



SM-22-00380356

17 August 2022

David Glasgow
Department of Planning and Environment
By Email: david.glasgow@planning.nsw.gov.au

Dear Sir/Madam

**State Environmental Planning Policy (Transport and Infrastructure) 2021
Development Application – MP 06_0162 MOD 9
Barangaroo Concept Plan Approval**

Thank you for your email dated 12 July 2022 requesting the concurrence of Sydney Metro for Development Application MP 06_0162 MOD 9 (DA), in accordance with section 2.99 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP).

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 Transport and Infrastructure SEPP.

Concurrence of Sydney Metro is not required

Sydney Metro understands that the development the subject of the DA is State Significant Development (SSD). As this is a 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 Transport and Infrastructure SEPP 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 & Southwest rail corridor, Sydney Metro has reviewed the DA documents that were uploaded onto the Department of Planning's Major Projects Assessments webpage, including having regard to the matters outlined in the Transport and Infrastructure SEPP.

Based on this review, Sydney Metro requests:

- Consideration of the State Environmental Planning Policy (Transport and Infrastructure) 2021
- Compliance with the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info).

Sydney Metro

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- Compliance with the existing Barangaroo/Metro Interface Agreement (BMIA) between Sydney Metro and INSW as amended on 2 September 2021, including the TfNSW Design Requirements (Exhibit 1).
- Consultation with 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 – City & Southwest 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 and Environment for its assistance.

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

Yours sincerely



Stephen Scott

Deputy Executive Director

Northwest Operations

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