



**The Hon Brad Hazzard MP**  
Minister for Planning and Infrastructure  
Minister Assisting the Premier on Infrastructure NSW

Dr John Roseth  
Chair,  
Sydney East Region, Joint Regional Planning Panel  
c/- Panel Secretariat  
23-33 Bridge Street  
Sydney NSW 2000



Dear Dr Roseth

**Proposed demolition of the Sydenham Stationmaster's Cottage. DA 201000599.  
S89(5) Referral by Railcorp.**

In accordance with the provisions of s89A(1)(a) of the Environmental Planning and Assessment Act, 1979, (the Act) I make the following direction to the Sydney East Region, Joint Regional Planning Panel, as consent authority, to approve Development Application 201000599 in accordance with the conditions in Attachment A. Such approval is to be issued within one calendar month of the date of this notification.

In making this direction, I have had regard to previous assessment reports, the public submissions received and the proponent's supply of additional information. This included quantity surveying and heritage reports called for by the JRPP (both reports acknowledging the high cost of retention) together with the agreement by the proponent to certain conditions that address the council's concerns about implementation of the proposed demolition.

I also note and draw your attention to the provisions of s89A (4) of the Act.

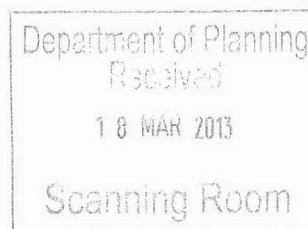
Please thank the Panel members on my behalf for their deliberations and advice on the matter.

Should you have any further enquiries about this matter, I have arranged for Mr John Ross, A/Director, Special Projects, of the Department of Planning and Infrastructure to assist you. Mr Ross can be contacted on telephone number 9228 6541.

Yours sincerely

**HON BRAD HAZZARD MP**  
Minister

14 MAR 2013



Encl. : Attachment A. Conditions of consent to DA 201000599

## Attachment A

DA201000599 117 RAILWAY ROAD, SYDENHAM

### Conditions of Consent

Application to demolish the existing improvements, including the former station master's cottage, remove 21 trees and remediate the land.

### GENERAL

1. The development must be carried out in accordance with plans and details listed below:

Document/Plan	Date Issued	Prepared by	Date Submitted
Hazardous Building Materials Survey	28 November 2003	HLA-Envirosciences Pty Ltd	14 December 2010
Remedial Action Plan	June 2010	GHD	14 December 2010
Arboricultural Implications Study	June 2010	GHD	14 December 2010

and details submitted with the application for development consent on 14 December 2010 and as amended by the following conditions.

Reason: To confirm the details of the application submitted by the applicant.

2. No injury being caused to the amenity of the neighbourhood by the emission of noise, smoke, smell, vibration, gases, vapours, odours, dust, particular matter, or other impurities which are a nuisance or injurious or dangerous or prejudicial to health, the exposure to view of any unsightly matter or otherwise.

Reason: To ensure the operation of the premises does not affect the amenity of the neighbourhood.

3. Site remediation works being carried out for the site in accordance with Option 3 "Excavation and off-site disposal of all impacted fill material from across the Site" dated June 2010 all prepared by GHD.

Reason: To ensure that the site is suitable for the intended use.

4. Approval is given for the following trees to be removed:

Tree 1 – Jacaranda mimosifolia (Jacaranda)

Tree 3 – Cinnamomum camphora (Camphor Laurel)

Tree 5 – Lophostemon confertus (Brush Box)

Tree 6 – Harphephyllum caffrum (Kaffir Plum)

Tree 7 – Ficus elastica (Rubber Tree)

Tree 10 – Platanus x hyspicanica (Plane Tree)

Tree 11 – Jacaranda mimosifolia (Jacaranda)

Reason: 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.

5. An interpretation panel is to be erected, which is to be in colour and located within the station precinct public area to the satisfaction of the Heritage Council of NSW, with content prepared by a qualified Heritage Architect.



The presentation is to be prepared by a graphic designer, made of aluminium or other suitable metal, detailing the history of the site and including relevant images as well as information relating to the heritage significance of the Sydenham Station Heritage Group, including the former stationmaster's cottage the subject of this consent. Final draft content and material samples are to be prepared in consultation with Marrickville Council's Heritage and Urban Design Advisor prior to submission to the Heritage Council of NSW for approval.

Reason: To provide historic interpretation about the site post demolition.

6. An Archival Record of the existing site, describing the existing features, buildings and trees in a comprehensive manner including details, and the broader site, in its context. The recording is to be undertaken in accordance with the latest Guidelines for Archival and Photographic Recording of Heritage Items prepared by the (former) NSW Heritage Office. The record should include digital images on CD. Two unbound A4 copies of the final archival record in durable folders shall be submitted to Council's Heritage and Urban Design Advisor.

Reason: To provide an archival record of a potentially locally significant site prior to development.

### **BEFORE COMMENCING DEMOLITION, EXCAVATION, REMEDIATION AND/OR BUILDING WORK**

7. No work shall commence until a minimum of two (2) days written notice is given to Council of the intention to commence work.

Reason: To comply with the provisions of the Environmental Planning and Assessment Act.

8. Before work commences, occupants of all adjoining premises to the site on all sides, including Wright Street, Gleeson Avenue, Burrows Avenue and Railway Road, shall be notified in writing, a minimum seven (7) days before the commencement of remediation works.

Reason: To ensure that adjoining property owners are provided with notification of the date of commencement of remediation works.

9. To preserve the following trees (see Schedule below), 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. The tree protection fencing must be constructed of galvanised pipe and connected by a securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.

Schedule	
Tree/location	Radius in metres
Tree 22, 23 – Melaleuca quinquenervia (Broad Leafed Paperbark) located on the Council verge in Railway Parade	Fencing shall be setback 3 metres from the trees but shall not encroach over the road formation. A variation to this requirement may be considered by an authorised Council officer. Any variation sought that is unable to meet the requirements of AS4970-2009 'Protection of trees on development sites' is to be supported by an arborist's report (refer to condition 33).

Reason: To protect existing trees during demolition/remediation phase.

10. 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:

- a) Tree protection zone;
- 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;



- c) Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report;
- d) The arborist's report shall provide proof that no other alternative is available;
- e) The arborist's report shall be submitted to the Council for information;
- f) The name, address and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

11. Prior to the commencement of works and on completion of works, dilapidation surveys are to be undertaken to establish the extent of any existing damage and to enable the identification of any new damage resulting from the proposed works. These dilapidation reports are to be submitted to Council for information and prior to the release of any required Building Security Deposit (BSD).

Prior to the commencement of works the owner or builder shall sign a written undertaking that the builder shall be responsible for the full cost of repairs to any new damage to footpath, kerb and gutter, or other Council property identified in the dilapidation report 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. Any new damage identified in the dilapidation report caused by the demolition works to the public domain or infrastructure surrounding the proposed works is to be reinstated upon completion of the work in accordance with Council's relevant specifications and AUS-SPEC#2-"Roadworks Specifications", at no cost to Council.

Reason: To ensure that the person acting on this consent completes all required work and is responsible for reasonable restoration of damage to public infrastructure or as a record for aiding determination of any claim.

12. Where it is proposed to carry out works in public roads or Council controlled lands, a road opening permit shall be obtained from Council before the carrying out of any works in public roads or Council controlled lands. Restorations shall be in accordance with Marrickville Council's Restorations Code. Failure to obtain a road opening permit for any such works will incur an additional charge for unauthorised openings in the amount of \$2,002.00, as provided for in Council's adopted fees and charges.

Reason: To ensure that all restoration works are in accordance with Council's Code.

13. The person acting on this consent shall apply as required for all necessary permits including crane permits, road opening permits, hoarding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the Local Government Act, 1993 or Section 138 of the Roads Act, 1993.

Reason: To ensure all necessary approvals have been applied for.

14. Payment to Council of \$7,132 before the commencement of works as a Building Security Deposit (B.S.D.) to provide security against damage to Council's infrastructure. Council may utilise part or all of the B.S.D. to restore any damages.

Further Council may recover, in any court of competent jurisdiction, any costs to Council for such restorations.

Reason: To ensure all damage to Council's infrastructure is repaired at the applicant's expense and to satisfactory standard.

15. The Council stormwater pipe draining Wright Street shall be located and protected during the proposed works. The condition of the drainage system shall be determined and a condition report be submitted to Council before the commencement of works. The report shall also include measures to be undertaken to protect Council's stormwater pipe during the proposed works. Upon completion of the works written verification from a suitably qualified professional civil engineer that the drainage system including the converter out to the Railway Road has not been damaged in any way during the construction/demolition works.

Reason: To ensure drainage works are constructed in accordance with approved plans and to ensure that the existing Council drainage line is not damaged during the works.

16. A Soil and Water Management Plan being prepared in accordance with Landcom Soils and Construction, Volume 1, Managing Urban Stormwater (Particular reference is made to Chapter 9, "Urban Construction Sites") and submitted to Council for information. The plan shall indicate:

- a) Where the builder's materials and waste are to be stored;
- b) Where the sediment fences are to be installed on the site;
- c) What facilities are to be provided to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way; and
- d) How access to the site will be provided.

All devices shall be constructed and maintained on site while work is carried out.

Reason: To prevent soil erosion and sedimentation of the stormwater network.

17. Sanitary facilities are to be provided at or in the vicinity of the work site in accordance with the WorkCover Authority of NSW, Code of Practice 'Amenities for Construction'.

Each toilet shall be connected to the sewer, septic or portable chemical toilet before work commences.

Facilities are to be located so that they will not cause a nuisance.

Reason: To ensure that sufficient and appropriate sanitary facilities are provided on the site.

18. Where any loading, unloading or construction is to occur from a public place, Council's Infrastructure Services Division shall be contacted to determine if any permits or traffic management plans are required to be obtained from Council before work commences.

Reason: To protect the amenity of the area.

19. All services in the building being demolished are to be disconnected in accordance with the requirements of the responsible authorities, except for any services required in order to comply with Condition 17, which are to be disconnected on completion of all works on the site.

Reason: To ensure that the demolition work is carried out safely but allowing appropriate services for worker amenities during demolition.

20. The site shall be enclosed with suitable fencing to prohibit unauthorised access. The fencing shall be erected as a barrier between the public place and any neighbouring property, before work commences. Enquiries for site fencing and hoardings in a public place, including the need for Council approval, can be made by contacting Council's Infrastructure Services Division.

Reason: To secure the area of the site works maintaining public safety.

21. A rigid and durable sign shall be erected in a prominent position on the site, before work commences. The sign is to be maintained at all times until all work has been completed. The sign is to include:

- a) A telephone number on which Principal Contractor (if any) can be contacted outside working hours; and
- b) A statement advising: 'Unauthorised Entry To The Work Site Is Prohibited'.

Reason: To maintain the safety of the public and to ensure compliance with the Environmental Planning and Assessment Regulations.



## SITE WORKS

22. All demolition, construction and associated work necessary for the carrying out of the development being restricted to between the hours of 7.00 am to 5.30 pm Mondays to Saturdays, excluding Public Holidays. Notwithstanding the above, no work is to be carried out on any Saturday that falls adjacent to a Public Holiday. All trucks and vehicles associated with the construction, including those delivering to or removing material from the site, only having access to the site during the hours referred to in this condition. No waste collection skips, spoil, excavation or demolition material from the site or building materials associated with the construction of the development being deposited on the public road, footpath, public place or Council owned property without Council's approval, having first been obtained. The developer being responsible to ensure that all contractors associated with the development are fully aware of these requirements.

Reason: To minimise the effect of the development during the construction period on the amenity of the surrounding neighbourhood.

23. Notwithstanding the above condition, all remediation works being restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays and between 8.00am and 1.00pm Saturdays with no works being carried out on Sundays and Public Holidays or any Saturday that falls adjacent to a Public Holiday.

Reason: To ensure that the remediation works are only carried out during the hours of operation permitted under Marrickville Development Control Plan No. 29 – Contaminated Land Policy and Development Controls.

24. The placing of any materials on Council's footpath or roadway is prohibited, without the consent of Council. The placement of waste storage containers in a public place requires Council approval and shall comply with Council's Policy – 'Placement of Waste Storage Containers in a Public Place'. Enquiries are to be made with Council's Infrastructure Services Division.

Reason: To ensure the public ways are not obstructed and the placement of waste storage containers in a public place are not dangerous to the public.

25. Sediment control devices shall be constructed and adequately maintained in proper working order during the demolition and remediation works to prevent sediment discharge from the site including the following:

- a) Suitable protection measures being provided to protect all existing stormwater inlets, pits, channels, drains and the like on the site from being contaminated with soil from the demolition and remediation works;
- b) Vehicle access to the site shall be stabilised to prevent the tracking of sediment onto the roads and footpath. Soil, earth, mud or similar materials must be removed from the roadway by sweeping, shovelling, or a means other than washing, on a daily basis or as required. Soil washings from wheels shall be collected and disposed of in a manner that does not pollute waters;
- c) Erection of dust screens around the entire perimeter of the site;
- d) Secure covering of all loads entering or exiting the site;
- e) Use of water sprays across the site to suppress dust;
- f) Covering of all stockpiles of contaminated soil remaining more than 24 hours; and
- g) Keeping excavation surfaces moist.

Reason: To prevent soil erosion and sedimentation of Council's stormwater system.

26. All areas identified as containing hydrocarbon contaminated soils shall be bunded (floors and walls) to contain surface water runoff from those areas and to prevent the leaching of hydrocarbons into the subsurface. All surface water discharges from the bunded areas to Council's stormwater system shall not contain detectable levels of TPH or BTEX.

Reason: To comply with the terms of Council's approval and ensure that any hydrocarbon contaminated soils are suitably contained on the site and do not cause any environmental impacts.



27. All excavation pump-out water must not exceed suspended solid soil concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern prior to discharge to the stormwater system. The analytical results must comply with relevant EPA and ANZECC standards for water quality. Other options for the disposal of excavation pump-out water 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 wastes are disposed of in an approved manner.

28. All fill imported on to the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes. Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

a) Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or

b) Sampling and analysis of the fill material should be conducted in accordance with the EPA Sampling Design Guidelines (1995) to ensure that the material is not contaminated.

c) Imported fill should be certified virgin excavated natural material (VENM)

Reason: To ensure that imported fill is of an acceptable standard.

29. Satisfactory methods and/or devices being employed on the site to prevent the tracking of mud/dirt onto the surrounding streets from vehicles leaving the site.

Reason: To prevent soil particles from being tracked and deposited onto the streets surrounding the site.

30. The disposal of contaminated soil being carried out in accordance with the requirements of the New South Wales Department of Environment, Climate Change and Water.

Reason: To provide for correct disposal of wastes.

31. Upon the completion of any remediation works stated in the Remedial Action Plans, the person acting on this consent shall submit to Council a Validation and Monitoring Report. The report is to be conducted in accordance with the NSW Environment Protection Authority's "Guidelines for Consultants Reporting on Contaminated Sites 1998".

Reason: To ensure that the remediated site complies with the objectives of the RAP and that the land is suitable for its proposed use and poses no risk to the environment and human health.

32. No activities, storage or disposal of materials taking place beneath the nominated tree protection zone of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

33. If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate.

Reason: To protect existing trees.

34. All demolition work being carried out in accordance with the following:



- a) compliance with the requirements of Australian Standard AS 2601 'The demolition of structures' with specific reference to health and safety of the public, health and safety of the site personnel, protection of adjoining buildings and protection of the immediate environment;
- b) all works involving the demolition, removal, transport and disposal of asbestos cement is to be carried out in accordance with the 'Worksafe Code of Practice for Removal of Asbestos' and the requirements of the WorkCover Authority of NSW and the Department of Environment, Climate Change and Water;
- c) all building materials arising from the demolition are to be disposed of in an approved manner in accordance with Marrickville Development Control Plan No. 27 - Waste Management and any applicable requirements of the Department of Environment, Climate Change and Water;
- d) sanitary drainage, stormwater drainage, water, electricity and telecommunications are to be disconnected in accordance with the requirements of the responsible authorities;
- e) the generation of dust and noise on the site must be controlled;
- f) the site must be secured to prohibit unauthorised entry;
- g) suitable provision must be made to clean the wheels and bodies of all vehicles leaving the site to prevent the tracking of debris and soil onto the public way;
- h) all trucks and vehicles associated with the demolition, including those delivering to or removing material from the site, only having access to the site during work hours nominated by Council and all loads must be covered;
- i) all vehicles taking materials from the site must be loaded wholly within the property unless otherwise permitted by Council;
- j) no waste collection skips, spoil, excavation or demolition material from the site being deposited on the public road, footpath, public place or Council owned property without the approval of Council; and
- k) the person acting on this consent is responsible for ensuring that all contractors and sub-contractors associated with the demolition are fully aware of these requirements.

Reason: To ensure that the demolition work is carried out safely and impacts on the surrounding area are minimised.

35. Where scaffoldings or hoardings are to be erected, street trees must be protected during construction works as follows:

- a) Tree trunk and major limb protection must be undertaken prior to or during the installation of any hoarding or scaffoldings. The protection must be installed by a qualified arborist (AFQ 2 or 3) and must include:
  - (i) An adequate clearance, minimum 250mm, must be provided between the structure and tree branches, limbs and trunk at all times;
  - (ii) Tree trunk/s and/or major branches, located within 500mm of any hoarding or scaffolding structure, must be protected by wrapped hessian or similar material to limit damage, and
  - (iii) Timber planks (50mm x 100mm or similar) must be placed around tree trunk/s. The timber planks must be spaced at 100mm intervals, and must be fixed against the trunk with tie wire, or strapping. The hessian and timber planks must not be fixed to the tree in any instance, or in any fashion,
  - (iv) Tree trunk and major branch protection is to remain in place for the duration of construction and development works, and must be removed at the completion of the project.
- b) All hoarding support columns are to be placed a minimum of 300mm from the edge of the existing tree pits. Supporting columns must not be placed on any tree roots that are exposed.
- c) Materials or goods, including site sheds, must not be stored or placed:
  - (i) around or under the tree canopy; or
  - (ii) within 2 metres of tree trunks or branches of any street trees.
- d) Any damage sustained to street tree/s as a result of the erection of hoardings, scaffolding, or due to the loading/unloading of vehicles adjacent the site, must be immediately reported to the Council's Tree Management Officer on 02 9335 2242, in order to determine the appropriate action for maintaining the health and structural integrity of any damaged street tree.



Reason: To ensure that all street trees are appropriately protected during demolition and construction works.

36. a) Consent from Council must be obtained prior to the undertaking of any street tree pruning works. Only minor pruning works will be approved by Council.

b) Any pruning that is required to accommodate hoardings, scaffolding, or to accommodate the loading/unloading of vehicles, and has been approved by Council, must be carried out by a qualified arborist (AQF3), and must be in accordance with AS4373 Australian Standards 'Pruning of Amenity Trees'.

c) The removal of any street tree approved by Council must include complete stump removal and the temporary reinstatement of levels so that no trip or fall hazards exist until suitable replanting occurs. These works must be completed immediately following the trees removal.

Reason: To ensure that all street trees are appropriately protected during demolition and construction works.

37. All vehicles carrying materials to, or from the site must have their loads covered with tarpaulins or similar covers.

Reason: To ensure dust and other particles are not blown from vehicles associated with the use.

## ADVISORY NOTES

- A complete assessment of the application under the provisions of the Building Code of Australia has not been carried out.
- The vehicular crossing and/or footpath works are required to be constructed by your own contractor. You or your contractor must complete an application for 'Construction of a Vehicular Crossing & Civil Works' form, lodge a bond for the works, pay the appropriate fees and provide evidence of adequate public liability insurance, before commencement of works.
- Buildings built or painted before the 1970's may have surfaces coated with lead-based paints. Recent evidence indicates that lead is harmful to people at levels previously thought safe. Children particularly have been found to be susceptible to lead poisoning and cases of acute child lead poisonings in Sydney have been attributed to home renovation activities involving the removal of lead based paints. Precautions should therefore be taken if painted surfaces are to be removed or sanded as part of the proposed building alterations, particularly where children or pregnant women may be exposed, and work areas should be thoroughly cleaned before occupation of the room or building.
- Further information and brochures on how to reduce exposure to lead based paints is available from Council's Planning and Environmental Services Division, 9335-2222.
- Contact "Dial Before You Dig" before commencing any building activity on the site.
- Useful Contacts

BASIX Information 1300 650 908 weekdays 2:00pm - 5:00pm [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au)

Department of Environment, 9995 5000 Climate Change and Water [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)

Department of Fair Trading .13 32 20 [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)



Enquiries relating to Owner Builder Permits and Home Warranty Insurance.

Dial Before You Dig .1100 [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

Landcom .9841 8660 To purchase copies of Volume One of "Soils and Construction"

Long Service Payments Corporation .131441 <http://lspc.nsw.gov.au>

Marrickville Council .9335 2222 [www.marrickville.nsw.gov.au](http://www.marrickville.nsw.gov.au) Copies of all Council documents and application forms can be found on the web site.

NSW Food Authority .1300 552 406 [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au)

NSW Government [www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro) [www.diysafe.nsw.gov.au](http://www.diysafe.nsw.gov.au) Information on asbestos and safe work practices.

Sydney Water 13 20 92 [www.sydneywater.com.au](http://www.sydneywater.com.au)

Waste Service NSW -[www.wasteservice.nsw.gov.au](http://www.wasteservice.nsw.gov.au) Environmental Solutions Water Efficiency Labelling and Standards [www.waterrating.gov.au](http://www.waterrating.gov.au) (WELS)

WorkCover Authority of NSW .13 10 50 [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au) Enquiries relating to work safety and asbestos removal and disposal.

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