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18 February 2025

Sarah Horsfield
Director
Urbis
Angel Place, Level 8
123 Pitt Street
SYDNEY NSW 2000

Dear Sarah

The Farmhouse, Terrey Hills - Development Application No. DA2024/1362
Property: 40 Myoora Road, Terrey Hills

We act on behalf of the Applicant for Development Application No. DA2024/1362 (**DA**), which seeks development consent for a hospitality venue comprising three restaurants and ancillary supporting land uses at the Property.

We understand that the DA is currently under assessment by Northern Beaches Council (**Council**), and that Council has recently issued a request for information (**Council RFI**). We are informed that the Council RFI relevantly requests further information from the Applicant in response to the comments raised by Transport for NSW (**TfNSW**) in its letter to Council dated 12 November 2024 (**TfNSW Letter**).

For the purposes of assisting the Applicant in preparing its response to the Council RFI, we have been asked to confirm the role of TfNSW with respect to the DA.

Role of TfNSW

We confirm that TfNSW does not have either an approval or concurrence role in relation to the DA.

As identified in the Statement of Environmental Effects dated September 2024 which was lodged with the DA and the TfNSW Letter, the relevant provisions of the *State Environmental Planning Policy (Transport & Infrastructure) 2021* (**T&I SEPP**) are sections 2.119 and 2.122.

Neither of these provisions include a requirement for TfNSW to provide its concurrence or approval in order for development consent to be granted to the DA.

In fact, section 2.119 of the T&I SEPP does not require any form of referral to TfNSW, although we accept that this often occurs in practice. It is only section 2.122(4) of the T&I SEPP which requires a consent authority to give written notice of a development application to TfNSW and take into consideration any submission that TfNSW provides in response. This does not amount to any requirement to obtain TfNSW's concurrence to, or approval of, the DA.

Accordingly, the concurrence or approval of TfNSW is not required in order for development consent to be granted to the DA.

Our Ref 121212504:121212504

PRNS 813660967v3 121212504 18.2.2025

In alliance with
Linklaters

Please let us know if you would like to discuss any aspect of this advice.

Yours sincerely



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