

RailCorp Property

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12 August 2011

The General Manager
Marrickville Council
PO Box 14
Petersham NSW 2049

ATTENTION: Sophia Chin

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – DA201100072
21-23 ENMORE ROAD & 1 CRESCENT LANE, NEWTOWN**

I refer to Council's letter received 22 July 2011 and email dated 27 July 2011 regarding the above development application.

RailCorp notes that the matter was heard by the Joint Regional Planning Panel on 14 July 2011 and that the Panel has deferred the matter subject to further advice from RailCorp.

RailCorp understands that the Panel is seeking RailCorp's position as to whether RailCorp's concurrence would be issued if part of the building at 1A Crescent Lane were to be retained. The part of the building put forward by Council/the Panel for retention is the façade of the building immediately facing the rail corridor.

RailCorp's granting of concurrence on 30 March 2011 to the subject development application was based on the total demolition of the subject property and other buildings facing the rail corridor. Without any detailed plans as to how a revised scheme would work it is difficult for RailCorp to give a definitive answer as to whether concurrence would be granted to a scheme which retained the façade of the building.

However, RailCorp can advise that the retention of the façade of the subject building poses the following issues for RailCorp:

Encroachment into rail corridor

As it can be seen in the attached survey plan, part of the building is located within the rail corridor. It is RailCorp's requirement that any encroachments into its land be removed where a development application proposes the redevelopment of a site.

Compliance with Australian Standard AS 5100

Even though the façade were to be retained, the development would be considered to be a new development. As such the development would need to comply with the requirements of Australian Standard AS 5100 regarding derailment protection. It is likely that the development would require the installation of derailment protection measures such as deflection walls which would impact on the significance of the building, and probably very difficult to engineer into an existing structure.

As Council can note, RailCorp's original concurrence conditions required compliance with this Australian Standard and as such this requirement would be imposed in any revised scheme.

Inadequate setback from the rail corridor

The proposal that RailCorp has granted concurrence to provides a setback to allow for the development's construction, erection of scaffolding and future maintenance without the need to enter the rail corridor. With the retention of the façade as proposed by Council/the Panel it is difficult to ascertain how the proposal would meet this RailCorp requirement.

Council is advised that the provision of an adequate setback was an item of discussion between RailCorp and the applicant during pre-concurrence meetings. Given RailCorp's requirement for an adequate setback from the rail corridor it is unlikely that RailCorp would alter this position for any revised scheme.

Risk of collapse

The retention of the façade poses a risk of possible collapse into the rail corridor if the façade is not properly supported during construction and excavation works. This could see the facade of the building in totality or partially into the rail corridor and posing a risk to train services and passengers.

Compliance with the Department of Planning's document titled "*Development Near Rail Corridors and Busy Roads - Interim Guidelines*"

The above Guideline provides a number of requirements that new developments would need to comply with. As stated above, RailCorp would consider the retention of the façade as part of the overall development as being a new development and RailCorp would require compliance with the above Guideline. The main requirements that would need to be complied with are noise and vibration, and the enclosure of balconies. Of particular relevance is that the enclosure of balconies would impact on the façade and as such negate what Council/the Panel is trying to achieve with the retention of the façade.

As Council can note, RailCorp's original concurrence conditions required the enclosure of balconies facing the rail corridor and as such this requirement would be imposed in any revised scheme.

Given the above issues it is unlikely that RailCorp would grant concurrence to a development without all the above items, at a minimum, being addressed to RailCorp's satisfaction.

Should you wish to discuss this matter please contact me on the above number or email address.

Yours sincerely,



Jim Tsirimiagos
Manager Land Use & Planning