

Bill Mackay
Manager – Planning Assessment
City of Sydney
GPO Box 1591
Sydney NSW 2001

Attention: Christopher Ashworth

Dear Sir/Madam,

**CBD RAIL LINK (ZONE B – TUNNEL) – STAGE 2 DA - 1 ALFRED STREET,
SYDNEY
(D/2016/1529)**

I am writing to you concerning the above State Significant Development application that was referred to Sydney Trains.

The development, the subject of this development application (DA) is a State Significant Development application for a Stage 2 consent for demolition of all existing structures on site; construction of a hotel consisting of a tower (Tower B) with a maximum building height of 110m, ground floor retail, 182 hotel rooms, common hotel facilities; excavation and construction of a six level basement for use by the Hotel and residential tower (Tower A) for car parking, storage, access, back of house and services; vehicular access on Pitt Street; identification of building signage zones; public domain improvements, including pedestrian thoroughfares, public art, landscaping; dewatering; augmentation of physical infrastructure and utilities.

As this is a SSD application the provisions of Clause 88 of *State Environmental Planning Policy (Infrastructure) 2007* (the ISEPP) do not apply. However, the proposal has been assessed in accordance with the provision of the ISEPP, being:

- (a) the practicability and cost of carrying out the development for the purposes of the CBD Rail Link project (CBDRL) on the relevant land in the future;
- (b) without limiting paragraph (a), the structural integrity or safety of, or ability to operate, the CBDRL,
- (c) without limiting paragraph (a), the land acquisition costs and the cost of the construction, operation or maintenance of the CBDRL.

There are concerns about the potential impacts of the proposed development on the structural integrity and the safe, effective operation and maintenance of the CBDRL as the proposed development is located in the proposed future rail corridor. The



placing of any foundations, other structures and building loads in or near the proposed rail alignment would affect the structural integrity and operation of the CBDRL.

In this regard, Sydney Trains requests that the conditions provided in Attachment A be imposed on this application.

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 questions or require additional information, please contact Denise Thornton on (02) 8667 8668 or dthornton@mecone.com.au

Yours sincerely

A handwritten signature in blue ink, appearing to read "John Camarda".

John Camarda
A/General Manager Property

Attachment A

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007 CLAUSE 88 DEVELOPMENT WITHIN OR ADJACENT TO INTERIM RAIL CORRIDOR

CBD Rail Link (Zone B – Tunnel) – STAGE 2 DA - 1 ALFRED STREET, SYDNEY (D/2016/529)

1. The owners of the site of the approved development must enter into a Deed of Agreement with TfNSW prior to issue of any Construction Certificate to address the adverse effects of the approved development on the CBDRL identified in *State Environmental Planning Policy (Infrastructure) 2007*. The Agreement must provide for the following:
 - a) the design, construction and maintenance of the approved development so as to satisfy the requirements in conditions 2 to 10 below;
 - b) allowances for the future construction of railway tunnels in the vicinity of the approved development;
 - c) allowances in the design, construction and maintenance of the approved development for the future operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety;
 - d) consultation with TfNSW;
 - e) access by representatives of TfNSW to the site of the approved development and all structures on that site;
 - f) provision to TfNSW of drawings, reports and other information related to the design, construction and maintenance of the approved development;
 - g) creation of a restrictive covenant on each of the titles which comprise the approved project so as to satisfy condition 10 below;
 - h) such other matters which TfNSW considers are appropriate; and
 - i) such other matters as the owners and TfNSW may agree.

2. All structures which are proposed for construction or installation, or which are constructed or installed, in connection with the approved development which have a potential impact on the CBDRL must be designed, constructed and maintained in accordance with design criteria specified by TfNSW.
3. The design and construction of the basement levels, foundations and ground anchors for the approved development are to be completed to the satisfaction of TfNSW.
4. Prior to issue of any construction certificate the developer must undertake detailed geotechnical analysis to the satisfaction of TfNSW to demonstrate likely movements of the ground due to the future CBDRL.
5. No modifications may be made to that the approved design without the consent of TfNSW.
6. A detailed regime is to be prepared for consultation with, and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW.
7. TfNSW, and persons authorised by it 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.
8. All requirements contained in the Agreement between TfNSW and the owners of the site must be satisfied during construction and, where appropriate, the operation of the approved development.
9. Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records.
10. Prior to the commencement of any excavation below existing ground level, a restrictive covenant is to be created upon each of the titles which comprise the approved development pursuant to Section 88E of the Conveyancing Act 1919, restricting any alterations or additions to any part of the approved development which are reasonably likely to adversely affect, or which otherwise are likely to interfere with the design, construction and operation of the proposed CBDRL the prior written consent of TfNSW.