

16 October 2018

Planning Panels Secretariat  
 320 Pitt Street  
 Sydney NSW 2000

By email: [enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)

Dear Sir / Madam

**2017SNH066 – Ku-ring-gai – DA0307/17**  
**Proposed development at 950-950A and 2 Bridge Street, Pymble NSW 2000**

We act on behalf of Bunnings Properties Pty Ltd (**Bunnings**), the Applicant for Development Application No. DA0307/17 (**Development Application**), which is scheduled to be determined by the Sydney North Planning Panel (**Panel**) on 17 October 2018.

Our client and its consultants have now had the opportunity to consider Ku-ring-gai Council's (**Council**) Assessment Report.

We and our client's consultants will address at the Panel meeting each of the 'reasons for refusal' of the Development Application set out at pages 44-51 of the Council Assessment Report. In addition, we consider that the Panel would be assisted by our client's response to certain of those 'reasons for refusal' ahead of the public meeting.

Please see below our client's response to Council's reasons for refusal numbered 3, 6, 7(m), and 8-12:

ISSUE RAISED BY COUNCIL	APPLICANT'S RESPONSE	ADDITIONAL DOCUMENT PROVIDED
3. Species Impact Statement	The Applicant's ecological consultant has prepared a Supplementary Species Impact Statement which references the Development Application in its current form.	Supplementary Species Impact Statement prepared by Cumberland Ecology dated 16 October 2018.
6. Tree Protection Fencing	The Applicant is prepared to accept a condition of consent to resolve this issue.	Applicant's proposed conditions of consent dated 16 October 2018.
7(j). Urban Design	The photovoltaic panels are flush with the roof, and therefore will not be visible from the public domain. This is shown on submitted plans DA-A-104 Rev AE, DA-A-200 Rev R, DA-A-201 Rev Q, DA-A-202 Rev L and DA-A-853 Rev B.	Drawing No. DA-A-SK003 and Drawing No. DA-A-104 Rev AF.

Our Ref 120752718:120752718  
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	However, to resolve any potential ambiguity, the Applicant has provided further drawings to resolve this issue.	
7(k) and (l). Urban Design.	Signage is not proposed to the south-western façade. This is detailed on the submitted plans DA-A-201 Rev Q and DA-A-812 Rev C. The Applicant does not propose a pylon sign on the Ryde Road frontage or the Pacific Highway frontage.  The Applicant is prepared to accept a condition of consent in relation to signage in the form previously agreed by Council in relation to Development Consent No. DA115/15.	Applicant's proposed conditions of consent dated 16 October 2018.
7(m)(i). Urban Design	The Applicant is prepared to accept a condition of consent to resolve this issue (noting that an identical condition was imposed on Development Consent No. DA115/15 granted by the Land and Environment Court).	Applicant's proposed conditions of consent dated 16 October 2018.
7(m)(ii)-(iv). Urban Design	The matters raised by Council are already reflected on the Applicant's submitted plans (DA-A-853 Rev B; DA-A-200 Rev R; DA-A-201 Rev Q; DA-A-812 Rev C).	
7(m)(v). Urban Design	The Applicant has prepared a new drawing to provide further clarity in relation to the proposed Bunnings sign to the Ryde Road frontage to resolve this issue.	Drawing No. DA-A-SK002.
7(m)(vi). Urban Design	A note has already been included on Drawing DA-A-103. However, the Applicant is prepared to accept a condition of consent to resolve this issue (noting that an identical condition was imposed on Development Consent No. DA115/15 granted by the Land and Environment Court).	Applicant's proposed conditions of consent dated 16 October 2018.
7(m)(vii). Urban Design	The top of the roof of the proposed development will not be seen from the public domain.  However, to resolve this issue, the Applicant is prepared to accept a condition of consent.	Applicant's proposed conditions of consent dated 16 October 2018.
7(m)(viii). Urban Design	To resolve this issue, the Applicant will accept a condition of consent to delete the pylon sign on the Ryde Road elevation.	Applicant's proposed conditions of consent dated 16 October 2018.
8(i)-(ii). Architectural Detail	These matters are already reflected on the submitted plans (DA-A-201 Rev Q; DA-A-853 Rev B)	
8(iii)-(iv). Architectural Detail.	The Applicant is prepared to accept a condition of consent to resolve this issue (noting that an identical condition was imposed on Development Consent No. DA115/15 granted by the Land and Environment Court).	Applicant's proposed conditions of consent dated 16 October 2018.
8(v). Architectural Detail.	To resolve this issue, the Applicant has prepared further drawings to include the numbering of all trees.	Drawing No. DA-A-100 Rev AF; Drawing No. DA-A-101 Rev AK; Drawing No. DA-A-102 Rev AH.



9. Traffic	<p>An updated Traffic Report prepared by Transport and Traffic Planning Associates dated May 2018 was submitted as part of Bunnings' amendments to the Development Application, which concludes that the proposed development will not have any adverse traffic impacts.</p> <p>On 3 July 2018, the RMS issued its concurrence to the proposed development.</p>	<p>Traffic Report prepared by Transport and Traffic Planning Associates dated May 2018 (lodged with DA).</p> <p>RMS concurrence dated 3 July 2018.</p>
10. BCA	The Applicant's BCA consultant will be in attendance at the Panel meeting tomorrow, and able to respond to this issue if required.	
11. Contamination	<p>Sufficient information has been provided in relation to contamination. A Contamination Report prepared by Easterly Point dated 22 December 2014 was included with the DA, which itself reviews 9 previous investigations of the site.</p> <p>That report also refers to a Site Audit Statement prepared by Graeme Nyland of Environ in 2012 which concluded that "the site is suitable for a commercial / industrial land use, subject to compliance with the WSP environmental management plan."</p> <p>The Applicant is prepared to accept the conditions of consent to DA115/15 in relation to contamination.</p>	<p>Contamination Report prepared by Easterly Point dated 22 December 2014 (lodged with DA).</p> <p>Applicant's proposed conditions of consent dated 16 October 2018.</p>
13. Green Building Requirements	<p>The Development Application includes a Sustainability Report prepared by Peter Smith of Smith &amp; Tzannes (a Green Star Professional) dated 23 March 2017.</p> <p>The Report confirms that the proposed development has a targeted rating of 5 Stars under the <i>Green Star – Design &amp; As Built</i> rating tool.</p>	Sustainability Report Rev D dated 23 March 2017 (lodged with DA).

At the time of sending this letter, our client has only just been provided with a copy of Council's draft conditions of consent, and in the interests of providing this response to the Panel as soon as possible, we have not had an opportunity to review those draft conditions. In the event that the draft conditions of consent require the payment of a s94 contribution, the submission of a Heritage Interpretation Plan or the submission of Photographic Archival Recording, our client proposes the following amendments:

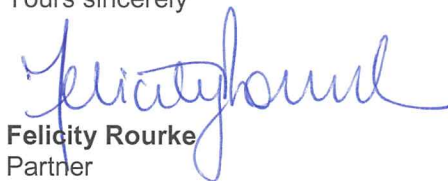
ISSUE	APPLICANT'S PROPOSED AMENDMENTS
S94 Contribution	<p>On 30 April 2018, Condition 51 of DA115/15 was modified by the Court by consent to require that the Applicant provide a total of \$1,041,930.20 in s94 contributions, comprised as follows:</p> <p>(a) \$545,658.54 as works in kind in respect of those works required to be carried out by condition 30(b) and (c); and</p> <p>(b) \$496,271.66 as a monetary contribution.</p> <p>As part of the subject DA, the works in kind proposed by condition 30(c) are proposed, but the works proposed by condition 30(b) are no longer proposed as a result of RMS comments.</p>

	<p>The value of the works in kind required by condition 30(b) was \$423,153.35.</p> <p>Accordingly, any s94 contribution condition imposed on the subject DA should require that the Applicant provide a total of \$1,041,930.20 (as indexed) in s94 contributions, comprised as follows:</p> <p>(a) \$122,505.19 as works in kind in respect of those works required to be carried out by condition 30(c); and</p> <p>(b) \$919,425.01 as a monetary contribution.</p>
Heritage Interpretation Plan	<p>Preparation and approval by Council of a Heritage Interpretation Plan was Condition 8 of DA115/15.</p> <p>On 9 November 2017, the Applicant provided to Council a Heritage Interpretation Plan prepared by Freeman Ryan Design.</p> <p>We are instructed that the Council has never replied to the Applicant in relation to this document, notwithstanding that the document was prepared having regard to input from Council's Heritage Advisor. Accordingly, no further requirement for the preparation and Council approval of a Heritage Interpretation Plan should be included in the conditions of consent.</p>
Photographic Archival Recording	<p>Photographic archival recording was Condition 16 of DA115/15.</p> <p>On 2 November 2017, the Applicant provided to Council an archival photographic recording document and measured drawings prepared by Brian McDonald of DFP.</p> <p>On 9 November 2017, Council's Heritage Advisor wrote to the Applicant confirming that the documents satisfied Condition 16.</p> <p>Accordingly, no further requirement for the preparation of a photographic archival recording should be included in the conditions of consent.</p>

Finally, we have provided to the Panel under separate cover, copies of the Applicant's heritage evidence which was before the Land and Environment Court in relation to DA 115/15, as well as copies of the judgments of Commissioner Brown and Justice Sheahan in those proceedings.

We look forward to addressing the Panel further in relation to the merits of the Development Application at the Panel meeting on 17 October 2018.

Yours sincerely



**Felicity Rourke**  
 Partner  
 Allens  
 Felicity.Rourke@allens.com.au  
 T +61 2 9230 4366

Encl.

16 October 2018

Allens  
Rebecca Fleming  
Senior associate  
Level 28, Deutsche Bank Place  
126 Phillip Street  
Sydney, NSW 2000

**SUPPLEMENTARY SIS**

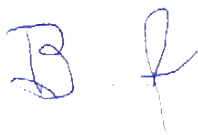
Dear Rebecca,

Cumberland Ecology  
PO Box 2474  
Carlingford Court 2118  
NSW Australia  
Telephone (02) 9868 1933  
Mobile 0425 333 466  
Facsimile (02) 9868 1977  
Web: [www.cumberlandecology.com.au](http://www.cumberlandecology.com.au)

As requested a Supplementary Species Impact Statement (SIS) has been prepared for the Bunnings Pymble site which addresses the adequacy of the Species Impact Statement prepared by Cumberland Ecology in February 2015 for the proposed development under Development Application No. 0307/17.

The supplementary SIS is attached to this letter as **Appendix A**.

Yours sincerely,



Bryan Furchert  
Project Manager/Ecologist  
[bryan.furchert@cumberlandecology.com.au](mailto:bryan.furchert@cumberlandecology.com.au)

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*Appendix A*

Supplementary Species Impact Statement

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## A.1 Introduction

The subject development application (Development Application No. 0307/17) (**Subject DA**) was lodged with Ku-ring-gai Council on 1 August 2017, and included a Species Impact Statement dated February 2015 (**SIS**) and a Vegetation Management Plan dated September 2016 (**VMP**), both prepared by Cumberland Ecology.

## A.2 SIS and Previous DA

The SIS was prepared in February 2015, and was previously lodged as part of an earlier Development Application No. DA0115/15 (**Previous DA**), to which development consent was granted by the Land and Environment Court on 16 May 2017 in *Bunnings Properties Pty Ltd v Ku-ring-gai Council (No 4)* [2017] NSWLEC 1238 (**LEC Proceedings**).

The SIS relevantly describes the proposed development as follows (page 2.1):

*"The proposed development involves the demolition of existing commercial buildings and the construction of a new Bunnings Store and associated infrastructure, as detailed below. The area within the Subject Land that will be directly impacted by the proposal is hereafter referred to as the subject site (refer to Figure 2.1). The Landscape Plan for the site (drawing no. 2013 LP-00, JLA, 1/7/14) shows the proposed layout of the development and is provided in this report as Figure 2.2."*

...

*The proposal for the development of a new Bunnings Store building includes the following:*

### ***Buildings or other structures***

*Removal of the existing commercial buildings, located on the subject site, construction of a Bunnings Store building which will include a main warehouse area, a bagged goods area, a nursery area, offices, a play area for children, a café, and entry area, underground carparking, and a driveway for vehicle access to the carpark and loading areas. The building will have a ground level with a second level above that, with two underground levels of parking below the ground floor.*

### ***Utilities***

*The site is currently serviced by water, sewer, gas, telephone and electricity utilities. A plan outlining utilities service for the proposed Bunnings store has not been completed as of this date.*

### ***Access***

*Vehicular access is to be from Bridge Street and Ryde Road.*

...

### **Landscaping**

*Landscaping is proposed to take place on the subject site in accordance with the Landscape Plan provided by JLA (Figure 2.2, Appendix C).*

...

### **Layout**

*As described above and shown on Landscape Plan (Figure 2.2.)."*

In particular, the SIS notes on page 1.1 that the proposed development:

*"...would require the clearing of two Eucalyptus saligna (Blue Gum) trees, measured as approximately 0.07 ha (based on canopy cover) which comply with the Critically Endangered Ecological Community (CEEC) Blue Gum High Forest (BGHF) under the Threatened Species Conservation Act 1995 (TSC Act). One tree is remnant (Tree 135) and the other is considered to be planted (Tree 91)."*

Although the Previous DA was amended during the court of the LEC Proceedings, primarily to increase the setback of the built form from the Pacific Highway and Ryde Road, the expert ecologists for Bunnings Properties Pty Ltd and Ku-ring-gai Council agreed in their evidence submitted in the LEC Proceedings that those amendments did not require amendments to the SIS because *"the vegetation along the Ryde Road and Pacific Highway frontage has been planted and therefore is not considered to be representative of Critically Endangered Blue Gum High Forest listed under the Threatened Species Conservation Act 1995....and no amended species impact statement is considered to be necessary."*

## **A.3 VMP**

The VMP was prepared by Cumberland Ecology to direct the restoration and replanting of BGHF at the site in order to offset the loss of 0.07 ha of BGHF trees. Under the VMP 0.2 ha of vegetation will be restored and replanted with BGHF species in all strata. This will result in a larger area of BGHF on the site which contains an assemblage of BGHF species as the community is likely to have historically occurred. In the current state BGHF to be removed consists of one remnant/old regrowth tree and one planted canopy tree only, and a small number of common, persistent native herbs within an urban lawn comprised predominately of exotic grass species.

## **A.4 Subject DA**

The Subject DA, as originally lodged with Ku-ring-gai Council in August 2017, was identical to the Previous DA as approved by the Land and Environment Court – including in relation to the proposed removal of 2 Blue Gums (Tree 135 and Tree 91). Accordingly, the SIS was lodged as part of the Subject DA given its continued applicability to the form of development proposed.



In May 2018, the following amendments were made to the Subject DA in response to the NSW Roads and Maritime Services comments:

- Vehicular entry from Ryde Road was deleted and that area is now proposed to form part of a landscaped setback to that road;
- Consequently, subdivision and widening of Ryde Road is no longer required; and
- Entry to and exit from the site will now be solely from Bridge Street, with no change proposed to the vehicular access arrangements at Bridge Street.

As a consequence of the removal of the vehicular ingress from Ryde Road and retention of land that was previously proposed for road widening, the amended proposal now includes retention of a further 13 trees in the setback to Ryde Road or within the road reserve. The retention of these additional trees and the additional soft landscaping within an increased 22 metre setback to Ryde Road in the southern corner of the Site will enhance the proposed landscaped setback to Ryde Road.

No additional trees are proposed for removal as part of the Subject DA.

## **A.5 Supplementary SIS**

This Supplementary Species Impact Statement has been prepared in relation to the Subject DA, and in response to the following 'reason for refusal' contained within Council's Assessment Report:

*"The applicant has not submitted an amended species impact statement with the Amended Application that references the application in its current form, in accordance with Part 109 and 110 of Division 2 of the Threatened Species Conservation Act 1995 and the Director-General requirements issued by the Office of Environment and Heritage, to enable assessment."*

Given that the Subject DA is identical to the Previous DA, except only in relation to the altered access arrangements, Cumberland Ecology confirms that:

- the SIS dated February 2015 continues to accurately identify threatened flora and fauna issues and the adequacy of proposed ameliorative measures meeting the requirements of the Threatened Species Conservation Act 1995 and the Director-General's Requirements;
- the conclusions expressed in the SIS dated February 2015 (including on pages S6 and S7) reflect Cumberland Ecology's views in relation to the ecological impacts of the Subject DA;
- the Subject DA results in a reduction of overall ecological impacts by retention of additional planted trees which emphasises the adequacy of the SIS in addressing ecological impacts; and

- the retention of additional trees in the east of the site along Ryde Road under the Subject DA reduces the impact on some threatened fauna species, such as the Grey-headed Flying Fox (*Pteropus poliocephalus*) which utilise urban, planted vegetation, when compared to the Previous DA. These species were assessed as not being significantly impacted in the February 2015 SIS with the additional impacts to trees along the eastern Ryde Road boundary of the site under the Previous DA.

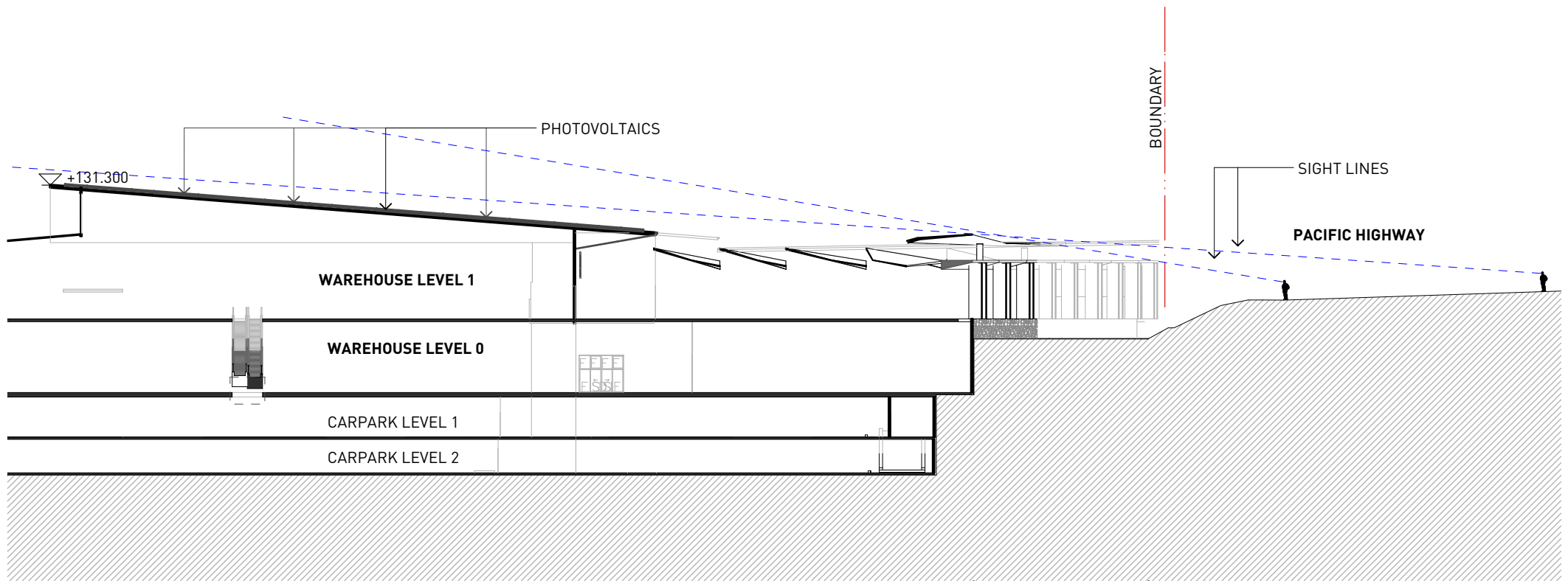
## **A.6 Conclusions**

The SIS adequately identifies impacts to threatened ecological communities and flora and fauna species as a result of the Subject DA. The Subject DA when compared to the Previous DA, which was approved by the LEC, results in no exacerbation of ecological impacts, and in the eastern area bordering Ryde Road by retention of planted trees results in less ecological impacts, particularly for threatened fauna species known to occur in the locality which utilise urban vegetation.

Development Application No. 0307/17 – Proposed development at 950-950A Pacific Highway and  
2 Bridge Street, Pymble NSW

**APPLICANT'S PROPOSED CONDITIONS OF CONSENT IN RESPONSE TO COUNCIL REASONS  
FOR REFUSAL**

REASON FOR REFUSAL	PROPOSED CONDITION	CONDITION OF DA155/15
6	<p>Prior to the commencement of works, the following plans are to be amended to identify the tree protection fencing that has been endorsed by the project arborist, and submitted to the Private Certifying Authority:</p> <p>(a) Environmental Site Management Plan by C &amp; M Consulting Engineers, Plan no. DA701 Revision</p> <p>(b) Environmental Site Management Plan by C &amp; M Consulting Engineers, Plan no. DA801 Revision 4</p> <p>(c) Waste Management Plan by Smith &amp; Tzannes, Plan no. 13_052 DA-A- 801.</p>	No
7(k) and (l)	Condition 37 of DA155/15.	Yes
7(m)(i)	Condition 28 of DA155/15.	Yes
7(m)(vi)	Condition 121 of DA115/15.	Yes
7(m)(vii)	<p>Prior to the issue of a Construction Certificate, the Applicant will provide to the Certifying Authority a plan which identifies that:</p> <p>(a) the curved roof and pitched roof of the proposal are the same materials;</p> <p>(b) any solar panels are integrated into the roof system; and</p> <p>(c) the roofing is a raised seam steel roof with the panels recessed between the raised seams.</p>	No
7(m)(i)	<p>Condition 37 of DA155/15, 5<sup>th</sup> bullet point to be amended to read (amendments marked in bold):</p> <ul style="list-style-type: none"> <li>No pylon signage is to be provided to the Pacific Highway frontage <b>or the Ryde Road frontage</b> and reference on the plans to this sign shall be deleted.</li> </ul>	Amended.
8(iii)	Conditions 28 and 121 of DA115/15.	Yes
11	Conditions 10, 58 and 94 of DA115/15.	Yes



# 1 SECTION C

1:500



IMAGE EXAMPLE OF PHOTOVOLTAICS ON ROOF

## SECTION THROUGH PV

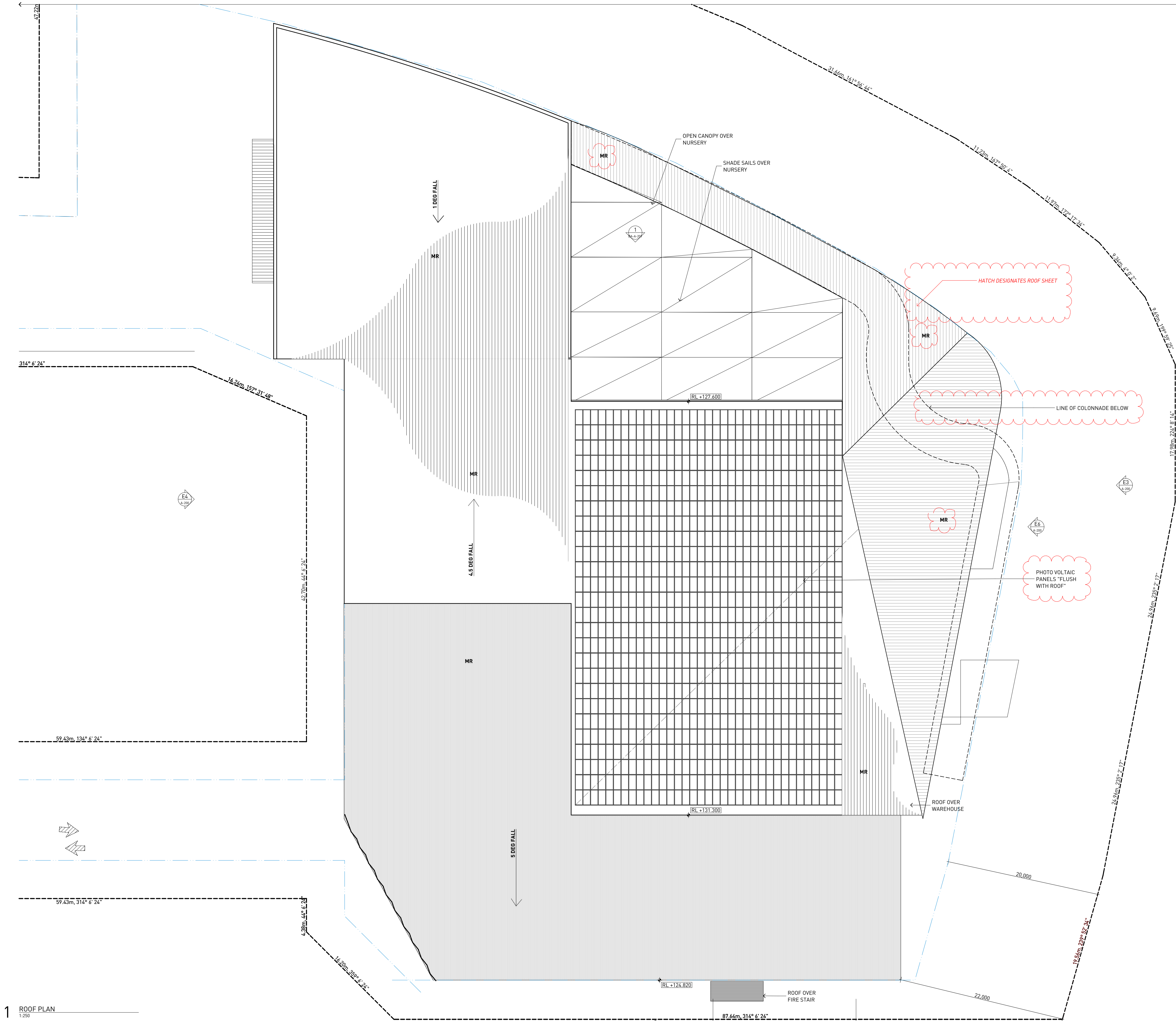
PYMBLE BUNNINGS

REV - 15-10-2018

smithtannes.com.au

13\_052 DA-A-SK003





- NOTES**
1. NEVER scale off drawings, use figured dimensions only.
  2. Verify all dimensions on site prior to commencement & report discrepancies to the architect.
  3. Drawings describe scope of works and general set out. These drawings are not shop drawings.

**SELECTIONS LEGEND**

REFER TO SELECTIONS SCHEDULE FOR FURTHER DETAIL

VERSION  
**DEVELOPMENT APPLICATION 2**  
REV AF 15-10-2018  
DOCUMENT  
**ROOF PLAN**

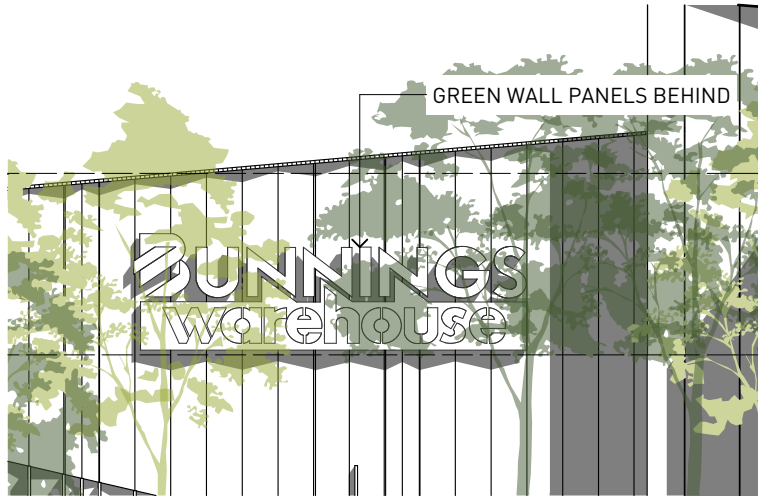
STAGE  
**DEVELOPMENT APPLICATION**  
PROJECT  
**PYMBLE BUNNINGS**  
950 PACIFIC HWY  
PYMBLE

**BUNNINGS**  
ARCHITECTURE URBAN PLANNING  
ABN 96 142 020 693  
M1/147 McEvoy Street Alexandria NSW 2015  
P 02 9516 2022 E email@smithtzannes.com.au  
smithtzannes.com.au  
Nominated Architect: Peter Smith (Reg 7024)



13\_052 DA-A-104





1 BUNNINGS SIGNAGE BLACK & WHITE  
1:250



2 BUNNINGS SIGNAGE COLOUR  
1:250



3 BUNNINGS SIGNAGE IMAGE  
1:250

#### BUNNINGS SIGN

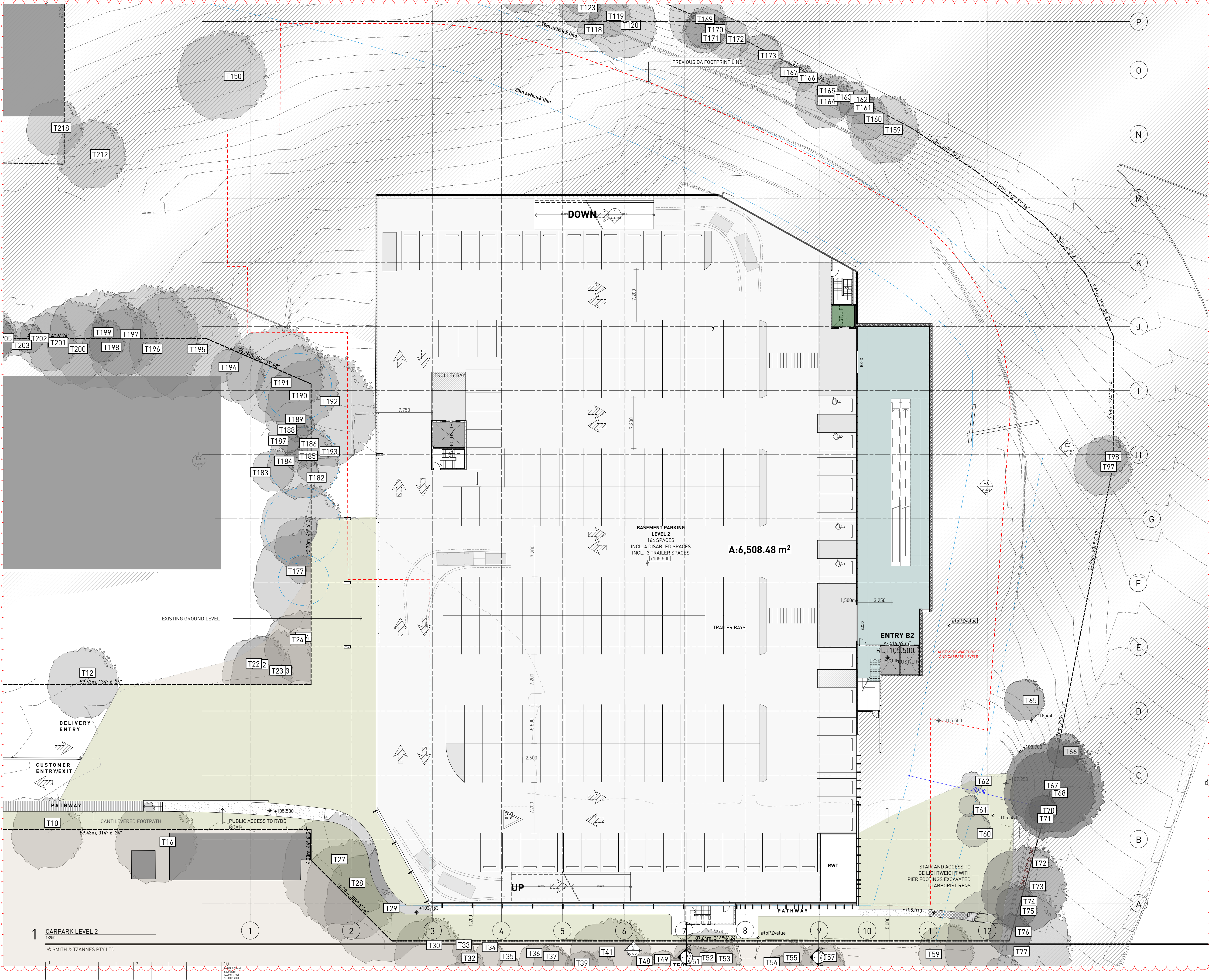
PYMBLE BUNNINGS

REV - 15-10-2018

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13\_052 DA-A-SK002





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**SELECTIONS LEGEND**

REFER TO SELECTIONS SCHEDULE FOR FURTHER DETAIL

**ZONE LEGEND**

<b>WAREHOUSE</b>	<b>NURSERY</b>	<b>TTS</b>
<b>ENTRY</b>	<b>BAGGED GOODS</b>	<b>BACK OF HOUSE</b>

VERSION  
**DEVELOPMENT APPLICATION 2**

REV AF 15-10-2018

DOCUMENT  
**CARPARK LEVEL 2**

STAGE  
**DEVELOPMENT APPLICATION**

PROJECT  
**PYMBLE BUNNINGS**  
950 PACIFIC HWY  
PYMBLE

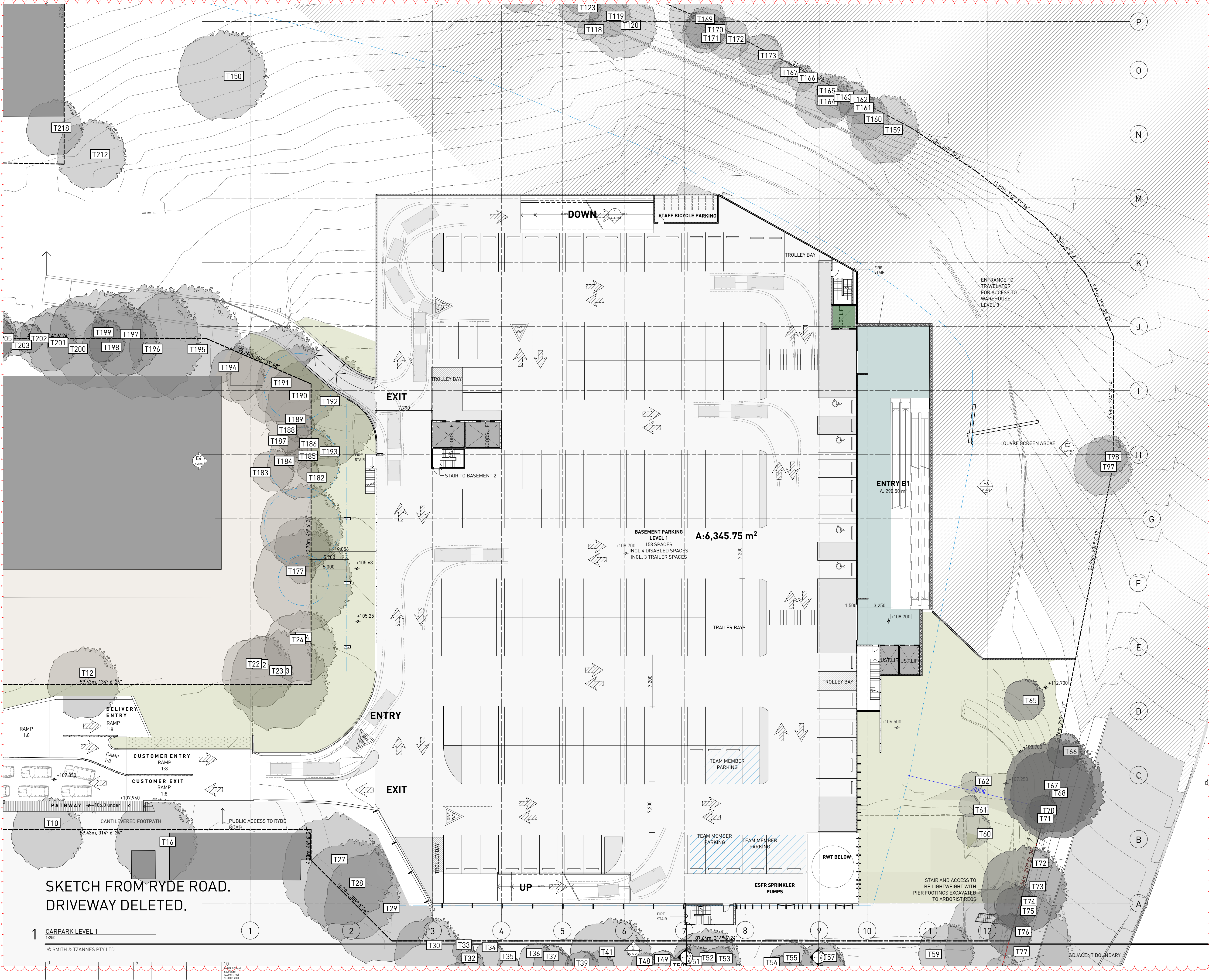
**BUNNINGS**

ARCHITECTURE URBAN PLANNING  
ABN 96 142 020 693  
M1/147 McEvoy Street Alexandria NSW 2015  
P 02 9516 2022 E email@smithtzannes.com.au  
smithtzannes.com.au  
Nominated Architect: Peter Smith (Reg 7024)

**STZ**  
SMITH & TZANNES

13\_052 DA-A-100





- NOTES**
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**SELECTIONS LEGEND**

REFER TO SELECTIONS SCHEDULE FOR FURTHER DETAIL

ZONE LEGEND		
WAREHOUSE	NURSERY	TTS
ENTRY	BAGGED GOODS	BACK OF HOUSE

VERSION  
**DEVELOPMENT APPLICATION 2**  
REV AK 15-10-2018

DOCUMENT  
**CARPARK LEVEL 1**

STAGE  
**DEVELOPMENT APPLICATION**

PROJECT  
**PYBBLE BUNNINGS**  
950 PACIFIC HWY  
PYBBLE

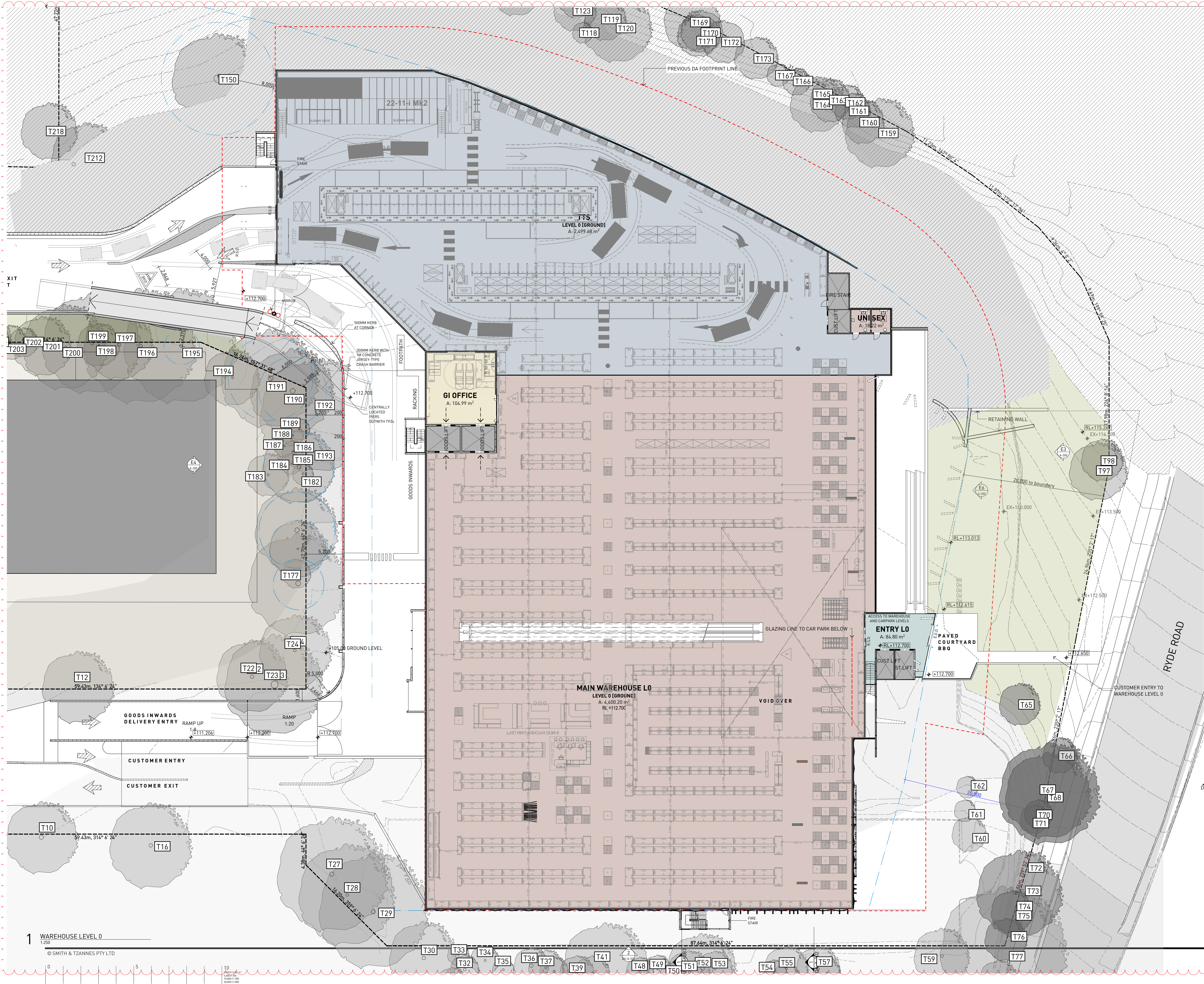
**BUNNINGS**

ARCHITECTURE URBAN PLANNING  
ABN 96 142 020 693  
M1/147 McEvoy Street Alexandria NSW 2015  
P 02 9516 2022 E email@smithtzannes.com.au  
smithtzannes.com.au  
Nominated Architect: Peter Smith (Reg 7024)

**STZ**  
SMITH & TZANNES

13\_052 DA-A-101





- NOTES**
1. NEVER scale off drawings, use figured dimensions only.
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**SELECTIONS LEGEND**

REFER TO SELECTIONS SCHEDULE FOR FURTHER DETAIL

ZONE LEGEND		
WAREHOUSE	NURSERY	TTS
ENTRY	BAGGED GOODS	BACK OF HOUSE

VERSION  
**DEVELOPMENT APPLICATION 2**  
REV AH 15-10-1018  
DOCUMENT  
**WAREHOUSE LEVEL 0**

STAGE  
**DEVELOPMENT APPLICATION**  
PROJECT  
**PYMBLE BUNNINGS**  
950 PACIFIC HWY  
PYMBLE

**BUNNINGS**  
ARCHITECTURE URBAN PLANNING  
ABN 96 142 020 693  
M1/147 McEvoy Street Alexandria NSW 2015  
P 02 9516 2022 E email@smithtzannes.com.au  
smithtzannes.com.au  
Nominated Architect: Peter Smith (Reg 7024)



13\_052 DA-A-102



3 July 2018

Our Reference: SYD17/01421/03 (A22972875)  
Council Ref: DA 0307/17

The General Manager  
Ku-Ring-Gai Council  
818 Pacific Highway  
Gordon NSW 2072

Attention: Janice Buteaux-Wheeler

Dear Madam,

**PROPOSED BUNNINGS DEVELOPMENT  
950-950A PACIFIC HIGHWAY, PYMBLE**

Reference is made to Council's email dated 19 June 2018, regarding the abovementioned Application which was referred to Roads and Maritime Services (Roads and Maritime) in accordance with Clauses 101 and 104 the *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime has reviewed the submitted application and notes Bunnings' submission removing the access driveway from Ryde Road dated 15 February 2018. Furthermore Roads and Maritime held a meeting with Council on 22 March 2018 confirming that Roads and Maritime does not support the Signalisation of Ryde Road and West Street at this stage. It is noted in this current submission that the amended plans now comply with all the requirements with no access from Ryde Road and no signalisation of Ryde Road and West Street and all access to the site will be via the local road network.

Therefore Roads and Maritime raises no objection to the proposed development subject to the following conditions being included in any consent issued by Council:

1. Roads and Maritime has previously resumed & dedicated a strip of land as road along the Pacific Highway and Ryde Road frontages of the subject property, as shown by grey colour on the attached Aerial – "X"

Roads and Maritime has also previously acquired an easement for batter shown by orange colour on the attached aerial — over the subject property, as shown on DP 718718 and noted on title (Dealing L652975).

Roads and Maritime has no other approved proposal that requires any part of the subject property for road purposes.

Therefore all buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along the Pacific Highway & Ryde Road boundaries and the identified easement. Access to the Roads and Maritime easement is not denied; and the integrity of the easement is not compromised.

**Roads and Maritime Services**



2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:  
The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

3. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pacific Highway and Ryde Road.
4. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pacific Highway and Ryde Road during construction activities.
5. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.
6. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works  
Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

Telephone 8849 2114  
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Hans Pilly Mootanah on telephone 8849 2076 or by email at [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au)

Yours sincerely,



Pahee Rathan  
**A/Senior Land Use Assessment Coordinator**  
**North West Precinct**

**“X”**

