

15 December 2014

The General Manager
Marrickville Council
PO Box 14
Petersham NSW 2049

ATTENTION: Anthony Randall

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – DA201400354
72-90 Old Canterbury Road, Lewisham**

I refer to Council's letter requesting RailCorp's concurrence for the above development application in accordance with clause 86(1) of the above SEPP. It is noted that this development application relates to the construction of multi-storey buildings with basement carparking.

As of 1 July 2014 the property functions of RailCorp have been transferred to Sydney Trains. Whilst RailCorp still exists as the legal land owner of the rail corridor, its concurrence function under the above SEPP has been delegated to Sydney Trains.

As such, Sydney Trains now advises that the proposed development is being 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.

As Council is aware, in order to finalise the assessment of the proposed works in accordance with the above requirements Sydney Trains requested the provision of additional information on 27th August 2014. The Applicant submitted the requested additional information only on 17th November 2014.

In order for Council to submit its documentation to the Joint Regional Planning Panel (JRPP) for the determination of this DA on 17th December 2014, Council was required to finalise its assessment report by the 18th November 2014. However, as Sydney Trains had only received the requested information 17th November 2014 Sydney Trains was not in a position to finalise its detailed engineering assessment within one business day. As such Sydney Trains assisted Council by issuing its concurrence by way of deferred

commencement conditions in order for Council to meet its JRPP deadline and to show some goodwill to the Applicant given the submittal of the requested additional information.

As Council is also aware, the additional information provided by the Applicant was reviewed and due to a number of shortcomings of this documentation, Sydney Trains requested further additional information on 4th December 2014. Sydney Trains understands that the Applicant is currently preparing the additional information.

In the meantime the Applicant has requested that the matters listed in the Sydney Trains concurrence as deferred commencement conditions be made operational conditions. Sydney Trains has reviewed this request and has considered that this could only be done based on the phasing of works in order to facilitate works along the Old Canterbury Road alignment (being furthest away from the rail corridor) whilst the documentation for the works closest to the rail corridor is being reviewed.

In this regard, Sydney Trains advises Marrickville Council that it is granting concurrence to the development proposed in development application DA201400354 subject to the imposition of conditions listed in Attachment A. Please note that this concurrence replaces the concurrence issued on the 18th November 2014.

Should Council or the JRPP choose not to impose the conditions in Attachment A (as written), then concurrence from Sydney Trains has not been granted to the proposed development.

Please contact Mr Jim Tsirimiagos on 8575 0780 should you wish to discuss this matter. Finally, Sydney Trains requests that a copy of the Notice of Determination and conditions of consent be forwarded to Sydney Trains.

Yours sincerely,



Kevin Sykes
General Manager Property

Attachment A

B1. For the purposes of compliance with any Sydney Trains concurrence conditions, a reference to the Phase 1 and Phase 2 areas is a reference to the Phase 1 and Phase 2 areas as shown on the Rail Concurrence Staging/Phasing Plan prepared by PTW Architects, Drawing No A003-L00 – Revision A, dated 15/12/2014.

B2. In exercising its functions in relation to any Sydney Trains condition, Sydney Trains reserves the right to liaise with Transport for NSW and the light rail operator, and impose any requirements (as advised by those entities) on their behalf as if they were Sydney Trains requirements.

B3. Prior to the issuing of a Construction Certificate for works within the Phase 2 area, the Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

- 1. Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.*
- 2. Final Construction methodology with construction details pertaining to structural support during excavation.*
- 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 Rail Corridor. All measurements are to be verified by a Registered Surveyor.*
- 4. Detailed Survey Plan showing the relationship of the proposed developed with respect to the Rail Corridor and infrastructure.*
- 5. If required by Sydney Trains, 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.*
- 6. Machinery to be used during excavation/construction.*
- 7. If required by Sydney Trains as a result of the assessment of the documentation listed above, track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.*

Any conditions issued as part of the Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with. (It is advisable that the applicant seek approval/certification of the above documentation prior to or at the time of the issuing of a Construction Certificate for the Phase 1 area works in order to enable a logical transition of works from the Phase 1 area to the Phase 2 area).

B4. All excavation works with the Phase 2 area are to be supervised by a geotechnical engineer experience with such excavation projects.

B5. No rock anchors/bolts are to be installed into Sydney Trains property.

- B6. Sydney Trains or Transport for NSW (TfNSW), and persons authorised by them 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. No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with TfNSW or the light rail operator.*
- B8. Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records within 2 business days of the Applicant receiving these.*
- B9. Prior to the commencement of any works on the site, a Registered Surveyor shall peg-out the boundary delineating the Phase 1 and Phase 2 areas as show in red dashes on the Rail Concurrence Staging/Phasing Plan prepared by PTW Architects, Drawing No A003-L00 – Revision A, dated 15/12/2014. A temporary construction fence shall be placed on the pegged boundary to clearly identify the two work phase areas. The Registered Surveyor must provide written and photographic evidence to Sydney Trains and Council that this requirement has been undertaken. Works shall not commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied. The temporary construction fence can be removed once a Construction Certificate has been obtained for the Phase 2 area.*
- B10. Prior to the commencement of works, a Registered Surveyor shall peg-out the common boundary with the rail corridor and/or rail easement to ensure that there is no encroachment. The Registered Surveyor must provide written and photographic evidence to Sydney Trains and Council that this requirement has been undertaken. Works shall no commence until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- B11. Prior to the issuing of an Occupation Certificate for each building within the Phase 2 area, the Applicant is to submit the as-built drawings to Sydney Trains and Council. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- B12. Prior to the commencement of works within the Phase 2 area, and prior to the issue of the Occupation Certificate for any building within the Phase 2 area, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains, TfNSW, or the light rail operator 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 Sydney Trains.*

- B13. 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 Applicant must incorporate in the development all the measures recommended in the report.*
- B14. 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 Sydney Trains requirements. The Principal 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.*
- B15. 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 from either the Phase 1 or Phase work areas must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- B16. The Applicant is to obtain Sydney Trains endorsement prior to the installation of any hoarding or scaffolding within the Phase 2 area.*
- B17. If required by Sydney Trains, prior to the issue of a Construction Certificate for works within the Phase 2 area, the Applicant is to provide Sydney Trains with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of Australian Standard AS5100. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that it has received this report and the Principal Certifying Authority has also confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.*
- B18. 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.*

- B19. Prior to the issue of a Construction Certificate for works within the Phase 2 area, a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.*
- B20. 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.*
- B21. Prior to the issuing of a Construction Certificate for works within the Phase 1 or Phase 2 areas, the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*
- B22. Prior to the commencement of works appropriate fencing is to be installed along the rail corridor to prevent unauthorised access to the rail corridor during construction. Details of the type of fencing and the method of erection are to be to Sydney Train's satisfaction prior to the fencing work being undertaken.*
- B23. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate for the first building within the Phase 2 area, the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.*
- B24. Prior to the issue of a Construction Certificate for works within the Phase 2 area, the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.*

- B25. Prior to the issue of a Construction Certificate for works within the Phase 2 area, the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.*
- B26. The Applicant must provide a plan of how future maintenance of all structures within the Phase 2 area is to be undertaken. The maintenance plan is to be submitted to Sydney Trains prior to the issuing of the Construction Certificate for works within the Phase 2 area. The Principal Certifying Authority is not to issue a Construction Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.*
- B27. Drainage from the proposed works under this application shall not be discharged direct into the rail corridor.*
- B28. There is a need to ensure that the roots and foliage of trees being planted beside the rail corridor do not have an impact on the rail corridor. The development's landscaping and planting plan should be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate for the Phase 2 area. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*
- B29. Prior to issuing of the any Occupation Certificate within the Phase 2 area, the Applicant shall landscape an area 2m in width within the light rail corridor property boundary in order to screen the above ground structure of the development that is within close proximity to the rail corridor boundary. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*
- B30. Prior to issuing of the first Occupation Certificate for a building within the Phase 2 area, the Principal Certifying Authority shall provide written confirmation to Sydney Trains that the Applicant has provided the lay-back or roll-back kerb at the end of Hudson Street to enable heavy vehicle access to the light rail corridor as required under development consent DA201400029.*
- B31. To ensure that graffiti can be easily removed, the Applicant is to ensure that the walls of the development facing the rail corridor within the Phase 2 area are coated with anti-graffiti paint or other coating.*
- B32. Where a condition of consent requires Sydney Trains endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from Sydney Trains that the particular condition has been complied with.*

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