistent with the principles and forms shown in the subject DA) and associated reports and being finalised. The lodgement has been held due to the implications of the subject assessment report.

The subject DA was not lodged as a staged DA, although it was expected at the time the DA for Stage 2 would be lodged during the assessment process. It was also understood that the parking quantum would need to be addressed and justified in the Stage 2 DA and the final numbers for that component would be dependent on the detailed DA. Despite this, considerable detail on DA2 was included in the subject carpark DA, resulting from discussions with Council and encouragement to address contextual considerations.

As the Panel is aware, for a DA condition(s) to be valid it needs to be for a planning purpose, reasonable and certain. A condition which reduced the quantum of parking, yet still left open the ability to provide such parking if a DA on the same land was approved would meet these criteria, in my view (provided it was within the scale envisaged in terms of size, envelope and parking numbers). This is noting the DA lodged did foreshadow DA2 and included details in terms of location, bulk, scale and floorspace, similar to a staged DA and various reports addressed this matter.

To this end, a condition of deferred commencement consent along the following lines would be both legally defensible and a practical outcome:

- (b) *If, within the period for responding to the deferred commencement consent, a DA is approved for an expansion of the Club premises which satisfactorily demonstrates that a parking demand of up to xxx spaces (TBC) on the site of the carpark is appropriate, then the plans in response to the deferred commencement may include such parking, provided it is not beyond the original quantum of parking approved by condition (a) above, the envelope of the carpark is not increased in height or width, and the access points and general layout is generally consistent with the plans submitted in response to (a) above.*

This would meet the objectives of the Council to ensure the actual parking quantum for DA2 is justified and rigorously assessed before being determined and practical objectives of the Club to include such parking, if approved.

3. Address some key recommended conditions

There are design conditions which could be addressed through discussion between the architect and Council's urban designers (such as form of the metal finish, stairs and the like).

Key main conditions of concern (which are hoped may be addressed by refinement) are Conditions 6 (of Part B) and 63 relating to the impact of construction on the nearby Grey Headed Flying Fox colony. A condition which appropriately protects the nearby bat colony yet allows construction to proceed in an appropriate way would be necessary. Disallowing all machinery for 3 months would obviously have significant impacts and the effect of various aspects of Condition 6 would be unworkable.

Various other conditions related to timing/staging and appropriate approval bodies for certain details would benefit from further engagement with Council.

I hope the above assists in putting forward arguments to support the application and also hope that this may lead to an outcome that is acceptable for all parties, by deferral or otherwise.

Yours sincerely



Jason Perica
Director