

12 November 2019

The General Manager
Central Coast Council
PO Box 20
Wyong NSW 2259

ATTENTION: ROSS EDWARDS

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – DA/1029/2017
27-61 Nikko Road, Warnervale**

I refer to Council's letter requesting concurrence for the above development application in accordance with Clause 84 of State Environmental Planning Policy (Infrastructure) 2007.

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

As such, Sydney Trains now advises that the proposed development has been assessed in accordance with the requirements of Clause 84(4) being:

- (a) any rail safety or operational issues associated with the aspects of the development, and
- (b) the implications of the development for traffic safety including the cost of ensuring an appropriate level of safety, having regard to existing traffic and any likely change in traffic at level crossings as a result of the development.

In this regard, Sydney Trains has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in development application **DA/1029/2017** subject to Council imposing the operational conditions listed in Attachment A that will need to be complied with.

Should Council choose not to impose the operational 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.

Council is also advised that the Sydney Trains concurrence is not to be amended, replaced or superseded by any concurrence issued by any other rail authority, without the further agreement from Sydney Trains.

Please contact the Town Planning Unit via email to DA_sydneytrains@transport.nsw.gov.au 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
Associate Director, Property & Revenue
Sydney Trains

ATTACHMENT A

- *The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".*
- *Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.*
- *No work is permitted within the rail corridor (including airspace), or any easements which benefit Sydney Trains/RailCorp, at any time, unless the prior approval of, or an Agreement with, Sydney Trains/RailCorp has been obtained by the Applicant. The Principal 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.*
- *Prior to the issue of a Construction Certificate, a Construction Traffic Management Plan is to be submitted to Sydney Trains for review. The Construction Traffic Management Plan shall include that all access to the development site by construction traffic shall be from the east along Warnervale Road into Nikko Road, with no reliance or access via the Warnervale Level Crossing. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming this condition has been satisfied.*
- *The applicant shall not at any stage block the corridor access gates on Nikko Road, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.*
- *Copies of any certificates, drawings, approvals/certification or documents endorsed by, given to or issued by Sydney Trains or RailCorp must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.*
- *Any conditions issued as part of Sydney Trains approval/certification of any documentation for compliance with the Sydney Trains conditions of consent, those approval/certification conditions will also form part of the consent conditions that the Applicant is required to comply with.*

- *The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:*
 - *oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;*
 - *acts as the authorised representative of the Applicant; and*
 - *is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.*
- *Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.*
- *Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is North Interface and they can be contacted via email on North_Interface@transport.nsw.gov.au.*