

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

25 October 2012

Mr Mick Mundine
CEO
Aboriginal Housing Authority
PO Box 374
STRAWBERRY HILLS NSW 2012

Dear Mr Mundine,

***MAJOR PROJECT APPLICATION MP06_0101 MOD & MP11_0093
PEMULWUY MIXED USE DEVELOPMENT, REDFERN***

I refer to your request for land owner's consent for the above project which involves bridge widening works over RailCorp land.

RailCorp advises that it has now completed its review of the Preferred Project Report that was submitted to the Department of Planning and Infrastructure (DP&I) and that RailCorp provided its comments to the DP&I on 19 October 2012.

As such, RailCorp advises that in-principle it has no objection to the proposed bridge widening works and is now in position to grant land owner's consent subject to the conditions listed in Attachment A.

The imposition of the conditions listed in Attachment A are required in order to protect RailCorp's rail corridor and rail operations due to the following issues:

- the complexity of building a bridge over an operating rail corridor and the need for a corridor shutdown/possession to construct the bridge widening,
- the number of technical/engineering issues that require resolution prior to the bridge works being undertaken.
- The ownership of the bridge, long term maintenance responsibility and land tenure within the rail corridor;
- RailCorp's costs to review the technical documents, manage possessions and other costs during bridge construction.

Please note that the submittal of this letter as part of your application to DP&I will be considered as your acceptance of the conditions listed in Attachment A and your agreement to provide the required documentation at the intervals specified.

In addition, this consent does not give you the right to commence work on RailCorp land without obtaining further approval from RailCorp, which may be the subject of further conditions.

Should you wish to discuss this matter further please do not hesitate to contact Jim Tsirimiagos on 8922 1987.

Yours sincerely,



Kevin Sykes
General Manager Property

Attachment A

1. *No amendments will be made to the proposed bridge works without RailCorp's prior written consent which RailCorp may, in its absolute discretion, withhold or in respect of which RailCorp may impose conditions.*
2. *All works are to be carried out in accordance with RailCorp's standards, Safeworking rules and regulations, including the Network Rules and Procedures. It should be noted that RailCorp's representative might impose conditions on the methods to be used and require the provision of on-site Safeworking supervision for certain aspects of the works.*
3. *The following documentation will be required to be submitted and endorsed by RailCorp prior to the commencement of works:*
 - *Geotechnical and Structural report that meets RailCorp's requirements.*
 - *Detailed Construction methodology and management plans.*
 - *Detailed design of all structures, constructability, maintenance and operations risk assessment that meets all RailCorp requirements.*
 - *A design that ensures that the bridge meets derailment requirements of Australian Standard AS5100.*
 - *Cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed pier/column excavation, structural design of sub ground structures and future rail corridor.*
 - *A rail safety management plan.*
4. *Prior to the commencement of works an Agreement/Deed shall be entered into 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. The cost of any agreement/deed, including supervision, design checks, meetings, approvals and services searches is to be borne by the Applicant. It should be noted that this agreement/deed may include, but not limited to, the following issues:*
 - *Design, excavation and construction assessments and sign-offs*
 - *Environmental, insurance and OHS requirements*
 - *Indemnities from claims arising out of the development*
 - *Safeworking rules and procedures*
 - *Construction bonds*

5. *Compliance with the conditions listed in Attachment A of RailCorp's correspondence to the Department of Planning and Infrastructure dated 19 October 2012 (attached).*

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19 October 2012

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

ATTENTION: Robert Byrne

Dear Sir/Madam,

**MAJOR PROJECT- MP06_0101 MOD & MP11_0093
Pemulwuy Mixed Use Development, Redfern
Preferred Project Report**

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

As your Department is aware, RailCorp previously provided its formal comments on this proposal on 13 November 2008, 29 September 2010 and 9 March 2012. RailCorp also notified your Department via email on 30 September 2010 that the proponent also required RailCorp's land owner's consent as their proposal included the widening of the Lawson Street bridge over RailCorp's land. RailCorp is finalising the review of the land owner's consent request and will be forwarding this to the Proponent shortly.

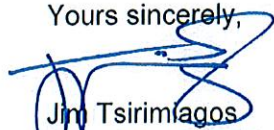
RailCorp has also reviewed the Preferred Project Report (PPR) and provides the following comments. RailCorp notes that Page 2 of the PPR report and Page 1 of Appendix 1 makes reference to this future ownership of the bridge. RailCorp advises that any bridge works and future ownership, care and control of the bridge will be subject to final RailCorp approval.

RailCorp also notes that drawing 3DA200(E) now incorporates balconies and roof terraces that were not previously proposed. As such RailCorp needs to ensure that appropriate safety mechanisms are in place to protect the rail corridor and train services from any objects being thrown onto the rail corridor.

Given the review of the PPR RailCorp has amended some of the conditions that were attached with RailCorp's submission of 9 March 2012. The revised conditions provided in Attachment A to this letter are the conditions that RailCorp now requests your Department to impose on the approval of these Project Applications. Your Department is advised that the conditions contained in Attachment A to this letter are consistent with the conditions that RailCorp would have imposed as part of its concurrence under Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 if this proposed was lodged as a Development Application.

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

Survey

- *The Proponent shall provide an accurate survey locating the Precinct 3 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.*
- *Prior to the commencement of Precinct 3 works, a Registered Surveyor is to peg-out the property boundary along the rail corridor alignment to ensure that no works are undertaken on RailCorp land.*

Services Searches

- *Prior to the issue of a Construction Certificate the Proponent 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 Proponent must discuss with the RailCorp as to whether these services are to be relocated or incorporated within the development site.*

Dilapidation Surveys

- *Prior to the commencement of Precinct 3 works, prior to the issue of the Occupation Certificate for Precinct 3 and 12 months from the completion of works at Precinct 3, 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 Proponent. 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 RailCorp.*
- *Prior to the commencement of bridge widening works, on completion of bridge widening works and 12 months from the completion of bridge widening works, 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 Proponent. 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 RailCorp.*

Noise and Vibration

- *The Proponent must incorporate the recommendations contained in the Acoustic Assessment prepared by Koikas Acoustics dated 13/12/2011 in the Construction Drawings and Specifications. The Principle Certifying Authority shall not issue the Construction Certificate until it has confirmed that the recommended measures have been indicated on the Construction Drawings and Specifications.*

Stray Currents and Electrolysis from Rail Operations

- *Prior to the issue of a Construction Certificate the Proponent is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Proponent 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 Principle Certifying Authority with the application for a Construction Certificate.*

Geotechnical and Structural Stability and Integrity

- *Prior to the issue of a Construction Certificate or excavation works commencing (which ever may occur first) for Precinct 3 or bridge widening, the Proponent shall submit the following items for RailCorp approval/certification:*
 - *A final Geotechnical and Structural report that meets RailCorp's requirements. The Geotechnical and Structural Report shall also evaluate the stability of the embankment and retaining wall from future demolition, excavation, piling/piers/footings and the loading and ground deformation of future buildings.*
 - *Construction methodology with details pertaining to structural support during excavation and piling/piers/footings.*
 - *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.*
 - *And if deemed necessary by RailCorp following the review of the above matters, the following:*
 - i. *Track monitoring requirements (including instrumentation and the monitoring regime) during excavation and construction phases.*
 - ii. *A rail safety plan.*
 - iii. *Machinery to be used during excavation/construction.*
 - iv. *Any other matter in order to protect the rail corridor.*

The Principle Certifying Authority shall not issue the Construction Certificate, or bridge widening works are to commence, until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

- *The Proponent is to be aware that RailCorp will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.*
- *All piling and excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.*

Building, Balconies and Window Design

- *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) from Precinct 3 that are within 20m and face the rail corridor, the Proponent is required to install measures (eg awning windows, louvres, enclosed balconies etc) which prevent the throwing of objects onto the rail corridor.*

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

Use of Lights and Reflective Materials

- *The design, installation and use of lights, signs and reflective materials in Precinct 3, 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 Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.

Demolition, Excavation and Construction Impacts

- *Prior to the issue of a Construction Certificate for Precinct 3 or bridge widening works 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 Principle Certifying Authority shall not issue the Construction Certificate, or bridge widening works to commence, 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.*

Crane and Other Aerial Operations

- *Prior to the issuing of a Construction Certificate the Proponent 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 Principle Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.*

Drainage

- *Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.*
- *Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.*

Pollution Control

- *During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the Applicant.*

Physical Access to RailCorp's Facilities

- *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 Proponent proposes to enter or use the rail corridor, the Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp confirming that its conditions has been satisfied.

Graffiti, Screening and Landscaping

- *To ensure that graffiti can be easily removed, the Proponent is to ensure that fencing and buildings along the rail corridor is coated with anti-graffiti paint or other coating.*

Fencing

- *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.*

Adjacent Heritage Structures

- *As the proposed development is located in close proximity of railway a heritage items, the Proponent is required to retain the services of a heritage expert/architect to supervise works that are in close proximity to the heritage item in order to conserve heritage values.*

Derailment Protection

- *Prior to the commencement of bridge widening works the Proponent shall provide to RailCorp for its endorsement a report demonstrating that the structural design of the bridge widening satisfies the requirements of Australian Standard AS5100. Bridge widening works are not to commence until written confirmation has been provided by RailCorp that this condition has been satisfied.*

Scaffolding

- *No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from RailCorp. To obtain approval the Proponent will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.*

Maintenance of Development

- *The Proponent must provide a plan of how future maintenance of the Precinct 3 development is to be undertaken. The maintenance plan is to be submitted to RailCorp prior to the issuing of the Occupancy Certificate. The Principle Certifying Authority shall not issue an Occupation Certificate until written confirmation has been received from RailCorp advising that the maintenance plan has been prepared to its satisfaction.*
- *The Proponent must provide a plan of how future maintenance of the bridge widening is to be undertaken. The maintenance plan is to be submitted to RailCorp for endorsement prior to the commencing of the bridge widening works. These works are not to commence until written approval of the maintenance plan has been provided by RailCorp.*

Requirement for the Proponent to enter into an Agreement with RailCorp

- *Prior to the issuing of a Construction Certificate for Precinct 3 and the bridge widening works the Proponent 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.*

The Proponent is advised that a separate Interface Agreement may also be required for the proposed bridge widening works and if required such an Agreement must be entered into either prior to the Construction Certificate or on completion of works, as advised by RailCorp.

The Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from RailCorp advising that an Agreement has been entered into.

No bridge widening works are to commence until written confirmation has been received from RailCorp approving the bridge widening works and an Agreement has been entered into.

Track Possessions and Power Outages

- *The proposed demolition, excavation and construction works that directly abut the rail corridor need to be undertaken in a safe and controlled manner to avoid any impacts on the rail corridor or train services. As such track possessions (the stopping of trains running on adjacent tracks) and/or power outages (shutting of power to RailCorp's facilities) may be required to undertake the proposed works. The Proponent is therefore required to obtain RailCorp's written advice as to the need for track possessions and/or power outages and*

to comply with RailCorp's requirements that may involve, but not limited to:

- *The need to enter into an Agreement to enable this work to be planned and to proceed in a safe and controlled manner.*
- *cost of supervision, design checks, meetings, approvals and service searches is to be borne by the Proponent.*
- *In the event that the Proponent requires access to the rail corridor prior to entering into an Agreement, the entering into a Release & Indemnity agreement, which will cover all railway parties from any possible claims whilst the Proponent is carrying out any work within or adjacent to the railway corridor.*
- *Appropriate level of insurance.*

As-Built Drawings

- *Prior to the issuing of an Occupation Certificate for Precinct 3 and on the completion of the bridge widening works the Applicant is to submit the as-built drawings to RailCorp. The as-built drawings are to be endorsed by a Registered Surveyor confirming that there has been no encroachment into RailCorp property or easement (apart from those encroachments approved by RailCorp).*

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