

3 December 2012

BP Australia Pty Ltd
132 McCredie Road
GUILDFORD NSW 2113
Attention: Joanne Harvey
(Network Development Manager – NSW/VIC)

Dear Ms Harvey

**Submission on State Significant Infrastructure Proposal
North West Rail Link - Stations, Rail Infrastructure and Systems
(State Significant Infrastructure –SSI 5414)**

Introduction

We have been appointed by BP Australia to review documentation relating to the above proposal, and examine the reasonableness of any implications of the proposal for the BP Bella Vista site.

This proposal has a number of potentially significant adverse effects on the BP Bella Vista site, concerning which mitigation has either 1) not been considered in the environmental assessment to date, or 2) consideration is underway but BP has not been a party to this consideration at the time of preparation of this submission. In regard to the latter, Transport for NSW (TNSW) has agreed to meet BP and discuss its most recent work in site masterplanning on 6 December 2012. However the final date for submissions is 3 December. We have contacted the Department of Planning to request an extension of time to allow the BP submission to reflect any outcomes from these discussions with TNSW. However as at the time of writing the Department of Planning are indicating that there is not an intention to grant an extension in this SSI assessment, and that at least a preliminary submission should be made before the cut-off date

This submission should be lodged to meet the nominated deadline. However we should also advise the Department of Planning that a further submissions will be made on this matter pending the outcome of discussions with TNSW on this Thursday.

Key Concern: Misinterpretation of Traffic Context and Impacts

It is important that the environmental assessment for this project have a well-developed consideration of the effects of traffic changes associated with the project. It has been indicated by TNSW that the BP Bella Vista site impacts are a serious consideration in the work to date. However the technical reports accompanying the EIS do not seem to present a good understanding of the traffic context. Equally as importantly it seems that an undertaking to provide the “same level of access” (Source EIS p13-19) to the BP site when the project is complete has not been carried through in the current plan.

Three relevant factors are not well acknowledged in the assessment documents we have reviewed:

1. There is no recognition of the important traffic movement from the east and south-east to the BP Bella Vista site. At present the BP Bella Vista site garners significant trade from the commercial and residential land uses east and south-east. This occurs in particular during the PM peak (and BP notes that refuelling is more common at PM “on the way home” than AM peaks). As presently conceived, the removal of the roundabout at the Celebration Drive/ Lexington Drive intersection denies entrance of traffic from the east and south-east via the current extension to Lexington Drive and Homemaker

Centre. This traffic movement is ignored in EIS2 Technical Paper 2-1 (Section 8.5.4) when it considers the impact of the removal of the existing roundabout.

2. Continuing on from the above, there is no evidence of appreciation of the idiosyncratic attraction factors for the BP Bella Vista service station site¹. It needs to be recognised that convenience is the key point of attraction for service station users. In turn the directness of the egress movement is equally as important as that of the ingress movement beyond one-off trade. At present a large volume of users enter the site with the intent of egressing back to Old Windsor Road via the convenient and traffic light free movement of the Celebration Drive/ Lexington Drive roundabout. The loss of this roundabout completely changes the attractiveness of the site to a large portion of visitors. The suggestion of alternatives at EIS2 Technical Paper 2-1 (Section 8.5.4) which variously involve longer routes or movement through a number of traffic signals may be attractive to “destination” traffic but removes the “convenience” which is essential to the current service station attraction.
3. Suggested “New entry to the McDonalds outlet via Celebration Drive” at Section 8.5.4 needs further explanation. This new entry seems to be indicated in one of the drawings (Figure 39 very difficult to read) but not the main EIS documents, or in a document kindly provided to us by email from TNSW on 27/11/2012. There is a good opportunity for continuing integration of the BP Bella Vista site and McDonalds and this should be encouraged.

Underpinning these technical points, two matters of process arise:

1. In recognition of previous undertakings and earlier conditions, TNSW staff have made commitments to continuing dialogue with BP Australia about detailed site masterplanning. Oral indications have been given about recognition of the need for careful accommodation of opportunities at the BP site in the detailed planning ahead. It is acknowledged that TNSW staff have a very major project on their hands here, and many issues to attend to and a pressing program. However, there has not been an opportunity for BP to be involved in the masterplanning work at this stage. The Concept Plan approval (condition 3.1(f)) required:

An appropriate and justified level of consultation with relevant stakeholders including a description of how stakeholder input has been considered in decisions on design and/or mitigation;

BP is likely to be very directly impacted by this project. It is hoped that “the same level of access” can be obtained to the BP site in the current masterplan for the precinct (eg via an accessway from the north of the BP site to Lexington Drive north) or unresolved planning considerations can be accommodated in future modification applications if necessary. However, it would be entirely inappropriate if the Department of Planning’s assessment (and Minister’s determination) of this proposal was based on an understanding that “the same level of access” can be obtained to the BP site when traffic management plans prepared sometime in the future do not provide such a standard of access.

2. The Department seems to be in a difficult position in seeking to make a determination on a matter where traffic impacts are potentially significant but the current position is that either a) “options are still being assessed for traffic management in this area” as a masterplan is prepared or b) a rigorous assessment is not available (see “technical points” above). It would be reasonable for BP Australia to expect that the proponents would have undertaken an assessment of impacts on the BP Bella Vista site as part of this work. It does not seem reasonable that an owner be liable for the significant costs to do a full review of all potential impacts of this project. For the time being BP resubmits an earlier expert traffic report which it has undertaken for EIS1. However it is requesting that an independent assessment be undertaken of traffic effects of the proposal as part of the environmental assessment work.

The proponents have not yet indicated how they intend to deliver on the undertaking to provide the “same level of access”. It is recommended that this occur through the preparation of a Traffic Management Plan for

¹ It is surprising to see that the continual references in EIS2 Technical Report 2 (p104-109) to “McDonalds and the adjacent service station site”. This is not at all a criticism of McDonalds but it does not breed confidence in an appreciation of the different uses and their traffic patterns.

the area in consultation with BP's traffic expert. This would need to occur after the exhibition period has concluded and it seems reasonable that costs to BP be kept low in this matter.

Earthwork and Structural Integrity of BP Assets including Fuel Tanks

It is noteworthy that the BP site is adjacent to the tunnelling/excavation works that will be occurring on the southern approach to Bella Vista station. While the EIS investigates the groundwater considerations relating to the excavation, there does not seem to be particular commentary on ensuring that these earthworks and associated vibration are managed to ensure the integrity of BP buildings and the underground tanking at the site. Appropriate conditions should be imposed but there should be direct liaison with BP specialists in regard to tank integrity and its management. Our advice is that there has not been contact with BP specialists to date.

Construction Noise

We note the advice that the acoustic investigation relevant to the BP site has been reworked and that a Construction Noise and Vibration Impact Statement (CNVIS) will be undertaken for the Bella Vista site. BP would expect to be advised of the outcome of this work to ensure that there are no serious adverse effects on staff or visitors due to extreme noise events in the tunnelling.

Consultation

Consultation has no doubt been a major piece of work for this project given its large scale. Given the short time periods involved it was helpful to meet some TNSW professionals at the Norwest exhibition on 8 November 2012. However, there remain concerns about direct consultation with BP about the project, with this EIS process regarded as a major component of the "design phase" at least in terms of the SSI assessment work by the Department of Planning. We are advised² that a masterplan is being prepared for the Bella Vista site which would be expected to ultimately direct the traffic management in the area via the intended traffic management plan. BP is acknowledged as a key site in this precinct³. However BP's opportunity to input into this masterplan will not occur until the closing off of the exhibition period for this SSI application. In regard to our previous submissions on this matter on consultation, the Submissions Report (4-167) indicates that:

"Further consultation will be undertaken as the design proceeds and prior to decisions being finalised. Access concerns will be discussed with BP at this stage."

We note the earlier commitment to undertake consultation with business owners near stations during the design phase (Statement of Commitment No 45), and with sensitive design there may be some opportunities still. This commitment is important and there is an appreciation of the agreement to commit to the retention of the key roundabout during the construction stage of the works. In our view there would be value on both sides if there were some commitments to working to a more sophisticated treatment of the access issues for the BP site in the longer term.

Yours sincerely



Peter Walsh
Director
Walsh Consulting

² Discussions TNSW staff at Norwest public consultation session 8 November 2012.

³ *ibid*