



SM-20-00112691

19 October 2020

Mr David Koppers
Senior Environmental Assessment Officer
Department of Planning, Industry and Environment

By Email: Major Projects website

Dear Mr Koppers

**State Environmental Planning Policy (Infrastructure) 2007
State Significant Development Application – 10459
Lot 100 DP1168951**

Thank you for your email dated 22 September 2020 inviting Sydney Metro to make a submission on Development Application SSD 10459 (**DA**) for Central Sydney Industrial Estate.

Sydney Metro is the relevant rail authority for the Interim Sydney Metro West Corridor for the purpose of the *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)*.

Concurrence of Sydney Metro is not required

Sydney Metro understands that the development the subject of the DA is State Significant Development (SSD) being the subdivision and infrastructure works to create a new 25 hectare Central Sydney Industrial Estate on the site of the former Shell Clyde refinery and development and operation of Downer's Sustainable Road Products Complex as Stage 1 of the Estate.

As this is a SSD development application, the provisions of clause 88 of the *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)* do not apply.

Section 4.13(2A) of the *Environmental Planning and Assessment Act 1979* excludes concurrence or consultation requirements from applying to development applications for SSD, unless an environmental planning instrument requires concurrence or consultation to SSD. As clause 88 of the ISEPP does not require concurrence to be provided in the context of a development application for SSD, concurrence is not required for the DA.

An amendment to the ISEPP relating to the Interim Sydney Metro West Corridor has been the subject of public consultation under the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the consent authority has been notified of the ISEPP amendment.

The Explanation of Intended Effect (see attached) exhibited for public consultation states that the ISEPP would be modified to require Sydney Metro to review development applications in the newly identified corridor to seek their advice on whether an application will have an adverse effect on the viability of the Sydney Metro West project. In particular for works that involve the penetration of ground to a depth of at least 2m below ground level (existing) Sydney Metro will need to consider:

Sydney Metro

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- the practicability and cost of carrying out rail expansion projects on the land in the future, and
- the structural integrity or safety of, or ability to operate, such a project, and
- the land acquisition costs and the costs of construction, operation or maintenance of such a project.

When this State Significant Development was lodged the ISEPP amendment for inclusion of the Interim Sydney Metro West Corridor had been exhibited and notified to the consent authority but not yet gazetted. Accordingly, pursuant to Section 4.15(1)(ii) of the EP&A Act the consent authority is required to consider the Interim Sydney Metro West Corridor in determining a development application. A letter is provided to the consent authority in accordance with this requirement under the EP&A Act.

Conditions requested in event of approval of the DA

Sydney Metro has reviewed the DA documents that were available on the NSW Major Projects site on 22 September 2020, including having regard to the matters outlined in the ISEPP.

Based on this review Sydney Metro has the following comments:

- Sydney Metro notes that the Downer site has 24/7 operation of parts of the facility. Sydney Metro advises that there is the potential for traffic flow along Unwin Street to Wentworth Street to be interrupted at times during the construction phases of the Sydney Metro - West project works.
- For future development applications it is requested that the Applicant:
 - Consider the State Environmental Planning Policy (Infrastructure) 2007;
 - Consider the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info) and
 - Consultation with Sydney Metro is recommended.
- Sydney Metro is to be given the opportunity to provide No Objection to any proposed penetrative subsurface investigations (including boreholes) in the first or second reserve of the Interim Sydney Metro West Corridor (as per the Sydney Metro Underground Corridor Protection Guidelines).

In order to ensure the appropriate management and mitigation of the proposed development's impacts on the Interim Sydney Metro West Corridor, Sydney Metro requests that the following conditions be imposed on the development consent:

- All bulk earthworks are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:
 - (a) Bulk earthworks plan – Phase 2 – C013919.01-DA32 Issue D prepared by Costin Roe Consulting dated 12 August 2020
 - (b) Bulk earthworks sections – C013919.01-DA35 Issue C prepared by Costin Roe Consulting dated 12 August 2020

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

The Department of Planning, Industry and Environment is also advised that Sydney Metro's conditions are not to be amended, replaced or superseded 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 Interim Sydney Metro West Corridor assessed by Sydney Metro, so Sydney Metro may need to vary any requested conditions.

Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the DA be 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 is requested to notify Sydney Metro.

Sydney Metro thanks the Department of Planning, Industry and Environment for its assistance.

Please contact Peter Bourke, Senior Manager Corridor Protection on 02 8265 6015 or Denise Thornton on 02 8265 9658 or email sydneymetrocorridorprotection@transport.nsw.gov.au should you wish to discuss this matter further.

Yours sincerely



Stephen Scott
Deputy Executive Director
Northwest Operations

SSD-10459