

RailCorp Property
PO Box K349
Haymarket NSW 1238
Tel: (02) 8922 1987 Fax: (02) 8922 4890
Email: jim.tsirimiagos@railcorp.nsw.gov.au

27 February 2012

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

ATTENTION: Mark Brown

Dear Sir/Madam,

**Exhibition of Environmental Assessment of a Concept Plan for a Mixed Use
Residential Building at 71-79 Macquarie Street, Sydney (MP10_0237)**

I refer to your Department's letter dated 16 January 2012 regarding the proposed development at the above address.

Rail Corporation New South Wales (RailCorp) has reviewed the proposal and notes that the Environmental Assessment Report provides no evidence of any consultation with RailCorp given the close proximity of the proposed development to the rail corridor. RailCorp also notes that the proponent has addressed some of the RailCorp specific Director-General Requirements with the submittal of information based on preliminary or desktop information (ie geotechnical report). Given this, and the need to protect RailCorp's interests, RailCorp requests that the conditions of consent contained in Attachment A be imposed as part of your Department's approval.

RailCorp also notes that the approval being sought is for a concept plan only. As such, RailCorp requests that the conditions contained in Attachment B be included as advisory notes to make the proponent aware of some of the additional conditions that RailCorp may require as part of any approval of a Project Application or Development Application. On this specific note RailCorp requests your Department's advice as whether it will be requiring the Proponent to submit a Project Application with your Department or a Development Application with the City of Sydney.

Finally, it is asked that your Department forward to RailCorp a copy of the final approval and conditions to enable RailCorp to monitor the Proponent's compliance with rail related conditions of consent.

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 & Planning
RailCorp Property

Attachment A – Requested Conditions of Consent & Justification

1. Property & Title Search and Survey

In order to protect RailCorp's facilities, it is important that the Applicant accurately defines and locates the property boundaries between the development and RailCorp's facilities, and defines the location of the proposed works/development in relation to RailCorp's facilities. This requires the Applicant to undertake a full Property & Title search and physical surveys and to provide the information to RailCorp. This information is critical to the assessment by RailCorp of all aspects of the development proposal. It is therefore requested that the Department of Planning & Infrastructure include the following condition of consent:

- *Prior to the lodgement of any future Project Application or Development Application the Proponent/Applicant shall provide an accurate survey locating the development with respect to the rail boundary, easements and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.*

This survey is to also identify any existing or proposed encroachments into RailCorp land or easements. The Proponent/Applicant is to liaise with RailCorp regarding the removal or retention of any existing encroachment, and RailCorp's consent for any future encroachments.

The Proponent/Applicant is to submit written evidence from RailCorp that this condition has been met with any future Project Application or Development Application.

2. Services Searches

It is imperative that the Applicant identifies the existence of any existing RailCorp services (such as pipes and cables) and structures within their development area by initiating the appropriate service searches. Where RailCorp services exist within the development site, the Applicant must enter into discussion, and reach agreement with RailCorp regarding the accommodation of the services.

In addition, where physical intrusion into the corridor is required (e.g. stormwater connections, rock anchors) there may be conflict with existing RailCorp services in the corridor. It is imperative that the Applicant identifies the existence of any RailCorp services and structures within the area of the corridor affected. It is therefore requested that the Department of Planning & Infrastructure include the following condition of consent:

- *Prior to the lodgement of any future Project Application or Development Application the Proponent/Applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signaling. Should rail services be identified within the subject development site the Applicant must discuss with the RailCorp as to whether these services are to be relocated or incorporated within the development site.*

The Proponent/Applicant is to submit written evidence from RailCorp that this condition has been met with any future Project Application or Development

Application.

3. Noise and Vibration

RailCorp is concerned that the future occupants of the development will encounter rail-related noise and vibration from the adjacent rail corridor. Rail noise and vibration can seriously affect residential amenity and comfort, jeopardise the structural safety of buildings, and thus should be addressed early in the development process.

The Department of Planning has released the document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The document is available on the Department of Planning's website.

The Department of Planning & Infrastructure is therefore requested to impose the condition of consent:

- *The Proponent/Applicant is to provide an acoustic assessment with any future Project Application or Development Application demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".*

4. Stray Currents and Electrolysis from Rail Operations

Stray currents as a result of rail operations may impact on the structure of the development. Electric currents on overhead wiring pass through the train's motor and return to the power substation via the rail tracks. Occasionally, these currents may stray from the tracks and into the ground. Depending on the type and condition of the ground, these may be passed to the nearest conductive material (concrete reinforcement, piling, conduits, pipework and earthing rods) accelerating corrosion of metals and leading to concrete cancer. Therefore, the Applicant should consider this possible impact, and engage an expert consultant when designing its buildings. It is requested that the Department of Planning & Infrastructure include the following condition of consent:

- *The Proponent/Applicant is to provide an Electrolysis Report with any future Project Application or Development Application. The Report is to assess the electrolysis risk to the development from stray currents and provide mitigation strategies.*

5. Geotechnical and Structural Stability and Integrity

RailCorp needs to be assured that the development has no adverse effects on the geotechnical and structural stability and integrity of RailCorp's Facilities. It is requested that the Department of Planning & Infrastructure impose the following condition of consent.

- *Prior to the lodgement of any future Project Application or Development Application that will involve excavation or other ground penetration (piles/footings) of greater than 2m in depth and within 25m of the rail corridor the proponent is to prepare the following items for endorsement by RailCorp:*
 - *a Geotechnical and Structural Report, and Demolition, Excavation and Construction methodology that meets*

RailCorp's requirements. The Geotechnical Report is to be based on actual borehole data/surveys.

- *detailed 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 distances from the rail corridor and infrastructure are to be confirmed as accurate by a Registered Surveyor.*

6. Building, Balconies and Window Design

The placement of buildings and structures in relation to RailCorp's facilities should enable continued access for maintenance of RailCorp's facilities.

To ensure the safety of passenger rail services, balconies and windows in the proposed development, must be designed to prevent objects being thrown onto RailCorp's facilities. Alien objects can damage overhead power lines, cause injury to others and initiate derailment.

In order to maintain the safety of the occupants of the new development, all balcony and window design should meet the relevant BCA standards, and the RailCorp Electrical Standards. These standards will provide appropriate separation of the building and its occupants from the electrified infrastructure.

Balconies overlooking RailCorp's facilities should not be serviced with outside taps, and rainwater should be piped down the face of the building overlooking the RailCorp's facilities.

RailCorp has concerns with the design of the balconies/windows as objects can be thrown onto the rail corridor risking passenger safety. RailCorp requests that the Applicant be required to re-design the balconies/windows to ensure that this risk is minimised. Alternatively, the following condition of consent can be included:

- *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 face the rail corridor, the final design of the building is to contain measures (eg awning windows, louvres, enclosed balconies etc) which prevent the throwing of objects onto the rail corridor.*

7. Derailment Protection of Structures

RailCorp's prime requirement is to prevent crushing of a train by a collapsed structure in the event of derailment and collision. It is requested that Council include the following condition of consent:

- *The proposed development must be designed and constructed so that supporting elements comply with the redundancy requirements or the minimum collision loads specified in Australian Standard AS5100.*

8. Maintenance of Development

Maintenance activities must not impact adversely on RailCorp's facilities or operations. It is requested that the Department of Planning & Infrastructure include the following condition of consent:

- *The Proponent/Applicant is to provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken with any future Project Application or Development. This plan is to be to the satisfaction of RailCorp.*

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Attachment B – Requested Advisory Notes & Justification

The following conditions, but not limited to, may be requested by RailCorp to be imposed as part of an approval of any future Project or Development Application. These should be taken into account as part of the preparation of any future Project or Development application.

1. Requirement for the Proponent/Applicant to enter into a Deed with RailCorp

The proposed development has the potential to impact the safety, integrity and operation of RailCorp's network. It is requested that the Department of Planning & Infrastructure include the following condition of consent:

- *The Proponent/Applicant is required to enter into an agreement with RailCorp defining the controls to be implemented in managing the access required and/or the potential impacts of the development on RailCorp, and the involvement of RailCorp staff in ensuring appropriate the appropriate safety and technical standards are complied with throughout the development.*

2. Dilapidation Surveys

It is imperative that the construction and installation activities do not affect RailCorp's facilities, such as tunnels or embankments etc. Such activities will require full-time monitoring during the course of the works. It is therefore requested that the Department of Planning & Infrastructure include the following condition of consent:

- *Prior to the commencement of works, during the works, prior to the issue of the Occupation Certificate, and following occupation, a joint inspection of the rail infrastructure and property in the vicinity of the project 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 and after construction to be observed. The timing of the surveys is to be agreed with RailCorp. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.*

3. Demolition, Excavation and Construction Impacts

During demolition, excavation and construction, there is a need to ensure that there will be no adverse impact on the integrity of RailCorp's facilities, or the operation of the network. It is requested that the Department of Planning & Infrastructure include the following condition of consent:

- *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 Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.*
- *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.

4. Crane and Other Aerial Operations

During construction, the use of cranes and other equipment capable of intruding into the airspace above the corridor and of operating over any overhead wiring or transmission lines must be strictly controlled. The developer must demonstrate to the satisfaction of RailCorp that all crane and other overhead operations are properly managed, and enter into an agreement with RailCorp for such operation. It is requested that the Department of Planning & Infrastructure include the following condition of consent:

- *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 Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.*

5. Fencing

To ensure that unauthorised entry into the rail corridor is prevented from this development, RailCorp considers it appropriate to replace\retain the current fencing. Thus RailCorp requests that the Department of Planning & Infrastructure include the following condition of consent:

- *Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to RailCorp's satisfaction prior to the fencing work being undertaken. RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.*

6. Physical Access to RailCorp's Facilities

The Applicant appears to need physical access to the rail corridor in order to undertake the construction and installation works. RailCorp needs to ensure that if any access to or works within the rail corridor are required, that this is done in a safe and controlled manner. In this regard the Department of Planning & Infrastructure is requested to include the following conditions of consent:

- *No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an Agreement has been entered into with RailCorp.*

Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.

7. General Access to RailCorp's Facilities for Maintenance and Work Purposes (e.g. road closures, access clearances)

The ongoing ability to access the rail corridor for maintenance and emergency situations is critical to the safety, integrity and operation of RailCorp's network. RailCorp needs to ensure that access to the corridor can continue to be easily achieved as a result of the development. It is requested that Department of Planning & Infrastructure include the following condition of consent:

- *The Proponent/Applicant shall make provision for easy and ongoing access by rail vehicles, plant and equipment to support maintenance and emergency activities during construction.*

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