

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant infrastructure
Application number and project name	SSI 9186 Cabramatta Loop Project
Applicant	Australian Rail Track Corporation
Consent Authority	Minister for Planning and Public Spaces

Decision

The Minister for Planning and Public Spaces has, under section 5.19 of the *Environmental Planning and Assessment Act 1979* (**the Act**) approved the infrastructure application subject to the recommended conditions.

A copy of the infrastructure approval and conditions is available [here](#).

A copy of the Planning Secretary's Assessment Report is available [here](#).

Date of decision

28 July 2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the matters listed in the statutory context section of the Planning Secretary's Assessment Report;
- the Objects of the Act;
- all information submitted to the Department during the assessment of the application;
- the findings and recommendations in the Planning Secretary's Assessment Report; and
- the views of the community about the project (see **Attachment 1**).

The findings and recommendations set out in the Planning Secretary's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for approving the application are as follows:

- the project would:
 - alleviate constraints on and increase capacity of metropolitan Sydney's freight rail network and to meet the forecast demand for container freight transport on the Southern Sydney Freight Line (SSFL);
 - improve reliability for freight customers;
 - support the operation of intermodal terminals, including Enfield, Chullora and Moorebank, and support the operational efficiency of the freight rail network that will be gained from the future Botany Rail Duplication project;
 - increase in operational reliability, efficiency and flexibility of freight transportation;
 - increase rail market share for containerised freight and reduce reliance on heavy trucks and associated traffic congestion and pollution;
- the project has been endorsed by the NSW Government and is a key component of:
 - *NSW Freight and Ports Plan 2018-2038*;
 - *2020 Infrastructure Priority List*; and
 - *Sydney Metropolitan Freight Strategy*;
- the impacts on the community and the environment can be appropriately managed, minimised, or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. Additionally, conditions relating to construction and operational traffic and noise, impacts on recreational open space and facilities and offsetting, and flooding have been imposed;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of approval (where applicable); and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Environmental Impact Statement (EIS) was publicly exhibited from Friday 30 August 2019 until Thursday 26 September 2019 (28 days) and received submissions from six State government agencies, two local government councils and nine community submitters. The community submitters comprised seven individuals and three special interest groups and organisations including the Southern District Softball Association SDSA. Fairfield City Council objected to the proposal.

The Department also undertook the following consultation activities:

- three site visits prior to and during the EIS exhibition and assessment process;
- held meetings with Liverpool City and Fairfield City Councils; and
- held a meeting with the SDSA.

The key issues raised by the community (including in submissions) and considered in the Planning Secretary's Assessment Report include project design; construction; consultation; noise and vibration; traffic, transport and access; flooding and drainage; and social impacts.

Issue	Consideration
<u>Project Design</u>	Assessment
<ul style="list-style-type: none">• Concern that the proposal will detrimentally impact on any future expansion of the commuter rail infrastructure.	<ul style="list-style-type: none">• The proposal would not detrimentally impact on the assets of Sydney Trains nor its potential to expand commuter rail service in the future.• There are no plans to duplicate the Main South Line• The proposal is identified and integrated with other projects across the network in strategic planning documents <p><i>Recommended Conditions/Response</i></p> <p>Conditions include:</p> <p>No conditions are required in relation to this matter.</p>
<u>Project Construction</u>	Assessment
<ul style="list-style-type: none">• Details of temporary road closures and construction timeframes.	<ul style="list-style-type: none">• An indicative construction program was provided in the EIS.• The Department supports the staging of construction along Broomfield Street to maintain access throughout construction.• Full road closure would be required under limited circumstances and would occur after consultation with the community. <p><i>Recommended Conditions/Response</i></p> <p>Conditions include:</p> <ul style="list-style-type: none">• Preparation and implementation of a Traffic and Transport CEMP Sub-Plan which will set out the construction schedule and road closures.• Preparation and implementation of a Communication Strategy to facilitate communication with the community.
<u>Noise and Vibration</u>	Assessment
<ul style="list-style-type: none">• Operational noise mitigation measures such as extension of Broomfield Street noise barrier;• Excessive noise from construction works, especially at night-time; and• Excessive operational noise and vibration.	<ul style="list-style-type: none">• Construction noise is expected to exceed noise management levels at residences on Broomfield Street, including some highly noise affected.• Noise mitigation is required for construction and operation.• Work required outside of construction hours will be subject to noise goals that minimise exceedances of sleep disturbance criteria. Respite must also be provided. <p><i>Recommended Conditions/Response</i></p> <p>Conditions include:</p> <ul style="list-style-type: none">• Construction on Broomfield Street to be sequenced to minimise the period any portion of the noise barrier is removed.• An Operational Noise and Vibration Review must be undertaken to monitor effectiveness, assess compliance and determine whether additional mitigation is required.• Restricted hours when highly noise intensive work can occur and provision of respite. Construction noise to be managed and monitored by application of measures established in a Noise and Vibration Construction Environmental Management Plan (CEMP) Sub-Plan.

Issue	Consideration
<u>Traffic, Transport and Access</u>	Assessment
<ul style="list-style-type: none"> Car parking impacts on Broomfield Street during construction and operation; Construction traffic causing damage on local road network; Proposed realignment of Broomfield Street to maintain two-way traffic and landscaping opportunities; Access to Jacquie Osmond Reserve constrained during construction; Loss of active transport corridor during construction; and Road safety deterioration of the Broomfield and Sussex Streets intersection due to additional Sussex Street bridge. 	<ul style="list-style-type: none"> There will be traffic, active transport and access impacts during construction; however, these impacts can be mitigated. Construction on Broomfield Street will be staged to minimise on-street car parking and access impacts. The Proponent has committed to provide replacement car parking spaces on Railway Parade to offset the loss of up to 11 spaces on Broomfield Street. Broomfield Street will remain two-way after construction and landscaped in accordance with an Urban Design and Landscape Plan in consultation with council. <p><i>Recommended Conditions/Response</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> Provision of safe pedestrian and cyclist access around construction work sites, access to Jacquie Osmond Reserve, utilities and private property during construction. Preparation of an Urban Design Landscape Plan for the detailed design of Broomfield Street and the active transport corridor along the rail corridor. Requirements relating to road dilapidation surveys and repairs. The access road between Station Street and Jacquie Osmond Reserve is to be repaired. Replacement on-street car parking must take into account the ability to provide landscaping. Review of the safety performance of new or modified local roads, through a Road Safety Audit.
<u>Flooding and Drainage</u>	Assessment
<ul style="list-style-type: none"> Flash flooding of properties on Broomfield Street; and Loss of flood storage in Jacquie Osmond Reserve. 	<ul style="list-style-type: none"> Increased flooding is anticipated due to reduced flood storage on Broomfield Street. The Proponent committed to manage the flood risk to the project and to mitigate the impact of the project on flood behaviour in detailed design. The accepted flooding impacts should consider those from the SSFL and the design criteria should provide an incentive to strive for an improved outcome compared to the assessment levels in the EIS. The loss of flood storage would be minor compared to the size of the catchment. <p><i>Recommended Conditions/Response</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> The allowable increase in flooding at properties be reduced to no over floor flooding at residential accommodation and no more than a 30 mm increase on existing flood levels unless agreed by the Planning Secretary. Any request for higher flood levels must demonstrate that project design changes are not practical. Except for work to ensure compliance with the flooding design criteria, the project must not to worsen the overall efficiency of the existing stormwater drainage system.
<u>Social Impacts</u>	Assessment
<ul style="list-style-type: none"> Offset strategy to address the loss of use and access to recreational open space in Jacquie Osmond Reserve during construction and operation; and Impact on the amenity of the local area and the health and wellbeing of the community. 	<ul style="list-style-type: none"> The proposal will potentially affect the use of open space and sporting facilities. Temporary acquisition of open space for construction compounds and work sites is required. Access to parts of Jacquie Osmond Reserve would be temporarily restricted. <p><i>Recommended Conditions/Response</i></p> <p>Conditions include:</p> <ul style="list-style-type: none"> The existing level of programmed softball activity at Jacquie Osmond Reserve be maintained and that altered facilities be designed in consultation with the SDSA and Liverpool Council. Access to Jacquie Osmond Reserve from Broomfield Street must be returned to a standard equal to or better than the existing facility. The access road between Station Street and Jacquie Osmond Reserve must be rectified to a standard suitable for public users and include the grading and asphalt re-sheeting of the road.