

Mr Brad Roeleven
Development Assessment Officer
City of Parramatta Council
PO Box 32.
Parramatta NSW 2124

Dear Mr Roeleven

**Development Application for 197 Church Street, Parramatta NSW 2150 (DA/16/2022)
Concurrence Letter**

Thank you for your correspondence via the ePlanning portal (ref: CNR-33968), requesting Transport for NSW (TfNSW) to provide concurrence, pursuant to the provisions of the State Environmental Planning Policy (Transport & Infrastructure) 2021 (T&ISEPP).

This letter provides a response in relation to concurrence requirements under the rail related provisions of the T&ISEPP (clauses 2.98 and 2.99). A separate response has been submitted to provide comments under clause 2.122 of the T&ISEPP.

Protection of Parramatta Light Rail (PLR) Corridor

The proposed development is located within 25m of the Parramatta Light Rail corridor (Parramatta Light Rail Stage 1 (PLR1) and Parramatta Light Rail Stage 2 (PLR2)) and includes ground penetration deeper than 2m, which requires concurrence from TfNSW in accordance with Clause 2.99 of the T&ISEPP. Clause 2.99 of the T&ISEPP requires TfNSW to take into consideration:

- (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.

TfNSW has undertaken an assessment of the information provided in accordance with the provisions outlined in the T&ISEPP and has decided to grant concurrence to the development proposed in development application DA/16/2022. This concurrence is subject to Council imposing the conditions provided in **TAB A**.

Should Council choose not to impose the conditions provided in **TAB A** (as written), then concurrence from TfNSW 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. TfNSW therefore requests that Council comply with this requirement should such an event occur.

Design of Outdoor Terraces, Balconies and External Windows

Comment

The information provided in the development application does not specify whether the outdoor terrace area, balconies and external windows have openings that face the light rail corridor for PLR1 and PLR 2. Measures are needed to prevent objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor.

Recommendation

The applicant must design outdoor terraces, balconies, external windows and other external features that face onto the light rail corridor for PLR1 and PLR2 in accordance with Section 5.4 of the ASA standard T HR CI 12090 ST Airspace and External Developments version 1.0 unless otherwise agreed by TfNSW. This would potentially avoid any modification application associated with compliance of condition in relation to Outdoor Terraces, Balconies and External Windows included in this letter.

Thank you again for the opportunity of providing advice for the above development application. If you require further clarification regarding this matter, please don't hesitate to contact Mark Ozinga on 0439 489 298.

Yours sincerely



25/10/2023

Mark Ozinga

A/Director, Corridor & Network Protection
Customer Strategy and Technology

Objective Reference CD22/00231

TAB A – Required Conditions of Consent – Protection of TfNSW Infrastructure and Light Rail Operations

General

- The applicant must comply with all Parramatta Light Rail t Rail Operator policies, rules and procedures when working in and about the Parramatta Light Rail corridor;
- The applicant must comply with the requirements of ASA standards T HR CI 12090 ST Airspace and External Developments version 1.0 and Development Near Rail Corridors and Busy Roads- Interim Guidelines;
- All conditions are applicable for Parramatta Light Rail Stage 1 (PLR1) corridor (Church Street) as well as Parramatta Light Rail Stage 2 (PLR2) corridor (Macquarie Street turnback);
- All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Parramatta Light Rail Transitway boundary;
- Activities of the applicant must not affect and/or restrict Parramatta Light Rail operations without prior written agreement between the applicant, Transport for NSW (TfNSW) and the Parramatta 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 Parramatta Light Rail Operator;
- The applicant must apply to the Parramatta 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 Parramatta Light Rail Operator. The Parramatta Light Rail Operator may grant or refuse a request for network shutdown at its discretion;
- The applicant shall provide safe and unimpeded access for Parramatta Light Rail patrons traversing to and from the Parramatta Light Rail stops at all times;
- The relocation of any TfNSW services or infrastructure must only be undertaken with prior consent from TfNSW and to TfNSW Requirements and Standards. The works must be designed and undertaken by Authorised Engineering Organisations (AEO) at the applicant's cost;
- All works/regulatory signage associated with the proposed development are to be at no cost to TfNSW;
- 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;

- The applicant must hold current public liability insurance cover of minimum AUD\$ 250 million, unless otherwise advised by TfNSW, for the entire period of the work programme. This insurance shall not contain any exclusion in relation to works on or near the rail corridor and its infrastructure. Prior to issuing the first Construction Certificate the Certifier must witness written proof of this insurance in conjunction with TfNSW's written advice to the applicant on the level of insurance required; and
- All TfNSW and the Parramatta 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

Process of Endorsement of Conditions

Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the applicant shall:

- Consult with TfNSW and the Parramatta Light Rail Operator to ascertain requirements for PLR1 and PLR2 in relation to the protection of TfNSW's infrastructure and to confirm the timing of each construction certificate and associated documentation and activities prior to preparation of requested documentation;
- Sign Infrastructure Assess Deed Poll, Safety Interface Agreement and Works Deed with TfNSW and/or the Parramatta Light Rail Operator;
- Confirm in writing with TfNSW what each Construction Certificate stage will involve; and
- Submit all relevant documentation to TfNSW as requested by TfNSW and obtain its written endorsement for each construction stage. A summary report for each construction stage shall also be provided to TfNSW to demonstrate the following:
 - No adverse impacts to the light rail corridor and light rail operation by clearly identifying impacts and mitigation measures; and
 - Submitted documentation has satisfied the relevant conditions.

The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until they have received written confirmation from TfNSW that the relevant conditions have been complied with for each Construction Certificate.

Review and Endorsement of Documents

- Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever occurs first, the following documentation shall be provided for the review and endorsement of TfNSW:
 - Final geotechnical, structural report / drawings and all documentation required to demonstrate compliance with Technical Direction Geotechnology GTD 2020/001 | Version No. 01 – 2 July 2020 Excavation adjacent to Transport for NSW Infrastructure (GTD 2020/001) and Section 14 of T-HR-CI-12090-ST. Geotechnical reports should include any potential impact on the light rail corridor located adjacent to the subject development site.

The applicant shall update the Geotechnical Investigation (GI) report, Finite Element Analysis (FEA) report, Monitoring Plan and Paramatta Light Rail Engineering Impact Report submitted as part of the development application and the details are provided below:

- Additional geotechnical investigations shall be undertaken as the current investigation only includes one borehole which is located over 60m away from the interface with PLR1 and PLR2 turnback. The scope of the investigations should meet the requirements of GTD 2020/001 as a minimum, as a basis to assess the impact on the PLR1 and PLR2;
 - The ground model adopted in the FEA report shall be updated following the geotechnical investigation with justification and references supporting adoption of the soil and rock parameters and the details are provided below:
 - The scope of the geotechnical investigation and testing needs to be developed to obtain information to properly assess soil parameters, including consolidation / stiffness parameters that may be required to properly assess the impacts of settlement due to groundwater drawdown; and
 - The loose sand layer identified in the GI report and highlighted as a 'main geotechnical issue' needs to be included in the model FEA report. Any discrepancies in relation to the rock classes between the reports need to be addressed.
 - Ground anchors within TfNSW land need to be approved by TfNSW and comply with Section 14.5 of T HR CI 12090 ST (i.e. 10 year design life, supported by a geotechnical and structural engineering report prepared by an AEO/TAO etc).
 - Any anchoring or propping details and structural inputs shall be provided in the updated FEA report. These inputs need to be verified by a structural engineer and match those on the structural drawings;
 - A detailed assessment of groundwater levels shall be undertaken in consultation with TfNSW in accordance with GTD 2020/001;
 - A post construction dilapidation survey and rail alignment survey to determine acceptable and resultant deviation from top, alignment and twist will need to be provided;
 - A commentary on predicted differential vertical and horizontal displacements both longitudinally and between tracks for comparison to relevant track geometry limits, shall be provided.
 - Certification that the proposed development, including all 'for construction' documentation, will have no adverse effects on the existing rail track slab shall be provided;
 - With respect to design life requirements, based on T HR CI 12090 ST and T HR CI 12002 ST, it is considered all retention within the zone of influence of the PLR corridor will require a 120 year design life; and
 - The Monitoring Plan shall be revised in consultation with TfNSW. Instrumentation locations, monitoring frequency, alert levels, actions and hold points should be included.
- Final construction methodology with construction details pertaining to structural support during excavation or ground penetration. Any temporary components,

for example, shoring systems, formwork and falsework, that are located such that their failure has the potential to affect rail infrastructure facilities or operations shall have a minimum service life of 10 years;

- Details of the vibration and movement monitoring system that will be in place before excavation commences;
- Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor located adjacent to the subject development site. 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; and
- Detailed survey plan with location of services.

Pre-construction Work Dilapidation Report

A pre-construction work Dilapidation Report of the Parramatta 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 Parramatta 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.

Acoustic Assessment

Prior to the issue of the relevant Construction Certificate, the final acoustic assessment is to be submitted to the PCA demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads-Interim Guidelines". All recommendations of the acoustic assessment are to be incorporated in the construction documentation.

The assessment needs to consider potential impacts from the PLR1 and PLR2 on the activities within the development (Ballroom) in relation to light rail noise and vibration with reference to the Operational Noise and Vibration Review (ONVR) for PLR1 and EIS Technical Paper 3 for the proposed PLR2 turnback on Macquarie Street.

Electrolysis Analysis

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.

Physical results showing baseline interference levels at the site should be carried out following demolition as a site test using data loggers, is the only method which will yield the baseline interference signature needed. The assessment will inform data acquisition comparison when the PLR will be in operation. The assessment should consider the impacts of both PLR1 and PLR2.

Reflectivity Report

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 and reflectivity to the satisfaction of TfNSW and the Parramatta Light Rail Operator.

Outdoor Terraces, Balconies and External Windows

Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20 metres of, and face, the rail corridor, the development must have measures installed, to the satisfaction of TfNSW (eg awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor unless otherwise agreed by TfNSW. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from TfNSW confirming that this condition has been satisfied.

Consultation Regime

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.

Insurance Requirements

Prior to the issue of the relevant Construction Certificate, the applicant must hold current public liability insurance cover for a sum acceptable to TfNSW. TfNSW's standard public liability insurance requirement for this type of development adjacent to a rail corridor is minimum of \$250M. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, 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.

Works Deed / Agreements

Prior to the commencement of works on site, if required by TfNSW, an interface agreement between the Applicant, the Parramatta Light Rail Operator (and if nominated by TfNSW any other relevant TfNSW Contractor) must be executed. The interface agreement will include, but is not limited to:

- Pre and post construction dilapidation reports;
- The need for track possessions;
- Review of the machinery to be used during excavation, ground penetration and construction works;
- The need for track monitoring;
- Design and installation of lights, signs and reflective material;
- Access by representatives of TfNSW, the Parramatta Light Rail Operator and any other relevant TfNSW Contractor nominated by TfNSW 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;
- The rules and procedures of the Parramatta Light Rail Operator and any other relevant TfNSW Contractor nominated by TfNSW;
- Parramatta 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; and
- Alteration of rail assets such as the overhead wiring along the track and associated hoarding demarcation system, if undertaken by the Applicant; and

Prior to the commencement of any works, if required by TfNSW, a Deed Poll will need to be accepted by Parramatta Light Rail Contractors and signed by the Applicant. The Deed Poll will include, but is not limited to:

- Work Health and Safety provisions including the need for Safe Method Work statements;
- Parramatta Light Rail access requirements including site works access approval and access permit to work;
- Parramatta Light Rail Contractor compliance requirements;
- Indemnities and releases;
- Insurance requirements and conditions;
- Parramatta Light Rail Contractors recovery of costs from the Applicant for costs incurred in relation to the Development (e.g. review of designs, provision of information);
- The need to enter into an interface deed or similar with the Parramatta Light Rail Operator when the Parramatta Light Rail project is handed over to the Operator; and
- Attendance and participation in the construction works risk assessment of construction activities to be performed in, above, about, and/or below the Parramatta Light Rail Corridor.

During Construction

- Construction vehicles shall not be stopped or parked on Church Street and Macquarie Street at any time without prior approval of TfNSW;
- 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 the light rail corridor without approval from TfNSW;
- No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres 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 Parramatta Light Rail Operator at intervals required by TfNSW and the Parramatta 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 Parramatta 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 Parramatta 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

Post - construction Dilapidation Report

Prior to the Issue of the Occupation Certificate, a post-construction dilapidation survey shall be undertaken via a joint inspection with representatives from TfNSW, the Parramatta 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 Parramatta Light Rail Operator will be required unless otherwise notified by TfNSW. The applicant needs to undertake rectification of any damage to the satisfaction of TfNSW and the Parramatta Light Rail Operator and if applicable the local council.

Reflectivity Report

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 Parramatta Light Rail Operator.