

4 August 2020

Annie Leung
Assessment Planning Officer
NSW Department of Planning, Industry and Environment
By email: annie.leung@planning.nsw.gov.au

Dear Madam,

**State Environmental Planning Policy (Infrastructure) 2007
Development Application – SSD-9063-Mod-1
1-15 and 2-12 Conferta Avenue, Rouse Hill (Tallawong Station Precinct South)**

Thank you for your email dated 18 June 2020 requesting the concurrence of Sydney Metro for Modification Application **SSD-9063-Mod-1** in accordance with clause 86 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP).

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro City and Southwest and Sydney Metro Northwest rail corridors 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

Sydney Metro understands that the development the subject of the Modification Application relates to a State Significant Development (SSD). The Modification Application seeks approval for a number of refinements to the approved building envelopes in the Urban Design Report prepared by Bennett and Trimble, as well as amendments to some of the diagrams in the approved Design Quality Guidelines prepared by Bennett and Trimble.

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 Northwest rail corridor, Sydney Metro has reviewed the Modification Application documents that were exhibited on the NSW Major Projects site from 25 June 2020 to 22 July 2020, including having regard to the matters outlined in the ISEPP.

Based on this review, Sydney Metro is of the view that the proposed development would

have an adverse impact on the Sydney Metro Northwest rail corridor unless conditions are imposed on the development, should development consent be granted. This is because Section 4.4 of the S4.55 Planning Statement stipulates that the modification would result in “A reduction in depth of excavation required across the site” with no further details provided.

It is further noted that any future works proposed that will encroach this land will require land owner’s consent to be granted by Sydney Metro.

Conditions requested in event of approval of the DA

If the consent authority determines to grant consent to the DA, Sydney Metro requests that the conditions in *Attachment A* be imposed on the development consent.

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.

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

Please contact Peter Bourke, Senior Manager Corridor Protection on 02 8265 6015 or Lauren McMahon at sydneymetrocorridorprotection@transportnsw.gov.au should you wish to discuss this matter further.

Yours sincerely



Stephen Scott

Deputy Executive Director
Northwest Operations

Attachment A

1 Prior to issue of a Construction Certificate

Engineering

- 1.1 The Certifier must not issue a Construction Certificate for the development unless the Applicant has submitted to Sydney Metro and Sydney Metro has provided written approval of the following items:

The Applicant must provide confirmation on the following:

- a) Confirmation is required from the Applicant that depth of modified basement would not be deeper than the depth of basement of approved concept on the block of 2-12 Conferta Avenue.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

Rail Corridor:

- 1.2 All structures must be designed, constructed and maintained so as to allow for the future operation and demolition of any part of the development without damaging or otherwise interfering with the Sydney Metro Northwest rail corridor or rail operations. Where any part of the development is to be retained because its demolition would damage or otherwise interfere with the Sydney Metro Northwest rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

Documentation

- 1.3 Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.
