

12 July 2021

The General Manager  
Department of Planning, Industry and Environment  
GPO Box 39  
Sydney NSW 2001

**ATTENTION: David Way**

Dear Sir/Madam,

**STATE SIGNIFICANT DEVELOPMENT APPLICATION  
Response to Environmental Impact Statement Stage  
18 Forbes Street, Liverpool NSW 2170  
New Liverpool Primary School  
SSD-10391**

I refer to the Department's request for advice in relation to the above State Significant Development application.

Sydney Trains has been delegated to respond to this matter on behalf of the Transport Asset Holding Entity (TAHE - formerly RailCorp) as it affects its heavy rail operations.

Sydney Trains has reviewed the proposal and advises that in order to protect rail assets and operations, and to ensure a safe and reliable rail service, Sydney Trains requests the Department impose the conditions as listed in Attachment A. Sydney Trains requests that these conditions as worded are not amended without further consultation.

Please contact the Sydney Trains Town Planning Management team via email to [DA\\_sydneytrains@transport.nsw.gov.au](mailto:DA_sydneytrains@transport.nsw.gov.au) should you wish to discuss this matter.

Yours sincerely,

**Maddison Pooley  
A/Town Planning Officer  
Sydney Trains**

## **Attachment A**

- A1.** *The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".*
- A2.** *Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority and Council certifying that the completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2007 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.*
- A3.** *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. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.*
- A4.** *Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the benefitting easement over Burnside Drive, the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative.*
- A5.** *No work is permitted within the rail corridor, or any easements which benefit Sydney Trains/TAHE (Transport Asset Holding Entity), at any time, unless the prior approval of, or an Agreement with, Sydney Trains/TAHE (Transport Asset Holding Entity) has been obtained by the Applicant. 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.*
- A6.** *The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the railway corridor unless prior written approval has been obtained from Sydney Trains.*

- A7.** *During all stages of the development the Applicant must take extreme care to prevent any form of pollution (including dust) from 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.*
- A8.** *Excess soil is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.*
- A9.** *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 must limit glare, reflectivity and illumination to the satisfaction of the light rail operator. 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.*
- A10.** *Prior to the issue of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to 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.*
- A11.** *If required by Sydney Trains, 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 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.*
- A12.** *If required by Sydney Trains, prior to the issue of a Construction Certificate, the Applicant is to engage an EMF (Electromagnetic Fields) expert to prepare a final version EMF Impact report. If required by Sydney Trains, the EMF Impact report is to be submitted to Sydney Trains for review, comment and written endorsement. Any recommendations from the EMF report are to be implemented.*
- A13.** *The Applicant/Developer shall not at any stage block rail related use (including easements and corridor access gates) of Burnside Drive, to ensure continuous provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.*
- i. The applicant shall consult with Sydney Trains to ensure suitable and consistent access is made available through any areas deemed necessary to which the easement applies.*
  - ii. The Applicant/Developer must give Sydney Trains written notice at least 5 business days before any necessary closure or partial closure relating to*

*the area associated with any rail related easements to ensure accessibility to the easement can be managed and maintained where necessary.*

- A14.** *The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:*
- *oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;*
  - *acts as the authorised representative of the Applicant; and*
  - *is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.*
- A15.** *Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.*
- A16.** *Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface and they can be contacted via email on [West\\_Interface@transport.nsw.gov.au](mailto:West_Interface@transport.nsw.gov.au).*
- A17.** *Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or TAHE (Transport Asset Holding Entity) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.*

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