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Mr Charles Casuscelli MP  
Chair  
Committee on Transport and Infrastructure  
Parliament of New South Wales  
Macquarie Street  
SYDNEY NSW 2000

Dear Mr Casuscelli

I refer to your letter requesting additional information on the utilisation of rail corridors. Please accept my apology for the delay in responding.

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Attached (Tab A) is RailCorp's response to the questions the Committee has raised.

The Committee may wish to contact

Yours sincerely

Rob Mason  
**Chief Executive**

## UTILISATION OF RAIL CORRIDORS – RAILCORP REPOSE

### **1. What is the process for resolving issues after an initial approval?**

In general, the process RailCorp follows for resolving issues is dependent on the origin of the issue i.e. town planning, construction/ development or contract for sale. The process would follow the pertinent legislation or legal contractual arrangement and would involve consultation between the relevant parties.

#### **(a) Are there any set timeframes for approving changes throughout the development process?**

The Environmental Planning and Assessment Act 1979, determines the process and related timeframes associated with development approvals.

If an original development approval with RailCorp concurrence is changed then RailCorp's concurrence would be required again. The Infrastructure State Environmental Planning Policy (SEPP) imposes a 21 day timeframe on RailCorp to process the concurrence.

### **2. What consultation or interaction does RailCorp have with other government agencies in making an assessment?**

RailCorp consults with Transport for NSW, Department of Planning and Infrastructure and local Council in making an assessment of development. The amount of RailCorp consultation or interaction is dependent on the project controller.

For unsolicited developments proposed over RailCorp land the proponent would need to be referred to the Department of Premier and Cabinet as required by guidelines for submission and assessment of unsolicited proposals.

#### **(a) Are local councils consulted or involved in the approvals process?**

The role of local councils in the approval process is largely dependent on the particular development approval process.

Development approval under Part 4 of the Environmental Planning and Assessment Act 1979 will require either the local council or the Joint Regional Planning Panel to be the consent authority.

Under the former Part 3A process a local council was one of many agencies that the Department of Planning and Infrastructure consulted with prior to making a recommendation to the Minister for Planning.

Development approval under Part 5 of Environmental Planning and Assessment Act 1979 requires the determining authority to consult with local council prior to making a decision.

The amount of involvement or control a local council would have is dependent on the legislative requirements of each of the above approval processes. For example, the Forum development at St Leonards was approved by Part 4 Development Application where the local council was the sole consent authority. On the other hand, Chatswood Transport Interchange was approved under both Part 5 and Part 4, directly by the Minister for Planning as a state significant development. Each development followed a different approval process and as such the level of control or involvement of local council varied.

**3. Is a future needs analysis of the rail corridor undertaken before approval is given for a development?**

An internal future needs analysis of the rail corridor is normally undertaken prior to a site being "cleared" for disposal and subsequent development.

In relation to RailCorp's concurrence role for private developments adjoining the rail corridor the matters that RailCorp needs to consider prior to granting its concurrence are governed by Clauses 84, 86 and 88 of the Infrastructure SEPP.

**4. Do current engineering standards and approval considerations adequately prevent the problems of past rail corridor developments from recurring?**

RailCorp engineering standards for external and air space developments are reviewed on a regular basis to ensure that they are up-to-date with current engineering best practice, technology and legislative requirements, which developers must comply with. This will minimise the possibility of problems of past examples of rail corridor developments from recurring.