



Explanation of Intended Effect

Amendment to State Environmental Planning Policy
(Infrastructure) 2007 – Sydney Metro West Interim
Corridor

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Executive Summary

The Sydney Metro West Project proposes the development of an underground railway between Greater Parramatta and Sydney CBD. The Sydney Metro West Project is expected to create approximately 10,000 direct and 70,000 indirect jobs. Stations have been confirmed at Westmead, Parramatta, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock and The Bays.

To protect the underground rail corridor from development that may affect the design, cost and delivery of the project it is proposed to provide interim corridor protections through the *State Environmental Planning Policy (Infrastructure) 2007* (the Infrastructure SEPP). The proposed provisions would identify an application area for the interim rail corridor and require consent authorities to notify Sydney Metro of development applications within or near the interim corridor and seek concurrence for development approval. This will ensure the successful and efficient delivery of this critical infrastructure project.

Purpose of amendment to *State Environmental Planning Policy (Infrastructure) 2007*

The Sydney Metro West Project led by Sydney Metro proposes the construction of a new metro rail service between Greater Parramatta and Sydney CBD. To prevent the loss of corridor alignment for the Sydney Metro West project, interim corridor protections are required through the Infrastructure SEPP.

The purpose of this SEPP amendment is to identify a new interim rail corridor for the proposed Sydney Metro West project. This newly identified corridor will be included within the existing provisions for the *Development within or adjacent to interim rail corridor* (Infrastructure SEPP Clause 88). These existing provisions require consent authorities to notify the relevant rail authority (in this case Sydney Metro) of development applications within the interim corridor and seek their advice on whether an application will have an adverse effect on the viability of the Sydney Metro West project. This will ensure development proposals within and adjacent to an interim rail corridor do not adversely affect the scope of the current proposal and the potential delivery of this project. It is proposed that any provision provided in the Infrastructure SEPP would be extinguished once the Sydney Metro West Project is determined or after a three-year period (whichever occurs first).

Background to the Infrastructure SEPP

State Environmental Planning Policies created under the *Environmental Planning and Assessment Act 1979* (the EP&A Act) facilitate the protection, improvement or utilisation of land in NSW. The Infrastructure SEPP facilitates flexible and orderly planning pathways for the development of essential infrastructure in NSW, including hospitals, roads and railways. The Infrastructure SEPP provides regulatory assurance to the development of key infrastructure projects in NSW by prescribing matters for consideration and requiring consultation with authorities responsible for key infrastructure projects in the determination of adjacent developments.

Key aims of the Infrastructure SEPP, which support the proposed amendment include:

- *identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and*
- *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing*

Further to the aims of the Infrastructure SEPP, this proposed amendment also supports the following object of the EP&A Act:

- to promote the orderly and economic use and development of land

Background to Sydney Metro West project

In November 2016, the NSW Government announced Sydney Metro West, a metro railway connecting Greater Parramatta and the Sydney CBD. The project proposes to double rail capacity between these two areas, linking new communities to rail services and supporting employment growth and housing supply between the two CBDs.

Sydney Metro has been engaging with the community, stakeholders and industry since 2017. Feedback gathered helped shape the project, including station locations. Sydney Metro will continue to work with the community and stakeholders to receive further feedback about the project.

The Sydney Metro West Project involves the construction and operation of a metro rail line approximately 24 kilometres long between Westmead and the Sydney CBD, including:

- metro stations at Westmead, Parramatta, Sydney Olympic Park, North Strathfield, Burwood North, Five Dock, The Bays and Sydney CBD
- service facilities at Rosehill Silverwater and one between Five Dock and The Bays Precinct
- a stabling and maintenance facility at Clyde
- ancillary facilities to support construction.

The Department of Planning, Industry and Environment (the Department) received a concept and Stage 1 project application for Sydney Metro West on 21 October 2019. The application seeks:

- approval for the whole Sydney Metro West at concept level; and
- project approval of stage 1 being the major civil construction work between Westmead and The Bays Precinct.

The Department issued Secretary's Environmental Assessment Requirements (SEARs) for the project on 11 December 2019. An Environmental Impact Statement responding to the SEARs has now been prepared by Sydney Metro and is currently on public exhibition. After public exhibition closes, the Department will consider all submissions received and undertake their assessment and determination of the Sydney Metro West project.

Acquisition of proposed underground rail corridor

To construct the Sydney Metro West Project, Sydney Metro will acquire land within the approved substratum corridor once planning approval has been determined. In accordance with Sydney Metro's acquisition plans, substratum is preserved, not acquired for a proposed interim corridor. Acquisition of substratum areas generally proceeds after planning approval has been received.

The purpose of substratum acquisition is to protect and preserve the functional and structural integrity of the underground for rail infrastructure from development in the surrounding area. This includes the construction of buildings and civil infrastructure.

Sydney Metro is the public authority responsible for the acquisition of substrata land required for the Sydney Metro west project. Sydney Metro will only acquire the amount of land needed to safely construct and provide long term protection for the underground rail infrastructure.

Where the tunnels and railway infrastructure affect privately owned property a substratum zone must be acquired.

All property acquisitions will be managed by Sydney Metro in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* and the land acquisition reforms announced by the NSW Government. Sydney Metro appoints Personal Managers to offer residents and small businesses assistance and support throughout the acquisition process. It would also be necessary to acquire

stratum for the tunnels below the surface of properties under the *Transport Administration Act 1988*. In most cases, subsurface acquisition does not affect the continued existing future uses of property at the surface.

Strategic justification for interim corridor protection

The delivery of Sydney Metro West Project is critical to growth in Greater Sydney. It is identified in a number of key strategic planning documents including:

- the Greater Sydney Region Plan: A Metropolis of Three Cities – connecting people (Greater Sydney Commission, 2018a),
- Building Momentum: State Infrastructure Strategy 2018-2038 (Infrastructure NSW, 2018) and,
- Future Transport Strategy 2056 (Transport for NSW, 2018).

The Sydney Metro West Project is proposed to:

- provide a direct, fast, and frequent connection between Greater Parramatta and the Sydney CBD, linking communities along the way that have previously not been serviced by rail
- relieve the congested T1 Western Line, T9 Northern Line (previously T1 Northern Line) and T2 Inner West and Leppington Line
- double the rail capacity between the Sydney and Parramatta CBDs
- significantly boost economic opportunities for Greater Parramatta
- support new residential and employment zones along the Greater Parramatta to Sydney CBD corridor, including at Sydney Olympic Park and The Bays – providing improved transport for the additional 420,000 new residents and 300,000 new workers forecast to be located within the corridor over the next 20 years
- allow customers fast and easy transfers with the T1 Western Line at Westmead, the T9 Northern Line at North Strathfield, and the suburban rail network and Sydney Metro in the Sydney CBD
- allow for transfers with the future Parramatta Light Rail (Stage 1) at Westmead and Parramatta, as well as the planned Parramatta Light Rail (Stage 2) at Sydney Olympic Park
- create an anticipated 10,000 direct and 70,000 indirect jobs during construction.

There is concern that the Sydney Metro West Project is at high risk of development encroaching into the proposed underground rail corridor. If development encroaching occurs (mainly from deep basement from projects above the proposed corridor), it has the potential to severely impact and/or compromise the design on which the project has been developed.

As a linear infrastructure project, changes to the vertical or horizontal alignment at any point along the corridor can cause changes in many other locations. Impacts to the horizontal or vertical alignment would also require a change to the tunnel location. The impact of the change would vary depending on the location and significance of the adjustment. The risks of not protecting the corridor include:

- significant project delays as the approved alignment is no longer deliverable and requires modification;
- poor customer outcomes and well as increase project costs because a station may need to become deeper below ground;
- poor city shaping outcomes as the project needs to be realigned away from crowded Central Business District locations; and/or
- increased project costs and public disruption as a result of additional land acquisition.

- these are significant risks to the cost and timely delivery of the Sydney Metro West Project. The risks to the SMW Project are particularly high in Central Business District contexts such as Parramatta.

For the period between the exhibition of the EIS for the Sydney Metro West Project and project determination, an interim measure to protect the proposed underground rail corridor is required to ensure the successful delivery of this project. Supporting the successful delivery of the Sydney Metro West Project will ensure that the strategic benefits of the project are delivered to the economy and residents of NSW.

Proposed amendments to SEPP

The Infrastructure SEPP Clause 88 *Development within or adjacent to interim rail corridor* sets out the existing framework for the protection of interim rail corridors.

The clause sets out a requirement that concurrence is to be provided before development proposals (for certain works as described in Clause 88(1) of the Infrastructure SEPP), can be approved by a relevant consent authority. It also sets out considerations for the relevant rail authority when determining whether to provide concurrence for a project.

The intention of Clause 88 is 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.

The corridor being protected extends from Westmead (at the western edge of Greater Parramatta) to Rozelle. The existing CBD Metro interim corridor in the Infrastructure SEPP will be used to protect the corridor east from Rozelle to the Sydney CBD.

The proposed Infrastructure SEPP amendment will insert into Clause 88 *Development within or adjacent to interim rail corridor* the following:

- a new zoned area to be shown on a rail corridor map, being the new rail interim corridor for the Sydney Metro West Project (**Attachment A MAPS [1-7]**).
- require that the relevant provisions in Infrastructure SEPP Clause 88 *Development within or adjacent to interim rail corridor* now apply to that new rail interim corridor.
- include Sydney Metro as a relevant rail authority for the new interim corridor under Clause 88 (8) of the Infrastructure SEPP.
- includes savings and transitional arrangements that the identification of the Sydney Metro West as an interim corridor will be repealed when the Sydney Metro West project is determined or after a three-year period (which ever happens first).

Existing provisions that will apply to the new interim corridor

The existing relevant provisions from Infrastructure SEPP Clause 88 *Development within or adjacent to interim rail corridor* that are likely to be apply to the new interim corridor are as follows:

- applications requiring a concurrency include:
 - works that involves the penetration of ground to a depth of at least 2m below ground level (existing), or
 - has a capital investment value of more than \$200,000
- The consent authority must write to Sydney Metro to advise them of new applications within 7 days after the application is made;
- In determining whether to provide concurrence Sydney Metro will consider the content of Clause 88 (5) of the Infrastructure SEPP, this includes:

- the practicability and cost of carrying out rail expansion projects on the land in the future
- 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.
- The consent must not be granted to development to which this clause applies without the concurrence of the relevant rail authority. However, concurrence will be assumed if the consent authority has given Sydney Metro notice of the development application, and 21 days have passed since that notice was given and the relevant rail authority has not granted or refused to grant concurrence.
- The consent authority must provide Sydney Metro with a copy of the determination of the application within 7 days after the determination is made.

Effect of proposed amendments

The proposed interim corridor is shown in Attachment A.

The proposed amendments to the Infrastructure SEPP are designed to protect the proposed rail corridor for the Sydney Metro West Project by ensuring appropriate regard is given to it.

The proposed amendments will add an extra level of consideration for the determination of developments that may affect the viability of the Sydney Metro West Project. Proponents proposing to develop within the proposed interim rail corridor may need to consider Sydney Metro's considerations for concurrence when preparing a development application.

The proposed amendments may result in longer determination timeframes or design alternations for certain development applications within the new interim corridor. This is considered necessary to ensure the delivery of this project that will provide significant public benefit, if approved and constructed.

How to get involved

This document is being exhibited in line with the Department's Community Participation Plan. To make a submission on the amendments proposed in this document please go to www.planningportal.nsw.gov.au/draftplans/exhibition/infrastructure-sepp and complete the submission form.

Attachments

Attachment A MAPS - 1

Attachment A MAPS - 2

Attachment A MAPS - 3

Attachment A MAPS - 4

Attachment A MAPS - 5

Attachment A MAPS - 6

Attachment A MAPS - 7