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Director – Industry Assessments
Development Assessment
Department of Planning and Environment
Locked Bag 5022
PARAMATTA NSW 2124

ATTENTION: Emma Barnet

Dear Emma

AMENDED STATE SIGNIFICANT DEVELOPMENT APPLICATION SSD-9409987 – MOSS VALE PLASTICS RECYCLING FACILITY AND ANCILLARY RAIL INFRASTRUCTURE FACILITIES, LOT 11 DP1084421 AND LOT 3 DP 1136734, 74-76 BEACONSFIELD ROAD, MOSS VALE AND 475 BERRIMA ROAD, NEW BERRIMA

Thank you for the Department's written notification of the above application under section 2.97 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Policy). Please forgive the lateness of Boral's response.

Boral owns and operates railway lands and infrastructure linking Boral's Berrima Cement Works at New Berrima to the Main Southern Railway at Moss Vale. Boral's rail infrastructure intersects the public road network at one location on Berrima Road and two locations on Douglas Road. Each intersection includes an unsignalled level crossing. **Figure 1** illustrates the locations of the Cement Works and Boral's rail infrastructure, including the three level crossings, in relation to the proposed development site.



Figure 1: Locations of Boral railway lands and infrastructure.



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The proposed development includes the carrying out of work for the purpose of *rail infrastructure facilities* (defined in section 2.91 (1) of the Policy), to effectively relocate the easternmost Douglas Road level crossing. The proposed development's construction and operation may also be considered likely to significantly increase the number of vehicles – including trucks – using each of the three level crossings on Douglas and Berrima Roads.

Section 2.97 (2) of the Policy effectively requires the Department to give written notice of the amended application to the *rail authority* for the *rail corridor*, and consider any response received within 21 days of giving notice.

Section 2.91 (1) of the Policy defines *rail authority* and *rail corridor* as follows:

rail authority for a *rail corridor* means—

- (a) *in relation to a rail corridor that is vested in or owned by ARTC or is the subject of an ARTC arrangement—ARTC, and*
- (b) *in relation to any other rail corridor—Transport for NSW.*

rail corridor means land—

- (a) *that is owned, leased, managed or controlled by a public authority for the purpose of a railway or rail infrastructure facilities, or*
- (b) *that is zoned under an environmental planning instrument predominantly or solely for development for the purpose of a railway or rail infrastructure facilities, or*
- (c) *in respect of which the Minister has granted approval under Part 3A or Division 5.2 or (before its repeal) Division 4 of Part 5 of the Act, or consent under Part 4 of the Act, for the carrying out of development (or for a concept plan for a project comprising or including development) for the purpose of a railway or rail infrastructure facilities.*

The proposed *rail infrastructure facilities* are on land in Zone SP2 Infrastructure (Rail Infrastructure) under *Wingecarribee Local Environmental Plan 2010*. That land is therefore a *rail corridor* as defined by the Policy, and in the absence of the rail corridor being vested in or owned by ARTC, Transport for NSW is the *rail authority* for the purposes of section 2.97 of the Policy. Transport for NSW should therefore be notified of the application and invited to respond under section 2.97 of the Policy.

Having noted the above, Boral trusts DPE and TfNSW will favourably consider the amended development application only if satisfied that:

- (a) the applicant has duly considered rail despatch and delivery allowances and restrictions under the various development consents relating to the Berrima Cement Works, and
- (b) the nature and number of road traffic movements generated by the proposed development will not compromise the safe and efficient operation of any level crossing, and
- (c) the proposed level crossing relocation will not lead to rail, road or pedestrian traffic safety being compromised.

Please contact Boral's Planning & Approvals Manager Roly Wong on 0401 897 893 if you need more information or wish to discuss this matter.

Yours faithfully

Roly Wong
Planning & Approvals Manager (NSW/ACT)