

Condition	RailCorp comments	Council response to RailCorp comments
Condition 1	Agreed	Agreed
Condition 2	Agreed, subject to the inclusion of the words <i>'Compliance with relevant legislation so there is'</i> at the beginning of the condition.	Agreed
Condition 3	Agreed	Agreed
Condition 4	Agreed, subject to the condition including the words: <i>"Consent is not required for the removal of all other trees from the site"</i> . This is to make it clear that all trees can be removed from the site.	Retain as is however with an additional note (in red). Condition should read: "Approval is given for the following trees to be removed: Tree 1 – <i>Jacaranda mimosifolia</i> (Jacaranda) Tree 3 – <i>Cinnamomum camphora</i> (Camphor Laurel) Tree 5 – <i>Lophostemon confertus</i> (Brush Box) Tree 6 – <i>Harphephyllum caffrum</i> (Kaffir Plum) Tree 7 – <i>Ficus elastica</i> (Rubber Tree) Tree 10 – <i>Platanus x hyspicanica</i> (Plane Tree) Tree 11 – <i>Jacaranda mimosifolia</i> (Jacaranda) <u>Reason:</u> To ensure that the development is in accordance with the determination of Council. Note: All trees not covered by Council's Tree Preservation Order may be removed without consent."
Condition 5	Not Agreed. This condition relates to the future development of the site. RailCorp is not proposing to develop the site under this development application and as such is not proposing the adjustment or augmentation of any services prior to occupation. RailCorp requests that this condition be deleted.	Agreed. Delete condition.
Condition 6	Not agreed. RailCorp is not proposing any building works under this	Agreed. Delete condition.

	development application. RailCorp requests that this condition be deleted.							
Condition 7	Agreed	Agreed						
Condition 8	Agreed, subject to the deletion of the words ‘for approval’. As RailCorp is required to prepare the archival recording in accordance with Heritage Office requirements then the need for further Council approval is superfluous and not warranted, and would provide a lack of finality to the condition.	Agreed						
Condition 9	Agreed, subject to the deletion of condition 9(a). RailCorp, as a Crown Authority, is not required to obtain a PCA for the works.	Agreed						
Condition 10	Agreed	Agreed						
Condition 11	Not Agreed. RailCorp requests that this condition be revised to reflect the Tree Protection Zones (TPZ) recommended in the Arborist Report (AR). The AR recommends the following Tree Protection Zones (from the centre of the trees): Tree 22 - 1.56 m; and Tree 23 - 1.68 m. The AR states that the TPZ is the recommended area which should be left undisturbed prior to and during works. The TPZ was calculated to ensure the Structural Root Zone (SRZ) of trees retained would not be adversely impacted. The AR recommends	<div>Condition should be amended to read as follows (see changes in red): “To preserve the following trees, no work shall commence until the area beneath their canopy is fenced off at the specified radius from the trunks to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.</div> <table><tr><th colspan="2">Schedule</th></tr><tr><th>Tree/ Location</th><th>Radius in metres</th></tr><tr><td>Tree 22, 23 – Melaleuca quinquenervia (Broad Leafed</td><td>Fencing shall run directly along the back of the kerb on the south west of the trees and directly along the edge of the trees and directly along the edge of the trees. Fencing shall be setback 3 metres from the trees to the north west and south east of the trunks. A variation to this requirement may be</td></tr></table>	Schedule		Tree/ Location	Radius in metres	Tree 22, 23 – Melaleuca quinquenervia (Broad Leafed	Fencing shall run directly along the back of the kerb on the south west of the trees and directly along the edge of the trees and directly along the edge of the trees. Fencing shall be setback 3 metres from the trees to the north west and south east of the trunks. A variation to this requirement may be
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	<p>(Section 6.2) that fencing should be erected in accordance with their calculated TPZ listed. The set back distance required by Council is greater than the TPZ advice provided in the AR. The 3m set back can be achieved during the demolition works to protect the tree canopy, however, as detailed in the submitted Remediation Action Plan (RAP) remediation works are required to extend right up to the site boundary. As such Council's 3m setback requirement will need to be encroached within the site boundary to ensure all of the contaminated materials are removed in these locations. It is therefore proposed that during the remediation works the setback distance is modified to the AR recommended TPZ to allow contaminated soil removal up to the site boundary, with due care taken to avoid any machinery contact with the tree canopy.</p>	<p>Paperbar k) located on the Council verge in Railway Parade</p> <p>considered by an authorised Council officer. Any variation would need to meet the requirements of AS4970-2009 'Protection of trees on development sites'.</p>	
		<p>The tree protection fencing being constructed of galvanised pipe and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres in height prior to work commencing.</p> <p><u>Reason:</u> To protect existing trees during demolition/remediation phase."</p>	
Condition 12	<p>Agreed, subject to the deletion of item (e) as RailCorp, as a Crown Authority, is not required to engage a PCA. RailCorp will agree to this condition being amended to require the submittal of the arborist's report to Council for information.</p>	<p>Amend condition to amend (a) and include a new point (g) as follows:</p> <p>"Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at intervals where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:</p> <p>a) Tree protection zone;</p>	

		<p>b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted;</p> <p>c) Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report;</p> <p>d) The arborist's report shall provide proof that no other alternative is available;</p> <p>e) The arborist's report shall be submitted to the Council for further information;</p> <p>f) The name, address and telephone number of the developer and</p> <p>g) Upon installation of the required tree protection measures, an inspection of the site by an authorised officer of Council is required to verify that tree protection measures comply with all relevant conditions.</p> <p><u>Reason:</u> To protect existing trees during the construction phase."</p>
Condition 13	Not Agreed. RailCorp, as a Crown Authority, is not required to engage a PCA and as such it is requested that this condition be deleted.	Agree to delete condition, however, this condition is recommended to be reworded and incorporated into condition 12. See above.
Condition 14	Not Agreed. RailCorp is not proposing any drainage works as part of this development application. The imposition of this condition is more appropriate once a development application for the development of the site is lodged. RailCorp requests that this condition be deleted.	Disagree. Retain.
Condition 15-16	Not Agreed. RailCorp is not proposing any of the works specified in this condition as part of this development application. The imposition of this condition is more appropriate once a	Disagree. Retain.

	development application for the development of the site is lodged. RailCorp requests that this condition be deleted.	
Condition 17	Agreed, subject to the replacement of the words <i>'the existing trees and the damaged vehicular crossing'</i> with the words <i>'the existing trees that were located within the site and the vehicular crossing should it sustain further damage as a result of the works'</i> . This is to ensure that RailCorp is not rectifying damage by Council's street trees and damaged caused by these works.	Disagree. Retain.
Conditions 18-19	Agreed	Agreed
Condition 20	Not Agreed. RailCorp is not proposing any building works under this development application. Further, given conditions 17 and 21 which require either the rectification of damaged footpaths, the payment of a security deposit and recover of costs through a Court, the further written undertaking is superfluous. RailCorp requests that this condition be deleted.	<p>Disagree. Retain condition with amended wording replacing "construction of the proposed development" and "building works" with "proposed works". The amended condition (as shown in red) should read as follows:</p> <p><u>"Before the commencement of works</u> the owner or builder shall sign a written undertaking that they shall be responsible for the full cost of repairs to footpath, kerb and gutter, or other Council property damaged as a result of the proposed works. Council may utilise part or all of any Building Security Deposit (B.S.D.) or recover in any court of competent jurisdiction, any costs to Council for such repairs.</p> <p><u>Reason:</u> To ensure that all damages arising from the proposed works are repaired at no cost to Council."</p>
Conditions 21-22	Agreed	Agreed
Condition 23	Not Agreed. This condition has no nexus with the proposed	Disagree. Retain. The proposed works may affect an existing easement.

	<p>works. The drainage requirements for Wright Street, the existing drainage easement and pipe located within the easement are the total responsibility of Council and not RailCorp. Should the current pipe or drainage situation in Wright Street be inadequate then this is a matter for Council to resolve. It is RailCorp's position that this condition is trying to solve an existing situation which is unrelated to RailCorp's property and/or proposed works. RailCorp requests that this condition be deleted.</p>	
Condition 24	<p>Agreed, subject to the following amendments:</p> <ul style="list-style-type: none"> • replacement of the words '<i>submitted to and accepted by the PCA</i>' with '<i>submitted to Council for information</i>'. • Deletion of the words '<i>A copy of this document shall be submitted to and accepted by PCA before work commences</i>'. <p>RailCorp, as a Crown Authority, is not required to use a PCA for the works.</p>	Agreed
Condition 25-26	Agreed	Agreed
Condition 27	<p>Agreed, subject to the deletion of the words '<i>before work commences</i>'. The disconnection of any services is not required prior to the commencement of works such as tree removal and/or remediation. Some</p>	Agreed

	services, such as the sewer (to provide sanitary facilities as per condition 25) and water (to wash down trucks) may need to be active until the completion of works.	
Condition 28	Agreed	Agreed
Condition 29	Agreed, subject to the deletion of item (a). RailCorp, as a Crown Authority, is not required to engage a PCA.	Agreed
Condition 30	Not Agreed. There are only 2 street trees adjacent to the site, which are already covered by Condition 11 above. This condition is considered to be superfluous and it is requested that it be deleted.	Disagree. Retain condition. It relates to the protection of street trees.
Condition 31	Not Agreed. The subject matters are already covered by Conditions 11 and 28 and therefore this condition is superfluous. RailCorp requests that it be deleted.	Disagree. Retain condition. It relates to the protection of street trees.
Conditions 32-33	Agreed.	Agreed.
Condition 34	Not Agreed. RailCorp is not proposing any building work as part of this development application. Further, it is unclear to which "area" Council is referring to and as such this condition provides no certainty as to its full extent.	Disagree. An amended condition is recommended to read as follows (as shown in red): "The area surrounding the proposed works being reinstated to Council's satisfaction upon completion of the work. <u>Reason:</u> To ensure that the area surrounding the proposed works is satisfactorily reinstated."
Conditions 35-38	Agreed	Agreed

Condition 39	Agreed, subject to the addition of a third method, being: <i>"c) imported fill should be Certified VENM"</i>	Agreed
Conditions 40-42	Agreed	Agreed
Condition 43	Agreed, subject to the amendment of the condition to allow the remediation activities to the extent of the site boundary (outside the nominated TPZ).	Disagree. Retain condition. Condition 11 is recommended to be amended to allow for variation. See above.
Condition 44	Agreed	Agreed
Condition 45	Not Agreed. This condition requires the planting of trees in Burrows Avenue. There is very little space between the road verge and site boundary to plant trees to Council's specifications without restricting pedestrian access. Further as the site may be developed in the future to take advantage of the proposed R3 zoning the trees may restrict where vehicular entrances can be provided and the trees may need to be removed. RailCorp requests the flexibility to plant these trees in an alternate location or make an equivalent contribution to Council for the provision of trees in the Sydenham area.	Disagree. Retain condition. Further street plantings are necessary to compensate for the impact of the loss of vegetation and tree cover on the site on the amenity of the area.
Conditions 46-47	Not Agreed. The items provided for in this condition are already covered by other conditions and therefore	Disagree. Retain condition.

	<p>seem to be a duplication. Therefore this condition is considered to be superfluous and it is requested that it be deleted.</p>	
Condition 48	<p>Agreed, subject to the deletion of item (c). RailCorp is not proposing the removal of any street trees.</p>	Disagree. Retain condition.
Condition 49	<p>Agreed</p>	Agreed
Condition 50	<p>Not Agreed. RailCorp, as a Crown Authority, will not be engaging a PCA for the works. As such RailCorp requests that this condition be deleted.</p>	Agreed. This is effectively covered by the intent of condition 45.