

**STATEMENT OF ENVIRONMENTAL EFFECTS
MULTI-USE COMMUNITY SPORTS PAVILION
BUILDING WITH FUNCTION FACILITIES –
GRANVILLE PARK STADIUM**

188 Woodville Road, Merrylands

Proposed redevelopment for multi-use sports
stadium pavilion building, involving:

- New stadium grandstand with seating for 760 people;
 - Grandstand fit-out with change rooms, medical room, multipurpose room, office, amenities, community function centre, small bar, canteen, kitchen and covered concourse;
 - Renewal of car parking to accommodate up to 127 at-grade spaces;
 - Landscaping upgrade; and
 - Signage

For:

City of Cumberland Council

Submitted to:

City of Cumberland Council

Date:

April 2019

2018.0039

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TABLE OF CONTENTS

1.	INTRODUCTION	1
1.1	BACKGROUND	2
1.1.1	Current Usage and Council Resolution in April 2018	2
1.1.2	Local Government Act – Land Classification	2
1.1.3	Pre-lodgement meeting with Council	6
1.1.4	Existing Approval	10
1.2	REPORT STRUCTURE.....	10
1.3	APPLICANT’S CONSULTING REPORTS AND DRAWINGS	11
2.	THE SITE	13
2.1	LOCATION AND CONTEXT	13
2.2	LEGAL DESCRIPTION	15
2.3	SURROUNDING SITE DEVELOPMENT	16
3.	DESCRIPTION OF THE PROPOSED DEVELOPMENT.....	18
3.1	OVERVIEW OF THE PROPOSAL.....	18
3.2	THE SITE TOPOGRAPHY AND GROUND FLOOR FINISHED LEVELS	18
3.3	VEGETATION AND LANDSCAPING	18
3.4	FLOOD MANAGEMENT AND STORMWATER MANAGEMENT	18
3.5	TRAFFIC, ACCESS AND PARKING	19
3.6	CIVIL WORKS TO ROADS.....	19
3.7	SIGNAGE.....	19
3.8	SITE MANAGEMENT AND HOURS	19
3.9	WASTE MANAGEMENT	20
3.10	UTILITY INFRASTRUCTURE INSTALLATIONS AND UPGRADES.....	20
4.	ENVIRONMENTAL ASSESSMENT	21
4.1	COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT	21
4.2	NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT)....	21
4.2.1	Section 2.12 of the EP&A Act – District and Regional Planning Panels ...	21
4.2.2	Section 2.17 of the EP&A Act – Local Planning Panels	21
4.2.3	Section 4.13 of the EP&A Act – Consultation and Concurrence.....	23
4.2.4	Section 4.13B of the EP&A Act - Concurrence	23
4.2.5	Section 4.15 of the EP&A Act - Evaluation	23
4.2.6	Section 4.15(1)(a)(i) – Environmental Planning Instruments	24
4.2.7	Parramatta Local Environmental Plan 2011	24

4.2.8	State Environmental Planning Policy (State and Regional Development) 2011	34
4.2.9	State Environmental Planning Policy (Infrastructure) 2007	35
4.2.10	State Environmental Planning Policy No 55 – Remediation of Land	39
4.2.11	State Environmental Planning Policy No. 64 – Advertising and signage	40
4.2.12	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	41
4.3	SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT	42
4.4	SECTION 4.15(1) (A) (III) DEVELOPMENT CONTROL PLANS	42
4.4.1	Parramatta Development Control Plan	43
4.4.2	Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005	44
4.5	SECTION 4.15 (1) (A) (IIIA) PLANNING AGREEMENTS	44
4.6	SECTION 4.15 (1) (A) (IV) ANY MATTER PRESCRIBED BY THE REGULATION	44
4.7	SECTION 4.15 (1) (A) (V) REPEALED	44
4.8	SECTION 4.15 (1) (B) IMPACTS OF DEVELOPMENT	44
4.8.1	Shadow Impacts	44
4.8.2	Context and setting	44
4.8.3	Access, traffic and parking	45
4.8.4	Utility service infrastructure	45
4.8.5	Air and microclimate	45
4.8.6	Social Impact Assessment	45
4.8.7	Lighting	45
4.8.8	Acoustics/Noise	45
4.8.9	ESD performance of proposed building	46
4.8.10	Natural and Technological Hazards	46
4.8.11	Soils	46
4.8.12	Waste Management	46
4.8.13	Flora and Fauna	46
4.8.14	Erosion and Sedimentation	46
4.8.15	Contamination	47
4.8.16	Safety, Security and Crime Prevention	47
4.8.17	Construction Impacts	49
4.9	SECTION 4.15(1)(C) SITE SUITABILITY	50
4.10	SECTION 4.15(1)(E) THE PUBLIC INTEREST	50
4.11	SECTION 4.46 OF THE EP&A ACT - INTEGRATED DEVELOPMENT	51

5. CONCLUSION.....52

APPENDICES

Appendix A: Site Survey

Appendix B: Architectural Drawings, Site Analysis, Architectural Perspective Renders, Schedule of Materials and Finishes

Appendix C: Traffic and Parking Assessment Report and Swept Paths

Appendix D: Waste Management Plan

Appendix E: Concept Landscape Drawings

Appendix F: BCA and Access Statement

Appendix G: QS Letter

Appendix H: Engineering Drawings/Stormwater Management Plans and Sedimentation and Erosion Control Plan

Appendix I: Preliminary Site Contamination Report

Appendix J: Geotechnical Report

Appendix K: Archaeological Clearance Certificate

Appendix L: Arborist Report

Appendix M: Section J Report

Appendix N: Electrical Services Design Intent Statement

Appendix O: Flood Advice Letter

Appendix P: Social Impact Statement

Appendix Q: Acoustic Report

Appendix R: Compliance Tables

Appendix S: Pre-lodgement Meeting Minutes

Appendix T: Preliminary Fire Engineering Statement

FIGURES

Figure 1: Site Aerial

Figure 2: Site Cadastral relationship

Figure 3: Extract from Parramatta LEP Zoning Map

LIST OF TABLES

Table 1: Council Pre-lodgement Meeting Comments and Applicant Responses

Table 2: Specialists Documents and Appendices References

Table 3: Summary of IHAP criteria

Table 4: Design responses of the proposed development against the CPTED Principles

LIST OF PHOTOGRAPHS

Photo 1: View of Granville Park and former building

Photo 2: View of fenced off area for location of proposed Granville Park Stadium and the former building

Photo 3: View of existing entry to existing car park off roundabout on Montrose Avenue

Photo 4: View of site notice – access gates open 8am and closed 6pm

Photo 5: View of pedestrian pathway to Laurie Ferguson Water Playground adjacent to proposed Stadium location

Photo 6: View of existing at-grade car parking area

Photo 7: View of “existing ticket booth for admission to stadium area

Photo 8: View of existing shared pathway which will be retained (no changes proposed)

Photo 9: View of existing roundabout on Montrose Avenue

Photo 10: View of Montessori Early Learning Centre opposite at 23 Montrose Avenue

Photo 11: View of playing fields adjacent to Merrylands Road frontage of Granville Park

Photo 12: View of playing fields adjacent to Claremont Street frontage of Granville Park

1. INTRODUCTION

This report constitutes a Statement of Environmental Effects (SEE) accompanying a Development Application (DA) for a multi-use community sports Stadium pavilion building (referred to in this report as the “Pavilion Building”) with function facilities, including:

- Proposed redevelopment for multi-use sports pavilion building, involving:
 - New stadium grandstand with seating for 760 people;
 - Grandstand fit-out with change rooms, medical room, multipurpose room, office, amenities, community function centre, small bar, canteen, kitchen and covered concourse;
 - Renewal of car parking to accommodate up to 127 at-grade spaces;
 - Landscaping upgrade; and
- Signage

Refer to **Appendix B** for architectural drawings.

This SEE report is submitted to:

Cumberland Council

Address of land affected:

188 Woodville Road and 2 Montrose Avenue, Merrylands

This SEE has been prepared on behalf of the applicant Cumberland Council by Higgins Planning in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg.).

This SEE provides:

- A description of the site and locality;
- A description of the proposed development;
- An assessment of relevant environmental planning considerations under Section 4.15 of the EP&A Act including compliance with relevant planning instruments and controls, environmental impacts, site suitability and the public interest; and

Conclusions on the environmental planning assessment and merits of the proposed development on which the application can be supported by Council and granted consent.

1.1 BACKGROUND

1.1.1 Current Usage and Council Resolution in April 2018

Granville Park and the associated uses located at 188 Woodville Road and 2 Montrose Avenue, Merrylands are the subject of this request for a Development Application Pre-lodgement meeting.

Granville Park is a regional park facility and is home to numerous sports and activities including rugby union, soccer; cricket, social basketball and touch football. In addition, Granville Park Stadium is used by local schools, water play area, shared path and a fitness station.

Council issued a press release dated 20 April 2018 which states in part:

Council passed a motion at the Council Meeting of 18 April that will see the dilapidated and out-dated structure along Montrose Avenue replaced with a new venue complete with function facilities.

A Plan of Management (POM) and Landscape Masterplan for Granville Park will also be developed to ensure the pavilion is consistent with Council's vision for Granville Park to be an outstanding sports and recreational area for all of Cumberland.

1.1.2 Local Government Act – Land Classification

Granville Park and the associated building are owned by the Crown.

Granville Park is in the care, control and management of Cumberland Council. (Please note that Granville Park was transferred from Parramatta City Council into the created Cumberland Council as at 16 May 2016.)

“Council” is defined under the Dictionary of the *Local Government Act 1993* (as amended) (LG Act) as:

council:

(a) means the council of an area, and includes an administrator, and

(b) in Part 11 of Chapter 15, includes the Lord Howe Island Board constituted under the Lord Howe Island Act 1953.

And, as the land is owned by Council, the land is “public land” as defined under the LG Act, as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

(a) a public road, or

(b) land to which the Crown Land Management Act 2016 applies, or

(c) a common, or

(d) a regional park under the National Parks and Wildlife Act 1974.

Under the provisions of the LG Act, as the proposal involves using “public land”, so too the provisions of Sections 25 to 31 of Part 2 Public Land of the LG Act have been considered below:

Part 2 Public land

Note.

This Part requires all land vested in a council (except a road or land to which the Crown Land Management Act 2016 applies) to be classified as either “community” or “operational”.

The classification will generally be achieved by a local environmental plan but may, in some circumstances, be achieved by resolution of the council (see sections 31, 32 and 33).

The purpose of classification is to identify clearly that land which should be kept for use by the general public (community) and that land which need not (operational). The major consequence of classification is that it determines the ease or difficulty with which land may be alienated by sale, leasing or some other means.

Community land must not be sold (except in the limited circumstances referred to in section 45 (4)). Community land must not be leased or licensed for more than 21 years and may only be leased or licensed for more than 5 years if public notice of the proposed lease or licence is given and, in the event that an objection is made to the proposed lease or licence, the Minister’s consent is obtained. No such restrictions apply to operational land.

Classification or reclassification of land does not affect any estate or interest a council has in the land.

Community land would ordinarily comprise land such as a public park. Operational land would ordinarily comprise land held as a temporary asset or as an investment, land which facilitates the carrying out by a council of its functions or land which may not be open to the general public, such as a works depot or a council garage.

The use and management of community land is to be regulated by a plan of management. Until a plan of management is adopted, the nature and use of the land must not change.

Division 1 Classification and reclassification of public land

25 All public land must be classified

All public land must be classified in accordance with this Part.

Comment:

The provisions of Part 2 Public Land in Sections 25 to 31 have been considered as follows:

26 What are the classifications?

There are 2 classifications for public land — “community” and “operational”.

Note.

On the commencement of this Part, certain land that is vested in or under the control of a council is taken to have been classified as community land by the operation of clause 6 of Schedule 7.

Comment:

Granville Park is classified as “community” under the LG Act.

Page 87 of the Parramatta City Council “Community Land Plan of Management 2014”, indicates Granville Park is listed with the purposes of “Public Park” and “Public Recreation” with the category “Sportsground”. See extract below.

Key		PCC – Parramatta City Council		HOU – Housing NSW		Water – Sydney Water			
		CROWN – Crown Land		RMS – Roads & Maritime Services		PLAN – Department of Planning & Environment			
Map ID	Name	Address	Land Parcels *(Not including unclosed road reserves managed as community land)	Owner	Crown Reserve No.	Crown Reserve Purpose	Suburb	Category (S) Sportsground (P) Park (G) General Community Use (Na) Natural Area	Subcategory (Natural Area) (B) Bushland (E) Escarpment (Wa) Watercourse (We) Wetland
53	GRANVILLE PARK	2 Merrylands Road	Lot 2 DP 848247	PCC			MERRYLANDS	5	
		180 Woodville Road	Lot 102 DP 1142629						
		188 Woodville Road	Lot 1 DP 1170952						
		2 Montrose Avenue	Lot 7028 DP 1028253 Lots 231-234 DP 752058 Lots 242-245 DP 752058 Lots 246-256 DP 752058 Lot 258 DP 752058	CROWN	500353	Public Park			
			88051		Public Recreation				

27 How are the classifications made?

- (1) The classification or reclassification of public land may be made by a local environmental plan.
- (2) The classification or reclassification of public land may also be made by a resolution of the council under section 31, 32 or 33.

Comment:

The classification of this public land occurred under the LG Act by the former Parramatta City Council.

28 Forwarding of planning proposals to Minister for Planning

- (1) A council may not forward a planning proposal to the Minister for Planning under section 56 of the Environmental Planning and Assessment Act 1979 which includes a proposal to classify or reclassify public land that is not owned by the council unless the council has obtained the consent of the owner to the proposed classification or reclassification of public land.
- (2) A local environmental plan that classifies or reclassifies public land may apply to one or more areas of public land.

Comment:

Council is not proposing to reclassify the land.

29 Public hearing into reclassification

- (1) A council must arrange a public hearing under section 57 of the Environmental Planning and Assessment Act 1979 in respect of a planning proposal under Part 3 of that Act to reclassify community land as operational land, unless a public hearing has already been held in respect of the same matter as a result of a determination under section 56 (2) (e) of that Act.
- (2) A council must, before making any resolution under section 32, arrange a public hearing in respect of any proposal to reclassify land as operational land by such a resolution.

Comment:

Council is not proposing to reclassify the land.

30 Reclassification of community land as operational

(1) A local environmental plan that reclassifies community land as operational land may make provision to the effect that, on commencement of the plan, the land, if it is a public reserve, ceases to be a public reserve, and that the land is by operation of the plan discharged from any trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except for:

- (a) any reservations that except land out of a Crown grant relating to the land, and*
- (b) reservations of minerals (within the meaning of the Crown Land Management Act 2016).*

(2) A provision referred to in subsection (1) has effect according to its tenor, but only if the Governor has, before the making of the local environmental plan, approved of the provision.

Comment:

Council is not proposing to reclassify the land.

31 Classification of land acquired after 1 July 1993

(1) This section applies to land that is acquired by a council after the commencement of this Division, other than:

- (a) land to which the Crown Lands Act 1989 or the Crown Land Management Act 2016 applied before the acquisition and continues to apply after the acquisition, and*
- (b) land that is acquired for the purpose of a road.*

(2) Before a council acquires land, or within 3 months after it acquires land, a council may resolve (in accordance with this Part) that the land be classified as community land or operational land.

(2A) Any land acquired by a council that is not classified under subsection (2) is, at the end of the period of 3 months referred to in that subsection, taken to have been classified under a local environmental plan as community land.

(2B) While the land remains unclassified:

- (a) the land may not be used for any purpose other than that for which it was being used immediately before it was acquired, and*
- (b) the council may not dispose of any interest in the land.*

(3) A council must not resolve under this section that land be classified as operational land if:

- (a) the land is classified as community land immediately before its acquisition, or*
- (b) the resolution would be inconsistent with any other Act, the terms of any trust applying to the land or the terms of any instrument executed by the donor or transferor of the land.*

Comment:

Council is not proposing to reclassify the land.

1.1.3 Pre-lodgement meeting with Council

On 4 April 2019, the applicant met with Council to discuss the proposed redevelopment in a pre-lodgement meeting. A copy of the pre-lodgement meeting notes from this meeting as issued include the following table 1 of applicant's responses:

Table 1: Council Pre-lodgement Meeting Comments and Applicant Responses

Council Feedback	Applicant Response
<p><u>Key Planning Controls:</u></p> <p><u>State Controls:</u></p> <ul style="list-style-type: none"> State Environmental Planning Policy No.55 - "Remediation of Land". State Environmental Planning Policy 64 (Advertising and Signage). State Environmental Planning Policy (Infrastructure) 2007. Sydney Regional Environmental Policy (Sydney Harbour Catchment) 2005. <p><u>Local controls:</u></p> <ul style="list-style-type: none"> Parramatta Local Environmental Plan 2011. Parramatta Development Control Plan 2011. 	<p>Refer to Section 4.2.6 of this Report</p>
<p><u>Determining authority</u></p> <p><u>State Environmental Planning Policy (State and Regional Development) 2011</u></p> <p>Based on information submitted to Council, the development would appear to have a capital investment value of in excess of \$6 million. As such and under Schedule 7 (Part 3) of the State Policy, the Sydney Central City Planning Panel would be the determining authority for the development application because this would constitute a Council development application.</p>	<p>Refer to Section 4.2.8 of this Report</p>
<p><u>State Environmental Planning Policy (Infrastructure) 2007</u></p> <p>The development application includes a car park for 125 vehicles with vehicle access from Montrose Street. It is identified that the vehicle access driveways from Montrose Avenue are being retained within their respective positions.</p> <p>The following works to the car park are proposed:-</p> <ul style="list-style-type: none"> New car parking spaces. Upgraded pavement and drainage works. New line marking. <p>Furthermore:-</p> <ul style="list-style-type: none"> The works to the Granville Park are considered to be "Recreation facilities / sportsground". <p><u>Clause 104 (Schedule 3)</u></p> <ul style="list-style-type: none"> The total number of parking spaces is under the threshold of 200 spaces (Column 1). The car park works are not situated within 90 metres of a Classified Road even though more than 50 car spaces are proposed for the development. <p>Merrylands Road that connects to Woodville Road is a Classified Regional Road however the works are occurring more than 90 metres from that road. Formal referral to Roads and Maritime Services is unlikely.</p>	<p>Refer to Section 4.2.9 of this Report</p>

Council Feedback	Applicant Response
<p><u>State Environmental Planning Policy 55 “Remediation of Land”</u></p> <p><i>It is known that the site has been used for parklands as far back as 1886 and would not have any history of industrial land use that would cause land contamination issues.</i></p> <p><i>The statement submitted with the pre lodgement application appears to suggest that low contaminant concentrations have been recorded following soil sample tests being taken across the site. A copy of the Preliminary Phase One report already prepared should be submitted with the development application for assessment.</i></p> <p><i>A Preliminary Site Investigation (Stage 1) report is required to support any development application lodged for the proposed development of the site. The report should be prepared by a suitably qualified consultant in accordance with the relevant guidelines.</i></p> <p><i>Depending on the findings of the Stage 1 report, it may be necessary to conduct further contamination investigation and furnish Council with more reports namely a Detailed Contamination Investigation (Stage 2) report and/or Remediation Action Plan and/or Site Audit Statement.</i></p> <p><i>The reports should be submitted with the development application.</i></p>	<p>Refer to Section 4.2.101 of this Report</p>
<p><u>State Environmental Planning Policy 64 “Advertising and Signage”</u></p> <p><i>Details of all signs including location, wording and size should be submitted. Additionally, the signs should be addressed within the statement of environmental effects that addresses State Environmental Planning Policy 64 “Advertising and Signage” and Part 5.5 of the Parramatta Development Control Plan.</i></p>	<p>Refer to Section 4.2.11 of this Report</p>
<p><u>Permissibility under the Parramatta Local Environmental Plan 2011</u></p> <p><i>The Parramatta Local Environmental Plan 2011 sets out permissibility and floor space ratio and building height requirements as follows.</i></p>	<p>Refer to Section 4.2.7 of this Report</p>
<p><u>Permissibility</u></p> <p><i>The site is located within the RE1 Public Recreation zone. The development includes new and upgraded car parking areas, a new grand stand for seating 750 people, change rooms, a medical room, multipurpose room, office, amenities, canteen, a function room, kitchen and a covered concourse. The proposed development is considered to be a Recreation Facility which is defined as:-</i></p> <p><i>“Recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major)”.</i></p> <p><i>A recreation facility is a permitted land use with consent within the zone.</i></p>	<p>Refer to Section 4.2.7 of this Report</p>
<p><u>Proposed solar panel system</u></p> <p><i>The plans are showing a proposed solar panel system for the roof of the building. Development consent for the system is required. Full details of the panels should be submitted for assessment including size.</i></p> <p><i>It is identified that “electricity generating works” are prohibited within the zone.</i></p> <p><i>To be permissible, the solar panels should be ancillary to the building in which they should generate an electricity supply to the building.</i></p>	<p>Refer to Appendix B</p>

Council Feedback	Applicant Response
<p><u>Height of Buildings</u></p> <p>No height limitation is specified under the Parramatta Local Environmental Plan 2011.</p>	<p>Refer to Section 4.2.7 of this Report</p>
<p><u>Floor Space Ratio</u></p> <p>No floor space ratio limitation is specified under the Parramatta Local Environmental Plan 2011.</p>	<p>Refer to Section 4.2.7 of this Report</p>
<p><u>Parramatta Development Control Plan 2011</u></p> <p>The site is identified as having “High Aboriginal Sensitivity” according to the Map at Appendix. As such, Part 3.5.3 “Aboriginal Cultural Heritage” is applicable to the development application. In particular:-</p> <p>“Aboriginal heritage is protected in Parramatta under the Parramatta LEP 2011. Planning controls of these LEPs require the Council to consider the impact of development on known or potential Aboriginal archaeological sites or sites of cultural or historical significance to Aboriginal people. When development applications are lodged for such sites, the Council must also consider an Aboriginal Heritage Assessment along with advice from the National Parks and Wildlife Service and local Aboriginal communities”.</p> <p>Subpart P1 “Design Principles” states:</p> <p>“Before lodging a development application for development that may have an impact on known or potential Aboriginal sites, Council’s information on known Aboriginal sites and potential heritage sensitivity should be consulted. Refer to Appendix 11 for the Aboriginal Sensitivity map”.</p> <p>Subpart P4 “Design Principles” states:</p> <p>“For properties identified as Medium Sensitivity or High Sensitivity an Aboriginal Heritage Assessment is required”.</p> <p><u>Comments</u></p> <p>A review of the Parramatta Local Environmental Plan 2011 identifies that the site is not listed as a heritage item in the Parramatta Local Environmental Plan 2011.</p> <p>An Aboriginal Heritage Assessment must be prepared addressing Part 3.5.3. The report will need to be assessed by Council’s Community Services Department (Capacity Building Officer) and the Community Participation Coordinator who have contacts with the local Aboriginal groups and the National Parks and Wildlife Service (Heritage Division) - (New South Wales Government) for comment.</p>	<p>Refer to Section 4.4.1 of this Report</p> <p>And, Appendix K for Archaeological Clearance Certificate</p>
<p><u>Retention of Existing Trees</u></p> <p>A Tree Protection Plan is required which shall be prepared by an AQF Level 5 Consulting Arborist.</p> <p>The Tree Protection Plan must show the location of tree protection of fencing to be installed to enclose as much of the TPZ (Tree Protection Zone) as possible of existing mature trees that are located within the park. This will ensure the tree root zones remain isolated from compaction, storage of materials, and construction vehicle access for the duration of the development.</p> <p>The Tree Protection Plan must provide Tree Protection Zone and Structural Root Zone measurements, including specific offset measurements annotated on the plan for the location of tree protection fencing and/or any other tree protection measures to be implemented, pending recommendations of the Arborist. The plan must be a scaled drawing, clearly showing proposed works and associated site establishment and route for construction vehicle access.</p>	<p>Refer to Section 4.2.7 of this Report and Appendix L Arborist Report</p>

Council Feedback	Applicant Response
<p>The plan is to be prepared in accordance in with AS 4970 - 'Protection of Trees on Development Sites' and is to be submitted to Council for assessment and comment by Council's Tree Management Officer.</p>	
<p><u>Stormwater Drainage</u></p> <p><u>Flooding</u></p> <p>The subject site is located within the Flood Risk precinct. In this regard:-</p> <ul style="list-style-type: none"> Flood advice letter shall be obtained from Council. Development shall comply with the Table 2.7 Floodplain Matrix of the Parramatta City Council's DCP. Flood report shall address all the relevant considerations of the Floodplain Matrix. <p><u>Stormwater</u></p> <p>On site stormwater detention storage system shall be provided in conjunction with the stormwater disposal. The details shall be prepared by a qualified practising Civil/Hydraulic Engineer in accordance with Upper Parramatta River Catchment's On-site Stormwater Detention Handbook, Council's Drainage Code E4 and Australian Rainfall & Runoff 1987.</p> <p>Detailed on-site detention calculation sheets and Council's submission checklist are to be submitted.</p> <p>Onsite stormwater detention system shall be provided below ground.</p> <p>Stormwater runoff from the manoeuvring area including access ways will have to undergo some form of standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease and sediment shall be provided prior to discharge to the stormwater system.</p>	<p>Refer to Appendix H</p>
<p><u>Access/parking</u></p> <p>Traffic impact assessment report shall be submitted. The traffic impact assessment report shall address the impacts of proposed development including queuing, parking, traffic generation, entry and exit.</p> <p>Similar development shall be compared to determine the parking demand.</p> <p>Turning area shall be provided in the blind aisle of the existing car park.</p> <p>Existing cycle way continuation shall be maintained. In this regard, existing and proposed cycle way details shall be annotated on the plan.</p>	<p>Refer to Appendix C</p>
<p><u>Acoustic report</u></p> <p>An acoustic report is to be prepared by an appropriately qualified acoustic consultant having the technical eligibility criteria required for membership of the Association of Australian Acoustical Consultants (AAAC) and/or grade membership of the Australian Acoustical Society (MAAS). The report should consider noise emissions from the development including but not limited to any mechanical plant that is required. Furthermore, should extra traffic be generated from the site, this should also be considered in the acoustic report. The report should be prepared in accordance with the NSW Environment Protection Authority Noise Policy for Industry.</p>	<p>Refer to Appendix Q</p>
<p><u>Food premise</u></p> <p>Detailed plans are required to be submitted for the food premises fitout. The plans are required to be prepared in accordance with Standard 3.2.3 Food Standards Code and Australian Standard AS4674-2004 (Design, Construction & Fitout of Food Premises).</p>	<p>Refer to Appendix B Architectural Drawings</p>

Council Feedback	Applicant Response
<u>Sediment and erosion</u> <i>A detailed erosion & sediment control plan is required to be submitted as part of the development application.</i>	Refer to Appendix H
<u>Cost of works</u> <i>Cost of works schedule from a quantity surveyor detailing full cost of works to be carried out. This will be required to determine correct fees to pay.</i>	Refer to Appendix G
<u>Development application submission requirements</u> <i>Should a development application be lodged for this proposal with any amendments, the application must be accompanied by the documentation as required by the checklists. A copy of the development application form and checklist is enclosed to assist in this matter.</i>	Noted

The meeting minutes advised on the cover page:

As discussed at the meeting a number of matters will require attention as follows:-

- *Preparation of an Aboriginal Heritage Assessment to address Part 3.5.3 of the Parramatta Development Control Plan.*
- *Submission of a traffic survey.*
- *Submission of stormwater plans.*

Please refer to Appendix K Archaeological Clearance Certificate.

Please refer to Appendix C for a Traffic and Parking Assessment Report.

Please refer to Appendix H for Stormwater Concept Drawings.

The preparation of this DA has taken into consideration the feedback from Council provided from the meeting.

1.1.4 Existing Approval

A Development Application (DA) was submitted to Council to seek approval for the demolition of the former Granville Park Stadium building and associated structures, which was also the club house for the Merrylands RSL Rugby Club (also known as “Parramatta Two Blues”).

DA-280/2018 was granted approval on 12 December 2018 subject to conditions.

This approval was implemented by Council in February 2019 with the demolition works being completed by March 2019.

1.2 REPORT STRUCTURE

This SEE report has a number of Parts including:

- Part 1 – Introduction and Background;
- Part 2 – Regional and Local Context;
- Part 3 – Detailed Description of the Proposed Development including relevant operational considerations;
- Part 4 – Assessment against the applicable Commonwealth, State and local planning controls; and
- Part 5 – Conclusion.

1.3 APPLICANT'S CONSULTING REPORTS AND DRAWINGS

This Development Application is supported by a number of investigations, concept drawings and assessments undertaken by the applicant's team of consulting specialists who have prepared information which forms the appendices to this SEE report. Table 2 summarises the documents referenced in each appendix and the associated responsible author:

Table 2: Specialists Documents and Appendices References

Appendix Reference	Document	Responsible Author
Appendix A	Detailed Survey	Aspect Australia
Appendix B	Architectural Drawings	dwp
Appendix C	Traffic and Parking Assessment	Northrop
Appendix D	Waste Management Plan	dwp
Appendix E	Landscape Concept Plans	Cloustons
Appendix F	BCA and Access Statement	Northrop
Appendix G	QS	WT Partnership
Appendix H	Stormwater Management Drawings and Sedimentation and Erosion Control Plan	Northrop
Appendix I	Preliminary Contamination Report	Douglas Partners
Appendix J	Geotechnical Report	Douglas Partners
Appendix K	Archaeological Clearance Certificate	Niche Environment and Heritage

Appendix Reference	Document	Responsible Author
Appendix L	Arborist Report	NewLeaf Arboriculture
Appendix M	Section J Report	Northrop
Appendix N	Electrical Services Design Intent Statement	Northrop
Appendix O	Flood Advice Letter	Cumberland Council
Appendix P	Social Impact Statement	Cumberland Council
Appendix Q	Acoustic Report	Northrop
Appendix R	Compliance Tables	Higgins Planning
Appendix S	Pre-lodgement Meeting Minutes	Cumberland Council
Appendix T	Preliminary Fire Engineering Statement	Design Confidence

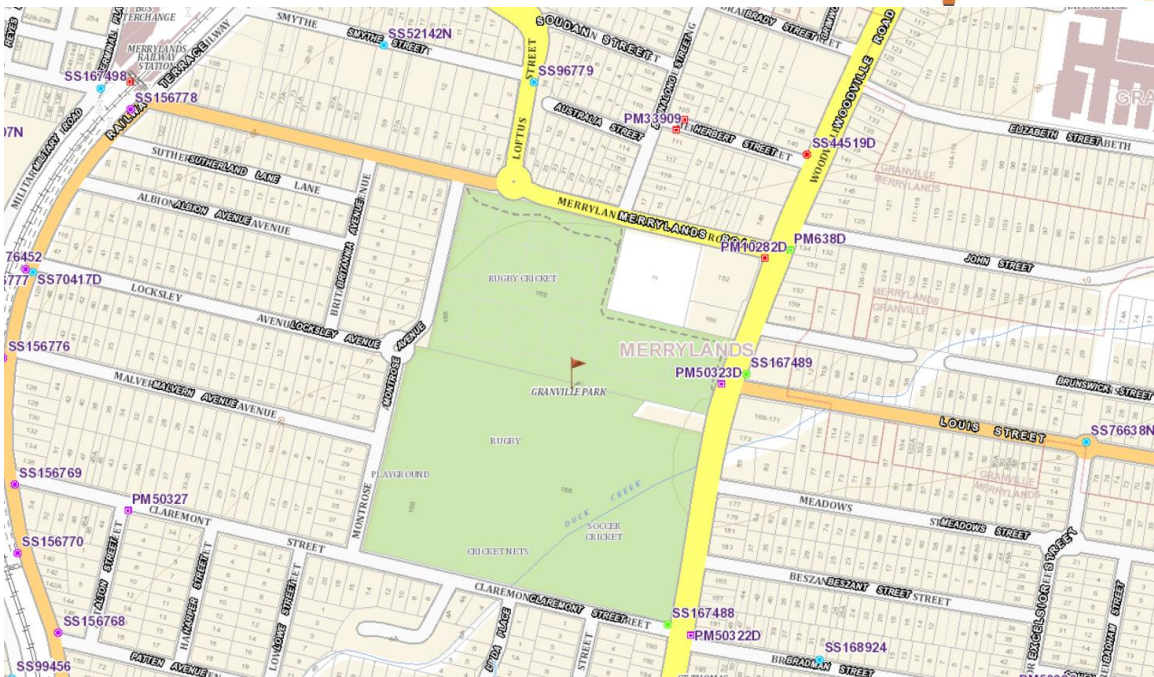


Figure 2: Site Cadastral Context (site highlighted by red flag)

Source: SiX

Granville Park has frontages to Montrose Avenue along its western boundary, Merrylands Road along its northern boundary, Woodville Road along its eastern boundary and Claremont Street along its southern boundary.



Photo 1: View of Granville Park and former building

Source: Google Maps Streetview



Photo 2: View of fenced off area for location of proposed Granville Park Stadium and the former building
Source: Google Maps Streetview

Granville Park is a 13.2 hectare regional park facility and is home to numerous sports and activities including rugby union, soccer; cricket, social basketball and touch football. In addition, Granville Park is used by local schools, includes the Granville Park water playground and children’s play area, Granville skate park, perimeter shared pathway circuit for bicycles and pedestrians and a fitness station.

The park facilities includes seating, picnic tables and shelters, BBQs, sporting fields, a cricket pitch, cricket nets, and a basketball court.

The water play area is located next to the children’s playground accessible from the Montrose Avenue frontage. The water play area splash pad is a sustainable water play area, built to continuously collect and recycle its own water. The play fountains, sprays and tipping buckets produce about 1600 litres a minute. The water play area automatically switches off when it’s not used. The water park’s operating times are 9am to 8pm in summer, spring and autumn, and closed during winter.

The waterplay and children’s play areas and the former building on the western edge of the park includes an at-grade car parking area which with vehicle access from Montrose Avenue for cars.

Council commenced demolition of the former building accessible from Montrose Avenue, at the western area adjacent to the playing field, on 15 February 2019 and it was home to the “Parramatta Two Blues” rugby club.

It is also noted that the existing park includes notations on the base cadaster that Duck Creek runs through the site.

2.2 LEGAL DESCRIPTION

The portion of the site on which this Development Application (DA) is proposed is legally as Lot 1 in DP 1170952 and part of Lot 7028 DP1028253. Refer to the detailed site survey at **Appendix B**.

2.3 SURROUNDING SITE DEVELOPMENT

The properties to the immediate west of the Granville Park along the western edge of the park have been developed for “Montesori Merrylands” and one and two-storey detached dwelling houses fronting Montrose Avenue.

Photos 3 – 8 below demonstrate the existing development on the subject site.



Photo 3: View of existing entry to existing car park off roundabout on Montrose Avenue



Photo 4: View of site notice – access gates open 8am and closed 6pm



Photo 5: View of pedestrian pathway to Laurie Ferguson Water Playground adjacent to proposed Stadium location



Photo 6: View of existing at-grade car parking area



Photo 7: View of “existing ticket booth for admission to stadium area.



Photo 8: View of existing shared pathway which will be retained (no changes proposed)

The following photographs demonstrate the development opposite the park on Montrose Avenue.



Photo 9: View of existing roundabout on Montrose Avenue



Photo 10: View of Montessori Early Learning Centre opposite at 23 Montrose Avenue



Photo 11: View of playing fields adjacent to Merrylands Road frontage of Granville Park



Photo 12: View of playing fields adjacent to Claremont Street frontage of Granville Park

3. DESCRIPTION OF THE PROPOSED DEVELOPMENT

3.1 OVERVIEW OF THE PROPOSAL

The proposed Granville Stadium Redevelopment involves a multi-use community sports Stadium pavilion building (referred to in this report as the “Pavilion Building”) with function facilities, including:

- Proposed redevelopment for multi-use sports pavilion building, involving:
 - New grandstand with seating for 760 people;
 - Grandstand fit-out with change rooms, medical room, multipurpose room, office, amenities, community function centre, small bar, canteen, kitchen and covered concourse;
 - Renewal of car parking to accommodate up to 127 at-grade spaces;
 - Landscaping upgrade; and
- Signage.

Details of the proposed development are demonstrated in the architectural drawings found in **Appendix B**. In addition, landscape concept plans have been prepared and can be found at **Appendix E**.

3.2 THE SITE TOPOGRAPHY AND GROUND FLOOR FINISHED LEVELS

The site has a cross falls but is relatively flat. The existing site levels are proposed to be altered in order to accommodate the required finished floor level inclusive of free board to manage flooding constraints while at the same time creating accessible paths of travel and including new recreation facilities.

3.3 VEGETATION AND LANDSCAPING

All trees, both within the subject site and those which may be impacted outside of the subject site, have been assessed by an arborist in terms of the proposed development, as contained within the report included at **Appendix L**.

The design of the proposed development includes setbacks to accommodate the nominated significant existing trees and the associated Tree Protection Zones (TPZs). Given this assessment from the arborist, the application is accompanied by Landscape Concept Drawings, refer to **Appendix E**, which include replacement trees.

3.4 FLOOD MANAGEMENT AND STORMWATER MANAGEMENT

The proposed development has had consideration of the site flood constraints – refer to Flood Advice Letter at **Appendix O**.

The proposed development includes a concept drainage design to connect to Council's system with improvements compared to the current site development, in accordance with Council's requirements. As such, the proposed development can manage its stormwater discharge appropriately. Refer to the stormwater management design concept drawings at **Appendix H**.

3.5 TRAFFIC, ACCESS AND PARKING

The application includes a Traffic and Parking Assessment at **Appendix C**. This report advises:

NCE has been engaged by DWP to prepare a traffic investigation on the potential influence on surrounding roads and car parking infrastructure due to the proposed redevelopment of GPS in Merrylands.

The Parramatta DCP, the GTGD and other Council's DCPs were reviewed for the parking generation rates for this type of development and these numbers were used to assess the minimum number of parking spaces required and in turn the expected traffic generated by the proposed development.

The site is located close to opportunities for patrons to use alternate modes of transport including public transport (buses and trains) and active travel infrastructure.

Turning paths for B85 and B99 passenger vehicles and an MRV (waste truck as advised by Council) was trialled through the site and the proposed car parking spaces were able to be retained.

A triangular shaped area, approximately half the depth of a car parking bay has been provided towards the Western end of this carpark. In conjunction with the wider aisle the turnaround area provides adequate room for a B85 and B99 vehicle to turn around in this area and is considered fit for purpose.

The existing Northern access to the site (off the roundabout) is proposed to be relocated South of the existing roundabout in order to comply with AS2890.1.

3.6 CIVIL WORKS TO ROADS

This DA seeks approval for the civil design details associated with a new access from Montrose Avenue infrastructure and stormwater management including WSUD. The engineering design concept drawings for the roadworks are contained within **Appendix H**.

3.7 SIGNAGE

The proposed development does not include specific details of building signage at this stage.

3.8 SITE MANAGEMENT AND HOURS

Hours of operation:

The hours of operation of the proposed stadium facilities (ie. hireable/facility use) will be 7am to 10pm Monday to Sunday.

Security:

CCTV and site security services will be implemented. Refer to the summary of Crime Prevention through Environmental Design (CPTED) measures discussed at Section 4.8.16 of this SEE.

3.9 WASTE MANAGEMENT

A Waste Management Plan has been prepared to the extent advised within the document, that is, details around site demolition/preparation and construction have been provided at **Appendix D**, and these can be confirmed as part of the Construction Certificate (CC) stage by the appointed “principal contractor”.

3.10 UTILITY INFRASTRUCTURE INSTALLATIONS AND UPGRADES

The site has access to connections to existing utility service infrastructure including water, sewer, gas, electricity and telecommunications which will be installed, upgraded and augmented, as required.

4. ENVIRONMENTAL ASSESSMENT

4.1 COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT

The application does not trigger a controlled action under the Commonwealth Environment Protection and Biodiversity Conservation Act (EPBC Act).

4.2 NSW ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (EP&A ACT)

The following section of this SEE report provides an assessment against the relevant provisions of the EP&A Act:

4.2.1 Section 2.12 of the EP&A Act – District and Regional Planning Panels

Pursuant to Section 2.12 of the EP&A Act, the Minister by Order as published, constituted the District Panel to determine a DA which is regional development as outlined in Schedule 7 of *State Environmental Planning Policy (State and Regional Development) 2011*, where:

- *Regional development, as outlined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011*
 - *development with a capital investment value (CIV)* over \$30 million*
 - *development with a CIV* over \$5 million which is:*
 - *council related*
 - *lodged by or on behalf of the Crown (State of NSW)*
 - *private infrastructure and community facilities*
 - *eco-tourist facilities*
 - *extractive industries, waste facilities and marinas that are designated development,*
 - *certain coastal subdivisions*
 - *development with a CIV* greater than \$30 million which is referred to the Planning Panel by the applicant after 120 days*

* *Capital investment value (CIV) is calculated at the time of lodgement of the DA for the purpose of determining whether an application should go to a Planning Panel - refer to Planning Circular PS 10-008.*

The proposed development involves a CIV with a value of greater than \$5 million for a council related project (refer to QS CIV which indicates \$8,608,782). Therefore, this any DA submitted will trigger the determining authority as the District Panel.

4.2.2 Section 2.17 of the EP&A Act – Local Planning Panels

Pursuant to Section 2.17 of the EP&A Act, the Minister by Order as published, constituted the Local Planning Panels (IHAPs) to determine a DA which meets certain “Referral criteria”. As the District Panel is the determining authority, the local planning panel will not be involved with this process. For completeness the referral criteria include:

Table 3: Summary of IHAP criteria

Summary of IHAP Development Application Criteria	
Conflict of interest	<p>Development for which the applicant or landowner is:</p> <ul style="list-style-type: none"> the council a councillor a member of staff who is principally involved in the exercise of council's functions under the EP&A Act a member of Parliament or a relative of one of the above.
Contentious development	<ul style="list-style-type: none"> council's approved submission policy triggers a referral or for schedules 1 and 2 only — DA that receives 10 or more unique objections or for schedule 3 only — DA that receives 25 or more unique objections.
Departure from development standards	<p>Development that contravenes a development standard imposed by a planning instrument by:</p> <ul style="list-style-type: none"> more than 10% or non-numerical development standards or for schedule 3 only — more than 25% for dwelling houses, dual occupancies and attached dwellings.
Sensitive development	<ul style="list-style-type: none"> designated development for schedule 1 only — Residential Flat Building, 3 or more storeys in height for schedules 2 and 3 only — Residential Flat Building, 4 or more storeys in height demolition of a heritage item development for the purposes of new premises that will require: <ul style="list-style-type: none"> a club licence or a hotel (general bar) licence or an on-premises licence for public entertainment venues development for the purpose of sex services premises and restricted premises <p>DAs for which the developer has offered to enter into a planning agreement.</p>

4.2.3 Section 4.13 of the EP&A Act – Consultation and Concurrence

Pursuant to Section 4.13 of the EP&A Act, several consultations and concurrences can be triggered under *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP). The proposed development does not involve works which require a concurrence under the provisions of the Infrastructure SEPP.

4.2.4 Section 4.13B of the EP&A Act - Concurrence

Pursuant to Section 4.13B of the EP&A Act, a number of concurrences may be triggered under *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP).

The proposed development will require a referral under the provisions of the Infrastructure SEPP to the energy provider.

Pursuant to Section 4.13B of the EP&A Act, no concurrence is required for the proposed development.

4.2.5 Section 4.15 of the EP&A Act - Evaluation

This section provides a preliminary assessment of the relevant environmental planning issues associated with the proposed redevelopment in accordance with Section 4.15(1) of the EP&A Act, which states:

4.15 Evaluation *(cf previous s 79C)*

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

4.2.6 Section 4.15(1)(a)(i) – Environmental Planning Instruments

The following environmental planning instruments have been considered in the assessment and preparation of this application:

- *Parramatta Local Environmental Plan 2011 (PLEP);*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55); and*
- *State Environmental Planning Policy No. 64 – Advertising and Signage.*

4.2.7 Parramatta Local Environmental Plan 2011

The main environmental planning instrument applying to the proposal is the Parramatta Local Environmental Plan 2011 (PLEP).

The following sections undertake an assessment of the proposal against the relevant provisions of the PLEP.

4.2.7.1 Clause 2.1 – Land use zones

The subject site on which the proposed Granville Park pavilion building is to be located is in the majority zoned RE1 Public Recreation under the PLEP Land Zoning Map.

In addition, a small portion of Lot 1 DP 1170952 immediately adjacent to the existing roundabout at the intersection of Locksley Avenue and Montrose Avenue is zoned R2 – Low Density Residential under the PLEP Land Zoning Map.

Please see map extract as shown in **Figure 3** below.

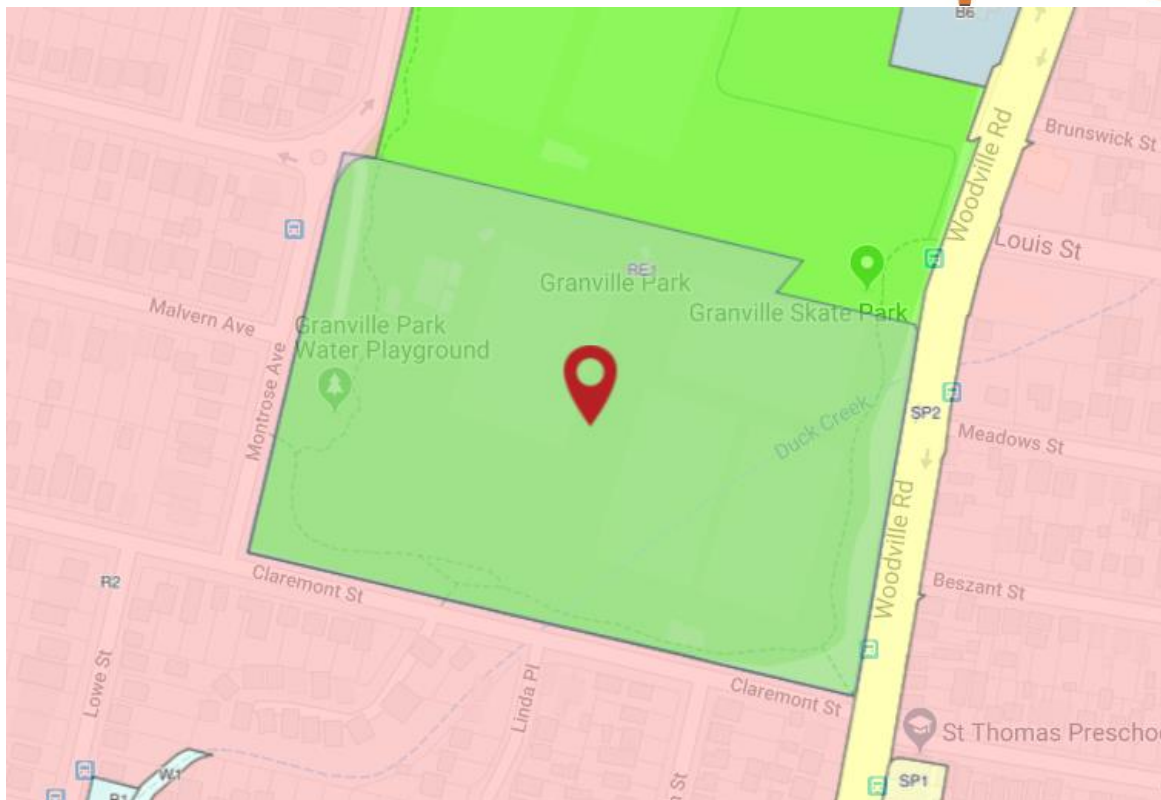


Figure 3: PLEP Land Zoning Map extract

Source: NSW Planning Portal

4.2.7.2 Land use table

The **Land use table** of the PLEP states as follows in relation to the RE1 Public Recreation zone:

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To conserve, enhance and promote the natural assets and cultural heritage significance of Parramatta Park.
- To create a riverfront recreational opportunity that enables a high-quality relationship between the built and natural environment.

2 Permitted without consent

Environmental protection works; Flood mitigation works

3 Permitted with consent

Boat launching ramps; Boat sheds; Charter and tourism boating facilities; Community facilities; Environmental facilities; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas, Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Restaurants or cafes; Roads; Take away food and drink premises; Water recreation structures; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

The proposed Granville Park Stadium pavilion building and associated works seeks the inclusion of a number of forms of development (including the ability to host multi-purpose community activities as well as recreation activities both indoor, outdoor and overall) which are considered to be permitted with consent as defined under the PLEP in the RE1 zone, including the following which are defined in the Dictionary of the PLEP as follows:

community facility means a building or place:

- (a) *owned or controlled by a public authority or non-profit community organisation, and*
 - (b) *used for the physical, social, cultural or intellectual development or welfare of the community,*
- but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means 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.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.

The proposal is considered to be consistent with these zone objectives.

As identified above, a small portion of Lot 1 DP 1170952 immediately adjacent to the existing roundabout at the intersection of Locksley Avenue and Montrose Avenue is zoned R2 – Low Density Residential under the PLEP Land Zoning Map. The **Land use table** of the PLEP states as follows in relation to the R2 zone:

Zone R2 Low Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low density residential environment.*
- *To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.*

2 Permitted without consent

Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Hostels; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Seniors housing; Tank-based aquaculture; Water recycling facilities

4 Prohibited

Any development not specified in item 2 or 3

The proposed Granville Park Stadium pavilion building, and associated works seeks the inclusion of a number of forms of development which are considered to be permitted with consent as defined under the PLEP in the R2 zone, including the following which are defined in the Dictionary of the PLEP as follows:

community facility means a building or place:

(a) owned or controlled by a public authority or non-profit community organisation, and

(b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

recreation area means 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).

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

road means a public road or a private road within the meaning of the Roads Act 1993, and includes a classified road.

And, the proposal is considered to be consistent with these zone objectives.

4.2.7.3 Clause 2.6 Subdivision

No subdivision is proposed.

4.2.7.4 Clause 4.3 Height of buildings

The subject site is not affected by the Height of Building Mapping of the PLEP.

4.2.7.5 Clause 4.4 Floor space ratio

Clause 4.4 is not applicable to the proposal as there is no Floor Space Ratio indicated on the PLEP FSR mapping on the subject site.

4.2.7.6 Clause 5.2 Classification and reclassification of public land

The provisions of this Clause are not triggered by the proposal or its location as the land has been confirmed as being classified “community” under the LG Act as discussed in Section 1.1.1 of this report.

4.2.7.7 Clause 5.9 Preservation of trees or vegetation and 5.9AA - repealed

The provisions of Clause 5.9 and 5.9AA of the MLEP have been repealed. Clauses 5.9 & 5.9AA have been repealed and replaced with the State Environmental Planning Policy (Vegetation in Non–Rural Areas) 2017 or Vegetation SEPP.

The applicant has obtained an arborist report (included at **Appendix L**) to address any trees affected, which will also have consideration of the provision of the Vegetation SEPP and advises in the “Executive Summary”:

This Arboricultural Impact Assessment (AIA) report has been prepared for Cumberland Council, to assist in the assessment of a Development Application to be submitted to Cumberland (formerly Holroyd) Council in relation to residential development works at Granville Park - 188 Woodville Road, Merrylands.

The proposed development consists of construction of a stadium building with grandstand, associated alterations to the carpark including stormwater infrastructure, and addition of hard and soft landscape works as shown on the plans by DWP, Northrop and Clouston Associates.

This report assesses thirty nine (39) trees within the property. Details of the species, dimensions, health, and condition of the assessed tree are contained in the Tree Survey Information Table (page 4).

In the context of the proposed development, ten (10) trees on site will need to be removed, as shown on the Tree Protection Plan (page 7) and specified in the Recommendations (page 12).

The following are the outcomes of the arboricultural impact assessment regarding the trees in the context of the currently proposed works.

1. *Retain and protect Trees 2, 4, 5, 6, 7, 8, 9, 14, 17, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, & 39. Tree protection fencing, ground protection, trunk protection, and tree sensitive design and construction measures will be required.*
2. *Remove Trees 1, 15, 16, 18, 23, 24 & 37 as they have major encroachments from the proposed development.*
3. *Consider transplanting Trees 11 and 12 which are within the proposed carpark alterations and will require removal. They should be relocated to a suitable position in the surrounding park, with sufficient soil and above ground space for their future growth. A qualified and experienced tree transplanter should be engaged to carry out the transplant.*
4. *Remove Tree 13 due to its poor condition and Short Useful Life Expectancy.*
5. *Install four (4) large (15m mature height) and ten (10) medium to large (8m mature height) native replacement trees.*

The recommendations of this report can be implemented as part of the preparation of a Construction Certificate.

4.2.7.8 Clause 5.10 Heritage conservation

The site is not identified as a heritage item, is not located within a heritage conservation area and is not located in the vicinity of any heritage items. However, the pre-lodgement meeting notes indicates that the Parramatta DCP has identified the land as have Aboriginal archaeological potential, therefore the provisions of Clause 5.10 of the PLEP have been considered:

5.10 Heritage conservation

Note.

Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Parramatta,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent Development consent is required for any of the following:

(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

- (i) a heritage item,*
- (ii) an Aboriginal object,*
- (iii) a building, work, relic or tree within a heritage conservation area,*

(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,

(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,

(d) disturbing or excavating an Aboriginal place of heritage significance,

(e) erecting a building on land:

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,

(f) subdividing land:

(i) on which a heritage item is located or that is within a heritage conservation area, or

(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required However, development consent under this clause is not required if:

(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and

(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or

(b) the development is in a cemetery or burial ground and the proposed development:

(i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and

(ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or

(c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or

(d) the development is exempt development.

(4) Effect of proposed development on heritage significance The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment The consent authority may, before granting consent to any development:

(a) on land on which a heritage item is located, or

(b) on land that is within a heritage conservation area, or

(c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

(a) notify the Heritage Council of its intention to grant consent, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

An Aboriginal Archaeological Site Clearance Certificate has been obtained and included at **Appendix K**, which advises in part:

In accordance with Clause 23 of DA 280/2018, archaeologists were on site to monitor ground disturbance works for the demolition of Granville Park. The site was attended on t by Clare Anderson, Sam Ward and Layne Holloway (Heritage Consultants, Niche) between 13 and 15 February 2019.

The area was inspected before, during and after demolition and photographs taken.

No Aboriginal objects or deposits likely to contain Aboriginal objects were identified. The soil profile was confirmed to be fill or highly disturbed landscaped topsoil overlaying clay. This observation supports the conclusions of the Granville Park Stadium -- Aboriginal Objects Due Diligence Assessment dated 12 October 2018 which concluded that there was low potential for Aboriginal objects to be present.

The site should be considered cleared. No further investigation or monitoring for Aboriginal objects is required.

As such, Council can conclude the provisions of Clause 5.10 of the PLEP as detailed above have been satisfied and the proposal will not result in unacceptable impact to any heritage significance or item.

4.2.7.9 Clause 6.1 Acid Sulphate soils

The provisions of Clause 6.1 state:

6.1 Acid sulfate soils

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

<i>Class of land</i>	<i>Works</i>
<i>1</i>	<i>Any works.</i>
<i>2</i>	<i>Works below the natural ground surface. Works by which the watertable is likely to be lowered.</i>
<i>3</i>	<i>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</i>
<i>4</i>	<i>Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</i>
<i>5</i>	<i>Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</i>

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:

(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and

(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):

(a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,

(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),

(c) minor work, being work that costs less than \$20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:

(a) the works involve the disturbance of less than 1 tonne of soil, and

(b) the works are not likely to lower the watertable.

The Geotechnical report at Appendix J states:

Reference to the Acid Sulphate Soil (ASS) Risk Map indicates that the site is not in an area of known potential risk for ASS.

Acid sulphate soils are typically encountered in low-lying (generally below RL 5 m AHD), water-logged, estuarine or marine soil deposits of recent Holocene Age, and can include organic deposits.

Given the site topography (i.e. above RL 15 m) and residual soils encountered, ASS is not expected at the site.

Therefore, the proposal is considered to be acceptable in relation to Clause 6.1 of the PLEP.

4.2.7.10 Clause 6.2 Earthworks

The proposal will involve some bulk earthworks and site preparation. Please refer to the architectural drawings in **Appendix B** which indicate the changes required to accommodate the stadium seating area.

4.2.7.11 Clause 6.3 Flood planning

HP has noted the cadastral mapping indicates Duck Creek runs through Granville Park to the south of the site of the proposed Granville Park Stadium pavilion building. The location of Duck Creek has been contained with an underground pipe and in that location identified by Council as being flood prone, as such the proposed finished floor level of the new development has had consideration of the provisions of Clause 6.3 as follows:

6.3 Flood planning

(1) The objectives of this clause are as follows:

(a) to minimise the flood risk to life and property associated with the use of land,

(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,

(c) to avoid significant adverse impacts on flood behaviour and the environment.

(2) This clause applies to land at or below the flood planning level.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

(a) is compatible with the flood hazard of the land, and

(b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and

(c) incorporates appropriate measures to manage risk to life from flood, and

(d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and

(e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

*(5) In this clause, **flood planning level** means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.*

Council has issued letter advice dated 11 April 2019 included at **Appendix O**. The architectural drawings at Appendix B indicates the Finished Floor Level of the proposed ground level of the stadium pavilion building will be RL 17.00 and the lowest level of the concourse adjacent to the lowest seated area of the stadium will be RL 15.65, both of which exceed the datum references in the Council flood advice letter.

The applicant's engineers have considered the above and the provisions of the DCP, in the preparation of the stormwater management concept drawings contained at **Appendix H**.

4.2.8 State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 applies to the project.

The Planning Panels determine the following types of development applications (DAs) and modification applications:

- *Regional development, as outlined in Schedule 7 of the State Environmental Planning Policy (State and Regional Development) 2011*
 - *development with a capital investment value (CIV)* over \$30 million*
 - *development with a CIV* over \$5 million which is:*
 - *council related*
 - *lodged by or on behalf of the Crown (State of NSW)*
 - *private infrastructure and community facilities*
 - *eco-tourist facilities*
 - *extractive industries, waste facilities and marinas that are designated development,*
 - *certain coastal subdivisions*

- development with a CIV* between \$10 million and \$30 million which is referred to the Planning Panel by the applicant after 120 days

* Capital investment value (CIV) is calculated at the time of lodgement of the DA for the purpose of determining whether an application should go to a Planning Panel - refer to Planning Circular PS 10-008.

Clause 20 of the State Environmental Planning Policy (State and Regional Development) 2011 and Cl4.5(b) of the *Environmental Planning and Assessment Act 1979*. In this regard, the Capital Investment Value (CIV) refer to **Appendix G**, is greater than \$5 mil (ex GST) and as the project is a Council related development, and therefore does trigger State Environmental Planning Policy (State and Regional Development) 2011, the district panel is the determination authority under this SEPP.

4.2.9 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 ("Infrastructure SEPP") aims to provide for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing. It assists the NSW Government, local councils and the communities they support by simplifying the process for providing infrastructure in areas such as education, hospitals, roads, railways, water and electricity.

4.2.9.1 Clause 45 Electricity Transmission Considerations

Clause 45 has been considered by the applicant in the preparation of this DA, which states:

45 Determination of development applications—other development

(1) This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

(b) development carried out:

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line,

(c) installation of a swimming pool any part of which is:

(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or

(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

The applicant's architects at dwp have liaised with a level 3 accredited energy consultant, who conducted an electrical demand assessment and indicated that the size and nature of the project requires the inclusion of a substation within the development. The design and specifications shown in the architectural drawings contained at **Appendix B** include a new substation to meet the demand of the proposed development.

4.2.9.2 Clause 101 – Development with frontage to classified road

Clause 101 of *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) specifies the following requirements for development with a frontage to a classified road as identified in the Roads and Maritime Services (RMS) *Schedule of Classified Roads and State & Regional Roads* ('the Schedule').

Clause 101 of the ISEPP states as follows:

101 Development with frontage to classified road

(1) The objectives of this clause are:

(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and

(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The subject site does have frontage to an identified classified road being Woodville Road. It is noted that the proposed development does not proposed any vehicular access from a classified road and therefore the proposed development satisfies subclause 2(a) above. As such, the proposed development is compliant with **Clause 101** of the ISEPP.

4.2.9.3 Clause 104 Traffic-generating development

Clause 104 of the ISEPP specifies the following requirements for development that falls within the criteria in Schedule 3 Column 3, including parking with a size or capacity of 50 or more motor vehicles compared to the existing car park which has considered Schedule 3 below (noting the GFA of the proposed new Granville Park pavilion building is 1,183.88m² :

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Purpose of Development</i> <i>Note: The development may be the erection of new premises or the enlargement or extension of existing premises</i>	<i>Size and capacity – site with access to any road</i>	<i>Size or capacity – site with access to a classified road or to a road that connects to a classified road (if access within 90m of connection, measured along alignment of connecting road)</i>
<i>Parking (whether or not ancillary to any other development)</i>	<i>200 or more motor vehicles</i>	<i>50 or more motor vehicles</i>

Where Clause 104 states:

104 Traffic-generating development

(1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*

- (a) new premises of the relevant size or capacity, or*
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

(2) *In this clause, "relevant size or capacity" means:*

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road-the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection-the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

(3) *Before determining a development application for development to which this clause applies, the consent authority must:*

- (a) give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) take into consideration:*
 - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*

- (iii) *any potential traffic safety, road congestion or parking implications of the development.*

- (4) *The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.*

Clause 104 of the ISEPP 2007 specifies the following requirements for development that falls within the criteria in Schedule 3 of the SEPP including “industry”:

- (3) *Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
 - (b) *take into consideration:*
 - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*
 - (A) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) *the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) *any potential traffic safety, road congestion or parking implications of the development.*

The proposed development seeks approval for 1,183.88 square metres of GFA, however not all of this GFA is new when compared to the footprint of built form being demolished.

Car parking is proposed to increase to 127 spaces, however the site does not trigger “Size or capacity – site with access to a classified road or to a road that connects to a classified road (if access within 90m of connection, measured along alignment of connecting road)” because the portion of the site where works are proposed is not located within 90m of a road that connects to Woodville Road and the site development does not seek access to Woodville Road. Therefore, the proposed development is not a size or capacity to trigger the criteria of under Schedule 3 of the ISEPP.

However, Council as the consent authority may decide to notify and consider any submission by the RMS on the DA in accordance with **Clause 104(3)** of the ISEPP.

A Traffic and Parking Impact Assessment is included in **Appendix C**, which has assessed the traffic impacts of the proposed development and the parking demand, along with the proposed design as being acceptable.

4.2.10 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) relates to the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected and requires councils to be notified of all remediation proposals. The *Managing Land Contamination: Planning Guidelines* were prepared to assist councils and developers.

Clause 7 of SEPP 55 states as follows:

7 Contamination and remediation to be considered in determining development application

(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

To address the provision of Clause 7 of SEPP 55 a preliminary site contamination report is included in **Appendix I**, which states:

Based on information from historical directories, historical title deeds, historical aerial photographs and a site walkover, it would appear that the site has been used as a public reserve/recreational public space and residential area since 1886, if not earlier. Given this and based on the information presented herein, it is considered that the site has a low potential for significant contamination from historical site usage.

As only limited earthworks are anticipated to be required for the grandstand/clubhouse redevelopment and associated car park works (as outlined in the architectural plans) and given the generally shallow fill profile recorded in the majority of the test bores (i.e. < 2 m) it is currently unclear whether any fill will be retained on-site. If fill is to be retained, additional testing of these soils is required to confirm the suitability (or otherwise) of soils for re-use on-site. In this regard, the low contaminant concentrations recorded in this assessment suggests that the majority of soils would be suitable to be retained.

With respect to waste classification and off-site disposal of soils, the filling described herein is preliminary classified as General Solid Waste (non-putrescible) and the natural soils and bedrock described herein is preliminary classified as VENM. Prior to off-site disposal the soils are to be inspected and analysed to confirm (or otherwise) the preliminary classification.

It is also recommended that an unexpected finds protocol is prepared and implemented during site works to address any potentially impacted fill impacted by contamination during excavation (e.g. asbestos impacted fill).

Hazardous building materials were encountered and observed on the exterior of the grandstand/clubhouse building. Asbestos was detected in two samples of material collected from the grandstand/clubhouse building. Given the age of the building and surrounding structures, it is likely that further hazardous materials will be encountered. It is therefore recommended that a pre-demolition hazardous building materials survey is conducted at the site to assess the location, extent and condition of hazardous building materials and subsequent appropriate removal of the identified materials is undertaken prior to demolition. Moreover, following removal of site structures the soils in the footprint of these structures (and adjacent areas) are to be inspected, validated (including sampling) and cleared for the presence of hazardous building materials.

Whilst not anticipated, if de-watering is required during the redevelopment it is recommended obtaining confirmation from the relevant authority (e.g. council, Sydney Water, etc.) of the groundwater quality criteria for disposal off-site. Sampling of groundwater from the two wells installed in the geotechnical boreholes prior to commencing construction is also recommended to inform disposal options.

Based on the findings of this preliminary contamination investigation, it is considered that the site can be made suitable for the proposed development, from a contamination perspective, subject to implementation of the aforementioned stated recommendations.

As such, the site is suitable for the project under SEPP 55 subject to conditions.

4.2.11 State Environmental Planning Policy No. 64 – Advertising and signage

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

The SEPP was amended in August 2007 to permit and regulate advertisements on road and railway corridors and provide appropriate design and safety controls for these advertisements. Complementing the provisions of SEPP 64 is the *Transport Corridor Outdoor Advertising and Signage Guidelines* (DP&E November 2017) which outlines the best practice for the planning and

design of outdoor advertisements in transport corridors such as along or adjacent to classified roads, transitways, railway corridors and rail overpasses.

The proposed Granville Park pavilion building will identify the name and logo of the Council for the building use, which will likely be considered to be building identification signs under SEPP 64, which states:

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Note.

Building identification signs are a type of signage—see the definition of that term in this Dictionary.

As such the provisions of Part 3 of SEPP 64 do not apply to the proposed signage by virtue of Clause 9 which states:

9 Advertisements to which this Part applies

This Part applies to all signage to which this Policy applies, other than the following:

(a) business identification signs,

(b) building identification signs,

(c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,

(d) signage on vehicles.

Therefore, the DA does not require concurrence from the RMS for any signage proposed under Part 3 of SEPP 64. Details of the location and style of the proposed building signage is not available but will be of a high-quality design and finish that will incorporate elements of the proposed pavilion building on the site thus making it compatible with the amenity and visual character of the locality and effectively communicates the name of the businesses on site. Therefore, the signage is consistent with the aims of the SEPP as set out in Clause (3)(1)(a).

The proposed signage cannot be assessed at this time against the assessment criteria included in Schedule 1 of SEPP 64.

4.2.12 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP 2005) was gazetted on 28 September 2005. As of 1 July 2009, *regional environmental plans* (REPs) are no longer part of the hierarchy of environmental planning instruments in NSW. The removal of the REP layer was intended to simplify the State's planning system. However, all existing REPs became deemed *State Environmental Planning Policies* (SEPPs) and as such SREP 2005 is a deemed SEPP which has been considered below.

SREP 2005 covers the area of Sydney Harbour, including the Parramatta River and its tributaries (such as Duck Creek) and the Lane Cove River. SREP 2005 aimed to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways. It established planning principles and controls for the catchment as a whole.

The plan consolidates and replaced the following instruments: *Sydney Regional Environmental Plan No. 22 - Parramatta River* (SREP 22); *Sydney Regional Environmental Plan No. 23 - Sydney and Middle Harbours* (SREP 23); and amends *State Environmental Planning Policy No. 56 Sydney Harbour Foreshores and Tributaries* (SEPP 56).

Whilst the subject site is located in the Sydney Harbour Catchment as identified in the SREP 2005 Sydney Harbour Catchment Map, it is noted that the subject site is not located in the 'foreshores and waterways area', is not identified as a 'special purposes location', is not identified as a 'strategic foreshore site', does not contain a heritage item, is not a 'wetlands protection area' and is not a 'critical habitat area'. An existing parking facilities occupies the site and the proposal is considered to represent an improvement compared to the existing site development to complement the future of Granville Park. As such, the proposal is considered to be consistent with the SREP.

4.3 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

There are no draft environmental planning instruments affecting the proposed development.

4.4 SECTION 4.15(1) (A) (III) DEVELOPMENT CONTROL PLANS

In 2013 the NSW Government made legislative amendments aimed at restating the strength of DCPs. The amendments have returned the DCP status to what was initially intended, being a 'flexible guideline' that would complement the development controls provided by the legally binding LEP. The amendments also provide that during the decision-making process, the Council is required to as a result of Section 4.15(3A)):

- Use a flexible approach in applying DCP standards,
- Not to enforce more onerous standards than those contained in the standards of the LEP.

Where Section 4.15(3A) states:

(3A) Development control plans If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:

- (a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*
- (b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and*

(c) may consider those provisions only in connection with the assessment of that development application.

In this subsection, standards include performance criteria.

Therefore, *Environmental Planning and Assessment Amendment Act 2012 (and as amended on 1 March 2018)*, clarified the purpose and status of development control plans, being to ‘**provide guidance**’ to proponents and Councils in achieving land use zone objectives and facilitating permissible development under an environmental planning instrument. Furthermore, to assist in the assessment of DAs, the amended legislation states that where a proposal does not comply with DCP controls, the consent authority is to be ‘**flexible in applying those provisions**’ and allow for ‘**reasonable alternative solutions**’ that achieve the objectives of those standards for dealing with that aspect of the development. It is important to recall these revisions to the status and application of DCPs in development assessment.

4.4.1 Parramatta Development Control Plan

The *Parramatta Development Control Plan 2011* (PDCP) applies to the subject land and is the applicable development control plan to assess the proposed Granville Park development.

The PDCP provides a comprehensive set of development principles for the portion of land which was transferred from the former Parramatta City Council LGA to form the Cumberland Council LGA.

A detailed assessment of the proposal against the relevant DCP controls has been undertaken with the preparation of the following documents/reports/drawings:

1. Concept Stormwater Management Drawings and Sedimentation and Erosion Control Plan at **Appendix H** to respond to the DCP;
2. Arborist Report at **Appendix L** and Landscape Concept Plan at **Appendix E** to respond to the DCP;
3. Acoustic Report at **Appendix Q** to respond to the DCP;
4. A BCA and Access Statement is included at **Appendix F**;
5. A Fire Engineering Statement including list of proposed fire safety measures at **Appendix T** to respond to the DCP;
6. Aboriginal Clearance Certificate at **Appendix K**;
7. Traffic and Parking Assessment Report at **Appendix C**;
8. Social Impact Statement at **Appendix P**;
9. Geotechnical Report with Acid Sulfate Soils Assessment at **Appendix J**;
10. Flood Advice Letter at **Appendix O** to respond to the DCP; and
11. Preliminary Contamination Report at **Appendix I**.

A detailed assessment of the proposal against the relevant PDCP controls has been undertaken in the compliance tables contained at **Appendix R**. In addition, the proposal has been assessed against the Plan of Management applicable to the land also contained in the compliance table at **Appendix R**. In summary, the proposed development demonstrates a high level of compliance with the PDCP controls relating to the proposed Granville Park Stadium pavilion building.

4.4.2 Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005

The Sydney Harbour Foreshores and Waterways Area Development Control Plan 2005 (Sydney Harbour DCP) is the Development Control Plan for Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. While the site is within the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 mapping, the changes are not visible from the waterway and does not involve works where the provisions of the Sydney Harbour DCP are triggered.

4.5 SECTION 4.15 (1) (A) (IIIA) PLANNING AGREEMENTS

There is no Planning Agreement in force relevant to this DA.

4.6 SECTION 4.15 (1) (A) (IV) ANY MATTER PRESCRIBED BY THE REGULATION

Should the district panel wish to grant approval, Council will need to include in the draft condition set conditions to address the mandatory clauses under the *Environmental Planning and Assessment Regulation 2000*.

4.7 SECTION 4.15 (1) (A) (V) REPEALED

Not applicable.

4.8 SECTION 4.15 (1) (B) IMPACTS OF DEVELOPMENT

Pursuant to Section 79C (B) of the Act, *‘the likely impacts of that development’* have been considered as follows:

4.8.1 Shadow Impacts

Shadow diagrams have been prepared for the proposed building which indicates that the proposed development will not adversely impact on the available solar access to adjoining properties.

4.8.2 Context and setting

The proposed development constitutes an appropriate and compatible land use in the locality.

The existing setting is characterised by a mix of low density development. The proposed development has been designed having regard to the characteristics, topography, and orientation of the site and its relationship to neighbouring land as well as the wider park setting. As such, the subject site is considered an appropriate context and setting for the proposed development within Granville Park being consistent with the existing desired future character of the locality.

4.8.3 Access, traffic and parking

Vehicular access to the site is currently available from Montrose Avenue which will be maintained, albeit modified. Refer to the Traffic and Parking Assessment report at **Appendix C** for the reasons for the modified access arrangement, which is required to comply with the required sight distances of the relevant Australian Standard.

Pedestrian access within the existing site development and through the site will be improved – refer to the BCA and Access report at **Appendix F**.

4.8.4 Utility service infrastructure

Given the site's location in the established urban residential area, the subject site has access to essential services including water, sewerage, electricity, telecommunications and gas available to it with capacity to accommodate the proposed development.

4.8.5 Air and microclimate

The proposed development is not considered likely to give rise to a change in the existing microclimate and can be managed via the imposition of reasonable conditions.

4.8.6 Social Impact Assessment

Overall, the proposal will result in a positive social impact in that the development will provide for new facilities in Granville Park and the Merrylands locality, and will result in activation and overall improvement of the public domain, refer to the Social Impact Statement at **Appendix P**.

4.8.7 Lighting

An Electrical Services Design Internet Statement is included at **Appendix N**, which specifies outdoor lighting will be designed in accordance with the requirements of the Australian Standard, so as light spill does not become problematic and contained to the site while at the same time assist with Crime Prevention measures.

4.8.8 Acoustics/Noise

An assessment of the existing acoustic environment and the proposed development has been undertaken as detailed in the Acoustic Report included at **Appendix Q**, which advises:

This report forms part of the development application submission for the proposed stadium development of at Granville Park, 2 Montrose Avenue, Merrylands, NSW 2160. Operator attended and long-term noise measurements were conducted at the site. The results of the measurements are presented in this report, and initial acoustic designs have been specified. The noise criteria derived from the measurements using NSW Noise Policy for Industry (2017) methodology at the nearest affected receiver is quantified. Acoustic compliance with the State Environmental Planning Policy (Infrastructure) 2007, Parramatta Development Control Plan (DCP) 2011 and the NSW Noise Policy for Industry can be achieved when the recommendations in this report are implemented.

The acoustic design and treatments will provide noise compliance with the noise criteria at the residence at 25 Montrose Avenue and child care centre at 21 Montrose Avenue Merrylands following completion of the proposed development.

As such, the proposed development will be acceptable in terms of its acoustic impact considerations and can be supported as submitted subject to the above.

4.8.9 ESD performance of proposed building

The proposed building will be constructed in accordance with the Building Code of Australia under the National Construction Code which requires buildings of this classification to comply with the required energy efficiency requirements. Please refer to the Section J Report at **Appendix M**.

4.8.10 Natural and Technological Hazards

The site is not subject to any known natural or technological hazards which would preclude the DA.

4.8.11 Soils

It is unlikely that the works will have adverse impacts on the soil quality of the site subject to the appropriate management regimes being met at these phases to manage geotechnical considerations.

4.8.12 Waste Management

Waste Management Plans form part of this DA included at **Appendix D**. These include the measures proposed for managing waste in the construction and operational phases according to waste management principles and priorities of:

- Reduce wastes at the source;
- Reuse materials, where possible;
- Recycle wastes, where practical;
- Removal of all waste from the site; and
- Dispose of wastes appropriately and responsibly.

4.8.13 Flora and Fauna

An arborist report with aboricultural impact appraisal and method statement has been prepared and is included at **Appendix L**. The report provides an analysis of the impact of the development proposal on trees with additional guidance and appropriate management and protective measures.

The proposed development includes a number of measures that mitigate potential impacts on existing trees on the site and street, and protect nearby bushland including an erosion and sediment control plan and demolition report.

4.8.14 Erosion and Sedimentation

An erosion and sedimentation assessment and management plan prepared for the subject site is included at **Appendix H**.

4.8.15 Contamination

A Preliminary Contamination Report is included at **Appendix I** which concludes that the site is suitable for the proposed development.

4.8.16 Safety, Security and Crime Prevention

The proposed Granville Park Stadium pavilion will employ a number of passive and active crime prevention measures as part of Crime Prevention through Environmental Design (CPTED). The proposed development has been designed for safety and security of site users and to accord with the principles of CPTED including the following:

- natural surveillance with clear sight lines and avoidance of blind corners and sightline obstructions across trafficable parts of the site and between activity areas;
- active CCTV surveillance and security services;
- access control for back-of-house and loading dock areas, and for outside operating hours;
- durable building design and materials, and proposed Chatswood East Woolworths site management will contribute to territorial reinforcement.

Overview

Table 4 provides a summary of the proposed development's design response against the four CPTED principles, being surveillance, access control, territorial reinforcement and space management.

Table 4: Design responses of the proposed development against the CPTED Principles

CPTED PRINCIPLE	DESIGN RESPONSE
Surveillance	Sight lines between corners and entrances of all building entries and vehicular entry and access points have been designed to minimise hiding opportunities. This has been achieved through the removal of unnecessary walls/obstructions, the use of clear glazing where possible, as well as maximising sight lines from the entrances of the proposed building to the street frontages. The use of CCTV cameras will also be a technical surveillance addition used throughout the building, and the entry and exit points to the building.
Access Control	The use of security shutters/swipe card access to the doors associated with staff accessing the building, administration offices, utilities, store rooms and loading dock of the proposed development. All areas that are restricted will be kept locked at all times, with staff/employees given access to these areas through security clearances.

CPTED PRINCIPLE	DESIGN RESPONSE
	It is necessary to ensure the effective use of physical and symbolic barriers to attract, channel or restrict the movement of people to minimise opportunities to commit crime. Additionally, the design and location of the access to the building allows the opportunity for customer and staff surveillance.
Territorial Reinforcement	The design of the proposed development incorporates aspects which define and distinguish areas strictly for private use/access from the areas utilised for public and semi-public purposes. All proposed lighting and signage has been designed accordingly. Where appropriate, the utilisation of signage, site furnishings and paving detailing to delineate between public and private spaces has been included.
Space Management	The creation of well-kept and attractive spaces will help to attract more people, and thus reduce the likelihood of crime occurring through increased passive surveillance. The use of quality design combined with the implementation of an appropriate management, upkeep and cleaning strategies will reinforce perceptions of safety.

Design Considerations Relationship between Design and Crime

Crime Prevention: Aims to prevent crime and anti-social behaviour before it occurs.

Social prevention: Aims at addressing socio-economic causes of crime.

Situational prevention: Seeks to reduce opportunities for crime and anti-social activity through changing the environment

Examples:

- A typical offender will assess the potential crime location before committing a crime.
- Building design or use can create an environment that is not conducive to crime.
- Building design should seek to address both actual crime and fear of crime.
- Good design should encourage an open society, open space and freedom of movement.

A fear of crime leads to reduced participation in civil society. This also leads to a self-fulfilling prophesy, that is if an area is perceived as unsafe, people retreat into homes, surveillance is reduced, and crime is encouraged.

Holistic Approach

Crime Prevention for development – a holistic approach involving:

- CPTED (Crime Prevention through Environmental Design) principles;
- Engineering and physical measures. E.g. CCTV, security doors, security patrols, mirrors;
- Management strategies. E.g. Security Management Plan.

Crime Prevention through Environmental Design

Crime Prevention through Environmental Design (CPTED) aims to reduce crime and change perceptions of crime through changing the physical environment.

- CPTED increases risk for criminals by increasing chance of detection, challenge and capture;
- Increases effort required to commit crime by increasing the time, energy and resources needed to be expended;
- Removes conditions that create confusion about behaviour norms;

The CPTED Principles

There are four principles that need to be used in the assessment of development applications to minimise the opportunity for crime:

- Surveillance;
- Access Control;
- Territorial Reinforcement;
- Space Management.

Particular consideration has been given to the incorporation of these principles concerning entrances, sight lines, vehicular access and exit onto the premises and from the car park, opportunities for technical and passive surveillance, interrelationships with the parking area, and loading dock facilities, lighting, legibility and accessibility, ownership and space management, security and safety, and minimisation of 'entrapment' opportunities.

4.8.17 Construction Impacts

A Construction Management Plan can be prepared as part of a Construction Certificate once a builder has been appointed and prior to the commencement of works to manage potential impacts of construction activities including site safety, security and access control, construction vehicles, soil and water management, waste management, noise and construction hours.

4.9 SECTION 4.15(1)(C) SITE SUITABILITY

Section 4.15(1)(C) of the act requires consideration of the suitability of the site for the development. The primary matters under Section 4.15 (1)(C) are whether the proposal fits into the locality and if the site attributes are conducive to the proposed development.

The site and surrounding locality do not present any significant physical, ecological, technological or social constraints on the site for the proposed development. In summary, there are limited constraints on the proposed development of the site and minimal conflicts will occur with surrounding land uses.

Council as the applicant has advised the land is used as a public park and will continue to be used as a public park.

4.10 SECTION 4.15(1)(E) THE PUBLIC INTEREST

Section 4.15(D) and (E) of the EP&A Act require that any public submissions made in accordance with the Act or the public interest be considered in the development assessment process.

Council will notify and advertise the application as required by the PDCP. Any submission received will be taken into consideration during the assessment and determination process.

The proposed development will not significantly impact on the environment and is consistent with the applicable planning controls and strategic documents for the site. It is therefore considered to be in the public interest.

4.11 SECTION 4.46 OF THE EP&A ACT - INTEGRATED DEVELOPMENT

The provisions of Section 4.46 of the EP&A Act states:

4.46 What is “integrated development”?

(1) Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals:

Under the provisions of Section 4.46 of the EP&A Act, where a proposed development triggers the requirements for an approval from a State Government department, agency or authority a proposal is integrated.

As a portion of Duck Creek traverses the site, however the proposed development is remote from the cadastral information. It is open to Council to decide if an integrated referral is required, and it should be noted that the playing field location will not be altered by this proposal.

5. CONCLUSION

This SEE accompanies a DA lodged with Cumberland Council for the multi-use community sports Stadium pavilion building with function facilities, including:

- Proposed redevelopment for multi-use sports pavilion building, involving:
 - New grandstand with seating for 760 people;
 - Grandstand fit-out with change rooms, medical room, multipurpose room, office, amenities, community function centre, small bar, canteen, kitchen and covered concourse;
 - Renewal of car parking to accommodate up to 127 at-grade spaces;
 - Landscaping upgrade; and
- Signage

This environmental planning assessment makes the following conclusions about the proposed development:

- it complies with FLEP being the main planning instrument affect the land and the proposal;
- it is consistent with the existing and desired future character of the locality in the Granville area;
- it will not have any unreasonable impact on adjacent properties or unacceptable socio-economic impacts which cannot be mitigated by the imposition of conditions; and
- there are no environmental constraints of such significance as to preclude the proposed development.

Given the above assessment, the proposed development has environmental planning merit and is considered to be in the public interest, and therefore we request the DA be granted consent by Council.

APPENDIX A

Survey (reduced)

APPENDIX B

Architectural Drawings (reduced)

APPENDIX C

Traffic Report

APPENDIX D

Waste Management Plan

D
Waste Management Plan

APPENDIX E

Concept Landscape Plan (reduced)

APPENDIX F

BCA and Access Report

APPENDIX G

QS Letter

APPENDIX H

Engineering Drawings/ Stormwater management drawings (reduced)

APPENDIX I
Preliminary Contamination Report

APPENDIX J

Geotechnical Report

APPENDIX K
Archaeological Clearance Certificate

APPENDIX L

Arborist Report

APPENDIX M

Section J Report

APPENDIX N

Electrical Services Design Intent Statement

APPENDIX O

Flood Advice Letter

APPENDIX P

Social Impact Statement

APPENDIX Q

Acoustic Report

APPENDIX R

Compliance Table

APPENDIX S
Prelodgement Meeting Minutes

APPENDIX T
Preliminary Fire Engineering Statement

