

8 July 2011

The General Manager
Canada Bay City Council
Locked Bag 1470
DRUMMOYNE NSW 1470

ATTENTION: Sam Lettice

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – 104/2011
7 Rider Boulevard, Rhodes**

I refer to above development application referred to RailCorp for concurrence in accordance with clause 86(1) of the above SEPP.

RailCorp advises that the proposed development has been assessed in accordance with the requirements of Clause 86(4) being:

- a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

In this regard, RailCorp has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in Development Application No. 104/2011, subject to Council imposing the conditions provided in Attachment A.

RailCorp notes that adjoining the site part of RailCorp's land is under lease/licence to Council for the provision of a pathway. RailCorp advises that as part of Council's assessment Council should ensure that the pathway can be accommodated through the adjoining land in the event that RailCorp requires the return of this land for any future rail works.

RailCorp also notes that Council has already submitted its report and recommended conditions of consent to the Joint Regional Planning Panel (JRPP). RailCorp is concerned with the inclusion of Condition 3 which requires the applicant to obtain RailCorp's concurrence after the determination of the development application by the JRPP. Council is advised that a determination cannot occur until RailCorp concurrence is obtained prior to the determination.

Had the JRPP approved the proposal with the conditions as drafted, this could effectively have made the consent invalid. RailCorp therefore requests that for any future applications that Council ensures that RailCorp concurrence is obtained prior to the determination of the application.

Should you have any enquires about this matter further please contact Mr Jim Tsirimiagos on 8922 1987. Finally, RailCorp requests that a copy of the Notice of Determination and conditions of consent be forwarded to RailCorp.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Sykes".

Kevin Sykes
General Manager Property

Attachment A

- All excavation and construction works are to be undertaken in accordance with the following documentation:
 - Geotechnical Investigation Report prepared by Jeffery and Katauskas Pty Ltd - Ref 17839Zrpt dated 16/02/2011
 - Geotechnical Assessment Report prepared by Jeffery and Katauskas Pty Ltd - Ref 17839Zrpt2 dated 15/06/2011
 - Correspondence from BG&E Pty Ltd dated 26/05/2011
 - Correspondence from BG&E Pty Ltd dated 15/06/2011
 - Correspondence from Jeffery and Katauskas Pty Ltd dated 04/07/2011
 - Site Plan – Basement prepared by Mirvac Design dated 08/06/2011- Drawing No. SK1101
 - Cross Section Detail – Section 1 prepared by Mirvac Design dated 08/06/2011- Drawing No. SK1103
 - Cross Section Detail – Section 2 prepared by Mirvac Design dated 08/06/2011- Drawing No. SK1105
 - Cross Section Detail – Section 3 prepared by Mirvac Design dated 08/06/2011- Drawing No. SK1107
- A Construction Certificate is not to be issued until the measures detailed in this condition of consent have been incorporated into the construction drawings and specifications. Prior to the commencement of works the Principle Certifying Authority is to provide verification to RailCorp that this condition has been complied with.
- Prior to the commencement of works the Applicant is to submit to RailCorp a track/ground movement Monitoring Plan for endorsement. Works shall not commence until RailCorp has issued its written endorsement to the Monitoring Plan.
- No rock anchors/bolts are to be placed within RailCorp's property or easements.
- The Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.
- Prior to the issue of a Construction Certificate the applicant shall obtain advice from RailCorp as to the need to undertake a services search to establish the existence and location of any rail services. Should rail services be identified within the subject development site the Applicant must discuss with RailCorp as to whether these services are to be relocated or incorporated within the development site. Persons performing the service search shall use equipment that will not have any impact on rail services and signaling.
- Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity

of the project is to be carried out by representatives from RailCorp and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.

- *An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The acoustic assessment shall take into account noise that is likely to emanate from the proposed Main Northern Freight Line.*
- *Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principle Certifying Authority with the application for a Construction Certificate.*
- *Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m of, and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies etc) which prevent the throwing of objects onto the rail corridor. The Principle Certifying Authority shall not issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.*
- *The development must be designed and constructed so that supporting elements comply with the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100. Prior to the issue of a Construction Certificate the Applicant is to provide RailCorp with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of AS5100.*

The Principle Certifying Authority shall not issue the Construction Certificate until it has received written confirmation from RailCorp that it has received this report and the Principle Certifying Authority has also confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.

- *The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp.*

The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- *Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.*
- *No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.*
- *Prior to the issuing of a Construction Certificate the Applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.*
- *During all stages of the development, environmental legislation and regulations will be complied with.*
- *During all stages of the development extreme care shall be taken to prevent environmental harm within railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.*
- *During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.*
- *Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.*
- *No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp. Where the Applicant proposes to enter the rail corridor, the Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.*
- *The applicant is to ensure that RailCorp's access gate is not obstructed at any time during construction works.*
- *Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor.*

Details of the type of fencing and the method of erection are to be to RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

- *The developer must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to RailCorp prior to the issuing of the Occupancy Certificate. The Principle Certifying Authority shall not issue an Occupation Certificate until written confirmation has been received from RailCorp advising that the maintenance plan has been prepared to its satisfaction.*
- *No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from RailCorp. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.*

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