

20 March 2017

The General Manager
Newcastle City Council
PO Box 489
Newcastle NSW 2300

Attention: Melissa Thomas

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – DA2016/00528
990 Hunter Street, Newcastle West**

I refer to the above development application requiring RailCorp's concurrence 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 Council is aware concurrence for the subject application was provided on 16 November 2016. Since that time design changes have been made to address the matters raised in the concurrence of 16 November 2016.

Sydney Trains advises that the revised development has been assessed 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.

As such, Sydney Trains has decided to grant its revised concurrence to the development proposed in development application DA2016/00528 subject to Council imposing the conditions provided in Attachment A. Please note this concurrence now replaces the concurrence issued 16 November 2016.

Should Council choose not to impose the conditions 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 97A 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.

Should you have any enquires about this matter further please contact Mr Jim Tsirimiagos on 8575 0780. Finally, Sydney Trains requests that a copy of the Notice of Determination and conditions of consent be forwarded to Sydney Trains.

Yours sincerely,



John Camarda
A/General Manager Property

Attachment A

A1. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains for endorsement the following items:

- i. Final construction drawings and documentation addressing the following (but not limited) items:
 - a. The Structural Report shall contain (as a minimum) the structural design approach, assumed design criteria (all loadings, load factors and combinations, material factors, reduction factors, material strengths/capacities, etc.), structural analysis for all shoring elements and design outcomes for all shoring elements. The design report must address both temporary and permanent design scenarios.
 - b. The structural drawings shall include all primary structural elements clearly dimensioned and detailed (including but not limited to all shoring elements, footings, slabs, walls, retaining walls, connection details, general notes, etc.).
 - c. Soldier pile walls are not considered appropriate for this site as the sand and fill will not be self-supporting between piles. Alternate solution will be required. The design of retention walls need to include provisions to prevent the loss of sand from any gaps between any piles.
 - d. The structural drawings shall include confirmed offset distance from the development to track and any other Sydney Trains assets. This distance shall be taken from survey.
 - e. Structural drawings to nominate socket depths. The final embedment depths are to be designed to prevent kick out during excavation.
- ii. For any structure within 20m of the centreline of the nearest track, how compliance with AS 5100 will be achieved.
- iii. Confirmation that no rock anchors/bolts are to be installed into Sydney Trains property.
- iv. A final detailed construction methodology and works programme for the intended excavation methods.
- v. If required by Sydney Trains following the review of the above, a final numerical analysis.
- vi. A Noise and Vibration Management and Vibration/ground monitoring Plan.
- vii. If any groundwater is present or expected a groundwater modelling report.
- viii. A maintenance plan of the development facing the rail corridor.
- ix. Revised architectural drawings containing a minimum 1.5m setback from the rail corridor. Sydney Trains will consider a reduction in the 1.5m setback to a minimum 900mm subject to the applicant demonstrating to Sydney Trains that the development can be constructed and maintained without use of, or access to, the rail corridor land. In this regard, a Construction Methodology and Management Plan shall be submitted and approved by Sydney Trains prior to the issue of any Construction Certificate.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the light rail operator confirming that this condition has been satisfied.

- A2. *If required by Sydney Trains, a revised services search is to be undertaken prior to commencement of works. The Applicant is to contact the Sydney Trains Rail Corridor Management Group to confirm the need for this item.*
- A3. *All excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.*
- A4. *Given the proximity of the existing building to the rail corridor boundary prior to the undertaking of any demolition works, demolition methodology and works programme is to be submitted to Sydney Trains for review and endorsement prior to the undertaking of those works. Demolition shall not be undertaken until written confirmation has been provided by Sydney Trains that his condition has been complied with.*
- A5. *The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:*
- i. Machinery to be used during excavation/construction.*

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

- A6. *Sydney Trains and Transport for NSW, and persons authorised by them for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.*
- A7. *Copies of any certificates, drawings or approvals given to or issued by Sydney Trains or Transport for NSW must be submitted to Council for its records.*
- A8. *Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from the light rail operator Transdev and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.*

- A9. A final acoustic assessment based on the final approved development is to be prepared in compliance with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines" and submitted to Council.
- A10. A final Electrolysis Report based on the final approved development is to be prepared prior to the issue of a construction certificate. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.
- A11. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of the light rail operator. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the light rail operator confirming that this condition has been satisfied.
- A12. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains and the light rail operator for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains and the light rail operator confirming that this condition has been satisfied.
- A13. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
- A14. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains and light rail operator requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains and the light rail operator confirming that this condition has been satisfied.
- A15.
- A16. Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.
- A17. Prior to the commencement of works appropriate fencing/hoarding is to be in place along the rail corridor/station to prevent unauthorised access to the rail corridor during works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing/hoarding work being undertaken.
- A18. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate

the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.

A19. No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from the light rail operator. To obtain approval the proponent will be required to submit details of the scaffolding and hoarding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Unless agreed to by Sydney Trains in writing, scaffolding shall not be erected without isolation and protection panels.

A20. Prior to the issue of a Construction Certificate the Applicant is to submit to Sydney Trains the demolition, excavation and construction methodology and staging for review and endorsement. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

A21. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor and rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group and the light rail operator to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains and light rail operator written advice to the Applicant on the level of insurance required.

A22. Prior to the undertaking of works or the issuing of a Construction Certificate (whichever occurs first), the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the entire works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains and the light rail operator. Prior to the issuing of the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains and the light rail operator confirming the lodgement of this Bond/Bank Guarantee.

A23. Drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.

A24. Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council. The as-built drawings shall indicate that there has been no encroachment into Sydney Trains land or easements. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

A25. No work is permitted within the Sydney Trains land, or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains and/or Transport for NSW. Where the Applicant proposes to enter the rail corridor, the Principal Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from those entities confirming that its approval has been granted.

A26. Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

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