

Level 4, 60 Carrington St,
Sydney NSW 2000
GPO Box 14
Sydney NSW 2001

P 02 8259 0700
E development@artc.com.au
W artc.com.au



17 April 2024

The General Manager
Bayside Council

Development Application Number DA-2024/50 – 2 Myrtle St Botany

Thank you for your correspondence dated 21/03/2023 regarding the abovementioned Development Application.

Under Transport & Infrastructure SEPP 2021, ARTC is the relevant 'rail authority' for all planning matters that adjoin or may impact the ARTC freight line rail corridor in your Council's LGA. For the avoidance of doubt, the rail corridor applies to all railway land owned by Transport for NSW, TAHE, RailCorp and State Rail or their predecessors in title.

Also please ensure Council considers the aforementioned SEPP and Development Near Rail Corridors and Busy Roads – Interim Guideline (2008) when determining this application. A copy of the guideline can be found at the following link:

<https://www.planning.nsw.gov.au/sites/default/files/2023-03/development-near-rail-corridors-and-busy-roads-interim-guideline.pdf>

ARTC requests that, due to the nearby rail corridor, Council considers the following in its assessment of the application:

Fencing and Safety

The security of fencing along the rail corridor is essential to prevent unauthorised entry. ARTC requests that Council impose a condition on any consent requiring a 1.8m chain wire fence or similar to prevent access. A noise wall/fence may also be appropriate.

Stormwater

ARTC wants to ensure that stormwater from the development, does not affect the rail corridor and requests that Council impose as a condition of consent that the developer will ensure that stormwater does not affect the rail corridor, such as:

1. Prior to a Construction Certificate being issued, the applicant must submit details of stormwater disposal to Council for approval. The flow of stormwater toward the rail corridor must not be increased by the proposed development. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

Excavation

Should excavation exceeding 2m be proposed within 25m of the track the application will require additional review and further details will need to be provided to ARTC.

Section 6 of the *Interim Guideline* should be considered by Council, together with the need for a geotechnical assessment or structural assessment for the earthworks, particularly for the works in close proximity to the rail corridor.

Construction

Further consultation with ARTC should occur if construction will involve the use of cranes that could have the potential to affect the rail corridor, or involve any access onto ARTC's land or air space. For any works in, or having the potential to affect the Rail Corridor, a Third Party Access application needs to be submitted to ARTC.

The Third Party access application can be found at: <https://www.artc.com.au/work/external-parties/>

Mitigation measures should ensure that stormwater and dust during construction cannot affect the rail corridor.

Yours sincerely

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Derek Rogers
Property Manager Sydney