

The General Manager
Department of Planning, Housing & Infrastructure
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21 October 2024

**STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021
DEVELOPMENT APPLICATION – DA 22/11444-Mod-1 (CNR-71952)
60-64 Showground Road, Gosford NSW 2250
Lots 1-4 SP 20095 & Lots 1-6 SP 20058**

Dear Sir/Madam,

I refer to Council's referral requesting concurrence for the above Modification application in accordance with Section 2.99 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)*.

Council is advised that TfNSW (Sydney Trains), via Instruments of Delegation, has been delegated to act as the rail authority for the Central Coast & Newcastle Line heavy rail corridor, including infrastructure, and to process the concurrence for this development application.

As such, TfNSW (Sydney Trains) advises that the proposed development has been assessed in accordance with the requirements of Section 2.99(4) of the Transport and Infrastructure SEPP 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.*

We have taken the above requirements into consideration and have decided to grant concurrence to the development proposed in Modification application DA 22/11444-Mod-1. We have no additional comments on the proposed development works associated with the above modification application and advise that all existing TfNSW (as Rail Authority) conditions and comments applied to the previous application **DA 22/11444** are still applicable.

In the event that this proposed development 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. We therefore requests that Council comply with this requirement should such an event occur.

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Council is also advised that this concurrence is not to be amended, replaced, or superseded by any concurrence issued by any other rail authority, without further agreement from TfNSW (as Rail Authority).

Please contact TfNSW (Sydney Trains) Town Planning Management via email to DA_sydneytrains@transport.nsw.gov.au should you wish to discuss this matter. Finally, it is requested that when the proposed development's Determination is issued by the Council, a copy of the Notice of Determination and conditions of consent are provided.

Sincerely,

Steven Heapy

Director Land and Maritime Planning
Transport for NSW