

12 August 2012

Panel Secretariat  
Joint Regional Planning Panels  
GPO Box 39  
SYDNEY NSW 2001

**ATTN: MS ANGELA KENNA PROJECT OFFICER**



TOWN PLANNING  
AND URBAN DESIGN

**RE: SYDNEY EAST REGION JOINT REGIONAL PLANNING PANEL**

**2013SYE028 – CANTERBURY DA-97/2013 – DEMOLITION**

**5-7, 7A & 9 CROYDON STREET, LAKEMBA,  
DA-97/2013 CONSTRUCTION OF AN IN-FILL AFFORDABLE HOUSING  
DEVELOPMENT, LAKEMBA**

Dear Sir/Madam,

To further assist with the consideration of the Development Application (DA) for the proposed development at 5-7, 7A & 9 Croydon Street, Lakemba, as detailed above, this letter has been prepared by the applicant TPG on behalf of Sam Harb Pty Ltd and Samstone Pty Ltd.

The applicant supports the recommendation in the officer's report to the Joint Regional Planning Panel (JRPP) for approval subject to conditions; however we have prepared this letter in response to proposed conditions 95, 96 and 97 which state:

***RAILCORP***

- 95. An accurate survey is to be provided 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.*
- 96. Prior to the issue of the relevant 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 the relevant Construction Certificate.*
- 97. 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 Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.*

The applicant sent an email on 30 July 2013 to Council requesting the conditions be deleted as part of feedback on the draft conditions. However, this was not accepted by Council as these conditions form part of the agenda item for consideration by the JRPP. The request to delete these conditions is based on the previously approved DA not having a referral sent to Railcorp, and just as the previous DA did not trigger the need for a referral so too the proposed development did not necessitate a referral. Under the provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) and the "Development near busy roads and rail corridors – interim guideline", the imposition of these conditions is not warranted. The following provides justifications for this conclusion:

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1. Condition 95 – The closest built form is proposed to be located some 61.3 metres from the rail corridor. Therefore, the provisions of the ISEPP are not triggered. Hence the need for the condition is not warranted;
2. Condition 96 - It is noted that no built form is proposed closer than 60m to the rail corridor and under the “Development near busy roads and rail corridors – interim guideline” the development does not require any further assessment. Given the proposed height of the development and its distance from the rail corridor no crane will intrude into the rail corridor air space. Therefore the provisions of the ISEPP are not triggered and the applicant requests the deletion of this condition; and
3. Condition 97 – It appears that Condition 97 has been imposed without reference to the site, the proposed design or the local conditions such as the height of the rail lines in relation to existing ground levels in Railway Parade. The frontage of the site to Railway Parade includes the access handle in which a driveway currently exists and is proposed to continue in the proposed development. The rail corridor opposite the site includes an embankment which has raised the rail lines a number of metres above the ground level of Railway Parade such that headlights from cars would not be directed to trains. As such, the need for condition 97 in the opinion of the applicant is not warranted and should be deleted.

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on 0488 221082.

Yours sincerely

THE PLANNING GROUP NSW PTY LTD



Marian Higgins

(Director)

**Cc: Rita Nakhle, Canterbury City Council**

