

Panel Reference	PPSSTH-167
DA Number	DA0291/2022
LGA	Shellharbour City Council
Proposed Development	Learning Centre, removal of 10 trees
Development Characterisation	Educational Establishment
Location	Lot 2 DP 1144885
Applicant/Owner	Anglican Schools Corporation (Applicant) Anglican Schools Corporation (Owner)
Date of DA lodgement	28 June 2022
Public Notification Period No. of Submissions	Dates: 7 July 2022- 20 July 2022 Submissions: No submissions received
Clause 4.6 requests	No
Report prepared by	Zoe Madaschi – Senior Development Assessment Officer
Report Endorsed by	Madeline Cartwright - Acting Manager Planning- City Development
Date of report	28 November 2022

This report is to act as an addendum to the assessment report and recommendation dated 16 November 2022 for lot 2 DP 1144885, 1 Piper Drive DUNMORE.

A response has now been received from Sydney Trains in regards to the proposal, see details below.

External Referrals

Transport for NSW (Sydney Trains)

The proposal was referred to TfNSW (Sydney Trains) due to being development adjacent to rail corridors under section 2.98(2) of SEPP (Transport and Infrastructure) 2021. A response was received on the 25 November 2022 and Sydney Trains have advised that they have no comment on the proposed development works associated with DA0291/2022.

Section 4.15 (1) (a)(i) - environmental planning instruments

State Environmental Planning Policy (Transport and Infrastructure) 2021

Division 15 Railways

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements

2.98 Development adjacent to rail corridors

- (1) *This section applies to development on land that is in or adjacent to a rail corridor, if the development—*
- (a) *is likely to have an adverse effect on rail safety, or*
 - (b) *involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
 - (c) *involves the use of a crane in air space above any rail corridor, or*
 - (d) *is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

Note—

Section 2.48 also contains provisions relating to development that is within 5 metres of an exposed overhead electricity power line.

- (2) *Before determining a development application for development to which this section applies, the consent authority must—*
 - (a) *within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and*
 - (b) *take into consideration—*
 - (i) *any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) *any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.*
- (3) *Despite subsection (2), the consent authority is not required to comply with subsection (2)(a) and (b)(i) if the development application is for development on land that is in or adjacent to a rail corridor vested in or owned by ARTC or the subject of an ARTC arrangement.*
- (4) *Land is adjacent to a rail corridor for the purpose of this section even if it is separated from the rail corridor by a road or road related area within the meaning of the Road Transport Act 2013.*

Comment: The proposal was referred to TfNSW (Sydney Trains) due to being development adjacent to rail corridors under section 2.98(2) of SEPP (Transport and Infrastructure) 2021. A response was received on the 25 November 2022 and Sydney Trains have advised that they have no comment on the proposed development works associated with DA0291/2022.

Conclusion

The response from Sydney Trains has not changed the assessment report and recommendation or the final recommended conditions for application PPSSTH-167 (DA0291/2022).