

7 October 2010

The Director-General  
Department of Planning  
GPO Box 39  
Sydney NSW 2001

**ATTENTION: Mark Brown**

Dear Sir/Madam,

**MAJOR PROJECT- MP10\_0003  
Environmental Assessment for Concept Plan  
Discovery Point, 1 Princes Highway, Wolli Creek**

I refer to the above matter that is currently being assessed by your Department.

RailCorp has reviewed the Environmental Assessment (EA) documentation and has identified a number of issues that need to be addressed by the proponent.

The EA documentation makes a number of contradictory comments regarding the land ownership within the precinct. Page vii of the EA document states that the proponent of this EA is Discovery Point Pty Ltd which is a co-venture between Landcom and Australand. However, page 3, 14 and 35 of the EA document states that where works are proposed within RailCorp's land that RailCorp's land owner's consent will be obtained during the assessment period. It was unclear from these two comments as to whether RailCorp's land was in fact affected. On closer inspection RailCorp has identified that Building 14 will be located above RailCorp's land (refer to drawing DA3-001 Revision A) in addition to an underbore below the rail corridor (refer to Page 40 of the Concept Plan Design Report).

It is RailCorp's understanding that your Department would require RailCorp's land owner's consent before it could legally approve the Part 3A Concept Plan. Should RailCorp's understanding be correct, then it would be appreciated if your Department could instruct the proponent to formally request RailCorp for its land owner's consent.

As advised in RailCorp's letter of 19 March 2010 the proponent and RailCorp currently have a Development Agreement in place for the Discovery Point works, which was based on the current Master Plan (DA 500/01) that applies to the site. This Development Agreement specifically refers to the Master Plan approved under DA 500/01 and envisages that the development would be consistent with the adopted Master Plan. RailCorp requests that the Statement of Commitments presented by the proponent specifically state that the Development Agreement will apply to this concept plan in lieu of DA 500/01 and that the proponent will adhere to the provisions of that Development Agreement.

The Statement of Commitments should also contain a commitment that the proponent will enter into a new Development Agreement should RailCorp advise of this need in order to reflect the works of this new concept plan.

In addition to this, the site is encumbered by a number of easements that benefit RailCorp, which along with the station entrance, may need to be amended. The EA documentation has provided no specific information as to what changes to easements will be required as a result of this concept plan. RailCorp requests that your Department inform the proponent that this level of detail is required.

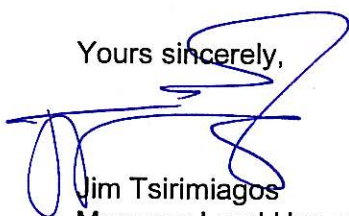
On the topic of the Master Plan it is unclear whether this Part 3A concept plan seeks to amend the Master Plan, to replace it, or even co-exist with it for the land covered by the concept plan. RailCorp is concerned that should the concept plan approval co-exist with current Master Plan then the proponent will be afforded the benefit of two planning approvals, and provide them with the opportunity to pick and chose which planning approval to utilise based on which one is more economically feasible at the time. This uncertainty will be make it difficult for RailCorp to manage its interface with the proponent, and to assess what changes to station entrances and easements would be required to accommodate the works.

RailCorp contends that for the purposes of planning best practice only a single planning approval should apply to the site and either your Department's approval of the concept plan specifically states that the Master Plan under DA 500/01 no longer applies to this portion of the site, or that the proponent is required to relinquish DA 500/01.

RailCorp's specific comments on the EA are provided in Attachment A.

Thank you for providing RailCorp the opportunity to comment and please contact me if you have any further enquires.

Yours sincerely,



Jim Tsirimiagos  
Manager Land Use and Planning  
RailCorp Property



## Attachment A

- Page 28 of the EA (dot point 9) lists Wolli Creek Station, substation and cables as constraints. However, the EA does not provide any details as to how the future development of the site will protect these constraints or whether there will be a need for the relocation of any items, eg cables and their associated easement.
- In addition to the above, this dot point states that building over the station is a constraint. However, this is inconsistent with the EA comment on page 35 which states that unlike the Master Plan under DA 500/01, this concept plan does not seek approval to build over the rail corridor. The proponent needs to clarify this point.
- Page 46 of the EA contains a comment that a new pedestrian thoroughfare will provide access on the northern and eastern sides of the Wolli Creek Station. The proponent has not obtained endorsement from RailCorp that this connection is acceptable to RailCorp in relation to the current easement and access rights to the station, DDA compliance, emergency access and evacuation requirements and safety and security.
- Section 5.12 of the EA report provides commentary on the utilities and services within the concept plan site. The EA fails to identify the rail assets within the site and the strategy to protect and/or relocate if required or upgrade.
- Section 6.5.3 of the EA report provides a commentary on State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) and the protection of the rail corridor. From RailCorp's reading of this it seems that the EA comments apply to the actual physical rail line and not any easements or services present (eg substation). As your Department is aware, the definition of "rail corridor" is contained in the ISEPP which would include the easements and services as part of the "rail corridor" definition. The proponent will need to review this section to ensure that the EA comments in this section also apply to the easements and services.

The ISEPP also contains provisions for the protection of electricity transmission or distribution networks and, as such, Section 6.5.3 needs to provide additional detail on this aspect given the presence of rail related electricity services.

- Page 71 of the EA report provides commentary on your Department's document titled *"Development Near Rail Corridors and Busy Roads- Interim Guidelines"*. It is noted that in accordance with these Guidelines that an acoustic and vibration report has been prepared and provided as Appendix N of the EA. As the concept plan envisages Discovery Point being developed in stages over a period of time, RailCorp advises that a new acoustic and vibration report will need to be submitted for each Project Application to ensure that this report takes into account any changes in noise and vibration being emitted in the future. RailCorp requests that the concept plan approval contain such a condition.

The above comment and request for a condition of consent also applies to the Electrolysis Report (contained in Appendix O) and the Structural and Geotechnical Reports (contained in Appendix P and Q)

This section of the report also states that the residential developments have been setback from Wolli Creek Station. Under your Department's Guidelines any development in close proximity to the rail corridor needs to contain mechanisms on balconies and windows to limit the throwing of items on the rail corridor. Given that part of the rail corridor is open, it is requested that any future Project Applications for Buildings 6, 13 and 14 which are located in close proximity to the open part of the rail corridor and station require this design element to be incorporated.

- Page 127 provides commentary on excavation near the rail corridor. It is noted that a specific report on this matter has been provided in Appendix P and Q. RailCorp advises that as the detail design will occur when the Project Application is prepared the proponent will need to prepare revised reports that address the final detailed design and the impacts on the rail corridor. These geotechnical and structural reports will need to meet RailCorp requirements and the proponent should contact RailCorp to obtain a copy of RailCorp's "Standard Brief". RailCorp also advises that, unless the current Development Agreement permits, rock anchors will not be permitted within RailCorp's land or easements.
- Appendix H of the EA report contains a summary of consultation that the proponent has undertaken. This summary states that consultation was undertaken with RailCorp on 22 April 2010 and that one of the comments made by RailCorp was that it would seek legal advice on the implications of the Rail Development Agreement. It is RailCorp's recollection that RailCorp in fact advised the proponent to undertake this legal advice in order to satisfy themselves of what the implication/obligations were on the proponent on the development of the concept plan and changes to development outcomes from the current approved Master Plan.
- Page 17 of the Concept Plan Design Report (CPDR) indicates that basement carparking will be provided up to the RailCorp boundary (ie under Building 14) Wolli Creek Station. The future Project Application that will seek approval for these works will need to be accompanied with the appropriate geotechnical and structural report (with no rock anchors being proposed), details as to how the station can be accessed during excavation and construction, and for these to be endorsed by RailCorp.
- Page 25 of the CPDR contains a landscape concept plan. RailCorp advises that as rail services are located underground, any plantings near these services need to be approved by RailCorp to ensure that the roots of the species selected do not impact on these critical infrastructure items.
- Page 39 of the CPDR provides the concept detail of Building 14 with a comment that the southern station entrance will be redefined. RailCorp, as yet, has not endorsed this redefinition and may be inconsistent with any current easement/right-of-way for station access. The comments provided in relation to Page 46 of the EA earlier above apply as well.



- Page 40 of the CPDR indicates that there will be an underbore below the rail corridor. RailCorp has not endorsed this component nor has the proponent obtained RailCorp's land owner's consent to have this included in the EA concept plan.
- Drawings DA3-001 Revision A and DA3-B01 Revision B contained within the CPDR which the proponent is seeking approval for indicates that Building 14 and part of the basement is located within RailCorp's land (when compared to drawing DA1-002 Revision C). In this regard, it is RailCorp's understanding that RailCorp's land owner's consent is required prior to the EA concept plan being approved. The proponent will need to formally request this from RailCorp. It would also be useful if the proponent could supply these drawings with the land ownership superimposed.
- Drawings DA2-100 Revision A and DA6-202 Revision A contained within the CPDR which the proponent is not seeking approval for contains details of the station access through Building 14. The comments provided above on this matter apply. In addition, should RailCorp agree to this station entrance in the future to legalise this access an easement or right-of-way may need to be created in order for RailCorp and its customers to have the legal right to use this access way.
- Drawings DA2-B00 Revision A and DA7-002 Revision A contained within the CPDR which the proponent is not seeking approval for contains details on new station facilities to be provided between Building 14 and the station. RailCorp has no information as to what facilities will be located there given that no RailCorp approval has been obtained to this concept. Further, drawing DA7-002 Revision A contains a comment that the existing station roof is to be replaced. RailCorp again has no details on this matter nor has it approved this item.

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