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Contact: Patrick Warren on 9725 0215

23 September 2019

Lisa Mitchell
Team Leader, Transport Assessments
Department of Planning Industry and Environment
320 Pitt Street
Sydney NSW 2000

Dear Ms Mitchell

FAIRFIELD COUNCIL OBJECTION TO THE CABRAMATTA LOOP FREIGHT LINE PROPOSAL

BACKGROUND

Reference is made to your letter dated 30 August 2019, requesting comments on the Cabramatta Loop Environmental Impact Statement (EIS), being publicly exhibited between the 30 August 2019 and the 26 September 2019. Council objects to the proposal in its current form for the reasons outlined in the body of this letter. This objection follows previous correspondence dated 30 April 2018, 7 May 2018 and 18 July 2019 (**Attachment A**) from Council which included Council's stakeholder input into the Secretary General's Environmental Assessment Requirements (SEAR's) requirements and a response on the consistency of the draft Environmental Impact Statement (EIS) with Department of Planning Industry and Environment issued SEAR's.

Council officers note the deadline for comments being 26 September 2019 and have requested an extension until Friday 31 September 2019 in order to report the EIS to Council.

Council Report and Resolution

On 30 September 2019 Council resolved to forward its objection to the NSW Department of Planning Industry and Environment (DPIE) and the relevant State and Federal Ministers including the Hon Michael McCormack MP, Deputy Prime Minister and Federal Minister for Infrastructure, Transport and Regional Development as well as the Hon Andrew Constance State Minister for Transport and Roads.

Council raises objection to the proposal on the following grounds:

- 1) Potential offset parking solutions as previously suggested by Council officers have not been considered by ARTC.
- 2) Relocation of 45-degree angle parking to the eastern side of Broomfield Street will result in an unacceptable net loss of 11 car parking spaces.
- 3) A post development scenario will increase flood levels by up to 50-mm for 12 properties located along Broomfield Street, with no mitigation measures proposed.
- 4) Future impacts resulting from the relocated angle parking in Broomfield Street on future expected medium density development.

COMMENTS

1. Strategic Land Use Planning Comments

Net Loss of Parking to Broomfield Street - Council met with Australian Rail Track Corporation (ARTC) on the 5 August 2019 for a briefing on the update of the Draft EIS project. In this meeting ARTC's project manager verbally confirmed that there would be no offset parking solution. The 45-degree angle parking to the east of Broomfield Street would be moved to the western side of Broomfield Street and be made into kerb side parking. This will make way for the movement of the sound wall 4 metres westwards. In moving and straightening up the 45-degree angle parking to kerb side parallel parking a net loss of 11 spots will occur. No compensation or offset has been suggested to replace this parking.

The proposed kerb side parking to the western side of Broomfield Street would be placed at the kerb side to the front of existing low density residential dwellings. This is less than ideal as these homes are currently zoned R3 Medium Density Residential and have significant redevelopment potential for multi-unit housing in the future, including townhouse and villa style development.

Redevelopment of these sites for medium density purposes will require provision of a 7 metre access handle under the controls of the Fairfield City Wide DCP 2013. This will impact the solution provided by ARTC and result in a further reduction of parking along Broomfield Street.

This outcome is unsatisfactory as the existing parking arrangement in Bromfield Street occurred as a result of a loss of parking in the Cabramatta Town Centre due to the recent Southern Sydney Freight Line (SSFL) project.

Potential offset options – Council's letter dated 18 July 2019 which responded to the request for input into the SEAR's (Attachment A) strongly opposed the net loss in parking to Broomfield Street and suggested commuter parking offset options including:

- 1) Decking of the Fischer Street car park;
- 2) The construction of an at grade car park between Bridge Street and Boundary Lane through property acquisition, and;
- 3) An option that is not preferred involving on street parking to Boundary Lane.

Public Exhibition

2. NSW DPIE placed a public notice in the Fairfield City Champion and Fairfield Advance newspapers on 28 August 2019 stating the public exhibition dates of the EIS and where exhibition documentation could be accessed online. ARTC placed hard copies of the EIS in Council's administration centre and in Whitlam Library, Cabramatta. DPIE did not directly notify affected residents in writing of the public exhibition of the EIS however ARTC has done so including the sending of letters to affected residents including a 16-page summary of the EIS.

3. Traffic Comments

Construction Traffic Management Plan - Prior to commencement of works, a construction traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control will be required to be submitted to Council.

Additional Requirements - Construction workers shall be advised to park in designated construction parking areas. Western Sydney Cycling Network (WSCN) and Bicycle NSW be advised about the proposed diversion of the existing cycle path. The impact of road

closures is to be minimised. Details of temporary cycling and pedestrian access during the construction shall be provided to the Council. Emergency services shall be notified about the proposed works and access to emergency services shall be minimised at all times.

4. Property Comments

Permanent land acquisition – Council officers do not object to permanent land acquisition as long as it complies with the (Just Terms Compensation) Act 1991 (Sections 6.5.1 and 16.3.1.1).

Temporary land acquisition and land use – Subject to consultation with Council, there are no objections to temporary land acquisition by way of a lease for work sites W3 and W4 (Section 7.4.2 and 16.3.2). Similarly, there are no objections to temporary occupation of Broomfield Street, Sussex Street and Railway Parade for relocation of utilities, regarding, reconfiguration and realignment of roads (Sections 6.2.4 and 6.3).

Use of public roads for worksites other than W3 and W4 and on land been acquired under permanent land acquisition is not permitted. Fees for road opening permits and footpath occupation will apply (page 68 of FCC Fees and Charges Schedule 2019 – 2020)

Detailed survey drawings - ARTC should provide as soon as possible detailed survey drawings to identify the land for permanent and/or temporary land acquisition including timing, terms and duration of temporary use of public land for Council's consideration.

Relocation of parking to Broomfield Street – The project is to result in **no net loss of parking spaces**. Any removal of public parking space will need to be reinstated within 400 metres of the railway station to the satisfaction of Council.

Rail Corporation negotiation/–compensation dealings – RailCorp should immediately commence negotiation/–compensation dealings with Council in relation to the acquisition and lease of land associated with this project to avoid any delays that might impact on program delivery.

5. Environmental Management

Contamination review - All recommendations are to be adopted and implemented as stated in the soil and contamination report.

Acoustic – It is noted that the existing sound wall is to be replaced like for like along Broomfield Street. The predicted 'no build' and 'build' design year (2033) noise levels with the reconstructed noise wall indicate that noise mitigation needs to be considered for one sensitive receiver.

This receiver will be located on the second floor of the property at 106 Broomfield Street in NCA02. During the detailed design phase, it is recommended that a site visit be undertaken to confirm the apartment layout and determine specific architectural treatments. All noise mitigation recommendations are to be adopted with particular attention to the noise wall and identified sensitive receiver.

Air quality - The air tech report (3) acknowledges that there will be some short term impact during construction, however, there are proposed mitigation measures to minimise dust impact, no further issues are raised in this regard.

6. Catchment Planning and Flooding

Council's Catchment area responded to an email dated 10 September 2019 from ARTC's project manager in relation to concerns raised in Council's previous correspondence dated 12 August 2018 and 27 June 2019 (Attachment A of this report). At the time of writing this response the following issues have not been resolved by ARTC.

In relation to ARTC stating the following:

As such a review of other urban projects with similar environments was undertaken and a flooding criteria adopted. The Sydney Metro (Sydenham to Bankstown) and Inland Rail Narrabri to North Star are two examples of projects which adopt similar criteria.

Catchment response is that ARTC must follow Council's City Wide DCP 2013 – Chapter 11 Flood Risk Management to address the flooding impacts. The location stated above is not within the Fairfield City Council Local Government Area (LGA) and is therefore not representative of the local environmental and flooding conditions of the area.

ARTC further commented below:

Further, as discussed at the meeting, the EIS was in a final state when Council provided comment – the period of review was relating to consistency with the assessment requirements. To date, no commentary on design criteria in relation to flooding had been provided by Council.

On 7 May 2018 – Fairfield Council's comments and response letter to SEARS was sent to NSW Department of Planning and Environment. This letter stated that flooding needs to be addressed by the proponent using the Fairfield City Council's City Wide DCP 2013 – Chapter 11 Flood Risk Management to ensure the development does not create any adverse impacts.

Further, on the 27 June 2019 an explanatory note was provided to ARTC to assist them in considering the requirements in accordance with the DCP.

On the 12 August 2019 the ARTC were queried by Council officers as to why they consider up to a 50mm increase in flood levels to properties acceptable per section 13.4.1 Flooding, as a follow up response to the community consultation meeting held on Friday 5 August 2019.

Design performance criteria - Council's Catchment area has provided the following information in relation to Section 13.4.1 of the draft EIS including Table 13.3 Design Performance.

Section 13.4.1 - Flooding	Catchment Planning Comments
Table 13.3 Design Performance	All key criteria in table 13.2 is not permissible
Key Criteria below Maximum increase in time of inundation of one hour in a one per cent AEP event	The proponent must ensure that there is no increase in flood levels within the whole study area. There must be no loss of or removing the development

Maximum increase of 10 mm in flood level at properties where floor levels are already exceeded in a one per cent AEP event	potential of any land within the whole study area.
Maximum increase of 50 mm in flood level at properties where floor levels are not exceeded in a one per cent AEP event	The proponent shall undertake the design performance and key criteria from Fairfield City Council's City Wide DCP 2013 – Chapter 11 Flood Risk Management.
Increase in flood velocities – identification of mitigation measures	The proponent should review Schedule 5 matrix (Cabramatta Creek Floodplain). In accordance with Sensitive Use and Facility (Public Utility) undertaking such an activity is not permissible or suitable for the 1% AEP. Flood effects planning consideration, item 2 in Schedule 5 of the matrix, considers no change in flood storage, level or velocity. The proponent shall consider all requirements within Schedule 5 of Fairfield City Council's City Wide DCP 2013 – Chapter 11 Flood Risk Management.

Table 1 – Flooding and Performance criteria – Catchment Planning Comment

A maximum increase of 10 mm in flood levels for properties that already exceed the one percent Annual Exceedance Probability (AEP) event is not acceptable. Therefore, the proposed maximum increase of 50 mm in flood levels where floor levels are not exceeded in a one percent AEP is also unacceptable.

At the time of this correspondence ARTC have stated that Council has not asked for a response or for these criteria to be addressed. This is incorrect, and is detailed within correspondence from Council dated 27 June 2019 and in a follow up email dated 12 August 2019 (Attachment B).

7. Fairfield Place Manager

Public domain and planting – Council officer's previous correspondence in relation to public domain embellishment and planting per the correspondence dated 27 June 2019 to DPIE remains current.

8. Open Space Team

Sound wall maintenance – Confirmation that the ongoing maintenance of the sound wall and planting on the sound wall will be the responsibility of Sydney Trains/RMS is sought.

Street tree planting – Council's preference is for upright narrow plants over climbers on trellis wires. Retention of the existing street trees along Broomfield Street with the changing levels and works carried out around the trees would potentially make it hard for the trees to survive. It is recommended that the SSI approval be conditioned to require that if there is any decline or deterioration in a tree's health during or after the project has been completed, that the tree is removed and re-planted with an appropriate mature size tree and that this process be supervised and approved by Council.

Cycle Way Disruption - Page 22.13 of the report states "*notification of closure and diversion of cycleway to include notifying Fairfield City Council in addition to signage prior to the diversions taking place on the route*".

Our understanding in regards to the cycleway is that there will be limited disruptions, with the existing cycleway to continue to be provided between Liverpool and Fairfield adjacent to the railway line; ARTC confirmation of this is sought.

9. City Assets Comments

Verge shared pathway – The proposed typical cross section of Broomfield Street at chainage CH77 shows a 2.5 metre shared pathway without a verge adjacent to the on-street parallel parking lane. A verge must be provided between the shared pathway and parallel parking lane. A verge is very important for the safety of cyclists and pedestrians as it creates a buffer between cyclists and opening of car doors which are a major cause of collisions between cars and bicycles.

Risk assessment – A risk assessment needs to be undertaken to ensure that the proposed 2.5 metre shared pathway won't compromise safety of pedestrians and/or motorists.

Pavement design – Pavement design shall comply with Austroads Guidelines "*A guide to the Structural Design of Road Pavements*", and the design for other proposed infrastructure shall comply with Council's design guidelines. Construction is required to comply with Council's Road Works Specifications and shall be submitted to Council for review and approval.

Quality control and assurance documentation – Quality Control and Assurance Documentation for construction works on Council land is to be provided for review. ARTC's nominated construction contractor should provide Council access on site when construction is underway.

Dilapidation survey – A dilapidation survey is required to be carried out prior to construction. The dilapidation survey is to include information in regard to each defect on the road surface, kerb and gutter and other associated assets and is to be prepared by a suitably qualified person.

This process will establish the extent of any existing damage and enable any deterioration during and after construction to be identified. It is requested that the dilapidation survey be carried out in consultation with Council's Assets Department. The contractor will need to apply for a road works permit prior to any work being undertaken in Council's road reserve.

Additional information – The plans must be amended to show a sub soil drainage system along the identified barrier kerb. The realignment must ensure that vehicle turning path requirements into Bridge Street, Boundary Lane and Sussex Street conforms to the relevant Australian Standard. The vertical alignment of each driveway is to be checked to ensure that the gradient is suitable for ingress and egress.

10. Cabramatta Place Manager

Comments from Cabramatta Place Management teams outlined in Council's correspondence dated 18 July 2019 (Attachment A), still remain current.

24 September 2019

Thank you for consideration of the issues raised in this submission and it is requested that Council's objection to the proposal be noted and forwarded to the Planning Assessment Commission for review.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Patrick Warren', written over a horizontal line.

Patrick Warren
SENIOR STRATEGIC LAND USE PLANNER