



## SECTION 4.15 ASSESSMENT REPORT

### Environmental Planning & Assessment Act 1979

#### 1. Summary

DA No:	DA/10/2022
Property:	LOT 1 DP 774940, 136 Church Street, PARRAMATTA NSW 2150
Proposal:	Alterations and additions and provision of signage to the existing building for use as a licenced pub operating 10am to 4am Monday to Saturday and 10am to midnight Sunday.
Date of receipt:	10 January 2022
Applicant:	Think Planners
Owner:	Mr H S Wong and Ms X H W Liu
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	10 submissions
Recommendation:	Approval
Assessment Officer:	Denise Fernandez

#### 2. Legislative Requirements

<b>Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979</b>	<ul style="list-style-type: none"><li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li><li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li><li>• State Environmental Planning Policy (Industry and Employment) 2021</li><li>• Parramatta Local Environmental Plan 2011 (LEP 2011)</li><li>• Parramatta Development Control Plan 2011 (DCP 2011)</li></ul>
<b>Zoning</b>	B4 Mixed Use
<b>Bushfire Prone Land</b>	No
<b>Heritage</b>	No, but adjoins <i>1649 Shop (former fire station)</i> at 140 Church Street
<b>Heritage Conservation Area</b>	No
<b>Integrated development</b>	No
<b>Clause 4.6 variation</b>	No
<b>Delegation</b>	<b>Parramatta Local Planning Panel (PLPP)</b> – New licenced premises

#### 3. Site Description and Conditions

The subject site is known as 136 Church Street, Parramatta. The current property description is Lot 1 DP 774940. The site is a mid-block allotment and has a 1.5m slope from the front to the rear of the site over a distance of 44.9 metres.

The subject site has the following area and dimensions (based on Survey Plan):

Area – 413.7 square metres  
Rear – 9.11 metres  
Frontage – 9.145 metres  
North – 44.965 metres  
South – 45.77 metres

The subject site currently accommodates a 2 storey commercial/retail building with a metal roof. It is located within the Parramatta CBD which is characterised by high density developments comprising a range of uses such as a mix of residential, commercial and retail. The site is also in proximity to public transport.

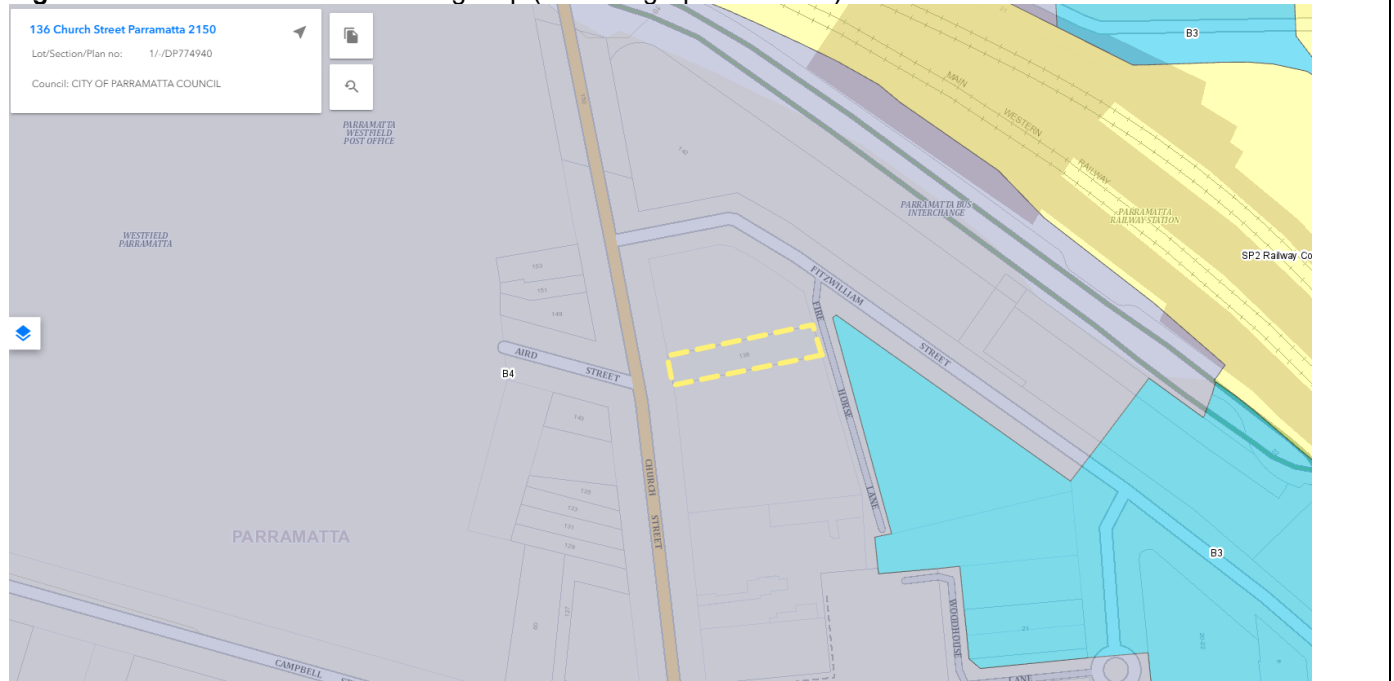
Adjoining the subject site at 140 Church Street is a heritage listed building which was formerly used as a fire station (I649) pursuant to Schedule 5 of PLEP 2011. Whilst the site has since been redeveloped comprising a 26 storey mixed use building, it retained remnants of the fire station.

**Figure 1:** Aerial photo of the 136 Church Street (Nearmap, 11 September 2022)



The subject site and the sites to the north, south and west are zoned as B4 Mixed Use. The sites to the rear of 136 Church Street are zoned B3 Commercial Core.

**Figure 2:** Parramatta LEP 2011 Zoning Map (ePlanning Spatial Viewer)



#### 4. Relevant Site & Application History

Date	Comment
12 October 2004	Development Application DA-847/2004 for <i>Alterations and additions to the existing commercial/retail building that is an item of heritage significance</i> approved by Council.  The subject site is no longer identified as a heritage item under PLEP 2011.
16 January 2014	Development Application DA/757/2013 for <i>Use of the ground floor as a Chinese Grocery store including the sale of alcohol</i> approved by Council.
20 October 2021	Pre-Lodgement Meeting PL/109/2021 for <i>Alterations and additions to the existing 2 storey building on the site to facilitate its use as Food and Drink Premises - 'Pub'</i> held with the Applicant.
10 January 2022	Subject Development Application lodged.

## SECTION 4.15 EVALUATION

### 5. The Proposal

The subject application is for the alterations and additions to the existing 2 storey retail/commercial building on the site to facilitate its use as a Food and Drink Premises - 'Pub'. The proposed development includes the following components:

- Construction of a basement level that will contain the keg room, garbage room, storage, staff room office and staff amenities;
- Changes to the internal layout of the premises to facilitate its use as a pub including the insertion of a passenger lift;
- Additions to the ground floor including the extension of the building to the rear (Fire Horse Lane) and provision of a goods lift that will service the basement and first floor. This level of the pub will contain the general bar and gaming area;
- Additions to the first floor including a rear extension to facilitate the use of the premises as a pub. This area of the pub will contain a second bar and the dining area with an associated kitchen, amenities and balcony; and
- Creation of a Mechanical plant room on the roof.

The proposed hours of operation of the pub are 10am to 4am Monday to Saturday and 10am to midnight Sunday.

Approval is also sought for up to 450 patrons to be on the premises, but this is reduced to 200 patrons after midnight. A security guard is proposed to be present from 7pm each evening, with increased numbers proposed for peak trading periods.

The proposal also seeks approval for 3 x business identifications to be located on both the front and rear facades of the building.

It is noted that the application involves the transfer of an existing hotel licence from within the Parramatta CBD. The license is being transferred from 111 Argyle Street Parramatta, that is located approximately 50 metres from the site. This premises formerly contained the Argyle St Hotel Parramatta, prior to it being acquired by Transport for NSW as part of the Parramatta Station and Bus Interchange upgrade. (It is noted that since July 2021 this licence is temporarily being utilised to run the Collector Hotel at 100 George Street, as part of the client managing its entire operations).

## 6. Land Zoning

### 6.1 Permissibility

The site is zoned as B4 Mixed Use under the Parramatta Local Environmental Plan 2011 (LEP 2011). The proposed use being defined as a *pub* is permissible with consent under the B4 Mixed Use zone.

LEP 2011 defines the proposed use as:

***pub*** means licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold, or entertainment is provided on the premises.

## **6.2 Objectives**

The objectives of B4 Mixed Use are the following:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that contributes to an active, vibrant and sustainable neighbourhood.*
- *To create opportunities to improve the public domain and pedestrian links.*
- *To support the higher order Zone B3 Commercial Core while providing for the daily commercial needs of the locality.*
- *To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.*

The proposed development is consistent with the aims and objectives of the B4 Mixed Use zoning applying to the land as the proposed works allow for a mixture of compatible land uses located within the Parramatta CBD.

## **7. Environmental Planning Instruments**

### **7.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021 – CHAPTER 4 REMEDIATION OF LAND**

- A Site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination;
- Historic aerial photographs were used to investigate the history of uses on the site;
- A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination;
- A search of public authority databases did not include the property as contaminated;
- The Statement of Environmental Effects states that the property is not contaminated; and
- There is no specific evidence that indicates the site is contaminated and is suitable for the pub use.

Therefore, in accordance with Clause 4.7 of the State Environmental Planning Policy SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land, the land is suitable for the use as a pub.

### **7.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021**

#### **7.21 CHAPTER 2 VEGETATION IN NON-RURAL AREAS**

The application has been assessed against the requirements of SEPP. This Chapter seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The application does not propose the removal of trees.

#### **7.22 CHAPTER 10 SYDNEY HARBOUR CATCHMENT**

The site is not located on the foreshore or adjacent to a waterway and therefore, except for the principle of improved water quality, the principles contained within Chapter 10 of the SEPP are not applicable to the proposed development.

The development is consistent with the controls contained within Chapter 20 of the SEPP.

### **7.3 STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 2 INFRASTRUCTURE**

Chapter 2	Comment
<b>Clause 2.45 – electricity infrastructure</b>	N/A. The proposal does not require the provision of a new substation.
<b>Clause 2.48 - Development likely to affect an electricity transmission or distribution network</b>	N/A. The subject site is not within proximity to electricity infrastructure or substation and therefore does not require a referral to an electricity supply authority.
<b>Clause 2.100 – Development in or adjacent to rail corridors</b>	N/A. The subject site does not adjoin a rail corridor.
<b>Clause 2.119 – frontage to a classified road</b>	N/A. This portion of Church Street is not a classified road.
<b>Clause 2.120 - Impact of road noise or vibration on non-road development</b>	N/A. The application does not propose a sensitive land use.
<b>Clause 2.122 – Traffic Generating Development</b>	N/A. Despite proposing a floor area of more than 300m <sup>2</sup> , the proposed pub is not located within 90m of a classified road. Accordingly, no referral is required to the TfNSW.

## 7.4 STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021 – CHAPTER 3 ADVERTISING AND SIGNAGE

The application proposes to remove 9 existing signs and the installation of 3 new signs. The new signage include:

- 1 x LED backlit illuminated Building identification sign on the upper level of the Church Street façade with dimensions of 1620mm high and 3200mm wide;
- 1 x Non illuminated Facia sign along Church Street with dimensions of 285mm high and 2270mm wide; and
- 1x LED backlit illuminated Building identification sign on the Fire Horse Lane façade with dimensions of 1620mm high and 3200mm wide;

**Figure 3:** Location of signage on building façade. Blue boxes denote proposed signs.



It is noted that signage does not extend over the boundary. The blue boxes denote signage location.

The proposed signs are subject to the provisions of SEPP (Industry and Employment) 2021 – Chapter 3. The aims of this Chapter in accordance with clause 3.1 (1a) are:

- (a) to ensure that signage (including advertising):
  - i. is compatible with the desired amenity and visual character of the area, and
  - ii. provides effective communication in suitable locations, and
  - iii. is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and

- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

Clause 3.6 of SEPP (Industry and Employment) 2021 states the following:

“A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfying:

- a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and;
- b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

### Schedule 5 - Assessment Criteria

The following table outlines the manner in which the proposed signage satisfies the assessment criteria of SEPP (Industry and Employment) 2021.

Consideration	Compliance
<b>1 Character of the area</b>	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible with the existing and desired character of Parramatta CBD.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the outdoor advertising in the locality.
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage does not detract from the visual quality of the local area and is particularly sympathetic in design and size to the adjacent heritage item.
<b>3 Views and vistas</b>	
Does the proposal obscure or compromise important views?	Important views will not be compromised or obscured from the installation of the business identification signage.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed business identification signage will not dominate the skyline or reduce the quality of vistas.
Does the proposal respect the viewing rights of other advertisers?	The proposed business identification signage respects the viewing rights of other advertisers.
<b>4 Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage is of an appropriate scale and proportion for the streetscape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed business identification signage will contribute to the visual interest of the streetscape.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal contains three business identification signs. The proposal is consistent with the streetscape and reduces clutter of existing advertising.
Does the proposal screen unsightliness?	The proposed business identification signage will add to the visual interest of the pub.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed business identification signage does not protrude over any object or structure.
Does the proposal require ongoing vegetation management?	The proposed business identification signage will not require ongoing vegetation management.
<b>5 Site and building</b>	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is compatible with the scale, proportion and other characteristics of the site and building.
Does the proposal respect important features of the site or building, or both?	The proposal respects important features of the site and the building.

Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage is of high quality and demonstrates innovation and imagination appropriate for the use of the premises as a pub.
<b>6 Associated devices and logos with advertisements and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No.
<b>8 Safety</b>	
Would the proposal reduce the safety for any public road?	The proposed business identification signage will not reduce the safety for any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed business identification signage will not reduce safety for pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed business identification signage will not reduce safety for pedestrians, particularly children by obscuring sightlines from public areas.

## 7.5 PREVIOUS STATE ENVIRONMENTAL PLANNING POLICIES

Commencement of the Consolidated State Environmental Planning Policies occurred on 1 March 2022. A comparison of the previous and consolidated SEPPS are demonstrated in the table below.

Old SEPP/SREP	New SEPP	New Location
(Vegetation in non-rural areas) 2017 and (Sydney Harbour Catchment) 2005	(Biodiversity and Conservation) 2021	<ul style="list-style-type: none"> <li>Chapter 2 and 10</li> </ul>
No 64—Advertising and Signage	(Industry and Employment) 2021	<ul style="list-style-type: none"> <li>Chapter 3</li> </ul>
No 55—Remediation of Land	(Resilience and Hazards) 2021	<ul style="list-style-type: none"> <li>Clause 7 = cl4.6</li> <li>Clause 17 &amp; 18 = cl4.16 &amp; cl4.17</li> </ul>
(Infrastructure) 2007	(Transport and Infrastructure) 2021	<ul style="list-style-type: none"> <li>Chapter 2</li> </ul>

## 8. Parramatta Local Environmental Plan 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 (LEP 2011) for the proposed development are outlined below.

Standards and Provisions	Compliance
<b>Part 4 Principal Development Standards</b>	
<b>Cl. 4.3 Height of buildings</b>	<b>Complies</b> Maximum = 15m (for site area ≤ 950 square metres as per Cl. 4.3(2A)) Proposed = 12.515m
<b>Cl. 4.4 Floor space ratio</b>	<b>Complies</b>  Proposed = 1.4865:1 (GFA 615m <sup>2</sup> )  The subject site is mapped on the Clause 4.4 Floor Space Ratio Map as 6:1. However, Clause 7.2 states that for any site that is mapped with an FSR of 6:1 but has a site area of less than 1,000m <sup>2</sup> , the applicable FSR is to be 4:1.
<b>Part 5 Miscellaneous provisions</b>	
<b>Cl. 5.1A Development on land intended to be acquired for public purposes</b>	The subject site is not subject to land reservation acquisition.
<b>Cl. 5.4 Controls relating to miscellaneous permissible uses</b>	These provisions do not apply to the development proposal.
<b>Cl. 5.6 Architectural roof features</b>	An architectural roof feature is not proposed.

<b>Cl. 5.7 Development below mean high water mark</b>	The proposal is not for the development of land that is covered by tidal waters.
<b>Cl. 5.10 Heritage conservation</b>	The subject site does not contain a heritage item and does not fall within a heritage conservation area. However, the site adjoins a heritage item located on 140 Church Street. Council's Heritage Adviser has reviewed the proposal and relevant information and raised no objections to the proposal.
<b>Cl. 5.20 Standards that cannot be used to refuse consent – playing and performing music</b>	There are no recommendations to refuse the application on types of music performance, dancing activity, dance floor area, stage locations, and decorations. The noise activities in the pub can be managed and minimised to an acceptable level. A review of the submitted Acoustic Report submitted with the application recommends several measures to ensure noise from the pub are adequately mitigated. These include acoustic absorption, glazing, location of amplification speakers, noise limiter and timing of use of external speakers. The report and these recommendations are supported by Council's Health Officer who provided conditions to be incorporated in the consent.
<b>Cl. 5.21 Flood planning</b>	The site is not identified to be flood prone land.
<b>Part 6 Additional local provisions - generally</b>	
<b>Cl. 6.1 Acid sulfate soils</b>	Yes, the site is identified as containing Class 5 Acid Sulfate Soil. An Acid Sulphate Soils Management Plan is not required to be prepared in this instance.
<b>Cl. 6.2 Earthworks</b>	The site is an irregular allotment and has a slope from the rear to the front of the site of approximately 1.5m. The application proposes one basement level. Council's Development Engineer has reviewed the application support the proposal with regards to the proposed earthworks.
<b>Cl. 6.4 Biodiversity protection</b>	The site is not identified on this map.
<b>Cl. 6.5 Water protection</b>	The site is not identified on this map.
<b>Cl. 6.6 Development on landslide risk land</b>	The site is not identified on this map.
<b>Cl. 6.7 Affected by a Foreshore Building Line</b>	The site is not located in the foreshore area.
<b>Part 7 Additional local provisions – Parramatta City Centre</b>	
<b>Cl. 7.3 Floor space ratio</b>	<b>Complies</b> Maximum = 4:1 (GFA 1,654.8m <sup>2</sup> ) Proposed = 1.4865:1 (GFA 615m <sup>2</sup> ) with balcony 591.5m <sup>2</sup> without balcony
<b>Cl. 7.5 Sun access</b>	<b>Complies</b> The proposed height of 12.715m does not cast any shadows to Lancer Barracks or Jubilee Park.
<b>Cl. 7.8 Active Frontages</b>	<b>N/A</b> Despite the subject site benefiting from 2 street frontages, both frontages accommodate entries to the pub.
<b>Cl. 7.15 Car parking</b>	<b>Complies</b> Cl. 7.15 requires certain uses to be subject to <u>maximum car parking spaces</u> to be provided on site. The proposed use being defined as a <i>pub</i> is not subject to a maximum car parking space in this clause. One (1) loading bay capable of accommodating a Small Rigid Vehicle (SRV) is proposed at the rear of the property fronting Fire Horse Lane.
<b>Cl.7.20 Managing Heritage Impacts</b>	<b>Complies</b> The site adjoins a heritage listed item on 140 Church Street. The submitted SoEE has provided an assessment of impacts of the development on the heritage item and which was reviewed by Council's Heritage Adviser. Upon review Council's Heritage Adviser raised no objections to the proposal.
All other clauses within Part 7 of LEP 2011 do not apply to the development proposal.	

## 8. Parramatta Development Control Plan 2011



The relevant matters to be considered under the Parramatta Development Plan (DCP) 2011 for the proposed development are outlined below.

<b>Control</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Part 2 – Site Planning</b>		
<b>2.4 Site Considerations</b>		
<u>2.4.1 Views and vistas</u>	The proposed alterations and additions do not affect any significant views and vistas within vicinity to the subject site as identified in Appendix 2 of the DCP.	Yes
<u>2.4.2 Water Management</u>	The proposal does not impact waterways and groundwater.	Yes
<u>2.4.3 Soil Management</u>	The proposed earthworks are considered satisfactory. An adequate sedimentation plan has been provided to ensure adjoining properties are not impacted. Whilst the subject site is identified to contain Class 5 acid sulphate soils, the proposed earthworks are considered satisfactory and complies with Clause 6.1 of LEP 2011.	Yes
<u>2.4.5 Air quality</u>	The proposal does not impact on air quality. Any vents/plants discharging air from the site will be conditioned to comply with the relevant standards and controls.	Yes, subject to conditions.
<u>2.4.6 Development on sloping land</u>	The site is generally on flat land and the proposed additions are acceptable.	Yes
<u>2.4.7 Biodiversity</u>	The site does not have biodiversity communities.	Yes
<u>2.4.8 Public domain</u>	The proposal meets the controls. Council's Public Domain Specialist and Pavement and Projects Engineer reviewed the proposal and raised no objections to the works.	Yes
<b>Part 3 – Development Principles</b>		
<b>3.1 Preliminary Building Envelope</b>	Site specific CBD controls apply, refer to Section 4.3.3.1 below.	N/A
<b>3.2.1 Building Elements</b>		
<u>3.2.1 Building Form and Massing</u>	The proposal is for alterations and additions to an existing two storey building. In this regard, the proposal maintains a similar bulk when viewed from the Church Street frontage. Similarly, despite the additions to the rear, the development maintains a 2 storey form along the Fire Horse Lane frontage. The development therefore responds to the topography and shape of the site. The proposed height and mass of the pub does not in this instance result in unreasonable loss of amenity to adjacent properties.	Yes
<u>3.2.2 Building Facades and Articulation</u>	The works incorporate a façade with a balance of horizontal and vertical elements that ensures compatibility with the design of the existing building.  Entries on both frontages provide a sense of address and visual interest whilst being easily identifiable when viewed from the street. These entries are linked to pedestrian paths.	Yes
<u>3.2.3 Roof Design</u>	The roof for the pub is predominantly flat with only the plant room roof pitched. Given this, the roof form as proposed maintain sympathy with existing development along the streetscape.	
<u>3.2.4 Energy Efficient Design</u>	Conditions of consent will be imposed to ensure compliance with the energy efficiency provisions in accordance with the NCC.	Yes
<u>3.2.5 Streetscape</u>	The urban context of the wider locality is a mix of low to high density commercial, retail, and residential.  The development is of an appropriate bulk and scale and design to compliment the streetscape. As such, the development is consistent with	Yes

	<p>the B4 Mixed Use zoning of the site and the future streetscape character of the area.</p> <p>Basement carparking is provided to minimise the impact of parking structures on the building façade.</p>	
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<b>3.3 Environmental Amenity</b>		
<u>3.3.3 Visual and Acoustic Privacy</u>	<p>Due to the proposed use of the premises as a pub, the application was submitted with an Acoustic Report that provided recommendations to ensure that the development does not result in adverse acoustic impacts. These recommendations were reviewed by Council's Health (Acoustic) Officer who raised no objections to the report or recommendations, which will be incorporated into the consent.</p> <p>It is noted that due to the nil boundary setbacks, no window openings are proposed along the side elevations. The internal balcony also does not contain windows that address residential properties, it does however contain operable louvres that open at the roof level. It is recommended that the use of the balcony be restricted to ensure no impacts on the adjoining residential building. The use of the balcony will be prohibited after 10pm.</p> <p>As there are no current controls with regards to Late Night Trading within the LGA, a merit based assessment of the hours of operation have been conducted. See Section 10.</p> <p>To ensure that the visual and acoustic amenity of adjoining premises is protected, the hours of operation have been modified.</p>	Yes
<u>3.3.5 Solar Access and Cross Ventilation</u>	The building provides a finished floor level of 3.6m on the ground floor and 3.76m on the first floor to allow the pub use to work efficiently and to allow flexibility for future uses.	Yes
<u>3.3.6 Water Sensitive Urban Design</u>	Council's Development Engineer has advised that the concept OSD plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.	Yes
<u>3.3.7 Waste Management</u>	<p>The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.</p> <p>The garbage room is located within the basement. Waste collection will be undertaken by a private contractor.</p>	Yes
<b>3.4 Social Amenity</b>		
<u>3.4.2 Access for People with Disabilities</u>	The application was submitted with an Access Report which was reviewed by Council's Accessibility Officer. Upon review, Council's Accessibility Officer raised no objections. The Access Report as well as standard conditions requiring compliance with the relevant NCC and Australian standards will be included in the consent.	Yes
<u>3.4.4 Safety and Security</u>	<p>The application was provided with a Plan of Management which details safety and security measures for visitors to the premises. These measures include CCTV, provision of security officers and enforcement of Responsible Service of Alcohol and Responsible Conduct of Gaming. The proposal along with the Plan of Management was reviewed by Council's City Safe Operations Manager and NSW Police who raised no objections to the proposal subject to conditions of consent.</p> <p>As previously noted, to ensure the safety and security of patrons and for adjoining premises the hours of operation have been reduced.</p>	Yes
<b>3.5 Heritage</b>	<p>The site does not contain a heritage item.</p> <p>The site is not within a heritage conservation area.</p>	Yes

	The site however adjoins a heritage listed item on 140 Church Street. Council's Heritage Adviser reviewed the proposal and raised no objections to the application.	
<b>3.6 Movement and Circulation</b>	The site is located within close proximity to Parramatta train station and bus interchange. Accordingly, a car share program or a travel plan is not required.	N/A
<u>3.6.2 Parking and Vehicular Access</u>	Vehicular access is not provided along the boundary adjacent to residential uses. Loading facilities is located within the site.	
<b>Part 4 – Special Precincts: Parramatta City Centre</b>		
<b>4.3.3.1 Building Form</b>		
<u>Minimum street frontage</u> 20m	The existing street frontages are 9.415m (Church Street) & 9.11m (Fire Horse Lane). As the proposal is for the alterations and additions to an existing building, it is not possible to achieve full compliance to this control. It is considered that the proposed 2 storey building achieves an appropriate overall horizontal proportion compared to their vertical proportions.	<b>No</b> , but acceptable.
<u>Building to street alignment and street setbacks</u> 0m setback	Ground Floor: 0m (Church Street) & 6.2m (Fire Horse Lane) First Floor: 0m (Church Street and Fire Horse Lane)	Yes
<u>Street wall frontage height</u> 4 storeys/14m (Fig. 4.3.3.1.6)	2 storeys & 12.715m	Yes
<u>Upper storeys setback</u> 6m	No additional upper storeys proposed.	N/A
<u>Building depth and bulk</u>	The site is not zoned B3 Commercial Core and does not propose a residential use or serviced apartments.	N/A
<u>Min. side setback</u> 0m	0m side setback proposed	Yes
<u>Building form and Wind Mitigation</u>	A wind report is not required for a two (2) storey building.	N/A
<u>Building Exteriors</u>	The building exteriors complement the existing buildings on both street frontages including the heritage item that adjoins the development site. The proposal provides a modest roof element, scale, appropriate locations for signage and complimentary materials and finishes. It is also noted that Council's Heritage Adviser raised no objections to the proposed building exterior.	Yes
<u>Sun Access to Public Spaces</u>	The proposed building form will not cast any shadows to either Lancer Barracks or Jubilee Park.	N/A
<b>4.3.3.3 Public Domain and Pedestrian Amenity Awnings</b>		
	The existing awning fronting Church Street is proposed to be retained.	Yes
<b>4.3.3.4 Views and View Corridors</b>		
	The proposed works does not impact the important views and view corridors of the Parramatta CBD.	Yes
<b>4.3.3.5 Access and Parking</b>		
<u>Location of Vehicle Access</u>	The proposed loading bay is located at the rear fronting Fire Horse Lane. No vehicle access is proposed to Church Street.	Yes
<u>Pedestrian Access and Mobility</u>	Both entry points from Church Street and Fire Horse Lane are clearly visible and are enhanced with awnings.	Yes

<u>Vehicular Driveways and Manoeuvring Areas</u>	An SRV vehicle can adequately enter and exit the site without impacting any street furniture on Fire Horse Lane.	
<b>4.3.3.6 Environmental Management</b>	New landscaping is provided along the southern edge of the building as well as within the setback along Fire Horse Lane. Council's Landscape Officer has reviewed the proposal and raised no objections subject to conditions of consent.	Yes

<b>Part 5 – Other Provisions: Signage</b>		
<b>5.5 Signage</b>	<p>The proposed signage complies with this section of PDCP as follows:</p> <ul style="list-style-type: none"> <li>• The proposed signs are sited and designed so that it does not adversely impact on the amenity of the streetscape and the surrounding locality</li> <li>• The signs do not dominate or obscure other signs or result in visual clutter.</li> <li>• The signs are compatible with the design, scale and architectural character of the building on which they are to be placed.</li> <li>• The structures supporting the signs are of a high aesthetic appearance and does not impact on the visual amenity of the locality.</li> <li>• Materials used for the signs are durable, fade proof and of a high aesthetic quality.</li> <li>• The signs are for business identification purposes and does not protrude above the skyline.</li> <li>• The content of the signs relate directly to the pub use carried out on or associated with the building</li> <li>• The language of signs is accessible to the wider population.</li> <li>• The signs are structurally sound and constructed to ensure pedestrian and traffic safety.</li> <li>• The signs and their supporting structures are not hazardously located to passers-by and for traffic safety so is to obscure a driver's or pedestrian's view of road or rail vehicles, pedestrians or features of the road, railway or footpath</li> <li>• The signs whilst illuminated, will not cause discomfort to, or inhibit vision of drivers or pedestrians - mistaken as an official traffic sign and should not distract a drivers attention or be confused with traffic signal instructions.</li> <li>• The signs will be made to comply with the applicable requirements of the NCC via conditions of consent.</li> <li>• The illumination of the signs does not to detract from the architecture of the supporting building during daylight.</li> <li>• The illumination of the signs is energy efficient.</li> <li>• The signs will not contribute to visual clutter.</li> <li>• The signs permit adequate identification while avoiding visual clutter.</li> <li>• The signs reflect the character of the mixed use locality in which they are located and is incorporated into the development</li> <li>• The signs do not address adjoining residences and generally face street frontages.</li> </ul>	Yes

## **9. Draft Late Night Trading Development Control Plan**

The Draft Late Night Trading Development Control Plan was on public exhibition from 6 December 2021 to 31 January 2022. The intention of this DCP is to facilitate growth and diversification of the night-time economy by balancing night-time vibrancy and reasonable levels of residential amenity, encouraging a broad and inclusive mix of uses throughout the night, and ensuring good venue practices to promote safety and community amenity.

The draft DCP is neither imminent nor certain and therefore cannot be considered in the assessment of the current proposal. Impacts of the hours of operation and noise from the proposal are discussed elsewhere in this report.

Should the Draft Late Night Trading Development Control Plan be adopted, it would remain open to the proponent to seek consideration of hours against whatever provisions may apply to the intended use in this location.

## 10. Hours of Operations

Council does not currently have a Late Night Trading DCP that has been adopted by Council.

The applicant proposes the following hours of operation:

Monday to Saturday – 10am to 4am  
 Sunday – 10am to Midnight

Similar premises within the CBD and nearby to the site contain the following hours of operation:

- General Bourke – up to 6am (Fri-Sat), 4am (Mon-Thurs) and Midnight (Sun)
- Commercial Hotel – up to 6am (Fri), 5am (Sat), 4am (Mon-Thurs) and Midnight (Sun)
- Collector Hotel – 4am (Mon-Sat) and Midnight (Sun)

The above premises have been within Parramatta CBD for many years; however, none of these hotels are adjoining residential properties.

Council does not agree to the 4am opening time between Monday to Friday due to:

- Close vicinity to a residential property

Council proposes the following hours of operation.

Day	Hours	Balcony
Sunday to Thursday	10am to 12 midnight	10pm
Friday and Saturday	10am to 2am	10pm

## 11. Referrals

The application has been referred to Council's relevant internal teams for assessment. The referral responses have been summaries and discussed in the table below.

Internal	Comment				
Development Engineer	The proposed development is satisfactory subject to the imposition of conditions.				
Citysafe and Operations Manager	No objections, subject to conditions.				
Health (Acoustic) Officer	No objections, subject to conditions.				
Health (Food) Officer	No objections, subject to conditions.				
Health Officer (General)	No objections, subject to conditions.				
Traffic Engineer	No objections, subject to conditions.				
Waste	No objections, subject to conditions.				
Catchment Management	No objections, subject to conditions.				
Civil Assets	No objections, subject to conditions.				
Pavement and projects	No objections, subject to conditions.				
Heritage	No objections. <i>The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database. The alterations and additions proposed with this DA at 136 Church Street Parramatta, would not have a negative impact on the curtilage of the adjoining heritage listed item Former Fire Station (1649).</i>				
Urban Design Public Domain	No objections subject to conditions.				
Urban Design Universal Access	No objections.				
Social Outcomes	Whilst Council's Social Outcomes raised no objections to the proposal, they recommended that the following conditions be included within the consent. In response, the following comments are provided.				
	<table border="1"> <thead> <tr> <th>Recommended Condition</th> <th>Planning Comment</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Recommended Condition	Planning Comment		
Recommended Condition	Planning Comment				

	<p><b>That,</b> there be no signage, either printed or digital, communicating either through words (e.g. 'VIP room') or imagery (e.g. gold coins, dragons) that there is an Electronic Gaming Machine (EGM) room onsite, and that this not be lodged as a separate DA, CDC or any other application at a later stage.</p>	<p>A condition will be imposed on the consent that there be no signage promoting the EGM.</p>
	<p><b>That,</b> the applicant considers revising the hours of operation to 10am to 12am, Sunday to Wednesday, and 10am to 2am Thursday to Saturday, taking into consideration the family friendly nature of the area and the trading hours of neighbouring retail and dining.</p>	<p>As previously stated, the hours as proposed by the applicant have been reduced to take into consideration the context of the area.</p>
	<p><b>That,</b> the applicant relocates the accessible toilet on the ground floor to a more suitable area, so that it may be accessed by patrons under the age of 18 and without having to go through the gaming room.</p>	<p>Due to the narrow nature of the site, accessible toilets on the ground floor as well as on the first floor (along with general access toilet facilities) is located closer towards the rear of the building where it is appropriately located without compromising the general layout. The application was reviewed by Council's Officer Universal Access and raised no objections to the location of the accessible toilet.</p>
	<p><b>That,</b> the applicant clarifies the location of the designated smoking area on the ground floor, with consideration given to venue patrons and the amenity of the surrounding area.</p>	<p>A review of the plans indicates that there are no designated smoking areas on the ground floor. However, the gaming room on the ground floor can accommodate patrons smoking as it is open through the voids.</p>
	<p><b>That,</b> the applicant erects 'No smoking' signs at the front and rear of the site, to support the use of the area by pedestrians.</p>	<p>To be conditioned.</p>
	<p><b>That,</b> the applicant clarifies whether ATMs will be available onsite, and if so, their location on the premises.</p>	<p>Amended plans were submitted indicating that an ATM is located on the ground floor within proximity to the entrance from Church Street.</p>
	<p><b>That,</b> the applicant clarifies the venue entrance for patrons and</p>	<p>PDCP 2011 requires that there is an address and point of entry from both street frontages. The Plan of Management states that security officers will</p>

	<p>considers providing access via Church Street only, to minimise opportunities for loitering and antisocial behaviour in Fire Horse Lane.</p>	<p>take all practical steps to ensure that patrons leaving the premises do not loiter or linger in the area or cause nuisance in the neighbourhood.</p>
	<p><b>That,</b> the applicant provides information regarding how complaints will be recorded and resolved.</p>	<p>The Plan of Management states that contact details of person/s handling complaints will be located outside the main entrance while the pub is in operation. Further, a condition will be imposed on the consent requiring the licensee keep and maintain a complaints register.</p>
	<p><b>That,</b> the applicant provides information regarding management of deliveries to ensure Fire Horse Lane is not obstructed.</p>	<p>To be conditioned.</p>
	<p><b>That,</b> the applicant provides details of an emergency evacuation plan, including escape routes for the venue.</p>	<p>To be conditioned.</p>
	<p><b>That,</b> the applicant provides information regarding training for staff in the areas of responsible service of alcohol and gambling, and details on the protocols to identify and reduce harm.</p>	<p>This is contained in the Plan of Management.</p>
	<p><b>That,</b> the applicant revises the gaming room shutdown hours to be 12am to 10am on Mondays, reflecting the gaming room trading hours of 10am to 12am on Sundays.</p>	<p>The gaming room hours is part of the reduced hours of operation Council has imposed via a condition of consent.</p>
<p>Design Excellence Advisory Panel (DEAP)</p>	<p>The following comments were provided by DEAP at its meeting on 14 April 2022.</p> <ul style="list-style-type: none"> <li><i>This proposal has been submitted to the Panel to provide feedback and advice relative to how the application can satisfy Design Excellence. This is in part due to concerns that the proposed elevational resolution to both Church Street and Fire Horse Lane are not adequately responding to current and future context. It is noted that no DEAP pre-lodgement meeting has been undertaken.</i></li> </ul> <p>Applicant response – The proposal is for alterations and additions to a two-storey building. The development substantially improves the presentation of the building to Church Street and Fire Horse Lane. Notwithstanding this, the design of the building has been refined because of DEAP feedback.</p> <p>Council response – Council has reviewed the changes to DEAPs concerns and it is considered to be an improvement on the original submission.</p>	

- *Given that the site fronts Church Street and Firehorse Lane being streets with a high volume of pedestrian traffic, and in close proximity to the train station, it is important that the street level presentations are of a high quality. The Panel believes that the current proposal should be reconsidered to better respond to context and provide a higher quality solution. Elevations that provide a well resolved compositional and proportional response that encourages both street activation and surveillance should be developed.*

Applicant response – The design has been refined and simplified as requested by the panel. Most of the façade contains aluminium battens that provide the building with a modern look that is consistent with the new buildings in this precinct.

The revised design provides increase street activation and passive surveillance of both Church Street and Fire Horse Lane.

Council response - Council accepts the changes made to the proposal as it satisfactorily responds to DEAP's concerns.

- *Currently the West elevation presents as a closed and passive face to Church Street with fixed glazing along the frontage. The drawings make no distinction between clear and opaque glazing and this has a direct impact on the composition and presentation of the street frontage. An opaque central fixed window is assumed to be required at both levels as the lift core is pressed hard up against this opening for most of its width. Given the poorly resolved junction between these two elements clear glazing could not be supported.*

Applicant response – The design has been refined with the internal layout altered to ensure that all five windows on this elevation are clear glazing with the ground floor windows capable of being open to provide a direct connection to the street.

Council response - Council has reviewed the changes and is satisfied that changes have been made to address DEAP's concerns.

- *The planning of the proposed main entry also limits street activation as it only offers circulation routes to Ground and First floors with no added activity.*

Applicant response – The lift core and stairwell have been swapped to provide increased activation of Church Street.

Council response - Changes are accepted as it responds to DEAP's concerns.

- *It is the Panel's opinion that the lift core should be relocated further into the space to allow the street frontage to be redesigned to provide considered openings to the street via operable windows, sill seating etc. This would provide for the necessary street activation allowing passive interaction between patrons and pedestrians. It would also potentially improve the layout with the cocktail function extending along the frontage toward the entry. The amenity a vibrant Pub may offer could therefore be extended into the public realm, particularly along the rear lane. It is understood that there are general acoustic concerns given the proximity to residential units however this potential impact could be managed and balanced.*

Applicant response – As requested the lift core has been relocated further into the building to increase activation.

The entry sequence from Fire Horse lane has been improved with a glass awing and new paving provided to clearly identify this entrance.



Council response - Changes made and accepted.

- *A similar window clash occurs on the first floor with an additional clash occurring at an adjacent window due to the location of booth seating and is not supported.*

Applicant response – The design has been refined and booth seating removed from the western end of the first floor to ensure an appropriate streetscape presentation.

Council response - Changes made and accepted.

- *It is understood that there is servicing and deliveries required for this type of use however the Panel considers it unfortunate that there is again no provision of activation along this Lane edge. It may be that a dual use is possible given that deliveries only occur at certain times of the day for a short period of time.*

Applicant response – The revised design improves the entry sequence to the building from Fire horse lane. There remains the opportunity for this space to be utilised by a food truck, coffee cart, etc when not being used for deliveries although this application does not seek approval for this.

Council response - Changes made and accepted.

- *Ideally both frontages should therefore open to the street responding to current and future context. It is considered likely over time that Council will seek to activate the Lane given its location within the CBD.*

Applicant response – The revised design improves the entry sequence to the building from Fire horse lane. There remains the opportunity for this space to be utilised by a food truck, coffee cart, etc although this application does not seek approval for this.

Council response - Changes made and accepted.

- *The rear façade currently proposes a solid awning extending over the proposed rear entry ramp and paved area. This limits passive surveillance of the rear lane and requires reconsideration. Aside from proposing a glazed awning to address this issue, an enclosed balcony is also suggested to provide increased amenity for patrons and the Lane.*

Applicant response – The design has been refined and a glazed awning provided.

Council response - Changes made and accepted.

- *The current facade treatments should also be further resolved as the aluminium batten placement in conjunction with rendered walls seems arbitrary. Taking the points above into consideration will require a redesign and it is important that any resubmission to the Panel contains a series of 3D views both from pedestrian eye level and to indicate streetscape context. A quality façade will require careful detailing and material choices and this should be clearly explained in the revised package.*

Applicant response – The design has been revised and simplified with a 3D photomontage of the proposed finishes included with the application. This demonstrates that the revised building appropriately responds to its context and will be a substantial visual improvement from what exists currently.

Council response - 3D views provided. Changes made and accepted.

	<ul style="list-style-type: none"> <li><i>The Panel suggested that consideration to centralising the service functions of the plan layout on both levels would assist in reassessing both ends of the building.</i></li> </ul> <p>Applicant response – The services function has been retained in their current locations, however the other revisions have improved passive surveillance opportunities from the building.</p> <p>Council response - Due to the narrow nature of the site and the development, centralising services whilst addressing the necessary design requirements of the controls could not be achieved, Notwithstanding, the majority of DEAPs concerns were addressed and in this regard is considered acceptable.</p> <ul style="list-style-type: none"> <li><i>It is important that a series of cross sections be generated particularly given the balcony and glazed louvres proposed at roof level. This would also assist in understanding the internal landscape concept proposed, as this is currently not adequately explained. It is noted that the current roof level operable glazed louvre proposed to satisfy smoking regulations may have issues relative to acoustic impacts and this may require reconsideration if not resolvable.</i></li> </ul> <p>Applicant response – The revised architectural package includes eleven sections to assist with better understanding the proposed alterations and additions to the building.</p> <p>Council response - Additional elevations were provided. Council’s Health (Acoustic) Officer reviewed the proposal along with the submitted Acoustic Report and raised no objections to the proposal subject to conditions of consent.</p> <ul style="list-style-type: none"> <li><i>The landscaped internal courtyard / lightwell has a major role in creating character and enhancing the ambience of the pub. This can be achieved through a combination of shade tolerant climbing and hanging plants, artwork or mirrors to amplify the spatial quality. Consideration should also be given to the integration of climbing plants on both front and rear facades, as appropriate, to contribute to the greening of Parramatta.</i></li> </ul> <p>Applicant Response - A landscape plan prepared by Create Landscape Architects accompanied the amended submission and details the proposed plantings within the building and to Fire Horse land that will enhance the landscaped setting of the building and Fire Horse Lane.</p> <p>Council Response - A landscape plan was prepared and submitted for Council’s review. Upon review, Council’s Landscape Officer raised no objections to the proposal subject to conditions of consent.</p>
<b>External</b>	<b>Comments</b>
Parramatta Police Area Command – Licensing Sergeant	No objections, subject to conditions. <i>The premises is to be operated at all times in accordance with the Plan of Management dated November 2021. The plan may be varied from time to time after consultation with and in agreement with the local Police Area Commander. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer or Liquor and Gaming NSW inspector.</i>

**12. Public Consultation**

The application was notified in accordance with Council’s *Consolidated Notification Requirements 2020*. In response ten (10) submissions were received. The issues raised within those submissions have been summarised and addressed below.

Issue	Response
Community Impacts	

Concerns are raised with the anti-social behaviour being generated from the premises.	The application was submitted with a Plan of Management that details how anti-social behaviour will be minimised through various safety measures as well as staff being appropriately trained in the service of alcohol as well as gaming management. The application was also reviewed by Council's Citysafe and Operations Manager and NSW Police who raised no objections to the proposal subject to conditions of consent. It is noted that the hours of operation have been modified to reduce instances of anti-social behaviour.
The site is not an ideal location as it will create alcohol and gambling issues to the general public.	The application was submitted with a Social Impact Statement which did not conclude any correlation between the proposed location of the pub and an increase in alcohol and gambling issues within the public. This report was reviewed by Council's Social Outcomes who raised no objections to the proposal subject to conditions of consent.
Acoustic impacts to the residents of 140 Church Street, Parramatta (western adjoining lot).	An Acoustic Report was submitted that indicated that the residents at 140 Church Street will only experience a slight exceedance of the noise criteria during daytime hours. Noise amelioration measures as recommended by the report will ensure compliance within all octave bands at 140 Church Street. The night time assessment of the proposal has the potential to exceed the noise criteria at 140 Church Street. However, noise attenuating measures applied to the development such as the use of acoustic absorption, glazing, location of first floor speakers, closing of external doors, installation of a noise limiter and maximum noise levels for external speakers will ensure compliance with the criteria for sensitive receivers such as the residents of 140 Church Street.
Music should cease at 10pm.	The Acoustic Report submitted with the application recommends that a noise limiter be installed on the venues internal speaker system. External speakers are also limited to a sound pressure level of no more than 70 dB(A) before midnight and 60 dB(A) after midnight. Council's Health (Acoustic) Officer reviewed this recommendation and raised no objections subject to conditions of consent.
The balcony should be closed from patrons at 10pm.	The balcony is contained within the building and is not anticipated to contribute to any additional adverse acoustic and/or smoke impacts.
The proposed hours of operation are not consistent with the Draft Late Night Trading DCP.  The premises should not operate until 4AM.	This is addressed elsewhere in the report.
Clarification is required on the proposed development as the development description is misleading.	The description states that the application seeks approval for alterations and additions to an existing building for the use as a licensed pub.
<b>Plan of Management</b>	
The Plan of Management for the licenced premises has not been submitted.	The Plan of Management was submitted with the application.
No smoking signs are to be erected at the front and back entrances of the premises.	This is to be imposed as a condition of consent.
Concerns are raised as to whether patrons can access the premises from the rear at Fire Horse Lane (rear street). Patrons should only enter and exit from Church Street to minimise the interface with Fire Horse Lane.	Council's DCP requires that both street frontages provide access/address to ensure activation of the laneway.
<b>Street Activation</b>	
The proposed elevations do not contribute to the street activation or the amenity of the area. There should be amendments to ensure that passive surveillance and visual amenity is achieved.	Plans were amended to ensure that the elevations promote street activation and maintain amenity on the streetscape. The proposal provides an address and entries from both street frontages to ensure street activation.
<b>Stormwater</b>	

The drawing D2 titled “Basement Floor and Ground Floor/Site Plans + Details” prepared by Quantum Engineers shows a proposed discharge point for the site stormwater at a pit on Fitzwilliam Street which requires trenching across the driveway of 140 Church Street and demolition of ~20m of the new paving on Fire Horse Lane. There is a pit directly outside the Site, why is this not being connected to? Where is the current discharge point of the site?	An OSD is required for the site which cannot be located below the development as it would be difficult to maintain without disruption to the building. As such, an OSD is located on the Fire Horse Lane frontage below the loading bay. The nearest discharge point in the regard is the pit on Fitzwilliam Street.  Council’s Development Engineer has reviewed the stormwater works proposed and upon review raised no objections subject to conditions of consent.
<b>Reference to 111 Argyle Street</b>	
The Statement of Environmental Effects makes references to the old pub at 111 Argyle Street. There is no historical connection of the old pub with the new pub being proposed.	111 Argyle Street is referenced in the statement as the liquor license at these premises (previously known as the Argyle Street Hotel Parramatta) will be transferred to the pub subject of this application.
<b>Vehicular Manoeuvring</b>	
The swept paths submitted for vehicles that will service the site will impact the street furniture on Fire Horse Lane (rear street).	Council’s Traffic Engineer has reviewed the proposal including the swept paths for vehicles on Fire Horse Lane and raised no objections to the proposal subject to conditions of consent.
<b>Police</b>	
The application should be referred to NSW Police for comments.	The application was reviewed by NSW Police who raised no objections to the proposal subject to conditions of consent.

**Amended Plans**

Yes

Summary of amendments

- Plans were amended in accordance with DEAP’s recommendations.

In accordance with Council’s *Consolidated Notification Requirements 2020*, the application did not require re-notification as the amended application is substantially the same development and does not result in a greater environmental impact.

**132. Conciliation Conference**

On 11 December 2017, Council resolved that:

*“If more than 7 unique submissions are received over the whole LGA in the form of an objection relating to a development application during a formal notification period, Council will host a conciliation conference at Council offices.”*

Council’s Crisis Management Team suspended all Conciliation Meetings from 25 March 2020. These meetings were resumed on 1 April 2022. Whilst the application received 10 unique submissions, the application was lodged prior to the re-commencement of the Conciliation Meetings (10 January 2022). Accordingly, the Conciliation Conference was not required to be held.

**134. Development Contributions**

In accordance with Council’s Parramatta CBD Contributions Plan (Amendment No. 5), a Section 7.12 Development Contribution is required to be paid as the cost of works exceeds \$250,000. A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

**145. Bonds**

In accordance with Council’s Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. A standard condition of consent has been imposed requiring the Security Bond to be paid prior to the issue of a Construction Certificate.

**165. EP&A Regulation 2000**

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions.

## **176. Conclusion**

### **Conditional consent**

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. It has been approved for the following reasons:

1. The development is permissible in the B4 zone and satisfies the requirements of all the applicable planning controls.
2. The development will be compatible with the emerging and planned future character of the area.
3. For the reasons given above, approval of the application is in the public interest.

Therefore, it is recommended that the application be approved subject to conditions.

## **178. Recommendation**

### **APPROVAL SUBJECT TO CONDITIONS**

**Pursuant** to Section 4.16 of the Environmental Planning and Assessment Act, 1979, that Council grant development consent to DA/10/2022 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to conditions of consent.

The reasons for the conditions imposed on this application are as follows:

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 4.15 of Environmental Planning and Assessment Act 1979 are maintained.

## **DRAFT CONDITIONS OF CONSENT**

**Development Consent No.:**  
**Property Address:**

**DA/10/2022**  
**LOT 1 DP 774940**  
**136 Church Street, PARRAMATTA NSW 2150**

### **PART A – GENERAL CONDITIONS**

1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

Architectural Drawings

Drawing/Plan No.	Issue	Plan Title	Dated
DA-01-1.1	C	Site Plan	20 May 2022
DA-01-2	F	Basement Plan	20 May 2022
DA-01-3	H	Ground Floor Plan	20 May 2022
DA-01-4	G	First Floor Plan	20 May 2022
DA-01-5	F	Roof Plan	20 May 2022
DA-02-1	D	Elevations	20 May 2022
DA-02-2	D	Section 01	20 May 2022
DA-02-3	D	Section 02	20 May 2022
DA-02-4	C	Section 03	20 May 2022
DA-02-5	B	Section 04	20 May 2022
DA-02-6	B	Section 05	20 May 2022
DA-02-7	B	Section 06	20 May 2022
DA-02-8	A	Sections 07, 08 and 09	20 May 2022
DA-02-9	A	Sections 10 and 11	20 May 2022
DA-03-1	A	Typical Kitchen Details	24 November 2021
DA-03-2	A	Typical Garbage Room Details	24 November 2021
DA-03-3	A	Window Plan Details	24 May 2022
DA-04-1	B	External Colours and Finishes	24 March 2022

Civil Drawings/Stormwater

Drawing/Plan No.	Issue	Plan Title	Dated
Job No. 210475 Drawing No. D1	D	Details, Notes and Legend	13 July 2022
Job No. 210475 Drawing No. D2	D	Basement Floor and Ground Floor/Site Plans + Details	13 July 2022
Job No. 210475 Drawing No. D3	D	Roof Plan	13 July 2022
Job No. 210475 Drawing No. D4	D	Catchment Analysis and Stormwater Details	13 July 2022
Job No. 210475 Drawing No. D5	D	Sediment Control Plan	13 July 2022

Landscape Drawings

Drawing/Plan No.	Issue	Plan Title	Dated
Project No. CR202246 Drawing No. LC01	A	Landscape Concept Plan – Ground Floor	11 May 2022
Project No. CR202246 Drawing No. LC02	A	Landscape Details Plan	11 May 2022

Specialist Reports

Document	Ref No.	Issue	Prepared By	Dated
Waste Management Plan	N/A	N/A	N/A	N/A
Gaming Plan of Management	N/A	N/A	N/A	N/A

Fire Safety Assessment	N/A	N/A	Local Fire	N/A
Geotechnical Investigation	6706-G1	0	AssetGeoEnviro	9 December 2021
Access Report	21369	A	Vista Access Architects	5 December 2021
Noise Impact Assessment	210863R1	0	Rodney Stevens Acoustics	17 November 2021
Acoustic Letter	R210863L1	N/A	Rodney Stevens Acoustics	N/A
Traffic and Parking Assessment Report	21738	N/A	Varga Traffic Planning	13 December 2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.

**Note:** An inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

**Reason:** To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

2. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is mandatory to obtain a Construction Certificate. Plans, specifications and relevant documentation accompanying the Construction Certificate must include any requirements imposed by conditions of this Development Consent.

**Reason:** To ensure compliance with legislative requirements.

3. The development must be constructed within the confines of the property boundary. No portion of the proposed structure, including footings/slabs, gates and doors during opening and closing operations must encroach upon Council's footpath area or the boundaries of the adjacent properties.

**Reason:** To ensure no injury is caused to persons and the building is erected in accordance with the approval granted within the boundaries of the site.

4. Approval is granted for the demolition as per the approved plans, subject to compliance with the following: - Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

**Note:** Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- (c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- (d) On the first day of demolition, work is not to commence until City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
- (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 469 of the Work Health and Safety Regulation 2017.

- (f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under “Prior to Works Commencing” in this Consent.
- (g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (h) Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Waste service charges will continue to be charged where this is not done. Construction and/ or demolition workers are not permitted to use Council’s domestic waste service for the disposal of any waste.
- (i) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover “Demolition Licence” and a current WorkCover “Class 2 (Restricted) Asbestos Licence”.
- (j) Demolition is to be completed within 5 days of commencement.
- (k) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- (l) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- (m) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
  - (i) Proposed ingress and egress of vehicles to and from the construction site;
  - (ii) Proposed protection of pedestrians adjacent to the site;
  - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- (n) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the NSW Environment Protection Authority (EPA).
- (o) Before demolition works begin, adequate toilet facilities are to be provided.
- (p) After completion, the applicant must notify City of Parramatta within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- (q) Within 14 days of completion of demolition, the applicant must submit to Council:
  - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
  - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
  - (iii) Payment of fees in accordance with Council’s current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

**Reason:** To protect the amenity of the area.

- 5. Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of **\$8,862** as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.

**Note:** The Long Service Levy is to be paid directly to the **Long Service Corporation** at [www.longservice.nsw.gov.au](http://www.longservice.nsw.gov.au). For more information, please contact the Levy support team on 13 14 41.

**Reason:** To ensure that the long service levy is paid.

## **PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**(Note:** Some conditions contained in other sections of this consent (including prior to occupation/use commencing) may need to be considered when preparing detailed drawings/specifications for the Construction Certificate.)

### **EABNSC Non-standard - Prior to the issue of a CC**

- 6. Prior to the issue of a Construction Certificate, mechanical plant must be selected and assessed by a qualified acoustic consultant.

**Reason:** To protect the amenity of the area

### **EFB0001 Design of fit-out to comply with food safety stand**

- 7. Detailed plans of any food / beverage preparation facilities and waste storage areas shall be submitted to the principal certifying authority (PCA) prior to the issue of the construction certificate.

The fit-out of the food premises shall comply with:



- (a) Australian Standard AS4674-2004 - Design, Construction and Fit-out of Food Premises.
- (b) Food Safety Standards
  - Standard 3.2.2 Food Safety Practices and General Requirements
  - Standard 3.2.3 Food Premises and Equipment
- (c) The cool rooms shall be provided with safety devices to comply with G1.2 of the BCA.
- (d) No approval is granted for any remote storage area.
- (e) The business being registered with City of Parramatta (retail) or NSW Food Authority (wholesale/retail meat/manufacturer).
- (f) Comply with the requirements of Sydney Water – Trade Waste Section (grease trap).

If a Private Certifier is to be used, the final inspection shall be carried out by a suitably qualified person to ensure that food standards are met. Council's Environmental Health Officer may be engaged to carry out the required inspection for a prescribed fee.

**Note:** Copies of AS4764-2004 may be obtained from Standards Australia. Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

Alternatively, you may obtain a copy of the 'Food premises design, construction and fit-out guide' from Council. This guide is based on the above standards and sets out minimum requirements to achieve compliance.

**Reason:** To ensure design of the premises meets relevant public health standards.

#### **LB0001 Planter Box Details**

8. The proposed landscape documentation is required to be updated to include construction details showing min. 450mm of soil substrate depth, drainage and waterproofing for planter boxes is to form part of the application for a Construction Certificate.

**Reason:** To ensure the creation of functional gardens.

#### **PB0030 Infrastructure & Restoration Adm. fee for all DAs**

9. An Infrastructure and Restoration Administration Fee must be paid to Council prior to the issue of a Construction Certificate.

The fee will be in accordance with Councils adopted 'Fees and Charges' at the time of payment.

**Note:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524.

**Reason:** To comply with Council's adopted Fees and Charges Document and to ensure compliance with conditions of consent.

#### **TB0001#Car Parking Condition**

10. The PCA shall ascertain that any new element in the at-grade carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS 2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate application.

**Reason:** To ensure appropriate vehicular manoeuvring is provided.

#### **TB0003#Parking Provision**

11. Parking spaces are to be provided in accordance with the approved plans and with AS 2890.1, AS 2890.2 and AS 2890.6. A total of 2 parking spaces is to be provided and be allocated as follows:

- a) 2 spaces for loading;

Details are to be illustrated on plans submitted with the construction certificate application.

**Reason:** To comply with Council's parking requirements and Australian Standards.

#### **TB0012#Convex Mirror**

12. Convex mirror(s) are to be installed at the driveway access, with their height and location adjusted to allow drivers in the loading spaces a full view Fire Horse Lane in order to see pedestrians and oncoming vehicles. Details are to be illustrated on plans submitted with the construction certificate.

**Reason:** To ensure safety of pedestrians and drivers.

#### **TBNSC Non-standard - Prior to the issue of a CC**

13. The boundary fence on the southern side of the driveway access at the rear of the property is to be a maximum of 900mm high to improve sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate.

**Reason:** To ensure pedestrian safety

#### **PBNSC Non-standard - Prior to the issue of a CC**

14. Prior to the issue of the Construction Certificate, the following is to be demonstrated on amended plans and submitted to Council for approval.
- a.) The existing stormwater drainage pipe along Fire Horse Lane needs to be 375mm class 4 reinforced concrete pipe instead of 225mm pipe.
  - b.) The existing pit within Fire Horse Lane needs to be reconstructed by 900x900 cast in situ with class D bike safe grate in accordance with DS26.
  - c.) The longitudinal section of the pipe along Fire Horse Lane from the surface inlet pit to the kerb inlet pit needs to be included in the drawing.
  - d.) The depths of all underground utilities need to be included in the longitudinal section to shows safe clear distance maintained between the proposed stormwater pipe and the underground utilities.
  - e.) The laneway surface within the excavation area need to be matched with existing pavers.
  - f.) The pipe backfilling within the laneway needs to be as per DS37.

**Reason:** To ensure satisfactory on-site drainage.

**DB0001 Stormwater Disposal**

15. All roof water and surface water is to be connected to an operable drainage system. Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

**Reason:** To ensure satisfactory stormwater disposal.

**DB0003 Sydney Water Quick check**

16. A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval receipt from Sydney Water Tap in™ must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

**Reason:** To ensure the requirements of Sydney Water have been complied with.

**DB0004 Dial Before you Dig Service**

17. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to receive written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having the benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

**Reason:** To ensure Council's assets are not damaged.

**DB0007 Basement carpark and subsurface drainage**

18. The basement stormwater pump-out system, must be designed and constructed to include the following:
- (a) A holding tank capable of storing the run-off from a 100 year ARI (average reoccurrence interval) - 2 hour duration storm event, allowing for pump failure.
  - (b) A two pump system (on an alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
    - (i) The permissible site discharge (PSD) rate; or
    - (ii) The rate of inflow for the one hour, 5 year ARI storm event.
  - (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
  - (d) A 100 mm freeboard to all parking spaces.
  - (e) Submission of full hydraulic details and pump manufacturers specifications.
  - (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

Plans and design calculations along with certification from the designer indicating that the design complies with the above requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

**Reason:** To ensure satisfactory storm water disposal.

**DB0012 #On Site Detention**

19. Full engineering construction details of the stormwater system, including OSD structures, pipe networks and calculations as per following points, shall be submitted for the approval of the PCA prior to release of the Construction Certificate for any work on the site.

- (a) The stormwater drainage detail design shall be prepared by a Registered Stormwater Design Engineer and shall be generally in accordance with the following Stormwater Plans approved by this consent and with Council's Stormwater Disposal Policy, Council's Design and Development Guidelines, The Upper Parramatta River Catchment Trust On Site Detention Hand book (Third or Fourth Edition), the relevant Australian Standards and the National Construction Code.
- (i) Concept stormwater drainage plans, Project No. 210475, Revision D, dated 13 July 2022, prepared by Quantum Engineers.
- (b) A Site Storage Requirement of 470 m<sup>3</sup>/ha and a Permissible Site Discharge of 80 L/s/ha (when using 3rd edition of UPRCT's handbook) OR
- The Site Reference Discharge (Lower Storage), SRDL of 40L/s/ha, Site Storage Requirement (Lower Storage) SSRL of 300m<sup>3</sup>/ha, Site Reference Discharge (Upper Storage), SRDU of 150L/s/ha, Site Storage Requirement (Total) SSRT of 455m<sup>3</sup>/ha (when using the Extended/Flood detention method - 4th edition of UPRCT's handbook).
- (c) Adequate grate(s) to be provided so the OSD tank storage area can be inspected from outside for silt and debris, and to ensure adequate cross ventilation within the tank.
- (d) Certificate from registered structural engineer certifying the structural adequacy of the OSD tank structure.
- (e) The piped drainage system has been designed for the 1% AEP storm event.
- (f) Survey and design levels are to be referenced to AHD.
- (g) The finished level of the OSD tank and adjoining areas is raised above the surface level of Firehorse Lane in order to achieve a surface flow path for emergency overflows to the laneway.
- (h) The following comments in relation to the works on Council's stormwater drainage system in Firehorse Lane are to be included in the detailed construction plans:
- (i) The stormwater drainage pipe in Firehorse Lane shall be 375mm diameter Class 4 Reinforced Concrete Pipe instead of 225mm PVC pipe.
- (ii) The existing pit within Firehorse Lane is to be reconstructed as 900mmx900mm (internal dimensions) cast in situ with class D bike safe grate in accordance with Council standard drawing number DS26.
- (iii) A longitudinal section of the pipe along Firehorse Lane from the surface inlet pit to the kerb inlet pit is to be included in the plans.
- (iv) The depths of all underground utilities is to be included in the longitudinal section to shows safe clear distance maintained between the proposed stormwater pipe and the underground utilities.
- (v) The laneway surface within the excavation area is to be reinstated with pavers matching the existing pavement.
- (vi) The pipe backfilling details within the laneway is to be in accordance with Council standard drawing number DS37.

**Reason:** To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding.

**DB0015 Shoring for adjoining Council property**

20. Where shoring will be located on or will support Council property, engineering details of the shoring are to be prepared by an appropriately qualified and practising structural engineer. These details are to include the proposed shoring devices, the extent of encroachment and the method of removal and de-stressing of the shoring elements. These details shall accompany the application for a Construction Certificate. A copy of this documentation must be provided to Council for record purposes. All recommendations made by the qualified practising structural engineer must be complied with.

**Reason:** To ensure the protection of existing public infrastructure and adjoining properties.

**DB0021 Impact on Existing Utility Installations**

21. Where work is likely to disturb or impact upon utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

**Reason:** To ensure no unauthorised work to public utility installations and to minimise costs to Council.

**DB0022 Support for Council Rds, footpath, drainage reserv.**

22. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

Backfilling of excavations adjoining Council property or any void remaining at the completion of the construction between the building and Council property must be fully compacted prior to the completion of works.

**Reason:** To protect Council's infrastructure.

**PART C – BEFORE THE COMMENCEMENT OF BUILDING WORK****BC0001 Toilet facilities on site**

23. Prior to work commencing, adequate toilet facilities are to be provided on the work site.

**Reason:** To ensure adequate toilet facilities are provided.

**DC0002 Road Opening Permits - DA's involving drainage wrk**

24. The applicant must apply for a road-opening permit where a new pipeline is proposed to be constructed within or across Council owned land. Additional road opening permits and fees may be necessary where connections to public utilities are required (e.g. telephone, electricity, sewer, water or gas).

In addition, no drainage work can be carried out within the Council owned land without this permit being issued. A copy is required to be kept on site.

**Reason:** To protect Council's assets throughout the development process.

**DC0003 Dilapidation survey & report for private properties**

25. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with an electronic copy forwarded to Council at [council@cityofparramatta.nsw.gov.au](mailto:council@cityofparramatta.nsw.gov.au)) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer in accordance with the recommendation of the geotechnical report.

In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principle Certifying Authority.

**Note:** This documentation is for record keeping purposes only, and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

**Reason:** Management of records.

**DC0004 Geotechnical report**

26. Prior to the commencement of any excavation works on site the applicant must submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- (a) The type and extent of substrata formations. A minimum of 4 representative bore hole logs which are to provide a full description of all material from the ground surface to a minimum of 1.0m below the finished basement floor level. The report is to include the location and description of any anomalies encountered in the profile, and the surface and depth of the bore hole logs shall be to Australian Height Datum.
  - (b) Having regard to the findings of the bore hole testing, details of the appropriate method of excavation/shoring together with the proximity to adjacent property and structures can be ascertained. As a result potential vibration caused by the method of excavation and how it will impact on nearby footings/foundations must be established together with methods to ameliorate any impact.
  - (c) The proposed methods for temporary and permanent support required by the extent of excavation can be established.
  - (d) The impact on groundwater levels in relation to the basement structure.
  - (e) The drawdown effects if any on adjacent properties (including the road reserve), resulting from the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is potential for the excavation to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development. This design is to ensure there is no change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path of groundwater results, artificial drains such as perimeter drains and through drainage may be utilised.

- (f) The recommendations resulting from the investigations are to demonstrate the works can be satisfactorily implemented. An implementation program is to be prepared along with a suitable monitoring program (where required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction.

The implementation program is to nominate suitable hold points for the various stages of the works in order verify the design intent before certification can be issued and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with demonstrated experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent properties and structures both during and after construction. The report must contain site specific geotechnical recommendations and must specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table Cl of AS 2870 - 1996.

**Reason:** To ensure the ongoing safety and protection of property.

#### **DC0005 #Reinforced concrete pipe work**

27. Details of the proposed reconstruction of the surface inlet pit and pipe in Firehorse Lane shall be approved by Council's Catchment Management Unit approval prior to commencement of work and include the following:
- a. The stormwater drainage pipe in Firehorse Lane shall be 375mm diameter Class 4 Reinforced Concrete Pipe instead of 225mm PVC pipe.
  - b. The existing pit within Firehorse Lane is to be reconstructed as 900mmx900mm (internal dimensions) cast in situ with class D bike safe grate in accordance with Council standard drawing number DS26.
  - c. A longitudinal section of the pipe along Firehorse Lane from the surface inlet pit to the kerb inlet pit is to be included in the plans.

- d. The depths of all underground utilities is to be included in the longitudinal section to shows safe clear distance maintained between the proposed stormwater pipe and the underground utilities.
- e. The laneway surface within the excavation area is to be reinstated with pavers matching the existing pavement.
- f. The pipe backfilling details within the laneway is to be in accordance with Council standard drawing number DS37.

**Reason:** To ensure adequate stormwater infrastructure is provided.

#### **DC0006 Erosion and Sediment Control measures**

28. Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.

**Reason:** To ensure soil and water management controls are in place before site works commence.

#### **DC0007 Site Maintenance**

29. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:

- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- (b) all site boundaries are to be secured and maintained to prevent unauthorised access to the site;
- (c) all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis;
- (d) the site is to be maintained clear of weeds; and
- (e) all grassed areas are to be mowed on a monthly basis.

**Reason:** To ensure public safety and maintenance of the amenity of the surrounding environment.

#### **DC0008 Shoring and adequacy of adjoining property**

30. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation
- (b) Where necessary, underpin the adjoining premises to prevent any such damage.

**Note:** If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

**Reason:** As prescribed under the Environmental Planning and Assessment Regulation 2000.

#### **DC0009 Special Permits**

31. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:  
E.g. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation and the area where the operation will occur, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location they are to be stored. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded. Storage of building materials and waste containers within Council's open space areas, reserves and parks is prohibited.
- (d) Kerbside restrictions - construction zones:  
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a work zones, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

The application is to be lodged with Council's Customer Service Centre.

**Reason:** Proper management of public land.

#### **DC0010 Driveway Crossing Application**

32. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Council's adopted 'Fees and Charges' will need to be paid at the time of lodgement.

**Note 1:** This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

**Note 2:** Council's Customer Service Team can advise of the current fee and can be contacted on 9806 5524

**Reason:** To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

#### **EFC0001 Food premises DA/CC plans to satisfy requirements**

33. The design and construction of any food / beverage preparation facilities and waste storage areas associated with this activity shall satisfy the requirements of food safety standards prescribed under the Food Act 2003, as well as Australian Standard AS 4674 - 2004: 'Design, Construction and Fit-out of Food Premises'. Final design drawings for these areas are to be submitted to the principal certifying authority prior to commencement of work.

**Reason:** To ensure design of the premises meets relevant public health standards.

#### **PC0001 #Appointment of PCA**

34. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:

- (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
- (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

**Reason:** To comply with legislative requirements.

#### **PC0002 Enclosure of the site**

35. The site must be enclosed by a 1.8m high security fence erected wholly within the confines of the site to prevent unauthorised access. The fence must be installed to the satisfaction of the Principal Certifying Authority prior to the commencement of any work on site.

**Reason:** To ensure public safety.

#### **PC0003 Site Sign**

36. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 70 of the Environmental Planning and Assessment Regulations 2000 detailing:

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifying Authority;
- (d) The development consent approved construction hours;
- (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
- (f) This condition does not apply where works are being carried out inside an existing building.

**Reason:** Statutory requirement.

#### **PC0005 Public liability insurance**

37. Public risk insurance in the amount of not less than \$20 million or such other amount as Council may require by notice) must be obtained and furnished to Council before any works authorised by this consent are conducted:

- (a) Above;
- (b) Below; or
- (c) On

Any public land owned or controlled by Council. The public risk insurance must be maintained for the period during which these works are being undertaken.

The public risk insurance must be satisfactory to Council and list Council as an insured and/or interested party.

A copy of the insurance policy obtained must be forwarded to Council before any of the works commence.

**Note:** Applications for hoarding permits, vehicular crossing etc. will require evidence of insurance upon lodgement of the application.

**Reason:** To ensure the community is protected from the cost of any claim for damages arising from works authorised by this consent conducted above, below or on any public land owned or controlled by Council.

**TC0001 #Construction and Pedestrian Traffic Manage. Plan**

38. Prior to the commencement of any works on site, the applicant shall submit a Construction and Pedestrian Traffic Management Plan (CPTMP) to the satisfaction of Council's Traffic and Transport Manager and the Transport for NSW Sydney Coordination Office. The CPTMP shall be prepared by a suitably qualified and experienced traffic consultant. The following matters must be specifically addressed in the CPTMP:

- a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- b) Turning areas within the site for construction and spoil removal vehicles, allowing a forward entry and egress for all construction vehicles on the site,
- c) The location of proposed Work Zones in the egress frontage roadways,
- d) Location of any proposed crane standing areas,
- e) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- f) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- g) The provisions of an on-site parking area for employees, trade person and construction vehicles as far as possible,
- h) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors,
- i) A detailed description of locations that will be used for layover for trucks waiting to access the construction site,
- j) Proposed construction hours,
- k) Estimated number and type of construction vehicle movements including morning and afternoon peak and off peak movements,
- l) Construction program that references peak construction activities and proposed construction 'Staging',
- m) Any potential impact to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works,
- n) Cumulative construction impacts of projects in the Parramatta CBD. Should any impacts be identified, the duration of the impacts,
- o) Measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts should be clearly identified, and,
- p) The plan may be required to include restrictions on the number of trucks that can access the site in peak hours and a requirement for the developer to provide video footage of the frontage of the site on a weekly basis so that Council can enforce this requirement,
- q) Evidence of Roads and Maritime Services concurrence where construction access is provided directly or within 20 m of an Arterial Road if applicable,
- r) A schedule of site inductions on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations,

The CPTMP is to include the provision of a sign on the hoarding that provides a phone number and email address for members of the local community to make enquires or complaints regarding traffic control for the site. The construction company for the site is to provide a representative for meetings that may occur once a month and may include representatives of the local community and Council staff to discuss traffic control at the site.

Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Work Zone' restriction in the egress frontage roadways of the development site. Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Work Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so



(minimum RMS 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

Approval shall be obtained from City of Parramatta Council for any temporary road closure or crane use from public property.

**Reason:** To ensure the appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

## **PART D – WHILE BUILDING WORK IS BEING CARRIED OUT**

### **EWD0003 Waste data file maintained**

39. A Waste Data file is to be maintained, recording building/demolition contractor's details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

**Reason:** To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

### **EWD0005 General requirements for liquid and solid waste**

40. Liquid and solid wastes generated onsite shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014 and in accordance with DECC the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999) and NSW EPA Waste Classification Guidelines.

**Reason:** To prevent pollution of the environment.

### **EWD0008 Contaminated waste to licensed EPA landfill**

41. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

**Reason:** To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

### **LD0001 No removal of trees on public property**

42. No trees on public property (footpaths, roads, reserves, etc.) are permitted to be removed, pruned or damaged during construction including the installation of fences, hoardings or other temporary works, unless approved in this consent.

**Reason:** Protection of existing environmental infrastructure and community assets.

### **LD0008 No attachments to trees**

43. No service, structure, conduit or the like is permitted to be fixed or attached to any tree.

**Reason:** To ensure the protection of the tree(s).

### **LD0009 Planting Requirements**

44. All trees planted as required by the approved landscape plan are to be a minimum 45 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

**Reason:** To ensure appropriate landscaping.

### **LD0012 Trees with adequate root volume**

45. All trees/shrubs planted within the site must be of an adequate root volume and maturity so as not to require staking or mechanical support unless in a wind-prone area. Planting must be carried out in accordance with the approved Landscape Plan and conditions of consent.

**Reason:** To ensure the trees/shrubs planted within the site are able to reach their required potential.

### **PD0001 Copy of development consent**

46. A copy of this development consent together with the stamped plans, referenced documents and associated specifications is to be held on-site during the course of any works to be referred to by all contractors to ensure compliance with the approval and the associated conditions of consent.

**Reason:** To ensure compliance with this consent.

### **PD0003 Dust Control**

47. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Section 126 of the Protection of the Environment Operations Act 1997.

**Reason:** To protect the amenity of the area.

**PD0004 Materials on footpath**

48. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993.

**Reason:** To ensure pedestrian access.

**PD0006 Hours of work and noise (DPIE Mandatory Condition)**

49. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

- 7am to 5pm on Monday to Friday
- 8am to 5pm on Saturday

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

**Note:** Any variation to the hours of work requires Council's approval.

Council may permit an extension to the approved hours of work in extenuating or unforeseen circumstances subject to an application and approval by City of Parramatta Council (CoPC) in accordance with the 'After Hours Works for Approved Development Applications Policy' (Policy).

A copy of this Policy and associated application form is available on the CoPC website. A fee will apply to any application made in accordance with this Policy.

The matters of consideration of any extension sought would include, but not be limited to the following aspects and should be detailed in any application made:

- Nature of work to be conducted;
- Reason for after-hours completion;
- Residual effect of work (noise, traffic, parking);
- Demographic of area (residential, industrial);
- Compliance history of subject premises;
- Current hours of operation;
- Mitigating or extenuating circumstance; and
- Impact of works not being completed.

**Reason:** To protect the amenity of the surrounding area.

**PD0007 Complaints register**

50. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the Principal Certifying Authority upon request.

**Reason:** To allow the Principal Certifying Authority/Council to respond to concerns raised by the public.

**PD0008 Construction Noise (DPIE Mandatory Cond)**

51. While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

OR

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

**Reason:** To protect the amenity of the neighbourhood.

#### **PD0010 Survey Report**

52. While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier: -

(a) All footings/ foundations

(b) At other stages of construction – any marks that are required by the principal certifier

**Reason:** To ensure buildings are sited and positioned in the approved location.

#### **TD0001 Road Occupancy Permit**

53. Occupation of any part of the footpath or road at or above (carrying out work, storage of building materials and the like) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.

**Reason:** To ensure proper management of Council assets.

#### **TD0002 Oversize vehicles using local roads**

54. Oversize vehicles using local roads require approval from the National Heavy Vehicle Regulator (NHVR). The applicant is required to submit an application for an Oversize Vehicle Access Permit through NHVR's portal ([www.nhvr.gov.au/about-us/nhvr-portal](http://www.nhvr.gov.au/about-us/nhvr-portal)) prior to driving through local roads within the City of Parramatta LGA.

**Reason:** To ensure maintenance of Council's assets.

#### **DD0002 #Stormwater must be connected to the kerb & gutter**

55. Stormwater must be connected to the road drainage system in Firehorse Lane.

**Reason:** To ensure satisfactory storm water disposal.

#### **DD0005 Erosion & sediment control measures**

56. Works are not to result in sedimentation and or run-off from the approved works onto the adjoining properties and or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.

**Reason:** To ensure no adverse impacts on neighbouring properties.

#### **DD0006 Damage to public infrastructure**

57. Any damage to Council assets that impacts on public safety during construction is to be rectified immediately to the satisfaction of Council with all costs to be borne by the person having the benefit of the Development Consent.

**Reason:** To protect public safety.

#### **DD0011 Nomination of Engineering Works Supervisor**

58. During construction of all public area civil and drainage works a qualified civil engineer must supervise the work to ensure it is completed in accordance with Council's "Guidelines for Public Domain Works". Certification is required to be provided with the Occupation Certificate.

**Reason:** To ensure Council's assets are appropriately constructed.

### **PART E – BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

#### **BE0001 Record of inspections carried out**

59. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:

(a) The development application and Construction Certificate number as registered;

(b) The address of the property at which the inspection was carried out;

(c) The type of inspection;

(d) The date on which it was carried out;

(e) The name and accreditation number of the certifying authority by whom the inspection was carried out; and

(f) Whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

**Reason:** To comply with statutory requirements.

#### **EAE0001 #All works/methods/procedures/control measures**

60. Prior to the issue of an occupation certificate (Interim or Final), written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following report have been completed:
- a.) Acoustic Report No. 210863R1 dated 17 November 2021, prepared by Rodney Stevens Acoustics Pty Ltd.

**Reason:** To demonstrate compliance with submitted reports.

#### **EFE0002 Notification of food business – Council**

61. Prior to an Occupation Certificate being issued, Council must be notified that the premises is to be used for the preparation of food for sale so that the premises can be registered on Council's food premises licensing database.

**Reason:** Compliance with the requirements of the Food Act.

#### **EFE0003 Certify mechanical ventilation installation**

62. Adequate ventilation to work areas and other occupied enclosures shall be provided in accordance with the requirements of the Building Code of Australia. Where any system of mechanical ventilation is installed, certification that the system functions in accordance with Australian Standard AS/NZS 1668.2.2012 is to be provided to the certifying authority prior to occupation of the premises.

**Reason:** To comply with the Building Code of Australia and the relevant Australian Standard.

#### **EFE0004 Certify fitout complies with food safety standards**

63. Certification to be provided to the principal certifying authority (PCA), prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS 4674 - 2004.

It is incumbent on the PCA to determine the competency of the person providing this certification, based on that person's qualifications, experience and currency of practice.

**Reason:** To ensure construction and fit-out of the premises meets relevant public health standards.

#### **LE0002 Cert.Auth.Arrange Qualified LandscapeArch.(multi)**

64. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.

**Reason:** To ensure restoration of environmental amenity.

#### **PE0001 Occupation Certificate**

65. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

**Reason:** To comply with legislative requirements of the Environmental Planning and Assessment Act 1979.

#### **DE0003 Work-as-Executed Plan (DPIE Condition)**

66. Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- (a) All stormwater drainage systems and storage systems
- (b) The following matters that Council requires to be documented
  - (i) *The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate with the variations marked in red ink.*
  - (ii) *The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.*
  - (iii) *The as built On-Site Detention (OSD) storage volumes are to be presented in a tabular form (depth verses volume table*
  - (iv) *OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).*
  - (v) *Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).*
  - (vi) *Certificate of Structural compliance of the OSD tank walls and cover slab from a qualified structural engineer*

The principal certifier must provide a copy of the plans to Council with the occupation certificate.

**Reason:** To confirm the location of works once constructed that will become council assets

#### **DE0005 #OSD Positive Covenant/Restriction**

67. Prior to the issue of an Occupation Certificate a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919 must be created, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the 88E Instruments are to be generally in accordance with Council's "standard terms" available in Council's website, under Development Forms.

Where a Title exists, the Positive Covenant and Restriction on the Use of Land is to be created through via an application to NSW Land Registry Services using forms 13PC and 13RPA. Accompanying this form is the requirement for a plan to scale showing the relative location of the On-Site Detention facility, including its relationship to the building footprint.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to Occupation or use of on-site.

**Reason:** To ensure maintenance of on-site detention facilities.

#### **DE0006 Section 73 Certificate**

68. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained prior to the issue of any Occupation Certificate. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92.

**Reason:** To ensure the requirements of Sydney Water have been complied with.

### **PART F – OCCUPATION AND ONGOING USE**

#### **EAF0001 Use is not to cause offensive noise or vibration**

69. The use of the premises not giving rise to:

- (a) transmission of unacceptable vibration to any place of different occupancy,
- (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.

**Reason:** To prevent loss of amenity to the area.

#### **EAF0002 Patron noise control**

70. The proprietors of the venue shall be responsible at all times for the orderly dispersal of patrons from the venue.

**Reason:** To protect the amenity of the surrounding neighbourhood.

#### **EAF0004 No 'offensive noise'**

71. Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to "offensive noise" as defined by the Protection of the Environment Operations Act 1997.

**Reason:** To reduce noise levels.

#### **EAF0005 Noise from Customers**

72. Security personnel licensed under the Security Industry Act 1997 shall be engaged by the licensee to patrol the area to ensure that patrons do not cause nuisance, or annoyance to the quiet and good order of the neighbourhood.

**Reason:** To protect the amenity of the area.

#### **EAF0006 Neighbourhood Amenity near Licensed Premises**

73. Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.

The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.

**Reason:** To prevent loss of amenity to the area.

#### **EAF0007 Noise from mechanical equipment**

74. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

**Reason:** To protect the amenity of the area.

**EAF0008 Noise to street**

75. There are to be no external speakers at the premises.

**Reason:** To prevent loss of amenity to the area.

**EFF0001 Food premises**

76. The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2015 and the Australia New Zealand Food Authority Food Standards Code.

**Reason:** To ensure operation of the premises complies with the relevant legislation and standards.

**EFF0003 Remove putrescible waste at sufficient frequency**

77. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

**Reason:** To ensure provision of adequate waste disposal arrangements.

**EFF0004 Use is not to cause air impurities**

78. The operation of the premises is not to give rise to emissions of air impurities in contravention of the Protection of the Environment Operations Act 1997. Air emissions from the premises must not cause a nuisance from odours, nor be hazardous to human health or the environment.

**Reason:** To prevent loss of amenity to the area.

**EFF0008 Holding facilities for oils and liquids**

79. Adequate holding facilities shall be constructed for the storage of new and waste oils and other bulk liquids in accordance with AS 1940–2017 'The storage and handling of flammable and combustible liquids' before commencement of use.

**Reason:** To ensure that waste liquids are correctly contained.

**EFF0009 Dangerous goods storage**

80. All Dangerous Goods shall be stored in accordance with:

- a) AS 1940-2017: The Storage and Handling of Flammable and Combustible Liquids;
- b) Work Health and Safety Act 2011;
- c) Model code of Practice: Managing risks of Hazardous Chemicals in the workplace.

**Reason:** To ensure that the dangerous goods are correctly contained.

**EFF0010 Storage of hazardous material in bunded area**

81. All aboveground storages of hazardous materials, oils and chemicals are to be bunded. The bund is to be made of any impervious material and should be roofed and large enough to hold the contents of the largest container plus 10%.

**Reason:** To ensure that hazardous materials are correctly contained.

**EFF0011 Safety Data Sheets**

82. To ensure correct handling of hazardous materials, Material Safety Data Sheets (MSDS) must be held at the facility for all hazardous materials. These can be obtained free of charge from the supplier.

**Reason:** To ensure compliance with the Work Health and Safety Act 2011 and Work Health and Safety Regulation 2017.

**EFF0012 Management of waste storage facilities**

83. All waste storage areas are to be maintained in a clean and tidy condition at all times.

**Reason:** To ensure the ongoing management of waste storage areas.

**EFFNSC Non-standard - The Use of the Site**

84. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:

- (a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.

**Reason:** To ensure provision of adequate waste storage arrangements.

**EPFNCS Non-standard - The Use of the Site**

85. The business must comply with the Smoke-free Environment Act 2000 No 69.

**Reason:** To ensure compliance with relevant legislation.

**EFW0006 Storage of bins between collection periods**

86. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.

**Reason:** To ensure waste is adequately stored within the premises.

**EFW0007 Trade Waste (Previously PF03)**

87. Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

**Reason:** To ensure compliance with Sydney Water's requirements and protect the environment.

**PF0004 External Plant/Air-conditioning noise levels**

88. Any external plant/air-conditioning system must not exceed a noise level of 5dBA above the background noise level when measured at the boundaries of the property.

**Reason:** To minimise noise impact of mechanical equipment.

**PF0017 Goods not to be displayed outside premises**

89. No goods are to be stored/displayed outside the walls of the building.

**Reason:** To ensure visual amenity.

**PF0029 Shopfront appearance**

90. Roller shutters are not to be placed over any external door or window of the premises. Any security grill is to be located on the inside of the glass shop front and must be an open grille able to be seen through.

**Reason:** To provide an appropriate streetscape appearance.

**PF0049 Graffiti Management**

91. The owner/manager of the site/business is responsible for the removal of all graffiti from the building/structures/signage and/or fencing within 48 hours of its application.

**Reason:** To ensure the removal of graffiti.

**PFFNSC Non-standard - The Use of the Site**

92. There are to be no signage associated with the approved use as a pub promoting the Electronic Gaming Room.

**Reason:** To reduce adverse social impacts

**PFFNSC Non-standard - The Use of the Site**

93. The Licensee is to install 'No Smoking' signs at the front and rear of the site.

**Reason:** To maintain the amenity of the site.

**PFFNSC Non-standard - The Use of the Site**

94. The licensee must record details of all complaints received during the operations of the use of the premises as a pub in an up to date complaints register. The register must record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that effect;
- (d) Nature of the complaints;
- (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
- (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council upon request.

**Reason:** To allow Council to respond to concerns raised by the public.

**PFFNSC Non-standard - The Use of the Site**

95. Deliveries of goods to the premises must be undertaken on designated loading bays and is not to obstruct vehicles and pedestrians from using Fire Horse Lane.

**Reason:** To allow the use of Fire Horse Lane.

**PFFNSC Non-standard - The Use of the Site**

96. An effective evacuation report is to be prepared by a suitably qualified persons which details the emergency evacuation plan, including escape routes for the venue.

**Reason:** Fire safety.

**PFFNSC Non-standard - The Use of the Site**

97. The operational hours are as follows

Day	Hours	Balcony
Sunday to Thursday	10am to 12 midnight	10pm
Friday and Saturday	10am to 2am	10pm

**Reason:** To ensure amenity of the area.

**PFFNSC Non-standard - The Use of the Site**

98. The use of the premises is to operate in the following way:

- a. The venue operates in accordance the Plan of Management and that any breach of any clause of the Plan of Management is therefore a breach of the conditions of consent;
- b. After 7pm on any trading day, entry and exit or patrons to the premises is to be by the Church Street entrance. No entry or exit will be permitted from Firehorse Lane after 7pm;
- c. To minimise noise at night, disposal of glass containers into outdoor bins or recycling containers must not be done after 10pm;
- d. Music or announcements must not be made on outdoor loud speakers after 10pm (including the balcony area);
- e. The licensee shall be an active member of the local Liquor Accord. Active membership is defined as being a financial member and attending at least 75% of accord meetings annually;
- f. The Club CCTV system is to be registered with the NSW Police CCTV register at [https://www.police.nsw.gov.au/online\\_services/register\\_my\\_business\\_cctv\\_details](https://www.police.nsw.gov.au/online_services/register_my_business_cctv_details);
- g. No person wearing any form of clothing, jewellery or other accessory, displaying or indicating by form of wording, colours, logo, symbol or otherwise that they are members of or are in any way associated with; Bandidos, Black Uhlans, Coffin Cheaters, Comanchero, Finks, Fourth Reich, Gladiators, Gypsy Jokers, Highway 61, Life & Death, Lone Wolf, Mobshitters, Nomads, Odins Warriors, Outcasts, Outlaws, Pheonix, Rebels, Hells Angels, Scorpions, Notorious) or a declared organisation as defined in the Crimes (Criminal Organisations Control) Act 2012, be allowed entry into, or be permitted to remain on the licensed premises.
- h. The CCTV system operated by the pub should comply with Australian Standard AS/NZS 62676.1.1-2020. Guidelines for the system are detailed in Annexure A. Images should be retained for a minimum of 30 days before deletion and available to NSW Police, or to the City of Parramatta Council upon written request. It should be noted that CCTV is a requirement under the NSW Independent Liquor and Gaming Authority conditions of a pub licence so this condition of consent should not be considered as being onerous, indeed, the Plan of Management includes a CCTV system;
- i. The pub will comply with the NSW Police guidelines for crime scene preservation;
- j. If the Plan of Management is to be reviewed or amended it must only be done with the consent of the local Police Area Command and Council;
- k. Any modifications must be notified to Community Crime Prevention Officer on behalf of City of Parramatta Council prior to any amendment to the plan being implemented.

**Reason:** To maintain safety of the area.

**PFFNSC Non-standard - The Use of the Site**

99. The premises is to be operated at all times in accordance with the Plan of Management dated November 2021. The plan may be varied from time to time after consultation with and in agreement with the local Police Area Commander. A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a police officer, council officer or Liquor and Gaming NSW inspector.

**Reason:** To ensure safety and security of the community.