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Director Transport Assessments
Planning Services, Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Dear Sir/Madam

Re: Parramatta Light Rail Project EIS and BP Service Station, Church St Parramatta

BP Australia Pty Ltd (BP) is the owner and operator of a service station located at 435 Church St Parramatta. BP Parramatta is a key site in the BP network for BP and its customers. We have committed and invested in this site for the long term.

The EIS for the Parramatta Light Rail (PLR) Project which is currently under exhibition for public comment, indicates that the Fennell Street Light Rail Stop would be located along Church Street between Fennell and Harold Streets. We note that Volume 1 of the PLR Project Environmental Impact Statement (EIS) includes indicative plans for a number of the light rail stops, without indicating a layout for the Fennell Street stop. However, it appears not to be in doubt that the BP Service Station site would need to be acquired if a light rail stop were to go ahead along Church Street between Fennell and Harold Streets.¹ With this submission BP wishes to raise concerns in regard to this aspect of the PLR Project and the exhibited EIS. In this submission we object to this stop location; and make suggestions on an alternative location.

Our submission draws on four of the Secretary's Environmental Assessment Requirements (SEARs) for the EIS to support our arguments: (1) consultation, (2) place-making and urban design, (3) socio-economic, land use and property, and (4) assessment of key issues.

¹ See Hill PDA 2017, [Technical Paper 14 Business Impact Assessment](#) (Table 20). In addition BP has been approached by Transport for NSW about potential acquisition of the Church St service station site.

SEARs Item 4 - Consultation

Item 4 in the SEARs is concerned with consultation and provides as follows:

Consultation

Desired Performance Outcome: *The proposal is developed with meaningful, collaborative and effective engagement during proposal design and delivery.*

Requirements

1. *The proposal and its assessment must be informed by consultation, including with relevant government agencies, local council, infrastructure and service providers, special interest groups, affected landowners, businesses and the community.*
2. *The Proponent must document the consultation process, and demonstrate how the proposal has responded to the inputs received.*

Our Submission: The siting of the Fennell Light Rail Stop has not been informed by any input from BP as an affected landowner

At odds with the SEARs, the proposal's conception and assessment, and in particular the location of the Fennell St Light Rail Stop, has not been informed by any consultation with BP as an affected landowner and business operator. We note that the SEARs directly lists this as a requirement. We also note that where, as required in the SEARs, the EIS "document(s) the consultation process" (*Vol A Section 4 Community and Stakeholder Consultation*) there is again no suggestion that the directly affected landowners (such as BP in regard to its Church St site earmarked for acquisition) were approached for "input", as the SEARs would indicate as a requirement.

The potential effect of the PLR Project on BP Parramatta only came to BP's attention on 21 February 2017. The method and character of this approach was, in our view, not up to reasonable professional standards and certainly was not concerned with government gaining any information on the project from an affected landowner. This first contact on the PLR Project occurred on site at BP's Parramatta service station, on the forecourt. Unfortunately, members of the TfNSW communications team approached BP's employed manager of the site and indicated directly that the BP site would be required for the PLR Project. This employee's concern and those of his staff mates was immediate and related to his personal circumstances. That is, his security of employment should the service station

need to close. When BP management staff were advised and expressed their disapproval to TfNSW the advice was that “we couldn’t locate the phone number of BP head office”².

Summary: SEARs Item 4 - Consultation

The SEARs establish what was already held by BP as a reasonable to expectation. That is, that prior to a significant commitment to the details of a project of this scale there would be some considerable interaction and even collaboration with potentially affected stakeholders. The procedural requirement to allow the project conception and its assessment to be informed by input from BP has not been achieved. Apart from a failure in procedural fairness including a lack of awareness of the particular value of this site to BP, we believe this has meant that a stop location more likely to be in the public interest has been overlooked. This point is discussed below.

SEARs Item 6 - Place Making and Urban Design

Item 6 of the SEARs is concerned with place making and urban design and provides (relevantly as far as this submission is concerned) as follows:

Desired Performance Outcome: *The proposal design recognises opportunities to improve place, character and quality of the surrounding built and natural environment (including adjoining public spaces where they have an interface with the proposal). The proposal contributes to the accessibility and connectivity of communities.*

Requirements

The Proponent must identify how functional ‘place’ outcomes of public benefit will be achieved, including design principles and strategies that:

...

(c) complement and integrate light rail stops with known and foreseeable urban renewal and/or place making opportunities (including the NSW Government’s Priority Precinct areas);

(d) achieve high quality landscaping, streetscapes, architecture and design;

(e) identify urban design strategies and opportunities that will enhance healthy, cohesive and inclusive communities, including in relation to accessibility and connectivity; ...

Our Submission: An alternative light rail stop near Fennell Street brings superior place making and urban design possibilities

We would submit that the Fennell Street Stop is in the wrong location on place making and urban design principles. Our submission is that the stop be relocated immediately south of Fennell Street (rather than north as currently proposed). We make this submission meaning no harm to our neighbours to the south, but merely with a focus on place making and urban

² Personal communication Mr Matthew Lee (BP Australia) February 2017.

design opportunities. The Draft Plans for “West Central District” released by the Greater Sydney Commission are already putting forward transformative development propositions for Parramatta CBD environs (eg “exciting new opportunities generated by *(the intended)* intensive growth and change” for the new “Central City”³).



Photo 1 - Relatively undercapitalised development south of Fennell St fronting Church St's eastern alignment

At a finer grain, proximity to light (and heavy) rail stops can trigger transformative potential to individual sites, but particularly those in a state of under-development. Properties south of Fennell Street, and fronting Church Street, present generally in that under-developed status. The sites south of Fennell Street are single and two level buildings (Photo 1 and 2) and exhibit good prospects for significant development intensification⁴. Immediate proximity to a light rail stop would seem likely to open up significant opportunity for development for retail, residential or office uses which relate to and integrate with the stop itself, lining up well with the Greater Sydney Commission’s plans for Parramatta CBD.

³ See Vision Statement for West Central District at <https://www.greater.sydney/digital-district-plan/657>. Accessed 3/4/2017.

⁴ Currently the zoning of the land south of Fennell Street is a mix of 2:1 and 3:1 (thus on the face of it under developed at present). But these sites would have prospects for significant upzoning with the proposed District Plans and Light Rail plans.



Photo 2 - Relatively undercapitalised development south of Fennell St fronting Church St's western alignment



Photo 3 - Significant tower building and specialised use (service station) north of Fennell St

The point we make here is that in contrast, the key parcels fronting Church Street, to the north of Fennell Street, exhibit a very different status. On the eastern side of Church Street, commercial tower structures are already in existence – thus the light rail station does not bring obvious new development potential. Similarly the BP site is not reasonably seen as a mainstream commercial property. BP's national (and international) business is centred on the sale of motor fuel and related convenience goods and services. There is an ongoing challenge in being able to secure sites to build this network of convenience goods and

services in the Sydney metropolitan area. From the point of view of its owner, the current use (service station) provides optimum value now. As such BP would resolutely seek to retain this site for its customer base no matter what other development opportunities may exist nearby. We are aware that there is an intention to use the carpark surrounding the BP site as a construction compound during the phasing of the PLR Project works. We are not aware of any reason why this operational function could not still occur at that site during the construction stage of the project.

Summary: SEARs Item 6 - Placemaking and urban design

The sketch below suggests an alternative location for the intended Fennell Street Light Rail Stop. *Prima facie*, the site brings the advantage mentioned above of bringing potential to better trigger the kinds of changes to Parramatta envisioned by the Greater Sydney Commission.

Again, on the face of it, this shifting of the stop to the immediate south of Fennell Street would minimise any effect on design light rail stop frequency. It is also noted that there appear to be relatively good building setbacks along this section of Church Street.

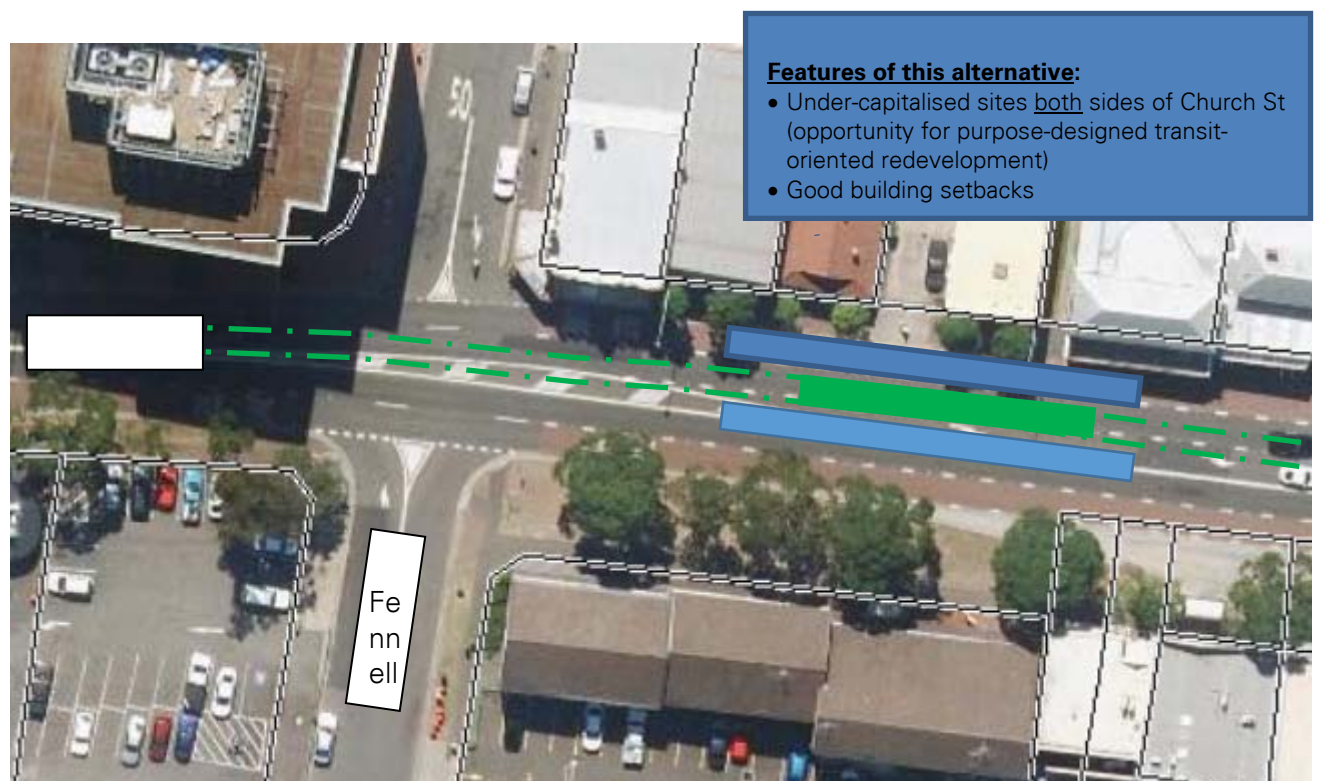


Figure 1: Fennell Street Light Rail Stop - Alternative Location (indicative only)

SEARs Item 11 - Socio-economic, land use and property

Item 11 of the SEARs is concerned with socio-economic, land use and property related issues. It provides (relevantly as far as this submission is concerned) as follows:

Desired Performance Outcome: *The proposal minimises adverse social and economic impacts and capitalises on opportunities potentially available to affected communities.*

The proposal minimises impacts to property and business and achieves appropriate integration with adjoining land uses, including maintenance of appropriate access to properties and community facilities, and minimisation of displacement of existing land use activities, dwellings and infrastructure.

Requirements

1. *The Proponent must assess social and economic impacts. The assessment must be prepared in consultation with key stakeholders identified in consultation with Council.*
2. *The Proponent must assess impacts from construction and operation on potentially affected properties, businesses, council services, recreational users and land and water users , including property acquisitions/adjustments, access, amenity and relevant statutory rights.*
3. ...

Our Submission: The current site for the Fennell Street Light Rail Stop does not minimise economic impacts or impacts to property and business; nor does it capitalise on opportunities.

BP Parramatta is a key site in the BP network. It plays an important role, located as it is on a major traffic artery, near Church Street's intersections with Victoria Road and Pennant Hills Road respectively; and with significant distance separation to other service station sites. BP's commitment to its presence in Parramatta was recently confirmed with its funding of a major upgrading to the underground petroleum storage system at Parramatta (UPSS) and associated fuel line, electrical and related system alterations. The capital value of these works was in the order of \$2.63M. A significant concern for BP is that prior to committing to these works (completed in 2014), BP made contact with both Parramatta Council and TfNSW, to ascertain any information on government plans which might have an effect on the site. BP's upgrading work on the site was discretionary and preventative rather than required as a consequence of any leaks or spill event. BP's strategic investment decision here was that it would only proceed with this works program at Parramatta if there were reasonable expectations on a return on the significant investment involved.

BP representatives met with TfNSW⁵ officers Pahee Sellathurai (Land Use and Transport Planner) and John Hudson (Land & Development Manager) on 17 January 2013. At this meeting it was indicated by Mr Sellathurai that he had undertaken queries with a number of the operational units (bus and traffic specialist units were mentioned) and he indicated that, based on this informal questioning, there were no indications of anything that might be of concern to BP. Mr Hudson confirmed that general view of no TfNSW intentions in regard to the BP site. It was further indicated that when BP formally lodge the proposal with Council it would be referred to relevant units (within TfNSW) which would respond individually and formally on any concerns. BP of course subsequently lodged its plans, received Council approval and undertook the major upgrading works which were completed on 20th January 2014. You may appreciate that it has caused serious concern within BP's senior management that only 3 years following the completion of these works there is a threat to BP's ongoing occupation of the site.

Further to this history it needs to be acknowledged that there are public interest and convenience interests in the location of the service station site here at Parramatta centre. This is acknowledged in the EIS where the affects of the loss of the service station in this location on third party users is recognised. This concern would be addressed entirely if the requirement for acquisition of the BP site were removed.

Summary: SEARs Item 11 - Socio-economic, Land Use and Property

This setting, evidencing no real regard for, or concern with, site history or land owner interests (in the case of the BP Church Street site); or concern to explore opportunities and alternatives for the Fennell Street station location, presents as entirely at odds with the SEARs provisions in regard to minimising property-related economic impacts and maximising public value.

SEARs Item 3 – Assessment of Key Issues

Item 3 of the SEARs is concerned with ensuring key issues for the project are assessed. It provides (relevantly as far as this submission is concerned) as follows:

⁵ These officers, as we understand it, are staff members of Roads and Maritime Services. We understand that RMS has been one of the delivery agencies of Transport for NSW since 1 November 2011 (under s.46 of the Transport Administration Act 1988).

Desired Performance Outcome: *Key issue impacts are assessed objectively and thoroughly to provide confidence that the proposal will be constructed and operated within acceptable levels of impact.*

Requirements

3. Where multiple options to avoid or minimise impacts are available, they must be justified taking into account the public interest

Our Submission: While meeting standards for the current use, site remediation requirements for a change of use at BP Parramatta to fit project requirements may seriously prejudice TfNSW programming for the PLR Project. This has not been accounted for in the assessment to date.

As discussed at a meeting with TfNSW officers at its Parramatta offices on 10 October 2017 (kindly arranged by Mr Stephen Hinkelthein, like many service stations there is evidence of ground contamination at BP Parramatta. While the continuation of the current use meets all regulatory requirements, it is likely that acquisition and redevelopment of the site by TfNSW for the PLR Project would require remediation. This position was agreed by TfNSW's contamination specialist at the meeting. BP's experience is that service station site remediation can be a particularly drawn out process which can often take a number of years to achieve required remediation outcomes. This can be a major encumbrance in settings where time is of the essence. In this case, TfNSW needs to consider the possibility that inclusion of the BP site in the PLR Project may prejudice the programming targets for the PLR. This does not seem to have been accounted for in the assessment undertaken to date.

Summary: SEARs Item 3 – Assessment of Key Issues

The PLR project has been based on a tight roll-out program and the complexity involved in land conversion processes for former service station sites due to remediation requirements may prejudice achievement of the time targets for the project.

Concluding Remarks

We bring an awareness of the complexity and difficulty involved in infrastructure projects. However, in this instance we submit that any commitment to a Light Rail stop in front of the existing BP site at Parramatta seems at odds with public interest goals. The EIS assessment process, framed by the Secretary's Environmental Assessment Requirements

provides the platform for this matter to be assessed and reconsidered. Certainly, and directly inconsistent with the SEARs themselves, there has been no opportunity for the landowner's perspective to be considered up until this point. We request that there be a credible professional reconsideration of the Fennell Street Stop location and that consideration be given to this submission to that end. Importantly, the delays which arise when attempting to remediate and change the use of former service stations (a possible so far unrecognised PLR project programming risk), would also be circumvented if acquisition of BP Parramatta was not required.

For further information please contact Joanne Harvey on 0420 312 501 or Joanne.Harvey@se1.bp.com.

Yours sincerely
BP AUSTRALIA PTY LTD

A handwritten signature in black ink, appearing to be 'Joanne Harvey', written over a large, faint, teardrop-shaped watermark or background mark.

Joanne Harvey
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