

Submission by Wollondilly Shire Council

Outer Sydney Orbital Corridor Identification & Protection of Transport Corridors in Western Sydney

As exhibited by NSW Department of Planning & Environment (May 2018)

May 2018

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1 INTRODUCTION

On 26 March 2018, the NSW Government announced four 'Corridor Projects' including the Outer Sydney Orbital Corridor Identification, Bells Line of Road - Castlereagh Connection Corridor identification, North South Rail Line and South West Rail Link Extension Corridor Identification and the Western Sydney Freight Line Corridor Identification.

The Announcement includes a series of documents including:

- Western Sydney Corridors summary document;
- Draft Strategic Environmental Assessment;
- A Discussion Paper about proposed protection in parts of Western Sydney "*Protection of transport corridors in Western Sydney*"; and
- Land application maps and an interactive tool.

Specifically, and related to this submission, the NSW Government announced the recommended corridor alignment for the Outer Sydney Orbital. Transport for NSW has indicated that the corridor is part of the planning for the long term transport needs of Western Sydney by identifying and protecting a corridor of land for future transport infrastructure which would provide for a future north south motorway and freight rail line. The Outer Sydney Orbital is the first of three stages.

The Outer Sydney Orbital corridor will provide for a connection between Box Hill in the north and the Hume Motorway near Menangle in the south. The NSW Government indicates that the corridor will support the growth of Western Sydney and the distribution of freight a cross Sydney and regional NSW.

The following list of documents were provided on the Transport for NSW website for consultation specific to the Outer Sydney Orbital:

- A Brochure;
- Frequently Asked Questions;
- Overview Map;
- Detailed property maps for consultation; and
- Draft Strategic Environmental Assessment.

Other documents provided more broadly for the Corridor Announcement include:

- Western Sydney corridors summary document
- Overview map (including all corridors in Western Sydney)

As part of the broader Corridor consultation process, Transport for NSW has also released a Discussion Paper on the proposed State Environmental Planning Policy to protect Western Sydney Corridors. This consultation process is also provided on the Transport for NSW website and includes:

- A Discussion Paper;
- Frequently Asked Questions;
- Land Application Maps; and
- A property acquisition factsheet (this is separate to the consultation of the discussion paper).

2 THIS SUBMISSION

Wollondilly Council is submitting a combined submission to cover:

- Outer Sydney Orbital identification; and the
- *Discussion Paper about proposed protection in parts of Western Sydney.*

The submission is also intended to cover documents relating to the exhibition (as they relate to the Outer Sydney Orbital) and include

- Western Sydney Corridors summary document,
- Draft Strategic Environmental Assessment;
- A Discussion Paper about proposed protection in parts of Western Sydney; and
- Land application maps and an interactive tool.

It is noted that staff within the NSW Government have indicated that the *Discussion Paper about proposed protection in parts of Western Sydney* is an 'Explanation of Intended Effects' (EIE). Therefore, this submission is being made to Transport for NSW (regarding the Outer Sydney Orbital identification), and to the NSW Department of Planning and Environment regarding the EIE, as the draft State Environmental Planning Policy.

3 WOLLONDILLY SHIRE COUNCIL - POSITION ON THE CORRIDOR

Immediate planning for Corridors and public transport required for new State led growth

Council is supportive of improving connections to support growth, particularly where this is to support planned growth where there is Government commitment. For example, the Wilton Priority Growth Area will provide 15,000 dwellings within the next 20-30 years. It is absolutely critical that passenger rail services connecting the Shire north to Campbelltown and the future Western Sydney Airport be established as a priority, and as an alternative to the M9.

This would require the existing Main Southern Line and Maldon-Dombarton Rail Corridor be widened to have a dedicated freight and passenger line and connect Macarthur to Wilton as Stage 1 for early delivery and then onto the Illawarra (Dombarton) as Stage 2.

It is noted that a number of recent documents released by the NSW Government including the transport for NSW 2056 Strategy, State Infrastructure Strategy, and Western City District Plan, provide no option for efficient public transport to service Wilton New Town. It is further noted that a recent rezoning occurred allowing for 3,500 new dwellings and was made with no secured commitment for public transport and infrastructure. This rezoning, forming part of the Wilton new town is occurring now, not in 20 years.

Recommended route should minimise impacts to local landowners

If the NSW Government considers alternative routes and options for the Corridor, Council strongly encourages the NSW Government to discuss these options with Council staff and the Community and that the alignment only, as far as possible, be shifted to land that is owned by developers and the NSW Government as an alternative. Any alternative route should undergo proper meaningful consultation with the residents of Wollondilly Shire.

Further Assessment required to understand impacts on local road network

It is crucial that the orbital does not isolate the Shires local communities by severing important regional roads and there should be adequate a corridor for on and off ramps at strategic

locations to maintain connectivity for local communities as well as commercial, agricultural and industrial lands. Council would support a full traffic study with a social and environmental impact assessment to review the areas of need and to ensure that residents are not substantially affected in their commute and lifestyles by the creation of an orbital road.

Further Assessment required to understand impacts on the environment

It is requested that comprehensive surveys and mapping based on best practice occur as part of the stated intended subsequent environmental assessment for the proposal.

More information to understand the financial implications for local government

In this regard, the NSW Government should provide a copy of the comprehensive traffic study to Council which includes an outline on impacts to the local road network, funding opportunities to implement and upgrade the network to minimise and reduce the strain on local government expenditure.

Concern over Statutory Planning Process followed

Council is concerned whether the correct procedure and process has been followed. That is, the Minister for Planning's decision to publicise an explanation of the intended effect of the proposed instrument', and also whether the Secretary of the Department of Planning and Environment has carried out 'Special Consultation' with the chief executive of OEH and Fisheries. If the process has not been correctly followed, the draft SEPP process should be recommenced and a new comprehensive consultation program be undertaken.

Inadequate local consultation

Of the Thirteen planned drop in sessions for the Corridor Preservation during May and June 2018, no sessions were scheduled or organised by the NSW Government within Wollondilly Local Government Area, contrary to the previous commitment made by Government. In addition, (an extended) 8 week consultation program is inadequate given the significance and importance of the 'state significant' announcement.

Advocate for the views of Wollondilly Shire local residents

This report attaches a summary of the views of the residents of Wollondilly Shire. The local input and issues raised are critical for the NSW Government to consider.

4 OUTER SYDNEY ORBITAL CORRIDOR PRESERVATION STUDY 2015

In 2015, a consultation process was carried out by Transport for NSW for the 'Outer Sydney Orbital Corridor Preservation Study'. Consultation occurred between 6 June 2015 and 7 August 2015.

At its meeting of 17 August 2015, Council passed the following Notice of Motion;

- 1. That Council write to the NSW Minister for Roads, Maritime and Freight (Hon Duncan Gay MLC), Transport for New South Wales, and the Member for Wollondilly (Jai Rowell MP) requesting a targeted consultation program be implemented to ensure that Wollondilly residents are appropriately informed regarding plans for the Outer Orbital (M9).*
- 2. That to assist with ensuring Wollondilly residents in the subject area are fully informed, the targeted consultation program include a letterbox drop to all residents within the identified corridor.*

A submission was made on 28 August 2015 to Transport for NSW. Most matters raised in that submission have not been addressed in the corridor identification, nor did Council receive any response in relation to how any planning matters were considered.

In addition to the submission, Councils General Manager wrote to the (former) Minister for Roads, Maritime and Freight, to Transport for NSW and to the local member on 31 August 2015. The General Manager highlighted that no information stands or community drop in sessions were held within the Wollondilly local government area and advocated for a targeted consultation program for Wollondilly residents, including a letter-box drop in the draft corridor area.

In response, the (former) Parliamentary Secretary for Transport and Roads, advised that the Corridors team within Transport for NSW would "identify suitable locations within the Wollondilly local government area for future community consultation".

As part of the current exhibition, Transport for NSW has not scheduled an adequate consultation program in Wollondilly local government area for Wollondilly residents. Council staff have advocated for 'drop-in' sessions to occur with the local government area, however at the time of preparing this submission, no commitment has been made by Transport for NSW.

5 CONSULTATION PROGRAM FOR OUTER SYDNEY ORBITAL CORRIDOR ALIGNMENT

Of the Thirteen planned drop in sessions for the Corridor Preservation during May and June 2018, no sessions were scheduled or organised by the NSW Government within Wollondilly Local Government Area, contrary to the previous commitment made by Government.

It is noted that significant proportion of the residents attending sessions in the Camden local government area were Wollondilly shire residents.

A further serious concern raised by Council and the broader community is the lack of consultation with residents affected by the corridor, directly adjoining the corridor and near the corridor. It is evident that meetings have occurred with 'developers', including those with 'proposed' planning proposals, where the same opportunity and discussion has not afforded with ordinary Shire residents. The submission notes where the alignment appears to benefit certain parties, where other ordinary residents are instead affected.

For example, the alignment through land at Cawdor aligns in a manner that could facilitate an outcome for a (former) draft planning proposal, possibly at the detriment to surrounding land owners.

The relatively short timeframe of eight (8) weeks (including the extension previously granted) is insufficient for meaningful engagement, particularly with for a city shaping decision of this magnitude. The OSO corridor alignment will have significant impacts on the community now and for many generations to come and must not be determined without significant due consideration.

It is understood that the NSW Government has indicated its strong preference to finalise the final OSO corridor before the end of 2018. Council urges the NSW Government to instead pursue a more comprehensive consultation process with the local community, particularly

those residents along the OSO corridor, with regular feedback on any key changes to the OSO corridor.

6 WOLLONDILLY COMMUNITY STRATEGIC PLAN 2033

The Wollondilly Community Strategy Plan 2033 (CSP) is the represents the highest level of strategic planning undertaken by council.

The CSP identifies the main priorities and aspirations of the community, providing a clear set of strategies to achieve this vision of the future. The CSP is based upon the social justice principles of access, equity, participation and rights and address the quadruple bottom line (social, environmental, economic and civic leadership).

The CSP defines Wollondilly Shire's Vision as follows:

Our Vision - Rural living

"Council's vision reflects the Community's desire to maintain Wollondilly Shire's rural character together with the sense of belonging to caring communities that have been at its core for generations."

To achieve our community's vision for the future, six (6) key goals are identified to guide Council's strategic direction. These are:

1. Rural setting and character

The rural setting is obvious with farmland and natural areas located between, separate towns and villages with residents experiencing and valuing this setting irrespective of where and how they live.

2. Viable agriculture

Agriculture and associated industries are encouraged and supported and continue to be a productive, sustainable and integral part of our economy, our Community and our landscape.

3. Community lifestyle

Our Community values its sense of community spirit, which is fostered through a strong identity with village life, a sense of belonging, and commitment to community participation and cooperation.

4. Diverse environment

The Shire's diverse environmental assets, including its waterways and catchments, riparian land, groundwater and dependent ecosystems natural areas, biodiversity and agricultural lands are valued and protected because of their environmental significance. Degraded natural resources are enhanced and maintained.

5. Heritage

The Shire's wealth of aboriginal and non-aboriginal heritage is valued and protected because of its cultural significance and its contribution to our sense of place.

6. Towns and villages

Development is carefully managed to maintain the separation of our towns and villages and their unique identities and strives to enhance their role as focal points which provide opportunities – housing, jobs, shopping, business, leisure, civic events, community facilities, education, and social interaction.

Wollondilly Shire Council's Community Strategic Plan 2033 should be front and centre for any consideration of the OSO corridor. A full copy of the document can be found at:

www.wollondilly2033.com.au/assets/pdf/July_2013_New_CSP_2013_web.pdf

7 STATE PLANNING FRAMEWORK

Greater Sydney Regional Plan (A Metropolis of Three Cities)

In March, 2018 the NSW Greater Sydney Commission released the *Greater Sydney Region Plan A Metropolis of Three Cities*. Wollondilly Shire is part of the Greater Sydney Region. It is noted that the intent of the Plan is to (among other things):

- Set a 40 year vision (to 2056) and establish a 20 year plan to manage growth and change for the greater Sydney region in the context of social, economic and environmental matters;
- Inform district and local plans and the assessment of Planning Proposals;
- Assist infrastructure agencies to plan and deliver growth and change and to align their infrastructure plans to place based outcomes;
- Inform the private sector and the wider community of the growth management and infrastructure investment intentions of government.

Sydney Regional Plan sets the planning framework for the five districts which make up the region. The Western City District Plan is the district plan which applies to the Wollondilly Shire Local Government Area.

The Greater Sydney Regional also identifies a large area within the Greater Sydney Region as a Metropolitan Rural Area (MRA) which contains environmental, social or economic value. The plan seeks to restrict urban development in the MRA will help manage its environmental, social and economic values, help to reduce land speculation, and increase biodiversity from offsets in Growth Areas and existing urban areas.

The Regional Plan sets a future direction for existing towns and villages in the MRA by providing that the maintenance and enhancement of the distinctive character of each rural town and village is a high priority and that the planning of each town will need to respond to local demand for growth, the character of the town or village and the values of the surrounding landscape and activities.

The Corridor is not identified in the newly release Plan, nor is it consistent with the intent of the plan or with the MRA. The corridor identified will divide much of the existing community

and impact upon the existing towns and villages within the Shire and is inconsistent with the directions set out within the regional plan.

Western City District Plan

The Western City District covers the Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly Shire Local Government areas. The Western City District Plan is a 20 year plan which would contribute to the overall 40 year vision contained in the regional plan.

The Western City District Plan aims to protect certain areas which contribute to habitat and biodiversity, support productive agriculture, provide mineral and energy resources and sustain local rural towns and villages which have been identified in the MRA. Much of the Wollondilly Shire Local Government Area has been identified within the MRA (excluding areas at Wilton and West Appin). The District Plan states that urban development in the MRA will only be considered in the urban investigation areas identified in the Greater Sydney Regional Plan (including the Wilton Priority Growth Area).

Concern is raised that the district plan which was released in March 2018 has not considered the Outer Sydney Orbital, and visa-versa. Notwithstanding, the corridor is inconsistent with the intent of the plan, causing a divide of the MRA and impacting upon the biodiversity, agriculture and mineral resources in the shire.

8 CONCERN OVER STATUTORY PLANNING PROCESS

Draft State Environmental Planning Policy

The NSW Government has indicated that it will finalise the corridor and rezone land within the corridor by the end of 2018. It proposes to rezone the land through a State Environmental Planning Policy. The State Environmental Planning Policy would also set controls on land within the corridor.

The Environmental Planning & Assessment Act 1979 (EP&A Act) sets rules about the process that must be followed when preparing a new state environmental planning policy. The Act states that the Governor may make a SEPP, and that the Minister is to publicise an explanation of the intended effect of the proposed instrument', and is 'to seek and consider submissions from the public'. Unlike a local environmental plan, there are very few other process rules to follow.

With regard to this consultation, Department of Planning & Environment staff have confirmed that the 'explanation of intended effect' is the same as the 'Discussion Paper' released by Transport for NSW. This process is not clear, and there is concern whether the Minister for Planning has agreed to the consultation process as required under Section 3.30 of the EP&A Act. There is no mention of this approval by the Minister in the consultation material.

Special Consultation regarding Critical Habitat and Threatened Species

In addition, 'Special Consultation' with the Chief Executive of the Office of Environment & Heritage must be carried out by the Secretary of the Department of Planning & Environment (about critical habitat or threatened species).

As the corridor traverses various waterways, consultation must also be carried out with Secretary of the Department of Industry, Skills & Regional Development with regard to fish and marine vegetation. There is no detail of this consultation in the material available on the Transport for NSW website. Information provided by these agencies is important and should form part of the consultation material for the community if it has been carried out. Information

and comments by these agencies are of particular interest to Council again, this information is critical to Council in considering the impacts within its local government area.

9 SUMMARY OF COMMUNITY CONCERNS

Given the limited consultation undertaken with the residents and landowners of Wollondilly Shire, Council invited concerned residents to share their submissions (made to the NSW Government) to a specific email address, so that Council could monitor the types of issues being raised to the NSW State Government. Council, through this submission is advocating on those issues raised.

A tabulated summary of the key issues raised by the community is provided in table at **Attachment 1**. A summary of those key issues is provided at **Attachment 2** to this submission.

Council requests that Transport for NSW address each of the legitimate concerns raised by the community and clearly report its findings as well as any changes made as a result of addressing those issues.

In addition to the community concerns, Council wishes to raise an immediate concerns with the 'current situation'.

There is no detail, clarification or rules in place regarding proposed development, either development application or planning proposal and how these are considered ahead of a state environmental planning policy coming in to effect. It is requested that Transport for NSW and the State Government provide some immediate clarity around current land uses, interim applications for development and future land uses including acquisition at these various stages. The Council and the Shire residents require clear certainty

Another significant concern raised by Shire residents is those people that are next to the blue line, and the potential significant impacts that they will experience including, financially, visually, social and environmental (including noise, air quality etc). The exhibition material and the information regarding land acquisition do not adequately address the potential impacts and issues for those immediately adjoining the corridor. There is little information on the potential attenuation measures and possible mitigation measures that could be used to address these concerns.

10 PROPOSED ALIGNEMENT CONCERNS

Extent of impact

In terms of 'lot numbers' there are approximately:

- 98 lots (totalling 3,032 hectares) which are directly affected by the corridor in the Wollondilly Shire (Within the Blue line);
- 293 lots within 500 m of the corridor (near the blue line); and
- 496 lots within 1000 m of the corridor (near the blue line).

All of these numbers are inclusive, hence, the 293 lots within 500 m also includes the 98 lots that are directly affected, and, the 496 lots within 1000 m includes the 293 lots within 500 m.

Lots within 500 meters of the corridor could experience a high degree of impact both directly and indirectly. People living within this buffer will still be greatly and significantly affected, and this affect has not been considered adequately in the exhibition material, nor the consultation program by Transport for NSW.

In terms of houses there are approximately:

- 27 houses within the corridor;
- 197 houses within 500 m of the corridor; and
- 361 houses within 1000 m of the corridor.

All of these numbers are inclusive. Hence the 193 houses within 500 m also includes the 27 houses that are within the blue line.

These numbers exclude the Sydney University Teaching Veterinary Hospital which falls almost entirely within the 500 m corridor. The web page is: <http://www.uvths.com.au/>. The population or number of people that live within these houses are significantly higher numbers than provided above.

Fragmented land

There are at least nine (9) lots that are located in the Brownlow Hill area adjacent to Sickles Creek will become fragmented without access. It is further noted that due to the alignment through the Brownlow Hill area there is the possible need to consider future local government boundary alignments to correct irregularity in fragmented land between the Corridor, waterway and LGA boundary.

Apparent avoidance of certain land and properties

As noted in a number of community submissions, the Corridor appears to be strategically located outside of current 'Roads and Traffic Authority' land in the Douglas Park area. The Corridor should be realigned to utilise existing public owned land wherever possible to minimise the impact to private landowners within the Shire.

The Corridor also appears to strategically avoid some areas while impacting upon others. For instance, In Ellis Lane the alignment appears to avoid most lots (and reduces to a thinner corridor) and aligns to be located through the existing waterway, and yet, the alignment directly impacts a significant number of lots when entering Wollondilly local government area.

Review of Road Hierarchy

In addition to privately owned land, the Corridor directly impacts the following local roads:

- Moreton Park Road
- Burragorang Road
- Fosters Lane
- Menangle Road
- Cawdor Road
- Finns Road
- May Farm Road
- Weelsby Park Drive
- Westbrook Road
- The Old Oaks Road
- Werombi Road.

The corridor indirectly impacts on the immediate local road network surrounding these roads, however, without any traffic study or modelling, Council is unable to neither determine the extent of impact nor provide any meaningful comment to Transport for NSW.

There is very little to no information provided in the suite of consultation documents regarding the impacts or planning with regard to the existing road network, nor is there information on:

- Reviewing the status of State and Regional Roads
- Timing and scheduling
- Access to and from the affected roads
- Review of the surrounding road hierarchy
- A broader traffic study to understand the above implications.

Development Contributions

Council is currently undertaking a review of its Development Contributions Plan. While it is sound planning practice to undertake regularly reviews, the proposed alignment is a 'game changer' and the impacts of which have not been made clear. Given the significant costs and resources involved in conducting a review, it is requested that the State government provide assistance in undertaking the necessary review once further information and the extent of the planning impacts is better known.

Future Land Uses

There is significant concern that the corridor will facilitate and evoke the advancement of unsolicited and ill-informed spot rezoning, inconsistent with Councils vision in the CSP as detailed earlier in this submission. There is little commitment in the suite of documents to protect, enhance and guide future land uses surrounding the corridor, and give certainty and strength to the existing council vision.

11 GREATER MACARTHUR PRIORITY GROWTH AREAS

The Wollondilly Shire (and adjoining LGAs) currently the subject of the Greater Macarthur Priority Growth Investigation Area (Refer to Map overleaf).

As it impacts upon the Wollondilly Shire Council, two precincts are proposed for urban release at Wilton (15,000 dwellings) and West Appin (18,000 dwellings). This is in addition to over 20,000 in the rest of the Greater Macarthur Priority Growth Area within the adjoining Campbelltown LGA.

The Western Sydney Corridors Summary Document includes a section which details why corridors are needed (Section 3). Page 10 quotes

"The process of identifying corridors draws on strategic land use planning from each level of government to understand where growth is expected to occur, and, subsequently, the most likely trip destinations, the type of trips and the modes of transport that will be used.

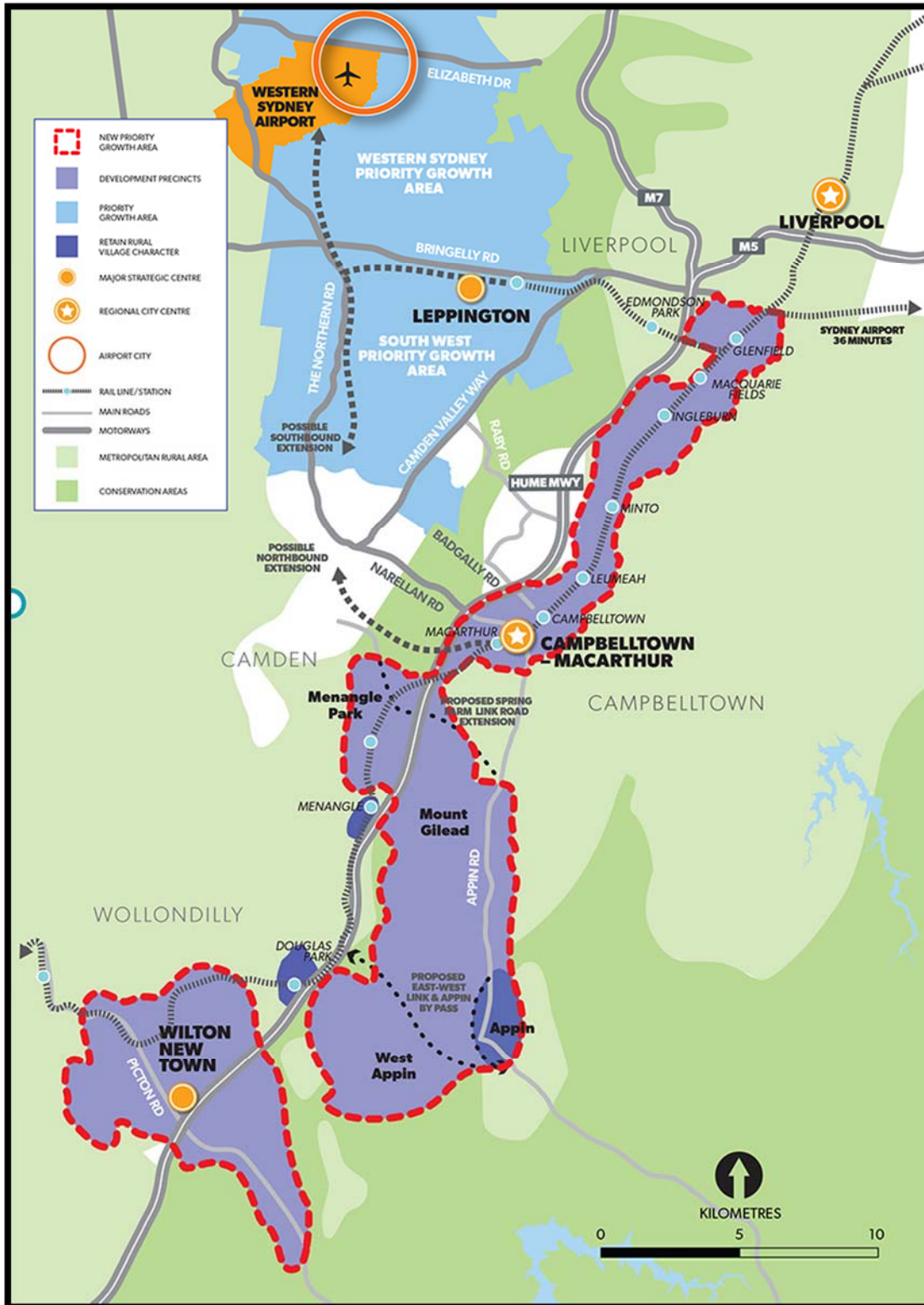
The Western Sydney corridors align with existing policies and strategies by putting in place the planning, collaboration, consultation and protection required for transport infrastructure in the medium to longer term.

Unfortunately the NSW Governments recent rezoning decision in Wilton South East does not reflect this upfront planning, where a section of Wilton has been prematurely rezoned ahead of any Corridor planning.

As part of the OSO corridor alignment investigation, it is imperative that TfNSW work in conjunction with the Department of Planning and Environment and both Campbelltown City Council and Wollondilly Shire Council on an integrated transport strategy. This must consider

not only the OSO corridor alignment but public transport and freight movements to the Illawarra. Planning for these priority growth areas is still currently disjointed and lacked coordination between various State Infrastructure Strategies and planning for the OSO and public transport in general.

A map highlighting the significant investigation areas is provided below.



Macarthur South Investigation Area

12 BIOSECURITY & AGRICULTURE

Throughout the extent of the study area, there exists the potential for impact on land currently subject to a variety of agricultural based uses. This includes supporting facilities such as the University of Sydney agricultural campus farms and numerous other agricultural enterprises including Ruane and Razorback wineries, Orana dairy farm, poultry farms and horse studs in the vicinity of Finns Road and other dairies, poultry farms, market gardens and nurseries through the Cawdor, Mount Hunter and Theresa Park localities. These land uses are not adequately discussed within the *Strategic Environmental Assessment*.

There is some concern the proposed alignment will indirectly impact on these.

Given the historical and ongoing significance of agriculture in these areas of South-West Sydney, sensitivity analysis is required as to the implications for agri-business activity, as well as future operation of agricultural educational institutions in the area. Further, care must be taken to limit any impacts of the development on the historical significance of the Camden Park Estate and the scientific and bio-security roles of the Elizabeth MacArthur Agricultural Institute.

13 HERITAGE

There are important state and local listed heritage items along the route. The Wollondilly Local Environmental Plan (LEP) 2011 can be found via the link below:

<http://www.legislation.nsw.gov.au/maintop/view/inforce/epi+85+2011+cd+0+N>

The LEP includes a list of all heritage items in Wollondilly and importantly this includes a landscape conservation area around Menangle. If any changes are proposed by Transport for NSW to the Corridor, Council requests that care be taken to ensure that the chosen corridor minimises the potential impacts on heritage significance and where appropriate provides the opportunity to celebrate the heritage it passes by.

14 MULTI-NODAL TRANSPORT LINKAGES

Council is keen to access to enhanced railway, bus lanes and cycleway routes as proposed within the corridor.

Council has existing concerns with the State Road transport linkages particularly through to the South Coast. We urge that the OSO corridor align with key strategic plans such as the NSW Freight & Ports Strategy and any Road Corridor Strategy maintained by the Roads & Maritime Service - South Coast Region.

15 MINING ISSUES

The vast majority of the OSO study area is subject to issues associated with sub-surface mining of natural resources; whether in the form of existing mine subsidence areas or areas where resources are identified for future mining resources.

Section 6.0 of the *Strategic Environmental Assessment* fails to recognise the significant existing mining land use.

Areas requiring consideration include: connectivity to planned or existing mining leases and operations; road and road to rail connections for transport of coal and planning for current or predicted mine related disturbance such as subsidence.

16 ENVIRONMENT

The document is largely sufficient in achieving its stated purpose of the document “to assess the strategic environmental impacts of reserving the corridor” within this context. However, it is considered to have shortcomings in recognising local habitat corridors and consistency with local planning instruments and strategies.

Environmental values within the Wollondilly LGA

The proposed corridor is acknowledged to traverse an area that is largely comprised of rural land that is largely absent of significant vegetation. However, the Corridor include remnants of the Critically Endangered Ecological Community Cumberland Plain Woodland as recognised in part by the Strategic Assessment. The corridor also contains important habitat for the movement of a number of species including the koala, which has been recorded at the Broughton Anglican College (approximately 2 Kilometres from the nearest section of the proposed pathway). It is understood that the NSW Office of Environment and Heritage is currently investigating the presence of important corridors for this species in sections of the proposed corridor including within the Wollondilly Local Government Area (LGA).

Strategic context

State government level

A description of the statutory framework for the final assessment and approval of the Orbital under NSW Legislation could not be identified. It has been assumed that the proposal will be classified as a State Significant Infrastructure. The proposal will need to comply with provisions of the Framework for Biodiversity Assessment and the Biobanking Assessment Method within the Biodiversity Conservation Act 2016 applying to State Significant Infrastructure assuming this assessment framework. The Strategic Assessment does not however refer to these documents. An amendment of the Strategy will be required to specify the compliance of the proposal with the applicable NSW Legislative and Policy framework.

It is understood in relation to this matter that the Orbital will be included in the Western Sydney Sustainability Strategic Plan currently being prepared by the Department of Planning and Environment. It is further understood that mapping of environmental sensitive areas in the area is not intended to be completed until during 2019. It is consequently requested the NSW Government clearly re-advertise the intended relationship between the Strategic Plan and the Sustainability Strategic Plan.

Local government level

The Strategic Assessment is acknowledged to contain a number of broad references to local planning Strategies. However, it is recommended that the Strategic document include specific reference and be consistent with the following to address identified shortcomings of the Strategy:

- Council’s Community Strategic Plan and associated Delivery Plan
- Council’s Biodiversity Strategy for the Wollondilly Local Government Area

It is recommended that extensive mapping be carried out across significant sections of the Wollondilly LGA as a part of funding received under the OEH's Save our Species Program, which is expected to be completed by the end of 2018. It is further recommended that the Project Team consult with relevant Council Staff in regard to the implications of all relevant Council Strategies and Policies to the Orbital Proposal.

Objectives and process

The Objective of relevance to environmental issues is noted to be

“Identify a recommended corridor that balances transport needs with those of the broader community and the environment”.

This Objective is not considered sufficient in ensuring a sufficiently rigorous assessment of environmental impacts associated with the proposal. Council requests an amendment of the Objectives to include a specific item to the protection of biodiversity based on the following:

Identify a recommended corridor that avoids or minimises impacts to areas of native vegetation identified as having high conservation value as well as identified important habitat corridors for the movement of a number of species including the koala.

Existing environment of the OSO Corridor

Reference to Section 6.6 -Biodiversity

The description of existing biodiversity within the OSO Corridor is noted to be largely based on a desk-top analysis, which is broadly adequate for the stated purpose of the Strategic Assessment.

It is requested that comprehensive surveys and mapping based on best practice occur as part of the stated intended subsequent environmental assessment for the proposal. Council also request:

- The list of biodiversity constraints referenced be amended to include local mapping held by Council as well as any updated mapping being undertaken by the OEH.
- The vegetation communities listed as occurring in the recommended Orbital corridor be expanded to also include non-threatened ecological communities given that these communities also have habitat value.
- The Strategic Assessment is noted to state in regard to the presence of koalas *“primarily in the south of the corridor (localised habitat)”*. Council requests this statement be amended to refer to the corridor for the movement of this species in the southern part of the Proposal Area identified from koala sightings mapping carried out by Council as well as that, (understood to be occurring), by the OEH.

The design of the Orbital Corridor to avoid land that is registered on the Biobanking Register held by the OEH is supported. Comments regarding the presence of these sites within the section of the Corridor in the Wollondilly LGA cannot however be provided as such information is not held by Council. It is requested that the NSW government consider the inclusion of such sites on mapping associated with the Orbital subject to any privacy or other constraints.

Strategic assessment of the OSO Corridor for Camden Park to Menangle

Reference to Section 7

Biodiversity

This Section of the Strategic Assessment is noted to state *“Impacts to a stand of Cumberland Plain Woodland (CPW) from the recommended corridor through the introduction of increased impervious coverage and fragmentation could occur”*.

There is a need for detailed mapping involving quadrat analysis to accurately identify the extent of native vegetation satisfying definition in the Scientific Determination for CPW impacted (including Derived Native Grasslands) as well as any other native vegetation communities identified as being present.

There is also a need for the impacts of the proposal on the habitat and movement of a range of important species including the koala to be adequately identified and assessed.

The further statement in this Section that *“it is anticipated that offsets would be required for impacts borne by the recommended corridor”* is agreed with in principle, however it is requested that Strategy be amended to state that *“offsets in accordance with the applicable legislative and policy framework at the State and Commonwealth level”* maybe required.

Surface water and hydrology

The description of constraints and proposed management and mitigation measures in regard to this issue is broadly sufficient for the purposes of the Strategic Assessment. Any mitigation measures should incorporate water sensitive urban design principles.

ATTACHMENT 1 – Matrix of Key Community Concerns

Submission No.	Does the submission support the development?	Raised Issue																					
		Pollution	Cost	Views/character of area	Noise pollution	Property prices	Issues during construction	Compensation	Health	Lack of notification	Better alternatives	Small communities	Flooding	Heritage	Bio-banking sites	University of Sydney – Camden campus	Council support	Flora & fauna	Other	Rural uses threat	Tourism	Public transport	Mine Subsidence
1	No										•												
2	No	•		•									•				•						
3	No	•		•	•	•	•	•	•	•													
4	No	•			•					•	•	•	•	•		•							
5	No	•			•										•								
6	No							•			•					•							
7	No	•			•	•	•			•		•					•	•					
8	No	•	•	•	•	•			•	•			•		•		•	•	•	•			
9	No	•	•	•					•	•	•		•				•		•	•			
10	No	•		•	•					•			•				•		•	•			
11	No	•		•	•			•	•				•				•		•	•			

Raised Issue

Submission No.	Does the submission support the development?	Raised Issue																					
		Pollution	Cost	Views/character of area	Noise pollution	Property prices	Issues during construction	Compensation	Health	Lack of notification	Better alternatives	Small communities	Flooding	Heritage	Bio-banking sites	University of Sydney – Camden campus	Council support	Flora & fauna	Other	Rural uses threat	Tourism	Public transport	Mine Subsidence
12	No	•				•			•									•					
13	No	•			•	•	•					•										•	
14	No			•							•							•		•			
15	Neutral										•												
16	No	•	•		•	•			•	•												•	
17	No	•		•		•			•	•			•				•	•	•	•			•
18	No	•	•	•	•				•	•			•		•			•	•	•			
19	No	•	•	•	•	•	•		•	•	•	•	•					•	•	•	•	•	
20	No	•									•							•		•		•	
21	No					•			•	•								•					
22	No								•						•								
23	No									•								•				•	
24	No				•						•												

Submission No.	Does the submission support the development?	Raised Issue																					
		Pollution	Cost	Views/character of area	Noise pollution	Property prices	Issues during construction	Compensation	Health	Lack of notification	Better alternatives	Small communities	Flooding	Heritage	Bio-banking sites	University of Sydney – Camden campus	Council support	Flora & fauna	Other	Rural uses threat	Tourism	Public transport	Mine Subsidence
25	No	•		•	•	•						•	•					•		•			
26	No	•		•	•	•			•			•	•					•					
27	No	•		•	•	•					•	•	•					•		•			
28	No	•		•	•		•	•	•		•	•	•							•			
29	No	•		•	•				•	•		•	•					•	•	•	•	•	
30	No	•		•	•						•	•	•					•			•		
		22	5	15	18	12	5	4	10	10	19	8	8	16	1	4	4	18	6	13	4	6	1

ATTACHMENT 2 – Summary of Community Concerns

Issue Raised
Pollution
<ul style="list-style-type: none"> - Pollution/ fumes from vehicles could settle into areas with close proximity to the Orbital and negatively impact resident and environmental health. - General health concerns throughout construction and throughout continuous use. - Pollutants that settle in the valley areas increasing health concerns. - Asthma concerns from increased fumes. - Water pollution in the Nepean River and its subsequent impact on local farmers. - Cutting down trees in the path will reduce the air quality and enhance the potential pollution. - Cost to elderly health. - Provide negative effects to Camden High School and Cawdor Primary School with regards to pollution - Reduction of air quality and increasing Sydney West temperatures and droughts. - Negative effects on the Nepean River ecosystem. - Pollution in Macarthur will be exacerbated as it sits within a valley.
Cost
<ul style="list-style-type: none"> - Economic costs to build. - Cost during construction. - No cost information to support the conclusion of plans. - Cost of studies involved for a second time. - Mountainous terrain and National Parks will increase the cost immensely, both economically and environmentally. - Cost of acquiring expensive properties, compensating others, scale of building and engineering required, building viaducts, noise barriers etc. will make the project too expensive to build.
Views/ character of area
<ul style="list-style-type: none"> - People move for the scenic views which will be replaced by a large unsightly Motorway. - Hillside views ruined. - Character of primary production land is not maintained. - The road will not maintain the separation between urban areas, it will instead consolidate them. - The current path or anywhere west will be the end of the historic & picturesque village of Cobbitty. - Associated noise, light, air and water pollution will forever change the character of the region. - Historic towns with pristine land to be ruined. - Local community activities will be negatively affected.
Noise Pollution
<ul style="list-style-type: none"> - Tremendous amounts of noise will be generated from vehicles. - Sound to echo off of the hills and through into the valley (Mount Hunter region). - Concern if noise mitigation measures will be used on the road. - Noise attenuation walls will need to be utilised to reduce noise impacting the 'quiet rural living environments'.

<ul style="list-style-type: none"> - Freight rail noise detrimental to health and sleeping.
Property prices
<ul style="list-style-type: none"> - Property values have been depreciated significantly as a result of the proposed path, ruining families' economic future potential. - No potential to move anytime soon as no economic potential remains on the land. - Uncertainty on the value of the land, even with property valuers. - Time and effort put into building family properties at risk of losing it all.
Issues during construction
<ul style="list-style-type: none"> - The creation of dust, dirt, noise, view of trucks & machinery over the period of construction. - Dealing with the long-term construction in daily commutes. - Shift workers (daytime sleepers) will be strongly affected by construction. - The amount of levelling (cut and fill) required will be large. - Will result in large amounts of indirect development, creating substantial problems before the road is built.
Compensation
<ul style="list-style-type: none"> - No compensation to people living within a close proximity to the proposed path as housing/property values are expected to nosedive. - Worked hard to build family home in a friendly rural area, now set to be worthless. - Appears to be taking an expensive route where inaccuracies are included as concerns over the ability of the road to follow certain curves are not believed to be achievable which will result in more houses needing to be purchased/compensated. - Loss of income of those losing their employment land (farming etc.) - No compensation for the properties that values will decrease. - More properties than identified will need to be acquired. - No compensation promised if construction hinders entering/leaving affected property.
Health
<ul style="list-style-type: none"> - Increased stress levels in local residents as a result of the proposed path. - Negative housing price effects in addition to the change in livelihood and a change to the areas' character generated enhanced stress and anxiety amongst residents. - Increase in pollutants from vehicles creating health concerns such as asthma etc. - Increased risk to the elderly. - Quality of life will be severely impacted. - Increased pollution will increase hospital admittances for people with respiratory issues. - Potential for freight trains carrying fuel to create accidents and disasters on the surrounding community.
Lack of notification
<ul style="list-style-type: none"> - Disgust at the lack of prior communication to the affected residents. - No consultation with community regarding existing road suitability/quality. - Claims of prior consultation although no such consultation occurred to long-time resident. - Appears the previous consultation was not done properly. - Lack of communication has resulted in fear, stress, anxiety and frustration amongst the community. - 8 week submission time frame with such a small amount of prior understanding is unfair. - No consultation received, only a letter in the mail.

- Road access from properties – no information given.
- Local communities denied opportunity to provide input during the first stages of the planning process due to poor advertising and community awareness methods.
- Properties affected (not directly in the path) were not consulted with despite they impact it will have on them.
- The size of the proposal and the time given to the public to consider is not sufficient.
- No community sessions scheduled for within the Wollondilly region.
- Lack of consultation makes residents feel rushed to respond.
- People feel left out and insignificant.
- Lack of Government consideration into matters instead based upon assumptions.

Better alternatives

- There must be an alternative path that creates less impact on people's homes, lives and lifestyle.
- Suggesting that the road should not go ahead, instead Northern & Narellan Road should be widened.
- Location of tolls.
- North-western side of Cobbitty and past the western side of the University Campus as the University has large amounts of land and has the ability to shift if required.
- Extend the M7 to 4 lanes either way and improve the current access points.
- Build a railway further west than Cobbitty.
- Extend Silverdale Road.
- Go through University land (claims of prior consultation with Uni Board Council swaying the decision of the current path).
- Lack of consideration into other options.
- Relocated east to the more built up areas would make more sense as it would benefit those properties instead of ruining active rural lands.
- Increase the lanes to 5 each way for anticipated future demand.
- Train line should be mainly underground.
- Rezoning of affected land to industrial to allow for land values to be respectable for current landowners.
- No justification to acquire land south of Finns Rd as Government owned land to the north near Camden Park is readily available, questionable approach to land chosen.
- Better approach to build a bridge over the Nepean River to access the Hume Highway through Government owned land.
- Widening the existing orbiting road network will have the same outcome (i.e. M5, M7, M2)
- A link between south-west Sydney and the Illawarra is more necessary due to the growing freight needs.
- Other more important options include: M5 linked to Appin Road, M5/M7 to proposed SouthConnex link, completion of Maldon to Dombarton railway link for both freight and passenger.
- Freight traffic is higher at maritime ports compared to airports so it is questionable to the need of freight rail to the airport.
- No alternatives released in the consultation process.
- Corridor should be East and North of Camden near the growth centres, away from farmland.
- Path avoids developer land.
- Why not use existing A9 Northern Road.
- Road should go further west around the areas currently dissecting as it is an 'Orbital' road.
- That the initial intended M9 path was more viable due to it utilising unusable floodplain land.

<ul style="list-style-type: none"> - Canberra should be the second airport equivalent connected via high speed rail instead of the construction of a new airport and Orbital road. - On & off ramps blocking properties frontages to road, how can it be avoided. - Most people travel to and from Sydney, how will this approach assist with commuting.
Small communities
<ul style="list-style-type: none"> - The smaller communities (e.g. Mount Hunter) don't have as much of a say as the other larger communities. - Lack of a voice. - Displace families. - Losing free will as Australians to live in own homes. - Communities will be divided and destroyed. - Will increase pollution in small towns and decrease property value, devastating the existing rural land owners. - Local community events will be impacted by the construction and use of the M9 as it will bring negative health and environment effects along with it. - Camps and school excursions will severely be impacted.
Flooding
<ul style="list-style-type: none"> - Certain areas with already high flood risk concerns will be affected by the construction of the orbital, will increase the surface area of concrete making the runoff much higher likely creating flooding concerns on the nearby areas and residents. - Areas identified have flooding concerns that will be exacerbated by the inclusion of the Orbital. - Bridges may be used as an alternative to reduce flooding impacts, however this is increase pricing of the project and would be unreasonable. - Mt Hunter Riverlet will be altered increasing the potential of flooding to existing residents. - More viaducts will be required to cross flood plains at Cawdor. - Flooding run off of road structures exacerbating nearby properties in flood prone areas.
Heritage
<ul style="list-style-type: none"> - Risk to historic buildings not being retained. - Family history/legacy involved with affected property. - History forever lost. - Generational family upbringing properties to be wiped clear. - Ongoing family history of 200+ years could be wiped out. - Destruction of land and environmental significance to Australian History: the Macarthur Story. - Menangle is a haven of history including the Rotalactor, Farming Sheds from the Macarthur era, the local school, and many more. - Camden & surrounding areas are the "Birthplace of the Nation" which should be protected. - Important history of Australia is not being considered.
Bio-banking sites
<ul style="list-style-type: none"> - Risk to bio-banking area of Brownlow Hill Estate.
University of Sydney – Camden Campus
<ul style="list-style-type: none"> - The university provides veterinary services to residents and their large animals. - Animal husbandry, plant breeding etc. are important for rural pursuits which the University provides. - The ongoing teaching of these skills to local and international students are important to the rural areas. - Discussions to provide alternatives on University land.
Whether Council supports

- Concerns over the stance of Council and whether Council is willing to try and support affected land owners by advocating against and ensuring the immediate compensation of affected properties.
- Concerns of other Councils advocating to move further into Wollondilly region.
- Makes a mockery of the 'permitted with consent' within zones.

Flora & fauna

- High risk of damage to native habitats and animals such as wombats, kangaroos, platypus etc.
- Old and last standing Camden White gum trees will be facing destruction.
- Potential to either affect wildlife health or to affect their habitats.
- Destroy 1000 year old trees.
- Native animal habitats to be destroyed (including wedge tail eagles, crows, echidnas, wallabies, sugar gliders, parrots and many more).
- Effects of crossing and running along the Nepean River will be environmentally disastrous for the river and riparian areas.
- Habitat destruction short & long term.
- Second Airport plus Orbital road will result in an environmental disaster.

Other

- Concern over the workers/residents paying to live here without the support of the local policy makers to increase living conditions of roads, footpaths, sewage systems etc.
- People work hard to afford to buy and live within Wollondilly but don't get support when they get compromised.
- RTA own 300 acres around the locality reserved for housing and decide to cut through existing properties instead.
- Heritage house – Barely allowed to renovate but being demolished for a road is completely fine.
- Concerns over the lack of transparency to the community.
- Have already advocated successfully against land grabs from properties being used for mining, willing to do it again.
- Larger landowners consulted with prior to regular land owners, can be seen as an unfair advantage to the larger owners as they were able to sell their properties before the public route announcement.
- Hidden agenda behind the Government, developers, Sydney University and others, questioning whether they were informed prior to the public.
- Questions over the viability of corridor road – amount of people to use the road regularly to the new airport.

Rural uses threat

- Rural character will be forever changed.
- Wipe out the historic dairy farming areas.
- Family farm containing 150 year old homestead under threat.
- Generational ownership, family history risk of being ruined.
- Ongoing dairy and farming uses will be affected/ won't be able to continue.
- Irreversible damage to land.
- Places are defined by their community and heritage which is now under threat.
- Fertile farming land could be ruined.
- Clash between land uses will be enhanced (residential – industrial).
- Largest producer of Red Angus cattle in NSW involving international exports will be directly affected.
- Completely disregards the zoning of land affected (protect rural lands etc.)
- Limits natural resource base for sustainable primary production.

- Flattest and best land for primary production uses earmarked to be taken by the m9, ruins the potential of the rest of the land.
- Will ruin historic dairy farming.
- Flow on effect of increased industrial land zoned in areas near interchanges.
- Irreplaceable farmland in the basin will be lost.
- Developers will buy up remaining available rural land near to the corridor to sit on until the road is built.
- Further undesirable industrial and residential development will be encouraged.
- History of farms and ongoing farmers not considered in this approach.

Tourism

- Reduce the potential of tourism throughout construction period.
- Loss of attraction to area.
- Loss of views, history and wildlife that is common in attracting tourists.
- Popular area for television and movie sets.
- Small businesses will lose out.

Public transport

- This promotes the next generation to drive instead of use public transport.
- Wollondilly doesn't have a public transport network, appears to be no plans.
- Train line will not be ready in time for demand of airport.
- Instead of roads, an improved public transport infrastructure network is required.
- More frequent services and the electrification of the rail line is imperative.

Mine Subsidence

- Long wall mining approved and expected to subside by approximately 1 metre – can major construction really in a mine subsidence area?