

Attachment A

Sydney Metro Concurrence Letter

Jessica Symons
City of Sydney
via NSW Planning Portal

State Environmental Planning Policy (Transport and Infrastructure) 2021
Development Application - D/2024/446
372-382A Pitt Street, Sydney

05 May 2025

Dear Jessica Symons,

Sydney Metro refers to Development Application (DA) D/2024/446 submitted by Well Smart Investment Holding (Applicant) that has been referred to Sydney Metro via the NSW Planning Portal on 11/6/2024], in accordance with section 2.99 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (T&ISEPP).

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro City and Southwest rail corridor to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Sydney Metro City and Southwest rail corridor for the purpose of the T&ISEPP.

Assessment requirements under the T&ISEPP

Sydney Metro has reviewed the DA documents that were uploaded onto the NSW Planning Portal on 31/1/2025.

Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of section 2.99(4) of the T&ISEPP.

In this regard, Sydney Metro has taken into account:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on the safety or structural integrity 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.

Concurrence granted subject to conditions

Sydney Metro has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in the DA, subject to the consent authority imposing the conditions at *Attachment A*.

Should the consent authority determine not to impose the conditions provided in Attachment A in the form provided, then concurrence from Sydney Metro has not been granted to the DA.

The consent authority is also advised that Sydney Metro's concurrence is not to be amended, replaced or superseded by any concurrence which may be issued by any other authority, without further agreement from Sydney Metro.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 City and Southwest rail corridor assessed by Sydney Metro, so Sydney Metro may need to amend (or refuse) its concurrence.

Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the DA are 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's attention is also drawn to section 8.12 of the *Environmental Planning and Assessment Act 1979* which requires the consent authority to give notice of that appeal to a concurrence authority.

[Finally, it appears the DA may also have impacts on the City Circle rail corridor, which is not the responsibility of Sydney Metro. Sydney Trains is the relevant rail authority for the City Circle rail corridor. The DA should be referred to Sydney Trains for comments or concurrence, as applicable as soon as possible.]

Sydney Metro thanks the City of Sydney for its assistance.

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

Sincerely,



Peter Kalton
Executive Director
Northwest & City Operations
D/2024/446 | 372 - 382A Pitt Street, Sydney

Attachment A

1 Prior to issue of a Construction Certificate

Engineering

- 1.1 All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:
- (a) Geotechnical Assessment Report Rev 00 - PS138214-GEO-REP-001 prepared by WSP dated 19 December 2023.
 - (b) Geotechnical Factual and Interpretive Report Rev 0 prepared by WSP dated 03/12/2024.
 - (c) Sydney Metro Impact Assessment PS138214-GEO-REP-004 Rev 01 prepared by WSP dated 24 January 2025.
 - (d) Plan showing Sydney Metro Reserves Drawing No PS138214-GEO-DRG-004-01 Rev A prepared by WSP dated 15 November 2024 and verified by LTS Registered Surveyor, Georgia Kate Rooney on 20-11-2024.
 - (e) Cross Section showing Sydney Metro Reserves Drawing No PS138214-GEO-DRG-004-02 Rev A prepared by WSP dated 15 November 2024 and verified by LTS Registered Surveyor, Georgia Kate Rooney on 20-11-2024.
 - (f) Architectural Plan Basement 1 Issue C - A0990 prepared by KHA dated 22 November 2024.
 - (g) Architectural Plan Ground Floor Issue C - A1000 prepared by KHA dated 22 November 2024.
 - (h) Architectural Section A (East-West) and Section B (North-South) Issue C - A2001 prepared by KHA dated 22 November 2024.
 - (i) Architectural Detailed Section Urban Room Issue C - A2010 prepared by KHA dated 22 November 2024.
 - (j) Construction methodology as described in Section 3.4 of the Structural Detailed DA – End of Stage Report Rev 01 - PS138214-WSP-AU-SYD-STRREP-00001 prepared by WSP, dated 22 February 2024.
 - (k) Appendix F of Sydney Metro Impact Assessment Rev 01 - PS138214-GEO-REP-004 prepared by WSP dated 24 January 2025 (Sydney Metro related risk register).
 - (l) Electrolysis Report Rev A - PS138214-AU-SYD-EB-REP-00001 prepared by WSP dated 24 January 2024.

The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Additionally, 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:

- (m) Current land title including all easements, right of ways, covenants and caveats;
- (n) Final construction drawings for the Construction Certificate
- (o) Structural drawings including footing plans showing footing types, sizes, locations and loading and excavation retention plans
- (p) Updated Impact Assessment Report PS138214-GEO-REP-004 Rev 01 prepared by WSP dated 24 January 2025 as necessary to address the following:
 - (A) loading from the proposed development
 - (B) detail the input loads, particularly the footing loads, applied in the numerical modelling
 - (C) Section 5.3 of the report refers to Section 6.2 of the guidelines. Specify which guideline is referred therein
 - (D) provide updated excavation retention plan with retention details, particularly for the eastern boundary

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 City and Southwest 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 City and Southwest rail corridor or rail operations, that part of the development must have a minimum design life of 100 years.

Survey and services

- 1.3 Prior to the issue of a Construction Certificate:
- (a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
 - (b) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that

there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.

- 1.4 Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. A services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

Noise & Vibration

- 1.5 The development must:
- (a) *comply with State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info);*
 - (b) *be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and*
 - (c) *not have any noise or vibration impacts on the rail corridor or rail infrastructure.*
- 1.6 The Applicant must update the DA Acoustic Report Rev 03 - 20179-RPT-AC0003 prepared by Inhabit dated 24 May 2025 as necessary to address the following:
- (a) vibration criteria (Section 5.3.2) in the report to be updated at to include vibration criteria for Sydney Metro assets as listed in *Sydney Metro Underground Corridor Protection Technical Guidelines* (April 2021)
 - (b) report to be updated to show compliance with criteria (as listed in *Sydney Metro Underground Corridor Protection Technical Guidelines* (April 2021)) can be achieved with proposed construction equipment and methodology.
 - (c) noise and vibration monitoring plan should be made available to Sydney Metro for review prior to issuance of construction certificate

Electrolysis

- 1.7 Prior to the issue of a Construction Certificate, the Applicant must incorporate in the development all the measures recommended in the electrolysis report referenced in Condition 1.1 to control the risks to the development from electrolysis. A copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate.
- Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

Construction

- 1.8 No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 1.9 No rock anchors, rock bolts, ground anchors or rock ties, piles, foundations, rock pillars, transfer structures, basement walls, slabs, columns, beams, cut rock faces, are to be installed in the rail corridor, Sydney Metro property or easements. The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- 1.10 Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:
- (a) Machinery to be used during excavation/construction;
 - (b) Demolition, excavation and construction methodology and staging;
- The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.
- 1.11 If required by Sydney Metro, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 1.12 If required by Sydney Metro, a tunnel monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Metro for review and endorsement prior to the issuing of a Construction Certificate. The Certifier must not issue a Construction Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 1.13 Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.
- 1.14 If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.

Reason: construction of the proposed development presents a risk of potential damage to the Sydney

Metro - City & Southwest Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.

- 1.15 If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.

Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro - City & Southwest Line rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.

- 1.16 Prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review and endorsement a hydrogeologic assessment report demonstrating that any dewatering during construction will not have any adverse settlement impacts on the rail corridor. The Certifier must not issue a Construction Certificate until this report has been endorsed by Sydney Metro in writing.
- 1.17 Prior to the issue of a Construction Certificate, the Applicant must prepare and provide to Sydney Metro for review of a Construction Traffic Management Plan to ensure no adverse impacts to Sydney Metro operations. The Certifier must not issue a Construction Certificate until this Plan has been endorsed by Sydney Metro in writing.
- 1.18 Prior to the issue of a Construction Certificate, any proposed alterations to Sydney Metro assets must be approved by Sydney Metro and any proposed changes may be subject to operator requirements. The Certifier must not issue a Construction Certificate until Sydney Metro approval has been provided in writing.

Documentation

- 1.19 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.

2 During construction

Supervision

- 2.1 Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

Consultation

- 2.2 The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
- (a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;
 - (b) acts as the authorised representative of the Applicant; and

(c) *is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro as notified to the Applicant.*

2.3 Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.

2.4 Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the relevant Sydney Metro interface team.

Drainage

2.5 The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.

2.6 The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.

Inspections

2.7 If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:

- (a) *site investigations;*
- (b) *foundation, pile and anchor set out;*
- (c) *set out of any other structures below ground surface level or structures which will transfer any load or bearing;*
- (d) *foundation, pile and anchor excavation;*
- (e) *other excavation;*
- (f) *surveying of foundation, pile and anchor excavation and surveying of as-built excavations;*
- (g) *other concreting; or*
- (h) *any other event that Sydney Metro has notified to the Applicant in writing*

so that Sydney Metro may inspect the carrying out or completion of those works on the development site.

2.8 If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney

Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

3 Prior to the issue of an Occupation Certificate

Noise and Vibration

3.1 Prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:

- (a) State Environmental Planning Policy (Transport and Infrastructure) 2021;
- (b) the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"; and
- (c) any other noise and vibration requirements imposed by this consent.

The acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

Documentation

3.2 Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.

3.3 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 Occupation Certificate.

Inspections

3.4 If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

3.5 At any time during the use and occupation of the development, Sydney Metro may also require a joint inspection of the rail infrastructure and property in the vicinity of the development by

representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. Any such dilapidation survey will establish the extent of any damage or deterioration during operation of the development to be observed and rectified at the Applicant's cost.

4 General

Inspections

- 4.1 At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
- (a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
 - (b) attend on-site meetings with the Applicant and its contractors,
- to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

Other

- 4.2 Any conditions or other requirements imposed by Sydney Metro part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
- 4.3 Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.
- 4.4 All reasonable Sydney Metro costs associated with review of plans, designs and legal must be borne by the applicant.