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10 July 2020

Major Projects Team
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street,
Parramatta, NSW, 2150

FAO: Lisa Mitchell, Team Leader Metro Rail, Transport Assessments

Dear Lisa,

RE: SUBMISSION TO SSI-10038 – SYDNEY METRO WEST

This submission has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of Mayrin Group in respect of a State Significant Infrastructure (**SSI**) application (SSI-10038) for Sydney Metro West Environmental Impact Statement – Concept and Stage 1 (**the project**). The Environmental Impact Statement (**EIS**) and associated documents for the project were placed on public exhibition on 30 April 2020.

Urbis and Mayrin Group would like to thank the Department of Planning, Infrastructure and Environment (**DPIE**) for granting an extension to the public exhibition period to finalise and submit this submission. Mayrin Group appreciates the opportunity to participate in the planning process and submit their views on the project. Mayrin Group acknowledges the project will have a transformative transport impact on Sydney's West and will enable significant development opportunities along the transport corridor.

The purpose of this submission is to:

- Reinforce the importance of appropriate management of construction impacts on landholders surrounding proposed Sydney Metro West stations.
- Outline key components of the SSI application which may have impact on the long-term ground lease and the development rights afforded from the NSW Government.
- Detail Mayrin Group's position in respect to potential development opportunities, and the impact of the SSI application on these opportunities in the future.

This submission provides an overview of the SSI application, Mayrin Group's landholding, and provides general comments on the exhibited EIS and accompanying documents. In summary, Mayrin Group consider the EIS has not fully considered the extent of impacts associated with construction and tunnelling for the Sydney Metro West on landholders surrounding proposed stations. In accordance with this, a number of recommendations are provided to ensure the project minimises the short-term construction and long-term impacts on surrounding landholders.

We also note that concurrent with the EIS the DPIE exhibited amendments to the *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)* to create a new short-term "protective" underground corridor related to the proposed alignment of the Sydney Metro West. We acknowledge future development on the corridor will require notification and concurrence from Sydney Metro.

1. BACKGROUND

1.1. SUBJECT SITE

The Sydney Metro West project proposed by TfNSW is under assessment by the Department of Planning, Industry and Environment (**DPIE**) as a SSI project, referred to as SSI-10038. The proposal comprises a new 24-kilometre metro line to connect Greater Parramatta with the Sydney CBD. Confirmed stations include Westmead, Parramatta, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock, The Bays and Sydney CBD. Optional stations at Rydalmere and Pyrmont are also under investigation.

Mayrin Group currently have a 99-year ground lease from NSW Government for a site located at 6 Figtree Drive, Sydney Olympic Park. The site is legally known as Lot 25 in Deposited Plan 793595. The site is located within the Sydney Olympic Park (**SOP**) Precinct and is immediately adjacent to the proposed Sydney Olympic Park Metro Station construction site. The location of the site (identified in red) and indicative station location (identified in blue) is illustrated in **Figure 1**.

The site currently accommodates two commercial buildings (known as Building A and B) ranging in height from two to four storeys, with on-site car parking and vehicular access from Figtree Drive. The site is currently occupied by commercial tenants, including NSW Institute of Sport, Government Property NSW and Macasa and Winhomes. The current leases expire in 2021, with an option to renew between 2-5 years.

Figure 1 Site and Proposed Station Location



Source: TfNSW, Urbis

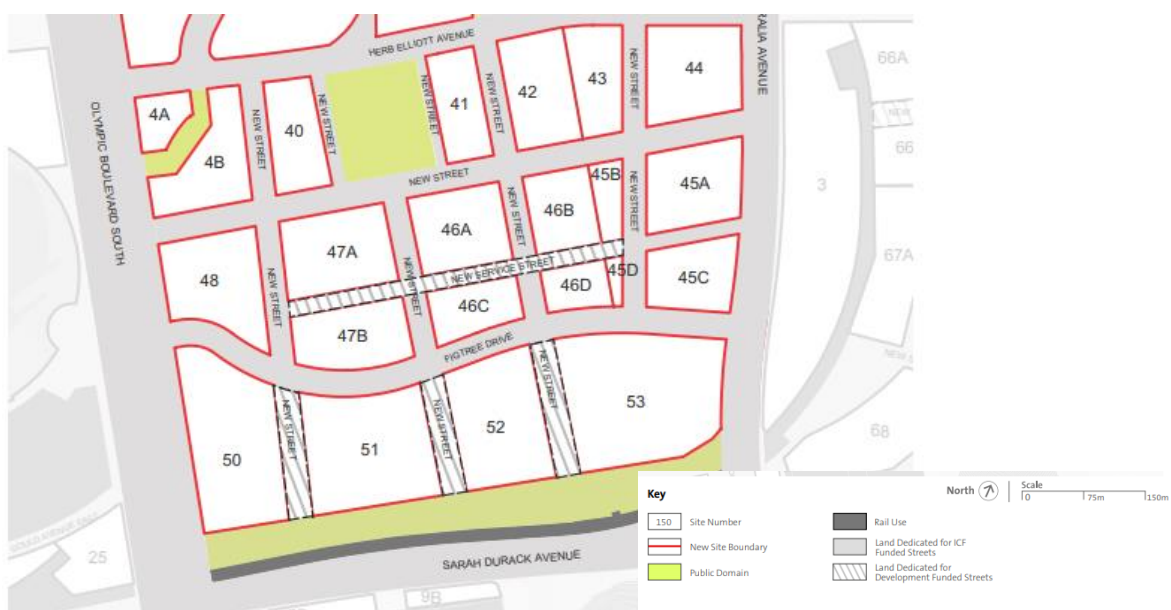
1.2. SYDNEY OLYMPIC PARK MASTER PLAN

The site currently benefits from development rights aligned to the planning controls consistent with the Sydney Olympic Park Master Plan 2030 (2018 revision) (SOP Master Plan) and legislated by the *State Environmental Planning Policy (State Significant Precincts) 2005*. In summary, the planning controls guiding development on the site are:

- Zone: B4 Mixed Use;
- Floor Space Ratio: 3.2:1; and
- Maximum building height: ranging between 33m (along the south of the site) and 74m (along the north of the site adjacent to Figtree Drive).
- Car parking to be underground, and where above ground parking cannot be avoided due to site constraints, it is to be sleeved with active habitable uses along all street frontages for at least two levels. Above ground car parking **cannot extend above podium levels of the building**.
Maximum parking rates:
 - Commercial: 1 space / 80sqm
 - General residential: 1 bedroom: 1 space/ dwelling, 2 bedroom: 1.2 space/ dwelling, 3 bedroom: 1.5 spaces/ dwelling, 4 bedroom: 2 spaces/ dwelling, visitors: 0.25 spaces/ dwelling

The SOP Master Plan guides the long-term development of Sydney Olympic Park. The site is located within the 'Central' Precinct, identified as Site 51 in the below extract. Development of the Central Precinct is envisaged within the short-medium time period. This area is categorised as a strong commercial office and retail precinct along the north, with residential land uses provided along Figtree Drive. This includes the site.

Figure 2 SOP Central Precinct



Source: SOPA Master Plan

1.3. PROPOSED PROJECT DEVELOPMENT AGREEMENT

Prior to the most recent update of the SOP Master Plan 2018 review, Mayrin Group commenced architectural investigations to prepare a development scheme for the site. In February 2015, a development proposal was submitted in February 2015 to the Sydney Olympic Park Authority (SOPA) to enter into a Project Development Agreement (PDA).

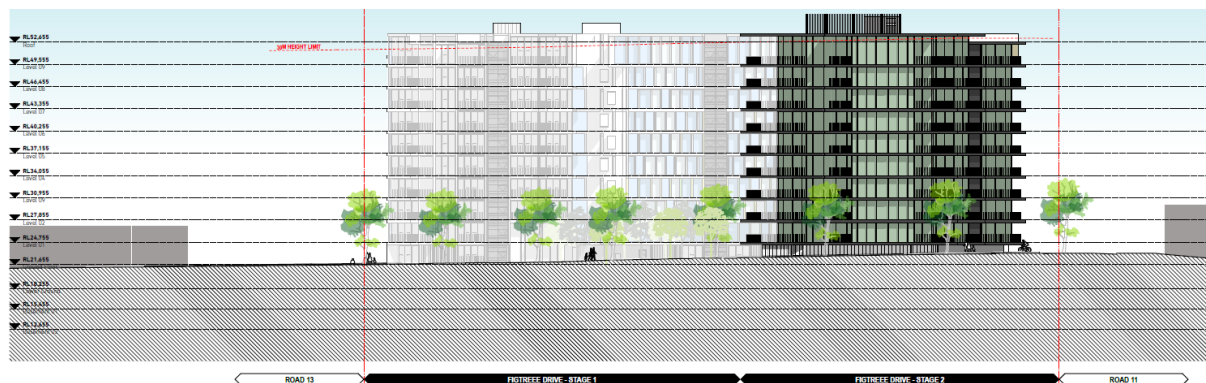
The relevant planning controls of the time was the Sydney Olympic Park Master Plan 2030 (2010 version). These controls provided a maximum building height control of 30m and a maximum FSR control of 2.5:1.

The proposed PDA was supported by Concept Plans prepared by Turner (Attachment B) which broadly illustrated a residential flat development, comprising two 9-storey (plus plant) buildings, a communal landscaped courtyard and an internal road network providing access to three levels of basement car parking. The scheme was to be developed in two stages to allow for the progressive relocation of existing tenants. An elevation of the scheme is provided in Figure 3 and key development statistics include:

- A total FSR of 2.5:1 based on a GFA of 29,355sqm to be delivered across two stages.
- The provision of 345 residential apartment dwellings.
- A total building height of 31m for Building A and 31m for Building B.
- Provision of two internal roads parallel to the eastern and western boundaries, one of which provides access to three basement car parking levels. The maximum basement depth extends to RL11.25

The proposal was later paused following the release of the SOP Master Plan revision in 2018, and accordingly, the PDA was never finalised. Notwithstanding this, the applicant retains their aspirations to develop the site in accordance with the Master Plan and the development rights afforded in the ground lease.

Figure 3 North elevation



Source: Turner

2. REVIEW OF SSI-10038

Having reviewed the combined EIS and accompanying documents, the potential key issues and impacts on the site are:

- Construction impacts, including traffic, acoustic and vibration.
- Cumulative impact from other construction sites.
- Business impacts during construction.
- Restriction on the future development potential of the site.

2.1. CONSTRUCTION IMPACTS

2.1.1. Traffic and Transport

Having reviewed the data provided in Chapter 10 – Traffic and Transport and Technical Paper 1 – Transport and Traffic, it is a concern that the construction of the Sydney Olympic Park station will negatively impact the operation of surrounding intersections and does not propose to mitigate this impact.

The EIS indicates that during construction of the SOP station, the following intersections would operate at a level of service (**LoS**) F (exceeds capacity, roundabout require other control mode) during both or either the AM and PM peaks: Birnie Avenue/Parramatta Road, Australia Avenue/Underwood Road/ Homebush Bay Drive and Herb Elliott Avenue/Parkview Drive/Australia Avenue. These intersections will experience an average delay of greater than 100 seconds per vehicle.

Intersections along these key arterial roads will experience a maximum vehicle wait time of greater than 100 seconds/ vehicle. The EIS also indicates that during construction of the SOP station, the following intersections would operate at a LoS E (at capacity, excessive delays) during both or either the AM and PM peaks: Australian Avenue/Sarah Durack Avenue/Bennelong Parkway and Australia Avenue/Underwood Road/ Homebush Bay Drive.

In accordance with these findings, the following is noted and recommended:

- As referenced in the EIS, the key method of transport to employees travelling to work in the SOP precinct is private and shared vehicles. **Figure 5**, extracted from the EIS, indicates that employees within the precinct are highly car dependent with 63.7% of employees utilising car as a method of travel to work and a further 3.6% as a passenger within a car.

The poor operation of these intersections would affect access to and from the SOP business precinct. As noted above, it will result in permanently longer travel distances and travel times for a number of staff and vehicles associated with the commercial operation of the precinct. This congestion may also have an impact on businesses which experience a high turnover of visitors, such as the NSW Institute of Sport, creating inconvenience and potential impact on revenue.

Figure 4 Travel to work to the Sydney Olympic Park Precinct

Table 16-18: Top five methods of travel to work – Sydney Olympic Park destination zones

Methods of travel to work	Number	Proportion
Car, as driver	5,709	63.7%
Train	2,160	24.1%
Bus	431	4.8%
Car, as passenger	324	3.6%
Walked only	139	1.6%

Source: Australian Bureau of Statistics, 2016; Ethos Urban

Source: Sydney Metro Project EIS

- The EIS indicates that the majority of light vehicle movements during Phase 1 (demolition and site establishment) and Phase 2 (piling and excavation) for the SOP station construction will occur between 6am – 9am and between 2pm – 6pm. This directly coincides with the typical AM and PM peaks, during which the road network experiences the maximum background traffic demand and the available spare capacity on the road network is at its most limited. The potential for these traffic volumes to overwhelm the intersections is high, as outlined above. It is recommended that construction programming is revised to avoid overlap with the typical commercial and recreational peak traffic periods.
- The actual impact of construction traffic is predicted to be much greater than indicated in the EIS as it not clear if the traffic studies have considered the traffic generated from major events within the SOP precinct.

The SOP precinct is a dedicated entertainment, recreation and commercial precinct. There are more than 5,000 events of varying size held each year in the precinct, with a large majority of employees and visitors utilising private cars to travel to and from these events. If the Sydney Metro West project will typically result in a LoS of E and F of a number of intersections, the operation of these intersections will be overwhelmed and unable to function appropriately during major events.

Whilst the EIS acknowledges that employees and visitors with the SOP Precinct are familiar with operating in the context of major events, these major events are often temporary and are not similar in scale or scope as the proposed tunnelling and station construction. The potential clash of major events, commercial operation, tunnelling and the construction of the SOP station will engulf the intersections and result in potential vehicular safety issues. The EIS should be amended for clarity and consistency to confirm if the traffic generation associated with major events in the SOP precinct is included in the traffic assessment, and if not provide updated traffic modelling and assessment.

In the event the commercial and recreational functions of the SOP precinct are unduly harmed and unable to operate as a result of construction, this will be an unacceptable impact associated with the Sydney Metro West project. Robust mitigation measures should be provided to mitigate this impact in accordance with the Secretary's Environmental Assessment Requirements (**SEARS**) issued for SSI-10038.

2.1.2. Acoustic Impact

Stage 1 construction works for the SOP Metro Station is predicted to result in 'moderate' (11-20dB) or 'high' (>20dB) worst case noise impacts at the surrounding receivers. This worst-case scenario is predicted to occur during enabling works, initial excavation and use of rock-breakers. It is noted the noise intensive activities also have the potential to occur outside of standard construction hours.

As illustrated in Figure 5, the subject site will experience a high (>20dB) noise level during use of rock breakers and a moderate (11-20 dBA) without rock breakers.

Figure 5 Airborne Noise Impacts



Picture 1 Worst-case Daytime Airborne Noise Impacts – All Outdoor Works, including Rock breakers



Picture 2 Worst-case Daytime Airborne Noise Impacts – All Outdoor Works, not including Rock breakers

Source: SLR Noise and Vibration Assessment

The Noise and Vibration Assessment determines that once the acoustic measures such as acoustic sheds are in place, there will be no acoustic daytime impacts.

However, the EIS has not yet clarified the construction methodology for Stage 1 including the design, type and siting of acoustic mitigation measures. It is not clear how the EIS has determined that the level of acoustic impact will be reduced from 'high' to nil as a result of the undetermined acoustic mitigation measures.

While it is acknowledged that the EIS provides sufficient information on construction methods and the existing acoustic environment, the acoustic assessment is considered insufficient and does not provide certainty to the surrounding landholders that the acoustic impact of construction will be appropriately mitigated. There is also an inconsistency in the proposed duration of Stage 1 construction works, with Chapter 10 of the EIS stating two years and three months, and the Noise and Vibration Assessment stating three and a half years.

In accordance with this, the following is recommended:

- Confirmation of the duration of Stage 1 works is provided.
- Further clarity on the design, siting and location of acoustic measures surrounding the SOP Metro Station is provided to surrounding landholders.
- A condition of consent is included that construction methods that generate >20dB acoustic impact cannot occur outside of standard construction hours, and respite periods are required during use of these methods.

2.1.3. Vibration Impact

The EIS proposes construction blasting as a construction method to reduce the duration of excavation, and the associated impacts from rock hammering. For the Sydney Olympic Park station, blasting would occur at an indicative depth of 15m below ground.

The Noise and Vibration Assessment identifies that the vibration and overpressure limit for construction blasting in NSW can exceed the levels presented in the Australian and New Zealand Environment Council's (**ANZECC**) *Technical Basis for Guidelines to Minimise Annoyance Due to Blasting Overpressure and Ground Vibration* if the proponent has written agreement with the relevant landholder to exceed the criteria.

Upper limits of vibration (25 mm/s) and overpressure (125dB) are then permitted; intended to target the protection of building structures from cosmetic damage rather than human comfort criteria. The EIS notes that exceedances of ANZECC guidelines will occur in all areas.

In accordance with this, the following is recommended:

- As the freehold ownership for land in SOP is held by the SOPA, and the ground lease held by various proponents (including the applicant) on a 99-year lease, it is recommended that written agreement for exceedance of ANZECC Guidelines is required to be provided by the landholder of the SOPA ground lease, not the freehold owner. The lessee will experience the actual impact associated with the project construction.
- Freehold owners and ground lease holders are notified prior to the commencement of construction blasting to ensure tenants can be forewarned of exceedances to human comfort criteria.

- A condition of consent requiring Sydney Metro to undertake a dilapidation survey of Mayrin Group's leasehold buildings to ensure that any damage caused by construction works are repaired at the cost of the Sydney Metro project.

2.1.4. Cumulative Impact

The SOP precinct is located within an area of significant future development including infrastructure projects, existing and planned construction sites under the SOP Master Plan and local construction programs. Whilst the EIS has appropriately identified that there is the potential for overlap of projects at the SOP Station site – including the impact of the potential concurrent construction of the planned Stage 2 of Parramatta Light Rail – there is no additional mitigation measures proposed above the typical to minimise the cumulative impact of the project.

In consideration of the projected exceedances to acoustic, vibration and traffic controls as a result of the Sydney Metro project, the potential cumulative impacts associated with additional infrastructure projects and private developments is a significant concern. The EIS' assessment of these cumulative impacts as 'minor' is strongly disputed.

In accordance with this, the following is recommended:

- Where possible, a strengthening and refinement of the mitigation measures proposed within the EIS is recommended in consideration of the contextual existing and future construction environment.
- A condition of consent is included that requires coordination and engagement with other construction projects within proximity to the SOP Station site to manage construction fatigue and environmental impact. This is specifically recommended for the potential concurrent construction of the Stage 2 Parramatta Light Rail, which would have a significant impact.

2.2. BUSINESS IMPACTS

As discussed in **Section 2.1.1**, the construction traffic generation will have a significant impact on the operation of the SOP precinct. Chapter 16 of the EIS provides a risk assessment of the potential impacts on businesses during Stage 1 of construction.

The EIS risk assessment of *temporary traffic congestion and increased travel times* concludes the likelihood is 'rare' and significance as 'slight negative'.

This is not an accurate reflection of the predicted impact and discussion contained within the EIS and Technical Paper 1 – Transport and Traffic. A number of intersections will exceed capacity, and the operation of typical traffic devices such as roundabouts will no longer function and will require additional traffic control. Vehicles will also experience wait times of greater than 100 seconds.

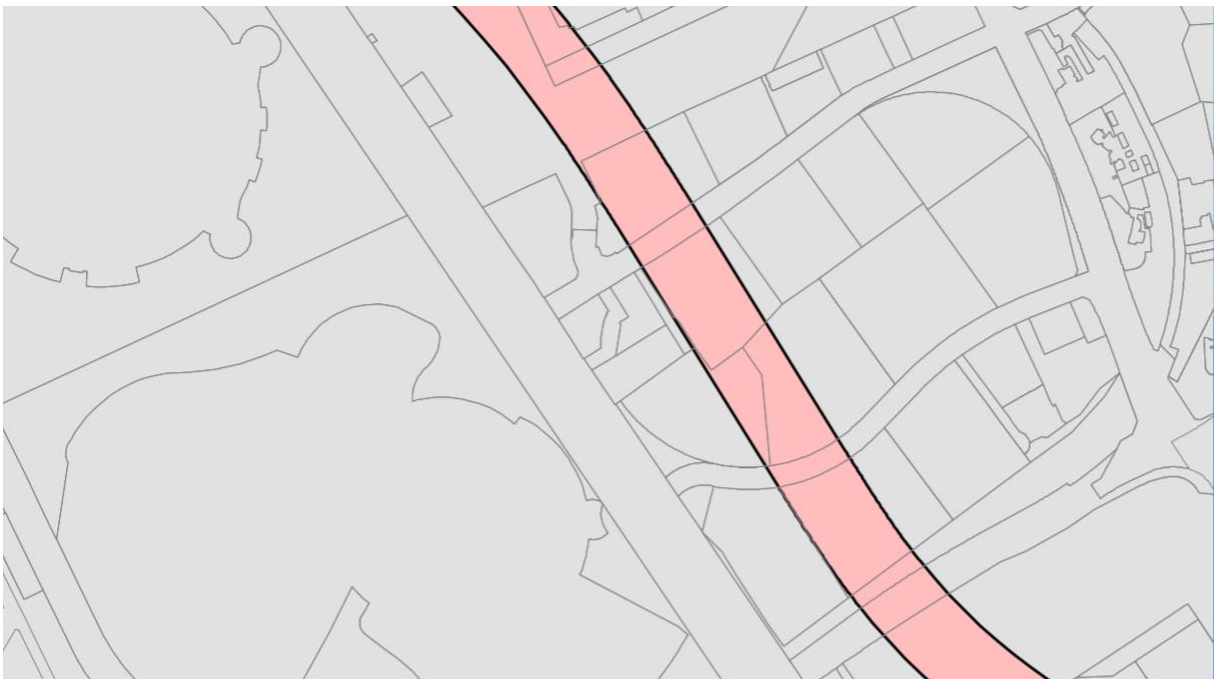
This traffic congestion will disrupt both employees travelling to the precinct for work, and customers travelling to the precinct for services, potentially causing a loss of goods and services due to reduced travel convenience for the business. It is therefore recommended this risk assessment is accurately amended to a likelihood of 'Likely' and a significance of 'Moderate negative'. In response to this revised assessment, consideration of additional mitigation measures is recommended.

2.3. FUTURE DEVELOPMENT

Concurrent with the EIS, the DPIE exhibited draft amendments to the *State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)* to create a new short-term “protective” underground corridor related to the proposed alignment of the Sydney Metro West. The proposed amendments were on exhibition from 30 April 2020 until 26 April 2020. All feedback and submissions are now under consideration.

The location of the protective corridor in relation to the site is illustrated in **Figure 6**.

Figure 6 Proposed protective underground corridor location



Source: Draft Infrastructure SEPP amendment

The SEPP amendment will allow for the preservation of the substratum transport corridor, which will be acquired by Sydney Metro once planning approval is received. The SEPP amendments aim to amend Clause 88 – Development within or adjacent to interim rail corridor to “*ensure that development does not occur within the interim corridor that then could subsequently prevent, compromise or increase the costs of delivering the rail project within the corridor*”.

Mayrin Group acknowledges and notes the future development on the site will require notification and concurrence from Sydney Metro.

3. CONCLUSION

This submission has been prepared by Urbis on behalf of Mayrin Group to provide comments and recommendations on the Sydney Metro West EIS and accompanying documents. In accordance with the above review and findings, it is considered that further work needs to be undertaken on the EIS to ensure all environmental impacts associated with the Sydney Metro West are appropriately identified, assessed and mitigated.

In light of this, it is recommended that ongoing dialogue between Sydney Metro, construction contractors and key land/ leaseholders in the surrounding precinct is maintained throughout the development process to ensure construction impacts are mitigated and that the development rights afforded to Mayrin Group under the SOPA Head Lease are maintained.

Should you have any queries on the identified matters, please do not hesitate to contact the undersigned or David Hoy on 8233 9925.

Yours sincerely,

A handwritten signature in cursive script that reads "Eliza Scobie".

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