



Paula Bizimis
Department of Planning, Housing, and Infrastructure
NSW Major Projects Portal

**State Environmental Planning Policy (Transport and Infrastructure) 2021
State Significant Development Application - SSD-61400212
Crows Nest OSD Site B**

13 December 2024

Dear Paula Bizimis,

Sydney Metro refers to State Significant Development Application SSD-61400212 (SSD) submitted by Third.i Crows Nest Residential Developments Pty Ltd (Applicant) that has been referred to Sydney Metro via the NSW Major Projects Portal on 15 November 2024 in accordance with section 2.99 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&ISEPP).

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro City & Southwest rail corridor to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Sydney Metro City & Southwest rail corridor for the purpose of the T&ISEPP.

Concurrence of Sydney Metro is not required

As this is an SSD development application, the provisions of section 2.99 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* do not apply.

Section 4.13(2A) of the *Environmental Planning and Assessment Act 1979* excludes concurrence or consultation requirements from applying to development applications for SSD, unless an environmental planning instrument requires concurrence or consultation to SSD. As section 2.99 of the T&ISEPP does not require concurrence to be provided in the context of a development application for SSD, concurrence is not required for the SSD.

Notwithstanding this, in order to ensure the appropriate management and mitigation of the proposed development's impacts on the Sydney Metro City & Southwest rail corridor, Sydney Metro has reviewed the SSD documents that were uploaded onto the NSW Major Projects Portal on 15 November 2024, including having regard to the matters outlined in the T&ISEPP.

Conditions requested in event of approval of the SSD

If the Department of Planning, Housing and Infrastructure determines to grant consent to the SSD, Sydney Metro requests that the following condition be imposed on the development consent.

OFFICIAL

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ABN 12 354 063 515
SM-24-00320440

1 Prior to issue of a Construction Certificate

- 1.1 The Applicant must provide Sydney Metro a summary of all Over Station Development (OSD) design loads that will be transferred to the corresponding station support elements and so demonstrate that these loads remain within the specified limits for all load cases. This confirmation must be submitted for Sydney Metro review, prior to the commencement of any works. This is required to ensure that the station structure remains capable of supporting the OSD developments on Site B, without adverse impact on the station or its operations.

The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

- 1.2 Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Department of Planning, Housing and Infrastructure for its records prior to the issue of any Construction Certificate.

The Department of Planning, Housing and Infrastructure is also advised that Sydney Metro's conditions are not to be amended, replaced, or superseded without further agreement from Sydney Metro.

Next steps

If, at any point, the SSD is amended prior to the consent authority's determination, please ensure that the amended SSD and any new or amended supporting documents are provided to Sydney Metro for further assessment. Any amendments to the SSD may alter the impacts of the proposed development on the Sydney Metro City & Southwest rail corridor assessed by Sydney Metro, so Sydney Metro may need to amend any requested conditions.

Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the SSD be forwarded to Sydney Metro should the consent authority determine to grant consent to the SSD.

In the event that the proposed development is the subject of a Land and Environment Court appeal, the consent authority is requested to notify Sydney Metro.

Sydney Metro thanks DPHI for its assistance.

Please contact Peter Bourke, Senior Manager – Corridor Protection or Joshua Murray, Planner – Corridor Protection at email sydneymetrocorridorprotection@transport.nsw.gov.au should you have any further enquiries on this matter.

Yours sincerely,



Peter Kalton

A/Executive Director

Northwest & City Operations

SSD-61400212 – Crows Nest OSD Site B