

3 February 2021

Chief Executive Officer
City of Newcastle
PO Box 489
NEWCASTLE NSW 2300

Attention: Holly Hutchens

HANNELL STREET (MR316): DA2018/01197.02, PROPOSED MODIFICATION TO MIXED USE DEVELOPMENT, LOT: 1 DP: 1197377, 10 DANGAR STREET WICKHAM

TfNSW provided its referral response on 17 November 2018 and a subsequent clarification email regarding minimum footpath width along Hannell Street frontage was sent on 1 February 2019 to City of Newcastle (Council).

On 12 October 2020, TfNSW accepted the referral by Council through the Planning Portal regarding the abovementioned modification application (Modification Application). Council referred the Development Application to TfNSW for comment in accordance with Clause 101 and Clause 104 / Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*. This letter is a submission in response to that referral.

TfNSW understands the modification application to be for an additional basement level (Basement 3) for car parking, extension of office space by removing parking on Level 1-3, extension of the basement to the north and reconfiguration of the ground floor car park.

TfNSW Response & Requirements

TfNSW's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Hannell Street (MR316) is a classified State road and Dangar Street and Charles Street are local roads. Council is the roads authority for these roads and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*.

TfNSW has reviewed the referred information, including the following:

- Traffic Impact Assessment (TIA) by MLA Transport Planning dated 24 September 2020;
- Statement of Environmental Effects (SEE) by KDC dated 25 September 2020;
- Architectural Plans by Team2 Architects dated 23 September 2020; and
- Retaining Wall Analysis Report: Three level Basement Proposal by MPC Consulting Engineers dated 1 December 2020.

TfNSW provides the following comments to assist the consent authority in making a determination:

It should be noted that TfNSW (RMS) review of the submitted documentation is limited to conformance checks against acceptable TfNSW (RMS) technical requirements and Australian Standards with regards to any impacts on the Hannell Street road reserve only. It aims to ensure clarity for construction to avoid ambiguity which could compromise safety of road users and integrity of TfNSW (RMS) assets. It would not relieve the Developer/Builder/Designer and their Engineers from their obligations with respect to any statutory requirements and professional duty.

It is understood that separate referral responses will be provided by TfNSW (Customer Strategy and Technology) and Sydney Trains for their respective referrals on the Planning Portal in accordance with Clause 85 and Clause 86 of the *State Environmental Planning Policy (Infrastructure) 2007*.

TfNSW (RMS) requires that appropriate conditions are included in the modified consent to address the following matters:

- All utilities that exist within the influence zone of the excavation should be checked to be stable and assessed to have adequate tolerance to the estimated ground deformation; otherwise they would need to be supported prior to the commencement of excavation. It is designer's duty to ensure that these utilities do not adversely affect stability of the proposed excavation and TfNSW assets under any circumstances.
- An Instrumentation and Monitoring Plan providing information including, but not limited to, proposed instrumentation, trigger value thresholds, construction sequence and actions to be taken, to be shown on relevant construction drawings and submitted to TfNSW prior to the issue of Construction Certificate (CC).
- Undertake dilapidation survey of structures, pavement, road drainage, kerbs, etc. within the "zone of influence" of the excavation. The survey information to form a base record prior to the commencement of excavation. A copy to be forwarded to TfNSW for record purposes prior to commencing any excavation on the site.
- A copy of the baseline measurements and detailed plans of all monitoring devices, comprising at least two independent measurements, to be submitted to TfNSW for record purposes prior to commencing any excavation on the site.

- A copy of construction drawings to be submitted to TfNSW for record purposes prior to commencing any excavation on the site.
- All new cables / ducts are to maintain the utility specified clearance from existing stormwater drainage pipes and pits.
- All monitoring devices to be kept in operational condition at all times. Construction work to be suspended in circumstances when more than 30% of the devices malfunction.
- TfNSW may carry out construction conformance check. If this is to occur, TfNSW shall notify the Developer/Builder one week prior to the visit and TfNSW staff/representative to be granted access for such a purpose.
- All amendments should subject to TfNSW approval.
- A copy of the work-as-executed drawings is to be forwarded to TfNSW for record purposes on the completion of construction. Where structural elements are left in the TfNSW easements, they need to be documented.
- TfNSW should be reimbursed in full for the cost to repair any damages to its assets and/or from any disruption to the normal operation of its infrastructure due to the proposed construction.

Advice to Council

TfNSW recommends that the following matters should be considered by Council in determining this development:

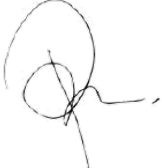
- TfNSW has no proposal that requires any part of the property.
- Council should ensure that the modification application consent retains Condition 23 of the Notice of Determination for DA2018/01197 (dated 30 April 2019) which requires provision of a minimum of 3.5m wide footpath along the Hannell Street site frontage.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the *Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections)* and the relevant Australian Standards (i.e. AS2890.1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Discharged stormwater from the development shall not exceed the capacity of the Hannell Street stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise TfNSW of any adjustments to the existing system that are required prior to final approval of the development.

- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by Hannell Street, a classified State road. In this regard, the developer, not TfNSW, is responsible for providing noise attenuation measures in accordance with the *NSW Road Noise Policy 2011*, prepared by the department previously known as the Department of Environment, Climate Change and Water.

If the external noise criteria cannot feasibly or reasonably be met, TfNSW recommends that Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW for record and / or action purposes. Should you require further information please contact Dipen Nathwani, Development Services Case Officer, on 0418 514 166 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Peter Marler', with a large circular flourish at the start.

Peter Marler

Manager

Development Services North