

**SECTION 75W APPLICATION  
PLANNING REPORT**

**330 CHURCH STREET, PARRAMATTA  
MP 10\_0171  
AMEND CONDITIONS C8, C9 AND D18**

**JANUARY 2013**

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## ANNEXURE

1. Amended conditions



## 1.0 INTRODUCTION

This Statement of Environmental Effects accompanies a Section 75W application by Karimbla Constructions Services (NSW) Pty Ltd to amend Major Project Approval MP 10\_0171.

It is proposed to amend conditions C8, C9 and D18 of the consent.

This application provides an assessment of the proposed changes against the relevant issues.



## 2.0 SUBJECT SITE

The site is located at 330 Church Street, Parramatta. Refer to **Figure 1** and **2** below.

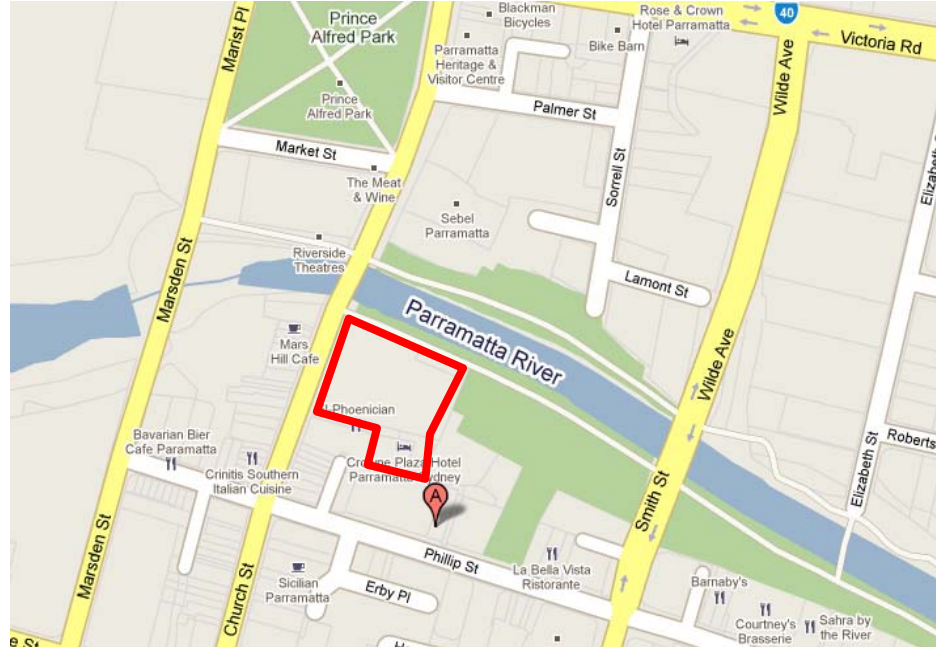


Figure 1: Location of subject site



Figure 2: Aerial views of site showing approximate boundary location

The site is comprised of Lot 3 DP 788637, Lot 2 DP 788637, Lot 101 DP 1031459 and "ease" 1043441 and is 6759m<sup>2</sup> in extent. The site is generally rectangular with a "handle" shape to the rear.

The site is occupied by a four and three level concrete slab building. The building is built to the boundaries of the site, and contains no vegetation. The building on the site presents as a blank façade with little articulation of architectural interest and the rear "handle" is currently used as an open air car park.

The building was previously occupied by David Jones and more recently by 'Brandsmart'. The commercial component of the building is currently vacant. Two professional services companies (including Landcom), and two restaurants operate from the building.

Figures 3 to 5 show the subject site and its existing improvements.



Figure 3: Existing building on site as it presents to the Parramatta River foreshore



Figure 4: Existing building viewed from the rear (adjacent to Council carpark)



Figure 5: Existing building (left) and interface with adjoining development on Church Street

### 3.0 PROPOSED MODIFICATION

#### 3.1 EXISTING CONSENT

On 19 October 2012, the Planning Assessment Commission granted development consent (MP10\_0171) subject to conditions, to the following development on the subject site:

*Demolition of existing structures on site and construction of a mixed use building (residential/retail/serviced apartments), basement with 597 car parking spaces, public domain works and installation of utility services.*

#### 3.2 PROPOSED AMENDMENTS

It is proposed to amend conditions C8, C9 and D18 of the consent.

As part of the Major Project Application, Archaeological & Heritage Management Solutions Pty Ltd was engaged by Meriton to undertake an Aboriginal and historic heritage assessment of the study area. The assessment identified both the potential for Aboriginal objects and historical relics to occur. Subsequently the conditions of consent identify the need to undertake historical heritage test investigations and investigations prior to development (conditions C8 and C9), but only address Aboriginal objects in the event that they are found during the construction program (condition D18). Conditions C8 and C9 do not specifically identify investigations of only historical heritage, but there is strong indications that this is their intent. Accordingly, it is proposed to amend the wording of the conditions to clarify their intent and ensure best practice on the site.

The proposed amended conditions are contained at **Annexure 1**.

## 4.0 PLANNING ASSESSMENT

This section undertakes an assessment of the proposal under the relevant issues raised by the proposed modifications.

### 4.1 ENVIRONMENTAL PLANNING INSTRUMENTS

#### 4.1.1 Parramatta City Centre LEP 2007

##### *Zoning and objectives*

The subject site is zoned B4 Mixed Use. Pursuant to clause 12 of the LEP, the proposed amendments are permissible with consent.

The objectives of the Mixed Use zone are as follows:

- *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.*

Given the scope of the proposed amendments, it is considered that the development will remain consistent with the objectives of the zone.

There are no other clauses of the LEP that are relevant in the assessment of the proposed amendment.

### 4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft environmental planning instruments relating to the proposed modification.

## **4.3 DEVELOPMENT CONTROL PLANS**

### **4.3.1 Parramatta City Centre DCP 2007**

The Parramatta City Centre Development Control Plan applies to the subject site and the proposed development. The DCP complements the City Centre LEP.

The proposal does not require assessment under any of the provisions of the DCP.

## **4.4 LIKELY IMPACTS**

The proposal to amend the conditions will not have any adverse impacts. The amended conditions are designed only to clarify the process for archaeological investigations in the best practice approach.

## 5.0 CONCLUSION

The proposal seeks to amend conditions C8, C9 and D18 of the consent.

The proposal satisfies assessment of all relevant issues including all relevant provisions contained in Parramatta City Centre LEP 2007 and Parramatta City Centre DCP 2007.

It is therefore submitted that the Minister grant approval to the Section 75W application and amend the development consent in the manner requested.

**ANNEXURE 1**  
**Amended conditions**

**C8A HISTORICAL ARCHAEOLOGICAL INVESTIGATIONS**

- (1) Prior to the commencement of works the proponent shall undertake a professional historical archaeological investigation program to allow any significant archaeological heritage resource (terrestrial or maritime) and remnant built fabric elements to be accurately identified and protected during the works from unnecessary damage. The historical methodology for the archaeological investigation program shall be submitted to the OEH (Heritage Branch) for approval prior to the commencement of investigations. A copy shall be provided to the department.
- (2) The results of the archaeological investigation program shall include, but not necessarily be limited to:
  - (a) consideration of measures to avoid or minimise disturbance to archaeology, where archaeology of historical archaeological significance is found to be present
  - (b) where it cannot be avoided, recommendations for any further investigations for archaeology of historical archaeological significance
  - (c) management and mitigation measures to ensure there are no additional impacts due to pre-construction and construction activities.
- (3) The results of the archaeological investigation program shall be submitted ~~for the approval of to~~ the OEH one month prior to the commencement of pre-construction and construction activities affecting significant archaeology.
- (4) Where areas of historical archaeological significance will be affected by the construction works, these areas are to be subject to a professional archaeological excavation programme and/or recording. A Research Design including an Archaeological Excavation Methodology must be prepared in accordance with Heritage Council guidelines. ~~These are to be prepared and submitted to the satisfaction of~~ the OEH.

**C8B ABORIGINAL ARCHAEOLOGY**

- 1) Prior to the commencement of works the proponent shall undertake appropriate Aboriginal heritage assessment in accordance with the OEH guidelines. This assessment may include, but not be limited to, Aboriginal heritage impact assessment, test and/or salvage excavation, excavation analysis and reporting, and Aboriginal community consultation.
- 2) The proponent shall also Be required to nominate a repository and/or develop a Care and Control agreement with the register Aboriginal community stakeholders for the project regarding any objects uncovered during archaeological excavations.

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## **G9 HISTORICAL ARCHAEOLOGICAL REPORTING**

~~(1)~~ (4) After the historical archaeological works are undertaken, a copy of the final excavation report(s) shall be prepared and lodged with the department, the OEH and the Council. The proponent shall also

a. be required to nominate a repository for the relics salvaged from the historical archaeological excavations.

b. Be required to nominate a repository and/or develop a Care and Control agreement with the register Aboriginal community stakeholders for the project.

(2) The information within the final historical excavation report shall be required to include the following:

- (a) an executive summary of the archaeological programme
- (b) due credit to the client paying for the excavation, on the title page
- (c) an accurate site location and site plan (with scale and north arrow)
- (d) historical research, references, and bibliography
- (e) detailed information on the excavation including the aim, the context for the excavation, procedures; treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved
- (f) nominated repository for the items
- (f) detailed response to research questions (at minimum those stated in the approved Research Design)
- (g) conclusions from the archaeological programme.

(3) Details of how this information about the excavations has been publicly disseminated (for example, include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the sites).

## **D18 IMPACT OF BELOW GROUND (SUB-SURFACE) WORKS - ABORIGINAL OBJECTSBURIALS**

~~If any Aboriginal archaeological objects are exposed during construction works, the proponent shall immediately notify the National Parks and Wildlife Service (NPWS) and obtain any necessary approvals to continue the work. The proponent shall comply with any request made by the NPWS to cease work for the purposes of archaeological recording.~~

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Should any skeletal material be discovered that may be Aboriginal, all works will cease and the NSW Police and the NSW Coroner's Office are required to be contacted in accordance with the Coroner's Act 1980. The proponent will also notify the OEH and consult with a heritage professional, and the Registered Aboriginal Parties regarding the find.