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Annie Leung  
Team Leader – Key Sites Assessments  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

By email: [annie.leung@planning.nsw.gov.au](mailto:annie.leung@planning.nsw.gov.au)

Dear Ms Leung,

**REQUEST FOR EPA INPUT ON STATE SIGNIFICANT DEVELOPMENT – WATERLOO, OVER  
STATION DEVELOPMENT (SSD9393)**

I refer to your recent correspondence requesting EPA input on the above mentioned State Significant Development.

On the basis of the information provided, the over station development (OSD) proposal does not constitute a Scheduled Activity under Schedule 1 of the Protection of the Environment Operations Act 1997 (POEO Act). At this stage, the EPA does not consider that the proposal will require an Environment Protection Licence (EPL) under the POEO Act.

While Sydney Metro (SM) is the proponent for the concept approval application, EPA notes that should the concept SSD application be approved, SM will likely release the site to market where the successful purchaser of the development rights will be responsible for submitting a detailed SSD application (or applications) for design and construction of the OSD in accordance with the concept approval. Accordingly the activity is unlikely to be undertaken by or on behalf of a NSW public authority. Under these circumstances the EPA would not be the appropriate regulatory authority under the POEO Act for the environmental performance of the OSD project.

As an advisory note only, the development will be located above tunnels containing operational rail lines, for which EPA has a regulatory responsibility. The consent should include acceptable vibration and groundborne noise limits for spaces within the development drawn from the EPA's *Rail Infrastructure Guideline* (EPA, 2013) and *Assesssing Vibration: a technical guideline* (DECC, 2006).

The EPA will respond under separate correspondence to the Departments request for comment on the Waterloo Metro Quarter State Significant Precinct Study.

Please contact Gordon Downey on (02) 9995 5783 or [gordon.downey@epa.nsw.gov.au](mailto:gordon.downey@epa.nsw.gov.au) for any questions or comments in relation to this matter.

Regards,

A handwritten signature in blue ink, appearing to read 'Claire Miles'.

30.01.2019

**CLAIRE MILES**  
**Unit Head - Metropolitan Infrastructure**  
**Environment Protection Authority**