

General Manager
Penrith City Council
concurrency.referral@penrith.city

Attention: concurrency.referral@penrith.city

15 September 2022

'STOP THE CLOCK'

**STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021
DEVELOPMENT APPLICATION – DA 22/0213 and DA 22/0214 (CNR-44442 and 44495)
184 Lord Sheffield Circuit, Penrith**

Dear Sir/Madam,

I refer to Council's referral requesting **concurrency** for the above development application in accordance with Section 2.99 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).

Council is advised that TfNSW (Sydney Trains), via Instruments of Delegation, has been delegated to act as the rail authority for the heavy rail corridor, including infrastructure, and to process the concurrency for this development application.

TfNSW (Sydney Trains) has undertaken an initial assessment of the relevant documentation, as provided through the Planning Portal, and is not in a position to make a decision on the granting of concurrency in accordance with Section 2.99 until additional information that meets Sydney Trains requirements are prepared and submitted to TfNSW (Sydney Trains) for review.

Further to our initial letter, TfNSW (Sydney Trains) requests that Council 'stop-the-clock' on the assessment of this proposed development until such time as the Applicant consults with TfNSW (Sydney Trains) and/or provides the additional documentation to Sydney Trains standards, as detailed below which now includes items 1(e) and (f), 3 and 4:

1. **Engineering & Technical Documentation** in compliance with the relevant ASA Standards Airspace and External Developments.
(<https://www.transport.nsw.gov.au/industry/asset-management-branch>):
 - a. Geotechnical and Structural report/drawings including rail specific potential impacts.
 - b. Detailed Survey Plan showing the relationship of the proposed development with respect to rail land and infrastructure.
 - c. Cross sectional drawings (both architectural and structural) showing ground surface, nearest rail tracks & infrastructure, property boundary and/or easement, sub-soil profile, proposed development including basement excavation and structural design of sub-ground support (i.e., footings/piles etc. adjacent to the rail corridor. The measured distance between the proposed development, property

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boundary and rail asset(s) at the closest point must be shown. All horizontal, RL and vertical measurements are to be verified by a Registered Surveyor.

- d. Drawings/details showing anti-throw mechanisms for openings (windows, balconies, terraces, and the like) within 20m and facing the rail corridor.
- e. Rail impact assessment report prepared by a suitably qualified engineer.
- f. The development is adjacent to 66kV and 11kV cables. The impacts of the proposed development on these cables must be reported by a suitably qualified engineer.

2. Additional Engineering Documentation:

- a. In addition to the above, and subject to the outcome of Sydney Trains review of the above documentation, Sydney Trains may also require the preparation of other documentation including a numeric modelling analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

3. Construction and maintenance of buildings in proximity to the corridor

- a. ASA Standard T HR CI 12090 ST (Airspace and External Developments) clause 23.1 requires that ongoing maintenance of any element of the proposed development shall not rely upon access from the railway corridor. Similarly, construction works should also not rely on access to the rail corridor including the neighbouring carpark owned by TAHE. Please provide details of how this will be achieved or provide a suitable setback that will enable construction and maintenance of all building elements (including scaffolding and other support structures) to remain wholly within the site during construction and maintenance works.

4. Continued access from Penrith Station to commuter car park

It is noted that a pedestrian accessway is proposed between Stage 1 and Stage 2 developments. Please advise how continued and unimpeded access from the commuter carpark will be enabled though the site upon completion of works and when the buildings are potentially in Strata ownership. Please also outline how access will be maintained during construction works.

TfNSW (Sydney Trains) requests consultation with the applicant via email to DA_sydneytrains@transport.nsw.gov.au regarding the above prior to any documentation being submitted to Council via the Planning Portal. It is requested provision of the additional information occurs within one (1) month of this letter, unless either a formal declaration of no intent is made, or an alternative time frame is agreed to.

Sincerely,

Miné Kocak
Town Planning Manager
Transport for NSW