

GR3 – Outer Sydney Orbital – Council Submission

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EXECUTIVE SUMMARY

- The purpose of this report is to inform Council on the NSW Government announcement of the 'Corridor Projects' and specifically, the 'Outer Sydney Orbital Corridor Identification' and the separate but related consultation of the discussion paper "Protection of transport corridors in Western Sydney.
- 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; and
 - Land application maps and an interactive tool.
- The consultation period for the Outer Sydney Orbital preferred alignment and for the Discussion Paper have been extended until 1 June 2018.
- A combined submission on the Corridor and Discussion Paper is still under preparation and will be forwarded to Councillors prior to the meeting.
- It is recommended that Council makes a submission to Transport for NSW; sends a copy of the final submission to relevant members of parliament, and that the Wollondilly Shire community are able access the submission online.

REPORT

Mayoral Minute

At the Ordinary Meeting of 16 April 2018, the Mayor tabled the following minute:

That Council's submission to Transport for NSW on the recommended land corridor for the outer SYDNEY orbital be made on the following grounds, but is subject to community feedback and a further Councillor workshop on the issue.

GR3 – Outer Sydney Orbital – Council Submission

1. *That council is supportive of improving connections to support planned growth, HOWEVER it is critical considering growth planned for the Wilton Priority Growth Area within the next 20 to 30 years 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.*
2. *That council asks how the Government addresses the fact that The Transport for NSW 2056 Strategy or State Infrastructure Strategy provides no option for efficient public transport to service Wilton New Town. Without this, how does the NSW Government intend to address the transport needs for the new community which by the end of 2018 will already have land rezoned for 16,000 homes, not starting in 20 years but starting now.*
3. *That if the NSW Government settles on the corridor as recommended that it not be shifted from one position with concerned residents to another and that only land that is owned by developers and the NSW Government be investigated as an alternative.*
4. *That the NSW Government write to Council and landowners advising if developers have had access to cabinet in confidence information and communication regarding this matter before Councils and the Community.*
5. *That, as requested by Councils in 2015, TfNSW extend the timeframe for submissions and set up a better communication with the residents affected in the corridor, near the corridor and adjacent to the corridor. TfNSW should also set up some counselling services for people suffering stress caused by this announcement.*
6. *That the NSW Government set up clear details of how it is going to compensate those under the blue line, near the blue line and effected by the blue line. That premium market values, taking into account unrealised future values, be paid whenever the landowner wants to sell.*
7. *That the NSW Government writes to Council and the community to explain what it proposes to do at the end of the recommended corridor (near the Hume Motorway) with freight and cars.*

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 21 May 2018

GR3 – Outer Sydney Orbital – Council Submission

8. *That the NSW Government writes to Council and the community to explain what its expectations are around zones near the recommended corridor and make a firm commitment to preserve agricultural enterprise and assets.*
9. *That council shares its submissions with all people who have sent submissions and attended the Mt Hunter meeting.*
10. *That council consider holding a formal community forum on the issue.*
11. *That a copy of our submission be sent to Camden Council.*

The Outer Sydney Orbital Announcement

On 26 March 2018, 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 across Sydney and regional NSW.

A copy of the proposed alignment is provided at Attachment 1.

Consultation documents

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
- 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).

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 21 May 2018

GR3 – Outer Sydney Orbital – Council Submission

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:

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

Background - 'The Outer Sydney Orbital Corridor Preservation Study'

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.

The corridor preservation study was considered by Council at its Ordinary Meeting of 17 August 2015, and a submission was made on 28 August 2015 to Transport for NSW. A copy of the submission is provided at Attachment 2.

In summary the following key issues were raised:

- Council supports in principle the establishment of the land preservation corridor and would like to work with Transport for NSW
- The orbital does not isolate local communities by severing important regional roads and maintain connectivity for local communities as well as commercial, agricultural and industrial lands
- Orbital to be supported by a full traffic study with a social and environmental impact assessment
- Council's Community Strategic Plan 2033 be front and centre for any consideration of the corridor
- Freight and Employment
- Growth Management Strategy
- Macarthur South Investigation Area
- Biosecurity & Agriculture
- Heritage
- Multi-nodal transport linkages
- Mining Issues
- General Constraint Issues
- Ongoing Consultation.

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 21 May 2018

GR3 – Outer Sydney Orbital – Council Submission

In addition to the submission, Council's 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".

A number of the key matters in Council's submission have not been addressed in the current announcement, nor has Transport for NSW scheduled an adequate consultation program in Wollondilly local government area for Wollondilly residents.

CONSULTATION

Of the 13 planned drop in sessions for the Corridor Preservation during May and June, no sessions are proposed to be organised by the NSW Government within the Wollondilly Local Government Area, contrary to the previous commitment made by Government.

The Council submission will consider the key issues raised by residents in Wollondilly. Residents were invited to submit a copy of their submission to Council (in addition to making that submission to Transport for NSW). In summary the following broad issues have been raised by the community:

- Location of tolls
- Fumes/pollution/carcinogens
- Location of the road
- Views/character of area
- Noise pollution
- House prices
- Issues during construction
- Compensation
- Health concerns
- Lack of notification
- Better alternatives
- Small community lack of a voice
- Flooding
- Heritage
- Bio-banking sites
- University of Sydney – Camden Campus
- Council support for community
- Flora & fauna
- Liveability and affordability.

GR3 – Outer Sydney Orbital – Council Submission

A significant concern that has been raised by Council staff 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 larger land developers with planning proposals, where the same opportunity and discussion has not occurred with ordinary residents. The submission will detail the areas of the corridor where the alignment appears to benefit certain parties, where other ordinary residents are instead affected.

The Outer Sydney Orbital Corridor in Wollondilly Local Government Area:

There are approximately 98 lots (totalling 3,032 hectares) which are directly affected by the corridor in the Wollondilly Shire, and a further 31 lots are located within 50 metres of the corridor.

There are a number of lots located within the Mount Hunter / Brownlow Hill area where lots are adjacent to Sickles Creek will become fragmented without access.

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.

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.

GR3 – Outer Sydney Orbital – Council Submission

In a broad strategic sense, there is very sound planning merit in the proposed corridor protection by the NSW Government seeking to improve connections to support existing and planned growth.

However, it is noted that land has recently been rezoned in Wilton and with at least 16,000 new homes proposed to be delivered, there has been no strong commitment or plan to deliver infrastructure with the first rezoned precinct.

It is therefore critical considering growth planned for the Wilton Priority Growth Area within the next 20 to 30 years that passenger rail services connecting the Shire north to Campbelltown and the future Western Sydney Airport be established as a higher priority and therefore be considered 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.

Planning Framework and process

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.

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).

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 21 May 2018

GR3 – Outer Sydney Orbital – Council Submission

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.

The Draft State Environmental Planning Policy

The Discussion Paper indicates that the proposed SEPP will rezone land as SP2 Infrastructure – Reserved Infrastructure Corridor.

Until such time as the land is acquired it is intended that landowners and residents in the corridors will be able to continue to use the land as normal.

It suggests that the draft SEPP will require additional approval processes and considerations to ensure new development will not compromise, restrict or otherwise prevent the future use of the land for infrastructure.

Any development proposals on rezoned corridor land that have a capital investment value over \$200,000 would need approval from both Transport for NSW and the relevant consent authority. It will also prevent subdivision of land within the corridors that would hinder the delivery of the future infrastructure by increasing the number of lots and affected landowners.

Complying development will also no longer be relevant to land within the rezoned corridor. New development on land within the corridors will require a development application.

FINANCIAL IMPLICATIONS

The financial impact that this announcement will have on Council is unknown at this stage. As more details come to hand, consideration will be given to any resource requirements to be factored into the long term financial plan.

Preliminary expectations are that the following matters will need to be considered:

- impact on existing road and assets
- need to review contributions plan and other planning documents to realign growth and infrastructure needs
- review of road hierarchy and impact on service delivery for Council

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Proposed Alignment
2. Submission dated 28 August 2015

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 21 May 2018

GR3 – Outer Sydney Orbital – Council Submission

RECOMMENDATION

1. That Council make a formal submission to Transport for NSW in response to the consultation of the Outer Sydney Orbital.
2. That a copy of the final submission be sent to:
 - Jai Rowell MP - Member for Wollondilly
 - The Hon. Angus Taylor – Member for Hume & Assistant Minister for Cities and Digital Transformation
 - The Greater Sydney Commission
 - Camden Council
 - The Hon. Lou Amato MLC
 - The Hon. Anthony Roberts – Minister for Planning
 - The Hon. Andrew Constance – Minister for Transport and Infrastructure
 - Darren Chester – Federal Minister for Infrastructure & Transport.
3. That Council also write to the Minister for Transport and ask:
 - How the Government addresses the fact that neither the Transport for NSW 2056 Strategy or State Infrastructure Strategy provide options for efficient public transport service Wilton New Town.
 - Without this, how does the NSW Government intend to address the transport needs for the new community which by the end of 2018 will already have land rezoned for 16,000 homes, not starting in 20 years but starting now.
 - That only land that is owned by developers and the NSW Government be investigated as an alternative.
 - That the NSW Government write to Council and landowners advising if developers have had access to cabinet in confidence information and communication regarding this matter before Councils and the Community.
 - That, as requested by Councils in 2015, Transport for NSW extend the timeframe for submissions and set up a better communication with the residents affected in the corridor, near the corridor and adjacent to the corridor.
 - That Transport for NSW consider arranging counselling services for people suffering stress caused by this announcement.
 - That the NSW Government set up clear details of how it is going to compensate those under the blue line, near the blue line and effected by the blue line. That premium market values, taking into account unrealised future values, be paid whenever the landowner wants to sell.

Sustainable and Balanced Growth
Report to the Ordinary Meeting of Council held on Monday 21 May 2018

GR3 – Outer Sydney Orbital – Council Submission

- That the NSW Government write to Council and the community to explain what it proposes to do at the end of the recommended corridor (near the Hume Motorway) with freight and cars.
- That the NSW Government write to Council and the community to explain what its expectations are around zones near the recommended corridor and make a firm commitment to preserve agricultural enterprise and assets.