

The General Manager
Penrith City Council
concurrence.referral@penrith.city

28 March 2024

**STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021
DEVELOPMENT APPLICATION – Rev 23/0008 (CNR-64807)
Stage 2: 184 Lord Sheffield Circuit, Penrith**

Dear Sir/Madam,

I refer to Council's referral requesting concurrence 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 concurrence for this development application.

As such, TfNSW (Sydney Trains) advises that the proposed development has been assessed in accordance with the requirements of Section 2.99(4) of the Transport and Infrastructure SEPP 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.*

TfNSW (Sydney Trains) has taken the above requirements into consideration and has decided to grant its concurrence to the development proposed in development application **Rev 23/0007** subject to Council imposing the conditions as written in Attachment A that will need to be complied with.

Should Council choose not to impose the conditions as written in Attachment A, then concurrence from TfNSW (Sydney Trains) has not been granted to the proposed development.

In the event that this proposed development 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 (Sydney Trains) therefore requests that Council comply with this requirement should such an event occur.

Council is also advised that this concurrence is not to be amended, replaced, or superseded by

any concurrence issued by any other rail authority, without further agreement from TfNSW (Sydney Trains).

Please contact TfNSW (Sydney Trains) Town Planning Management via email to DA_sydneytrains@transport.nsw.gov.au should you wish to discuss this matter. Finally, it is requested that when the proposed development's Determination is issued by the Council, a copy of the Notice of Determination and conditions of consent are provided.

Sincerely,

A handwritten signature in black ink, appearing to be "Kylie Clarke".

Kylie Clarke

Acting Director Land and Maritime Planning
Transport for NSW

Attachment A

- *Prior to the issue of any Construction Certificate, an Accessible Path for pedestrians, that is compliant with the relevant DDA, DSAPT and BCA requirements is to be provided between the existing TfNSW multi-storey car park on Dunshea Street and the existing TAHE owned commuter car park shared zone on Lot 2, DP 1010950 (adjacent to the southern boundary of the subject site). This Accessible Path is to be designed in consultation with TfNSW. The final design is to be approved by TfNSW prior to the issue of any Construction Certificate.*
- *Prior to the commencement of any works, an Accessible Path for pedestrians, that is compliant with the relevant DDA, DSAPT and BCA requirements and approved by TfNSW is to be constructed between the existing TfNSW multi-storey car park on Dunshea Street and the existing TAHE owned commuter car park shared zone on Lot 2, DP 1010950 (adjacent to the southern boundary of the site). This path is to be constructed and fully operational with any associated traffic calming devices, signage, pedestrian safety crossings and the like, prior to the commencement of any works on site and is to be retained permanently as a secondary Accessible Path in addition to the proposed main path via the public access link through the Site that is the subject of this application.*
- *Prior to the issue of a Construction Certificate, detailed design information must be provided to and approved by TfNSW for an Accessible Path between the existing TfNSW multi-storey car park entrance on Dunshea Street and the main public access link through the subject site. The path of travel must be compliant with relevant DDA, DSAPT and BCA requirements.*
- *Prior to the issue of a Construction Certificate, a public right of way must be registered on the title(s) of the property that is the subject of this application, as marked in pink on the Plan prepared by Crone Architects, Drawing Plan No. DA-01-10510, Rev A, dated 17 November 2021, marked 'Proposed Easement for Public Access Plan', as uploaded to the NSW Planning Portal on 12 March 2024. The easement terms must allow for suitable accessible paths of travel to TfNSW and Council's satisfaction.*
- *TfNSW must be consulted during the Road Safety Audits (RSA) and CPTED Security Workshops for the proposed development, which involve pedestrian and bicycle access to and from Penrith Railway Station and the commuter car parks. The relevant RSA and Security risk workshop reports are to be issued to TfNSW for review and comments, prior to Construction.*
- *The Applicant shall prepare an acoustic assessment 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 Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

- *Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert 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 Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.*
- *Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains' requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains' requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.*
- *During all stages of the development the Applicant must take extreme care to prevent any form of pollution (including dust) entering the 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 ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.*
- *Excess soil is not allowed to enter, be spread, or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of.*
- *The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:*
 - *oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;*
 - *acts as the authorised representative of the Applicant; and*

- *is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.*
- *Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.*
- *Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface and they can be contacted via email on West_Interface@transport.nsw.gov.au.*