



City of Parramatta	
File No:	DA/802/2021

## SECTION 4.15 ASSESSMENT REPORT

### Environmental Planning & Assessment Act 1979

DA No:	DA/802/2021- Section 8.3 Review
Property:	197 Church Street 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 (heritage facades retained) and archaeological test excavations
Date of receipt:	8 June 2022
Applicant:	Think Planners
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:	<b>One</b>
Conciliation Conference Held:	No
Prelodgement Meeting Held:	No
Recommendation:	<b>Approval</b> , subject to conditions of consent.
Assessment Officer:	Brad Roeleven

### 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"><li>- Environmental Planning and Assessment Act 1979 and Regulations 2021</li><li>- State Environmental Planning Policy (Resilience and Hazards) 2021</li><li>- State Environmental Planning Policy (Biodiversity and Conservation) 2021</li><li>- State Environmental Planning Policy (Transport and Infrastructure) 2021</li><li>- Parramatta Local Environmental Plan 2011 (LEP 2011)</li><li>- Parramatta Development Control Plan 2011 (DCP 2011)</li><li>- Draft amendments to Parramatta Local Environmental Plan 2011</li></ul>
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

## 1. Executive summary

A Section 8.3 Review of the determination of DA/802/2021 was lodged on 8 June 2022 seeking a reconsideration of the decision of the Panel on 17 May 2022 to refuse the application. Consistent with the requirements of section 8.3(5) of the Environmental Planning and Assessment Act 1979 (the Act) a decision on the Review must also be made by the Panel.

The application seeks consent to demolish a heritage item - although the built elements of value, being the facades of the Murray Brothers department store are retained – and to also conduct excavation for the purposes of archaeological testing, noting that a portion of the site may contain relics of State significance, as the use of this land dates back to the earliest convict settlement in Parramatta. The site also has potential to support Aboriginal archaeology. Relevant permits for the archaeological testing have now been granted by Heritage NSW.

The scope of works in this application are 'early works' associated with related DA/16/2022 which is seeking consent for a 2 tower mixed-use development comprising 2 storey retail podium (incorporating the retained heritage facades from the Murray Brothers building), a 25 storey commercial office tower and a 32 storey hotel accommodation. Assessment of DA/16/2022 is well progressed, however the applicant is yet to formally respond to the issues of concern raised by Council and agencies.

The proponent has provided a response to the reasons for refusal, and further commentary to assist the Panel is also provided by Council officers. In summary, this report concludes that the reasons for refusal identified in May 2022 are resolved, given:

- the objectives of Section 1.3(c) of the Act are met [orderly and economic development of the site];
- the works are not contrary to the objectives of Parramatta LEP 2011 [conserve cultural heritage];
- the works are not contrary to the public interest;
- the application must be determined on its own merits, regardless of the status of any related DA.

Having regard to the matters for consideration under section 4.15 of the Act this report recommends that, upon Review, the Panel grant approval to this application.

## 2. 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 4,342m<sup>2</sup>. 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 12.



Figure 1: 197 Church St Parramatta



Figure 2: 197 Church St Parramatta (Macquarie St 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 Figures 5 and 6 below.

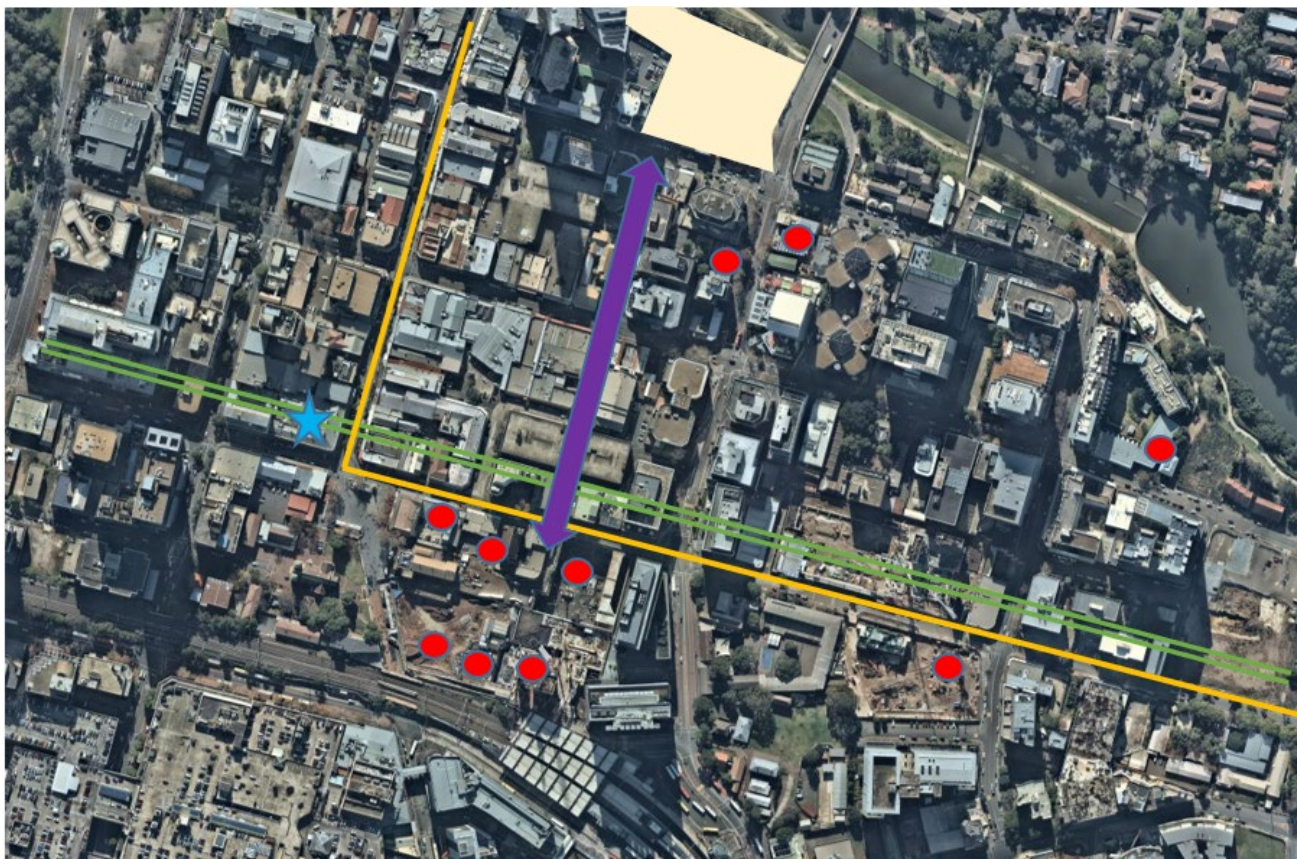


Figure 5: Site context within CBD and extent of major developments

**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 and immediate context

### 3. Related matters

Table 1: Related matters

Matter	Comment
<b>Planning Proposal (RZ/4/2015)</b>	<p>This site specific PP, which effectively brought forward the provisions which are to apply under the wider Parramatta CBD, 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"> <li>• Increase maximum height of part 36 metres and part 12 metres, to part 105 metres and part 12 metres.</li> <li>• Increase maximum FSR of part 4:1 and part 3:1 to 10:1.</li> <li>• 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"> <li>○ 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.</li> <li>○ Apply the full range of maximum car parking rates specified in the current Parramatta CBD PP.</li> </ul> </li> </ul>
<b>Design Competition (DC/1/2021)</b>	<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>
<b>DA/16/2022</b>	<p>This DA seeks consent for a 2 tower mixed-use development comprising 2 storey retail podium (incorporating the retained heritage facades from the Murray Brothers building), 25 storey commercial office tower and 32 storey hotel accommodation</p>

tower; and 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

## 4. The proposal

### 4.1 As originally lodged

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 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:

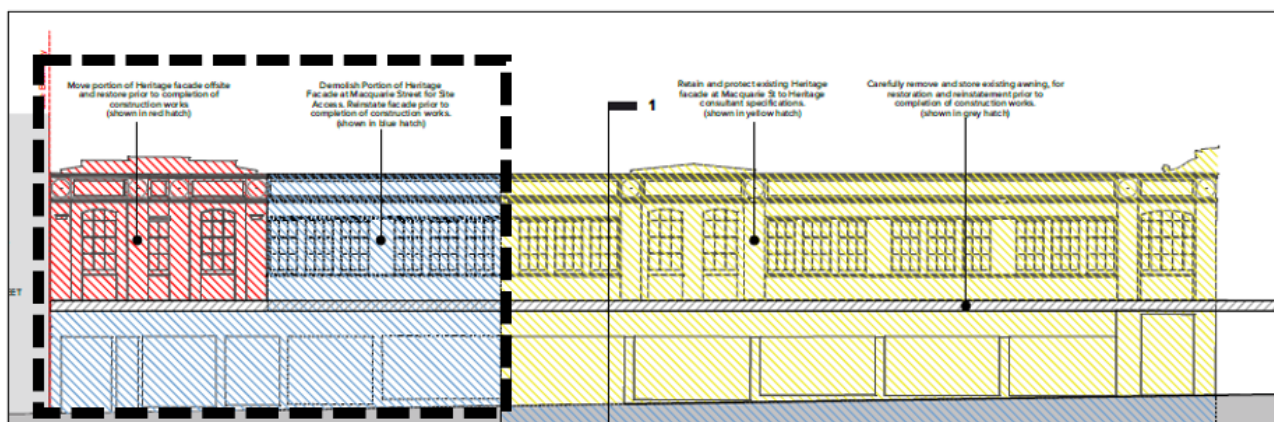


Figure 7: Extent of façade demolition works for DA as lodged

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.

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.

#### 4.2 As amended prior to the initial determination in May 2022

In response to those concerns 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.

The application was supported by Council staff, however at its meeting on 17 May 2022 the Panel resolved to refuse to grant approval, for the following reasons:

1. *The proposal does not meet the objectives of Section 1.3(c) of the Environmental Planning and Assessment Act 1979 as the proposal does not promote the orderly and economic use and development of the site.*
2. *The proposal does not meet the objectives of Clause 1.2(2)(c) of the Parramatta Local Environment Plan 2011, as the proposal does not propose to conserve and promote Parramatta's cultural heritage as the framework for its identity, prosperity, liveability and social development.*
3. *In accordance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is considered to not be in the public interest, as the proposal intends the demolition of a local heritage item, which has a significant contribution to the streetscape, in circumstances where the timing and the final form of the replacement development is unknown.*

#### 4.3 As amended for the 8.3 Review

The application as lodged with this Review alters in scope from that determined in May 2022 as follows:

- Consent is now sought to undertake site works for the purposes of Aboriginal and non-Aboriginal archaeological investigations. This additional element comprises creating 6 x test trenches ranging in size from 5mx5m to 15m x 25m, and to a maximum depth of 2m. This alters the extent of demolition works, in that while the ground floor slabs will be retained, required sections would be saw-cut and removed for the purpose of creating the trenches.
- The supporting documentation is expanded to include:
  - Permit under Section 140 of the Heritage Act 1977 issued by Heritage NSW for the test excavations
  - Aboriginal Heritage Impact Permit issued by Heritage NSW
  - Contamination report
  - Request for Review letter from Think Planners dated 26 May 2022
  - Letter from IHG Hotels and Resorts dated 26 May 2022 confirming its commitment to the Hotel proposed for this site via related DA 16/2022
  - Letter from Heritage 21 dated 24 May 2021 confirming the extent of heritage fabric on site.

As noted at section 8 below, the Act allows for a proposal to be amended in conjunction with a Review, provided nominated criteria is met.

## 5. REFERRALS

Table 2: Status of referrals

Internal	
Development Engineer	No objections – conditions provided
Heritage	No objections – conditions provided. See discussion at section 12
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 9.3
Sydney Metro	No objections – conditions provided. See discussion at section 9.3

## 6. Planning Assessment - Overview

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

### 6.1 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 3: Section 4.15(1)(a) Matters for consideration

<i>Provision</i>	<i>Comment</i>
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 9
Section 4.15(1)(a)(ii) – Any proposed instrument	Refer to section 10
Section (4.15)(1)(a)(iii) – Development control plans	Refer to section 11
Section (4.15)(1)(a)(iiia) - Planning agreement	Refer to section 17
Section (4.15)(1)(a)(iv) - The Regulations	Satisfied
Section (4.15)(1)(b) - Likely impacts	Refer to section 12
Section (4.15)(1)(c) - Site suitability	Refer to section 13
Section (4.15)(1)(d) - Submissions	Refer to section 14
Section (4.15)(1)(e) - The public interest	Refer to section 15

## 6.2 Related provisions

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

Table 3: EPA Act related provisions

Consistency with Section 1.3 (Object of the Act)	Yes - refer to section 7 below
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
Division 8.2 - Reviews	Yes - refer to section 8 below
Are submission requirements within the Regulations satisfied ?	Yes

## 7. Section 1.3 of the Environmental Planning and Assessment Act

This section sets out the Objects of the Act. As noted at section 4.2 above, the Panel refused this application in May 2022, in part for the following reason:

- The proposal does not meet the objectives of Section 1.3(c) of the Environmental Planning and Assessment Act 1979 as the proposal does not promote the orderly and economic use and development of the site.*

In response **the proponent** has provided various contentions in a submission from Think Planners dated 26 May 2022, a copy of which is provided as an attachment to this report. In summary those contentions are:

- An object of the Act is not a statutory consideration when assessing a development application (DA) under Section 4.15 Evaluation of the Act.*
- This DA is a precursor to the extensive archaeological investigation works needed to ensure all preliminary site works are conducted thoroughly to facilitate the conservation of both heritage and archaeology within the site. This DA for demolition has been submitted in parallel to the overall building DA 16/2022 lodged in December 2021.*
- A commercial reality that must be taken into consideration is that Holdmark would not risk vacating tenants to embark on the costly exercise of demolishing the buildings without full intention to develop the site in the future.*



- *Vacating those tenancies means there are higher holding costs which demonstrates the applicant's commitment to delivering this development.*
- *Due to the complexity of DA 16/2022 it is more efficient to separate out the demolition work so that preliminary site preparation can commence.*
- *The archaeological investigations work that will take place are comprehensive and will take more than a year to complete. With DA 16/2022 running in parallel allows for additional time to ensure that all archaeological work is completed.*
- *As detailed in the letter from Holdmark that accompanies this submission, the developer is wholly committed to ensuring the site does not sit stagnant and development of the site, which includes the celebration and preservation of the important heritage features remain part of the building. By way of background, Holdmark has been working on this site for more than five years through investment in the Planning Proposal, Site Specific Development Control Plan, Design Competition and now through to the lodgement of the DA for the hotel and commercial building last year in December.*

The following further comments are provided by **Council's planner**:

- It is agreed that the objects of the Act are not expressly stipulated as a matter for consideration at section 4.15 of the Act. However, those objects nevertheless provide guiding principles that should be considered by planning authorities
- Other than for the reference at section 1.3, the Act does not provide any guidance on what "orderly and economic use and development of land" might mean, nor is there a relevant "planning principle" established by judgments from Commissioners of the Land and Environment Court
- However, the decision from Acting Justice Molesworth [680-682 Kingsway Caringbah Pty Ltd v Sutherland Shire Council 2017] is instructive, in that the question of orderly and economic development was evaluated with regard to:
  - a. Whether the requirements for development on the subject site could be met having regard to the applicable planning controls;
  - b. Whether the development of adjacent sites would remain feasible
  - c. Whether the proposal was contrary to the relevant zone objectives
- In response to that criteria:
  - Regarding (a): The scope of works under this application is not contrary to the LEP controls, and in fact is consistent with the site specific DCP in that the heritage elements of value are retained. Therefore this proposal, of itself, would not jeopardise the feasibility the development potential of the subject site. Indeed, the outcomes of the archaeological investigations will be instructive on the extent to which the site is able to be developed.
  - Regarding (b): The scope of works under this application is limited, and of itself would not jeopardise the feasibility of the development potential of any adjacent site.
  - Regarding (c): The objectives of the B4 Mixed Use zone are not compromised by this application as shown at section 9.4 below

- Separate to that criteria - If the question of “orderly and economic development” was included to buttress the remaining two reasons for refusal (*conserve cultural heritage and lack of certainty of the replacement development*) then those matters are addressed at sections 9.3 and 15.

With regard the discussion above, and the information elsewhere in this report, the application the subject of this Review is therefore consistent with section 1.3(c) of the Act.

## **8. Division 8.2 of the Environmental Planning and Assessment Act**

This Division of the Act allows for the Review of the determination of a development application. Consideration of the relevant provisions is provided below.

Section 8.2 identifies the matters which can be the subject of a Review, and states:

- (1) *The following determinations or decisions of a consent authority under Part 4 are subject to review under this Division—*
  - (a) *the determination of an application for development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),*
  - (b) *the determination of an application for the modification of a development consent by a council, by a local planning panel, by a Sydney district or regional planning panel or by any person acting as delegate of the Minister (other than the Independent Planning Commission or the Planning Secretary),*
  - (c) *the decision of a council to reject and not determine an application for development consent.*
- (2) *However, a determination or decision in connection with an application relating to the following is not subject to review under this Division—*
  - (a) *a complying development certificate,*
  - (b) *designated development,*
  - (c) *Crown development (referred to in Division 4.6).*
- (3) *A determination or decision reviewed under this Division is not subject to further review under this Division*

Those provisions are satisfied given that:

- DA 802/2021 was determined by the Panel on 17 May 2022, and
- the matter is not of a type referenced in subclause (2).

Section 8.3 sets out the process for the conduct of a Review and states:

- (1) *An applicant for development consent may request a consent authority to review a determination or decision made by the consent authority. The consent authority is to review the determination or decision if duly requested to do so under this Division.*
- (2) *A determination or decision cannot be reviewed under this Division—*
  - (a) *after the period within which any appeal may be made to the Court has expired if no appeal was made, or*
  - (b) *after the Court has disposed of an appeal against the determination or decision.*

- (3) *In requesting a review, the applicant may amend the proposed development the subject of the original application for development consent or for modification of development consent. The consent authority may review the matter having regard to the amended development, but only if it is satisfied that it is substantially the same development.*
- (4) *The review of a determination or decision made by a delegate of a council is to be conducted—*  
(a) *by the council (unless the determination or decision may be made only by a local planning panel or delegate of the council), or*  
(b) *by another delegate of the council who is not subordinate to the delegate who made the determination or decision.*
- (5) *The review of a determination or decision made by a local planning panel is also to be conducted by the panel*

Those matters are satisfied given:

- The period during which an Appeal may be lodged is 6 months from the date the determination was posted on the Portal. No appeal has been lodged, and therefore this Review must be determined by the 20 November 2022
- Notwithstanding the extent to which the scope of the application has been modified for the purposes of this Review, the proposal satisfies the “substantially the same” test, as would be used for a section 4.55 application
- Subclause (4) does not apply and subclause (5) is satisfied by submitting this matter to the Panel for further consideration.

Given the above, this matter is able to the subject of the Review process.

Section 8.4 provides that:

*After conducting its review of a determination or decision, the consent authority may confirm or change the determination or decision.*

This report recommends that the Panel change its determination and grant consent to the application.

## **9. Environmental Planning Instruments**

### **9.1 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:

- The proposal is primarily for the demolition of the existing buildings (excluding heritage facades) down to the ground floor slabs, which are to be retained. To that end, the application is supported by a hazardous building materials survey providing recommendations for the handling and disposal of such items. Council's Environmental Health Officer is satisfied with the approach to manage this matter, and has provided conditions for inclusion in any consent.



- However, the application also proposes to undertake some excavation for the purposes of archaeological investigations (refer to section 12 for details) and so the potential for soil contamination must also be considered. In that regard the application is supported by a Detailed Site Investigation report which, in summary, notes:
  - The site has been continuously used for commercial purposes since at least the 1920s, none of which is listed in Table 1 to the contaminated land planning guidelines
  - The site is free of any Notices under the *Contaminated Lands Management Act 1997* and the *Protection of the Environment Operations Act 1997*. Further, the site is not included on the *List of NSW Contaminated Sites Notified to the EPA*
  - Borehole investigations were limited to the western portion of the site (current basement of 89 Marsden Street) and those identified concentrations of certain pollutants, but at levels below human health and ecological criteria.
  - Further soil investigations are required in the central and south eastern portions of the site, along with further groundwater testing.

The report concludes however that the localised contamination can be managed such the site will be suitable for its intended commercial use, subject to the preparation of a Remediation Action Plan which will:

- Allow for the data gaps to be addressed (e.g extra ground and water testing)
- Allow for soils to be classified for the purposes of off-site waste disposal
- Include details for site validation to demonstrate the remediation works ensure the site is suitable for its intended use.

Council' Environmental Health Officer is also satisfied with the approach to manage this matter, and has provided conditions for inclusion in any consent.

Given the above it is concluded that requirements of clause 4.6 are satisfied because:

- The potential for contamination has been properly addressed by relevant technical reports; and
- The land can, and will be, remediated before it is used for its intended purpose.

## **9.2 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.

## **9.3 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. As those aspects of the scheme have not altered for the purposes of this Review application, the comments of those agencies remain applicable.

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

The concurrence provisions within this clause are not triggered because although the excavation for archaeological testing is within 25m of the PLR rail corridor, those works do not exceed a depth of 2m.

### 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.

## 9.4 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. With regard to the final objective, that outcome will be achieved given:

- The built fabric of value, being the Murray Brothers building façades to Macquarie and Church Streets, is retained, consistent with the site specific DCP; and
- Heritage NSW will dictate the management of any archaeology discovered on the site.

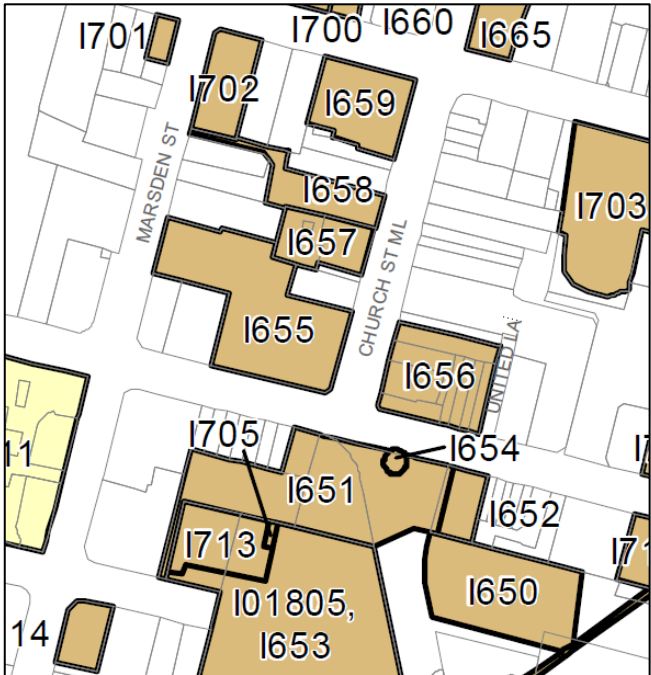
### Remaining matters

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

Table 4: PLEP 2011 compliance table

<i>Clause</i>	<i>Comment</i>	<i>Complies</i>
<b>Clause 1.2 Aims of the Plan</b>	See comments following at the end of this table	<b>Yes</b>
<b>Clause 2.7 Demolition</b>	Satisfied by the lodgement of this application	<b>Yes</b>
<b>Clause 5.10 Heritage conservation</b>	<p>The site is Item 655 as shown on the extract from PLEP heritage map below, and also adjoins or is within the vicinity of multiple heritage items including:</p> <ul style="list-style-type: none"> <li>• Item 650 - Parramatta Town Hall (and potential archaeological site)</li> <li>• Item 651 - Bicentennial Square and adjoining buildings;</li> <li>• Item 652 - Murray's Building (and potential archaeological site);</li> <li>• Item 653 - Wardens Cottage</li> <li>• Item 654 - Centennial Memorial Clock, Bicentennial Square; and</li> </ul>	<b>Yes</b>



	<ul style="list-style-type: none"> <li>• Item 656 - Façade and potential archaeology</li> <li>• Item 657 - Former post office and potential archaeology</li> </ul>  <p>Figure 8: Extract from PLEP 2011 heritage map</p> <p>The application satisfies the requirements of clause 5.10 as follows:</p> <ul style="list-style-type: none"> <li>• 5.10(2) - Seeks consent for demolition</li> <li>• 5.10(3) - Not applicable</li> <li>• 5.10(4) - Consideration of heritage impacts provided at section 11</li> <li>• 5.10(5) - A Heritage impacts statement has been provided</li> <li>• 5.10(6) - A conservation management plan has not been requested</li> <li>• 5.10(7) - Not an archaeological site, but see section 11 below</li> <li>• 5.10(8) - The site is not an Aboriginal place of significance</li> <li>• 5.10(9) - The site is not a nominated state heritage item</li> <li>• 5.10(1) - conservation incentive provision do not apply</li> </ul>	
<b>Clause 6.3 Flood Planning</b>	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.	<b>Yes</b>
<b>Part 7 City Centre</b>	None of the provisions for the City Centre, including the site specific controls in clause 7.22A, are relevant to demolition works..	<b>N/A</b>

### Section 1.2 of the PLEP 2011

Included by the Panel in its reasons for refusal of this DA in May 2022 is the following:

2. *The proposal does not meet the objectives of Clause 1.2(2)(c) of the Parramatta Local Environment Plan 2011, as the proposal does not propose to conserve and promote Parramatta's cultural heritage as the framework for its identity, prosperity, liveability and social development.*

In response **the proponent** has provided various contentions in a submission from Think Planners dated 26 May 2022, a copy of which is provided as an attachment to this report. In summary those contentions are:

- *The proposal has been reviewed by Council's Heritage Advisor who confirmed the proposal is acceptable and raised no objection to the extent of demolition proposed.*
- *As confirmed in the Heritage Impact Statement (HIS), the former Murray Brothers department store has undergone multiple additions and alterations over time which has resulted in a significant loss of the internal heritage fabric. The HIS and the additional letter provided which this submission demonstrates the only remnant heritage fabric of the item is the heritage facades along Church and Macquarie Streets along with the pressed metal awning. As stated previously, the proposal facilitates early works on the site while at the same time retaining the heritage features of the item. It has been demonstrated that the proposal facilitates the conservation of Parramatta's cultural heritage.*

The following further comments are provided by **Council's planner**:

- Retention of the heritage facades to Church and Macquarie Streets is achieved in a manner that is acceptable to Council's Heritage Advisor. That outcome is consistent with site specific DCP controls, which themselves were endorsed by Council – see section 12.1.2 below.
- Those same site specific controls require those retained facades to be incorporated into the design for any future re-development. That outcome is fulfilled by related DA/16/2022 which is under assessment.
- Permits are in place to establish the existence and value of Aboriginal and non-Aboriginal archaeology. That process is being managed by Heritage NSW who will determine the degree to which any relics will constrain any further development. (refer section 12.1.4 below)

The application the subject of this Review is therefore consistent with clause 1.2(2)(c) of the LEP.

## 10. Draft Environmental Planning instruments

### 10.1 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.

### 10.2 Parramatta CBD Planning Proposal

This site is subject to the Parramatta CBD Planning Proposal, (PP) the primary focus of which 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 was finalised by the Department in May, but will not commence until October 2022.

As noted at section 3, 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 the draft CBD PP.

## 11. 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 5: PDCP 2011 compliance

Part 2 – Site planning		Complies
2.4.1 Views and vistas	<ul style="list-style-type: none"> <li>Proposal is for demolition only</li> </ul>	N/A
2.4.2 Water management	<ul style="list-style-type: none"> <li>Waterways protected through control of stormwater and water quality during and post construction</li> </ul>	Yes
2.4.3. Soil management	<ul style="list-style-type: none"> <li>Sedimentation would be addressed by conditions</li> <li>ASS – not applicable refer to LEP above.</li> </ul>	Yes
2.4.4 Land Contamination	<ul style="list-style-type: none"> <li>Defer to SEPP 55 assessment above</li> </ul>	Yes
2.4.5 Air Quality	<ul style="list-style-type: none"> <li>Would be addressed by conditions</li> </ul>	Yes
2.4.8 Public Domain	<ul style="list-style-type: none"> <li>Protected by conditions.</li> </ul>	Yes
Part 3 – Development principles		Complies
3.1 Building envelope	<ul style="list-style-type: none"> <li>Proposal is for demolition only</li> </ul>	N/A
3.2 Building elements	<ul style="list-style-type: none"> <li>Proposal is for demolition only</li> </ul>	N/A
3.3 Environmental amenity	<ul style="list-style-type: none"> <li>Arrangements for stormwater disposal are satisfactory</li> </ul>	Yes
3.4. Social amenity	<ul style="list-style-type: none"> <li>Assessment against CPTED considerations is satisfactory.</li> </ul>	Yes
3.5 Heritage	<ul style="list-style-type: none"> <li>Satisfactory - refer to section 12 below.</li> </ul>	Yes
3.6 Movement & circulation	<ul style="list-style-type: none"> <li>All access via Marsden Street only</li> <li>Management plans required to ensure pedestrian safety</li> <li>Management plan required for all vehicle movements</li> </ul>	Yes



## 12. 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:

### 12.1 Heritage

#### 12.1.1 Significance of the site

The site is listed as an item (#655) of local a heritage significance under PLEP 2011 as shown at Figure 8 above). It is also listed on the National Trust Register (NSW).

The State Heritage Inventory provides the following 'Statement of Significance' for this 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.*

#### 12.1.2 Site specific heritage controls

The site specific DCP includes the following heritage provisions:

Table 6: Selected site specific DCP heritage controls

Objective 1	The existing facade of the Murray Bros building along Church Street and Macquarie Street (including the awning) is to be retained.
Objective 5	Opportunities to conserve local and State significant archaeological items are to be considered.

<i>Control 1</i>	The recommendations detailed in the Rappoport Heritage Consultants Statement of Heritage Impact dated March 2015 are to be incorporated during the detailed design.
<i>Control 2</i>	An archaeological assessment will be prepared for the site and the recommendations of the assessment incorporated into the detailed design. This includes the conservation of local and State significant archaeology. Where this is not possible or practical, excavation, salvage, reuse and/or interpretation of the archaeology in accordance with an approved archaeological research design and excavation methodology is to occur.

In terms of *Control 1*, the Rappoport report provides the following recommendations:

*To ensure maximum conservation of significance Rappoport recommends:*

- *retention of the significant aspects of the Murray Brothers building's Church and Macquarie Street facades, namely the first floor facades and the ground floor columns, in situ; and*
- *creation of a public interpretive space within the proposal which would enhance the significance of the site, the vicinity and the city.*

Those recommendations are underpinned by the following analysis within that report:

*In our view retaining these facades would represent the best method of preserving a significant measure of the building's significant fabric and of its contribution to the character of the streetscapes, junction and city. However, Council may take the view that these facades may not be able to be appropriately integrated with the redevelopment of the site, in which case their removal to allow for the next stage of development might be practical. In such a case a Photographic Archival Recording prior to demolition would be essential.*

### 12.1.3 Heritage impact assessment

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)

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:

Table 7: Historic phases of development of the site

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 1978.

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. [emphasis added]**
- The building is readily visible within the streetscapes of Church, Macquarie and Marsden Streets.

The HIS concluded the following aspects of the proposal that would respect the heritage significance of the site:

- *Limited to the removal of fabric of little heritage significance*
- *Retain fabric of high significance*
- *Largely retain the presentation of the site to the surrounding streetscape*
- *Facilitate engagement of the community with the building*
- *Allow for interpretation strategies*
- *Allow for the adaptive reuse of the site in a manner sympathetic to its heritage significance*

It is to be noted that the HIS was prepared in respect of the DA as originally lodged, which envisaged a limited degree of demolition and then re-instatement of some sections of the Murray Brothers building facades. Council officers agreed with the conclusions of the HIS but only once:

- the DA was amended in March 2022 to:
  - Delete all physical works to the heritage facades; and
  - Utilise 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.
- Further information was provided to:
  - Demonstrate the hoarding system will provide sufficient protection to both the awning and heritage fabric of the retained façade
  - Specify details of 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.

That revised scope and additional information remains current for the purposes of this Section 8.3 Review. Accordingly, the extent to which the proposal impacts upon the heritage values of the site is acceptable.

#### 12.1.4 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.

AMU 2910 corresponds with the south eastern portion of the site as shown below:

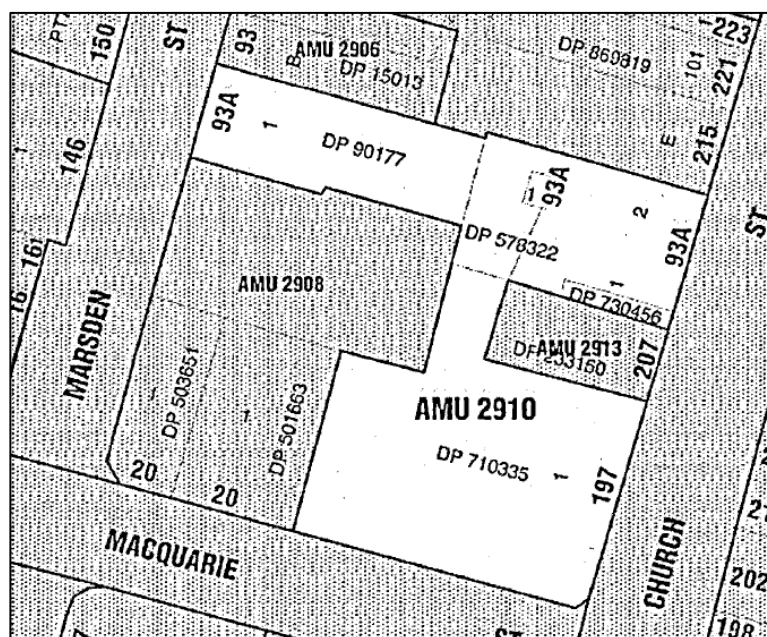
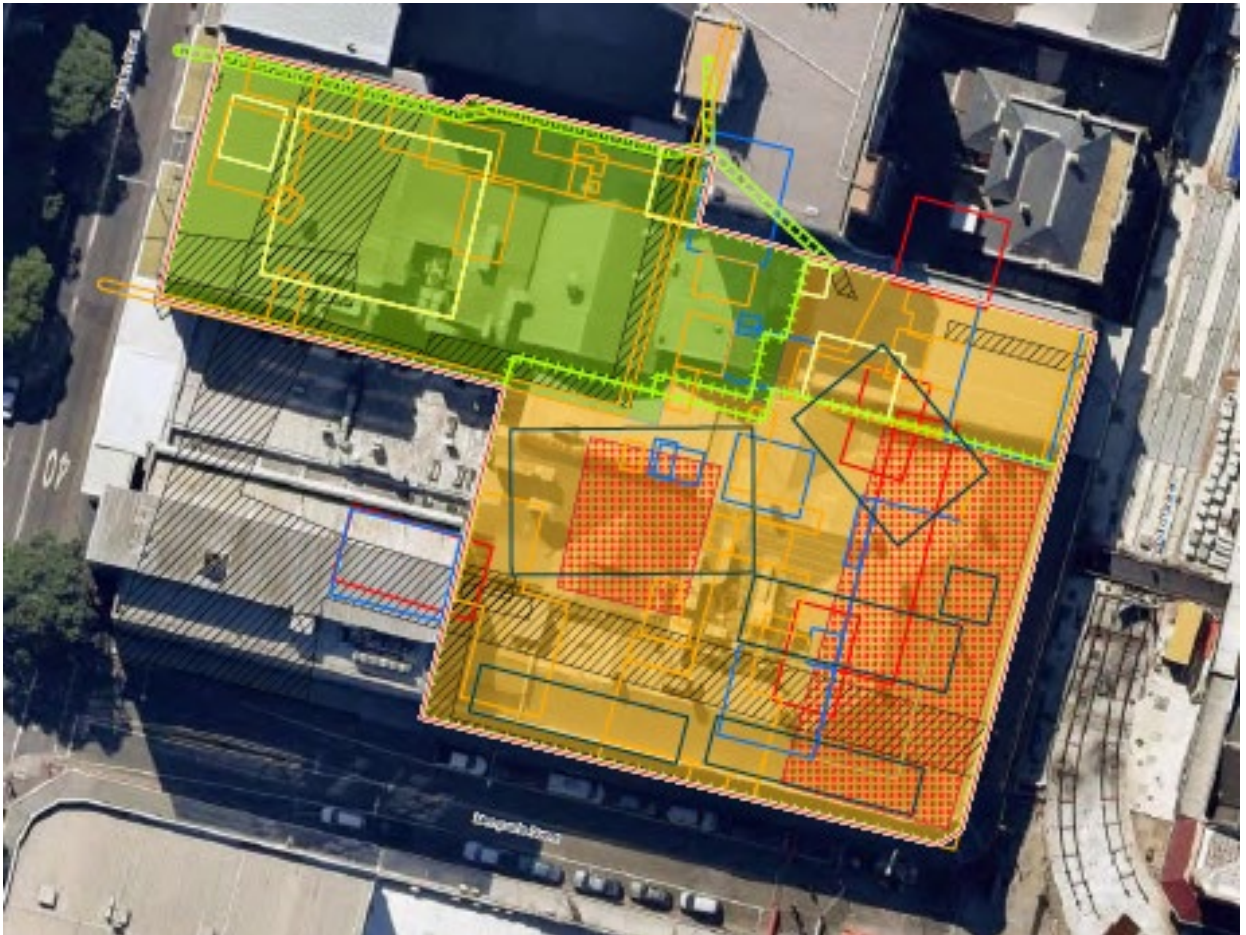


Figure 9: The location of AMU 2910

In terms of the potential impacts on any archaeology of value within this site:

- The scope of works remains generally limited to demolition down to slab level, excluding the Macquarie and Church Street facades of the Murray Brothers building
- The façade bracing system now excludes the need for any piling works, and that methodology is supported by Heritage NSW
- Consent is now also sought to remove portions of the slab for the purposes of defining and creating 6 test trenches, ranging in size from 5m x 5m up to a maximum of 15m x 25m, to investigate the existence of any Aboriginal and non-Aboriginal archaeology on the site. Those test trenches are shown at Figure 10:



**Figure 10: Test trenches shown in black**

- Heritage NSW has granted a permit, under section 140 of the Heritage Act 1977, for these test trenches. A copy is provided as an attachment to this report however, key conditions of that approval are:
  - C2: No permission to remove any State significant relics/archaeology
  - C3: If any substantial intact deposits and/or State significant relics not anticipated by the approved report are discovered, all works must cease and HNSW contacted.
  - C7: All works must be supervised by the nominated Primary Excavation Director
  - C8: All works must be properly documented by the nominated Primary Excavation Director
  - C20: A Heritage Interpretation Plan must be prepared
- Heritage NSW has also issued an Aboriginal Heritage Impact Permit (AHIP) under section 90 of the National Parks and Wildlife Act 1974 for test excavations at this site. A copy is provided as an attachment to this report however, key the key provisions of that approval are:



- The AHIP permits the excavation, analysis and storage of any Aboriginal Object pending agreement for long term storage.

### 13. 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.

### 14. Public Consultation

#### Application as lodged

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 12.1.4 above, the question of the protection of the potential archaeological values of the site has been properly addressed by this application.

#### Application for Review

No submissions were received following notification.

### 15. Public interest

Included by the Panel in its reasons for refusal of this DA in May 2022 is the following:

3. *In accordance with Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposal is considered to not be in the public interest, as the proposal intends the demolition of a local heritage item, which has a significant contribution to the streetscape, in circumstances where the timing and the final form of the replacement development is unknown.*

In response **the proponent** has provided various contentions in a submission from Think Planners dated 26 May 2022, a copy of which is provided as an attachment to this report. In summary those contentions are:

- *The proposal retains the heritage facades along Church Street and Macquarie Street as these are the only features of remnant heritage fabric of significance on site.*

- *The separation of preliminary works under a separate DA while the DA for building works is being finalised is a deliberate strategy to run processes in parallel to ensure the retention of the heritage fabric of the building, adequate time for archaeological investigation work while the finer details of the development proposal is being resolved. Keeping in mind the site has complex constraints that need to be managed including the Light Rail, Sydney Metro as well as flooding matters.*
- *The Developer has invested a significant number of resources to deliver a city significant project and has no intention to leave the site dormant without completing the development*
- *If the DA for preliminary works and building works were coordinated within a single DA, there is simply no provision within the relevant planning controls to force development completion within a specified timeframe. The separation of the DAs is in place to make the process more efficient which demonstrates the developers commitment to delivering the project.*

The following further comments on this issue are provided by **Council's planner**:

- It is agreed that the only built element of heritage value on the site is retained by this proposal consistent with the site specific DCP
- The retained facades are incorporated into DA/16/2022, also consistent with those site specific controls.
- The lack of certainty around the timing and final form of the replacement development (i.e. DA/ 16/2022) is a reasonable concern, but should not be determinative for this DA. The reasons for this are:
  - This application, in isolation, can be considered as 'orderly and economic' development
  - Even if these 'early works' were part of DA/16/2022, the overall project would proceed in stages, the first of which would be demolition and archaeological investigations. If those investigations revealed relics of State significance, and if Heritage NSW required those relics to be preserved in-situ; then it would not be possible to fully implement DA/16/2022 until either a modified version of DA/16/2022, or potentially a fresh DA, was considered.
  - In that case the result would be the same as if this subject DA was approved in that:
    - Non-significant build fabric would be demolished
    - Archaeological investigations would have been completed
    - Retained facades would be left onsite site pending the outcome of 'next steps' as a consequence of the managing onsite State archaeology. (i.e. a modified version of DA 16/2022 , or potentially a fresh DA, would need to be considered)

With either approach the "risk" is that during the time required to prepare and evaluate a modified version of DA 16/2022 , or potentially a fresh DA, the retained facades will need to be protected, and a mechanism be in place to ensure the site is left in a suitable state until a satisfactory way forward can be demonstrated. This would be achieved via condition obligating the applicant to return the site to a state where it will make a positive contribution to the locality should redevelopment not proceed following demolition works.

For completeness, the Panel is advised of the following key steps in the assessment of related DA/16/2022 since the determination of this application May:

- The Design Excellence Jury was reconvened to evaluate DA/16/2022 relative to the version of scheme considered at the design competition stage. The Jury noted various matters which require further design resolution, but concluded the scheme is "on the right track".

- The applicant is revising the ground plane and basement design to align with the site specific DCP arrangements for vehicle movements to and from the site. Without those changes Transport for NSW would not support the application.

It remains the case however that the proponent still has significant work ahead to address the issues of concern with DA/16/2022, for which amended plans will be required. Without prejudicing or fettering Council's position on that DA, it is acknowledged the two circumstances above are important milestones in that process.

## 16. Conciliation Conference

A conciliation conference is not required as less than 10 unique submissions were received.

## 17 . 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.

A Planning Agreement between council and the landowner was executed on 15 June, 2021 and requires:

- Payment of monetary contributions, in addition to any levy via section 7.12 of the Act, when consent is granted for development which includes the use of any part of the land for residential purposes; and
- Measures for public access and easements along Marsden Street.

Approval of this application would not be inconsistent with the terms of the Agreement noting the scope of works.

## 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 – Section 8.3 Review

Property address: 197 Church Street 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:

#### 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	-

#### Drawings – Northrop

Drawing/Plan No	Issue	Plan Title	Date
SK-01	2	Heritage Façade support schematic section	18.3.22
SK-02	1	Heritage Façade support schematic elevations	18.3.22

#### Drawings – Ace Civil Stormwater Services

Drawing/Plan No	Issue	Plan Title	Date
101	A	Sediment and Erosion Control Plan and details	11.6.22

#### Specialist Reports

Document	Ref No	Issue	Prepared By	Date
Façade and Awning Retention Strategy Report	SY212658	C	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.

#### *Heritage approvals*

3. Works must be completed in accordance with the Section 140 Permit dated 4 August 2022 issued by the Heritage NSW (Ref: HMS Application ID: 1204).

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

4. Works must be completed in accordance with the Aboriginal Heritage Impact Permit (AHIP number: 4960) issued under Section 90 of the *National Parks and Wildlife Act 1974* by Heritage NSW dated 4 August 2022.

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

#### *Scope of approval*

5. For clarity, the scope of works approved by this application are limited to demolition, remediation and archaeological testing works only, as follows:
  - a) Demolition of all buildings down to slab level, except for the heritage façades of the Murray Brothers building to Church and Macquarie Streets, which must be retained and protected
  - b) No demolition of buildings footings is approved.
  - c) No excavation is permitted, other than that required for test trenches for archaeological excavations. In those instances, the slab for the extent of each trench is to be saw cut to allow for its removal
  - d) Excavation for archaeological test trenches is limited to a maximum depth of 2m. Should deeper excavation be required then the prior approval of council is required.
  - e) 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*

6. 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*

7. Approval is granted for the demolition of all buildings down to **slab level, except for the Murray Brothers building heritage façades to Macquarie and Church Streets, and the part removal of that slab to enable archaeological test trenches, 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**

- 8. 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 *T H R C I 12090 S T 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.

9. 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](mailto: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](mailto: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**

10. 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.
11. 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.

12. 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*

13. 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*

14. 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 WORKS**

### *TRANSPORT FOR NSW*

15. Awning removal details should be submitted to TfNSW to ensure no impacts on public domain works of PLR along Church & Macquarie streets
16. 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;
17. 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

18. 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.
19. 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*

20. 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](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*

21. 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](http://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](http://www.cityofparramatta.nsw.gov.au/business-developmentplanning/development-contributions)

##### *Infrastructure & Restoration fee*

22. 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*

23. 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:

<b>Bond Type</b>	<b>Amount</b>
<b>Hoarding:</b> <i>per street frontage.</i>	\$11,475
<b>Site development bond</b>	\$25,750
<b>Street Furniture:</b> <i>per item</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](mailto: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***

24. 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*

25. 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*

26. 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*

27. 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*

28. 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*

29. 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*

30. 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*

31. 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*

### *Remediation Action Plan*

32. Prior to the commencement of any archaeological excavations, a Remediation Action Plan (RAP), sufficient to ensure the site is safe for the purposes of those excavations, shall be prepared in accordance with the requirements of "Managing Land Contamination Planning Guidelines SEPP No 55 Remediation of Land".

A Site Audit Statement (SAS) reviewing the RAP must be prepared by an independent NSW EPA accredited auditor for contaminated land. The RAP must also be endorsed by the Primary Excavation Director appointed to satisfy the Section 140 Heritage Act approval.

A copy of the RAP, SAS and endorsement of the Primary Excavation Director must be submitted to Council and the Project Manager prior to the commencement of the any archaeological excavations.

### *Signage – contamination*

33. A sign displaying the contact details of the remediation contractor shall be displayed on the site adjacent to the site access. This sign shall remain displayed throughout the duration of the remediation works

**Reason:** To provide contact details for council and the public to report any incidents.

### *Asbestos – hazardous management strategy*

34. 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*

35. 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](http://www.safework.nsw.gov.au).

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

#### *Waste Management Plan*

36. 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*

37. 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](mailto:council@cityofparramatta.nsw.gov.au)) a dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the excavation face to a depth of twice that of the excavation.

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

In the event 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*

38. 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*

39. 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.

### *Sydney Water Quick check*

40. 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*

41. 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*

42. 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*

43. 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

44. 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.
45. 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;
46. 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;
47. 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;
48. 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*

49. 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*

50. 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*

51. 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*

52. 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*

53. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:
- (a) The date and time of the complaint;
  - (b) The means by which the complaint was made;

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

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

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

#### *Construction Noise*

54. 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*

55. 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*

56. 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*

57. 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*

58. 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*

59. 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*

60. 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*

61. 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.

*Disposal of contaminated waste*

62. Any contamination material to be removed from the site must be disposed of to an EPA licenced landfill.

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

*Remediation*

63. All remediation works shall be carried out in accordance with clauses 4.14 and 4.15 of State Environmental Planning Policy (Resilience and Hazards) 2021

**Reason:** To comply with legislative requirements

*Discharge of Contaminated Groundwater*

64. Any groundwater shall be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality.



Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To ensure that contaminated groundwater does not impact upon waterways.

## ENGINEERING

### *Erosion & sediment control measures*

65. 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*

66. 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.

### *Stormwater Disposal*

67. 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

## TRAFFIC

### *Road Occupancy Permit*

68. 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*

69. 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](http://www.nhvr.gov.au/about-us/nhvr-portal)), prior to driving through local roads within the City of Parramatta LGA.

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

## HERITAGE

70. While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by

either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:-
  - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
  - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

**Reason:** To ensure the protection of objects of potential significance during works.

## **PART E – BEFORE THE ISSUE OF FINAL CERTIFICATION**

### *TRANSPORT FOR NSW*

71. 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*

72. 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.

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

73. Prior to the issue of any Final Compliance Certificate, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and City of Parramatta Council, stating that all works/methods/procedures/control measures approved by Council in the following reports has been completed:

- (a) All specialist reports listed in condition 1.
- (b) The RAP required elsewhere in this Notice.

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

### *Heritage*

74. Prior to the issue of the Final Compliance Certificate, the applicant shall supply a copy of written correspondence from the Heritage NSW confirming that the requirements of the following documents has been satisfied:
- the Section 140 Permit dated 4 August 2022 issued by the Heritage NSW (Ref: HMS Application ID: 1204).
  - the Aboriginal Heritage Impact Permit (AHIP number: 4960) issued under Section 90 of the *National Parks and Wildlife Act 1974* by Heritage NSW dated 4 August 2022.
- Reason:** The subject site has potential to contain historical archaeological relics, which are protected under s.139 of the Heritage Act 1977. The Applicant must obtain an approval under s.141 of the Heritage Act 1977 prior to any harm occurring to relics.

#### *Private Property Dilapidation*

75. 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*

76. 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*

77. 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

#### *Redundant lay-backs and vehicular crossings*

78. All redundant lay-backs and vehicular crossings must be reinstated to conventional kerb and gutter, foot-paving or grassed verge in accordance with Council's Standard Plan No. DS1. The reinstatement must be completed prior to the issue of a Final Compliance Certificate. All costs must be borne by the applicant.

**Reason:** To provide satisfactory drainage.

*Release of Securities/Bonds*

79. 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.

**PART F – OCCUPATION AND ONGOING USE**

80. (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*

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

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