

13 August 2019

Mr Cameron Sargent
Key Sites Assessments
Department of Planning, Industry and Environment
By email: tim.green@planning.nsw.gov.au

Dear Cameron

**State Environmental Planning Policy (Infrastructure) 2007 Development
Application – SSD 7944 MOD1 Public Domain Barangaroo Hickson Road, Millers
Point**

Thank you for your letter to Rail Corporation New South Wales dated 18 June 2019, and received on 25 June 2019, informing Rail Corporation New South Wales of application SSD 7944 MOD1 as an adjoining landowner.

We understand that the development, the subject of the DA is State Significant Development (SSD) being a series of modifications to the Public Domain at Barangaroo including:

- Raising the approved ground level of Hickson Park to provide integration with the future upgrade of Hickson Road and support improved stormwater management
- Design refinements to the public pier within Watermans Quay; and
- Various design and aesthetic changes across the Public Domain in relation to materiality, access arrangements, street furniture and vegetation.

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro City and South West rail corridor to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Sydney Metro City and South West rail corridor for the purpose of the *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)*.

Concurrence of Sydney Metro is not required

As this is a SSD development application, the provisions of Clause 86 of the *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)* 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 clause 86 of the ISEPP does not require concurrence to be provided in the context of a development application for SSD, concurrence is not required for the DA.

Notwithstanding this, in order to ensure the appropriate management and mitigation of the proposed development's impacts on the Sydney Metro City and South West rail corridor, Sydney Metro has reviewed the DA documents that were referred to in the

Department's email, having regard to the matters outlined in clause 86 the ISEPP.
These matters 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.

Based on this review, Sydney Metro is of the view that the proposed development would have negligible impact on future construction and operation of the Sydney Metro City and Southwest rail corridor. This is because the development is not close enough to influence the Sydney Metro tunnels.

Sydney Metro therefore has no comments on SSD 7944 MOD1.

However, given the proximity of this development to the Sydney Metro Barangaroo Station site and the limited site access, Sydney Metro would like to continue to be informed of development activity in and around the development site.

Next steps

If, at any point, the application is amended prior to the Department's determination, please ensure that the amended DA and any new or amended supporting documents are provided to Sydney Metro for further assessment. Any amendments to the DA may alter the impacts of the proposed development on the Sydney Metro City and South West rail corridor assessed by Sydney Metro, so Sydney Metro may need to vary any requested conditions.

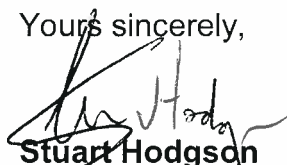
Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the DA be forwarded to Sydney Metro should the consent authority determine to grant consent to the DA.

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 the Department of Planning, Industry and Environment for its assistance.

Please contact Peter Bourke, Senior Manager Corridor Protection on 02 8265 6015 or Denise Thornton on 02 8265 9658 or sydneymetrocorridorprotection@transport.nsw.gov.au should you wish to discuss this matter further.

Yours sincerely,


Stuart Hodgson
Acting Director
Environment Sustainability and Planning