

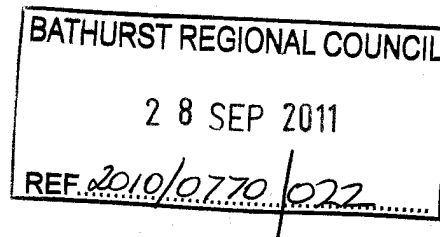


AUSTRALIAN RAIL TRACK CORPORATION LTD

6 August 2011

The General Manager
Bathurst Regional Council □
Private Mail Bag 17
BATHURST NSW 2795

Attention:
Scott Hoy



Dear Sir/Madam

Development Application 2010/0770 – Bathurst Bike Park
Premises: Lot 20, DP 1119593, 358 College Road, Orton Park

I refer to your letter dated 16 August 2011 regarding the above development application and your request for concurrence of the CEO of ARTC in accordance with State Environmental Planning Policy (SEPP) (Infrastructure) 2007.

Level Crossing

The applicant has submitted that in its view an upgrade to a controlled crossing may be warranted due to the reasonably high traffic volumes in specific time period (two hour windows). Prior to provision of concurrence and approval of the development application ARTC requires agreement with the applicant on improvements to the crossing, and agreement that the applicant will pay the associated costs. ARTC does not wish to provide concurrence to this issue prior to the provision of further information.

Excavation adjacent to railway corridor

Clause 86 of the State Environmental Planning Policy (Infrastructure) limits excavations to a depth of less than 2m deep within 25m of the rail corridor boundary. ARTC objects to any such excavations as no detail is provided. ARTC requests that any such excavations be subject to an additional development application and referral to ARTC as required by Cause 86 of the Infrastructure SEPP.

Should you have any further enquiries with regard to this matter please do not hesitate to contact me.

Yours sincerely

Michael Irons
A/Regional Property Manager