

**THE NORTHERN ROAD REALIGNMENT  
LUDDENHAM  
June/July 2017**

## **SUBMISSION**

### **ENVIRONMENTAL IMPACT STATEMENT (EIS) – COMMENTS**

**1) The period of time allowed for comments on the EIS has been wholly inadequate.**

The notification of the release of the EIS was provided via email to some on 21 June 2017 while the letterbox notification (the community newsletter) was received by residents in the week after the first public information session was held in Luddenham on 1 July. Essentially this allows less than 1 month to comment on thousands of pages of documents. This is wholly inappropriate especially for owners who may not have internet literacy or access and who are not able to visit locations where it is on display. It is also questionable people would be able to spend the time required at display locations to fully comprehend documents running into thousands of pages. As a result the *community consultation on the EIS has been perfunctory and wholly inadequate.*

**2) Consultation**

While the list of consultation activities and process is extensive, property owners affected by land acquisition have only had 2 meetings with RMS. The first to identify partial acquisition of the property and a second to provide a proposed plan for the acquisition.

Other than the first two meetings, there have been a raft of consultants requiring access to the land, the protocol for contact has not been followed in the majority of cases and no further individual meetings have been held. There has been no contact regarding changes to proposed plans, no advance warning of how subsequent reports affect the property and no consistency in RMS officers. A case management approach would help to negotiate the huge issues facing affected property owners. This would be a valuable approach for all owners but especially warranted and important for vulnerable owners, such as older persons without internet literacy.

**3) Errors**

The EIS has errors in some of the working papers. The information provided to some consultants by affected property owners has not been reflected correctly and there was no process for the draft information to be submitted to the owners for checking. As a result there are errors which have been carried through the document.

This is of great concern as it means *these errors will become fact as they are contained in an official document.* It is unclear how these errors will be rectified as there is no indication the documents are draft. This is particularly of concern where personal histories and facts regarding various heritage and locational sites and/or communities have been incorrectly reflected in Appendix N - Technical Working Paper: Non Aboriginal Heritage. The result is some affected property owners consider their personal and community history, as well as their land, is being taken and the resulting analysis compiled to suit the purpose of Roads and Maritime Services in justifying this project. This is especially the case for those with long family and generational links to their property and community,

## **VOLUME 1**

## Noise

### Page 243+ Predicted Construction Noise Impacts

1) There is no mention of how intrusive noise will be dealt with during the project if it exceeds the expected impacts and where it hasn't been directly addressed in this EIS. What happens to property owner's complaints where noise is excessive during the project. How will these be dealt with to reduce the impacts of construction.

2) Noise mitigation is proposed for some properties, however, there are other residences nearby which are close to those with mitigation proposals, but are not included. For example, dwellings near the corner of Adams Road and The Northern Road. The topography of this area means the *noise carries along the hilltops* and while they may be outside the relevant distance to qualify for mitigation treatments there is no consideration of this fact or that the Luddenham tie in and new road alignment will effectively encircle them.

3) Having to deal with high levels of noise for the duration of the construction, including Saturdays and evenings, followed by very significant increases in noise due to the 6 lanes of the new road and road traffic on existing roads will be intolerable for many property owners.

There is a lack of adequate mitigation offered, especially for those who spend their whole day on their property and are close but not included in mitigation treatments. (The mitigation treatment proposed, RMS providing on-site mitigation to 74 residences, and no significant earthworks or walls to assist in reduction of noise or noise reduction pavement options.) This is inadequate and non-existent for adjacent properties/dwellings.

4) The project should NOT undertake after hours work, especially on new areas of road through agricultural land, as there is no need for traffic diversion issues or other impacts on the road or road network.

### Page 148 Table 5-16 Summary of Proposed Ancillary Site Locations Against Criteria

The access/entrance to Ancillary site C8 will destroy a heritage site (Miss Lawson's Guesthouse). This is not listed in the table and is not noted. This omission is problematic as the C8 entry would not comply with the criterion (h) listed under the Critical SSI Standard Conditions for Approval for Infrastructure.

### Page 154, 5.4.15 Construction Work Hours

This section lists the 3 main reasons why construction should be undertaken after hours, namely minimise traffic delays on Northern Road and the network, protect public safety and worker construction safety. There is no need to work after hours when considering construction work through agricultural land as these criteria are not met.

Noise and construction fatigue for residents/property owners close to the works, or in locations where the noise travels to their residences, would be assisted to an extent, with standard hours of operation. Lack of respite at night and on weekends will magnify stress to affected residents/property owners. This is especially the case for those who are exposed to a range of works for up to 2 years. Commenting that this will cease once the roadworks move away from their property does not take into account the amount of noise that travels and the cumulative effect of such noise.

Notifying affected residents/owners of night or after hours works (page 155) will not lessen the

experience or effects of noise. The report also use terms such as “where reasonable” or “where feasible” related to noise shielding equipment or undertaking noisy activities during daytime. What do these terms mean in reality and who will determine what is reasonable and feasible? Residents/property owners are the best guide to determining what this means, not project managers or construction companies. There should be no scrimping on noise shielding and noisy activities should not be undertaken after hours.

### **Page 158 Staging of Construction**

Nowhere in this section is there discussion of the need to consider, and adequately ameliorate the impact on, property owners/residents of undertaking construction work during the day. More weight is given to a road users convenience than to people living with this construction for months and years at a time. In fact the construction of the tie in at Luddenham is slated to occur mostly at night, which will be intrusive in terms of noise to those adjacent and near to the works.

### **APPENDIX J – TECHNICAL WORKING PAPER: SOCIO ECONOMIC**

The working paper and relevant chapter in Volume 1 give more weight to the economic impacts on affected businesses than the impacts on property owners and residents who are not registered businesses. Where these are mentioned, all the impacts are considered of an acceptable or not significant level in the scheme of the overall project.

It is important that RMS and the New South Wales Government understand that these impacts are **not** acceptable to the property owners concerned, they **are significant** and the cursory consideration of the large number of cumulative impacts on certain property owners is apparent by the amount of discussion in the paper (less than one page).

#### **1) Qualitative Assessment**

While there is a broad brush quantitative discussion of grouped communities from the 2011 Census data (e.g Luddenham-Mulgoa-Orchard Hills; or Greendale-Bringelly), there is little qualitative information especially regarding the difference between villages, as each have different histories and community make-up.

For example, while there is mention of new residents, very long term residents, families with several generations of connection to their land and the village, it lacks qualitative information on the history and residents' views. As a result, different effects of the negative impacts of this project on each group are not fully considered.

The villages have a very different history and community engagement compared, for instance, with Glenmore Park area which has a new, urban population and social-demographic profile. Many residents in the villages have considerable community connections and the overall effects are not considered in any depth, nor were these residents/property owners consulted by the consultants in developing this report.

Similarly, Orchard Hills is a very different community compared to Luddenham or Mulgoa

#### **2) Impact Level of “Significance” of the Project**

Each section in this working paper indicates there is little “significant” impact in terms of the project as a whole for all aspects of the analysis. However, there is no definition of what is significant or how this is measured or how many people have to be affected or the extent of the impact for it to be considered “significant”.

The cumulative impacts are very briefly acknowledged in one page at the end of the paper (**page 108, 6.10 Cumulative Impacts**) but not discussed in any length apart from stating mitigation measures would be implemented for each aspect of the project and all other infrastructure projects (airport etc). However, nowhere is there a realistic discussion or acknowledgment of the cumulative impacts, stress and distress caused to property owners who have all or most of the following with which to deal:

- 1) been on the family land for generations and thus identify very strongly with the land and the township and community;
- 2) a significant proportion of their land, including quality rural and residential land with excellent views and agricultural use, acquired for the road re-alignment;
- 3) a significant amount of road frontage reduced to a minimal driveway thus limiting access and the future use of the land;
- 4) destruction of acknowledged heritage sites on the property;
- 5) reduction in viability of future agricultural pursuits for the remaining property due to the acquisition of land for the road realignment;
- 6) noise, dust and construction disruption affecting the agricultural use of the land and quiet enjoyment in the dwellings.
- 7) after the completion of the realignment, a minimum 3-fold or more increase in traffic (2 lanes increased to six lanes and increased usage as a major arterial road) on the realigned road which will be closer to their dwelling than the current road, thus increasing noise, dust and decreasing air quality on the remaining agricultural land and dwellings; combined with
- 8) partial bypass of Luddenham village centre, with increased traffic expected on this route in due course, thus increasing the traffic to certain properties via both the old and new roads;
- 8) construction and operation of the second Sydney airport within 1 or 2 kilometres of property boundary; and
- 9) effects of other major western Sydney infrastructure plans and projects.

These impacts are having a very clear, negative impact on the health and well-being of some of those affected and these are only acknowledged as significant to a few individuals and families but are “not considered significant in the scope of the project”. (pp 76-77 6.1.2 and 6.1.3) It is unclear from the report what impacts property owners would need to endure for it to be considered “significant” or how many property owners would be required to experience such a range of impacts before “significance” was established.

The measure of “significance” of each of the project impacts is not defined in this working paper nor Volume 1. It appears individual property owners/families' issues are considered cursorily and rated as not significant, losing out to “evaluating changes or impacts on communities, business and industry” (page 9, 2.2 Study Methodology).

3) This working paper considers the provision of information, the compensation process and reinstatement of affected infrastructure will be adequate to mitigate individual owner's concerns. However, this is an unsatisfactory assessment of the effects on owners and is definitely not the case that these things will be adequate to deal with owner's concerns and issues. The compensation for partial or total acquisition of the property in no way compensates for the loss of heritage, family history, connection to the property and community or the massive changes through significantly increased traffic noise and loss of amenity and future use of the property.

4) The impacts on “registered” businesses are acknowledged as important within the report, however, property owners also use their land for income-producing primary production etc without operating a business open to the public. The impacts on these owners, especially those whose land

is being acquired, has not been considered and the RMS compensation process and infrastructure replacement also does not adequately do so. While registered businesses have been surveyed, no qualitative survey of affected property owners has been undertaken.

5) The EIS documents are written to provide support for the RMS undertaking the project.

6) **Figure 6.1 Potential Locations of Construction Ancillary Facilities** shows construction compounds. There is little discussion of the effects of compounds on adjacent properties, especially pollution, from construction activities on grazing and other land, as well as noise.

### **3) Other Comments**

#### **Page 54 Table 4-18 Social Infrastructure**

The table omits Luddenham Progress Hall, next to the Uniting Church, from the list of Cultural facilities.

#### **Page 76, 6.1.2. Impact of Property Acquisition**

This section acknowledges the adverse effects of property acquisition on some people. However, they are minimised by the authors as being largely mitigated by the provision of information on the project and acquisitions reducing the uncertainty. However, providing information or certainty around property acquisition doesn't reduce the stress, distress or effects associated with the acquisition and the years of construction disruption of the project as a whole, nor the other effects of the project. There is no adequate consideration of this in the working paper.

#### **Page 94 Bypass of the Luddenham Town Centre**

".. traffic volumes within the Luddenham town centre are expected to reduce in the short term (2021) from existing traffic volumes. However, over the longer term (2031) traffic volumes are expected to return to existing traffic volumes..."

Elsewhere in the report there is repeated mention of how the "bypass" of the Luddenham town centre will be a positive thing for pedestrian safety as well as providing noise relief to residents along the existing road alignment in relation to traffic noise (e.g p. 103, 6.7.2 Impacts on social infrastructure in the study area). However, this may have been the case had the original plan for a full bypass been maintained, as sighted by affected property owners. With the inclusion of exits close to Eaton Road to assist local business owners, the claim of decreased noise and increased safety is questionable.

This is especially the case related to noise when six lanes of traffic will be carried on the new alignment and existing levels of traffic will continue on the original alignment and the original alignment will be used as a "rat run" by drivers if there is congestion or other issues on the new road. Certain property owners, especially those close to the intersection of the two alignments, will thus experience a very great increase in noise and there is no mention of compensation or noise mitigation for those owners in this working paper.

#### **Page 108 6.10 Cumulative Impacts**

This discussion of cumulative impacts is cursory and no more so than in the final paragraph when discussing the number of large infrastructure projects scheduled to affect the study area locations stating the "Mitigation measures would be implemented for each project to manage the impacts of the individual projects. Coordination between the various projects in the planning of major works and possible disruptions, if possible, would assist in minimising potential cumulative impacts."

RMS is unable to coordinate within and between relevant teams responsible for this project so it is wishful thinking that the large infrastructure projects would coordinate between each other and mitigation measures would be adequate or coordinated for the large number of significant effects of multiple large infrastructure projects.

## **APPENDIX N – TECHNICAL WORKING PAPER: NON ABORIGINAL HERITAGE**

### **1) ERRORS**

There are errors of fact contained within this technical working paper as the authors, Jacobs Group (Australia) Pty Ltd, did not check their text with property owners before publication. It is important these errors are corrected in the EIS otherwise they will be perpetuated into the future. The report also states in places the history or use of particular parcels of land are not known. This is incorrect and information is provided below to clarify these omissions. The reference for comments on this report is Mrs NE Sales, long time resident, property owner and local/family genealogist).

#### **Figure 4-22 Location of Survey Areas in the Study Area**

Survey Area 4-13: The location of wells, stone gatepost and road cutting are predominantly located further to the south on the lot and to the east of 4-12.

**Figure 5.8 p.52 Eaton Road, facing west.** This photo actually shows the eastern view not the western view.

### **5.4 Item 3: Warragamba Dam to Prospect Reservoir Pipeline and**

#### **5.4.3 Significance Assessment**

The focus in the report solely on the use of Chinese workers for a year on the pipeline fails to acknowledge the major engineering and historical impact of these large infrastructure projects on the wider community, growth of new settlements and the contribution to the multicultural community that developed in the area. The construction of the pipeline and the Warragamba Dam saw a huge number of local and foreign workers, especially European workers, during the immediate post war period. The Dam is considered by Water NSW as one of the “...major engineering feats of the mid-20<sup>th</sup> century” (<http://www.waternsw.com.au/supply/Greater-Sydney/heritage/dam-histories>). Infrastructure such as this is a huge part of the history of NSW and the creation of contemporary social culture and communities.

#### **Page 72 5.7 Item 6: Weatherboard House and Sheds, Luddenham**

This house was owned by Mr JW (Jim) Roots. He ran a slaughterhouse on the property. The report states “.. it is unknown where the exact location is and whether it is associated with Item 6”. The location of the original slaughterhouse is on the same site as the current slaughterhouse (Refer to Mrs NE Sales).

The report also states on page 73 “Item 6 is potentially associated with the Roots family”. The report should state the house is definitely associated with the Roots family as they lived there for a number of years (Refer to Mrs NE Sales).

#### **Page 75 Item 5.8.1 Item 7: “Pleasantview” House 1, Luddenham**

The report states “The property owner states that he brought the building to the property in around the 1930's-40's...”. The authors may wish to clarify this with the owner (Mr Ken Hughes) as we understand it may have been his father or grandfather that did so, although as a young boy he may have been in attendance.



## **5.9 Item 8: 'Luddenham Village' area: Chapel and School Site and Adams Road House**

### **5.9.1 Description and History**

The report states “..there was no reference found relating to a church and school being built”. Mrs Susan Isabel Adams (nee Roots 1872-1966), who is buried in St James' Anglican Church Luddenham, was the grandmother of Mrs NE Sales. Mrs Roots stated to Mrs Sales, that when she was a girl she attended the Primitive Methodist Chapel and school on the site and she recalled aboriginal families walking past the buildings. The buildings were of slab construction. Land was procured further along the Northern Road for the Methodist Church, its current position.

The location of the original Primitive Methodist chapel and school was sited on land later owned by Mr HL Sales (Mrs NE Sales' father in law, blacksmith and corner store owner) approximately between 14 – 18 Eaton Road. The only use of the land from the time of his purchase (around 1920) was sheep grazing. It was sold on his death in the early 1970's.

### **5.11 Miss Lawson's Guesthouse**

#### **5.11.1 Description and History**

The report states that the “ ..'inn” owned by Cassie Lawson”. In fact Miss Lawson's name was CARRIE not Cassie and the land on which it was built has always been known as “Carrie Lawson's”.

Miss Lawson's Guesthouse had a slab kitchen. The guesthouse was still standing when Mr HCJ Sales was a boy in the 1920's (son of Mr HL Sales and husband of Mrs NE Sales). Mr Jack Vicary and Mr Dan Lawson lived in the guesthouse in its final years. When they died the land was auctioned and was bought by Mr HL Sales who used it for sheep grazing. Following his death in 1970, the land has been used solely for grazing. The land was consolidated with a further purchase of what is now 7, 15 and 25 Adams Rd from Mr John Adams (Mayor of Penrith and St Marys and Mrs NE Sales' uncle).

### **Page 78**

The Luddenham village was developed although not as extensively as early plans suggest and with larger lots in some cases.

**Lawson's Inn:** The site where the Christmas trees are grown between Eaton Rd and Northern Road was part of the dairy owned by Mr Don Vicary. This site was used for dairy cattle grazing (Refer Mrs NE Sales).

While archaeological salvage has been proposed for Miss Lawson's Guesthouse and Lawson's Inn site, it is very disappointing that these locally significant heritage sites will be destroyed and lost through the construction of this eastern road alignment option.