

REPORT TO THE JOINT REGIONAL PLANNING PANEL (SYDNEY WEST)

JRPP Reference Number:	2014SYW053
Development Application:	DA 183/2014 as relevant to the basement component of DA 852/2013
Property Address:	189 Macquarie Street and part 34 Hassall Street, Parramatta
Property Description:	Lot 3A in DP 322453, Lot 4A in DP 322453, Lot 5 in DP 7809, Lot 1 in DP 128928, Lot 20 in DP 706341, Lot C in DP 390897, Part Lot 5 DP 758829 and Lot 1 in DP 555756.
Proposal:	Tree removal, demolition of carpark, installation of retaining walls and bulk excavation (early works/site preparation).
Estimated Value:	\$5,034,355 excluding GST
Date Lodged:	4 April 2014 Further information received: 6 May 2014- Statement of Environmental Effects, Waste Management Plan 12 May 2014- Aboriginal Cultural Heritage Assessment 6 June 2014- Revised Capital Investment Value (CIV) 11 June 2014- Construction Environmental Management Plan, Preliminary Acid Sulphate Soil Management Plan Owner's consent to remove four (4) trees located on the adjoining property to the west of the site is pending.
Owner:	Parramatta City Council and a small part by the Department of Education (Part Lot 5 DP 758829)
Applicant:	Toplace Pty Ltd
Council Planner:	Anthony Newland – Acting Service Manager Development Assessment
Report Author:	Diana Brajuha – Senior Associate Planning, Meinhardt

EXECUTIVE SUMMARY

This report makes an assessment and determination of a development application submitted for early works/site preparation as part of the redevelopment of Parramatta City Council's Macquarie Street carpark located at 189 Macquarie Street and part 34 Hassall Street Parramatta.

The Development Application is "Integrated Development" pursuant to Section 91 of the *Environmental Planning & Assessment Act, 1979 (EP&A, Act, 1979)* as the proposal requires dewatering approval in accordance with Section 91 of the *Water Management Act 2000* and an Aboriginal Heritage Impact Permit is required pursuant to Section 90 of the *National Parks & Wildlife Act, 1974* as Aboriginal Objects will be harmed as part of the application.

The proposed early works/site preparation relate to a Development Application (DA 852/2013) currently under consideration by Council for a thirty storey mixed use building containing 425

apartments (split into two (2) towers), retail space, three (3) levels of basement car parking containing 389 spaces for residential use and seven (7) levels of Council car parking for 715 vehicles. The development application is supported by the submission of a Planning Proposal to amend the height and floor space ratio controls contained in *Parramatta City Centre Local Environmental Plan 2007 (PPCLEP 2007)* in order to facilitate the proposed development.

Accordingly the intent of this development application is to fast track the approval for the early works/site preparation whilst the Planning Proposal and related development application (DA 852/2013) are being assessed.

The applicant has accepted that approval for this application would not foreshadow the determination of DA 852/2013.

The site is owned by Parramatta City Council (and a small portion being Lot 5 DP 758829 is owned by the Department of Education). The applicant has advised that the Capital Investment Value (CIV) is \$5,034,355 excluding GST (verified by a registered Quantity Surveyor) which is above the \$5 million threshold that requires determination by the Joint Regional Planning Panel for Council related applications.

As a result, Meinhardt was engaged by Parramatta City Council to provide an independent planning assessment of the application, including the preparation of this assessment report and associated conditions of consent should the Joint Regional Planning Panel approve the application.

The General Terms of Approval from the NSW Office of Water and NSW Office of Environment and Heritage have been respectively received. Comments on the application and recommended conditions of consent have also been provided from respective Council departments.

This assessment report concludes that the proposed development for early works/site preparation is able to be conducted in a manner that would not result in any significant environmental impacts to the amenity of surrounding land users and it is recommended that the application be approved subject to the conditions contained in Schedule 1.

1. BACKGROUND

The subject site is the Macquarie Street carpark and is known as 189 Macquarie Street and part 34 Hassall Street Parramatta. The site is owned by Parramatta City Council (and a small portion owned by the Department of Education) and is currently used as an open at-grade asphalt car park comprising of 226 spaces.

Following a Public Tender Process undertaken in early 2012, the site is being redeveloped in accordance with Council's *Integrated Transport Plan 2009/10 to 2014/2015* which seeks to relocate long stay commuter parking from the city centre to new multi-storey car parks on the city periphery which will be serviced by shuttle buses. A Project Delivery Agreement was entered into between the developer (Toplace Pty Ltd) and Council in August 2012, and requires the provision of at least 700 Council car spaces as part of any redevelopment of the site.

A development application to demolish the existing carpark, construct a 702 space six level car park, ground floor retail and 20 levels of residential apartments above was submitted to Council on 1

February 2013. This application was later withdrawn as the proposal sought to exceed Council's height and floor space ratio controls but was not the result of an Architectural Design Competition process in accordance with the requirements set out in Clause 22B of *PCCLEP 2007*. A Planning Proposal was not submitted with the development application.

The proposal has since undergone Council's competitive Architectural Design Competition process with the winning scheme prepared by Krikis Tayler Architects. The proposal was informed by an Urban Design Analysis of the site prepared by GMU Urban Design and resulted in a built form which reflected a height and density beyond what was submitted in the original development application.

A fresh development application reflective of the outcome of the Architectural Design Competition process was submitted to Council on 23 December 2013. This development application (DA 852/2013) seeks approval for the removal of the existing at-grade Council carpark, erection of a thirty storey mixed use building containing 425 apartments (split into two towers above a podium), retail space at both Macquarie and Hassall Street frontages, (3) three levels of basement carparking for 389 residential parking and seven levels of public car parking contained within the podium for 715 vehicles.

The development application was also supported by the submission of a Planning Proposal to vary the relevant development standards contained in *PCCLEP 2007* such that the development will result in:

- *A maximum building height of 83m or up to 91.3m for development the result of an architectural design competition (i.e. an increase in 10%) not including plant;*
- *A maximum gross floor area (GFA) of 36,000m², excluding any floor space used only for private balconies and communal open space for development the result of an architectural design competition; and*
- *A maximum gross floor area of 2,750m² for the purpose of communal and private open space areas for development the result of an Architectural Design Competition.*

The mixed use development will result in a floor space ratio of 6.9:1 excluding any floor space used for private/wintergarden and communal purposes (or a floor space ratio of 7:1 if private and communal open space is included) and an overall building height of 92.5 metres. Note that the Design Competition jury supported a small increase in height (1.2 metres over the 91.3 metres identified in the Planning Proposal) in order to minimise level changes along the pedestrian link.

Both the development application and the Planning Proposal are currently under assessment by Council. The Planning Proposal has progressed such that a Gateway Determination was granted on 18 February 2014 and exhibition was completed between 2 April 2014 and 2 May 2014. The Department of Planning and Environment advised that the amendment is to be finalised within 12 months following the date of the Gateway Determination.

It is to be noted that Council has also prepared a separate Planning Proposal to amalgamate *PCCLEP 2007* and *Parramatta Local Environmental Plan 2011 (PLEP 2011)* which proposes to increase the bonus provision for the design of a building as a result of an Architectural Design Competition process from 10% to 15%.

Therefore the intent of the lodgement of the subject development application is to fast track consent for the early works/site preparation component of the development whilst the Planning Proposal and related development application (DA852/2013) are being assessed.

2. SITE LOCATION AND DESCRIPTION

The site is located at 189 Macquarie Street and part 34 Hassall Street Parramatta, within the local government area of the City of Parramatta. The site comprises eight lots and is legally known as Lot 3A in DP 322453, Lot 4A in DP 322453, Lot 5 in DP 7809, Lot 1 in DP 128928, Lot 20 in DP 706341, Lot C in DP 390897, Part Lot 5 DP 758829 and Lot 1 in DP 555756. Refer to Figure 1 and 2 below for a Location Plan and Aerial View.

The site is owned and operated by Parramatta City Council as an at grade open air asphalt public car park. It is located on the eastern periphery of the Parramatta City Centre, approximately 400 metres to the east of the Parramatta Railway line.

The site is irregular in shape and has a total site area of 5211 m². The site has frontages to both Macquarie and Hassall Streets. The site has a frontage of 51.68 metres to Hassall Street and 40.26 metres to Macquarie Street. The western and eastern boundaries of the site are respectively 133.29 metres and 109.86 metres long.

The site slopes from Hassall Street on the south side of the site (RL 6.76m AHD- RL 8.10m AHD) to Macquarie Street on the north side of the site (RL 5.9m AHD- RL 6.0m AHD).

The site does not contain any significant features apart from 23 trees which are proposed to be removed to allow for the development of the site. 17 of the trees have been identified as being preserved under Parramatta City Council's Tree Preservation Order. There is also a narrow garden strip at the northern frontage on Macquarie Street and along the side western boundary.

The site is located 250 metres south west of the Parramatta River and 85 metres north of the Claycliff Creek Channel. The site is located within the Lower Parramatta River sub-catchment and is shown on Flood Map extract (Figure 3) as being partially affected by the 1 in 100 year ARI flood and completely impacted during a Probably Maximum Flood Event (PMF). The Macquarie Street portion of the site is the most impacted.

The site is situated within Acid Sulphate Soils Class 4 indicating that development consent is required for the carrying out of works at depths beyond two (2) metres below the existing natural ground surface.

Figures 4 to 8 provide photographs of the site.

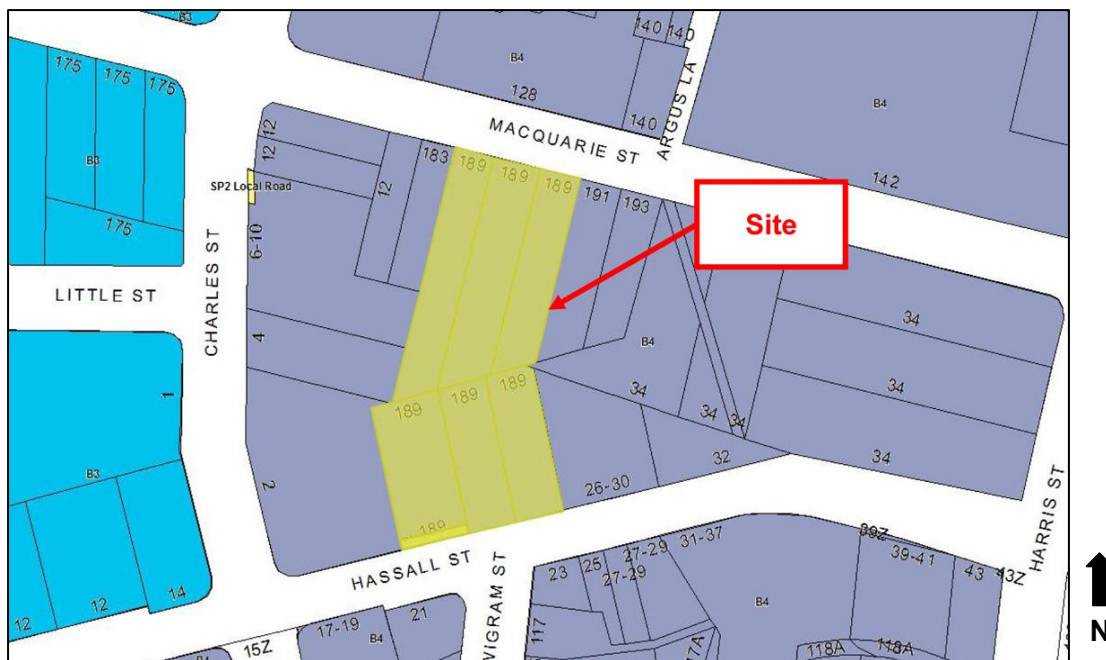


Figure 1- Location Plan



Figure 2- Aerial View



Figure 3: Flood Map Extract showing the impact of the 1 in 100 ARI flood event. (Reference KFW)



Figure 4- View generally south of the site from the Macquarie Street frontage.



Figure 5- View generally north from the Hassall Street frontage.



Figure 6- View generally south from the central part of the car park site.



Figure 7- View of adjoining development to the north-west of the site from Hassall Street.



Figure 8- View of adjoining development, view generally north-east from Hassall Street.

3. SURROUNDING CONTEXT

The surrounding development comprises of a mix of uses consistent with the site's mixed use zoning and Parramatta Central Business District's fringe location. The area is transitioning towards a higher proportion of mixed use developments.

Directly opposite the site on the Macquarie Street frontage are multi-storey buildings comprising of eight (8) and nine (9) storey residential flat buildings and a seven (7) storey commercial building located on the north-east corner of Macquarie Street and Charles Street.

A single storey fire damaged building immediately adjoins the site to the west at 183 Macquarie Street and a single storey weatherboard house and shed at 191 Macquarie Street immediately adjoins the site to the east and is setback approximately two (2) metres from the common boundary. The property at 191 Macquarie Street is owned by the same developer. Rowland Hassall School is located further to the east of the site.

To the immediate south-east of the site at 26-30 Hassall Street is a 16 storey cement rendered residential flat building built to the boundary. To the south of the site within the proximity of the Wigram Street and Hassall Street intersection is a mix of commercial and residential buildings ranging from between one (1) and nine (9) storeys in height. A nine (9) storey residential flat building is located to the west of the site on the corner of Charles Street and Hassall Street (2-2A Charles Street) and is setback about three (3) metres from the common boundary. A neighbouring three storey brick apartment building is located off the central portion of the site to the west (No.4 Charles Street) and is setback about 3 metres from the common property boundary.

In addition a 13 storey residential flat building has recently completed construction to the west at 6-10 Charles Street. This development contains a six (6) storey residential building portion at the rear which directly adjoins the western boundary of the site.

The site is not heritage listed and is not located within a heritage conservation area. However, the site is located in close proximity to several heritage items, being the attached houses at 113 and 115 Wigram Street Harris Park and semi-detached cottages at 23 and 25 Hassall Street Parramatta. These heritage items have been incorporated as part of a development application (DA/241/2013) lodged on 30 April 2013 but undetermined for the construction of a 22 storey mixed use development containing 156 apartments and seven (7) commercial units over basement car parking at 113-117A Wigram Street, Harris Park and 23-29 Hassall Street Parramatta.

4. PROPOSED DEVELOPMENT

The development application seeks approval for early works/ site preparation including the demolition of the existing carpark in order to facilitate the future redevelopment of the site for mixed use development including Council carpark as described in DA 852/2013.

Specifically the scope of work as described in the submitted Statement of Environmental Effects prepared by LJB Urban Planning Pty Ltd is as follows:

- Demolition of the existing carpark hard stand and infrastructure;
- Removal of 23 trees which includes four trees on adjoining properties;
- Bulk excavation; and
- Erection of shoring and retaining walls.

The proposal would also require the decommissioning of existing utilities including the diversion of two existing 150mm diameter Sydney Water sewer pipes that traverse the site. An authorized Water Servicing agent has prepared a design showing the proposed diversion and has liaised with Sydney Water.

The Development Application is “Integrated Development” pursuant to Section 91 of the *EP&A Act, 1979* as the proposal requires dewatering approval in accordance with Section 91 of the *Water Management Act 2000* and an Aboriginal Heritage Impact Permit is required pursuant to Section 90 of the *National Parks & Wildlife Act, 1974* as Aboriginal Objects will be harmed as part of the application.

The proposed excavation relates to the three/part four level basement carpark which will contain all 389 residential parking spaces required as part of the mixed use development. The proposed basement carpark is configured as proposed in DA 852/2013 such that it results in a bulk excavation level of RL -3.90m AHD and has a footprint to the northern and eastern boundaries, is setback 1945mm to 3935mm on the southern boundary, and is setback generally between 2080mm and 2100mm on the western boundary apart from a portion of the site setback by 6145mm (setback from the property at No.2 Charles Street). To achieve this level, excavation to maximum depths between approximately 10 metres (northern end of the site) and 12 metres (southern end of the site) below existing grade will be required.

Refer to the Shoring Plan prepared by Krikis Tayler Architects contained in Figure 9 below.

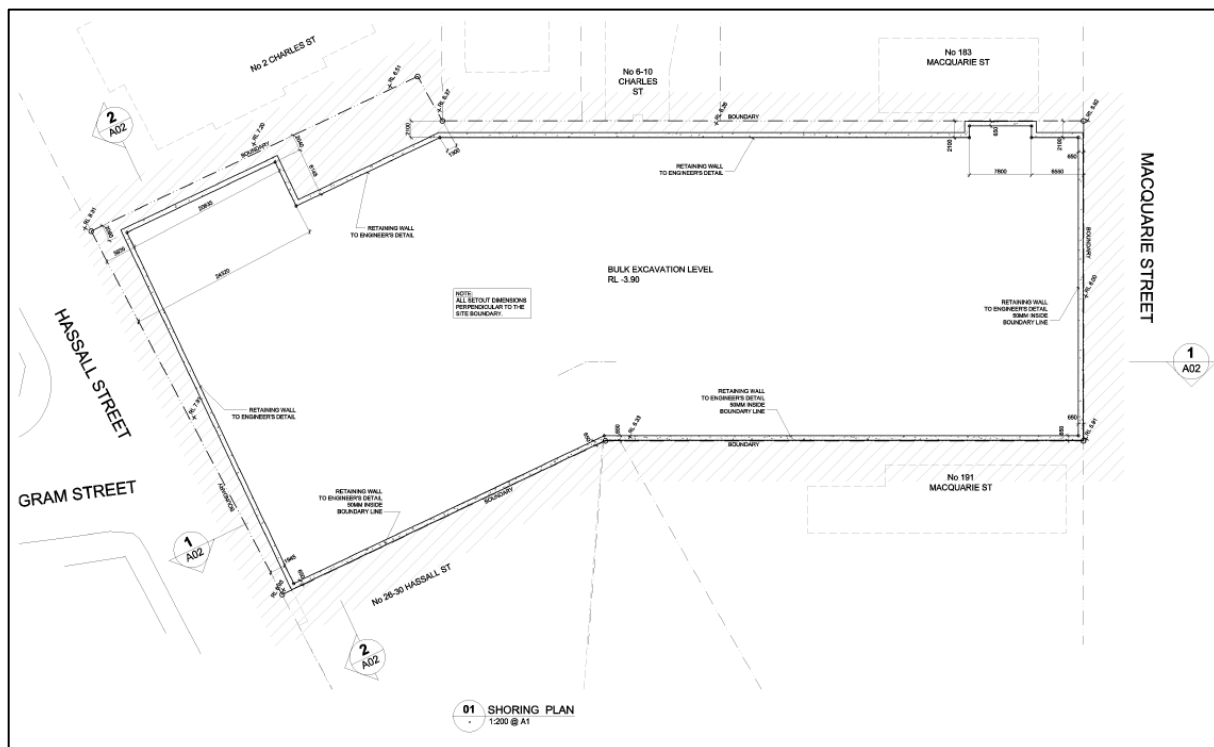


Figure 9- Shoring Plan prepared by Krikis Taylor Architects

The 715 Council spaces as required by the Deed of Agreement between Council and the applicant will be provided across seven (7) levels of above ground carpark podium. Entrance to the Council carpark will be provided at Hassall Street whilst access to the residential basement will be provided at the eastern end of the Macquarie Street frontage. All residential car spaces will be provided within the basement levels which will be completely separate from Council's car parking spaces and entry/exit points. Note that this application seeks approval for early/site preparation works only and does not seek approval to construct the basement carpark.

The applicant has accepted that the approval of this Development Application does not foreshadow any determination of Development Application (DA 852/2013). Any works that are undertaken are done at the applicant's risk.

It is also proposed to remove 23 trees on site, including five (5) trees contained on neighbouring properties. 17 of the trees have been identified as being preserved under *Parramatta City Council's Tree Preservation Order*.

Owner's consent to remove trees on neighbouring properties was not provided at the time of preparation of this report, however it is expected that it will be received prior to the Joint Regional Planning Panel meeting on 4 September 2014.

Photomontage images of the proposed mixed use development that relates to this development application have been included in Figures 10 to 12 below.



Figure 10- Photomontage, view west from Macquarie Street.



Figure 11- Photomontage, view from Hassall Street view east.



Figure 12- Photomontage, view north from Wigram Street.

5. REFERRALS (EXTERNAL/INTERNAL)

Table 1 and Table 2 below provides a summary of the referrals received from external authorities as well as comments received from Council departments.

Table 1: External Referrals

Dept of Primary Industries/ NSW Office of Water	General Terms of Approval have been received. (<i>Water Management Act 2000</i>)
NSW Office of Environment & Heritage	General Terms of Approval have been received. (<i>National Parks & Wildlife Act 1974</i>)

Table 2: Internal Referrals (Council)

Development Engineer	No objections - conditions provided
Environment and Public Health	No objections - conditions provided
Heritage	No objections subject to the applicant obtaining relevant permits from the NSW Office of Environment & Heritage - conditions provided
Waste Management	No objections - conditions provided
Traffic Engineer	No objections – conditions provided
Tree Management & Landscape	No objections – conditions provided

6 RELEVANT LEGISLATION

- *Environmental Planning and Assessment Act 1979 (EP&A Act, 1979)*
- *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)*

6.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

Section 79

Section 79C of the *EP&A Act, 1979* requires Council to take into consideration such of the matters referred to in Section 79C(1) of the Act as relevant to the application, as per below:

- Section 79C (1) (a)(i)(ii)(iii)(iii)(iv)(v)- environmental planning instruments; any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority, any development control plan, and any planning agreement entered into under Section 93F or any draft planning agreement that a developer has offered to enter into under Section 93F, the Regulations, any coastal zone management plan;*
- Section 79C (1)(b)- the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality;*
- Section 79C (1)(c)- the suitability of the site for development;*
- Section 79C (1)(d)- any submissions made in accordance with the Act or the Regulations;*

(e) Section 79C (1)(e)- the public interest.

Section 91

Section 91 of the *EP&A Act, 1979* defines Integrated Development as matters which require consent from Council and one or more approvals under nominated legislation. In those circumstances, prior to granting consent Council must obtain from each relevant approval body their General Terms of Approval (GTA) in relation to the development.

Water Management Act 2000

An activity approval is required under Clause 91 of the *Water Management Act 2000* given that the excavation for the basement levels will transect the water table and therefore dewatering is required.

Clause 91 of the *Water Management Act 2000* provides for two types of approvals: namely, controlled activity approvals and aquifer interference approvals.

The construction dewatering is deemed to be an aquifer interference activity in accordance with the definition in the *Water Management Act 2000*. The NSW Office of Water have provided their comments and have issued General Terms of Approval appropriate to the proposed aquifer interference activity as required by Section 91A(2) of the *EP&A, Act, 1979*.

The NSW Office of Water has also provided generic advice that a licence may need to be sought if further investigations indicate a likelihood of more than 3 mega litres per year may need to be abstracted to facilitate construction of subsurface development elements.

A Geotechnical report prepared by JK Geotechnics dated 12 April 2013 has been prepared for the site and accompanies the application.

National Parks and Wildlife Act 1974

Based on the recommendations contained in the Archaeological Cultural Heritage Assessment prepared by AHMS and submitted with the application regarding the impact on one Aboriginal site of significance in the study area, an Aboriginal Heritage Impact Permit pursuant to Section 90 of the *National Parks and Wildlife Act 1974* will be required.

This advice has been confirmed by the NSW Office of Environment and Heritage and have issued their General Terms of Approval for the site, being that:

- *As Aboriginal objects will be harmed as a result of this development, a Section 90 Aboriginal Heritage Impact Permit (AHIP) must be sought and granted prior to the commencement of works.*
- *The AHIP application must be accompanied by appropriate documentation and mapping as outlined on page 6 of "Applying Cultural Heritage Community Consultation Requirements for Proponents 2010".*
- *Consultation with the Aboriginal community undertaken as part of an AHIP application must be in accordance with the "Aboriginal Cultural Heritage Community Consultation Requirements for*

Proponents 2010”.

- *The Aboriginal objects identified at the Clay Cliff Creek levee must be registered on AHIMS before an AHIP application is submitted to Office of Environment and Heritage and the allocated site number must accompany the AHIP application.*
- *If Aboriginal objects are to be reburied on site, the exact location must be provided on a map with grid co-ordinates, as part of the AHIP application. The method of ensuring protection of these objects in perpetuity must also be included with the application. Please note, once the objects have been reburied, their location must be registered on AHIMS and any future impacts may require a separate AHIP. If a suitable location for reburial on site cannot be found, an appropriate alternative must be submitted as part of the application.*

The Office of Environment and Heritage have requested that a revised Archaeological Cultural Heritage Assessment be submitted with the Aboriginal Heritage Impact Permit given inconsistent references in the report.

6.2 SECTION 79(C)(1)(A)(I)(II)(III): ENVIRONMENTAL PLANNING INSTRUMENTS, PROPOSED INSTRUMENTS SUBJECT TO PUBLIC CONSULTATION AND DEVELOPMENT CONTROL PLANS ANY PLANNING AGREEMENTS ENTERED INTO UNDER SECTION 93F

Pursuant to the provisions of Section 79(C)(1) of the *EP&A Act, 1979*, an assessment is made against the following environmental planning instruments and development control plans.

Environmental Planning Instruments

- *State Environmental Planning Policy No. 55- Remediation of Land;*
- *State Environmental Planning Policy (Infrastructure) 2007;*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and*
- *Parramatta City Centre Local Environmental Plan 2007.*

Development Control Plans

- *Parramatta Development Control Plan 2007*

6.3 STATE ENVIRONMENTAL PLANNING CONTROLS

State Environmental Planning Policy No. 55- Remediation of Land

The provisions of *SEPP 55* have been considered in the assessment of the development application.

This Policy provides a framework for the assessment, management and remediation of contaminated land. Clause 7(1) of the Policy prevents Council from consenting to a development unless:

- it has considered whether the land is contaminated, and*
- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be) suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

An initial Environmental Site Assessment Report supplemented by a detailed Environmental Site Assessment Report was prepared by Environmental Investigation Services. The latter report also contained a Remediation Action Plan. The reports list the following contamination sources or potentially contaminating activities that were identified on the site:

- Potentially contaminated, imported fill material;
- A 5000 litre underground storage tank likely to have been located in the north-east section of the site;
- Potential asbestos contamination associated with demolition of the former site buildings/sheds;
- Historical use of the site (in particular the south west section) for commercial/industrial purposes; and
- Historical activities such as the use of pesticides.

The Environmental Site Assessment Report notes that contamination encountered on site is considered to be associated with mostly randomly placed fill material and is likely to extend to the site boundaries in all directions. The depth of fill across the site varies and is generally shallowest in the north-east and south-east corners of the site (0.3 metres) becoming deeper up to 2.6 metres towards the central west and south-west sections of the site. The vertical extent of remediation varies with the fill depth.

The Remediation Action Plan notes that excavation and off-site disposal of the contaminated fill material as part of the excavation works for the proposed basement is the most suitable remediation method. Following removal of the fill a detailed validation assessment will be required to assess the success of the remediation in order to confirm the site is suitable for residential development.

Due to the asbestos encountered in the fill material, the fill material is not considered suitable for re-use on site and should be disposed at a suitably licensed NSW EPA landfill only.

Council's Environment and Public Health Officer has reviewed and accepted the recommendations contained in the Environmental Site Assessment reports and Remediation Action Plan, and has provided conditions for inclusion in the consent.

State Environmental Planning Policy Infrastructure (Infrastructure SEPP)

The provisions of SEPP (*Infrastructure SEPP*) have been considered in the assessment of the development application.

Macquarie Street and Hassall Streets are not classified roads. The proposed development is not subject to Clause 101 of the *Infrastructure SEPP* (Development with frontage to classified road) as the site does not front a classified road.

The proposed development is also not subject to Clause 102 of the *Infrastructure SEPP* (Impact of road noise or vibration on non-road development) as the average daily traffic volume of Wigram Street or Hassall Street is less than 40,000 vehicles.

Sydney Regional Environmental Plan 2005 (Sydney Harbour Catchment Deemed SEPP)

The *Sydney Regional Environmental Plan 2005 (Sydney Harbour Catchment Deemed SEPP)* is a deemed State Environmental Planning Policy and applies to the water and tributaries of Sydney Harbour. It includes zoning for land below mean high water mark, identifies strategic foreshore sites, heritage items and wetland protection areas. It also identifies land in the vicinity of waterways and matters which must be considered when preparing an Environmental Planning Instrument, Development Control Plan, Environmental Studies or Masterplans.

This Plan has the following aims with respect to the Sydney Harbour Catchment:

- *to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained:*
- *as an outstanding natural asset, and*
- *as a public asset of national and heritage significance,*
- *for existing and future generations,*
- *to ensure a healthy, sustainable environment on land and water,*
- *to achieve a high quality and ecologically sustainable urban environment,*
- *to ensure a prosperous working harbour and an effective transport corridor,*
- *to encourage a culturally rich and vibrant place for people,*
- *to ensure accessibility to and along Sydney Harbour and its foreshores,*
- *to ensure the protection, maintenance and rehabilitation of watercourses, wetlands, riparian lands, remnant vegetation and ecological connectivity,*
- *to provide a consolidated, simplified and updated legislative framework for future planning.*

The site is within the designated hydrological catchment of Sydney Harbour. However the site is not located on the foreshore or adjacent to a waterway and therefore with the exception of improved water quality, the objectives of the *Sydney Harbour Catchment Deemed SEPP* are not applicable to the proposed development.

The proposed works will have the potential to impact upon the Harbour primarily through the runoff of stormwater and sedimentation. A Soil and Erosion Plan prepared by Australian Consulting Engineers has been submitted with the application and includes details regarding:

- Location of sediment control fencing to minimise site runoff;
- Sediment fencing; and
- Protection of access points for construction traffic to minimise soil and other materials leaving the site.

The development is consistent with the controls contained within the *Sydney Harbour Catchment Deemed SEPP*.

6.4 LOCAL ENVIRONMENTAL PLANNING INSTRUMENTS

Parramatta City Centre Local Environmental Plan 2007

The site is zoned B4 Mixed Use pursuant to the provisions of *Parramatta City Centre Local Environmental Plan 2007* (PCCLEP 2007).

The proposed early works /site preparation relate to a mixed use development which is permissible within the B4 Mixed Use Zone.

“Mixed use development” as defined in *PCCLEP 2007* means a building or place comprising two or more different land uses.

The intended future uses of the site would satisfy the definitions of “residential accommodation”, and “retail premises”, thereby meeting the definition of mixed use.

The application pertains to the early works/site preparation for the basement carpark which is proposed to be used exclusively for residential purposes as part of the mixed use development as described in DA 852/2013. Residential parking is required as part of that application. Nevertheless it is noted that site preparation works relating to basement construction could relate to any development on site which is permissible within the B4 Mixed Use Zone.

The objectives for the B4 Mixed Use zone are:

- *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 create opportunities to improve the public domain and pedestrian links within the Mixed Use Zone.*
- *To support the higher order Commercial Core Zone while providing for the daily commercial needs of the locality, including:*
 - *commercial and retail development,*
 - *cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets and outdoor dining,*
 - *tourism, leisure and recreation facilities,*
 - *social, education and health services,*
 - *high density residential development.*
- *To protect and enhance the unique qualities and character of special areas within the Parramatta city centre.*

The proposed development will result in a mixed use development which is consistent with the above objectives satisfying clause 12(2) of *PCCLEP 2007* given it will ultimately provide suitable residential and retail uses as well as a pedestrian site through link.

This proposal's compliance with the relevant controls within *PCCLEP 2007* is addressed in Table 3.

Table 3: Compliance with PCCLEP 2007

Provision	Response
Clause 22G Special Areas	<p>This Clause requires the Consent Authority to have regard to the objectives of the identified special areas within the City Centre precinct.</p> <p>The site is located within the City East Special Area which is in close proximity to Robin Thomas Reserve and is a mixed use area requiring future development to address the park and locality with high quality architecturally designed buildings.</p> <p>The proposed development will ultimately facilitate the construction of a mixed use development that has been awarded "Design Excellence", activates the street edge with multiple pedestrian entries and provides retail on both Macquarie Street and Hassall Street which is consistent with the objectives of the City East Special Area.</p>
Clause 33A Flood Prone Lands	<p>This Clause requires the Consent Authority to consider the impacts of development flood prone land.</p> <p>The property is within the Lower Parramatta River sub-catchment and is shown on Council's flood map as being affected by the 1:100 year flood and the Probable Maximum Flood (PMF).</p> <p>As outlined in the Flood Study prepared by KFW, the application for the mixed use development proposes a flood storage plenum to be installed below ground level in order to compensate for the loss of flood storage displaced as a result of the development. It provides sufficient volumetric storage to mitigate an increase in flooding by storing the lost flood storage volume and discharging through the existing stormwater drainage network. The plenum also has capacity to accommodate for the On-Site Detention required on the site.</p> <p>This matter will be further assessed as part of DA 852/2013 however Council should consider the impact of the 100 year ARI flood level should this occur during excavation. Accordingly a condition regarding the provision of a Site Emergency Flood Response Plan to be submitted prior to Construction Certificate is imposed.</p>
Clause 33B Acid Sulphate Soils	<p>This Clause requires the Consent Authority to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.</p> <p>The site is situated within Acid Sulphate Soils Class 4 indicating that development consent is required for the carrying out of works at depths beyond two (2) metres below the existing natural ground surface.</p> <p>An Acid Sulphate Soil Management Plan is required for works that will exceed two (2) metres below the natural ground level.</p> <p>A Preliminary Acid Sulphate Soils Management Plan prepared by Environmental Investigations has been submitted with the application.</p>
Clause 34 Preservation of Trees	<p>This Clause requires the approval for the removal of existing trees on site.</p> <p>An arborist report has been submitted with the application which supports the removal of a total of 23 trees including (5) five trees on adjoining properties. 17 of the trees have been identified as being preserved under <i>Parramatta Council's Tree Preservation Order</i>. Owner's consent has not been provided for the removal of the trees located on the property to the west of the site at 191 Macquarie Street.</p> <p>Refer to further discussion in 6.4.</p>

<p>Clause 35 Heritage</p>	<p>European Heritage</p> <p>Clause 35 requires the consideration of heritage items within the vicinity of the site.</p> <p>The site is not a heritage item nor is it located within a heritage conservation area. However, it is located in close proximity of several heritage items, including the semi-detached houses at 113 and 115 Wigram Street, and semi-detached cottages at 23 and 25 Hassall Street.</p> <p>Archaeology</p> <p>Clause 35(7) requires the Consent Authority before granting consent to the carrying out of development in a place of Aboriginal heritage significance:</p> <ul style="list-style-type: none"> (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place; and (b) notify the local Aboriginal communities (in such a way as it thinks appropriate) about the application and take into consideration any response received within 21 days after the notice is sent. <p>Based on the recommendations contained in the Archaeological Cultural Heritage Assessment prepared by AHMS regarding the impact on one Aboriginal site of significance together with the advice from the Office of Environment and Heritage, an Aboriginal Heritage Impact Permit from the Office of Environment and Heritage will be required pursuant to Section 90 of the <i>National Parks and Wildlife Act, 1974</i>.</p> <p>The application satisfies the terms of this clause - however further commentary is provided at section 6.4.2 below.</p>
<p>Clause 35A Historic View Corridors</p>	<p>The site is not located within an identified historic view corridor.</p>

Further Discussion

6.4.1 Trees

An Arborist report has been prepared by Birds Tree Consultancy and has been submitted with the application. The arborist report supports the removal of a total of 23 trees including five (5) trees on adjoining properties. 17 trees have been listed on *Council's Tree Preservation Order*.

Council's Tree Management and Landscape Officer has reviewed the application and does not raise an objection to the proposal subject to the imposition of appropriate conditions. However it is noted that five (5) trees located on adjoining properties although exempt from *Council's Tree Preservation Order* will require removal as the proposed works will result in pre-mature decline and/or whole tree failure.

A total of four (4) Camphor Laurel trees located on the property to the east of the site at 183 Macquarie Street require removal as well as one (1) Mulberry tree located on the property to the west of the site at 191 Macquarie Street. Owner's consent has been received in relation to the tree located at 191 Macquarie Street but has not yet been received for the trees located at 183 Macquarie Street.

Council's Tree Management and Landscape Officer also recommends that an additional six (6) trees (Casuarina trees) located within the property at 2 Charles Street may also require approval and would be subject to a separate tree permit application with owner's consent.

Figure 13 below contains an extract from Birds Tree Consultancy Arborist Report showing trees on adjoining properties that will be directly affected by the proposed development.

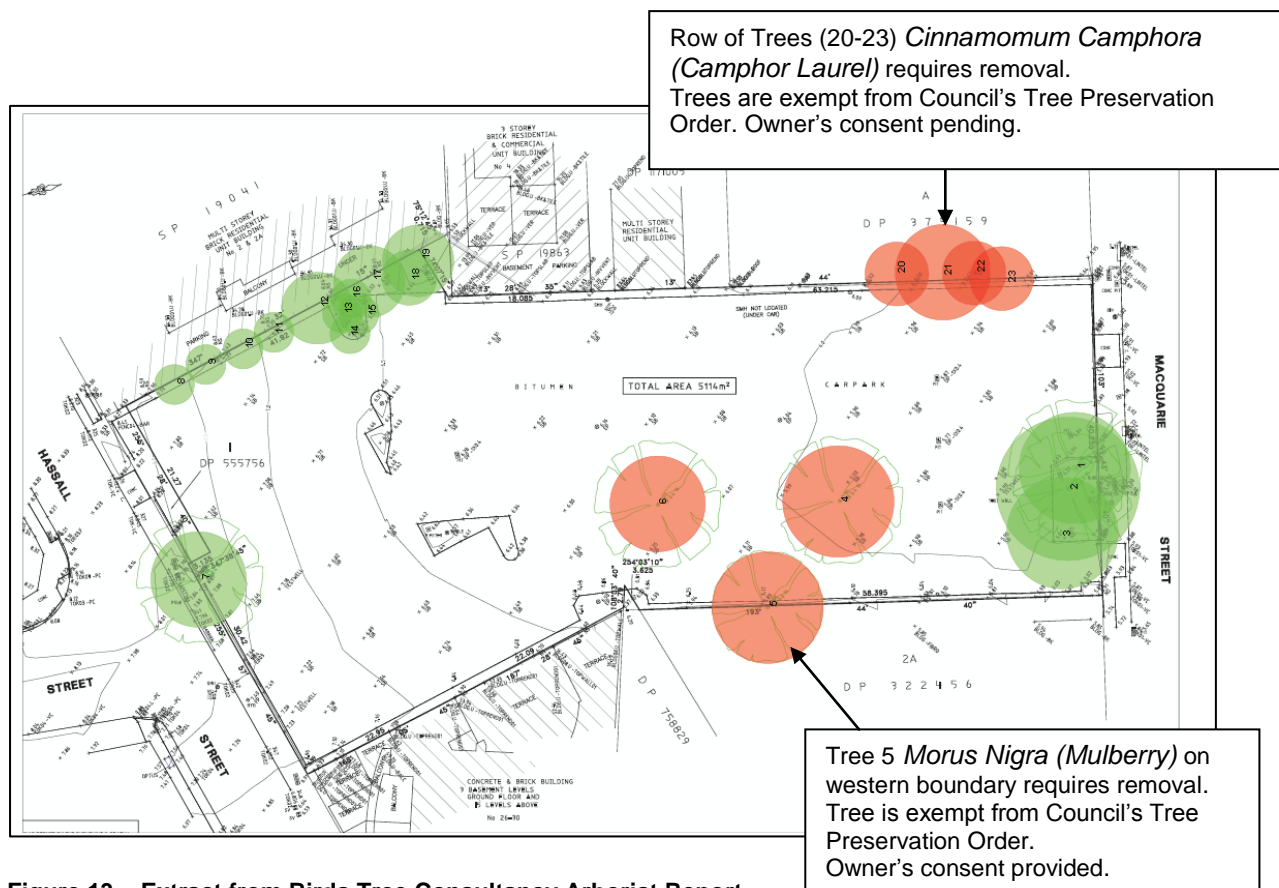


Figure 13 – Extract from Birds Tree Consultancy Arborist Report

6.4.2 Archaeology

A Preliminary Archaeological Assessment was prepared by AHMS in accordance with the requirements of the Office of Environment and Heritage and was submitted with the application.

The assessment revealed that very little of the Parramatta terrace sand sheet, a highly significant archaeological deposit was situated within the site curtilage. However a levee bank of Clay Cliff Creek which contained Aboriginal objects of Pleistocene age was located at the southern margin of the site. Previous work in the area considered that such deposits along Clay Cliff Creek had been destroyed through historical development.

The proposed works will result in the removal of an Aboriginal Archaeological site, being that section of the Clay Cliff levee that extends into the southern part of the subject area, as well as an area assessed as having low Aboriginal archaeological potential (Parramatta Sand Terrace) that extends into the north-eastern portion of the area along with any Aboriginal objects that are present within this landform.

The central part of the site is considered to have no archaeological potential.

The recommendations as contained in the Archaeological Report prepared by Archaeological and Heritage Management Solutions as submitted with the application include:

- A site card should be completed and lodged with the AHIMS Register for the Clay Cliff Creek levee within the southern part of the subject site and that the Aboriginal objects contained within this landform. An Aboriginal Site Impact form should also be completed and lodged with the AHIMS Registrar, describing the impact upon the site through the test excavation undertaken in accordance with the Code of Practice.
- The artefacts recovered from the test excavation should be reburied within a part of the subject site that will not be subject to the bulk excavation and where their care in perpetuity can be assured. A site card update should be submitted with the AHIMS Registrar detailing the location of the reburied artefacts.
- No further archaeological investigation is considered to be warranted in the subject area in advance of the proposed development.
- An Aboriginal Heritage Impact Permit application should be completed and lodged with the Office of Environment and Heritage to cover the proposed impact on Aboriginal objects. The AHIP application should be accompanied by the present report. No excavation should be undertaken until the AHIP is issued and subsequent work should be undertaken in accordance with the AHIP conditions.

Council's Heritage Advisor has no objection to the proposal from a heritage perspective subject to the obtaining of required permits from the Office of Environment and Heritage. It is noted that a permit for disturbance of grounds may not be required under the *NSW Heritage Act 1977*.

The Office of Environment and Heritage have provided General Terms of Approval.

6.5 SECTION 79C(1)(A)- DEVELOPMENT CONTROL PLANS

Parramatta Development Control Plan 2007

Parramatta Development Control Plan 2007 (PDCP 2007) does not provide any specific controls relevant to the proposed works. Matters relating to tree removal, contamination, flooding, acid sulphate soils have been addressed under the *PCCLEP 2007* requirements.

6.6 SECTION 79C(1)(A)(IIIA)- PLANNING AGREEMENTS

A Voluntary Planning Agreement has been submitted with respect to the main development application (DA 852/2013) but has not yet been advertised as part of that application. Nevertheless Parramatta City Council *Section 94A Development Contributions Plan* applies to this development, refer to Section 7.0 in this report.

6.7 SECTION 79C(1)(A)(IV)- REGULATIONS

Clause 92 of the *EP&A Regulations 2000* prescribes certain matters to be considered by a Consent Authority in its determination of a development application.

Regulation 98E requires prescribed conditions relating to shoring and adequacy of adjoining property if the development involves an excavation that extends below the level of the footings of a building, structure or work (including any structure or work within a road or rail corridor on adjoining land). Accordingly appropriate conditions of consent have been recommended.

- (1) "...The person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

The only other matter of relevance relates to demolition works. To ensure consistency with the *EP&A Regulation 2000*, the recommendation to this report includes a condition for the works to comply with AS 2601 Australian Standard AS 2601—1991: *The Demolition of Structures*, published by Standards Australia.

The above conditions have been incorporated within the consent.

6.8 SECTION 79C(1)(A)(V)- ANY COASTAL ZONE MANAGEMENT PLAN

This matter is not applicable to the application.

7.0 SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN

This plan commenced on 8 June 2011 and applies to all development applications within the City Centre which increase the gross floor area (GFA) of a building (with no credit for the demolition of any existing building) and have a cost of more than \$250,000. The purpose of this Plan is to provide for funding towards the public domain projects and special city centre projects in the Civic Improvement Plan for Parramatta City Centre.

The Section 94A contributions levy for the Parramatta City Centre is 3% of the cost of development, as determined in accordance with Clause 25J of the *EP&A Regulations 2000*. The application is accompanied by Cost Estimate identifying that cost of works, per the Regulations, as being \$5,034,355.

Included in the recommendation to this report is a condition requiring payment of the required contribution, being \$151,030.65.

It is acknowledged that the applicant has submitted a Voluntary Planning Agreement as part of the works contained in DA 852/2013 however it has not been advertised yet. Given that this application seeks consent for the early works as relevant to DA 852/2013, an amendment to the Voluntary Planning Agreement may be required.

8.0 SECTION 79C(1)(B)- THE LIKELY IMPACTS OF THE DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, SOCIAL AND ECONOMIC IMPACTS ON THE LOCALITY.

Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* specifies the matters which a Consent Authority must consider when determining a development application. These matters are addressed below.

Context and Setting

The proposed development will facilitate a mixed use development which is permissible within the B4-mixed use zone pursuant to *PCCLEP 2007* and is consistent with the desired future character for the locality as established by the Special Area provisions for the City East Special Area.

Access and Traffic

A Traffic and Pedestrian Management Statement has been prepared by Thompson Stanbury and Associates and is submitted with the application.

The Plan notes that all shoring/excavation vehicles and equipment will be able to be accommodated wholly within the site during the on-site works. There will be no requirement for construction work zones to be installed on Macquarie or Hassall Streets.

The Plan notes that the largest vehicle to service the site during the works will be semi-trailers and truck and dog combination vehicles and that the site is projected to generate up to four (4) heavy vehicles per hour.

Council's Traffic and Transportations Engineer has reviewed the application and recommended conditions of consent.

Utilities

The proposal would also require the decommissioning of existing utilities including the diversion of two existing 150mm diameter Sydney Water sewer pipes that traverse the site. An authorized Water Servicing agent has prepared a design showing the proposed diversion and has liaised with Sydney Water. A copy of this plan was provided to Council. This documentation is sufficient for the purposes of the development application.

These matters are addressed by conditions in the recommendation.

Water

Flooding

Refer to discussion contained in Table 3- Compliance with *PCCLEP 2007*.

Water Quality

Construction phase measures to prevent of sediments or contaminants from entering the local water system will be required.

A Soil and Erosion Plan has been prepared by Australian Consulting Engineers and has been submitted with the application.

Soils

Contamination

Refer to Section 6.3.

Geotechnical issues

A Geotechnical report prepared by JK Geotechnics accompanies the application. The purpose of the report was to obtain geotechnical information on subsurface conditions at six (6) borehole locations as well as a seventh borehole at one of the neighbouring properties to the west. The report contains comments and recommendations on excavation conditions and support, retaining wall design parameters, footings, groundwater, basement on-grade floor slab and soil aggression.

The Geotechnical report notes the following items to be the primary geotechnical issues associated with the proposed development:

- *The excavation cuts which will extend to the site boundaries will require support by shoring walls which will need to be installed prior to the commencement of bulk excavation;*
- *Excavation for the proposed basement will need to be carried out carefully due to the presence of buried sewer pipes which pass through the site as well as the presence of neighbouring structures on or very close to the site boundaries and therefore must not be carried out with care so as to not damage, undermine or removal lateral support from these structures;*
- *Groundwater seepage into the bulk excavation will need to be controlled;*
- *Vibrations will need to be controlled during rock excavation if hydraulic impact rock hammers are used; and*
- *The presence of medium and high strength bedrock at depth, which will present “hard” rock excavation and piling conditions.*

The Geotechnical report recommends that the work be completed in accordance with Safe Work Australia “Code of Practice- Excavation Work” and AS3798 “Guidelines on Earthworks for Commercial and Residential Developments”.

The report also recommends the completion of a dilapidation survey for the neighbouring structures to the east and west, as well as for the adjoining road surfaces and CCTV survey of any buried services that adjoin the site.

Compliance with the recommendations in geotechnical report will be addressed by conditions.

Construction Management

The application is accompanied by a Construction Environmental Management Plan prepared by Environmental Investigations which outlines general operational site measures during construction. Adherence to the Construction Environmental Management Plan will ensure that construction impacts are minimised. It is expected that shoring and excavation will take 16 weeks and 12 weeks respectively to complete.

The hours of construction nominated in the Construction Management Plan are:

- 7am to 5pm Monday to Friday
- 8am to 5pm on Saturdays
- No work to be carried out on Sundays or public holidays.

These hours are consistent with Council's standard hours of construction and a condition has been imposed to this effect.

A Class A Type Hoarding is also to be provided to each street frontage together with necessary site fencing to a height of 1.8 metres to the side boundaries. A condition has been imposed to this effect.

Air and Micro Climate

Dust is anticipated during the construction period, particularly given the extent of excavation required.

This impact can be managed through mitigation measures expressed in the submitted Construction Environmental Management Plan prepared by Environmental Investigations.

Pedestrians will be protected from dust and debris by full perimeter chain wire mesh and shade cloth.

Appropriate conditions of consent will be recommended.

Waste

A Waste Management Plan prepared by Toplace Pty Ltd accompanies the application and outlines material wastes and measures for its recycling on site, off site and disposal for the demolition and excavation phases.

Noise and Vibration

Construction Noise

Construction noise is addressed in the Construction Environmental Management Plan, prepared by Environmental Investigations accompanying the application. The Construction Environmental Management Plan provides a series of recommendations to maintain vibration impacts at acceptable levels. The key to managing construction noise is to undertake all reasonable steps to muffle and acoustically baffle all plant and equipment. Best management practice and best available technology economically achievable practices are to be implemented as described in the Environment Protection Authority's *Industrial Noise Policy*.

Vibration

Both the Geotechnical Report and the Noise and Vibration Management component of the construction Environmental Management Plan recommend dilapidation reports to be prepared for buildings surrounding the construction site before the proposed works commence.

Appropriate conditions to ensure that outcome are included within the recommendation to this report.

Social and Economic Impacts

There are no long term adverse social or economic impacts arising from the proposed development. Ultimately the proposed development will facilitate the development of a mixed use development (subject to approval) which will assist by providing additional housing and will assist in meeting dwelling targets for Parramatta identified in the *Draft Metropolitan Strategy for Sydney to 2031*. The proposed development will also result in the creation of some job opportunities due to the creation of new retail facilities and an upgraded Council carpark facility. Job opportunities would also be created during construction.

9.0 SECTION 79C(1)(c) – SUITABILITY OF THE SITE

The potential constraints of the site have been assessed and it is considered that the site is suitable for the proposed development.

10.0 SECTION 79C(1)(d) – ANY SUBMISSION MADE IN ACCORDANCE WITH THE ACT OR THE REGULATIONS

In accordance with the provisions of Section 89(3)(a) of the *EP&A Regulations 2000* and Council's *Notification Development Control Plan*, owners and occupiers of surrounding properties were given notice of the development application for a 30 day period from 22 May 2014.

One submission was received and is summarised as follows:

- Approval for the new height limit for the site has not been granted yet;
- Council will lose revenue from existing carpark fees;
- Residents and visitors to Parramatta will be inconvenienced as there is no other parking in the east Central Business District area other than street parking.

In response to the comments made in the submission referenced above, it is acknowledged that Council will lose revenue from carpark fees as a result of this application. Nevertheless Council is preparing a strategy to deal with the short fall of car parking spaces across the area during the re-development of Council's former carpark sites.

Determination of this application does not foreshadow the approval of any other development on this site, although it could be argued that site preparation works relating to basement construction could relate to any development on site which complied with Council's current height controls.

It is to be noted that the residents in the vicinity of the site have been consulted on two previous occasions regarding the current proposal for the site (for the development application for the mixed use development (DA 852/2013) as well as for the Planning Proposal). The issues that were previously raised regarding DA 852/2013 have been summarised below and will be considered in a future assessment report to the Joint Regional Planning Panel regarding that application. Nevertheless where relevant conditions of consent pertaining to mitigating impacts associated with construction have been recommended in the consent.

The issues raised by objectors as part of DA 852/2014 are as follows:

- Building Bulk and Streetscape;
- View loss, overshadowing and solar access;
- Operational noise;
- Privacy;
- Parking and traffic congestion;
- Loss of property values;
- Carparking operating hours and safety;
- Waste Management;
- Removal of trees; and
- Stormwater drain on eastern boundary.

11.0 SECTION 79C(1)(e) – THE PUBLIC INTEREST

The public interest is best served by the orderly and economic use of land for purposes in accordance with the prevailing planning controls. Since the proposed development promotes the orderly and economic use of the site in accordance with applicable planning controls and is a development where impacts on adjoining properties can be appropriately managed, the proposal is considered to be in the public interest.

The proposed development will also facilitate the re-development of the site and provide for a new multi-storey Council carpark facility. The redevelopment is consistent with Council's Integrated Transport Plan 2009/10 to 2014/15 and will assist in achieving these strategies for reducing car parking within the core of Parramatta and relocating to the periphery of the Central Business District.

12. CONCLUSION

This report considers a development application submitted by Toplace Pty Ltd for early works/ site preparation relating to the basement component of a separate development application for a new thirty storey mixed use building containing 425 apartments, retail space, three (3) levels of basement carparking comprising of 389 spaces for exclusive residential use including seven (7) storey Council carpark.

The land owner is Parramatta City Council (and part Department of Education), and consequently Meinhardt was engaged to provide the Joint Regional Planning Panel (JRPP) with an independent town planning assessment of this application, including the preparation of this report. Assessment of various matters was also provided by the relevant departments within Council, and General Terms of Approval provided by the NSW Office of Environment and Heritage and NSW Office of Water.

An assessment of all of the environmental issues raised above, indicates that the proposed development is able to be conducted in a manner that would not result in any significant environmental impacts to the amenity of surrounding land users during site preparation and excavation works.

After consideration of the development against Section 79C 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. Therefore it is recommended that the application be approved subject to the imposition of appropriate conditions.

RECOMMENDATIONS

That:-

- A. That Development Application 183/2014 be approved subject to the conditions in Schedule 1; and
- B. That those persons who made a submission be notified.