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Bayside Council
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19 November 2024

‘STOP THE CLOCK’

**STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021
DEVELOPMENT APPLICATION – DA-2024-286 (CNR-74891)
465-469 Princes Highway and 5-7 Geeves Avenue, Rockdale**

Dear Sir/Madam,

I refer to Council’s referral requesting concurrence for the above development application in accordance with Section 2.99 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP)*.

Council is advised that TfNSW, via Instruments of Delegation, has been delegated to act as the rail authority for the heavy rail corridor, including infrastructure, and to act as Agent on behalf of the landowner Transport Asset Holding Entity (TAHE); and to process the concurrence for this development application.

We have undertaken an initial assessment of the relevant documentation, as provided through the Planning Portal, and are not in a position to make a decision on the granting of concurrence in accordance with Section 2.99 until additional information that meets Sydney Trains requirements are prepared and submitted to TfNSW for review. Further, additional information is also required from the Applicant due to the proposal indicating works situated within TAHE land, including access from Geeves Avenue for the development and public domain works along Geeves Avenue.

Therefore, we request Council ‘stop-the-clock’ on the assessment of this proposed development until such time as the applicant consults with TfNSW and/or provides the additional documentation to Sydney Trains standards, as detailed below:

1. Property Matters and Land Owners Consent:

TfNSW records indicate that Geeves Avenue adjoining the subject site is owned by TAHE. This DA relies on access from Geeves Avenue and includes works along the pedestrian walkway within TAHE Land.

- a. The Applicant is requested to obtain written Land Owners Consent from TAHE (Transport Asset Holding Entity), or alternatively lodge amended plans showing no reliance, use or works of or within TAHE land.
- b. The formal request for Land Owners Consent should include the full DA package, provided via a Cloud or File Sharing system, and emailed to tahe.landownersconsent@transport.nsw.gov.au.

It is noted that the most up to date DA plans and reports, which are before Council, are to be submitted with the request for Land Owners Consent. This is to ensure that what is consented to by the land owner, is in fact the exact and proper proposal on the subject site, and what is subsequently determined by Council.

2. Other Property Matters

- a. The Applicant is requested to confirm that there will be no use of, or reliance on Rockdale Station Commuter Carpark for access or carparking.

In addition, and subject to the outcome of Sydney Trains' review of the above requested information, TfNSW may request the preparation of additional documentation.

TfNSW (as Rail Authority) requests consultation with the applicant via email to DA_sydneytrains@transport.nsw.gov.au regarding the above prior to any documentation being submitted to Council via the Planning Portal. It is requested provision of the additional information occurs within one (1) month of this letter, unless either a formal declaration of no intent is made, or an alternative time frame is agreed to.

Sincerely,

Maddison Pooley
A/Town Planning Manager
Transport for NSW