

Our Ref: CSM 53739

25 June 2020

Ms Mary Osman
Manager of Planning
Yarra City Council
PO BOX 168
RICHMOND VIC 3121

Emailed to: Info@yarracity.vic.gov.au

Dear Ms Osman

**Planning Permit Application No: PLN20/0006
462-482 Swan Street RICHMOND**

We refer to Council's correspondence notifying VicTrack under section 52 of the Planning and Environment Act 1987 of a planning application for land at the above address.

The application seeks approval for demolition and works to construct a 13 storey office, retail and food outlet building with 1 level of plant and 2 basement car park levels.

VicTrack is owner of the majority of Victoria's railway land and infrastructure, including the land abutting the application site. The rail corridor is located on the application site's southern boundary. This land is leased to Metro Trains Melbourne (MTM). The common boundary is approximately 7 m from the nearest railway asset (overhead power lines / track / signal box).

Pursuant to the *Transport Integration Act 2010*, VicTrack manages rail land, infrastructure and assets on behalf of the State. As such, our interest in this application relates to the proposed interface arrangement with railway land and to ensure that during construction and on an ongoing basis that rail infrastructure and services are protected to minimise damage and delays.

Metro Trains and DoT have been forwarded the application and documentation for comment.

NO OBJECTION

The plans have been reviewed in the context of the site and the abutting railway land.

We note that the plans show the basement walls and levels 1–3 are built onto the common boundary, with extensive glazing of levels 1-3. This creates an implied

VicTrack

Level 8, 1010 La Trobe St Docklands VIC 3008
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T 1300 VICTRACK (1300 842 872)
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VicTrack

easement over VicTrack land and also requires that maintenance of those levels requires access to the rail corridor. VicTrack seeks to encourage outcomes where a development can be maintained from within the property boundary and without entry into the rail corridor.

VicTrack seeks a minimum of 1 m setback to allow for maintenance and fire protection to be wholly conducted within the site's boundary.

In the instance that Council decides to issue a permit, VicTrack would request that a setback be provided and the following conditions be included on the permit to protect railway land, infrastructure and rail operations and ensure rail safety during construction:

1. All boundary fences and walls to be treated with a graffiti proof finish and any graffiti that appears on the wall must be cleaned and removed as soon as practicable.
2. The permit holder must not, at any time:
 - a. allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or
 - b. store or deposit any waste, soil or other materials on the railway land.
3. Prior to the commencement of work on site detailed construction / engineering plans and computations for any construction abutting railway infrastructure or railway land must be submitted and approved by Vic Track and the Head, Transport for Victoria. The plans must detail all excavation design and controls of the site adjacent to the railway corridor having any impact on railway land. The design Plans must ensure compliance with:
 - c. building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) regulations;
 - d. design loadings for the building from the nearest rail track is in compliance with AS5100.2-2017 Design Loads and Part 4 AS1170.4 Earthquake action Australia; and
 - e. working adjacent to overhead power to the satisfaction of the RO.
 - f. all excavation of the site adjacent to the railway corridor having any impact on the railway land
 - g. the design features of the development (including appropriate screening to balconies) that will be implemented by the permit holder to ensure that objects cannot be projected into the rail corridor
 - h. demonstration that the materials and colours of the development will not cause reflections or glare that may interfere with train driver operations and must avoid using red, green or yellow colour schemes or shapes capable of being mistaken for train signals. (This information must be supported by advice from a suitably qualified consultant).
4. The development must be constructed in accordance with the endorsed detailed construction/engineering plans and computations to the satisfaction of and at no

cost to VicTrack and the Head, Transport for Victoria. The endorsed detailed construction/engineering plans and computations must not be modified except with the prior written consent of VicTrack and the Head, Transport for Victoria.

5. The permit holder must not enter any railway land without the written consent of the Rail Operator. If the permit holder has obtained the Rail Operator's written consent to enter the railway land, the permit holder must comply with the Rail Operator's Site Access Procedures, conditions and safety requirements when accessing the railway land. The permit holder must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land. The rail operator contact is: metrositeaccess@metrotrains.com.au
6. Before development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements must be prepared and entered into with VicTrack and the Head, Transport for Victoria to the satisfaction of and at no cost to VicTrack and Head Transport for Victoria.
7. The permit holder must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the Rail Operator.
8. All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.
9. The permit holder must not at any time erect lighting (permanent or temporary) that interferes with the visibility of signals and rail lines by train drivers.
10. The permit holder must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.
11. Before development starts (including demolition and bulk excavation), a Demolition and Construction Management Plan must be submitted to and approved by the VicTrack and the Head, Department on Transport. When approved, the Demolition and Construction Management Plan will form a part of this permit. The Demolition and Construction Management Plan must include (but not be limited to) details of the buildings, works and other measures necessary to:
 - a) protect railway land, track, overhead power and associated infrastructure;
 - b) prevent disruption to the operation of the railway;
 - c) the remediation of any damage to railway land, track, overhead power and associated infrastructure;
 - d) access to the railway land during demolition and construction of the development (if required);

e) arrangements for:

- i. any hoarding associated with the construction of the development that encroaches onto or overhangs railway land;
- ii. the excavation, filling, earthworks or construction associated with the development occurring on or next to the boundary of the railway land;
- iii. the deposit or store of waste, fill or other materials associated with the development on the railway land;
- iv. air and dust management;
- v. operating hours;
- vi. noise and vibration controls;
- vii. the security of the railway land and associated infrastructure; and

g) the safety requirements relevant to the railway land and associated infrastructure and the operation of the railway.

All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of VicTrack and the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented and monitored at no cost to the satisfaction of VicTrack and the Head, Transport for Victoria.

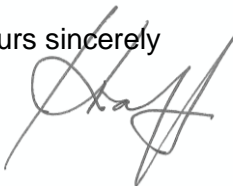
Before the commencement of the development, including demolition or bulk excavation, the permit holder must contact VicTrack through the email address External.Property@VICTRACK.com.au to obtain the VicTrack's conditions and safety requirements for works on, over or adjacent to the railway land.

Given the importance of these issues to VicTrack, I would be grateful for confirmation or otherwise that you will use your discretion and apply our suggested conditions.

For our records, we would appreciate a copy of Council's decision be forwarded to VicTrack at your earliest convenience.

Should you have any queries, please contact me on 03 9619 0222 or kate.kraft@victrack.com.au.

Yours sincerely



KATE KRAFT
Planning Manager