

RailCorp Property
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4 April 2012

The General Manager
Lane Cove Council
PO Box 20
Lane Cove NSW 1595

ATTENTION: Mai Li

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – DA224/2011
86-90 Christie Street, St Leonards**

I refer to Council's letter dated 23 February 2012 seeking RailCorp's concurrence for this development application in accordance with clause 86(1) of the above SEPP.

The site is opposite the existing rail corridor and adjoins the future rail corridor identified in the CBD Rail Link (CBDRL) Pre-Feasibility Study completed for the Government by the Transport Infrastructure Development Corporation (TIDC) in 2006. Section 4.6 and Appendix K Rail Infrastructure Impact Report of the Statement of Environmental Effects identify the interface between the proposed development and the CBDRL.

RailCorp advises that following the provision of additional information by the applicant, the proposed development and its impact on the existing corridor 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.

RailCorp is also concerned about the potential impacts of the development on the development of the future CBDRL, in particular the following matters:

- the practicability and cost of carrying out rail expansion projects in the future;
- the structural integrity or safety of, or ability to operate, such a project; and
- the land acquisition costs and the costs of construction, operation or maintenance of such a project.



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- the potential impacts of the proposed development on the future construction, operation and maintenance of the CBDRL
- the placing of any foundations, other structures and building loads in or near the proposed rail alignment would affect the practicability of the CBDRL

RailCorp advises that it has decided to grant its concurrence to the development proposed in development application DA224/2011, subject to Council imposing the deferred commencement condition listed in Attachment A, the operational conditions listed in Attachment B and Advisory Note listed in Attachment C.

RailCorp requires the imposition of a number of deferred commencement conditions as several matters pertaining to the development site need to be resolved prior to this Development Application becoming operative. The applicant is to contact RailCorp's Corridor Protection Advisor, Mr John Bryan in 0409 243 851 in respect of this deferred commencement condition.

Should Council choose to not impose the conditions in Attachments A or B, as written, then RailCorp's concurrence has not been granted for the proposed development.

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**Deferred Commencement Conditions**

This is a deferred commencement consent, pursuant to section 80(3) of the Environmental Planning and Assessment Act 1979. This consent does not operate until the applicant satisfies the Council's Chief Executive Officer that the owners have entered into an Agreement with Rail Corporation NSW (RailCorp) as required in the following condition.

A1

The owners of the site of the approved development must enter into an Agreement with RailCorp to address the potential impacts of the approved development on the CBD Rail Link. The agreement must provide for the following:

- (i) the design, construction and maintenance of the approved development so as to satisfy the requirements in operational conditions B1 to B9 below;*
- (ii) allowances for the future construction of railway tunnels in the vicinity of the approved development;*
- (iii) allowances in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;*
- (iv) consultation with RailCorp;*
- (v) access by representatives of RailCorp to the site of the approved development and all structures on that site;*
- (vi) provision to RailCorp of drawings, reports and other information related to the design, construction and maintenance of the approved development;*
- (vii) preparation of a completion report that summarises and incorporates material and documents related to the Agreement;*
- (viii) creation of a restrictive covenant on each of the titles which comprise the approved development so as to satisfy operational condition B12 below;*
- (ix) such other matters which RailCorp considers are appropriate to give effect to (i) to (viii) above; and*
- (x) such other matters as the owners and RailCorp may agree.*

Attachment B**Operational Conditions**

B1. All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the CBD Rail Link must be designed, constructed and maintained so as to:

- a. ensure that they not inhibit and prevent damage to, or other interference with the approved development which may occur in connection with the future design, construction and operation of the CBD Rail Link in any location, including the risk of any damage which may occur as a result of any rock stress re-distributions, associated load re-distributions, rock movements, other geological events and draw down of the water table;*
- b. allow for the future demolition of any part of the approved development without damaging or otherwise interfering with the CBD Rail Link and rail operations in any location. This does not apply where a part of the structure is to be retained because its demolition would damage or otherwise interfere with the CBD Rail Link and train operations, in which case, that part of the structure must have a minimum design life of 100 years;*
- c. ensure that liquids and gases cannot transfer into the CBD Rail Link;*
- d. avoid any damage or other interference which may occur as a result of stray electrical currents, electromagnetic effects and the like from railway operations; and*
- e. avoid any damage or other interference which may occur as a result of noise and vibration from railway operations.*

B2. The Applicant shall prepare and provide to RailCorp for approval/certification the following items:

- 1. Final Geotechnical and Structural report/drawings that meet RailCorp's requirements. The Geotechnical Report must be based on actual new borehole testing conducting on the site closest to the rail corridor.*
- 2. Final Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that RailCorp will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.*
- 3. Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the existing Rail Corridor and CBD Rail Link.*

4. *Final Impact Assessment Report near RailCorp infrastructure based on the results of the Geotechnical Investigation and any RailCorp requirements.*
5. *If required by RailCorp, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor and detailed analysis of the stress-strain field of the rock mass after excavation.*
6. *If required by RailCorp, a track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.*

Any conditions issued as part of RailCorp's approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

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.

- B3. *All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the CBD Rail Link must be designed, constructed and maintained in accordance with design criteria specified by RailCorp.*
- B4. *The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of RailCorp.*
- B5. *No modifications may be made to that approved design without the consent of RailCorp.*
- B6. *RailCorp, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.*
- B7. *A detailed regime is to be prepared for consultation with, and approval by, RailCorp for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by RailCorp.*
- B8. *All requirements contained in the Agreement between RailCorp and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.*
- B9. *Copies of any certificates, drawings or approvals given to or issued by RailCorp must be submitted to Council for its records.*



B10. Prior to the issue of an Occupation Certificate a completion report as required in deferred commencement A1(vii) must be completed to the satisfaction of RailCorp.

B11. Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to RailCorp and Council.

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

B12. Prior to the commencement of any excavation below existing ground level, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the safety or structural integrity and effective operation of the proposed CBD Rail Link without the prior written consent of RailCorp.

B13. 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 (especially the retaining wall and rail track formation) 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.

B14. 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". This assessment is also to assess the likely noise and vibration that may emanate from the CBD Rail Link (CBDRL). The Applicant must incorporate in the development all the measures recommended in the report.

B15. 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 Principal Certifying Authority with the application for a Construction Certificate.

B16. 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 and face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with RailCorp requirements. The Principle Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

B17. 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 is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

B18. 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 is not to issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

B19. 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 is not to issue the Construction Certificate until written confirmation has been received from the RailCorp confirming that this condition has been satisfied.

B20. Where a condition of consent requires RailCorp's endorsement the Principle Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from RailCorp that the particular condition has been complied with.

Attachment C***Advisory Note***

- *In relation to the deferred commencement condition, the applicant is advised to contact RailCorp's Corridor Protection Advisor, Mr John Bryan on 0409 243 851.*