



SYDNEY WEST CENTRAL PLANNING PANEL

Panel Reference No	2017SWC058
DA No.	DA/351/2017
LGA	City of Parramatta Council
Proposed development	Early works and site preparation including excavation of basement levels and construction of below ground shoring walls, piles and slabs.
Address	<p>The subject site is generally known as 160-182 Church Street, Parramatta, and consists of the following addresses and lots:</p> <ul style="list-style-type: none">• 160 Church Street (Lot 1 DP 514282)• 160-172 Church Street (Part Lot 1 DP 731780)• 169 Macquarie Street (Part Lot 2 DP 1192394)• 119Z Macquarie Street (Part Lot 1 DP 201075 and Part Lot 3 DP 510571)• 188R Church Street (Part Lot 1 DP 1158833)• 21R Darcy Street (Part Lot 2 DP 1158833)
Applicant	Walker PS2 Developments Pty Ltd
Owner	City of Parramatta Council
Date lodged	27 April 2017
Number of submissions	Nil
Recommendation	Approval with conditions
Regional Development Criteria	Pursuant to Clause 4 of Schedule 4A of the <i>Environmental Planning and Assessment Act 1979</i> , the development has a capital investment value of more than \$5 million and Council is the landowner. The Sydney West Central Planning Panel is therefore the consent authority.
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none">• State Environmental Planning Policy No. 55 – Remediation of Land• Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005• State Environmental Planning Policy (Infrastructure) 2007• State Environmental Planning Policy (State and Regional Development) 2011• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011• Environmental Planning and Assessment Regulation
Documents submitted with this report for Panel's consideration	Proposed conditions of consent Plans
Report by	Helena Miller, MG Planning (independent planning consultant)

Date of report	28 August 2017
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Summary of s79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	Not applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)?	Not applicable
Conditions Have draft conditions been provided to the applicant for comment?	No – will be undertaken prior to Panel meeting

1. Executive summary

This report considers a proposal for early works and site preparation works at 160-182 Church Street, Parramatta. Once developed, the site will be known as 8 Parramatta Square. The works will facilitate the future redevelopment of the site for a mixed use residential tower or commercial building (to be subject of a separate development application).

Assessment of the application has been undertaken against the relevant planning framework including the requirements of section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The requirements of the relevant environmental planning instruments which require the consent authority to be satisfied about particular matters before granting consent have been considered. In particular, the application satisfies the requirements of *State Environmental Planning Policy No. 55 – Remediation of Land* with regards to the consideration of potential contamination.

It is considered that any potential adverse impacts of the proposed works can be avoided or mitigated by the imposition of suitable conditions of consent.

As such, this report recommends that the Sydney West Central Planning Panel, as the relevant determining authority, approve the application subject to the recommended conditions of consent.

2. Site description, location and context

2.1 SITE DESCRIPTION

The subject site is generally known as 160-182 Church Street, Parramatta, and consists of the following addresses and lots:

- 160 Church Street (Lot 1 DP 514282)
- 160-172 Church Street (Part Lot 1 DP 731780)
- 169 Macquarie Street (Part Lot 2 DP 1192394)
- 119Z Macquarie Street (Part Lot 1 DP 201075 and Part Lot 3 DP 510571)
- 188R Church Street (Part Lot 1 DP 1158833)
- 21R Darcy Street (Part Lot 2 DP 1158833)

Once developed, the site will be known as 8 Parramatta Square. The site is owned by City of Parramatta Council and is being developed by the Walker Corporation under a project development agreement.

The location of the site is shown at Figure 1 and in the aerial photograph at Figure 2.

The site has a total site area of approximately 4,714m², and is currently vacant. The site previously contained retail and commercial buildings which were demolished following approval of Development Application 236/2015 granted on 26 June 2015.

Archaeological excavation works on the site were approved on 21 September 2016 (Development Application 319/2016) including demolition of ground level concrete slabs and all hard paved surfaces, excavation varying between 1 metre and 2 metres across the subject site, and removal of part of the Convict Drain heritage item located within the site.

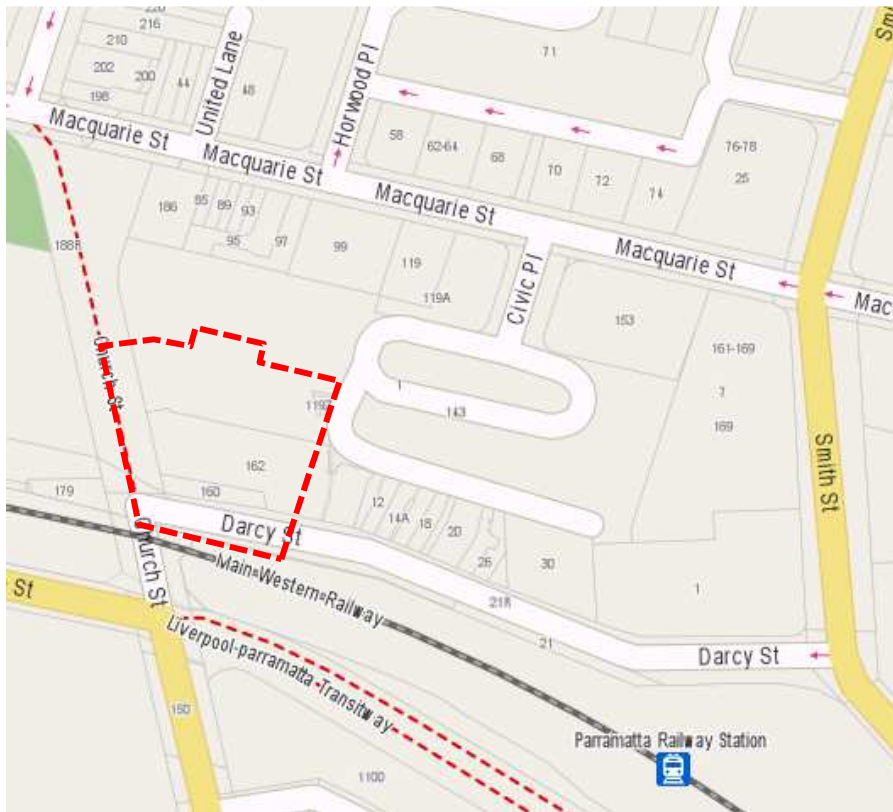


Figure 1: Location Plan (Source: Street Directory 2017)



Figure 2: Aerial photograph of the subject site (Source: Near Map, July 2017)

2.2 SURROUNDING DEVELOPMENT & PLANNING CONTEXT

The site forms part of the three hectare Parramatta Square redevelopment precinct located in the core of the Parramatta Central Business District and broadly bounded by Macquarie Street to the north, Smith Street to the east, Church Street to the west and Darcy Street to the south.

The location of the site within the context of Parramatta Square is shown at Figure 3.

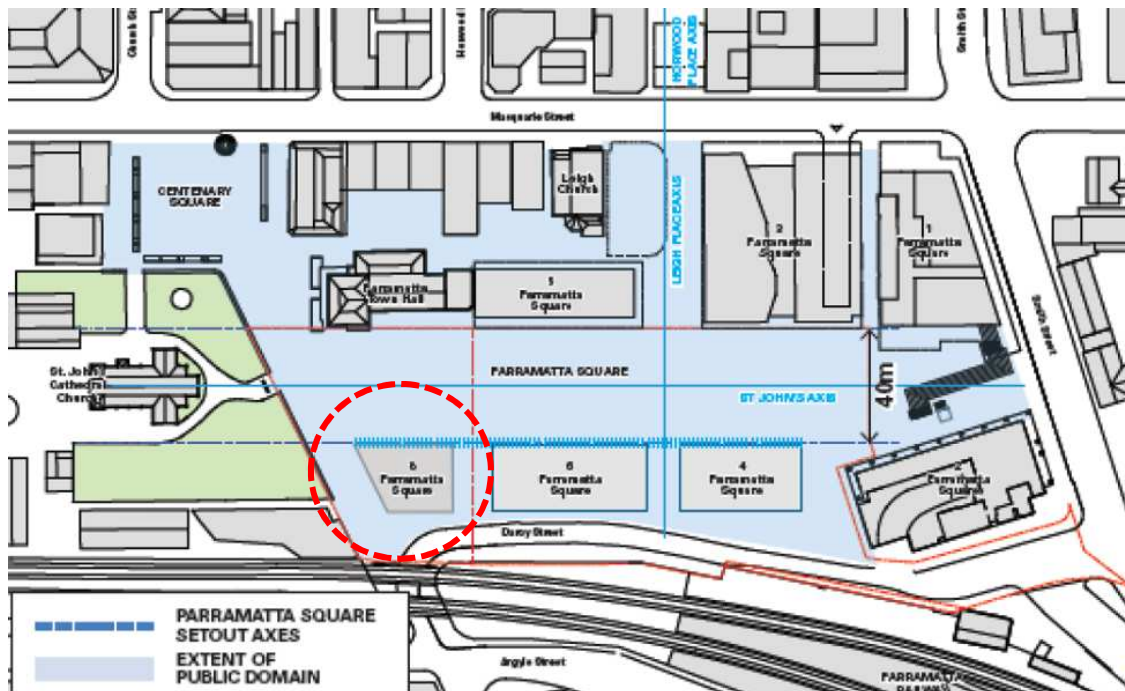


Figure 3: Subject site in the context of Parramatta Square developments (Source: Staging Plan, SEE)

Development in the vicinity of the site is primarily commercial and retail. To the north west of the site is a mixture of two and three storey commercial buildings.

Parramatta Railway Station is adjacent to the site to the south. To the east is 4 and 6 Parramatta Square for which development consent for a mixed use development has been granted. To the north-east of the site is 5 Parramatta Square which is similarly the subject of a current development proposal for a new Council building and library. Further to north east is 3 Parramatta Square for which consent was recently granted by the SWPP for a 17 storey commercial building. Adjacent to 3PS is the recently constructed Western Sydney University Campus building at 1 Parramatta Square.

The site is in the vicinity of a number of heritage items as shown in Figure 4, including the adjacent Parramatta Town Hall to the north (Item 650) and the State significant St John's Anglican Cathedral (Item 01805) and Parramatta Railway Station (Item 00696) to the west and south respectively.

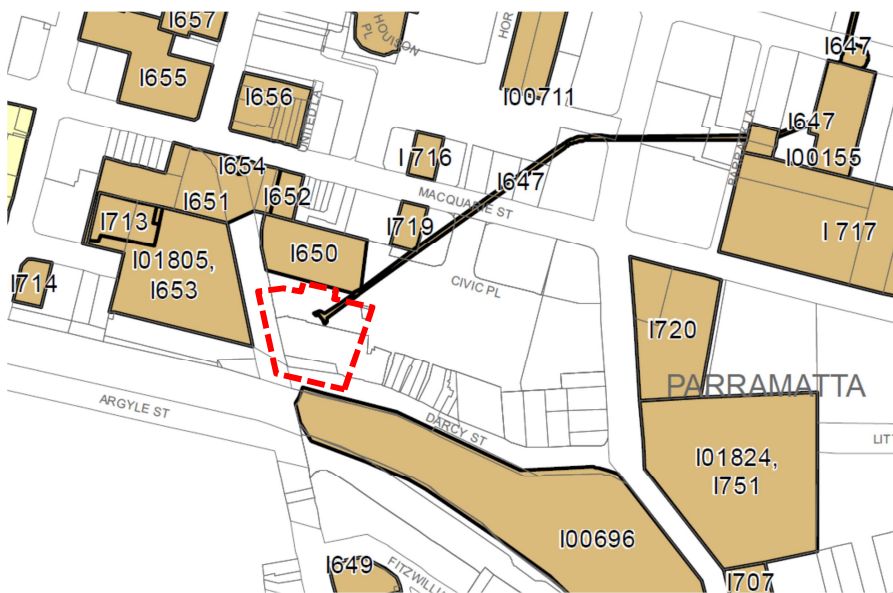


Figure 4: Heritage items in the vicinity (Source: Heritage Map – Sheet HER_010)

3. The proposal

The subject development application seeks development consent for early works and site preparation works to facilitate the future redevelopment of the site for a mixed use residential tower or commercial building (to be the subject of a separate development application).

The proposed works are all below grade and include the excavation of basement levels (three and four levels across the site as shown on the attached plans) and construction of below ground shoring walls, piles and slabs. Figure 5 shows the proposed work area.

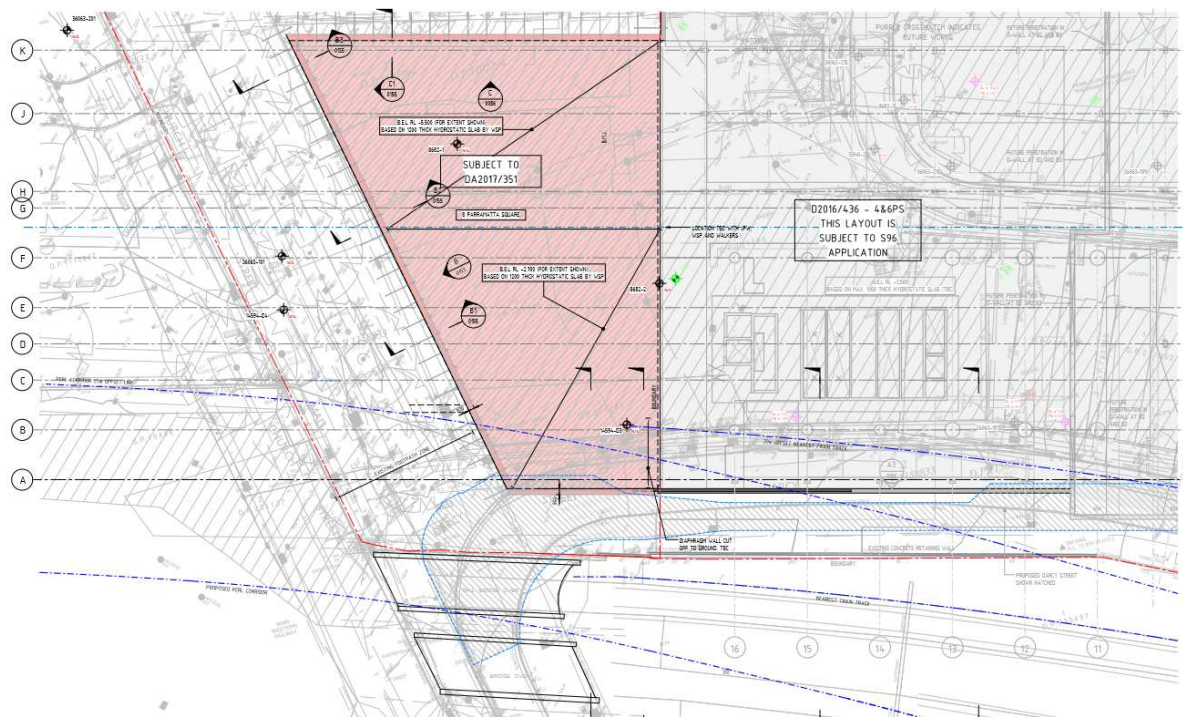


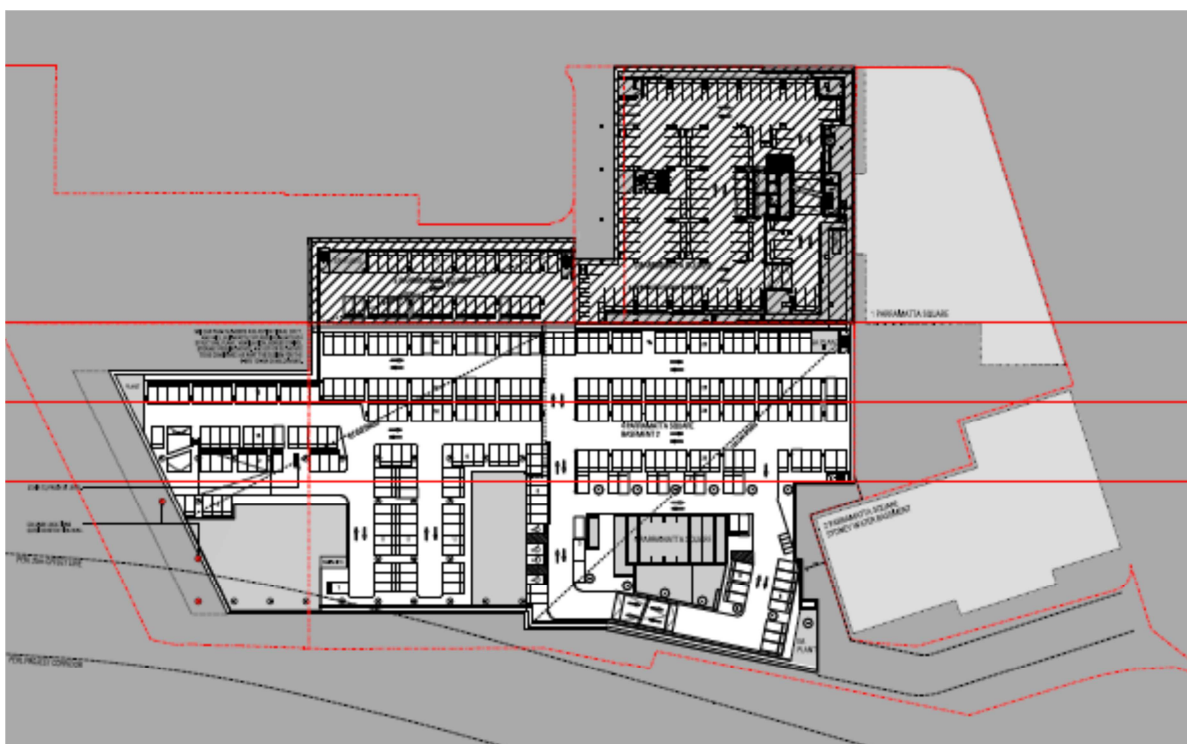
Figure 5. Proposed work area

The application seeks approval for earthworks associated with Category 1 remediation works under clause 8(2) of *State Environmental Planning Policy No. 55*.

The development is “integrated development” pursuant to Section 91 of the *Environmental Planning and Assessment Act 1979* as the proposal requires approval of a ‘controlled activity’ under section 91 of the *Water Management Act 2000*.

The proposal provides for development over a public road however it is not “integrated development” under Section 138 of the *Roads Act 1993* as development consent is required for the proposed works and the Council is the road authority for the purposes of the Act (refer Section 91 of the *EP&A Act 1979*).

The excavation of 8 Parramatta Square will be coordinated with that of the integrated basement for the wider Parramatta Square development, as illustrated at Figure 6. The main access points to the integrated basement will be from two separate two way ramps located at Macquarie Street (through 3 Parramatta Square) and from Smith Street.



4. Referrals

4.1 INTERNAL REFERRALS

Environmental Health (Acoustic and Contamination)	No objections - conditions provided
Landscape Tree Management Officer	No objections - conditions provided
Heritage Advisor	No objections on basis that OEH approval has been obtained
Traffic Engineer	No objections
Catchment and Development Engineer	No objections – conditions provided
Urban Design	No objections
Public Domain	No objections
Waste Management	No objections - conditions provided

4.2 EXTERNAL REFERRALS

WaterNSW	General Terms of Approval provided as proposal is integrated development and requires 'controlled activity' approval under the <i>Water Management Act 2000</i>
Sydney Trains	Concurrence given and conditions provided
Roads and Maritime Services	No objections - conditions provided
Sydney Water	No objections - conditions provided
Endeavour Energy	No objections - recommendations for applicant provided
Deerubbin Local Aboriginal Land Council	No response received - assume no concerns
Dharug Tribal Aboriginal Corporation	No response received - assume no concerns

5. Environmental Planning and Assessment Act

The sections of the Act which require consideration are addressed below:

5.1 Section 5A: Significant effect on threatened species, populations or ecological communities, or their habitats

This section requires a range of matters to be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

There are no identified threatened species, populations or ecological communities or their habitats on the subject site.

5.2 Section 79C: Evaluation

This section specifies the matters which a consent authority must consider when determining a development application. The sections of this report that address the relevant matters are outlined in the following table.

Table 1: Section 79C(1)(a) Considerations

Provision	Comment
Section 79C(1)(a)(i) - Environmental planning instruments	Refer to section 6
Section 79C(1)(a)(ii) - Draft environmental planning instruments	Refer to section 7
Section 79C(1)(a)(iii) - Development control plans	Refer to section 8
Section 79C(1)(a)(iia) - Planning agreement	Refer to section 9
Section 79C(1)(a)(iv) - The Regulations	Refer to section 10
Section 79C(1)(a)(v) - Coastal zone management plan	Not applicable.
Section 79C(1)(b) - Likely impacts	Refer to section 11
Section 79C(1)(c) - Site suitability	Refer to section 12
Section 79C(1)(d) - Submissions	Refer to section 13
Section 79C(1)(e) - The public interest	Refer to section 14

6. Environmental planning instruments

6.1 Overview

The instruments applicable to the subject application comprise:

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

Compliance with these instruments is addressed below.

6.2 State Environmental Planning Policy No. 55 – Remediation of land

Clause 7 of this Policy requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

A Detailed Site Investigation Report for the Parramatta Square precinct (Stages 2 to 6) and an overarching precinct Remedial Action Plan (RAP) has been submitted with the application.

The site investigation report states that no indicators of significant widespread site contamination were identified during the site inspection or soil sampling activities. Based on the assessment, the report concludes that the site can be made suitable for the proposed development with the implementation of an appropriate remedial / soil management plan.

Excavation to a depth of 1-2 metres has occurred across the majority of the site under the separate development consent for archaeological investigation works (DA/319/2016). Given that the proposed development includes excavation of the majority of the site, it is anticipated that all fill material and underlying shallow soil will be removed from site as a result of the development. Therefore, management of any contamination concerns will primarily be concerned with implementation of appropriate controls during excavation and off-site disposal activities.

The RAP provides guidance for management of excavated material and requirements for validation of the remediation works. A remedial options assessment identified off-site disposal of impacted fill as the preferred remedial strategy given that the overall development master plan includes the construction of basement levels across the vast majority of the development footprint.

The RAP concludes that subject to the measures outlined in the report and the recommendations, the site can be made suitable for the intended uses and that the risks posed by contamination can be managed to adequately protect human health and the environment during and following the works.

Council's Environment & Health Compliance Team has reviewed the submitted reports and has concluded that the site can be made suitable for the proposed future use (subject to a separate development application). Recommended conditions have been provided for inclusion in the consent.

6.3 Deemed State Environmental Planning Policy (Sydney Harbour Catchment) 2005

This Policy, which applies to the whole of the Parramatta local government area, aims to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.

The nature of this project and the location of the site are such that there are no specific controls which directly apply, with the exception of the objective of improved water quality. That outcome will be achieved through the imposition of suitable conditions to address the collection and discharge of water during the construction and operational phases.

6.4 State Environmental Planning Policy (Infrastructure) 2007

Clause 85 of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) applies to development that is in or immediately adjacent to a rail corridor if the development is likely to have an adverse effect on rail safety, involves the placing of a metal finish on a structure (and the rail corridor concerned is used by electric trains) or involves the use of a crane in air space above a rail corridor. It requires consultation with the rail authority and the consideration of any issues raised in the determination of the application.

The proposed development involves construction of a basement which extends into the Darcy Street road reserve, immediately adjacent to the Parramatta rail corridor and the

Parramatta to Epping Railway (PERL) corridor to the south of the site. The proposed works will include concrete and metal reinforcing and the rail corridor is used by electric trains.

Further Clause 86 of the Infrastructure SEPP generally provides that a consent authority may not grant consent to development within 25 metres (measured horizontally) of a rail corridor without first obtaining the concurrence of the rail authority. In determining whether to grant concurrence the rail authority is to consider:

- (a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - (i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects*

Railcorp is technically the relevant rail authority however Sydney Trains is its authorised delegate in respect of these provisions.

Sydney Trains, as the relevant rail authority in respect of the adjacent rail corridor, has been consulted on the subject development application in respect of clause 85 and concurrence has been sought in respect of clause 86. Sydney Trains has provided its concurrence subject to the imposition of consent conditions which require detailed matters to be addressed for its certification / approval prior to the operation of the consent.

In addition to the existing rail line, the site and proposed works are also within the corridor of the Parramatta to Epping Rail Link (PERL). The PERL is the subject of a Part 3A Major Project approval and is therefore a rail corridor within the meaning of the Infrastructure SEPP. Clauses 85 and 86 therefore similarly apply to the proposal in respect of the PERL corridor. Sydney Trains' concurrence includes condition A2 requiring Transport for NSW approval/certification of the proposed works in relation to the PERL to be submitted to Sydney Trains for review and endorsement prior to the issuing of a construction certificate. It is therefore considered that the relevant provisions of the Infrastructure SEPP have been satisfied.

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

Part 4 of this Policy applies to development of a class or description included in Schedule 4A of the *Environmental Planning and Assessment Act 1979*, and nominates the relevant regional panel as the determining authority for that development application.

As this proposal has a capital investment value of more than \$5 million and Council is the landowner, it is subject to Clause 3 of Schedule 4A of the Act and consequently Part 4 of this Policy applies. As such, the Sydney West Central Planning Panel is the determining authority for this application.

6.6 Parramatta Local Environmental Plan 2011

Zoning and Permissibility

The site is zoned B4 Mixed Use under the *Parramatta Local Environmental Plan 2011* (PLEP 2011) as shown at Figure 7.

The application is for early works and site preparation works only, though it is noted that the proposed works are intended to allow for the future development on the site of a mixed use

development, which is permitted with consent in the B4 Mixed Use Zone. Nevertheless, it is noted that excavation and site preparation works could relate to any development on site which is permissible within the B4 Mixed Use Zone.

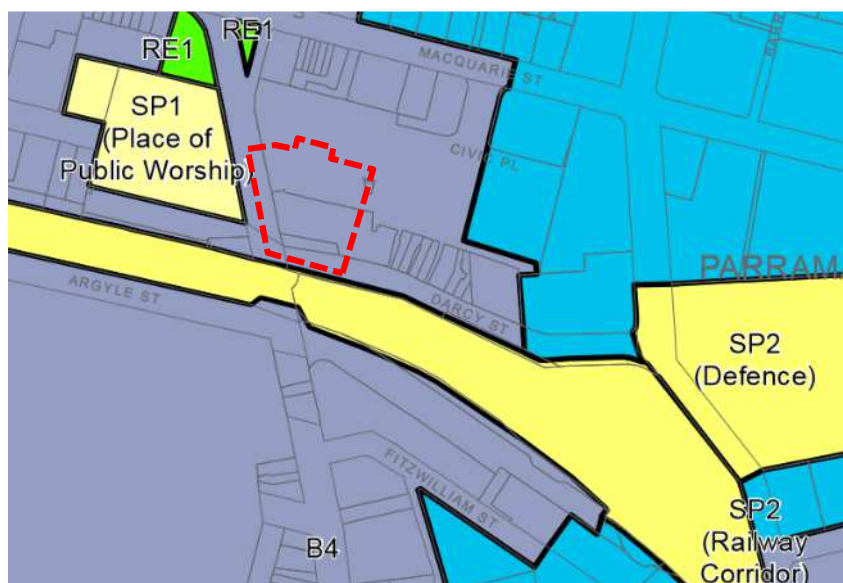


Figure 7. Zoning Map

Zone Objectives

Clause 2.3(2) of the LEP requires the consent authority to have regard to the zone objectives when determining a development application. 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 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.*

Noting the assessment within this report, the proposal is considered to be consistent with these objectives.

Remaining Provisions

The compliance of the proposal with the remaining provisions of the Plan, which may be relevant, is addressed in the following table:

Table 2: PLEP 2011 Compliance Table

Clause	Comment	Complies
Clause 5.9 Preservation of trees or vegetation	The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. At the request of Council's Landscape Tree Management	Yes

	<p>Officer, the applicant considered the retention of the avenue of existing trees (plane and Chinese elm trees) located at the Church Street entrance of the site. An arborist report by Apex Tree & Garden Experts (dated 20 June 2017) advised that the proximity of the proposed excavation to the trees does not allow for their retention. The conclusion of the arborist report is supported by Council's Landscape Tree Management Officer and relevant conditions of consent are proposed.</p>	
<p>Clause 5.10 Heritage conservation</p>	<p>This clause requires the consent authority to consider the effect of the proposed development on any heritage items or areas.</p> <p>The site does not contain any known heritage items. Archaeological excavation works are approved under separate development consent (DA/319/2016) for the removal of the Convict Drain heritage item on the site and 1 to 2 metres of topsoil across the site. Relevant Section 140 and Aboriginal Heritage Impact Permits are in place for these works. Any unknown heritage finds on the site can be addressed by condition of consent.</p> <p>The site is located in the vicinity of several heritage items, with the key potential impact associated with the works being adverse vibration impacts. It is considered that conditions of consent will ensure that any potential impacts on heritage items in the vicinity can be avoided or mitigated.</p> <p>This matter is addressed in further detailed at Section 11.2 of this report.</p>	<p>Yes</p>
<p>Clause 6.1 Acid sulfate soils</p>	<p>This clause requires the consent authority to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p> <p>The site is situated within Acid Sulfate Soils Class 5 within 500 metres of Class 4 soils and as such development consent is required for the carrying out of works at depths beyond two metres of the existing natural ground surface.</p> <p>An Acid Sulfate Soil Management Plan (ASSMP) has been submitted with the application. The ASSMP concludes that there is no indication of the widespread presence of acid sulfate soils but results from alluvial soils close to the site do indicate the potential presence of PASS material at depth within similar alluvial soils to those present on the site. The ASSMP therefore provides a methodology to manage risks associated with the proposed works to minimise any environmental risks associated with the potential disturbance of ASS materials.</p> <p>A condition of consent is recommended to require a detailed ASSMP to be submitted prior to the issuing of a construction certificate and that the recommendations of the strategy to be completed prior to the commencement of works.</p>	<p>Yes</p>
<p>Clause 6.2 Earthworks</p>	<p>This clause provides that consent is required for earthworks and specifies the matters to be taken into account in determining whether to grant consent.</p> <p>Geotechnical and contamination assessments, and a remedial action plan, have been submitted which address the potential impact of the proposed earthworks on relevant matters including surrounding development, contaminated soils, drainage, soil stability and management of soil to be excavated.</p>	<p>Yes</p>

	Having regards to these reports, and subject to the imposition of relevant conditions of consent, it is considered that the proposed earthworks will not result in any unacceptable adverse impacts.	
Clause 6.3 Flood Planning	<p>This clause applies to land below the flood planning level and requires consideration of flood impacts.</p> <p>The subject site is at or below the flood planning level and is therefore considered to be at medium to low risk of flooding. As such, flood protection is required for any future new buildings and basement car park entries.</p> <p>It is considered that the proposed development is compatible with the potential flood hazard of the land and is not likely to adversely affect flood behaviour, provided relevant conditions of consent are imposed. Conditions of consent are proposed including the requirement for a Construction Soil and Water Management Plan to address (amongst other matters) how the excavation and surrounding land are to be protected from the ingress of rainwater and overland flooding.</p> <p>Flooding is considered in further detail at Section 11.4 of this report.</p>	Yes
Clause 7.8 Development on land at 160–182 Church Street, Parramatta	This clause applies to the subject site being land marked “Area 3” on the Special Provisions Area Map. However, the clause relates to gross floor area provisions, which are not relevant to the subject application.	N/A

7. Draft environmental planning instruments

There are no draft environmental planning instruments relevant to the subject application.

8. Development control plan

8.1 Parramatta Development Control Plan 2011

The purpose of this DCP is to supplement the Parramatta LEP 2011 and provide more detailed provisions to guide development. The relevant matters to be considered under the DCP for the proposed development are outlined in the below table.

Table 3: DCP 2011 Compliance Table

Provision	Comment	Complies
2.4.2 Water management	<ul style="list-style-type: none"> The site is flood affected – refer to section 11.4. Protection of groundwater, stormwater and water quality, both during and post construction can be suitably managed subject to the imposition of recommended conditions of consent. 	Yes
2.4.3 Soil management	<ul style="list-style-type: none"> Sedimentation controls during construction will be addressed by conditions of consent. The site has an acid sulfate soils classification of 5 however it is within 500m of Class 4 land and will result in excavation to a depth of more than 2m below the natural ground. A ASSMP has been prepared and appropriate conditions of consent are recommended. Salinity is not identified as a site constraint. 	Yes
2.4.4 Land contamination	<ul style="list-style-type: none"> A Detailed Site Investigation Report for the Parramatta Square precinct (Stages 2 to 6) and an overarching precinct Remedial Action Plan has been submitted with the application. These are considered appropriate and subject 	Yes

	<p>to conditions of consent it is considered that the site is appropriate for the proposed future use (subject to separate development application).</p> <ul style="list-style-type: none"> Refer to section 11.1. 	
2.4.5 Air quality	<ul style="list-style-type: none"> Dust control measures are to be required via conditions of consent to ensure that the proposed works do not result in adverse air quality impacts. 	Yes
3.37 Waste management	<ul style="list-style-type: none"> A condition of consent will be included that will require the submission of a Waste Management Plan to ensure adequate waste management during the proposed works. 	Yes
3.5 Heritage	<ul style="list-style-type: none"> Heritage considerations have been fully addressed - refer to section 11.2. 	Yes
4.3.3.7b Parramatta Square	<ul style="list-style-type: none"> These provisions are not relevant to this stage of works being solely for bulk excavation and site preparation. The proposed works will not limit the ability of the future site development to meet the relevant objectives and controls. 	N/A

9. Planning Agreements

There are no planning agreements or draft planning agreements proposed under S93F of the *Environmental Planning and Assessment Act 1979* that affect the subject works.

10. The Regulations

Clause 92 of the Regulation prescribes certain matters to be considered by a consent authority in its determination of a development application. There are no matters that are relevant to the proposed development.

Division 8A of the Regulation sets out prescribed conditions of consent, which have been included in the proposed conditions for this development, including a condition relating to shoring and adequacy of adjoining property.

11. The likely impacts of the development

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.

11.1 Contamination and Acid Sulfate Soils

Contamination

The subject land, and the broader Parramatta Square Precinct, is known to be contaminated. As such, a Detailed Site Investigation Report for the Parramatta Square precinct (Stages 2 to 6) and covering advice for Stage 4 has been submitted with the application, as well as an overarching precinct wide Remedial Action Plan (RAP).

The site investigation report states that no significant indicators of potential contamination were identified during the site inspection or soil sampling activities.

Excavation to a depth of 1-2 metres has occurred across the majority of the site under the separate development consent for archaeological investigation works (DA/107/2016). Given that the proposed development includes excavation of the entire site, it is anticipated that all fill material and underlying shallow soil will be removed from site consequent to development. Therefore, management of any contamination concerns will primarily be

concerned with implementation of appropriate controls during excavation and off-site disposal activities.

The RAP provides guidance for the management of excavated material and requirements for validation of the remediation works. A remedial options assessment identified off-site disposal of impacted fill as the preferred remedial strategy given that the overall development master plan includes the construction of basement levels across the vast majority of the development footprint.

The RAP concludes that subject to the measures outlined in the report and the recommendations, the site can be made suitable for the intended future uses (subject to separate development application) and that the risks posed by contamination can be managed to adequately protect human health and the environment during and following the works.

Council's Environment and Health Compliance Team has reviewed the submitted reports and has concluded that the reports are satisfactory in their scope and detail, and adequately address contamination concerns for the proposed development and specific remediation in accordance with SEPP 55. Accordingly, standard conditions of consent have been recommended.

Acid Sulfate Soils

The site is situated within an area of acid sulfate soils Class 5 however is within 500 metres of Class 4 soils and as such development consent is required for the carrying out of works at depths beyond two metres of the existing natural ground surface.

An Acid Sulfate Soil Management Plan (ASSMP) has been submitted with the application. The ASSMP concludes that there is no indication of the widespread presence of acid sulfate soils but results from alluvial soils close to the site do indicate the potential presence of PASS material at depth within similar alluvial soils to those present on the site. The ASSMP therefore provides a methodology to manage risks associated with the proposed works to minimise any environmental risks associated with the potential disturbance of ASS materials.

Council's Environment and Health Compliance Team has reviewed the submitted reports and advise that further investigation including laboratory analysis of alluvial soils underlying the site is recommended prior to commencement of excavation works to confirm possible management requirements should potential acid sulfate soils (PASS) material extend beneath the site. A condition of consent is recommended to require a detailed acid sulfate soil management plan to be submitted prior to the issuing of a construction certificate.

11.2 Heritage

The site does not contain any known heritage items. Archaeological excavation works are approved under separate development consent (DA/319/2016) for the removal of the Convict Drain heritage item on the site and 1 to 2 metres of topsoil across the site. Relevant Section 140 and Aboriginal Heritage Impact Permits are in place for these works. Any unknown heritage finds on the site can be addressed by condition of consent.

The site is located in the vicinity of several heritage items, as shown in the LEP Heritage Map extract at Figure 8 and listed as follows:

- Parramatta Town Hall (and potential archaeological site) – Item 650
- Bicentennial Square and adjoining buildings – Item 651
- Murrays Building (and potential archaeological site) – Item 652

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A Statement of Heritage Impact prepared by NBR Architecture (July 2017) has been submitted with the application which identifies the potential for vibration during excavation and piling works to impact on the structure of surrounding heritage buildings, particularly Parramatta Town Hall, Leigh Memorial Church and Parramatta Railway Station.

It is recommended that a condition of consent require a Structural Impact Monitoring Strategy to be submitted for approval (prior to the issue of a construction certificate) and implemented during the works, which addresses vibration criteria, anticipated vibration levels, required mitigation measures and vibration monitoring of the identified heritage buildings. The Strategy is to be endorsed by an independent structural engineer experienced in heritage conservation and an independent heritage architect, and must be formulated to ensure there are no adverse impacts to surrounding property and infrastructure. An adverse impact is identified as any crack damage which would be classified as Category 2 or greater damage according to Table C1 of Australian Standard AS 2870 – 1996, which is crack damage more than hairline cracks and fine cracks which do not need repair.

Dilapidation surveys of items identified as being at risk in the Statement of Heritage Impact will also be required as a condition of consent. For the identified heritage items, the survey must be endorsed by an independent structural engineer experienced in heritage conservation and an independent heritage architect.

Potential vibration impacts are further considered in Section 11.3 of this report.

It is considered that the recommended conditions of consent as outlined above will ensure that any potential impacts on heritage items in the vicinity will be avoided or mitigated.

11.3 Noise and Vibration

Construction noise and vibration is addressed in the Noise and Vibration Impact Assessment Report prepared by AECOM and the Project Management Plan prepared by CPM Consulting which accompany the application. These reports identify a series of recommendations to maintain noise and vibration impacts at acceptable levels, including the preparation of a Construction Noise and Vibration Management Plan (CNVMP). The recommended mitigation measures will be required to be implemented by way of conditions of consent.

Further, specific mitigation and management measures in relation to potential vibration impacts on heritage items in the vicinity have been outlined in the Statement of Heritage Impact prepared by NBR Architecture, and are considered in Section 11.2 of this report. Conditions of consent are proposed to require the implementation of these measures.

Having regard to the above, it is considered that any noise and vibration impacts can be adequately mitigated by way of the proposed conditions of consent.

11.4 Water Management

Flooding

The Parramatta Square development area is considered to be flood prone land with a medium to low risk of flooding. The subject site is at or below the flood planning level. As such, flood protection is required for any new buildings and basement car park entries.

A Flood Risk Assessment has been prepared by BG&E Pty Ltd and submitted with the application which advises that the early works are designed to accommodate a building that has integrated minimum floor levels and free board allowances consistent with flood modelling.

It is considered that the proposed development is compatible with the potential flood hazard of the land and is not likely to adversely affect flood behaviour, provided relevant conditions of consent are imposed. Conditions of consent are proposed including the requirement for a Construction Soil and Water Management Plan to address (amongst other matters) how the excavation and surrounding land are to be protected from the ingress of rainwater and overland flooding.

Groundwater impacts

The proposed excavation and basement structure extends well below the groundwater level and as such its construction is deemed as an aquifer interference under the NSW Aquifer Interference Policy. This will require a diaphragm wall as well as dewatering during the construction phase, and a fully tanked, waterproof basement in perpetuity. A dewatering licence under the *Water Management Act 2000* will be required for construction phase dewatering.

Council's Senior Catchment and Development Engineer has reviewed the proposal and considers that the expected groundwater drawdown effect of 1 to 5 metres in adjoining properties is reasonable in the context of the existing groundwater level fluctuation of up to 3 metres. Conditions of consent are recommended to avoid or mitigate any impacts related to groundwater drawdown.

WaterNSW has provided General Terms of Approval for the project, subject to appropriate construction methods being employed to minimise the volume of groundwater take during construction.

Water quality during construction

An erosion and sediment plan has been submitted with the application, identifying proposed methods to manage potential erosion and sedimentation during construction.

Conditions of consent are proposed including the requirement for a Construction Soil and Water Management Plan incorporating measures to prevent sediments or contaminants from entering the local water system.

11.5 Air Quality

Dust is anticipated during the construction period, particularly given the extent of excavation required as part of the proposed works. Conditions of consent are recommended to require dust control measures to be implemented to mitigate any potential impacts.

11.6 Utilities

Sydney Water has advised that the proposed development site is traversed by a 225mm diameter wastewater main. Where proposed works are in close proximity to a Sydney Water asset, the developer may be required to carry out additional works to facilitate their development and protect the wastewater main, with approved plans to be submitted to Sydney Water. A condition of consent to this effect is recommended.

Endeavour Energy were notified of the development application and advised they have no objections to the proposed works, provided there is no impact on its easements and/or protected assets.

11.7 Waste Management

A Waste Management Plan has been submitted with the application and reviewed by Council's Environmental Health Officer who considers it is acceptable provided that any applicable requirements of the Remedial Action Plan, which will have an impact on waste management, are followed. Other standard waste conditions are recommended to ensure adequate waste management during the proposed works.

11.8 Visual Impacts

Visual impacts will be minimised by a condition of consent requiring the submission of a hoarding plan which takes into account the strategic importance of the site as part of the overall Parramatta Square development precinct. Any visual impact will be temporary only and will be mitigated by proposed hoardings.

11.9 Public Domain

The proposed plans were amended through the process and no part of the basement now sits under Church Street. This is supported by Council's urban design and public domain technical specialists as it ensures that the Church Street Mall will remain unambiguously public space and will allow for maximum opportunities for the planting of new large trees as part of the future above ground application.

11.10 Other Construction Impacts

Conditions of consent are proposed to ensure the minimisation of construction impacts, including a condition requiring adherence to Council's standard hours of construction, being:

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

Submission of a Construction Environmental Management Plan will also be required.

12. Site suitability

Having regard to the characteristics of the site and its location within Parramatta Square, the site is considered suitable for the proposed development.

13. Submissions

The application was notified consistent with Appendix 5 of DCP 2011. No submissions were received.

14. Public interest

The proposed development will allow for the early works of a future redevelopment of this part of the Parramatta Square precinct for a mixed use residential tower or commercial building. Furthermore, the amenity of the adjoining properties will not be detrimentally impacted upon by the proposed development. For these reasons, the proposed development is considered to be in the public interest.

15. Parramatta City Centre S94A development contributions plan

As the cost of works exceeds \$250,000, the need for payment of a 3% contribution as required by this Plan is addressed by way of a condition of consent.

Summary and conclusion

The application has been assessed in accordance with section 79C of the *Environmental Planning and Assessment Act 1979*, taking into consideration all relevant State and local planning controls. On balance, the proposal has demonstrated a satisfactory response to the objectives and controls of the applicable planning framework. Accordingly, approval of the development application is recommended.

RECOMMENDATION

That the Sydney West Central Planning Panel as the determining authority grant consent to Development Application No. DA/351/2017 for early works and site preparation including excavation of basement levels and construction of below ground shoring walls, piles and slabs at 160 Church Street (Lot 1 DP 514282), 160-172 Church Street (Part Lot 1 DP 731780), 169 Macquarie Street (Part Lot 2 DP 1192394), 119Z Macquarie Street (Part Lot 1 DP 201075 and Part Lot 3 DP 510571), 188R Church Street (Part Lot 1 DP 1158833) and 21R Darcy Street (Part Lot 2 DP 1158833) for a period of five (5) years for physical commencement to occur from the date on the Notice of Determination subject to the conditions in Attachment 1.