

17 December 2019

Director, Key Sites Assessment
Department of Planning, Industry and Environment
Email: information@planning.nsw.gov.au
Cc: paula.bizimis@planning.nsw.gov.au

Attention: Paula Bizimis

Dear Sir/Madam

Sydney Metro Northwest – Kellyville Station Concept Proposal DA (SSD-10343)

Thank you for your letter requesting Sydney Metro comments for Development Application SSD 10343 (DA), in accordance with clause 86 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

We understand that the development the subject of the DA is State Significant Development (SSD) being a concept proposal for the future development of land as part of the Kellyville Station Precinct.

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

Concurrence of Sydney Metro is not required

As this is a SSD development application, the concurrence requirements in Clause 86 of the 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 Northwest rail corridor, Sydney Metro has reviewed the associated DA documents having regard to the matters outlined in clause 86 of 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 could have an adverse impact on the operation and safety of the Sydney Metro Northwest rail corridor due the proximity of the Sydney Metro Northwest rail corridor and the works proposed.

Conditions requested in event of approval of the DA

If the consent authority determines to grant consent to the DA, Sydney Metro requests that a condition is imposed on the consent as follows:

1. As part of the lodgement of any future development applications, the Applicant shall prepare and submit documentation compliant with the Sydney Metro At Grade and Elevated Sections Corridor Protection Guidelines (available from www.sydneymetro.info).

The consent authority is advised that the condition requested by Sydney Metro is not to be amended, replaced or superseded by any subsequent submission provided by any other authority, without further agreement from Sydney Metro.

Next steps

If, at any point, the DA is amended prior to the consent authority'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 Northwest rail corridor assessed by Sydney Metro, so Sydney Metro may need to vary any requested conditions. We request that any subsequent development applications are referred to Sydney Metro.

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

Should you have any questions or require additional information, please contact Peter Bourke, Senior Manager, Corridor Protection on (02) 8265 6015 or Denise Thornton, Corridor Protection Co-ordinator on (02) 8265 9658 or via email SydneyMetroCorridorProtection@transport.nsw.gov.au

Yours sincerely



Stephen Scott

Deputy Executive Director,
Northwest Operations