



City of Parramatta	
File No:	DA/802/2021

SECTION 4.15 ASSESSMENT REPORT

Environmental Planning & Assessment Act 1979

1. Summary

DA No:	DA/802/2021
Property:	197 and 89 Marsden Street PARRAMATTA (Lot 1 DP710335) and 207 Church Street PARRAMATTA (Lot 1 DP 233150)
Proposal:	Demolition of existing buildings across the site down to slab level. The heritage façade of the former Murray Brothers department store building, to Church and Macquarie Streets, will be retained.
Date of receipt:	1 September 2021. Amended plans received 10.1.22 and 23.3.22
Applicant:	Holdmark NSW Pty Ltd
Owner:	Holdmark Properties Pty Ltd
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor.
Political donations/gifts disclosed:	None disclosed on the application form.
Submissions received:	One
Conciliation Conference Held:	No
Prelodgement Meeting Held:	No
Recommendation:	Approval , subject to conditions of consent.
Assessment Officer:	Brad Roeleven

2. Legislative Requirements

Relevant provisions considered under section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979	<ul style="list-style-type: none">• Environmental Planning and Assessment Act 1979 and Regulations 2021• State Environmental Planning Policy (Resilience and Hazards) 2021• State Environmental Planning Policy (Biodiversity and Conservation) 2021• State Environmental Planning Policy (Transport and Infrastructure) 2021• Parramatta Local Environmental Plan 2011 (LEP 2011)• Parramatta Development Control Plan 2011 (DCP 2011)• Draft amendments to Parramatta Local Environmental Plan 2011
Zoning	B4 Mixed Use
Bushfire Prone Land	No
Heritage	Yes
Heritage Conservation Area	No
Integrated development	No
Clause 4.6 variation	No
Delegation	Parramatta Local Planning Panel (PLPP) – demolition of heritage item

3. Site description and context

The site is legally described as Lot 1 DP 710335 and Lot 1 DP 233150, with street addresses of Nos. 197 and 207 Church Street and No. 89 Marsden Street, Parramatta. Street frontages are 52m to Church Street, 27m to Marsden Street and 55m to Macquarie Street. Total site area is approximately 4,342m². A mix of two and three storey retail and

commercial buildings occupy the site, which includes the heritage listed Murray Brothers building from 1925, an item of local significance under Parramatta LEP 2011. Further consideration of heritage issues is provided at section 11.



Figure1: 197 Church Street Parramatta (Church Street façade)



Figure 2: 197 Church Street Parramatta (Macquarie Street façade)



Figure 3: 207 Church Street Parramatta



Figure 4: 89 Marsden Street Parramatta

The site is centrally located within the Parramatta central business district (CBD). Surrounding development is predominately office and retail uses, but also includes key landmarks and public spaces such as Centenary Square, Parramatta Town Hall, and St Johns’ Cathedral. Evolution of the town centre as Sydney’s dual CBD is evident through the significant extent of private and government investment, as shown at Figure 5 below.

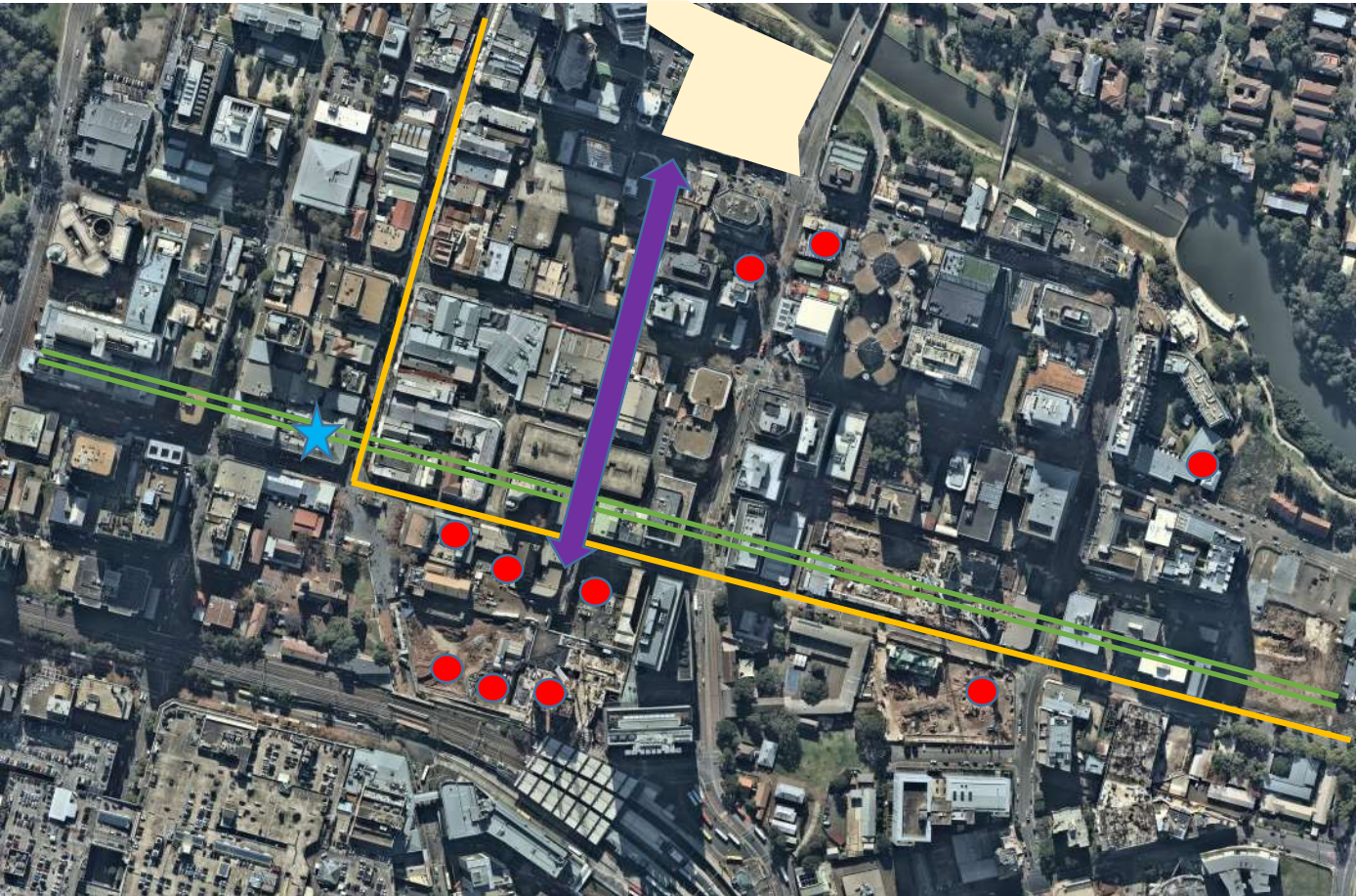


Figure 5: Site context within CBD and extent of major developments

Key	
Blue	Site
Orange	Route of Parramatta Light Rail
Purple	Location of Civic Link
Red	Major buildings either completed or under construction
Gold	Site of Museum of Applied Arts and Science
Green	Approximate location of Sydney Metro West



Figure 6: Site location an immediate context

4. Related matters

Table 1: Related matters

Matter	Comment
Planning Proposal (RZ/4/2015)	<p>This site specific PP was finalised on 30 June 2021 as Amendment No. 53 to PLEP 2011. The revised controls for the site are:</p> <ul style="list-style-type: none"> - Increase maximum height of part 36 metres and part 12 metres, to part 105 metres and part 12 metres. - Increase maximum FSR of part 4:1 and part 3:1 to 10:1. - Insert a new Clause 7.26 Development on land at 197 and 207 Church Street and 89 Marsden Street, Parramatta to: <ul style="list-style-type: none"> o Include a site-specific provision requiring a minimum provision of commercial floor space equivalent to an FSR of 1:1, and for any additional floor space for commercial premises in excess of this to be exempt from the maximum FSR. o Apply the full range of maximum car parking rates specified in the current Parramatta CBD PP.
Design Competition (DC/1/2021)	<p>Held in May 2021. Retention of the Murray Brothers building heritage façade was a key provision of the competition Brief. The preferred scheme identified by the Jury, by Scott Carver, is now the subject of DA/16/2022.</p>
DA/16/2022	<p>This DA seeks consent for a 2 tower mixed-use development comprising 2 storey retail podium, 25 storey commercial office tower and 32 storey hotel accommodation tower; and</p>

4 basement levels for car parking and hotel ballroom. This application was lodged on 11 January 2022, and is under assessment, with the following fundamental issues identified:

- Departures from the site specific requirements for vehicle access which is further complicated by advice from TfNSW that it may require a different arrangement altogether
- Need to address requirements of TfNSW (for PLR) Sydney Metro and Water NSW
- HNSW not satisfied with the proposal to salvage any potential archaeology, instead requiring that any such relics be left in situ, particularly if of state or national significance which is likely.
- Location of significant habitable spaces within the basement levels, and therefore below the flood planning level.
- Significant deficiencies in ESD measures

5. The proposal

This application is essentially early works related to concurrent DA/16/2022. **As lodged**, this application broadly proposed the following scope of works:

- Demolition of all buildings on the site down to slab level; and
- Retention of the former Murray Brothers department store heritage facades to Church and Macquarie Streets

However the scope also included the following works to those heritage facades:

- Removal and storage of the existing awning of the former Murray Brothers department store, for restoration and reinstatement prior to completion of construction works associated with DA/16/2022.
- Partial demolition of a small portion of the Macquarie Street façade of the former Murray Brothers department store to enable site access. That part of the façade was also noted to be reinstated prior to the completion of the construction works associated with DA/16/2022.

The extent of the partial façade demolition works on Macquarie Street is shown edged in black on Figure 7 below:

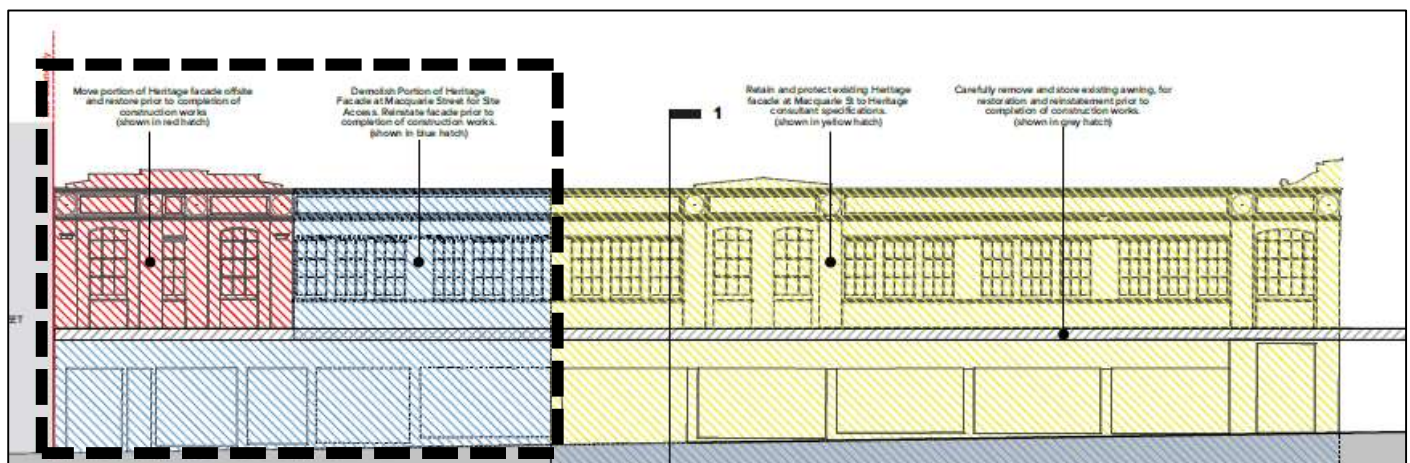


Figure 7: Extent of façade demolition works for DA as lodged

To provide structural support to the retained heritage façade the application also sought consent to construct a temporary steel frame to provide bracing. That system included piling to a depth of about 7m for the full frontage to both Macquarie and Church Streets.

An assessment of the application as lodged identified the following concerns:

- The physical works to the otherwise retained heritage façade are predicated on the assumption of a future DA for the re-development of the site being lodged and approved. These works should be deleted from the scope of this DA and incorporated into any future DA for the redevelopment of the site.

- The piling for the bracing system is a type of excavation captured by (then) clause 86 of the ISEPP, requiring concurrence from Transport for NSW (TfNSW). That excavation also triggers (then) clause 88 of the Infrastructure SEPP as it is within the Interim Sydney Metro – West rail corridor, also triggering concurrence from Sydney Metro.
- Part of the site is within Parramatta Archaeological Management Unit 2910, which is of state significance under the Parramatta Historical Archaeological Landscape Management Study. The site likely contains relics dating back to the earliest European settlement of Parramatta, including for buildings from the period 1788-1823. Potential historical archaeological remains of Local or State significance would be considered relics under the Heritage Act 1977 (NSW). It is likely that the proposed piling could impact upon the site archaeology.
- It would be contrary to the public interest to allow for partial demolition of a heritage façade and removal of the awning (which council otherwise requires to be retained) when DA/802/2021 has no mechanism for the re-instatement of those demolished works. The security of that heritage façade would also be called into question if DA/802/2021 was to proceed, only for DA/16/2022 to be refused, or otherwise not proceed.

In response, an **amended proposal** was submitted in March 2022 which revised the scope as follows:

- All physical works to the heritage facades were deleted; and
- A revised bracing system was designed which avoided the need for any piling, such that the concurrence triggers for Sydney Metro and TfNSW no longer apply.

6. REFERRALS

Table 2: Status of referrals

Internal	
Development Engineer	No objections – conditions provided
Heritage	No objections – conditions provided. See discussion at section 11
Environmental Health (Acoustic)	No objections – conditions provided
Environmental Health (Waste)	No objections – conditions provided
Environmental Health (Contamination)	No objections – conditions provided
Traffic Engineer	No objections – conditions provided
External	
Transport for NSW	No objections – conditions provided. See discussion at section 8.3
Sydney Metro	No objections – conditions provided. See discussion at section 8.3

7. Environmental Planning and Assessment Act 1979

The sections of the Environmental Planning and Assessment Act 1979 which require consideration are addressed below:

7.1 Section 4.15: Evaluation

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the table below:

Table 2: Section 4.15(1)(a) Matters for consideration

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to Section 8
Section 4.15(1)(a)(ii) – Any proposed instrument	Refer to Section 9
Section (4.15)(1)(a)(iii) – Development control plans	Refer to Section 10

Section (4.15)(1)(a)(iiia) - Planning agreement	Not applicable
Section (4.15)(1)(a)(iv) - The Regulations	To be achieved by conditions
Section (4.15)(1)(b) - Likely impacts	Refer to Section 11
Section (4.15)(1)(c) - Site suitability	Refer to Section 12
Section (4.15)(1)(d) - Submissions	Refer to section 13
Section (4.15)(1)(e) - The public interest	Refer to section 14

7.2 Related provisions

The following table summarises compliance with other related provisions of the Act.

Table 4: EPA Act related provisions

Does Section 1.7 (Significant effect on threatened species) apply ?	No
Does Section 4.10 (Designated Development) apply ?	No
Does Section 4.46 (Integrated Development) apply ?	No
Are submission requirements within the Regulations satisfied ?	Yes

8. Environmental Planning Instruments

8.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 (Remediation of land) is relevant in the assessment of any development application, as clause 4.6 requires the consent authority to consider:

- If land is contaminated and,
- if so, whether it is suitable, or can be made suitable, for a proposed use.

In evaluating this matter it is noted:

- Based upon an understanding of prior land uses, it is apparent this site has not been used for any purpose listed in Table 1 to the contaminated land planning guidelines
- The application does not seek consent to develop the site for residential, educational, recreational, hospital or child care uses
- Demolition works are proposed only down to the existing ground floor slabs, which are to be retained
- The application is supported by a survey report which identifies hazardous building materials across the site and nominates recommendations for their handling and disposal
- Council's Environmental Health Officer is satisfied that sufficient information has been provided to address the question of potential for site contamination, and supports the application subject to conditions.

Given the above it is concluded:

- A phase 1 desktop contamination report is not required for the purposes of subclause (2) noting that the application does not seek to change the use of the site; and
- That requirements of clause 4.6 are therefore satisfied.

8.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 10 (Sydney Harbour Catchment) applies to all of the City of Parramatta local government area. It 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 principles and controls for the whole catchment.

The scope of this project and the location of the site are such that there are no specific controls which directly apply, except for the objective of improved water quality as nominated in the Planning Principles for the Harbour catchment (clause 10.10). That outcome would be achieved through the imposition of suitable conditions to address the collection and discharge of stormwater water during works, and upon completion.

8.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. Chapter 2, Infrastructure, is relevant in the assessment of this application, and is considered below.

Part 2.3 Development controls - Division 15 – Railways

The site immediately adjoins the route of the Parramatta Light Rail, and consequently the following provisions apply:

- *Clause 2.97 – Development adjacent to rail corridors*

This clause requires a consent authority to take into consideration the comments of the rail authority where a development would:

- likely have an adverse effect on rail safety, or
- involve the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
- involve the use of a crane in air space above any rail corridor, or
- be located within 5 metres of an exposed overhead electricity power line that is used for the railways or rail infrastructure facilities.

This clause is relevant in relation to both Parramatta Light Rail and Sydney Metro-West. Subsequent to the application being amended in March 2022 to remove the need for excavation for the bracing system to support the retained heritage façade, both TfNSW and Sydney Metro advised of no objections, subject to any consent including their nominated conditions.

- *Clause 2.99 - Impact of rail noise or vibration on non-rail development*

Noting that the scope of works is only for demolition purposes the provisions within this clause are not a relevant consideration.

Part 2.3 Development controls - Division 17 – Roads

Church Street, and a small section of Macquarie Street adjacent to this site, are a 'classified road' due to being categorised as a 'transitway' for the Parramatta Light Rail. The following provisions therefore apply:

- *Clause 2.118 – Development with a frontage to classified roads*

This clause requires a consent authority must be satisfied that:

- Access is achieved other than via the classified road where possible;
- The safety, efficiency and operation of the classified road is not adversely affected by the design of the access, the activities of the proposal and the type/volume of traffic attending the site; and
- The development is not sensitive to noise or vehicle emissions

The above considerations are satisfied as follows :

- Access to the site for the purposes of undertaking these demolition works will only be via Marsden Street
- TfNSW, Sydney Metro and Council all require the preparation of relevant managements plans to ensure that the works are undertaken to properly manage pedestrian safety and the orderly and efficient operations of the local road network, particularly with regard to the requirements of PLR and Sydney Metro works.

- *Clause 2.121 – Traffic generating development*

The scope of works is such that this clause does not apply.

8.4 Parramatta LEP 2011

Zoning & Permissibility

The site is zoned B4 Mixed Use. Demolition works require consent via Clause 2.7 of the Plan.

Zone Objectives

Clause 2.3(2) requires the consent authority to have regard to the zone objectives when determining a development application. The relevant zone objectives are:

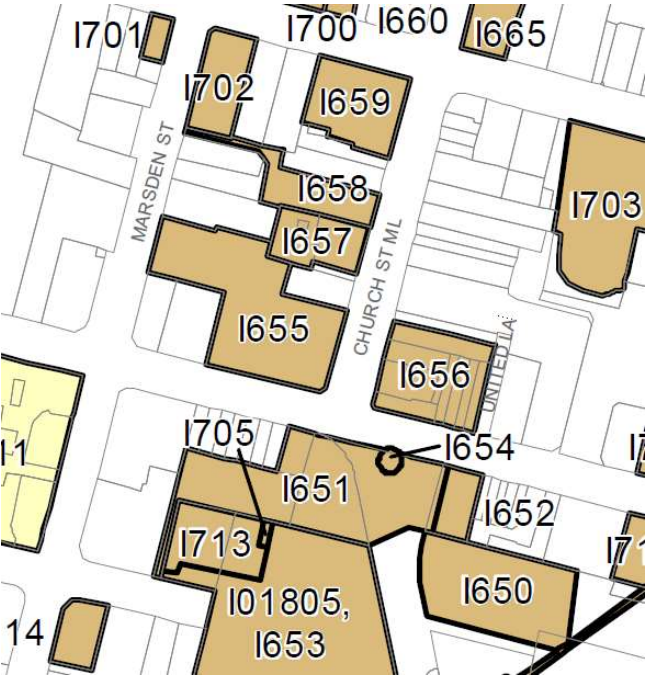
- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that contributes to an active, vibrant 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*

To the extent that they are applicable/relevant, the proposal is not inconsistent with those objectives.

Remaining matters

Other relevant matters to be considered in the Plan are addressed below:

Table 5: PLEP 2011 compliance table

Clause	Comment	Complies
Clause 2.7 Demolition	Satisfied by the lodgement of this application	Yes
Clause 5.10 Heritage conservation	<p>The site is Item 655 as shown on the extract from PLEP heritage map below</p> 	Yes

	<p>It also adjoins or is otherwise in the vicinity of multiple heritage items including:</p> <ul style="list-style-type: none"> • Item 650 - Parramatta Town Hall (and potential archaeological site) • Item 651 - Bicentennial Square and adjoining buildings; • Item 652 - Murray's Building (and potential archaeological site); • Item 653 - Wardens Cottage • Item 654 - Centennial Memorial Clock, Bicentennial Square; and • Item 656 - Façade and potential archaeology • Item 657 - Former post office and potential archaeology <p>The application satisfies the requirements of clause 5.10 as follows:</p> <ul style="list-style-type: none"> • 5.10(2) - Seeks consent for demolition • 5.10(3) - Not applicable • 5.10(4) - Consideration of heritage impacts provided at section 11 • 5.10(5) - A Heritage impacts statement has been provided • 5.10(6) - A conservation management plan has not been requested • 5.10(7) - Not an archaeological site, but see section 11 below • 5.10(8) - The site is not an Aboriginal place of significance • 5.10(9) - The site is not a nominated state heritage item • 5.10(1) - conservation incentive provision do not apply 	
Clause 6.3 Flood Planning	The site is barely affected by the 1 in 100 year flood level at all street frontages, but is inundated by the Probable Maximum Flood (PMF). Noting the scope of works, the objectives of the clause are satisfied given that council's Development Engineer has raised no objections and provided conditions for inclusion in any consent.	Yes
Part 7 City Centre	None of the provisions for the City Centre, including the site specific controls in clause 7.22A, are relevant to demolition works..	N/A

9. Draft Environmental Planning instruments

9.1 Draft Consolidated City of Parramatta Local Environmental Plan

This Planning Proposal (PP) applies to all land within the Parramatta LGA. It has been publicly exhibited and is therefore a matter for consideration for the purposes of section 4.15 of the Act. The PP has been endorsed by Council for finalisation and is now with the Department of Planning and Environment.

The primary purpose of this PP is to consolidate the various planning controls which apply across the City of Parramatta following the LGA amalgamations in 2016. It does not propose major changes to zoning or increases to density controls. However, to create a single LEP various changes are proposed to the planning controls in certain parts of the LGA. For this site however no changes are nominated.

9.2 Parramatta CBD Planning Proposal

This site is subject to the Parramatta CBD Planning Proposal. The primary focus of the PP is to strengthen the economic function of the Parramatta CBD and increase its capacity for new housing, employment, business, recreation and cultural opportunities.

The PP has received a Gateway determination, has been publicly exhibited, and is currently with the Department of Planning and Environment for finalisation. It is therefore a matter for consideration for the purposes of section 4.15 of the Act.

As noted at section 4 the site specific PP completed in June 2021 brought forward the primary aspects of the CBD PP. Accordingly, this application is therefore not inconsistent with this draft PP.

10. Parramatta Development Control Plan 2011

Noting the scope of the proposal, Parts 2 and 3 of the DCP are most relevant, as the controls for the City Centre (Part 4) are specific and focus on the construction of new development. Consideration of Parts 2 and 3 is provided below:

Table 6: PDCP 2011 compliance

Part 2 – Site planning		Complies
2.4.1 Views and vistas	<ul style="list-style-type: none"> Proposal is for demolition only 	N/A
2.4.2 Water management	<ul style="list-style-type: none"> Waterways protected through control of stormwater and water quality during and post construction 	Yes
2.4.3. Soil management	<ul style="list-style-type: none"> Sedimentation would be addressed by conditions ASS – not applicable refer to LEP above. 	Yes
2.4.4 Land Contamination	<ul style="list-style-type: none"> Defer to SEPP 55 assessment above 	Yes
2.4.5 Air Quality	<ul style="list-style-type: none"> Would be addressed by conditions 	Yes
2.4.8 Public Domain	<ul style="list-style-type: none"> Protected by conditions. 	Yes
Part 3 – Development principles		Complies
3.1 Building envelope	<ul style="list-style-type: none"> Proposal is for demolition only 	N/A
3.2 Building elements	<ul style="list-style-type: none"> Proposal is for demolition only 	N/A
3.3 Environmental amenity	<ul style="list-style-type: none"> Arrangements for stormwater disposal are satisfactory 	Yes
3.4. Social amenity	<ul style="list-style-type: none"> Assessment against CPTED considerations is satisfactory. 	Yes
3.5 Heritage	<ul style="list-style-type: none"> Satisfactory - refer to section 11 below. 	Yes
3.6 Movement & circulation	<ul style="list-style-type: none"> All access via Marsden Street only Management plans required to ensure pedestrian safety Management plan required for all vehicle movements 	Yes

11. Likely impacts

In considering the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, the following aspects are satisfactory having regard to the scope the development, internal and agency responses, or the information elsewhere in this report:

- Context and setting
- Site works
- Natural and technological hazards
- Site design and internal design
- Amenity considerations including public domain and relationship with adjacent sites
- Utilities
- Access, transport and traffic
- Water management
- Waste management
- Safety, security and crime prevention
- Social and economic impacts
- Construction management

However, the following matters require specific comment:

11.1 Heritage

197 Church Street, with a secondary address of 89 Marsden Street, supports the following buildings:

- A two storey Federation department store (Murray Brothers)
- A three storey 1950's office building (to the Marsden Street frontage)

That site (Lot 1 DP710335) is a local heritage item under PLEP 2011 and is also listed on the National Trust Register (NSW). However, the adjacent 3 storey office building at 207 Church Street, also the subject of this application, is not a heritage item.

The application is supported by a Heritage Impact Statement which, in summary, notes:

- The historical development of this site is divided into the following 4 phases:

Phase 1 1788-1823	This area was part of the earliest developed section of Parramatta and is associated with convict settlement. An 1822 plan shows the first state school in Australia, which opened in 1810, which replace a convict hut on the site.
Phase 2 1823-1858	An 1844 plan shows an addition to the school which became the Church of England Denominational School. In March 1858 the land was granted to the Bishop of Sydney. The school was demolished in the same year and a new school was built.
Phase 3 1858-1925	The primary school became a secondary school, St John's Grammar School, in the 1880s. It closed in 1900 and was demolished in 1924-25
Phase 4 1925- present	Murray Brothers department store opened in 1926, which expanded over time and operated until 1979.

Former buildings across the site associated with those phases are illustrated on the following diagram:

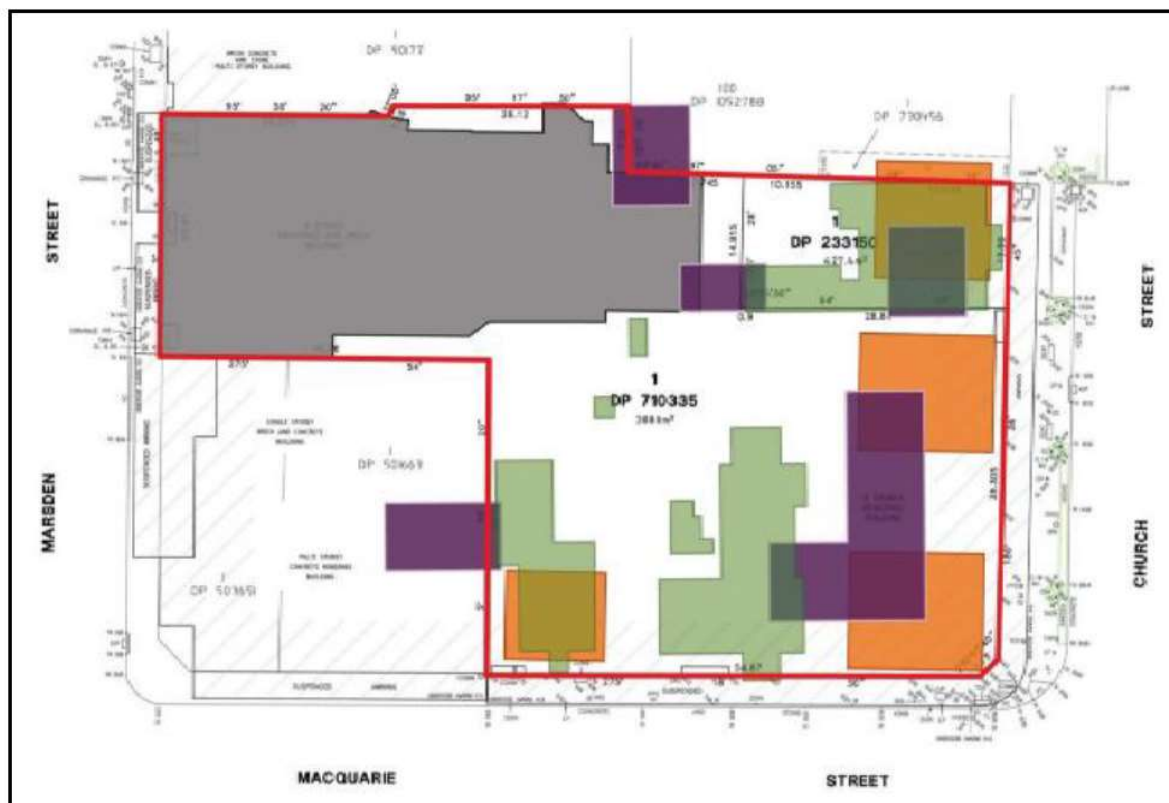


Figure 14. Locations of buildings associated with historical phases. Key: Orange: phase 1. Purple: phase 2. Green: phase 3. Grey: no archaeological potential. (Source: GML report).

- The Murray Brothers building is two storey Inter-War Stripped Classical style store of cement stuccoed brickwork. The first floor is composed of regular bays within which are set multi paned non-original steel framed windows creating repetition along the facades. The ground floor is composed of contemporary glass shopfronts set within the original structural grid. A main entrance has been added at the building corner. The street awing to Church and Macquarie Streets is an original feature. On the Church Street façade a balcony level has been added above the awing.
- Internally the lower floor is comprised of numerous different sized tenancies. The first floor comprises a large single tenancy and one smaller tenancy. Interior works are contemporary with only some original fabric evident in the limited number of small square section columns in some areas of both floors.
- The building is readily visible within the streetscapes of Church, Macquarie and Marsden Streets.
- The State Heritage Inventory provides the following statement of Significance for the site:

Building at 197 Church Street is of significance for the Parramatta area for historical and aesthetic reasons and as a representative example of Inter-War period Stripped Classical architectural style building that demonstrates the commercial role of Parramatta in the twentieth century. The building is a related place to a number of buildings associated with the Murray Bros, being a former major department store of this group. Today, it is an important element of the streetscape in Church Street, contributing strongly to the townscape. The site has potential to contribute to an understanding of the early urban development of the area.

Notwithstanding that HIS was supportive of the proposal as lodged, Council officers were of the view that it would be contrary to the public interest to allow for partial demolition of a heritage façade and removal of the awning (which council otherwise requires to be retained) when there was no mechanism for the re-instatement of those demolished works.

This concern was therefore resolved via the **amended proposal**, submitted in March 2022 which revised the scope as follows:

- All physical works to the heritage facades were deleted; and

- A revised bracing system designed to avoid the need for any piling, such that the concurrence triggers for Sydney Metro and TfNSW no longer apply, and no disturbance to archaeology was likely.

An initial review of that revised scheme by Council's Heritage Advisor identified the need for further information around the revised approach to providing structural support to the retained heritage façade. The applicant subsequently provided:

- An engineering report confirming the hoarding system will provide sufficient protection to both the awning and heritage fabric of the retained façade
- Specific details for the location of bracing system to ensure those elements correspond with existing openings to avoid penetrations to façade, also avoiding possible damage by other means such as vibration.

Council's Heritage Advisor subsequently confirmed that revised approach is acceptable and raised no objection to the extent of demolition proposed.

11.2 Archaeology

The LEP heritage listing notes the potential for 197 Church Street Parramatta as an archaeological site. That prospect is supported by the Parramatta Historical Archaeological Landscape Management Study (PHALMS) with three Archaeological Management Units (AMU) applying to this site as follows:

- AMU 2910 – contains State significant archaeology with high archaeological research potential
- AMU 2913 & 2908 – considered to have no archaeological significance/research potential.

As noted however, the scope of works limits demolition only down to ground floor slab level, and the façade bracing system now excludes the need for any piling works. Consequently, no element of this proposal will disturb any archaeological deposits which remain on this site. Through its advice provided to Council regarding related DA/16/2022 Heritage NSW advises:

- We support Parramatta Council's efforts in resolving the issues around the structural bracing system for the heritage facade to avoid potential archaeological impacts. We understand no works below ground level are proposed.

Whilst the issue of archaeology is not determinative for this DA, it is relevant to concurrent DA 16/2022. To that end, the proponent has been liaising with Heritage NSW. For completeness, the advice received by Council from NSW to date on DA/16/2022 is summarised below:

- A separate development application for excavation has not been submitted. It is understood that the applicant may submit a section 4.55 modification to the early works application (DA/802/2021) to include excavation.
- The archaeological reports by Biosis confirms earlier research that the site may contain evidence of convict huts and the first government school in Australia. These archaeological resources would be rare and be of State and National significance
- Despite that, the current approach by the proponent is to undertake a salvage excavation program to remove all potential archaeology from the site. This approach is not supported by HNSW, the preferred management strategy for State significant archaeology being for its retention in-situ i.e. conserving it.
- DA/16/2022 is not to be determined until the testing program has verified the archaeology on the site.

12. Site suitability

Subject to the conditions provided within the recommendation to this report the site is suitable for this development given:

- The proposal is an appropriate "fit" for the locality given the preceding analysis; and
- Site attributes are conducive, constraints/hazards can be properly and reasonably mitigated.

13. Public Consultation

The application was notified in accordance with Council's *Consolidated Notification Requirements 2020*, following which one anonymous submission was received, raising the following objection:

I oppose the demolition because the applicant has disregarded potential damage to archaeological and heritage items located beneath the ground floor level of the building.

1. *The Statement of Heritage Impact (SOHI) describes sub-surface deposits as “beyond the scope of this report” – see section 1.7 page 8.*
2. *Beneath the ground floor level of the building are possible archaeological and heritage items for Convict hut remains and the first State school in Australia – see SOHI section 2.2.1 page 11*
3. *The structure of the Murray Brothers building beneath the ground floor level may penetrate some of these archaeological and heritage items.*
4. *There is inadequate and deficient protection for these archaeological and heritage items proposed in the SOHI report*

As noted at section 11.2 above, the question of the protection of the potential archaeological values of the site has been properly addressed by this application.

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

14. Public interest

While this application represents early works for DA/16/2022 it remains a possibility that the works under this DA might proceed, but that no further development follows. To guard against the retained façade risking damage or neglect a condition is included in the recommendation of this report which provides a mechanism to return the site to a state where it will make a positive contribution to the locality should redevelopment not proceed following demolition works.

15. Conciliation Conference

A conciliation conference is not required as less than 7 unique submissions were received. In any case, the submission received is anonymous and council has no way of contacting the submitter.

16 . Development Contributions

The Plan does not prescribe any exemptions for the scope of works proposed by this application. Any consent will therefore include a condition requiring payment of a levy equal to 3% of the cost of a development.

Conclusion

After consideration of the development against Section 4.15 of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site, and is in the public interest. Therefore, it is recommended that the application be approved subject to conditions of consent attached to this report.

Recommendation

APPROVAL SUBJECT TO CONDITIONS

- (a) **That** the Parramatta Local Planning Panel (PLPP), exercising the functions of Council, pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, grant **development consent** to DA/802/2021 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination, subject to attached conditions of consent, and for the following reasons:

The reasons for the conditions imposed on the application are:

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of the relevant Council Planning instrument.
2. The proposed development is permissible in the B4 Mixed Use zone and is satisfactory when considered against Section 4.15 of the Environmental Planning and Assessment Act 1979,

3. The proposal allows for the heritage values the site to be retained with an expectation that the primary façade will be incorporated into a future redevelopment of this site.
4. Approval of the application is in the public interest.

DRAFT CONDITIONS OF CONSENT

Development Consent No. 802/2021

Property address: 197 and 89 Marsden Street PARRAMATTA (Lot 1 DP710335) and
207 Church Street PARRAMATTA (Lot 1 DP 233150)

PART A – GENERAL CONDITIONS

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

Architectural Drawings – Turner

Drawing/Plan No	Issue	Plan Title	Date
DA-051-001	3	Existing / Demolition Plans Site plan	-
DA-052-101	2	Existing / Demolition Elevations Heritage Facade Elevations and Section	-
-	-	Hoarding/bracing cross section	-

Specialist Reports

Document	Ref No	Issue	Prepared By	Date
Façade and Awning Retention Strategy Report	SY212658	C	Northrop	18.3.22
Heritage Façade support schematic elevations	SK-01 Rev 2 and SK-02 Rev 1	-	Northrop	18.3.22
Heritage statement for construction noise and vibration	-	-	Heritage 21	11.1.22
Hazardous Material Survey	E25219.G10.02	0	EI Australia	1.7.21
Construction Noise and Vibration Management Sub-Plan	210197-197 Church Street, Parramatta-CNVMP_BW_R0.docx.	0	Pulse White Noise Acoustics Pty Ltd	2.7.21

Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

Reason: To ensure the work is carried out in accordance with the approved plans.

No encroachment

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

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

Scope of approval

3. No excavation is approved under this DA. Works are only approved down to slab level. No demolition of the building's footings is approved.

All vehicular access to, and egress from, the site must be via the Marsden Street frontage only.

Reason: To protect existing electricity assets and potential archaeological assets.

Demolition work

4. Demolition work must be carried out in accordance with Australian Standard 2601-2001 - Demolition of Structures and the requirements of the NSW WorkCover Authority.

Reason: To ensure appropriate demolition practices occur.

Demolition of Buildings

5. Approval is granted for the demolition of all buildings down to **slab level, except for the heritage building façades to Macquarie and Church Streets as noted on the plans at condition 1**, subject to compliance with the following:
 - (a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures.

Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
 - (b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site **5 working days prior** to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
 - (c) **5 working days** (i.e., Monday to Friday with the exclusion of Public Holidays) **notice** in writing is to be given to City of Parramatta for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - (d) On the first day of demolition, **work is not to commence until** City of Parramatta has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", and demolition works must at all times comply with its requirements.
 - (e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words

“DANGER ASBESTOS REMOVAL IN PROGRESS” measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council’s officers. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.

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

- (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original.
- (iii) Payment of fees in accordance with Council's current schedule of fees and charges for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

Reason: To protect the amenity of the area.

TRANSPORT FOR NSW

6. The Council must be satisfied that the following requirements are followed pre, during and post construction for protection of TfNSW Infrastructure and Light Rail Operations:
 - The applicant must comply with all the operator of Parramatta Light Rail policies, rules and procedures when working in and about the Parramatta Light Rail corridor and the requirements of *TfNSW CI 12090 ST Airspace and External Developments* and *Development Near Rail Corridors and Busy Roads- Interim Guidelines*;
 - Activities of the applicant must not affect and/or restrict Parramatta Light Rail construction and/or operations without prior written agreement between the applicant, Transport for NSW (TfNSW) and/or its contractor/operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the TfNSW and/or its contractor/operator;
 - The applicant must apply to TfNSW and/or the Parramatta Light Rail operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the TfNSW and/or the Parramatta Light Rail operator. TfNSW and/or the Parramatta Light Rail operator may grant or refuse a request for network shutdown at its discretion;
 - The applicant shall provide safe and unimpeded access for Parramatta Light Rail patrons traversing to and from the Parramatta Light Rail stops at all times;
 - The relocation of any TfNSW services or infrastructure must only be undertaken with prior consent from TfNSW and to TfNSW Requirements and Standards. The works must be designed and undertaken by Authorised Engineering Organisations (AEO) at the applicant's cost;
 - All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW;
 - TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of

consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought;

- The applicant must hold current public liability insurance cover of minimum AUD\$ 250 million, unless otherwise advised by TfNSW, for the entire period of the work programme. This insurance shall not contain any exclusion in relation to works on or near the rail corridor and its infrastructure. Prior to issuing the first Construction Certificate the Certifier must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required; and
- All TfNSW and/or the Parramatta Light Rail operator's costs associated with review of plans, designs and legal must be borne by the applicant.

7. Prior to commencement of any preparatory, demolition or excavation works, whichever is the earlier, the applicant shall:

- Update the Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with TfNSW. The CPTMP needs to specify matters including, but not limited to, the following:
 - A description of the development;
 - Location of any proposed work zone(s);
 - Details of crane arrangements including location of any crane(s) and crane movement plan;
 - Haulage routes;
 - Proposed construction hours;
 - Predicted number of construction vehicle movements, detail of vehicle types and demonstrate that proposed construction vehicle movements can work within the context of road changes in the surrounding area, noting that construction vehicle movements are to be minimised during peak periods;
 - Construction vehicle access arrangements;
 - Construction program and construction methodology, including any construction staging;
 - A detailed plan of any proposed hoarding and/or scaffolding;
 - Measures to avoid construction worker vehicle movements within the Westmead Precinct;
 - Consultation strategy for liaison with surrounding stakeholders, including other developments under construction and Parramatta Light Rail Builder;
 - Identify any potential impacts to general traffic, cyclists, pedestrians, bus services and any light rail within the vicinity of the site from construction vehicles during the construction of the proposed works. Proposed mitigation measures should be clearly identified and included in the CPTMP; and
 - Identify the cumulative construction activities of the development and other projects within or around the development site, including the Parramatta Light Rail Project and private development. Proposed measures to minimise the cumulative impacts on the surrounding road network should be clearly identified and included in the CPTMP;
 - Site access arrangements

- Submit a copy of the final plan to TfNSW for endorsement via development.CTMP.CJP@transport.nsw.gov.au; and
- Provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and TfNSW via development.CTMP.CJP@transport.nsw.gov.au to resolve issues relating to traffic, public transport, freight, servicing and pedestrian access during construction in real time. The applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

SYDNEY METRO

8. Prior to the commencement of works, Sydney Metro is to be provided with a Demolition Program indicating the timeframe for the proposed demolition and archaeological works.
9. Prior to the commencement of works, the Applicant must submit to Sydney Metro a plan showing all craneage (including toppling arcs) and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not allow works to commence for the demolition until written confirmation has been received from Sydney Metro that this condition has been satisfied.
10. Prior to finalisation of the Construction, Pedestrian and Traffic Management Plan (CPTMP) for the development, the Applicant must consult with Sydney Metro to ensure that appropriate management measures are included in the CPTMP so that the development works are appropriately co-ordinated with the carrying out by Sydney Metro of the Sydney Metro West project. The Certifier must not allow works to commence for the demolition until written confirmation has been received from Sydney Metro that this condition has been satisfied. Sydney Metro requests that Sydney Metro and/or its contractor are included in the proposed stakeholder consultation outlined in the Concurrent works section (page 27) of the Construction, Pedestrian and Traffic Management Plan or similar.

CONTAMINATION

Hazardous/intractable waste disposed legislation

11. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Safework NSW and the EPA, and with the provisions of:
 - (a) Work Health and Safety Act 2011;
 - (b) NSW Protection Of the Environment Operations Act 1997 (NSW); and

(c) NSW Environment Protection Authority (EPA) Waste Classification Guidelines.

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

New contamination evidence

12. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the Project Manager immediately.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

PART C – BEFORE THE COMMENCEMENT OF BUILDING WORKS

TRANSPORT FOR NSW

13. Awning removal details should be submitted to TfNSW to ensure no impacts on public domain works of PLR along Church & Macquarie streets
14. Prior to any work being undertaken, a Dilapidation Report of the Parramatta Light Rail and its assets shall be prepared by qualified engineers. The dilapidation survey shall be undertaken via a joint site inspection by the representatives of the Parramatta Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed;
15. Prior to any work being undertaken, the applicant shall undertake services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have an impact on rail services and signalling. In the event rail services are identified within the subject development site or within close proximity to the development site, the applicant must discuss with TfNSW as to whether these services could be affected
16. Prior to the commencement of works on site, if required by TfNSW, an interface agreement between the Applicant, the Parramatta Light Rail Operator (and if nominated by TfNSW any other relevant TfNSW Contractor) must be executed. The interface agreement will include, but is not limited to:
- Pre and post construction dilapidation reports;
 - The need for track possessions;
 - Review of the machinery to be used during excavation, ground penetration and construction works;
 - The need for track monitoring;
 - Design and installation of lights, signs and reflective material;
 - Access by representatives of TfNSW, the Parramatta Light Rail Operator and any other relevant TfNSW Contractor nominated by TfNSW to the site of the approved Development and all structures on that site;

- Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (**SWMS**);
 - Endorsement of plans regarding proposed craneage and other aerial operations;
 - Erection of scaffolding/hoarding;
 - The rules and procedures of the Parramatta Light Rail Operator and any other relevant TfNSW Contractor nominated by TfNSW;
 - Parramatta Light Rail Operator's recovery of costs from the Applicant for costs incurred by these parties in relation to the Development (e.g. review of designs, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes; and
 - Alteration of rail assets such as the overhead wiring along the track and associated hoarding demarcation system, if undertaken by the Applicant.
17. Prior to the commencement of any works, a Deed Poll will need to be accepted by Parramatta Light Rail Contractors and signed by the Applicant. The Deed Poll will include, but is not limited to:
- Work Health and Safety provisions including the need for Safe Method Work statements;
 - Parramatta Light Rail access requirements including site works access approval and access permit to work;
 - Parramatta Light Rail Contractor compliance requirements;
 - Indemnities and releases;
 - Insurance requirements and conditions;
 - Parramatta Light Rail Contractors recovery of costs from the Applicant for costs incurred in relation to the Development (e.g. review of designs, provision of information);
 - The need to enter into an interface deed or similar with the Parramatta Light Rail Operator when the Parramatta Light Rail project is handed over to the Operator;
 - Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Parramatta Light Rail Corridor.

HERITAGE

Archival recording of heritage building

18. Prior to demolition, the building is to be recorded in accordance with the NSW Office of Environment and Heritage guidelines for Recording of Heritage Items. The details of these guidelines can be found at:

http://www.heritage.nsw.gov.au/docs/info_photographicrecording2006.pdf_

The final report is to be lodged with council for its records. Works shall not commence until Council issues written confirmation that this conditions has been satisfied.

Reason: To provide a historical record of heritage significant works on the site for archival purposes.

FEES AND CHARGES

Parramatta CBD Development Contributions Plan 2007

19. A monetary contribution comprising \$75,735 is payable to City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *Parramatta CBD Development Contribution Plan 2007 (Amendment No. 5)*. Payment must be made by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the commencement of works.

At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician (Australian Bureau of Statistics, ABS – www.abs.gov.au).

Parramatta CBD Development Contribution Plan 2007 (Amendment No. 5) can be viewed on Council's website at:

www.cityofparramatta.nsw.gov.au/business-developmentplanning/development-contributions

Infrastructure & Restoration fee

20. An Infrastructure and Restoration Administration Fee must be paid to Council prior to any works commencing. The fee will be in accordance with Councils adopted 'Fees and Charges' at the time of payment.

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

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

Security deposits

21. Before the commencement of any works on the site, the applicant must make all of the following payments to Council and provide written evidence of these payments to the Project Manager:

Bond Type	Amount
Hoarding: <i>per street frontage.</i>	\$11,475
Site development bond	\$25,750
Street Furniture: <i>per item</i>	\$2,185
Street Trees: <i>per street tree.</i>	\$2,185

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,

- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

Note: The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA 802/2021;
- (c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

A dilapidation report is required to be prepared and submitted electronically to the City of Parramatta Council (council@cityofparramatta.nsw.gov.au) prior to any work or demolition commencing and with the payment of the bond/s.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

PLANNING

Appointment of Project Manager

22. Prior to commencement of work, the person having the benefit of the Development Consent and/or a Construction Certificate must:
- (a) Appoint a suitably qualified project manager and notify Council in writing of the appointment within 7 days;; and
 - (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The appointed project manager must determine and advise the person having the benefit of the consent when inspections, certification and compliance certificates are required.

Reason: To comply with legislative requirements.

Enclosure of the site

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

Reason: To ensure public safety.

Site Sign

24. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:
- (a) Unauthorised entry of the work site is prohibited;
 - (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
 - (c) The name, address and telephone number of the Project Manager;
 - (d) The development consent approved construction hours;
 - (e) The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.
 - (f) This condition does not apply where works are being carried out inside an existing building.

Reason: Statutory requirement.

Erection of hoardings

25. A Hoarding Application to enclose public space is to be accompanied by the appropriate fee calculated according to Council's adopted fees and charges, together with details showing the location and type of hoarding proposed as required by Council's Hoarding Policy.

No demolition or works can commence until approval for the hoarding has been obtained. **Note that Council cannot issue any approval under section 138 of the Roads Act 1993 without the prior concurrence of Transport for NSW.**

The Hoarding Application is to be accompanied of details of historical images/details of the site which can be displayed on the hoarding to improve its presentation from the public domain.

Reason: To improve the visual impact of the hoarding structure and to provide safety adjacent to work sites.

Public liability insurance

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

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

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

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

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

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

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

Air Space Encroachment

27. No part of a tower crane is to extend, operate or otherwise encroach the airspace of any adjoining properties at any time, including outside construction work hours, unless an agreement to do so has been reached between the developer and any relevant property owner/s, including any Strata body. Such agreement must be in place prior to installation of any component of the tower crane.

Reason: To preserve the amenity of adjoining property and ensure consistency with the requirements of Council's Hoarding and Tower Crane Policy 233.

Notice Regarding Dilapidation Report

28. Before the commencement of any site or building work, the project manager must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than 14 days before the commencement of any site or building works and provide a copy of the report to Council at the same time.

Reason: To advise neighbours and Council of any dilapidation report.

Construction Site Management Plan

29. Before the commencement of works the applicant/project manager must ensure a construction site management plan is prepared before it is prepared and a copy provided to council. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)

- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

ENVIRONMENTAL

Asbestos – hazardous management strategy

30. The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the 'Code of Practice: How to Safely Remove Asbestos' published by WorkCover NSW. The strategy shall be submitted to the Project Manager, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

Reason: To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

Asbestos – signage

31. On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW Safework Authority hotline or their website www.safework.nsw.gov.au.

Reason: To comply with the requirements of the NSW Safework Authority.

Waste Management Plan

32. Before works commence, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements:

(a) Council's Waste Management Development Control Plan

OR

(b) details the following:

- the contact details of the person(s) removing the waste
- an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill

- the address of the disposal location(s) where the waste is to be taken

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

Reason: To ensure resource recovery is promoted and local amenity protected during construction.

ENGINEERING

Dilapidation survey & report for private properties

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

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

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

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

Reason: Management of records.

Erosion and Sediment Control measures

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

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

Site Maintenance

35. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site must be maintained in a safe and tidy manner. In this regard the following must be undertaken:
- (a) all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism

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

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

Stormwater Disposal

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

Reason: To ensure satisfactory stormwater disposal

Sydney Water Quick check

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

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

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

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

Dial Before you Dig Service

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

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

TRAFFIC

Construction and Pedestrian Traffic Management Plan

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

- a) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,

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

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

Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Work Zone' restriction if required in the egress frontage public roadways of the development site. Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's

Fees and Charges. The 'Work Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.

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

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

Special Permits

40. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely within the property boundaries. The applicant, owner or builder must apply for specific permits if the following activities are required seeking approval pursuant to Section 138 of the Roads Act 1993. **Note that Council cannot issue any approval under section 138 of the Roads Act 1993 without the prior concurrence of Transport for NSW**

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

referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs..

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

Reason: Proper management of public land.

PART D - WHILE BUILDING WORK IS BEING CARRIED OUT

TRANSPORT FOR NSW

41. No construction work zone, plants or equipment, stopping and/or parking of construction vehicles are permitted on PLR corridor and public domain of Church or Macquarie Street, without prior approval of TfNSW.
42. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;
43. During all stages of the demolition work extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;
44. The applicant must mitigate all noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to TfNSW and/or its light rail operator at intervals required by TfNSW, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;
45. No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Parramatta Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.

PLANNING

Copy of development consent

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

Reason: To ensure compliance with this consent.

Dust Control

47. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be

carried out in accordance with Section 126 of the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

Materials on footpath

48. No building materials skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the construction, excavation or demolition shall be stored or placed on/in Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the Roads Act 1993. **Note that Council cannot issue any approval under section 138 of the Roads Act 1993 without the prior concurrence of Transport for NSW**

Reason: To ensure pedestrian access.

Hours of work and noise

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

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

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

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

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

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

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

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

Reason: To protect the amenity of the surrounding area

Complaints register

50. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:
- (a) The date and time of the complaint;
 - (b) The means by which the complaint was made;
 - (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
 - (d) Nature of the complaints;
 - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complaint; and
 - (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

The complaints register must be made available to Council and/or the Project Manager upon request.

Reason: To allow the Project Manager /Council to respond to concerns raised by the public.

Construction Noise

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

OR

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

Reason: To protect the amenity of the neighbourhood

Responsibility for changes public infrastructure

52. While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason: To ensure payment of approved changes to public infrastructure.

ACOUSTIC

Construction Demolition Noise

53. Noise from construction and demolition activities associated with the development shall comply with the NSW Environment Protection Authority's Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area

Construction noise and vibration management plan

54. Adopt and implement all noise and vibration mitigation measures contained in the 'Construction Noise and Vibration Management Sub-Plan' prepared by Pulse White Noise Acoustics Pty Ltd, Dated 02 July 2021, Reference 210197-197 Church Street, Parramatta- CNVMP_BW_R0.docx.

Reason: To demonstrate compliance with submitted reports

ENVIRONMENTAL

Asbestos –records of disposal

55. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Project Manager, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

Asbestos – disposed

56. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2014 and the Waste Classification Guidelines – Part 1 Classifying Waste (EPA 2014) and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

Waste data maintained

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

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

General requirements for liquid and solid waste

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

Reason: To prevent pollution of the environment.

ENGINEERING

Erosion & sediment control measures

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

Reason: To ensure no adverse impacts on neighbouring properties.

Damage to public infrastructure

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

Reason: To protect public safety.

TRAFFIC

Road Occupancy Permit

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

Reason: To ensure proper management of Council assets.

Oversize Vehicle Access Permit

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

Reason: To ensure maintenance of Council's assets.

PART E – BEFORE THE ISSUE OF FINAL CERTIFICATION

TRANSPORT FOR NSW

63. The post dilapidation survey shall be undertaken via a joint inspection with representatives from TfNSW, the Parramatta Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report to TfNSW and the Parramatta Light Rail Operator will be required unless otherwise notified by TfNSW. The final occupation certificate shall not be issued until written confirmation has been received from TfNSW confirming their satisfaction with the dilapidation survey and/or rectification of any damage.

Final Compliance Certificate

64. A Final Compliance Certificate shall be issued to Council by the project manager confirming that all conditions of consent have been satisfied.

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

Private Property Dilapidation

65. Before the issue of any Final Compliance Certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the Project Manager, detailing whether:
- (a) after comparing the pre-construction dilapidation report to the postconstruction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
 - (b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of any Final Compliance Certificate, a copy of the post-construction dilapidation report to Council and to the relevant adjoining property owner(s).

Reason: To identify damage to adjoining properties resulting from building work on the development site

Repair of infrastructure

66. Before the issue of any Final Compliance Certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

Reason: To ensure any damage to public infrastructure is rectified

Removal of waste upon completion

67. Before the issue of any Final Compliance Certificate, all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the Project Manager.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored

PART F – OCCUPATION AND ONGOING USE

68. (a) Within two (2) years from the date of this Notice of Determination, Council must be provided with evidence, to the satisfaction of the Manager Development and Traffic Services, of the physical commencement of a separate development consent for the redevelopment of this site which incorporates the retained heritage facades.
- (b) Should the requirements of (a) not be met the landowner must reinstate and rehabilitate all areas the site under Development Application 802/2021, to the satisfaction of Council.

The rehabilitation works must include, but not be limited to, treating the site such that it is a temporary, publicly accessible, area of public domain such as a pocket park, the feature of which is the retained heritage facades.

- (c) Prior to undertaking any works to satisfy (b) the land owner must receive from Council its endorsement of plans that fully document the extent and timing for those reinstatement/rehabilitation works.
- (d) The documents required by (c) must be lodged with Council within 30 days of the end the 2 year period at (a) above.
- (e) Any endorsement granted for (c) shall be subject to conditions determined by Council at that time, including a timeframe for completion.

Reason: To ensure this prominent site makes appositive contribution to the public domain of the CBD until such time as it benefits from a further development consent for an alternative purpose.

Graffiti Management

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

Reason: To ensure the removal of graffiti.

Release of Securities/Bonds

70. When Council receives a Final Compliance Certificate from the applicant may lodge an application to release the securities held in accordance with this consent.

Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

Note: A written application to Council's Civil Assets Team is required for the release of a bond and must quote the following:

- (a) Council's Development Application number; and
- (b) Site address.

Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

Reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.