



Department of Planning, Industry and Environment  
Key Sites and Industry Assessments  
GPO Box 39  
SYDNEY NSW 2001

**Attention:** Lewis Demertzi

Dear Madam/ Sir

**Notice of Exhibition for 42 Honeysuckle Drive, Newcastle (SSD-10378)**

Thank you for your request via ePlanning Portal (ref: PAE-2376) dated 12 March 2020 regarding the above.

Legislation came into effect on 1 December 2019 that brings together Roads & Maritime Services and TfNSW. This response is provided in addition to that provided by TfNSW (ref CR2020/001776) dated 23 March 2020 and includes additional comments and requirements in relation to protection of Newcastle Light Rail infrastructure and operations.

**Newcastle Light Rail**

The development is adjacent to the Newcastle Light Rail corridor. As the subject proposal is State Significant Development (SSD), the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) does not apply. Nevertheless, a review of the relevant documentation supporting the development application has been undertaken to consider the potential effects of the proposed development on the Newcastle Light Rail.

A number of matters as outlined below should be addressed either as part of the Response to Submissions or included as conditions of consent.

Excavation for the Proposed Development

The proposed development includes excavation greater than 2 metres, which is located immediately adjacent to the Newcastle Light Rail corridor. This would trigger a formal concurrence from TfNSW under the provisions of the ISEPP, clause 86.

The potential effect of the excavation on the Newcastle Light Rail corridor needs to be assessed in detail.

Safety Requirements

As the development is immediately adjacent to the rail corridor, clause 85 of the ISEPP is also a relevant consideration. There may be some safety concerns during construction and operational phases of the proposed development.

TfNSW, and the Newcastle Light Rail Operator (Keolis Downer), would need to be made aware of the crane requirements at the appropriate time.

Note that the Asset Standards Authority (ASA) standards prohibit craning under load over railways. The applicant and/or contractor must ensure that any crane has movement restriction over the light rail corridor. The applicant should consult with TfNSW, and the Newcastle Light Rail Operator to confirm the timing of the each construction certificate and associated documentation and activities

prior to preparation of requested documentation.

Other potential safety issues are identified in the Department's Guidelines for Development Near Busy Roads and Railways. The proponent should be made aware of those matters and the response to submissions address the requirements outlined in that document.

#### Acoustic Impact Assessment – Noise Intrusion Assessment

As the development is of a type that would be sensitive to noise intrusion, clause 87 of the ISEPP would also be a relevant consideration for the assessment and design of the building.

The noise intrusion assessment and subsequent recommended constructions for the development to achieve relevant noise intrusion criteria are based on unattended noise monitoring undertaken between 10 and 16 March 2017. This is prior to operation of the Newcastle Light Rail, which would now contribute to ambient and background noise levels in the area. The light rail alignment is located immediately south of the proposed development and the light rail stabling and maintenance facility is located to the west on the opposite side of Cottage Creek. Noise associated with light rail operations, including tram pass-by and stabling/maintenance activities, needs to be captured and appropriately considered in the noise intrusion assessment to ensure recommended constructions are sufficient to attenuate noise from the light rail.

It is recommended that the above matters be addressed in the Response to Submissions (RtS).

If the development is approved, TfNSW requests that the conditions of consent, as outlined in **TAB A**, be imposed for protection of the Newcastle Light Rail infrastructure and operations. We would be pleased to review the proposed conditions following receipt of RtS.

Thank you again for the opportunity to provide feedback on the above development application. Should you require clarification of any issue raised, please don't hesitate to contact Robert Rutledge, Principal Transport Planner, Land Use Planning and Development at [Robert.rutledge@transport.nsw.gov.au](mailto:Robert.rutledge@transport.nsw.gov.au).

Yours sincerely



8/4/2020

**Mark Ozinga**

Principal Manager, Land Use Planning and Development  
Customer Strategy and Technology

CD20/02660

## **TAB A – Suggested Conditions of Consent – Protection of TfNSW Infrastructure and Light Rail Operations**

### General Conditions

- The applicant must comply with all Keolis Downer or any subsequent operator of Newcastle Light Rail (Newcastle Light Rail Operator) policies, rules and procedures when working in and about the Newcastle Light Rail corridor;
- The applicant must comply with the requirements of T HR CI 12080 ST External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;
- Activities of the applicant must not affect and/or restrict Newcastle Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW), and the Newcastle Light Rail Operator, and it is a condition precedent that such written agreement must be obtained no later than two (2) months prior to the activity. Any requests for agreement are to include as a minimum the proposed duration, location, scope of works, and other information as required by the Newcastle Light Rail Operator;
- The applicant must apply to the Newcastle Light Rail Operator for any required network shutdowns four (4) months prior to each individual required network shutdown event. Each request for network shutdown must include as a minimum the proposed shutdown dates, duration, location, scope of works, and other information as required by the Newcastle Light Rail Operator. The Newcastle Light Rail Operator may grant or refuse a request for network shutdown at its discretion;
- All associated costs incurred by the Newcastle Light Rail Operator borne from any required network shutdown events including (but not limiting) management, bus replacement services, isolations and maintenance support must be reimbursed within thirty (30) days by the Applicant.
- The relocation of any TfNSW services or infrastructure is to be at the applicant's cost and to TfNSW Requirements and Standards;
- All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW/Roads and Maritime Services;
- 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; and
- All TfNSW and Newcastle Light Rail operator's costs associated with review of plans, designs and legal must be borne by the applicant.

### Prior to the issue of the Construction Certificate

The applicant should consult with TfNSW, and the Newcastle Light Rail Operator to confirm the timing of each construction certificate and associated documentation and activities prior to preparation of requested documentation. The applicant should provide the information to TfNSW for review and endorsement. The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until received written confirmation from TfNSW that the following conditions have been complied with:

- Prior to the issue of any Construction Certificates, the applicant is to confirm in writing with TfNSW what each Construction Certificate stage will involve;
- Prior to issue of the first construction certificate, the applicant shall provide the following to TfNSW for review and endorsement:
  - Final geo-technical and structural report / drawings. Geotechnical reports should include any potential impact on the light rail corridor, easement and substratum, and include consideration for a Finite Element analysis and any potential dewatering;
  - Final construction methodology with construction details pertaining to structural support during excavation or ground penetration. Final cross-sectional drawings showing ground surface, rail tracks, sub soil profile, proposed excavation and structural design of sub ground support adjacent to the Rail Corridor. Cross sectional drawings should also include the accurate RL depths and horizontal distances from assets (tracks, overhead lines, structures and cables) to the nearest point of excavation or ground penetration works. All measurements are to be verified by a Registered Surveyor;
  - Details of the vibration and movement monitoring system that will be in place before excavation commences;
  - Final Track Monitoring Plan in accordance with TfNSW ASA Standard SPC 207 Track Monitoring Requirements; and
  - Detailed survey plan.
- Prior to the issue of the relevant Construction Certificate, the applicant shall liaise with TfNSW to ascertain its requirements in relation to the protection of TfNSW's infrastructure. The applicant is to submit to TfNSW all relevant documentation as requested by TfNSW and obtain TfNSWs' written endorsement;
- Prior to the Issue of the relevant Construction Certificate, the applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have impact on rail services and signalling. In the event rail services are identified within the subject development site or within close proximity to the development site, the applicant must discuss with TfNSW to whether these services could be affected by the works proposed or if they are to be relocated or incorporated within the site;
- Prior to the issue of the relevant Construction Certificate, the applicant shall provide an engineering drawing which illustrates the delineation of the Newcastle Light Rail Corridor located adjacent to the subject development site in relation to the work site. This engineering drawing shall include any site fencing, hoarding and scaffolding within ten (10) metres of the Newcastle Light Rail Corridor;
- Prior to the issue of the relevant Construction Certification, a final Craneage Layout Plan is to be submitted to TfNSW and the Newcastle Light Rail Operator for review and endorsement. The final Craneage Layout Plan will include details of aerial craneage installation locations, mobilisation and erection plans, radial jib lengths, details of slew restrictions for prevention of craneage operations over the Newcastle Light Rail Corridor boundary;
- Prior to the issue of the relevant Construction Certificate, a pre-construction work Dilapidation Report of the Newcastle Light Rail and its assets shall be prepared by a qualified structural engineer. The dilapidation survey shall be undertaken via a joint site inspection by the representatives of the Newcastle Light Rail Operator, TfNSW and the applicant. These dilapidation surveys will establish the extent of existing damage and enable any deterioration during construction to be observed;

- Prior to the issue of the relevant Construction Certificate, the final acoustic assessment is to be submitted to TfNSW demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Final Acoustic Report will detail existing noise levels, modelled noise and vibration levels generated by the building and building systems and any mitigations or acoustic treatments proposed for the building shell including doors, glazing and acoustic sealing; All recommendations of the acoustic assessment are to be incorporated in the construction documentation;
- Prior to the issue of the relevant Construction Certificate, the applicant is to engage an Electrolysis Consultant 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 PCA with the application for the relevant Construction Certificate;
- Prior to the issue of the relevant Construction Certificate, the applicant shall design lighting, signs and surfaces with reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor limiting glare, light spill and reflectivity to the satisfaction of TfNSW and the Newcastle Light Rail Operator;
- Given the possible likelihood of objects being dropped, thrown or blown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies etc) which prevent the throwing of objects onto the rail corridor. The Principal Certifying Authority shall not issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings;
- Prior to the issue of the relevant Construction Certificate, 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; and
- Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, or rail infrastructure. The applicant is to contact TfNSW to obtain the level of insurance required for this particular proposal. Prior to issuing the relevant Construction Certificate the PCA must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required.

#### Prior to the Commencement of Works

- Prior to the commencement of works on site, an Agreement between TfNSW and the applicant must be signed and accepted by all parties prior to the start of works. This agreement will include, but is not limited to;
  - Pre and post construction dilapidation reports;
  - TfNSW costs associated with review of plans and designs;
  - The need for track possessions;
  - Review of the machinery to be used during excavation/ground penetration / construction works;
  - The need for track monitoring;
  - Design and installation of lights, signs and reflective material;

- Access by representatives of TfNSW, and the Newcastle Light Rail Operator to the site of the approved development and all structures on that site;
  - Endorsement of Risk Assessment/Management Plan and Safe Work Method Statements (SWMS);
  - Endorsement of plans regarding proposed craneage and other aerial operations;
  - Erection of scaffolding/hoarding;
  - Newcastle Light Rail Operator's rules and procedures; and
  - Alteration of rail assets such as the OHW along of track and associated hoarding demarcation system, if undertaken by the applicant.
- Prior to the commencement of works, an Interface Agreement between the Newcastle Light Rail Operator and the applicant must be signed and accepted by all parties. This agreement will include, but is not limited to:
    - Newcastle Light Rail Operational requirements;
    - Newcastle Light Rail access requirements;
    - Newcastle Light Rail Operator policies, rules and procedures compliance requirements;
    - Indemnities and releases;
    - Insurance requirements and conditions;
    - TfNSW and the Newcastle Light Rail Operator's recovery of costs from the applicant for costs incurred by these parties in relation to the development (e.g. review of designs, shutdown /power outages costs including alternative transport, customer communications, loss of revenue etc) risk assessments and configuration change processes;
    - Interface coordination between the Newcastle Light Rail Operator and the subject development construction works;
    - The Newcastle Light Rail Operator's reviews and impact assessment of the applicant's proposal, engineering design and construction works methodology on Newcastle Light Rail Operations and assets;
    - Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Newcastle Light Rail Corridor;
    - Arrangements for shutdowns; and
    - Newcastle Light Rail restricted operations related costs attributed to the applicant requested and approved Newcastle Light Rail site works access approval and access permit to work.

#### During Construction

- All piling and excavation works are to be supervised by a geotechnical engineer experienced with such excavation projects;
- No rock anchors/bolts (temporary or permanent) are to be installed into TfNSW's property or easements and the light rail corridor;
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 metres measured horizontally of any live electrical equipment unless a physical barrier such as a hoarding or structure provides separation;

- During all stages of the development extreme care shall be taken to prevent any form of pollution entering the light rail corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant;
- The applicant must mitigate all noise and vibration to the extent possible and provide vibration monitoring equipment and provide the results to the Newcastle Light Rail Operator at intervals required by TfNSW and the Newcastle Light Rail Operator, and immediately implement corrective actions in the event that the noise or vibration exceeds acceptable limits;
- Rainwater from the roof must not be projected and/or falling into the rail corridor/assets and must be piped down the face of the building which faces the rail corridor. Given the site's location next to the rail property, 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 TfNSW and the Newcastle Light Rail Operator (or the delegated authority); and
- No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the Newcastle Light Rail Operator and TfNSW and a physical barrier such as a hoarding or structure provides separation. To obtain approval the applicant will be required to submit details of the scaffolding, 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.

#### Prior to the issue of the Occupation Certificate

- The final dilapidation survey shall be undertaken via a joint inspection with representatives from TfNSW, the Newcastle Light Rail Operator and the applicant. The dilapidation survey will be undertaken on the rail infrastructure and property in the vicinity of the project. 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 to TfNSW and the Newcastle Light Rail Operator will be required unless otherwise notified by TfNSW. The final occupation certificate shall not be issued until written confirmation has been received from TfNSW confirming their satisfaction with the dilapidation survey and/or rectification of any damage.
- Prior to the issue of the Occupation Certificate, the applicant shall demonstrate that lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor were installed limiting glare and reflectivity to the satisfaction of TfNSW and the Newcastle Light Rail Operator.