



16<sup>th</sup> October 2017

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Dear Sir/ Madam,

**RE: DEVELOPMENT APPLICATION 010.2017.00000578.001 – 1 Picton Avenue Picton – Lot 2 DP 1098293**

Thank you for your correspondence dated 26 September 2017 regarding the abovementioned Development Application.

The New South Wales Government's Transport for NSW is the land owner of the railway lines across NSW. The rail corridor at PICTON is leased to the Australian Rail Track Corporation (ARTC). As such ARTC is responsible for reviewing developments, plans and policies adjoining the rail corridor to ensure any potential impacts of or on future rail operations are considered.

It is requested that Council consider *State Environmental Planning Policy (SEPP) (Infrastructure) 2007* (the Infrastructure SEPP) and *Development Near Rail Corridors and Busy Roads – Interim Guideline (2008)* when determining this application. A copy of the guideline can be found at the following link:

[http://www.planning.nsw.gov.au/planningsystem/pdf/guide\\_infra\\_devtrailroadcorridors\\_interim.pdf](http://www.planning.nsw.gov.au/planningsystem/pdf/guide_infra_devtrailroadcorridors_interim.pdf)

ARTC requests that, due to the nearby rail corridor, Council considers the following in its assessment of the application;

#### **Visual Issues**

The proposal is located in close proximity to the rail corridor and has the ability to involve car lights shining onto the rail corridor. It is requested that appropriate conditions be imposed to mitigate any potential impacts from car lights shining toward the rail corridor. Such conditions may include effective screening.

#### **Fencing and Safety**

The security of fencing along the rail corridor is essential to prevent unauthorised entry. ARTC requests that Council impose a condition on any consent requiring a 1.8m chain wire fence or similar to prevent access.

## Stormwater

ARTC wants to ensure that stormwater from the development, does not affect the rail corridor and requests that Council impose as a condition of consent that the developer will ensure that stormwater does not affect the rail corridor.

A review of the proposal submitted did not appear to include details of stormwater disposal. Prior to a Construction Certificate being issued, the applicant must submit details of stormwater disposal to Council for approval. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

## Noise and Vibration

ARTC requests that the Council consider the requirements of *Development Near Rail Corridors And Busy Roads – Interim Guideline* and whether any noise sensitive uses within the development are likely to be adversely affected by rail noise or vibration.

To assist Council in assessing and determining the development immediately adjacent to the railway corridor, it is recommended that all residential and other noise-sensitive proposals located within 60-80m of an operational railway line be subject to an acoustic assessment and that Council may use their discretion to extend the acoustic assessment beyond the preferred 60-80m buffer to address any developments that are:

- Located outside of the preferred 60-80m buffer;
- In the vicinity of steel bridges or cuttings;
- Near sections of high speed track or regularly used track; or
- In locations where no acoustic shielding by topography or buildings exist.

Furthermore Clause 87 of the Infrastructure SEPP requires consideration of the impact of noise and vibration on non-rail development. The SEPP requires that the consent authority **must not grant consent** to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

## Excavation

Should excavation exceeding 2m be proposed within 25m of the track the application will require additional review and further details will need to be provided to ARTC.

Section 6 of the *Interim Guideline* should be considered by Council, together with the need for a geotechnical assessment or structural assessment for the earthworks, particularly for the works in close proximity to the rail corridor.



### **Construction**

Further consultation with ARTC should occur if construction will involve the use of cranes, or involve any access onto ARTC's land or air space. Mitigation measures should ensure that stormwater and dust during construction cannot affect the rail corridor.

### **Maintenance Access**

ARTC currently has an access gate off Picton Avenue immediately adjacent to the subject land. The plan provided does not clearly show how the new footpath will link with the existing foot path and how ARTC's access will be allowed for. We request that an updated design be provided to show this and Council include as a condition of approval that ARTC's access is to be maintained

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'M Irons', is written over a horizontal line.

**Michael Irons**  
Property Manager Wagga

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