

8 October 2020

The General Manager
Waverley Council
PO Box 9
Bondi Junction NSW 1355

Attention: Kylie Lucas

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – 482/2017/A
59-75 Grafton Street, Bondi Junction**

I refer to Council's letter dated requesting RailCorp's concurrence for the above development application in accordance with clause 86(1) of the above SEPP.

As of 1 July 2014 the property functions of RailCorp have been transferred to Sydney Trains. Whilst RailCorp still exists as the legal land owner of the rail corridor, its concurrence function under the above SEPP has been delegated to Sydney Trains.

As such, Sydney Trains now advises that the proposed development has been more fully assessed with all the submissions received in response to development application in accordance with the requirements of Clause 86(4) being:

- a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

In this regard, Sydney Trains has decided to grant its concurrence to the development proposed in development application 482/2017/A subject to Council imposing the additional condition listed in Attachment A to the Sydney Trains existing condition in the original consent being retained.

Should Council choose not to impose the conditions provided in Attachment A (as written), then concurrence from Sydney Trains has not been granted to the proposed development.

In the event that this development proposal is the subject of a Land and Environment Court appeal, Council's attention is drawn to Section 8.12 of the Environmental Planning and Assessment Act 1979 which requires Council to give notice of that appeal to a concurrence authority. Sydney Trains therefore requests that Council comply with this requirements should such an event occur.

Please contact Mr Jim Tsirimiagos on 8575 0780 should you wish to discuss this matter. Finally, Sydney Trains requests that a copy of the Notice of Determination and conditions of consent be forwarded to Sydney Trains.

Yours sincerely,

Anthony Moeller
Director, Property & Commercial Services

Attachment A

- *Prior to the issue of a Construction Certificate the Applicant shall provide certification from qualified Geotechnical and Structural Engineers stating that the proposed works will to have no negative impact on the rail corridor and associated rail infrastructure and that the proposed piers/piles have been designed to cater for any additional loads and that any additional loads have no increased impact on the rail tunnels. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.*

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