

5 February 2021

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

ATTENTION: HOLLY HUTCHENS

Dear Sir/Madam,

**STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION (MODIFICATION)
DA2018/01197.02 (CNR-13242)
Lot 1 DP 1197377
10 Dangar Street, Wickham NSW 2293**

I refer to Council's Referral requesting concurrence for the above development application (modification) in accordance with Clause 86 of the above SEPP.

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 is being 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.

In this regard, Sydney Trains has taken the above matters into consideration and has decided to grant its concurrence to the modification development proposed in development application **DA2018/01197.02** subject to Council imposing the additional operational conditions listed in Attachment A that will need to be complied with.

Should Council choose not to impose the additional 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Council is also advised that the Sydney Trains concurrence is not to be amended, replaced or superseded by any concurrence issued by any other rail authority, without the further agreement from Sydney Trains.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 Sydney Trains Town Planning Management 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
Director, Property & Commercial Services
Sydney Trains

ATTACHMENT A Additional Conditions

- *Unless amendments are required in order to obtain approval/certification/ compliance from Sydney Trains in relation to any of the Sydney Trains related conditions of consent, all excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations as detailed in the following documents:*

- *Retaining Wall Analysis Report: Three level Basement Proposal, Revision 1 dated 1 December 2020, prepared by MPC Consulting Engineers.*

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming which of the documentation listed in this condition are to now apply or are superseded as a result of the compliance with the Sydney Trains related conditions of consent. The measures detailed in the documents approved/ certified by Sydney Trains under this Condition are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

- *Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains for review, comment and written endorsement the following items:*
 - *Final version geotechnical and structural reports*

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.