

**Report to General Manager**

Attachments:

1. Submission Summary
2. Council Resolution dated 26/08/19
3. Draft Traffic Management Plan from RMS

SUBJECT: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease – Outcome of Public Exhibition

AUTHOR: Risha Joseph, Property Officer

ENDORSED BY: Duncan Mitchell, Director Engineering and Property Services

EXECUTIVE SUMMARY

This report is in relation to the outcome of the resolution of Council dated 26 August 2019 whereby the Roads and Maritime Services (RMS) submitted a proposal to Council outlining its intention to construct a noise wall adjacent to the Warringah Freeway extending from Brook Lane to St Thomas Rest Park which is approximately 197 meters in length.

As the proposal comprised a non-exclusive licence to secure a Vehicular Access Route and an exclusive 'construction' lease over parts of St. Thomas Rest Park, Council resolved, in part, that the proposal be exhibited for 28 days in accordance with Section 47A of the Local Government Act 1993.

This report is divided into two parts. The first part provides Council with information on the submissions that were received as part of the public exhibition process undertaken pursuant to Section 47A of the Local Government Act 1993 and the RMS responses to those submissions.

The second part of the report provides Council with information on the RMS response to Council's Resolution dated 26 August 2019 in relation to the 99-year lease over Lot 1 in Deposited Plan 774511.

FINANCIAL IMPLICATIONS:

The agreed lease fee is \$15,000 and is to be paid as an upfront payment to Council. All associated costs will be borne by the RMS.

RECOMMENDATION:

1. **THAT** Council note the eight (8) submissions received as part of the public exhibition process, pursuant to Section 47A of the Local Government Act 1993 for the proposed RMS lease.
2. **THAT** Council note the RMS responses to each of the eight (8) submissions received as outlined in Attachment 1.

3. THAT Council resolve to formalise:

a. a non-exclusive licence with the Roads and Maritime Services to secure a Vehicular Access Route over part of Lots 100 in Deposited Plan 790953, 1 in Deposited Plan 728480 and 1 in Deposited Plan 774511.

b. An exclusive construction lease with the Roads and Maritime Services over part of Lot 1 in Deposited Plan 774511 in relation to the encroaching noise wall footing beneath the surface of the ground.

4. THAT Council proceed to enter into a 99-year lease with the RMS over the encroaching noise wall footing located within the sub-stratum lot, subject to the determination of the Registrar-General to have Council recorded as the registered proprietor, in accordance with Section 46C(1) of the Real Property Act 1900.

5. THAT the Traffic Management Plan for the Brook Lane to St Thomas Rest Park - Noise Wall Construction be referred to Council's Traffic Engineers for review and that the Traffic Management Plan be tabled at the next available meeting of the North Sydney Traffic Committee for information.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction: 2. Our Built Infrastructure

Outcome: 2.1 Infrastructure and assets meet community needs

BACKGROUND

This report is in relation to the outcome of the resolution of Council dated 26 August 2019 whereby the Roads and Maritime Services (RMS) submitted a proposal to Council outlining its intention to construct a noise wall adjacent to the Warringah Freeway extending from Brook Lane to St Thomas Rest Park which is approximately 197 meters in length.

To undertake the construction of the noise wall the RMS is required to enter into both a non-exclusive licence for the 'Vehicular Access route' through the park and an exclusive lease for the 'construction' of the wall.

On 26 August 2019, it was resolved:

1. *THAT Council, in accordance with Section 47A of the Local Government Act 1993, place the non-exclusive licence and construction lease which are combined into one formal instrument of agreement on Public Exhibition for 28 Days during which time submissions can be received.*
 2. *THAT Council at the conclusion of the 28-day exhibition period and if no submissions are received resolve to enter into:*
 - a. *a non-exclusive licence with the Roads and Maritime Services to secure a Vehicular Access Route over part of Lots 100 in Deposited Plan 790953, 1 in Deposited Plan 728480 and 1 in Deposited Plan 774511.*
 - b. *An exclusive construction lease with the Roads and Maritime Services over part of Lot 1 in Deposited Plan 774511 in relation to the encroaching noise wall footing beneath the surface of the ground.*
 3. *THAT Council proceed to make an application to the NSW Land Registry Services to be recorded as the Registered Proprietor of Lot 1 in Deposited Plan 774511, land vested in Council pursuant to the Government Gazette Notice dated 14 October 1988, Folio 5429.*
 4. *THAT the Roads and Maritime Services (RMS) enter into a 99-year lease with Council over the encroaching noise wall footing located within the sub-stratum lot along the eastern boundary of St Thomas Rest Park (94 square metres) as identified in Figure 3 of this report.*
 5. *THAT the Roads and Maritime Services compensate Council with an upfront lease payment based on a market value assessment of the 94 square metres of land that Council is requesting the Roads and Maritime Services (RMS) enter into for the 99-year lease with Council for, as identified in Figure 3 of this Report.*
 6. *THAT the commencement date of the 99-year sub-stratum lease be the date of Practical Completion of the constructed noise wall footing.*
 7. *THAT the Roads and Maritime Services be responsible for all legal and associated costs relating to the sub-stratum lease which will be included in the upfront lease payment to Council.*
 8. *THAT all terms and conditions in relation to the sub-stratum lease be in accordance with Council's Encroachment Management Policy.*
 9. *THAT the Roads and Maritime Services be responsible for the maintenance and upkeep of the whole of the noise wall that is constructed as part of the construction lease and that the*
-

Roads and Maritime Services are required to lodge an application for “Permission to Access Council Property” on each occasion that they require access for maintenance purposes.

10. THAT safe public access be maintained and monitored throughout the construction period for the full extent of the lease or construction period (whichever is longer).

11. THAT priority focus be given to safety issues pertaining to the children’s playground and all foot traffic and park users.

Council undertook the public exhibition of the proposed lease from 29 August 2019 to 25 September 2019, pursuant to Section 47A of the Local Government Act 1993 which required the lease and licence be publicly exhibited for 28 days. Eight (8) x submissions were received in relation to this proposal, the details of which are outlined in Attachment 1 and briefly summarised within the report.

The resolution also noted Council’s legal advice received in relation to the ownership rights of Lot 1 in Deposited Plan 774511 which forms part of St Thomas Rest Park, and where the Roads & Maritime Services (RMS) is proposing to permanently construct the 94m² noise wall footing.

The Resolution states that the RMS is required to enter into a 99-year lease with Council in relation to the encroaching noise wall footing. The footing is located within the sub-stratum lot along the eastern boundary of St Thomas Rest Park. The outcome of this resolution is discussed within the report.

CONSULTATION REQUIREMENTS

The public exhibition process for the RMS lease proposal for the noise wall construction was undertaken pursuant to Section 47A of the Local Government Act 1993. Community engagement was undertaken in accordance with Council’s Community Engagement Protocol from 29 August 2019 to 25 September 2019. The report outlines the outcome of the public exhibition process and the submissions received, the details of which are outlined in Attachment 1.

SUSTAINABILITY STATEMENT

The sustainability implications are of a minor nature and did not warrant a detailed assessment.

DETAIL

Outcome of the Public Exhibition

The proposal for the RMS to enter into a non-exclusive licence agreement to secure a Vehicular Access route over Lots 100 in DP 790953, 1 in Deposited Plan 728480 and 1 in Deposited Plan 774511, and the exclusive ‘construction’ lease over Lot 1 in Deposited Plan 774511 in relation to the encroaching noise wall footing within the sub-stratum lot was advertised as follows for 28 days as required in terms of the provisions of Section 47A of the Local Government Act 1993. Refer to Figure 1:

(a) The proposal was exhibited on Council’s website.

- (b) Individual letters were mailed to key occupants and landowners of the surrounding properties informing them of the proposal.
- (c) The Holtermann & Registry Precincts were notified. It was identified that the noise wall proposal was limited to these two precincts, however, only Holtermann Precinct lodged a submission. The details are outlined in Attachment 1.

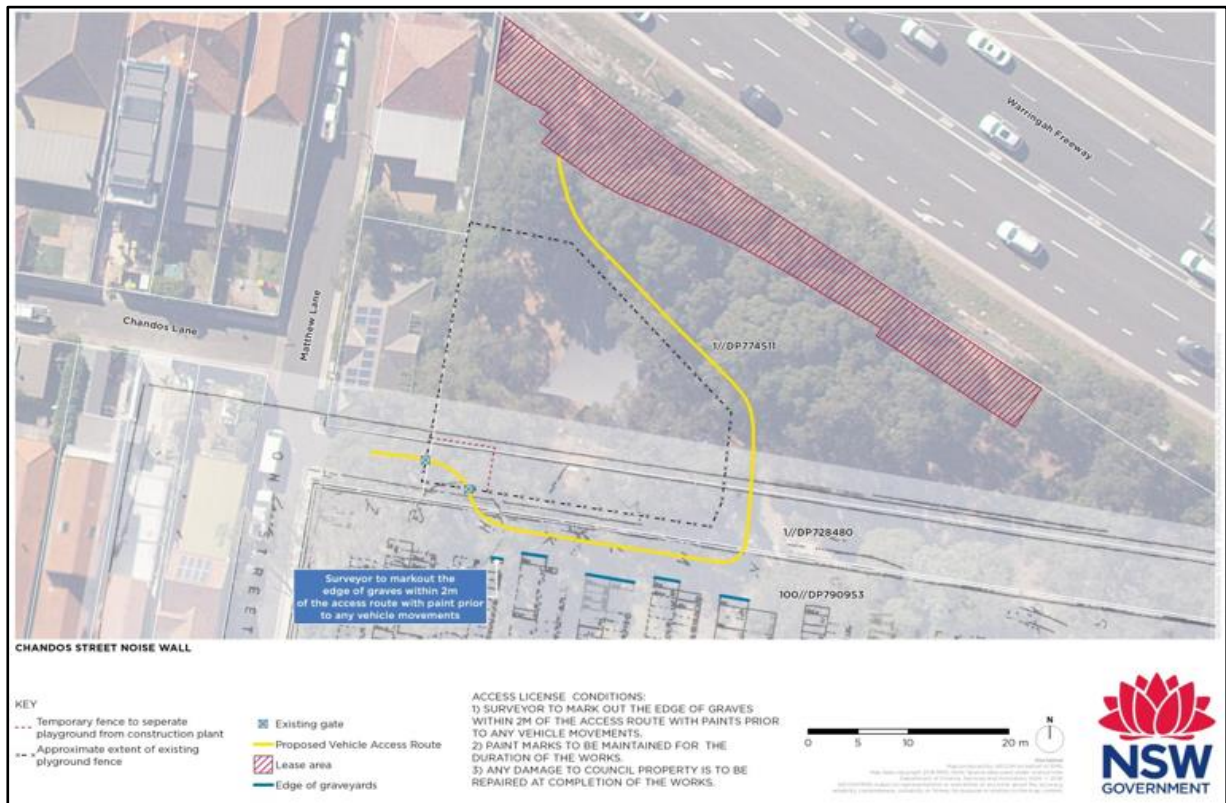


Figure 1: Yellow Line identifies vehicular access route. Red hatched area denotes proposed RMS noise wall works area



Photo 1 – Existing Playground in St Thomas Rest Park



Photo 2 – Existing Playground in St Thomas Rest Park



Photo 3 – Proposed Location of RMS noise wall at North Eastern end of St Thomas Rest Park adjacent to Warringah Freeway



Photo 4 – Proposed Location of RMS noise wall at North Eastern end of St Thomas Rest Park adjacent to Warringah Freeway



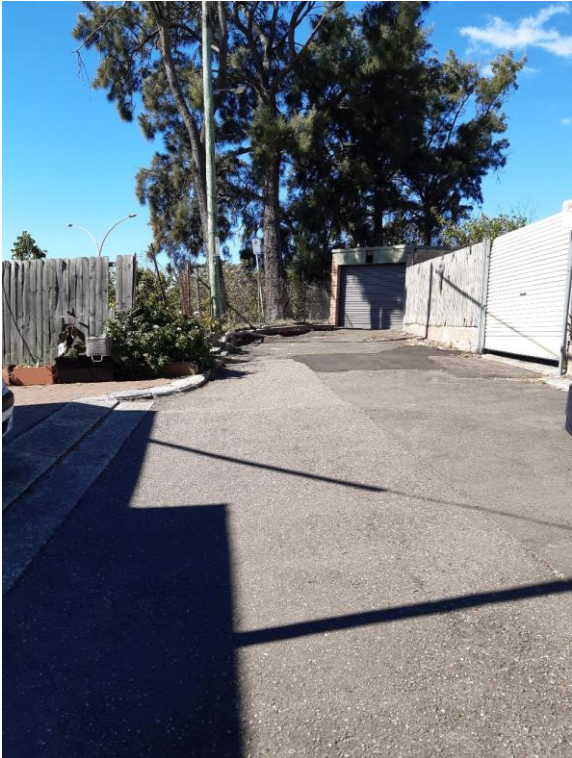
Photo 5 – Proposed Location of RMS noise wall at North Eastern end of St Thomas Rest Park adjacent to Warringah Freeway



Photo 4 – Proposed Location of RMS noise wall at North Eastern end of Chandos Street adjacent to Warringah Freeway



Photo 5 – Proposed Location of RMS noise wall at North Eastern end of Chandos Street adjacent to Warringah Freeway



Photos 6 – Proposed Location of RMS noise wall at North Eastern end of Jenkins Lane adjacent to Warringah Freeway



Photos 7 – Proposed Location of RMS noise wall at North Eastern end of Jenkins Lane adjacent to Warringah Freeway

Summary of Key Issues Raised during the Public Exhibition Process

Summarised below are the key issues which were raised during the public exhibition period. A detailed response to each submission has been provide to Council by the RMS and is also outlined in Attachment 1.

Table 1. Summary of issues raised in the submissions received during exhibition period – RMS Response

No.	Key Issue	RMS Response
1	Period of Access too long	Despite the access route not being used on a daily basis, the request for a 10-month period aligns with the expected time it would take to build the wall.
2	Request for Matthew and Chandos Lanes to become no-stopping zones	The request to make these Lanes no-stopping zones is not necessary as the access route would only be used to deliver tools on a daily basis. Occasionally this route will be used to deliver larger equipment. Approximately five (5) vehicles will use the route each day. This also to be addressed in the Traffic Management Plan. All other changes to parking, no-stopping zones and temporary construction zones will be addressed in the Traffic Management Plan.
3	Justification for the construction of the noise wall	The noise wall is primarily being built to reduce road noise for the properties on Matthew Lane as these properties face the St. Thomas Rest Park and are expected to receive a noise reduction of up to nine (9) decibels which is a significant benefit to these homes, once the wall is completed. During the community consultation session for the Review of

		Environmental Factors held on 8 September 2018, the residents of Matthew Lane indicated their support for the proposal.
4	Visual intrusion and aesthetics affected	The topic was extensively addressed in the Review of Environmental Factors (REF) which was placed on public exhibition from 23 November 2018 to 14 December 2018. In the REF, a range of potential environmental impacts, including the landscape character, visual impacts and non-aboriginal heritage impacts were assessed. A detailed overview of this topic is outlined in Attachment 1.
5	Damage to the Eucalypt Tree	The vehicular access route does not impact the Eucalypt tree in the park.
6	Use of West Street	The use of this gate entry was not supported as it would have passed over existing graves and had the potential to impact non-aboriginal heritage items in the park.
7	Safety - Disruption to the Children's Playground	The playground will not be disrupted and to ensure a safe environment, a temporary fence would be installed to form barrier between the playground users and the works equipment.
8	Graffiti Maintenance	To deter graffiti on the noise wall, the following strategies are being proposed: Planting of shrubs and ground cover; Planting of thick, dense vegetation to make it difficult to access the area. This also helps to mitigate the visual impact of the wall and helps blend it into the landscape; applying anti-graffiti treatment to the noise wall surface after painting to make it easier to remove the graffiti.

Table 2. RMS responses to Council's resolution of 26 August 2019

1	<p>Response to Council Resolution No 9</p> <p><i>9. THAT the Roads and Maritime Services be responsible for the maintenance and upkeep of the whole of the noise wall that is constructed as part of the construction lease and that the Roads and Maritime Services are required to lodge an application for "Permission to Access Council Property" on each occasion that they require access for maintenance purposes.</i></p>	<p>The proposed Chandos Street Noise Wall will be a Roads and Maritime Services asset. The maintenance responsibility for this wall will remain with Roads and Maritime.</p> <p>Access to the section of the wall adjacent to Lot 1 in DP774511 will be required from time to time to complete maintenance activities such as graffiti removal. Roads and Maritime will need permission to access this land and will lodge the "Permission to Access Council Property" form with North Sydney Council.</p>
2	<p>Response to Council Resolution No 10 & 11 (Public Safety)</p>	<p>The safety of the public is Roads and Maritime Services main priority during construction of the noise wall. Our Contractor's Traffic Management Plan will detail procedures to ensure safe</p>

<p>10. THAT safe public access be maintained and monitored throughout the construction period for the full extent of the lease or construction period (whichever is longer).</p> <p>11. THAT priority focus be given to safety issues pertaining to the children’s playground and all foot traffic and park users.</p> <p>These responses are also addressed in the Draft Traffic Management Plan attached to this report</p>	<p>public access is maintained and monitored for the duration of construction. Some measures include:</p> <ul style="list-style-type: none"> • Temporary fencing will surround the construction site to separate users of the park from construction work, secure the site and limit access to approved personnel only; • Temporary fencing in the corner of the playground to separate users of the playground from construction equipment, see Figure 1. • Traffic Control Plan to document the procedure for the construction vehicle movements. Signage and “spotters” will be in place during vehicle movements to keep pedestrians safe. • During the brief period of vehicle movements there is another access gate in Atchison Street 50m away that pedestrians can be directed to use see Figure 3. Our contractor’s Traffic Management Plan will be submitted to North Sydney Council for review.
---	---

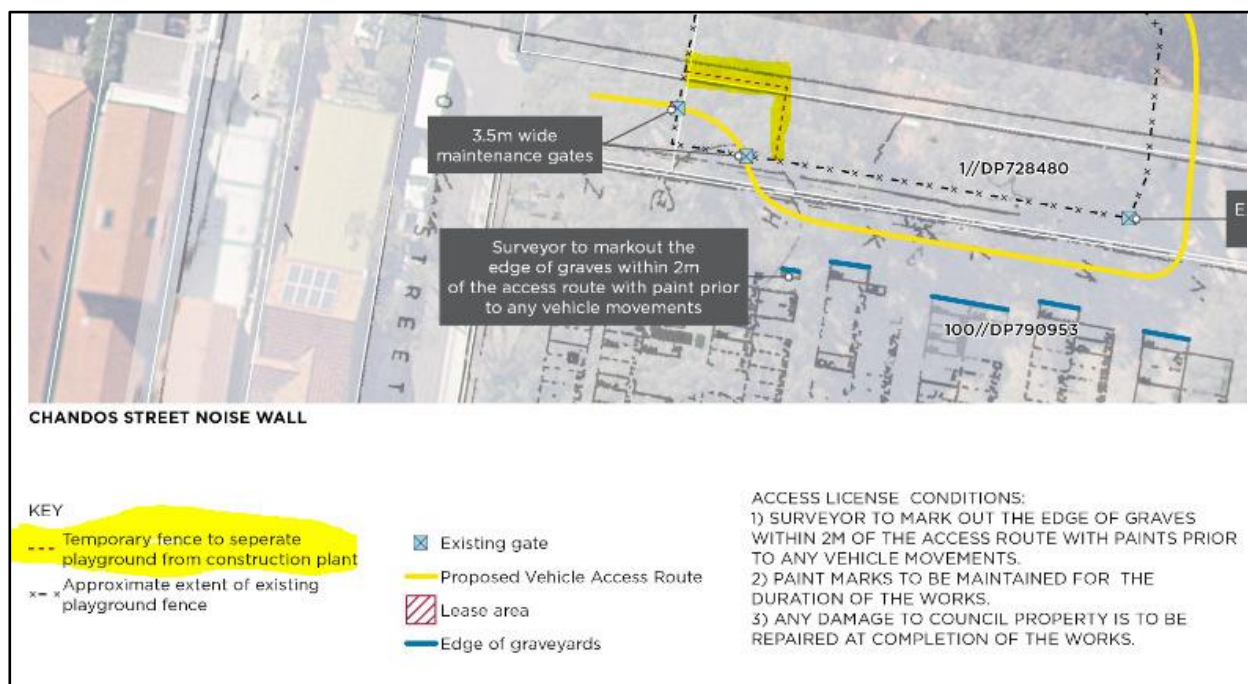


Figure 2: Indicates temporary Fence in Playground. This relates to Item No. 10, above

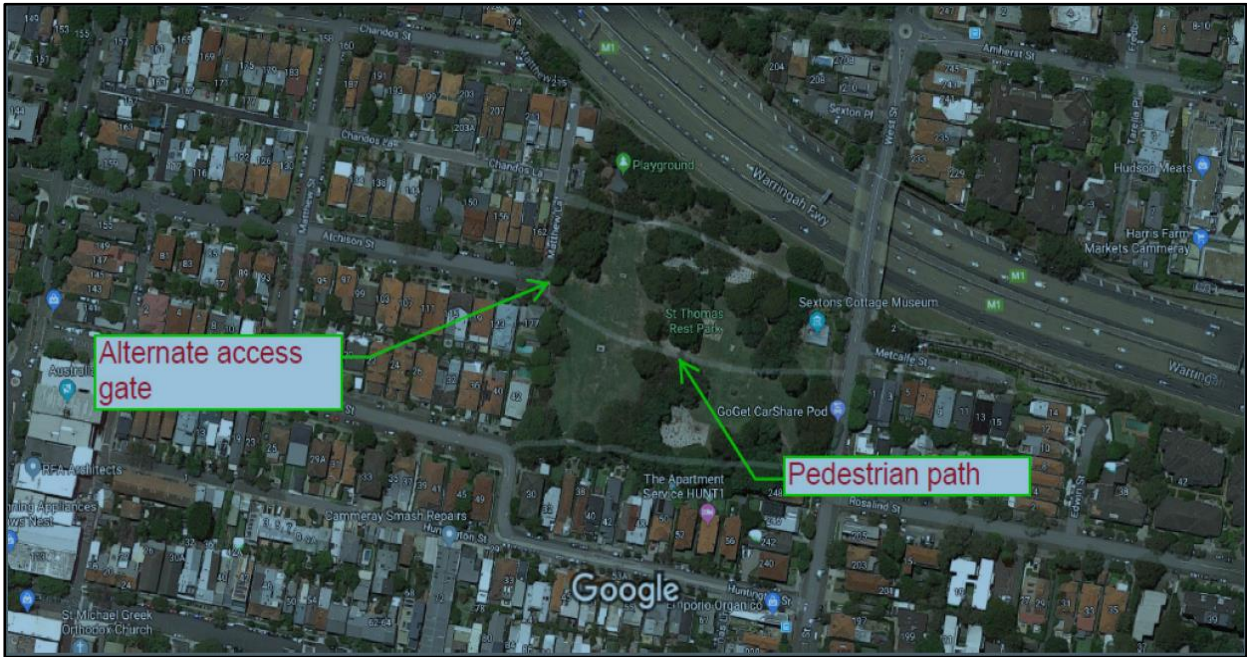


Figure 3: Alternative gate to park.: This relates to Item No. 10, above.

Property related matters – RMS response to Council’s Resolution dated 26 August 2019

Vesting of Lot 1 Deposited Plan 774511 in Council

In addition to the Public Exhibition of the proposed RMS lease and reporting to Council on the submissions received, this report also updates Council on the legal advice in relation to Lot 1 in Deposited Plan 774511 outlined in the previous Council report on this matter (26 August 2019).

The legal advice was required as the noise wall footing (94m2) is proposed to be constructed over this Lot – land vested in Council.

Following the advice and resolution of Council at the 26 August Council meeting – resolution No 4.

4. THAT the Roads and Maritime Services (RMS) enter into a 99-year lease with Council over the encroaching noise wall footing located within the sub-stratum lot along the eastern boundary of St Thomas Rest Park (94 square metres) as identified in Figure 3 of this report.

Council notified the RMS of the requirement to enter into a 99 years lease with Council. The RMS disagreed with the legal advice and lodged a submission rejecting the regularisation of a long-term tenure over the encroaching noise wall footing, claiming that the land does not vest in Council and that Council only has care, management and control of the land.

Legislation – Section 46C (1) of the Real Property Act 1900

Council’s legal advice confirmed again that the Certificate of Title noted that the land is vested in Council, Council would be able to obtain ownership and apply to the NSW Land Registry Services to have the North Sydney Council recorded as the registered proprietor in accordance with Section 46C(1) of the Real Property Act 1900. Council lodged an application with the

NSW Land Registry Services on 18 September 2019 to be recorded as the registered proprietor.

Section 46C (1) of the Real Property Act 1900 reads, in part

“(1) Where land becomes vested in a person (other than the registered proprietor of the land), the Registrar-General may, of the Registrar-General’s own motion at the written request of the person in whom there is such a vesting, register the person in whom such land is vested as the proprietor of such estate as the Registrar-General deems to be appropriate.”

Council is therefore awaiting the determination of the Registrar-General in relation to the ownership of Lot 1 Deposited Plan 774511.

Conclusion

Council is to note that during the Public Exhibition period of the proposed RMS lease to enable the construction of a noise wall along the Warringah Freeway from Brook Lane to St Thomas Rest Park (Cammeray) at a length of approximately 197 meters, eight (8) submissions were received. The submissions were reviewed, and comments were provided to Council by the RMS. Details of the submissions are outlined in Attachment 1.

It is being recommended that Council resolve to formalise:

- a non-exclusive licence with the Roads and Maritime Services to secure a Vehicular Access Route over part of Lots 100 in Deposited Plan 790953, 1 in Deposited Plan 728480 and 1 in Deposited Plan 774511.
- An exclusive construction lease with the Roads and Maritime Services over part of Lot 1 in Deposited Plan 774511 in relation to the encroaching noise wall footing beneath the surface of the ground.

In addition, this report addresses the response received from the RMS in relation to the ownership of Lot 1 In Deposited Plan 774511 and the regularisation of the 99-year lease as per the resolution by Council dated 26 August 2019.

Council is awaiting a response from the Registrar General who will determine the ownership of the land in accordance with Section 46C (1) of the Real Property Act 1900. The lease is subject to the determination of the Registrar-General.

Council is also to note that the RMS Traffic Management Plan (Draft) for the proposal is attached to this report – Attachment No 3). The Traffic Management Plan will be referred to Council’s Traffic Engineers for review and tabled at the next available meeting of the North Sydney Traffic Committee for information.

Proposed Lease: Chandos Street Noise Wall Construction
Summary of submissions received during public exhibition period

Prepared September 2019

The following criteria are used to analyse all submissions received, and to determine whether the proposal would be amended:

1. The proposal **would be** amended if the point:
 - a provided additional information of relevance.
 - b indicated or clarified a change in government legislation, Council's commitment or management policy.
 - c proposed strategies that would better achieve or assist with Council's objectives.
 - d was an alternate viewpoint received on the topic and is considered a better option than that proposed in the proposal or;
 - e indicated omissions, inaccuracies or a lack of clarity.

2. The proposal **would not be** amended if the point:
 - a addressed issues beyond the scope of the proposal.
 - b was already in the policy or will be considered during the development of a subordinate proposal (prepared by Council).
 - c offered an open statement, or no change was sought.
 - d clearly supported the draft proposal.
 - e was an alternate viewpoint received on the topic but the recommendation of the draft proposal was still considered the best option.
 - f was based on incorrect information.
 - g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or; involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
1	<p>Period of access is too long. Past experience shows that most days have no work. Suggest 5 months.</p>	<p>While we might not use the access route and construction site every day, we are requesting a construction lease and access license for a 10 month period to align with the expected time it will take to build the new Chandos Street Noise Wall.</p>	N	2a
2	<p>I do not agree with the vehicle access unless certain only changes are made including:</p> <ol style="list-style-type: none"> 1. for the duration of the vehicle access, Matthew Lane should become a no stopping zone, 2. for the duration of the vehicle access, Chandos Lane should become a no stopping zone and 3. for the duration of the vehicle access, both Matthew Lane and Chandos Lane should become one-way streets. <p>Without these three conditions in place, I would object to the vehicle access on safety grounds for both cars (the potential for head on collisions) and pedestrians (with cars parking in Matthew Lane and Chandos Lane the potential for pedestrians to move out of the way of the increased quantity of cars is diminished).</p>	<p>We are proposing to use the access route to deliver tools to the site each day we are working.</p> <p>On occasion, we would also like to use the access to deliver larger equipment including an excavator and small crane.</p> <p>We're expecting the access route to be used by up to five vehicles each day.</p> <p>Any changes to parking, stopping zones and temporary construction zones will be addressed in the Traffic Management Plan and agreed with North Sydney Council which will be prepared before we start construction. We will be using "Spotters" to watch over our vehicle movements and ensure the safety of park users. The alternative access route at the end of Atchison Street, approximately 50 metres away, will also be available for park users to access the site.</p>	N	2a

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
3	<p>Both the lease and licence should not be granted by Council at this stage. It is considered that the RMS has failed to provide sufficient justification for the disruption and impacts that would occur in St Thomas Rest Park. Further, the RMS has never provided any justification for extending the noise wall from the properties at the end of Chandos Street halfway across the boundary of the Rest Park with the Warringah Freeway. This seems to be an unnecessary use of public funds.</p> <p>Further comments on the RMS proposal are provided below:</p> <ol style="list-style-type: none"> 1. The proposed wall in front of affected properties is supported as this is consistent with actions taken elsewhere by the RMS in relation to noise from the Warringah Freeway and its effect on adjacent properties. 2. The proposed wall adjacent to the Rest Park is not supported as this would detract from the visual amenity of the park, obstruct views from the park to the north and east and the construction of the wall and the need for construction access would impact on the cultural and environmental values of the Rest Park. 3. The RMS has not provided any public information on the type of vehicles and machinery that would need to access the Rest Park, the frequency of this access and how this access would impact on the cultural and environmental values of the Rest Park. 4. The proposed access route would cross one corner of the playground and go very close to a large Eucalypt tree 	<p><i>Justification for noise wall extent:</i></p> <p>We are proposing to build the Chandos Street Noise Wall in the Warringah Freeway Corridor adjacent to St. Thomas' Rest Park to reduce road noise for properties on Matthew Lane. These properties face the Rest Park and are expected to receive a reduction in noise of up to nine decibels which is significant benefit for these homes.</p> <p>Our modelling indicates if the noise wall length in St. Thomas Rest Park is shortened the noise reduction for these properties on Matthews Lane would reduce. We need to build the wall in this location as the receiver needs to be a reasonable distance from the end of a wall to achieve an audible noise benefit.</p> <p>During our community consultation session held on Wednesday 8 August 2018, residents in Matthew Lane indicated their support for the extent of noise wall. While the noise wall provides a significant noise reduction for these properties, they still remain above our Noise Abatement Program (NAP) criteria and are eligible for further treatment to their property. These types of treatments only provide benefit to inside areas, not outside areas of these properties.</p> <p>We have also received submissions from residents in Metcalfe and Huntington Street requesting that this</p>	N	2a

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
	<p>in the northwest corner of the Rest Park. Council's 2016 Plan of Management for St Thomas Rest Park identifies this tree as a remnant of the natural forest which covered the hill prior to European settlement (p. 14). It would be reckless of Council to approve the RMS proposed access route as the potential damage to the tree and compaction of its roots from passing vehicles and machinery could damage or kill the tree. Too many of our large native trees in North Sydney are disappearing. To lose one more (particularly a remnant of the original forest) would be an act of wilful stupidity.</p> <p>5. A wall on the boundary of the Rest Park would be a visual intrusion and detract from the aesthetic and visual amenity of the Rest Park. The wall would also be easily accessible to graffiti artists. Screening planting along the wall also carries the risk of encouraging anti-social behaviour in the vicinity of the playground. Some years ago, Council removed shrubs near the playground because of safety concerns. Screening planting along the wall may therefore encourage a return of anti-social behaviour.</p> <p>In summary, the RMS should be requested to drop the proposed access route to the construction site and instead develop an alternative route that does not risk damaging the cultural and environmental values of the Rest Park. The RMS should also be requested not to extend the wall across the boundary of the Rest Park and the Warringah Freeway.</p>	<p>wall length continue to West Street. We have investigated this proposal and found it will not provide any noise benefits because of these properties are too far away from the noise wall.</p> <p><i>Response to item 2:</i></p> <p>We prepared a Review of Environmental Factors (REF) for the Chandos Street Noise Wall and placed it on exhibition for public comment from Friday 23 November to Friday 14 December 2018. In the REF we assessed a range of potential environmental impacts including the landscape character, visual impacts and non-aboriginal heritage impacts. Our REF found that:</p> <ul style="list-style-type: none"> • the sensitivity to change in landscape character for the area near the playground (LCZ2B) is low given the corner of the park is isolated from the main section of the park and the associated heritage landscape listing (IO 180 see Figure 1) and existing impacts from the Warringah Freeway. More information about the impacts to the landscape is available on page 73 of the REF. • the visual impacts are considered as moderate due to change in the views to the north. Currently trees screen the view from the 		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<p>playground looking north. The noise wall will now be in this view and the visual impact of the change is considered moderate. (see table 6-14 p78 of the REF)</p> <ul style="list-style-type: none"> • this corner of the park does not fall under the Landscape listing of St. Thomas' Rest Park (IO 180) or the Holtermann Estate CA07 (refer Figure 1). No impacts to heritage items or conservation values within the construction footprint are expected. REF safeguard NAH1 details the procedure for unexpected heritage items, that our contractor must follow should they be discovered. <p><i>Construction Access</i> The proposed access path does not pass over existing graves, safeguards are being put in place to survey out the edge of the existing graves. REF safeguard NAH5 details track mats along the path to minimise impacts of passing equipment. Refer response 3 for further details.</p> <p><i>Response to item 3</i> We are proposing to access the site using the existing maintenance gates from Matthew Lane through to the end of the playground. To provide a barrier between the playground users and our equipment we will be installing a temporary fence.</p>		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<p>Our contractor’s Traffic Management Plan will detail appropriate procedures including traffic control and “spotters” to keep the public safe during the very brief period of a vehicle movement. There is also a pedestrian access gate to the Rest Park 50 metres away in Atchison Street.</p> <p>We’re expecting the access route to be used by up to five vehicles each day.</p> <p><i>Response to Item 4</i> The Eucalypt tree will not be impacted by the works. This area is an existing maintenance access already used by Council. Suitable protection zones to protect the roots and canopy of the remaining trees as per Safeguard B3 from the REF will be implemented.</p> <p><i>Response to Item 5</i> Please refer to response 2 for the landscape character and visual impact assessment completed in the REF.</p> <p>In our landscaping plan (Figure 3-2 of the REF submission report) we are proposing to plant shrubs and ground cover to deter graffiti on the noise wall. At the closest point the proposed shrubs are about 12 metres away from the fence of the playground. On this basis any risks associated with the shrubs is considered minimal; the new vegetation will also improve the visual.</p>		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
4	Please consider West St access.	<p>The use of the gates on West Street was originally proposed as part of our Review of Environmental which we publicly displayed from the 23 November to 14 December 2018. During subsequent consultation this route was not preferred as it would pass over existing graves and had the potential to impact non-aboriginal heritage items in the park. Given this, the use of the gates on West Street was not supported.</p>	N	2a
5	<p>I am writing with the concern of your proposed access point through Chandos Lane and then through the kids play area. This will be extremely disruptive to an already small street/lane. The kids play area has a high turnover and the thought of lots of trucks going through is ridiculous. Not to mention the big beautiful tree just inside the gate, if you even think of removing it (or any other trees) we will come down on you like a ton of bricks. There is a much less disruptive access point on west street which makes a lot more sense so hopefully you will use your intelligence and use that instead of disrupting Atchison St and Chandos Lane and the kids park. Thanks for your time and make the right choice.</p>	<p>We are proposing to deliver larger construction equipment to Atchison Street and “walk” it down Matthew Lane into the gate. Larger equipment includes an excavator and small crane. Utes will drive through to deliver some tools.</p> <p>We’re expecting the access route to be used by up to five vehicles each day.</p> <p>Any changes to parking, stopping zones and temporary construction zones will be addressed in the Traffic Management Plan and agreed with North Sydney Council which will be prepared before we start construction.</p> <p>We are pleased to confirm that we will not be impacting the Eucalypt tree; however we will need to remove some trees right near the freeway where the noise wall is located. We will be replanting these trees with similar species after construction. Figure</p>	N	2a

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<p>4-4 of the Chandos Noise Wall submissions report identifies the specific trees that will be removed.</p> <p>This area is an existing maintenance access already used by Council so the additional impact from our construction vehicle movements is considered to be relatively low and only for the construction period.</p> <p>The use of the gates on West Street was originally proposed as part of our Review of Environmental Factors which we publicly displayed from the 23 November to 14 December 2018. During subsequent consultation this route was not preferred as it would pass over existing graves and had the potential to impact non-aboriginal heritage items in the park. Given this, the use of the gates on West Street was not supported.</p>		
6	<p>The proposed vehicular access way is not safe as it passes far too close to the children's playground including the entrance. The access path will also create excessive noise and exhaust fumes too close to the playground. The streets and lanes where the vehicles are proposing to enter are also high pedestrian traffic areas. Why is the access not being made through the gates on West Street?</p>	<p>The use of the gates on West Street was originally proposed as part of our Review of Environmental Factors which we publicly displayed from the 23 November to 14 December 2018. During subsequent consultation this route was not preferred as it would pass over existing graves and had the potential to impact non-aboriginal heritage items in the park. Given this, the use of the gates on West Street was not supported.</p>	N	2a

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<p>We are proposing to use the existing maintenance gates from Matthew Lane through to the end of the playground to access the site and will build a temporary fence to provide a barrier between playground users and equipment.</p> <p>Our contractor's Traffic Management Plan will detail appropriate procedures including traffic control and "spotters" to keep the public safe during the very brief period of a vehicle movement.</p> <p>We're expecting the access route to be used by up to five vehicles each day, this will have a negligible impact to the current background noise levels and air quality.</p>		
7	<p>Strongly objects to the construction of the proposed noise wall in St Thomas Rest Park. Consequently, we object to Council entering into a non-exclusive licence with the RMS to secure a Vehicular Access Route, an exclusive construction lease over part of 1/774511 (the formal instrument of agreement) and a 99-year substratum lease with the RMS.</p> <p>As we understand, the purpose of the Chandos Street Noise Wall Installation is to benefit residents on Jenkins Lane, Chandos Street and Matthew Lane(REF). Residents at 3 Matthew Lane (formerly known as 217 Chandos Street and 1 Matthew Lane appear to be eligible for noise abatement treatment.</p>	<p>We have designed the new Chandos Street Noise Wall to be built in the Warringah Freeway Corridor on the opposite side of the metal fence from the park.</p> <p>We will need to temporarily access this land during construction to build this footing and the noise wall. Once finished, only a small portion of the noise wall footing will be located below the surface of this land. The park will be landscaped and reinstated up to the boundary with the Warringah Freeway.</p> <p>The purpose of building the section of the noise wall adjacent to St. Thomas Rest Park to reduce road noise for properties on Matthew Lane. These</p>	N	2a

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
	<p>We support the proposed noise wall where 3 Matthew St fronts the Freeway. We also support the proposed noise wall at the eastern end of Chandos Street, which appears to provide additional noise reduction mitigation to the affected residences in Matthew Lane.</p> <p>We note that both 3 and 1 Matthew Lane appear to be eligible for at-property abatement measures, such as sealed windows and mechanical ventilation.</p> <p>In our view, a combination of the 2 sections of noise wall mentioned above and any necessary at property treatment provides a better approach to noise reduction for the Matthew Lane residents than the installation of the proposed noise wall in St Thomas Rest Park, which will cause long-term damage to the park.</p> <p>North Sydney Council is strongly committed to protecting its open space. Initiatives like mandating electric vehicle recharging facilities in new multi-storey developments suggest a progressive position on climate change. A transition to electric vehicles is underway. We understand they are silent. A 99 year lease for footings to a noise wall? Who can foresee what transport might be like in 99-years'.</p>	<p>properties face the Rest Park and are expected to receive a reduction in noise of up to nine decibels which is a significant benefit for these homes.</p> <p>While the noise wall provides a significant noise reduction for these properties, they still remain above our Noise Abatement Program(NAP) criteria and are eligible for further treatment to their property.</p> <p>These types of treatments only provide benefit to inside areas, not outside areas of the properties.</p> <p>We explored different points of where we could end the noise wall including ending the wall before the Rest Park. Investigations showed that due to ground conditions on RMS land near the property at Matthew Lane, we need to continue this section of wall between supports which are located in the corner of the Rest Park and Matthew Lane. Should the section of wall adjacent to the Rest Park not proceed we need to stop the noise wall half way along Matthew Lane. This option gave no noise reduction for properties on Matthew Lane and reduced noise reductions for residents in Chandos Street.</p>		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<p>Electric vehicles (such as the Nissan Leaf and Hyundai Kona) have the same road tyres as combustion engine cars. At the speeds along the freeway the main source of noise is from the road tyres on the road. On this basis the change to electric vehicles is expected to have minimal reduction in noise levels along the Warringah Freeway. Two studies into the noise generated by electric vehicles is attached for further information (Campello-Vicente et. al., 2016 and Sakamoto 2015).</p>		
8		<p><i>Response to The Purpose of the wall:</i> The purpose of building the section of the noise wall adjacent to St. Thomas Rest Park to reduce road noise for properties on Matthew Lane at Crows Nest.</p> <p>These properties face the Rest Park and are expected to receive a reduction in noise of up to nine decibels which is a significant benefit for these homes.</p> <p>While the noise wall provides a significant noise reduction for these properties, they still remain above our Noise Abatement Program (NAP) criteria and are eligible for further treatment to their property. These types of treatments only provide benefit to inside areas, not outside areas of the properties.</p> <p>We explored different points of where we could end the noise wall including ending the wall before the Rest Park. Investigations showed that due to ground</p>	N	2a

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<p>conditions on RMS land near the property at Matthew Lane, we need to continue this section of wall between supports which are located in the corner of the Rest Park and Matthew Lane. Should the section of wall adjacent to the Rest Park not proceed we need to stop the noise wall half way along Matthew Lane. This option gave no noise reduction for properties on Matthew Lane and reduced noise reductions for residents in Chandos Street.</p> <p><i>Response to Confusion as to Title and Council's approval of the St Thomas Rest Park Noise Wall.</i></p> <p>Both Roads and Maritime Services and North Sydney Council are in agreement that Lot 1 DP774511 is under care, control and management of Council. On this basis, RMS and Council need to enter into an agreement to permit the noise wall works within this lot. This agreement is the subject of this public exhibition.</p> <p>RMS is currently listed on the land title as the proprietor of the freehold Lot 1 DP774511.</p> <p>Roads and Maritime ensured extensive community engagement was carried out for this project including:</p>		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<ul style="list-style-type: none"> • Over 4600 letter box drops • 380 door knocks • Two community feedback sessions held at Crows Nest • Held over eight meetings with residents who had concerns • Held meetings with North Sydney Council during concept design and final design • Publically displayed the REF from Friday 23 November 2018 to Friday 14 December 2018. <p>The feedback we received about the alignment and length of the noise wall was:</p> <ul style="list-style-type: none"> • Jenkins Lane residents wanted their existing brick wall retained. Design changes were made to implement this. • Residents wanted the length of the noise wall near Brook Street to be reduced to keep some established trees. Design changes were made to implement this. • Residents in Matthew Lane indicated their support for the extent of noise wall adjacent to the Rest Park to reduce road traffic noise as proposed. • Residents in Metcalfe and Huntington Streets requested that the wall length extend to West Street. We investigated the proposal and found it will not provide any noise reductions as the properties are too far away from the 		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<p>noise wall.</p> <p><i>A 99-year lease</i> Electric vehicles (such as the Nissan Leaf and Hyundai Kona) have the same road tyres as combustion engine cars. At the speeds along the freeway the main source of noise is from the road tyres on the road. On this basis the change to electric vehicles is expected to have minimal reduction in noise levels along the Warringah Freeway. Two studies into the noise generated by electric vehicles is attached for further information (Campello-Vicente et. al., 2016 and Sakamoto 2015).</p> <p>RMS is currently listed on the land title as the proprietor of the freehold Lot 1 DP774511. A subsequent 99 year lease may not be required. Discussions are ongoing between RMS and Council. Council policies such as the Plan of Management will be reviewed during this period.</p> <p><i>Response to item 1:</i> We are building the new noise wall to reduce road noise for residents in Matthew Lane at Crows Nest. Users of the playground and those exercising their dogs will also benefit from reduced road noise which will improve their experience when visiting the park.</p> <p><i>Response to item 2:</i></p>		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<p>We are building the new noise wall on the Warringah Freeway side of the metal fence on the verge between the metal fence and the freeway. It will start from the property on Matthew Lane, past the green directional road sign and finishes just past the existing light pole.</p> <p><i>Response to item 3:</i> We are building the new noise wall on the Warringah Freeway side of the metal fence on the verge between the metal fence and the freeway. While the houses on the south side of Chandos Street are slightly elevated, our modelling shows they will receive a substantial noise reduction of up to nine decibels.</p> <p><i>Response to item 4:</i> We acknowledge the new noise wall will have an impact on the long distant views. This impact was identified and assessed in our Review of Environmental Factors which was placed on public exhibition in 2018. To help mitigate this impact we will be painting the wall in an environmental green colour to help blend the wall with the proposed landscaping. The landscape character of the lane will be slightly changed, however our assessment considered this to be offset by the benefits residents will receive from improved amenity through a reduction of road noise from the Warringah Freeway.</p>		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<p><i>Response to item 5:</i> The existing brick fence is in place to provide a boundary between 3 Matthew Lane and the Warringah Freeway corridor. The metal fence at this location is located on Roads and Maritime land. We will need to remove the existing metal fence to provide a wider area to build the new noise in the Warringah Freeway road corridor.</p> <p>The concrete path in this area is actually part of the drainage to help remove water at the top of the rock cutting on the Warringah Freeway; however we recognise the path is also used by locals as an informal access path and we are proposing to keep the path open after we have built the noise wall.</p> <p>There is also the option to close off this area at any point in the future to help deter any graffiti if required.</p> <p><i>Response to item 6:</i> We are building the new noise wall on Roads and Maritime Land and not private land.</p> <p>Our noise modelling shows residents in Matthew Lane will receive a substantial noise reduction of up to nine decibels, which is a significant benefit to these residents.</p>		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<p><i>Response to item 7:</i> We prepared a Review of Environmental Factors (REF) for the Chandos Noise Wall where we assessed, among other things, the benefits residents will receive from the new noise wall. The modelling indicated that residents in Matthew Lane will receive a substantial noise reduction of up to nine decibels. These results are available in the noise consultant's report which is appendix C of the REF. The Matthew Lane results can be found on pages 54 and 55 in appendix B of the noise consultant's report. These results were available when the REF was on public exhibition in 2018, however we have also attached a copy of the relevant sections of this report your reference.</p> <p><i>Response to item 8</i> We are building the new noise wall behind the metal fence next to the Warringah Freeway. We will aim to retain as many trees as possible to assist with providing screening of the new noise wall. Before construction starts we will make an assessment of all the trees in this area in consultation with our contractor and Council's arborist.</p> <p><i>Response to item 9</i> We have designed the new noise wall to end about 15-20 metres west of the point the secretary is standing. The closest reference point is the existing</p>		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<p>light pole. The location of the secretary and the pole is the extent of the proposed temporary construction area. This area will not be permanently impacted by the new noise wall.</p> <p><i>Response to item 10:</i> We are not expecting you to be able to see too much of the wall from the position of the photographer in picture 10. Park users may be able to see the noise wall slightly through the area without trees near the freeway; however we will be painting the noise wall an environmental green colour to help camouflage the wall and reduce visual impacts.</p> <p>We are proposing to build the 4.5 metre high noise wall to deliver the full benefits to local residents which we expect to be up to nine decibels for residents in Matthew Lane, this is a significant benefit to these residents.</p> <p>As detailed in figure 4-4 of the Chandos Noise Wall Submissions Report, some trees will be required to be removed to build the noise wall because some of these trees are overhanging the wall location onto the freeway. To mitigate and minimise these impacts we will:</p> <ul style="list-style-type: none"> • plant trees with similar species as per the landscape plan (refer figure 3-2 from the submissions report). 		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<ul style="list-style-type: none"> • Assess trees before we start work to determine which trees can remain viable and not be removed as per Safeguard B8 in the REF. North Sydney Council’s arborist will take part in this process and we will only remove what is required to safely complete the noise wall works. • Install suitable protection zones to protect the roots and canopy of the remaining trees as per Safeguard B3 from the REF. <p><i>Response to item 11:</i> We have several strategies to minimise graffiti on noise walls, including:</p> <ul style="list-style-type: none"> - planting thick and dense vegetation to make it difficult to access the area. This also helps to mitigate the visual impact of the wall and help blend it into the landscape - applying anti-graffiti treatment to the noise wall surface after painting to make it easier to remove the graffiti. <p>This section of the park near the playground has a different landscape character (referred to as LCZ2B in the REF) to that of the main park where Sexton’s Cottage is located (referred to as LCZ2A in the REF). Because this section of the park is isolated from the main section of the park and the associated heritage landscape listing (IO 180 see Figure 1) we</p>		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<p>are not expecting the landscape character of the whole park to be impacted by the proposed planting. We will be planting new vegetation behind the new noise wall to help mitigate any visual impacts.</p> <p><i>Response to item 12:</i> We have several strategies to minimise graffiti on noise walls, including:</p> <ul style="list-style-type: none"> - planting thick and dense vegetation to make it difficult to access the area. This also helps to mitigate the visual impact of the wall and help blend it into the landscape - applying anti-graffiti treatment to the noise wall surface after painting to make it easier to remove the graffiti. <p>We have designed the new noise wall to consider safety and security impacts of the new plantings near the playground. The closest point the proposed shrubs will be planted will be about 12 metres away from the fence of the playground. Given this any risks associated with the shrubs is considered minimal. The new landscaping will also improve the visual impact of the noise wall.</p> <p>Once we have finished building the new noise wall, North Sydney Council will take responsibility for managing the maintenance of the new shrubs and vegetation.</p>		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		<p><i>Response to item 14(19):</i> We have several strategies to minimise graffiti on noise walls, including:</p> <ul style="list-style-type: none"> - planting thick and dense vegetation to make it difficult to access the area. This also helps to mitigate the visual impact of the wall and help blend it into the landscape - applying anti-graffiti treatment to the noise wall surface after painting to make it easier to remove the graffiti. <p><i>Response to item 14(11):</i> The use of the gates on West Street was originally proposed as part of our Review of Environmental Factors which we publicly displayed from the 23 November to 14 December 2018. During subsequent consultation this route was not preferred as it would pass over existing graves and had the potential to impact non-aboriginal heritage items in the park. Given this, the use of the gates on West Street was not supported.</p> <p>The gates from Matthew Lane are an existing Council maintenance access, which are 3.5 metres wide. The yellow line identified on the map as image 17 is our preferred route which is sufficient for vehicles up to a width of 2.5 metres.</p>		

No.	Submission	RMS Response	Recommend Proposal be Amended Y or N	Criteria Code
		We will not be impacting the Blackbutt tree as part of our work to build the new noise wall. Safeguard B3 from our REF requires our contractor to install suitable protection zones to protect the roots and canopy of existing trees.		



Source: Arup

Figure 6-10: Local heritage listings in the North Sydney LEP

Figure 1 - Local Heritage Listings

**DECISION OF 3722nd COUNCIL MEETING
HELD ON MONDAY 26 AUGUST 2019**

239. EPS03: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

Report of Risha Joseph, Property Officer

On 8 April 2019, Council received a notification from the Roads and Maritime Services (RMS) of its intention to construct a noise wall adjacent to the Warringah Freeway from Brook Lane to St Thomas Rest Park which is approximately 197 metres in length. Refer to Figure 1 of this Report. The noise wall is being constructed as part of the wider Roads and Maritime Services Noise Abatement Program.

This report addresses the property details and requirements of the RMS proposal to construct the noise wall utilising Council (Community Land). To undertake this work, the RMS is required to enter into both a non-exclusive licence and a construction lease which are combined into one formal instrument of agreement. The formal instrument of agreement is required so that the RMS can build a temporary construction road through St Thomas Rest Park as well as to construct a portion of the wall on Council's land which forms part of St Thomas Rest Park, fronting the existing Playground.

In addition, this report is also requesting that Council enter into a 99-year lease with the RMS over the encroaching noise wall footing located within the sub-stratum lot along the eastern boundary of St Thomas Rest Park (94 square metres) as identified on Figure 3 of this Report.

The Roads and Maritime Services have also lodged a request with Council to acquire a portion of land at the end of Chandos Street for construction of part of the Noise Wall. Council's Property Department is in the process of undertaking further investigations of the acquisition site, including undertaking a site survey and market valuation.

Council should note that it is a requirement that the instrument of agreement be publicly notified as per Section 47A of the Local Government Act 1993. The legislation requires that the lease and or licence be publicly exhibited for 28 days during which time submissions can be received.

The agreed lease fee is \$15,000 and is to be paid as an upfront payment to Council. All other associated costs will be borne by the RMS.

Recommending:

- 1. THAT** Council, in accordance with Section 47A of the Local Government Act 1993, place the non-exclusive licence and construction lease which are combined into one formal instrument of agreement on Public Exhibition for 28 Days during which time submissions can be received.
- 2. THAT** Council at the conclusion of the 28-day exhibition period and if no submissions are received resolve to enter into:
 - a.** a non-exclusive licence with the Roads and Maritime Services to secure a Vehicular Access Route over part of Lots 100 in Deposited Plan 790953, 1 in Deposited Plan 728480 and 1 in Deposited Plan 774511.
 - b.** An exclusive construction lease with the Roads and Maritime Services over part of Lot 1 in Deposited Plan 774511 in relation to the encroaching noise wall footing beneath the surface of the ground.
- 3. THAT** Council proceed to make an application to the NSW Land Registry Services to be recorded as the Registered Proprietor of Lot 1 in Deposited Plan 774511, land vested in Council pursuant to the Government Gazette Notice dated 14 October 1988, Folio 5429.
- 4. THAT** the Roads and Maritime Services (RMS) enter into a 99-year lease with Council over the encroaching noise wall footing located within the sub-stratum lot along the eastern boundary of St Thomas Rest Park (94 square metres) as identified in Figure 3 of this report.

- 5. THAT** the Roads and Maritime Services compensate Council with an upfront lease payment based on a market value assessment of the 94 square metres of land that Council is requesting the Roads and Maritime Services (RMS) enter into for the 99-year lease with Council for, as identified in Figure 3 of this Report.
- 6. THAT** the commencement date of the 99-year sub-stratum lease be the date of Practical Completion of the constructed noise wall footing.
- 7. THAT** the Roads and Maritime Services be responsible for all legal and associated costs relating to the sub-stratum lease which will be included in the upfront lease payment to Council.
- 8. THAT** all terms and conditions in relation to the sub-stratum lease be in accordance with Council's Encroachment Management Policy.
- 9. THAT** the Roads and Maritime Services be responsible for the maintenance and upkeep of the whole of the noise wall that is constructed as part of the construction lease and that the Roads and Maritime Services are required to lodge an application for "Permission to Access Council Property" on each occasion that they require access for maintenance purposes.

A Motion was moved by Councillor Barbour and seconded by Councillor Baker,

- 1. THAT** Council, in accordance with Section 47A of the Local Government Act 1993, place the non-exclusive licence and construction lease which are combined into one formal instrument of agreement on Public Exhibition for 28 Days during which time submissions can be received.
- 2. THAT** Council at the conclusion of the 28-day exhibition period and if no submissions are received resolve to enter into:
 - a.** a non-exclusive licence with the Roads and Maritime Services to secure a Vehicular Access Route over part of Lots 100 in Deposited Plan 790953, 1 in Deposited Plan 728480 and 1 in Deposited Plan 774511.
 - b.** An exclusive construction lease with the Roads and Maritime Services over part of Lot 1 in Deposited Plan 774511 in relation to the encroaching noise wall footing beneath the surface of the ground.
- 3. THAT** Council proceed to make an application to the NSW Land Registry Services to be recorded as the Registered Proprietor of Lot 1 in Deposited Plan 774511, land vested in Council pursuant to the Government Gazette Notice dated 14 October 1988, Folio 5429.
- 4. THAT** the Roads and Maritime Services (RMS) enter into a 99-year lease with Council over the encroaching noise wall footing located within the sub-stratum lot along the eastern boundary of St Thomas Rest Park (94 square metres) as identified in Figure 3 of this report.
- 5. THAT** the Roads and Maritime Services compensate Council with an upfront lease payment based on a market value assessment of the 94 square metres of land that Council is requesting the Roads and Maritime Services (RMS) enter into for the 99-year lease with Council for, as identified in Figure 3 of this Report.
- 6. THAT** the commencement date of the 99-year sub-stratum lease be the date of Practical Completion of the constructed noise wall footing.
- 7. THAT** the Roads and Maritime Services be responsible for all legal and associated costs relating to the sub-stratum lease which will be included in the upfront lease payment to Council.
- 8. THAT** all terms and conditions in relation to the sub-stratum lease be in accordance with Council's Encroachment Management Policy.
- 9. THAT** the Roads and Maritime Services be responsible for the maintenance and upkeep of the whole of the noise wall that is constructed as part of the construction lease and that the Roads and Maritime Services are required to lodge an application for "Permission to Access Council Property" on each occasion that they require access for maintenance purposes.
- 10. THAT** safe public access be maintained and monitored throughout the construction period for the full extent of the lease or construction period (whichever is longer).
- 11. THAT** priority focus be given to safety issues pertaining to the children's playground and all foot traffic and park users.

The Motion was put and **carried**.

Voting was as follows:

For/Against 10/0

Councillor	Yes	No	Councillor	Yes	No
Gibson	Y		Barbour	Y	
Beregi	Y		Drummond	Y	
Keen	Y		Gunning	Y	
Brodie	Y		Mutton	Y	
Carr	Y		Baker	Y	

RESOLVED:

- 1. THAT** Council, in accordance with Section 47A of the Local Government Act 1993, place the non-exclusive licence and construction lease which are combined into one formal instrument of agreement on Public Exhibition for 28 Days during which time submissions can be received.
- 2. THAT** Council at the conclusion of the 28-day exhibition period and if no submissions are received resolve to enter into:
 - a.** a non-exclusive licence with the Roads and Maritime Services to secure a Vehicular Access Route over part of Lots 100 in Deposited Plan 790953, 1 in Deposited Plan 728480 and 1 in Deposited Plan 774511.
 - b.** An exclusive construction lease with the Roads and Maritime Services over part of Lot 1 in Deposited Plan 774511 in relation to the encroaching noise wall footing beneath the surface of the ground.
- 3. THAT** Council proceed to make an application to the NSW Land Registry Services to be recorded as the Registered Proprietor of Lot 1 in Deposited Plan 774511, land vested in Council pursuant to the Government Gazette Notice dated 14 October 1988, Folio 5429.
- 4. THAT** the Roads and Maritime Services (RMS) enter into a 99-year lease with Council over the encroaching noise wall footing located within the sub-stratum lot along the eastern boundary of St Thomas Rest Park (94 square metres) as identified in Figure 3 of this report.
- 5. THAT** the Roads and Maritime Services compensate Council with an upfront lease payment based on a market value assessment of the 94 square metres of land that Council is requesting the Roads and Maritime Services (RMS) enter into for the 99-year lease with Council for, as identified in Figure 3 of this Report.
- 6. THAT** the commencement date of the 99-year sub-stratum lease be the date of Practical Completion of the constructed noise wall footing.
- 7. THAT** the Roads and Maritime Services be responsible for all legal and associated costs relating to the sub-stratum lease which will be included in the upfront lease payment to Council.
- 8. THAT** all terms and conditions in relation to the sub-stratum lease be in accordance with Council's Encroachment Management Policy.
- 9. THAT** the Roads and Maritime Services be responsible for the maintenance and upkeep of the whole of the noise wall that is constructed as part of the construction lease and that the Roads and Maritime Services are required to lodge an application for "Permission to Access Council Property" on each occasion that they require access for maintenance purposes.
- 10. THAT** safe public access be maintained and monitored throughout the construction period for the full extent of the lease or construction period (whichever is longer).
- 11. THAT** priority focus be given to safety issues pertaining to the children's playground and all foot traffic and park users.

**Report to General Manager**Attachments:
Nil**SUBJECT:** Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease**AUTHOR:** Risha Joseph, Property Officer**ENDORSED BY:** Duncan Mitchell, Director Engineering and Property Services**EXECUTIVE SUMMARY:**

On 8 April 2019, Council received a notification from the Roads and Maritime Services (RMS) of its intention to construct a noise wall adjacent to the Warringah Freeway from Brook Lane to St Thomas Rest Park which is approximately 197 metres in length. Refer to Figure 1 of this Report. The noise wall is being constructed as part of the wider Roads and Maritime Services Noise Abatement Program.

This report addresses the property details and requirements of the RMS proposal to construct the noise wall utilising Council (Community Land). To undertake this work, the RMS is required to enter into both a non-exclusive licence and a construction lease which are combined into one formal instrument of agreement. The formal instrument of agreement is required so that the RMS can build a temporary construction road through St Thomas Rest Park as well as to construct a portion of the wall on Council's land which forms part of St Thomas Rest Park, fronting the existing Playground.

In addition, this report is also requesting that Council enter into a 99-year lease with the RMS over the encroaching noise wall footing located within the sub-stratum lot along the eastern boundary of St Thomas Rest Park (94 square metres) as identified on Figure 3 of this Report.

The Roads and Maritime Services have also lodged a request with Council to acquire a portion of land at the end of Chandos Street for construction of part of the Noise Wall. Council's Property Department is in the process of undertaking further investigations of the acquisition site, including undertaking a site survey and market valuation.

Council should note that it is a requirement that the instrument of agreement be publicly notified as per Section 47A of the Local Government Act 1993. The legislation requires that the lease and or licence be publicly exhibited for 28 days during which time submissions can be received.

FINANCIAL IMPLICATIONS:

The agreed lease fee is \$15,000 and is to be paid as an upfront payment to Council. All other associated costs will be borne by the RMS.

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(2)

RECOMMENDATION:

- 1. THAT** Council, in accordance with Section 47A of the Local Government Act 1993, place the non-exclusive licence and construction lease which are combined into one formal instrument of agreement on Public Exhibition for 28 Days during which time submissions can be received.
 - 2. THAT** Council at the conclusion of the 28-day exhibition period and if no submissions are received resolve to enter into:
 - a.** a non-exclusive licence with the Roads and Maritime Services to secure a Vehicular Access Route over part of Lots 100 in Deposited Plan 790953, 1 in Deposited Plan 728480 and 1 in Deposited Plan 774511.
 - b.** An exclusive construction lease with the Roads and Maritime Services over part of Lot 1 in Deposited Plan 774511 in relation to the encroaching noise wall footing beneath the surface of the ground.
 - 3. THAT** Council proceed to make an application to the NSW Land Registry Services to be recorded as the Registered Proprietor of Lot 1 in Deposited Plan 774511, land vested in Council pursuant to the Government Gazette Notice dated 14 October 1988, Folio 5429.
 - 4. THAT** the Roads and Maritime Services (RMS) enter into a 99-year lease with Council over the encroaching noise wall footing located within the sub-stratum lot along the eastern boundary of St Thomas Rest Park (94 square metres) as identified in Figure 3 of this report.
 - 5. THAT** the Roads and Maritime Services compensate Council with an upfront lease payment based on a market value assessment of the 94 square metres of land that Council is requesting the Roads and Maritime Services (RMS) enter into for the 99-year lease with Council for, as identified in Figure 3 of this Report.
 - 6. THAT** the commencement date of the 99-year sub-stratum lease be the date of Practical Completion of the constructed noise wall footing.
 - 7. THAT** the Roads and Maritime Services be responsible for all legal and associated costs relating to the sub-stratum lease which will be included in the upfront lease payment to Council.
 - 8. THAT** all terms and conditions in relation to the sub-stratum lease be in accordance with Council's Encroachment Management Policy.
 - 9. THAT** the Roads and Maritime Services be responsible for the maintenance and upkeep of the whole of the noise wall that is constructed as part of the construction lease and that the Roads and Maritime Services are required to lodge an application for "Permission to Access Council Property" on each occasion that they require access for maintenance purposes.
-

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(3)

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

Direction: 1. Our Living Environment

Outcome: 1.4 Public open space and recreation facilities and services meet community needs

Direction: 2. Our Built Infrastructure

Outcome: 2.1 Infrastructure and assets meet community needs

BACKGROUND

On 8 April 2019, Council received a notification from the Roads and Maritime Services (RMS) of its intention to construct a noise wall adjacent to the Warringah Freeway from Brook Lane to St Thomas Rest Park which is approximately 197 metres in length. Refer to Figure 1 below.

The noise wall is being constructed as part of the wider Roads and Maritime Services Noise Abatement Program.

Overall, the noise wall is approximately 197 metres in length and 850 m² in 'area'.



Figure 1- Proposed location of the new RMS Noise Wall adjacent to the Warringah Freeway from Brook Lane to St Thomas Rest Park – approximately 197 metres in length

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(4)

The RMS have stated to Council that access for construction is difficult as many parts of the proposed noise wall are not easily accessible. The Road and Maritime Services have proposed a vehicular access route from Cemetery Lane, into Lot 100 in Deposit Plan 790953, crossing over Lot 1 in Deposited Plan 728480 and then into Lot 1 in Deposited Plan 774511, where the noise wall footing is proposed to be constructed. The vehicular access route is identified by a Yellow Line (Refer to Figure 2 below). The St Thomas Rest Park Playground is illustrated by the Green shaded area in Figure 2 below.

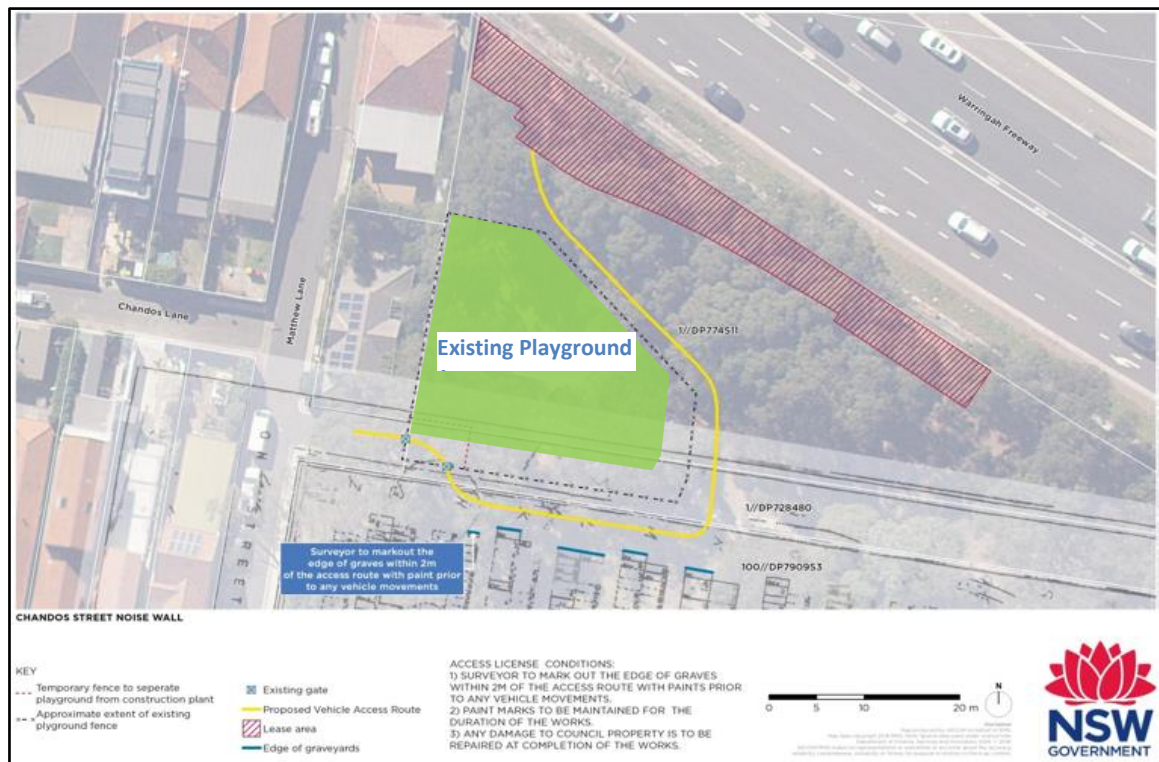


Figure 2: Yellow Line identifies vehicular access route. Red hatched area denotes proposed RMS noise wall works area

Council has received confirmation from the RMS that the licence for the proposed construction access road is “non-exclusive” and therefore Council is able to utilise the access gates from Cemetery Lane to the Park at any time (Refer to Photo 1 – Entry Gates through Cemetery Lane).

It is also confirmed by the RMS that the footpath access via Cemetery Lane adjacent to the Park remains unchanged and the public will be able to use this access point to the park during the works. (Refer to Photo 2 – Footpath access point through Cemetery Lane).

The public access gate to the playground will also remain unchanged and the playground will remain open during the works. (Refer to Photo 3 – Access gates to Playground in St Thomas Rest Park)

Report of Risha Joseph, Property Officer
Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(5)

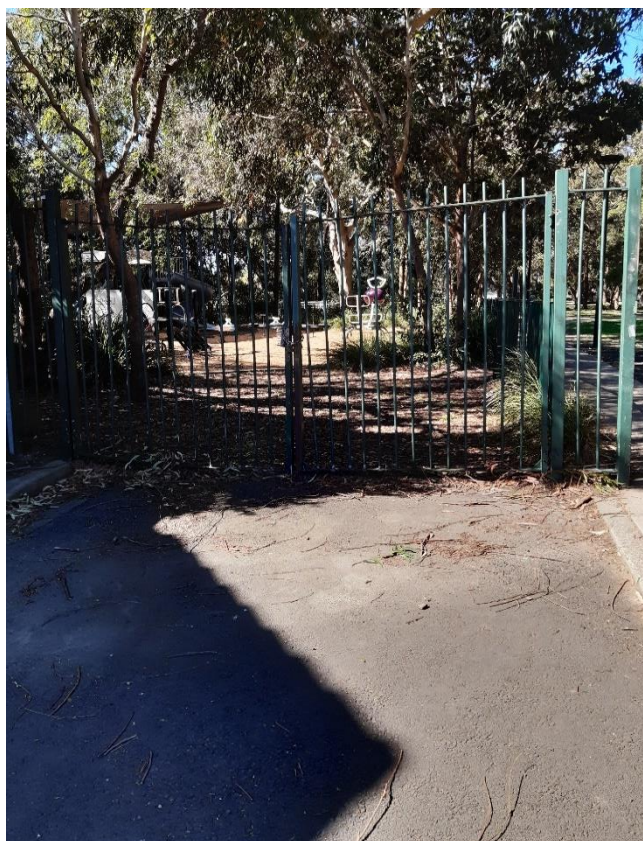


Photo 1- Entry gates through Cemetery Lane



Photo 2 – Footpath access point through Cemetery Lane



Photo 3 – Access gates to Playground in St Thomas Rest Park

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(6)



Photo 4 – Existing Playground in St Thomas Rest Park

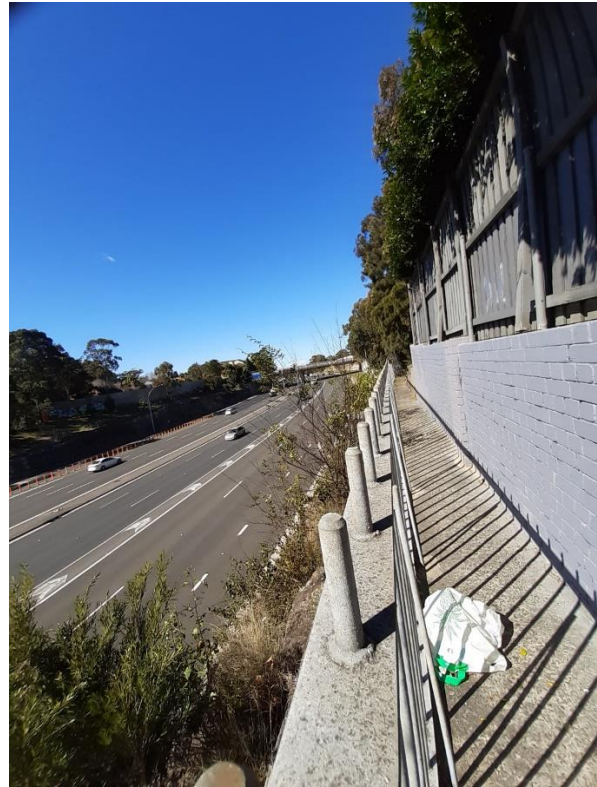


Photo 5 – Proposed Location of RMS noise wall at North Eastern end of St Thomas Rest Park adjacent to Warringah Freeway

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(7)



Photos 6 – Proposed Location of RMS noise wall at North Eastern end of St Thomas Rest Park adjacent to Warringah Freeway



Photo 7 – Proposed Location of RMS noise wall at North Eastern end of St Thomas Rest Park adjacent to Warringah Freeway

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(8)



Photo 8 – Proposed Location of RMS noise wall at North Eastern end of Chandos Street adjacent to Warringah Freeway

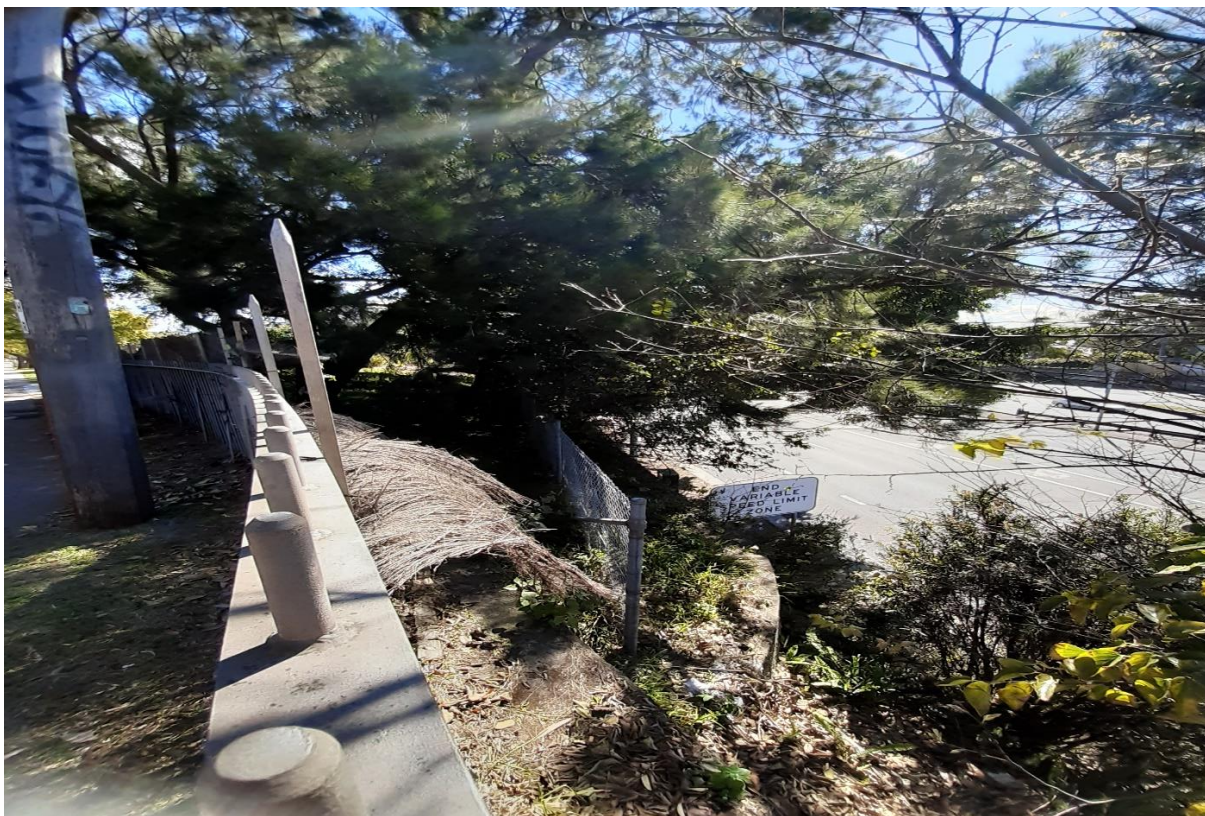
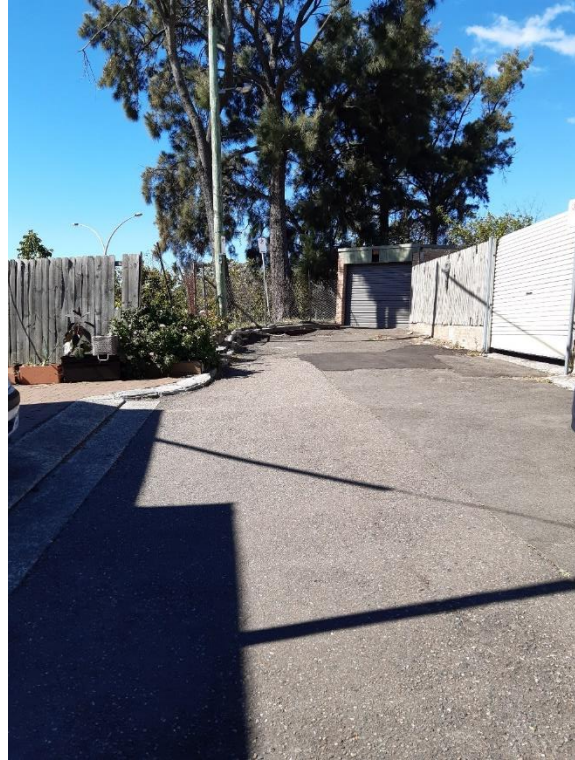


Photo 9 – Proposed Location of RMS noise wall at North Eastern end of Chandos Street adjacent to Warringah Freeway

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(9)



Photos 10 - Proposed Location of RMS noise wall at North Eastern end of Jenkins Lane adjacent to Warringah Freeway



Photo 11 - Proposed Location of RMS noise wall at North Eastern end of Jenkins Lane adjacent to Warringah Freeway

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(10)

RMS “Make Good” Obligations for St Thomas Rest Park

The Roads and Maritime Services (RMS) are required to:

1. Vacate the Leased Area and remove from the Leased Area all its property, scaffolding, loose materials, waste and rubbish.
2. Ensure that any damage caused to the Leased and Licenced area by the carrying out of the Works or accessing of the Leased Area is made good or repaired before being returned to Council.

Land Ownership and Title Details

The ownership details are as follows:

Lot No.	Registered Owner	Zoning	Comments
1/774511	RMS noted on Certificate of Title as Registered Proprietor	SP2 – Classified Road	Land declared a public reserve under the care, control & management of NSC – in accordance with Section 159 of the Roads Act 1993 - <i>the land is a public reserve within the meaning of the Local Government Act 1993 – Government Gazette dated 14 October 1988 Folio 5429.</i>
	16 January 1989		Registered Dealing Y120477 – land declared as a public reserve and vested in Council.
	Existing Certificate of Title		Vests land in Council and declares the land as a public reserve.
100/790953	North Sydney Council	RE1 – Public Recreation – Roads are permitted (LEP)	Proposed Vehicular Access Route – roads are permitted in accordance with Section 46(4)(b) of the Local Government Act 1993. Expressly authorised in accordance with Section 3.10.1 of the St Thomas Rest Park Plan of Management
1/728480	North Sydney Council	RE1 – Public Recreation – Roads are permitted (LEP)	Proposed Vehicular Access Route – roads are permitted in accordance with Section 46(4)(b) of the Local Government Act 1993. Expressly authorised in accordance with Section 3.10.1 of the St Thomas Rest Park Plan of Management

NOTE: Lot 1 in Deposited Plan 774511

The Registrar General’s Guidelines including other legislation defines the vesting of land as follows:

“The vesting of land, usually in a statutory authority, changes ownership of land as a result of the publication of a notice in the Government Gazette”.

CONSULTATION REQUIREMENTS

Community engagement will be undertaken in accordance with Council’s Community Engagement Protocol.

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(11)

SUSTAINABILITY STATEMENT

This report is to obtain approval to lease a portion of Community land; a sustainability assessment is not required.

DETAIL

Public Consultation

As the subject land is classified as Community Land, encroachments are not permitted unless authorised by a lease or licence in accordance with the Local Government Act 1993. The Act provides that Council may lease or licence Community Land where it is expressly authorised to do so under a Plan of Management and where the purpose for which the lease or licence issued is consistent with the core objectives for the area of the community land in question.

Section 3.10.1 of the St. Thomas Rest Park Plan of Management expressly authorises the entering into of a lease or licence in accordance with Section 46(4), if it relates to such matters as the provision of a public road appropriate to the current and future needs within the local community and of the wider public in relation to ‘public recreation’.

Section 47A of the Local Government Act 1993, applied in the same manner as Section 47 applies to leases, licences and or other estates in respect of Community Land granted for a period that does not exceed 5 years. The legislation requires that the lease and licence be publicly exhibited for 28 days during which time submissions are to be received.

Legislation

The proposed “Construction Lease” within Lot 1 in Deposited Plan 774511 (Refer to the Red Hatched area in Figure 2) and the non-exclusive licence to secure the proposed ‘Vehicle Access Route’ (Refer to the Yellow Line in Figure 2) is permissible in accordance with Section 46(4)(b) of the Local Government Act 1993.

Legal Implications: Pre-Construction Phase (Combined non-exclusive Licence and Lease Agreement)

So that the Noise Wall can be constructed, the Roads and Maritime Services have agreed to formalise a non-exclusive licence for the Vehicular Access Route (over part of Lots 1 in Deposited Plan 728480, 100 in Deposited Plan 790953 and 1 in Deposited Plan 774511), and an exclusive lease for the area where the noise wall footing is to be constructed within Lot 1 Deposited Plan 774511.

“Vehicular Access Route” – Non-Exclusive Licence

The proposed vehicular access route for the noise wall construction which the RMS wish to enter into a “Non-Exclusive Licence” with Council for, relates to part of Lots 100 in Deposited Plan 790953, 1 in Deposited Plan 728480 and 1 in Deposited Plan 774511). Refer to Figure 2 of this Report.

The proposed vehicular access route does not impact upon any of the existing grave sites in St

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(12)

Thomas Rest Park. A condition of the lease is that prior to any construction of the access route, a Surveyor is to mark out the edge of the graves within 2 metres of the access route with paint. Refer to the Blue markings outlined in Figure 2 of this Report.

In addition, any impact to the existing vegetation in the Park will also be rectified by the RMS with damaged or removed vegetation to be replaced with species similar to the existing vegetation. Council's Opens Space and Environmental Services Division (Parks Manager) have been working with the Engineering and Property Services Division (Property Officer) and the RMS on how to mitigate any vegetation impacts in the Park that the works will have.

“Leased Area” – Exclusive Construction Lease (Lot 1 in Deposited Plan 774511).

As identified in Figure 2 of this report (red hatched area), the RMS want to establish a works area within Lot 1 in Deposited Plan 774511 to enable the construction of the noise wall along the north eastern boundary of St Thomas Rest Park.

To enable the RMS to build the Noise Wall in this location an exclusive construction lease is required to be granted to the Roads and Maritime Services for the duration of the construction phase only. The existing St Thomas Park Playground within Lot 1 in Deposited Plan 774511 is to be secured by a temporary fence separating it from the construction works area.

Details relating to the temporary construction lease and non-exclusive licence are outlined below.

Term: Approximately 10 months

Commencement Date: (TBA)

Termination Date: No later than 29 November 2020 (TBA)

Rental: \$15,000 – this will be an upfront payment to Council for the term of the combined non-exclusive Licence and Lease Agreement)

A portion of the overall noise wall footing is to be permanently constructed within Lot 1 in Deposited Plan 774511 (approximately 50 metres in length and 94 m² in 'area'). This land forms part of St Thomas Rest Park, fronting the existing Playground.

Legal Implications: *Post-Construction Phase - 99 Year lease with RMS for the Sub Stratum lot located beneath the surface within Lot 1 in Deposited Plan 774511 in St Thomas Rest Park adjacent to the Warringah Freeway.*

To construct the portion of the Noise Wall footing in St Thomas Rest Park adjacent to the Warringah freeway, the Roads and Maritime Services (RMS) will encroach upon Lot 1 in Deposited Plan 774511 and is therefore required to enter into a lease with Council to regularise the encroachment as per Council's Encroachment Policy.

It is proposed that the lease be for 99 years and that the Roads and Maritime Services compensate Council with an upfront lease payment based on a market value assessment of the 94 square metres of land that forms part of the encroachment. Refer to Figure 3 of this report.

Certificate of Title Folio Identifier 1/774511 and Registered Dealing Y120477 notes that the land has **vested** in Council pursuant to the Government Gazette dated 14 October 1988, Folio

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(13)

5429, which declared the land a public reserve and which placed the reserve under the care, control and management of Council.

Conflicting information provided in the Government Gazette Notice, Registered Dealing Y120477 and the Certificate of Title Folio Identifier 1/774511 has resulted in an ownership disagreement between Council and the Roads and Maritime Services over Lot 1 in Deposited Plan 774511, prompting Council to obtain legal advice.

Council's Property Lawyers, provided the following advice:

"The title search notes that the land has vested in Council. Therefore, Council is effectively the owner of the land and is entitled to make an application with NSW Land and Registry Services to be recorded as the Registered Proprietor.

Regardless, as it stands the land is under the care, control and management of Council, which would require Council to enter into a lease with anyone (including the Roads & Maritime Services) who intends to use the land."

Therefore, as the noise wall footing encroaches onto Lot 1 Deposited Plan 774511 by approximately 94 m², the Roads and Maritime Services are required to agree to secure a lease over the subject area for indemnity and maintenance purposes.

Creation of a sub-stratum lot and separate title

The proposed lease for the noise wall footing is to be registered at the NSW Land Registry Services Office. As the footing will be constructed below the surface, it is a statutory requirement that a sub-stratum lot be created with a separate title.

These costs, including all other associated costs are to be borne by the Roads & Maritime Services. All terms and conditions associated with Council's Encroachment Management Policy will apply.

Impact

The noise wall footing is to be located beneath the surface of the road. The land immediately above the footing is to be re-landscaped at the completion of the noise wall works. There is no direct impact to any Council infrastructure in this location.

Future Access to the leased area for Maintenance and Upkeep Purposes

The Roads & Maritime Services are responsible for the maintenance and upkeep of the noise wall as well as the land that is proposed to be leased in St Thomas Rest Park.

For future maintenance and access requirements for the noise wall that is proposed to be constructed along the north eastern boundary of St Thomas Rest Park it is proposed that the RMS lodge an application to obtain *'Permission to Access Council Property'* on each occasion that they require access. This is a current formality and process that the RMS and other utility companies wishing to access Council's property go through. There is an established Council form and approvals process to enable this to happen.

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(14)

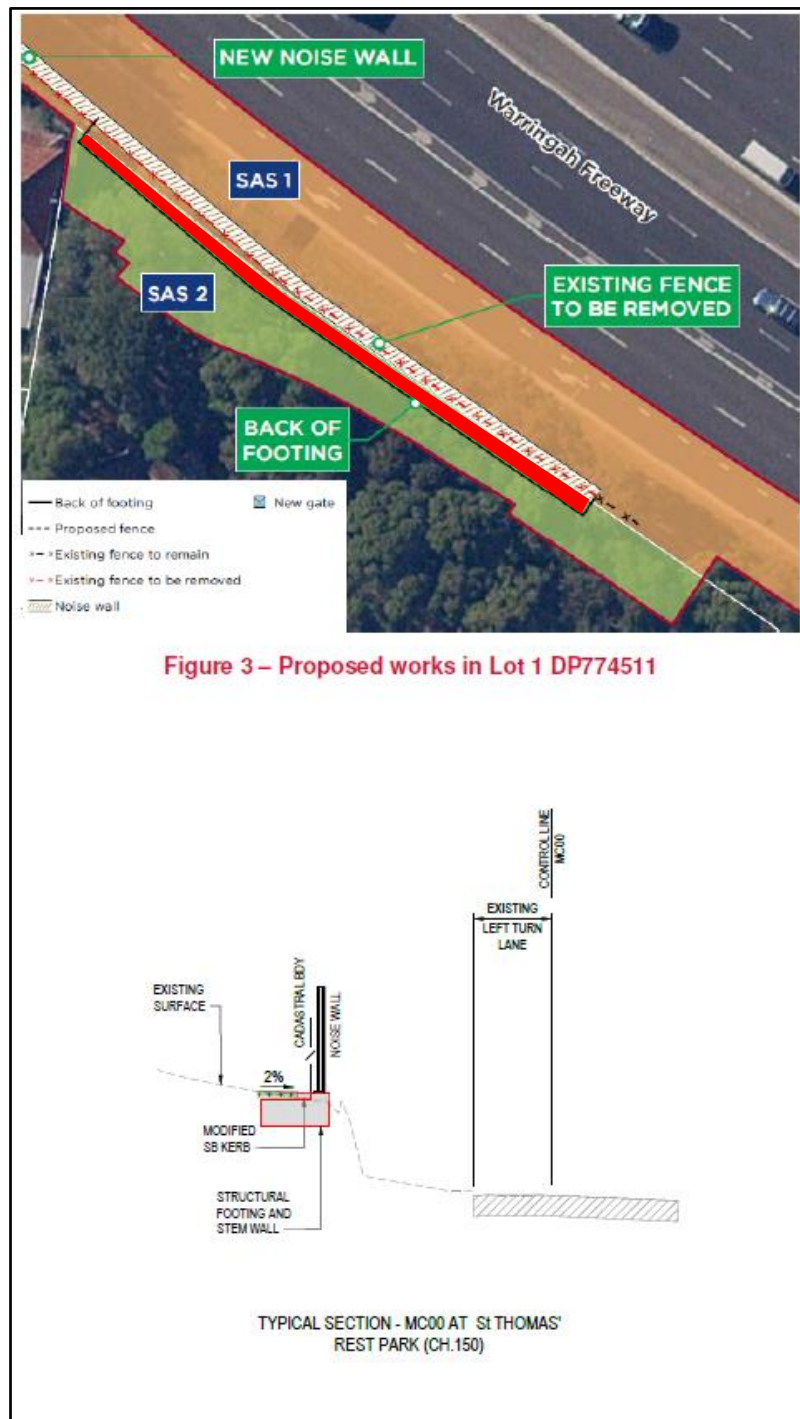


Figure 3: The “red” shaded area - identifies the portion of land that Council is requiring the RMS to enter into a 99-year lease (94 square metres).

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(15)

Chandos Street Road Acquisition

The Roads and Maritime Services have also lodged a request with Council to acquire a portion of land at the end of Chandos Street for construction of part of the noise wall, as shown in Yellow in Figure 4, below.



Figure 4: Yellow shaded area - indicates Proposed Acquisition of part Road (part of Chandos Street)

Council's Property Department is in the process of undertaking further investigations of the site, including a site survey and market valuation. A further report will be submitted to Council relating to the acquisition of this site once the survey and valuation are complete.

Council is entitled to compensation from the RMS for this proposed acquisition which will be determined by the market valuation.

Conclusion

This report addresses the property details and requirements of the RMS proposal to construct a noise wall adjacent to the Warringah Freeway from Brook Lane to St Thomas Rest Park which is approximately 197 metres in length. To construct the noise wall, the RMS is required to enter into a combined Licence and Lease Agreement with Council so that it can build a temporary construction access road through St Thomas Rest Park as well as establish a works area in the Park.

The combined Licence and Lease Agreement for this work is required to be publicly notified as per Section 47A of the Local Government Act 1993. The legislation requires that the lease and or licence be publicly exhibited for 28 days during which time submissions can be received.

In addition, this report identifies that Council should enter into a 99-year lease with the RMS over the encroaching noise wall footing located within the sub-stratum lot along the north eastern boundary of St Thomas Rest Park (94 square metres) as identified on Figure 3 of this report.

The Roads and Maritime Services have also lodged a request with Council to acquire a portion of land at the end of Chandos Street for construction of part of the Noise Wall. Council's

Report of Risha Joseph, Property Officer

Re: Brook Lane to St Thomas Rest Park - Noise Wall Construction – Proposed RMS Lease

(16)

Property Department is in the process of undertaking further investigations of the site, including a site survey and market valuation.



Traffic Management Plan

Project Name:

**Chandos Street Noise Wall Installation -
Accessing the work area in the St Thomas Rest Park**

Project Number: 1869415

CC Job Number: 20/001

CLIENT'S NAME:

DM Roads



Contents

1. Introduction	1
2. Required Assistance from Council	2
3. Objectives of Traffic Management Plan.....	3
4. Key Management Issues	4
4.1. Pedestrian Movements.....	4
4.2. Traffic Movements.....	4
4.3 Existing traffic flow.....	5
5. Monitoring and Reporting	6
5.1 Corrective Actions.....	6
5.2 Incident Response.....	6
5.3 Record Keeping	6
Appendix A – Unloading/Loading TCP	8
Figure 1 - Site Overview	1
Figure 2 - Access Route	2
Table 1.....	6

Declaration

I, Greg Cocker (RMS Certification PWZTMP SOC185784) declare that I have endorsed this Construction Traffic Management Plan.

This TMP has been prepared in accordance with the RMS Traffic Control at Worksites Manual v5 July 2018 and AS 1742.3-2009.

Signature:



Date: 09/10/19

1. Introduction

Celtic Civil has been engaged by DM Roads to deliver the Chandos Noise wall project.

The key features include;

- Installing a 4.5-metre-high noise wall for about 180 metres on the western side of Warringah Freeway between St. Thomas 'Rest Park and an existing brick property boundary wall at the end of Jenkins Lane
- Installing a three-metre-high noise wall about 17 metres long out from the existing brick property boundary wall at the end of Jenkins Lane
- Relocating existing roadside infrastructure such as light poles and utilities
- Introducing landscape planting and urban design measures.

The duration of this Project is expected to be about 10 months.



Figure 1 - Site Overview

2. Required Assistance from Council

The project has advised Council that access for construction is difficult as many parts of the proposed noise wall are not easily accessible. The Road and Maritime Services have proposed a vehicular access route from Cemetery Lane, into Lot 100 in Deposit Plan 790953, crossing over Lot 1 in Deposited Plan 728480 and then into Lot 1 in Deposited Plan 774511, where the noise wall footing is proposed to be constructed. The vehicular access route is identified by a Yellow Line (Refer to Figure 2 below). The St Thomas Rest Park Playground is enclosed by an existing fence as illustrated in figure 2.



CHANDOS STREET NOISE WALL

KEY

- - - Temporary fence to separate playground from construction plant
- - - Approximate extent of existing playground fence

- Existing gate
- Proposed Vehicle Access Route
- Lease area
- Edge of graveyards

ACCESS LICENSE CONDITIONS:
 1) SURVEYOR TO MARK OUT THE EDGE OF GRAVES WITHIN 2M OF THE ACCESS ROUTE WITH PAINTS PRIOR TO ANY VEHICLE MOVEMENTS.
 2) PAINT MARKS TO BE MAINTAINED FOR THE DURATION OF THE WORKS.
 3) ANY DAMAGE TO COUNCIL PROPERTY IS TO BE REPAIRED AT COMPLETION OF THE WORKS.

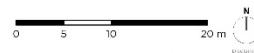


Figure 2 - Access Route

3. Objectives of Traffic Management Plan

1. To address construction site and traffic issues arising from the new access route from Cemetery Lane to the project site and to establish general guidelines and standards that address the issues.
2. Manage site establishment to ensure that issues between construction activities address local community activities in the area.

Council Resolution	Proposed actions in TMP
<p>Resolution 10: THAT safe public access be maintained and monitored throughout the construction period for the full extent of the lease or construction period (whichever is longer).</p>	<ol style="list-style-type: none"> 1. Footpath access via cemetery lane adjacent to the park remains unchanged and the public will be able to use during the works. 2. During delivery of construction equipment, the TCP in appendix A will be following: <ol style="list-style-type: none"> a. Appropriate signage b. Spotter to keep pedestrians safe during the brief period equipment is delivered 3. ATF fencing to bound the construction area to keep public out of the construction site – refer TCP appendix A
<p>Resolution 11: Priority focus be given to safety issues pertaining to the children’s playground and all foot traffic and park users.</p>	<ol style="list-style-type: none"> 1. ATF fencing is proposed to separate the existing Council maintenance gates from the rest of the playground to provide a barrier between playground users and the access path – refer to appendix A TCP 2. ATF fencing around the construction area provides a barrier between the construction site and park users 3. When walking machinery to and from St Thomas Rest Park the TCP will be developed and spotters will be in place to keep all park users safe during vehicle movements

4. Key Management Issues

The location of the site, consultation with the appropriate stakeholders and careful traffic management will ensure that conflicts between construction, local businesses, utility providers, residents and activities in the area will be avoided.

Construction traffic access route from Cemetery Lane to the project site is subject to constraints imposed by site conditions and public movements.

The primary issues will include:

- General site access and egress
- Avoid trafficking over existing graves
- Interaction with existing residents and general public.
- The timing and extent of machinery deliveries
- Vehicle movements on site
- Traffic congestion and conflicts on surrounding roads
- Pedestrian movements
- Signage and directions

4.1. Pedestrian Movements

Pedestrian movements will not be disrupted. The footpath access via Cemetery Lane adjacent to the Park remains unchanged and the public will be able to use this access point to the park during the works.

The public access gate to the playground will also remain unchanged and the playground will remain open during the works.

4.2. Traffic Movements

A surveyor will be engaged prior to any vehicle access to mark with paint the boundary of any graves which are within two meters of any part of the access track. These paint markings will be highlighted at all times during the term of use and until the access route is no longer required.

Traffic movements and vehicles will conform to current RMS requirements.

Loads on vehicles delivering plant to be within RMS legal weight limits, vehicles to travel only on approved roadways and follow the vehicle movement plan, loads secured and covered.

The frequency of trucks accessing Atchison St will be 3 times per week, as this is not the main access point. Resident notification shall not be necessary, due to the infrequency of occurrences and due to the low volume of traffic flow. Parking bays will be used when possible, and each loading/unloading action shall be limited to a few minutes in total.

The loading/unloading and truck movements, including reversing, shall be managed via RMS Accredited Traffic Controllers

Celtic Civil will have spotters to ensure pedestrian safety is in place for all loading and unloading of plant on Atchison St and spotters will be utilized when walking machinery into St Thomas Rest Park. This plant includes a 5-tonne Excavator, and other smaller plant/machinery may also be loaded/unloaded through this access point, albeit infrequently.

Spotters shall be RMS Accredited Traffic Controllers, and hold a current General Construction Induction Card, Traffic Controller (RIISS00044) and Implement Traffic Management Plan (RIIWHS302D) accreditation as a minimum.

Traffic Controllers will carry all relevant tickets on their person.

Construction plant will need to have rubber tires or rubber tracks to avoid damaging Council pavement.

No access track - reinstate like for like. Also refer to REF safeguard NAH5 track mats on access path in park.

North Sydney Council's Manager Parks & Reserves will be contact for the key to the maintenance gates.

4.3 Existing traffic flow

The speed limit on Atchison St is 50km/h. Appropriate signage will be provided to ensure vehicles using the street will enter and leave site with minimal disturbance to other road users. All external boundary signage shall be monitored by Celtic Civil.

5. Monitoring and Reporting

The plan will be periodically updated to include but not be limited to: -

- Variations to traffic management plans;
- Identification of any safety / operational incidents and the actions taken to address
- Monitoring issues / queries / concerns and corrective actions;

5.1 Corrective Actions

Non-conformances are to be recorded by way of our Non-conformance Report form. Copies of NCR will be sent to DM Roads as soon as practicable.

The Construction Manager/Project Engineer shall review and analyses the cause of detected non-conformance and develop a corrective action to prevent recurrence. Details of the non-conformance including any immediate corrective actions undertaken are to be recorded, reviewed and accepted by the Construction Manager/Project Engineer.

It is the responsibility of the Construction Manager/ Project Engineer to immediately initiate corrective actions, if required. The non-conformance and corrective action must include details of the action proposed and an appropriate close out date. The system defects report should be signed dated and filed.

5.2 Incident Response

A list of personnel to be contacted in the event of an incident is provided within table 1. Personnel from the list below will organise a crew to attend site as soon as possible if required. Personnel to be contacted in order, if 1st on list is not available, 2nd on the list is to be contacted and so on.

Table 1

Contact Order	Name	Company/ Position	Day/ Night Contact	Contact Details
1 st	Noel Ryan	Celtic Civil	Day/Night	0400 226 809
2 nd	Brendan Whelan	Celtic Civil	Day/Night	0499 551 400
3 rd	Frank Flanagan	Celtic Civil	Day/Night	0420 976 226
4 th	John Frisby	Celtic Civil	Day/Night	0438 322 515

5.3 Record Keeping

Project Manager/ Project Engineer

- Ensure that a safety inspection is carried out at least once per month.

- Ensure that any corrective actions specified is taken and recorded.

Appendix A - Unloading/Loading TCP

Atchison Street, Crows Nest - Loading & Unloading of Plant/Equipment

ATTACHMENT TO ITEM 26/70/19

Prepared By: Greg Cocker
 Accreditation No: SOC185784
 Expiry Date: 09/11/2019
Signed: *Greg Cocker*

Comments:

1. Plant delivery via Atchison St to be managed via Traffic Controllers.
2. When unloading/loading machinery on Atchison St, Traffic Controllers will be utilised for management of vehicles & pedestrians.
3. When walking machinery to and from St Thomas Rest Park, spotters need to be utilised for pedestrian management.
4. ATF fencing with thick anti gawk screen to be placed around perimeter of the work site in St Thomas Rest Park.
5. Graves within two metres of access track to be marked by surveyor



Legend:

- ATF fencing with gawk screen —
- Crash barrier - - -
- Vehicle route →
- Work site
- Playground
- Spotter as required X

Unloading/Loading Zone

Graves within two metres of access track to be marked by surveyor

ATF with thick anti gawk screen

Scaffold Stairway

Work Site

Playground

St Thomas Rest Park

Zoneguard barriers

JENKINS LANE
 CHANDOS STREET

CHANDOS LANE
 MATTHEW STREET

WARRINGAH FREEWAY

15M 15M 15M

15M 15M 15M