



21 August 2018

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Transport Assessments
Department of Planning and Environment
320 Pitt Street, Sydney

Dear Michael

Albion Park Rail bypass (SSI 6878) – request for modification of conditions of approval E51 and E75

This letter is to formally request a modification to the conditions of approval for the Albion Park Rail bypass project (SSI 6878) in accordance with the requirements of Section 5.25 of the NSW *Environmental Planning and Assessment Act 1979* (the EP&A Act). The modification request relates to the timing of building and structure condition and road dilapidation surveys.

Roads and Maritime Services has engaged Fulton Hogan to design and construct the Albion Park Rail bypass project. Construction is scheduled to commence in early 2019, however a number of low impact pre-construction works are proposed to commence in September 2018, subject to completion of relevant post-approval requirements. Proposed pre-construction works include archaeological salvage, at-property architectural noise treatments and establishment of ancillary facilities. Of these works, establishment of ancillary facilities would require the use of heavy vehicles, however the use of local roads by such vehicles would be limited prior to the start of construction. It is expected that up to ten heavy vehicles in total (>4.5 Tonne) would utilise local roads to establish ancillary facilities AS9, 11 and 13 (see attached plan) prior to the start of construction. The remaining ancillary facilities are accessed from State Roads not local roads.

As previously discussed with the Department, conditions E51 and E75 can be interpreted as being applicable to all works, including those that would be expected to have no impact on the condition of buildings, structures and local roads. Specifically, condition E51 could be interpreted as requiring condition surveys and subsequent reports for all buildings and structures identified in the EIS, as amended by the SPIR, as being at risk of damage to be prepared prior to commencement of any works, irrespective of whether or not those works are likely to cause damage. Further, condition E75 could be interpreted as requiring dilapidation surveys and subsequent reports for any use of local roads for the project, including by light vehicles and occasional heavy vehicles.

If the above interpretations were adopted, it would require Fulton Hogan to carry out these surveys prior to commencement of any works, as well as prior to commencement of works that are likely to have an impact given the time that may elapse in the interim and the non-project related impacts that could occur during this period.

In order to clarify the requirements of conditions E51 and E75, Roads and Maritime requests the following modifications.

Proposed modification to condition of approval E51

Condition of approval E51 currently requires that:

Prior to commencement of any works, a suitably qualified person must undertake building and structure condition surveys of all building and structures identified in the EIS as amended by the SPIR as being at risk of damage. The results of the surveys must be documented in a Building and Structure Condition Survey Report for each building structure surveyed. Copies of Building and Structure Condition Survey Reports must be provided to the landowners of the building and structures surveyed, and if agreed by the landowner, the Relevant Council(s), within three weeks of completing the surveys and no later than one month prior to the commencement of works.

The following alternative wording is suggested:

Prior to commencement of works *that could create a risk of damage to buildings and structures*, a suitably qualified person must undertake building and structure condition surveys of all buildings and structures identified in the EIS, as amended by the SPIR, as being at risk of damage. The results of the surveys must be documented in a Building and Structure Condition Survey Report for each building or structure surveyed. Copies of Building and Structure Condition Survey Reports must be provided to the landowners of the building and structures surveyed, and if agreed by the landowner, the Relevant Council(s), within three weeks of completing the *relevant* surveys and no later than one month prior to the commencement of *relevant* works.

The proposed alternative wording would enable works that would not create a risk of damage to buildings and structures to be carried out prior to the completion of building and structure condition surveys. It would also avoid the need to duplicate surveys at a later date prior to works that could create a risk of damage to buildings and structures.

Proposed modification to condition of approval E75

Condition of approval E75 currently requires that:

A Road Dilapidation Report must be prepared by a suitably qualified person, for local roads (and associated infrastructure) proposed to be used by construction vehicles for works associated with the SSI, before the commencement of use by such vehicles. Copies of the Road Dilapidation Report must be provided to the Relevant Council(s) within three weeks of completing the surveys and no later than one (1) month before the use of local roads by project vehicles.

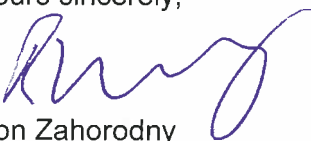
The following alternative wording is suggested:

A Road Dilapidation Report must be prepared by a suitably qualified person, for local roads (and associated infrastructure) proposed to be used by *heavy vehicles for construction of the SSI*, before the commencement of use by such vehicles. Copies of the Road Dilapidation Report must be provided to the Relevant Council(s) within three weeks of completing the surveys and no later than one (1) month before the use of local roads by *heavy vehicles for construction of the SSI*.

The proposed alternative wording would enable pre-construction works that would have no impact on local roads to be carried out prior to the completion of Road Dilapidation Reports. It would also avoid the need to duplicate surveys at a later date prior to construction works, which could create a risk of damage to local roads.

Thank you for considering this request, your earliest consideration of this matter would be greatly appreciated. Should you wish to discuss this matter further, please do not hesitate to contact Peter Hawkins on (02) 4221 2582 or by email at Peter.Hawkins@rms.nsw.gov.au.

Yours sincerely,



Ron Zahorodny
Director Southern Project Office
Roads and Maritime Services