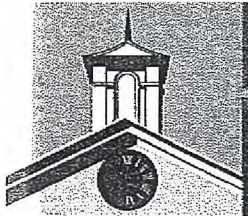


Appendix TEN

Council Submission – Maitland to Minimbah Third Track



MAITLAND CITY COUNCIL

Our Ref. RZ08002 (750810)

Your Ref.

Phone Enquiries: 4934 9700

07 July 2010

Director, Major Infrastructure Projects
NSW Department of Planning
GPO Box 39
SYDNEY NSW 2001
Attn: Mr Mark Turner - Major Infrastructure Assessment

Dear Mr Turner

**RE: SUBMISSION – MAITLAND TO MINIMBAH THIRD TRACK PROJECT
(REF: MP 09_0024)**

We write to you in relation to the Maitland to Minimbah Third Track project which is currently on public exhibition for comment. The Environmental Assessment (EA) explains that the project involves approximately 30km of new railway track adjacent to the existing Main Northern Railway Line corridor. A substantial portion of the proposed railway track will be located in rural areas outside the Maitland LGA, with limited impacts on residential receivers. However, the proximity to residential receivers for much of the proposed track within the Maitland LGA has caused some significant concerns for Council and its residents. Council's role in this submission is to identify the likely impacts from the project, with particular regard to existing and planned residential areas, and Council's assets and infrastructure.

Council formally submits the following information concerning the potential impacts of the proposed Maitland to Minimbah Third Track on Council's proposed urban release areas (as per the Lower Hunter Regional Strategy 2006 and the Maitland Urban Settlement Strategy 2008), existing urban areas, and Council's existing and proposed infrastructure and assets. The information has been summarised into point form, with the specific localities identified that are likely to be most affected by the proposal.

Assets & Infrastructure Matters

General

The project should take into account any impacts on Council's road drainage system and culvert structures that are adjacent to the works, and ensure that the Third Track does not interfere with current flows. Any crossing points should be

upgraded to accommodate peak stormwater flows. Pedestrian and cyclist facilities should be upgraded to meet (at a minimum) current demand, and future predicted growth.

Lochinvar

- Modifications are proposed to the existing Lochinvar Railway Station which are proposed to improve access to the station, and maximise the functionality and amenity of this facility. The EA (p. 465) states that access is to remain to the existing railway station during construction of the upgrades. Council supports access being retained to this facility during the construction of the project.
- The EA identifies a proposed site compound within the southern extent of the site which is to be utilised during the construction period. Council would like to understand the long term intentions, and implications, for land use in this part of the site.
- The EA states that Station Lane will cross the Main Northern Railway at a grade separated overbridge approximately 200 metres west of the existing level crossing within Station Lane, and that the proposed overbridge will replace the existing level crossing. This is likely to improve safety and will eliminate waiting times for vehicles travelling between Station Lane and Old North Road. The overbridge is expected to be completed prior to construction commencing on the proposed Third Track project. Council supports the construction of a new rail overbridge given the likely improvements to safety and reduced waiting times for the travelling public.
- The EA has highlighted that the capacity of the Station Lane/ New England Highway (NEH) intersection is currently operating near capacity. The EA states that vehicle trips generated during the construction phase of the project, particularly given that a primary site compound will be established at the southern end of Station Lane, will place this intersection beyond capacity. Given the indicative timeframes for construction of the project, this is an important consideration when planning for the rezoning and potential future development within Lochinvar, in addition to consideration for the existing residents in the locality.
- The EA (p. 276) states that additional traffic entering or exiting the NEH to the construction corridor would increase conflict opportunities on the NEH in the vicinity of the construction works. Council understands that this is expected to be managed by appropriate implementation of traffic safety signals or other means within the locality. Council would appreciate further discussion about this matter as more detail emerges regarding the project. It would be advised that the RTA are consulted in regards to this matter since the NEH is managed by the RTA.

Farley

- The EA does not indicate that the proponent will upgrade the existing railway underbridge at Wollombi Road, however, a new rail underbridge is proposed immediately north which is significantly wider than the existing rail underbridge at Farley. It appears that the existing rail underbridge will need to be widened and the road alignment will need to change to accommodate the new rail underbridge. The project has been proposed by ARTC and Council deems that as part of the project the existing Wollombi Road underbridge should be widened, in line with the dimensions of the new underbridge proposed, to allow for appropriate road alignment and consistency of vehicular passage at this point along the rail corridor. Furthermore, pedestrian and cyclist access should also be provided in association with this upgrade, since the safety of pedestrians and cyclists has been a historical concern in this location.
- There are likely to be significant and lengthy impacts on the local road network within Farley during the construction phase of the project, including spillover effects from traffic at the intersection of NEH and Wollombi Road. The EA proposes traffic management methods to mitigate impacts on traffic flow and road safety resulting from the construction phase of the project.
- The EA identifies a proposed site compound adjoining the site which is to be utilised during the construction period, and potentially, this area may continue to be utilised post-construction for rail operations. Council would appreciate further discussion with the proponent to understand the long term intentions, and implications, for land use in this part of the site.
- The EA has highlighted that intersection capacities are already operating beyond capacity in the locality, particularly the intersection of the NEH and Wollombi Road. This will place these intersections over capacity during the construction phase of the project. Given the indicative timeframes for construction of the project, this is an important consideration when planning for the rezoning and potential future development within Farley.

Strategic Planning Matters

The proposal will impact land adjoining the rail corridor within the Maitland LGA, including three investigation areas proposed for future urban development – Lochinvar, Farley and Rutherford Industrial. The points below outline the likely impacts of the project on these urban release areas, which have been planned for some time and currently accommodate existing residential dwellings (Lochinvar and Farley). Substantial work has been undertaken in planning for these areas, including identification of the sites in the Lower Hunter Regional Strategy 2006 (Lochinvar and Farley) and the Maitland Urban Settlement Strategy 2008, and it would be inappropriate and would not be in the public interest if this was overlooked. Included with this submission are extracts from the MUSS 2008 which

detail the extent of each investigation area. The potential impacts on each of the investigation areas from the proposal is obvious when observing the proximity of each site to the existing rail corridor.

Lochinvar Investigation Area

Upon review of the EA for this major project, the following issues are raised as significant matters relating to the Lochinvar Investigation Area:

- The EA fails to appropriately consider the future extent of urban development (particularly for residential, community, public and recreational purposes) within the Lochinvar Investigation Area. The Lochinvar Investigation Area is identified in Figure 14.1i of the EA. Reference is made in the EA (p. 242) to the Lochinvar Structure Plan 2007 (LSP 2007) and the Maitland Urban Settlement Strategy 2008 (MUSS 2008). While the EA (p. 423) states that *"The Lower Hunter Regional Strategy (Department of Planning 2006) and subsequent local planning initiatives have identified various locations within the local study area as priority areas to accommodate regional population growth"*, no reference is made to the Lochinvar Investigation Area being identified in the Lower Hunter Regional Strategy 2006 as a 'proposed urban area' and 'major release site' potentially accommodating 5,000 lots (LHRS 2006 p. 12-13, p. 25). It should be noted that the LSP 2007 was partially funded by the NSW Department of Planning and was adopted by Council in October 2007. Detailed studies informed the LSP 2007, while environmental studies have been undertaken for the rezoning of the Lochinvar Investigation Area as part of rezoning proposals submitted for the site, which date back to 2007. As evidenced above, detailed investigations have occurred to date regarding the rezoning of the site, and furthermore, these investigations were undertaken well before the Maitland to Minimbah Third Railway Track was a consideration. This substantial planning work should be considered in the context of what is now being proposed for the Third Track project, particularly when planning for noise attenuation along the rail corridor.
- The rail corridor exists in close proximity to residential receivers (both existing and proposed), and the associated effects of noise and vibration will need to be attenuated to an acceptable standard. The EA fails to provide sufficient details of proposed noise and vibration attenuation methods. Council and existing residents need to have a level of comfort that noise and vibration can be adequately attenuated, particularly given the potential increase in residents resulting from future urban development within the site.
- Clifton House will be subject to significantly increased impacts from noise and vibration given the acquisition of a strip of this site to accommodate the project. The building is a locally significant heritage item located to the immediate south of the rail corridor. The EA (p. 160, p. 362) specifically identifies Clifton House as a vibration receiver, stating that vibration control needs to be considered for Clifton House, given its proximity to the rail

corridor. According to the EA (p. 352), there is a risk that increased noise and vibration will result in exceeded human comfort levels where dwellings currently exist within 40m of the rail corridor. Figure 17.3i in the EA clearly illustrates that noise impacts will exceed human comfort levels at the location of Clifton House. This also has significant effects for future urban development immediately north of the rail corridor, within the Lochinvar Investigation Area.

- The EA explains that air quality receptors are identified as areas within 500m of the rail corridor, with a focus maintained on those that exist within 100m of the rail corridor. The Lochinvar Investigation Area is therefore a key sensitive receptor to be considered as part of this project, yet the EA (p. 286) does not list it as such. It should be noted that Farley (also a Category 1 investigation area under the MUSS 2008) is listed, along with Rutherford and Telarah (existing residential areas). It appears that insufficient weight has been applied to the anticipated effects of air quality on future residents within the Lochinvar Investigation Area, which, as discussed above, has been planned for some time.
- There are likely to be some noise and vibration effects from ground blasting in proximity to the Lochinvar Investigation Area during construction of the project. Consideration should be given to existing residences and future urban development in relation to how blasting may possibly affect existing and proposed residences and associated structures (especially those with heritage significance), as well as public assets and infrastructure, within the Lochinvar Investigation Area.
- The visual sensitivity of the Lochinvar Investigation Area means that future noise attenuation methods will need to consider the prominence of the site and the visual impact upon existing and future residences within the site. Unsightly structures adjoining the rail corridor are not considered appropriate, particularly given the proximity to Clifton House. In this regard, amelioration measures to mitigate the impacts of noise and vibration should be sympathetic to the landscape, such as earthen mounds, vegetation or a combination of 'soft' methods. These will require careful consideration by a suitably qualified heritage consultant/designer to ensure that impacts on Clifton House are minimised. However, Council would consider that where there is no other feasible or logical alternative to limit the impacts of noise and vibration generated by operations within the rail corridor, appropriate barriers should be constructed and their visual impact should be softened by appropriate landscaping.

Farley Investigation Area

Upon review of the Environmental Assessment for this major project, the following issues are raised as significant matters relating to the Farley Investigation Area:

- The rail corridor exists in close proximity to residential receivers (both existing and proposed), and the associated effects of noise and vibration

will need to be attenuated to an acceptable standard. The EA fails to provide sufficient details of proposed noise and vibration attenuation methods. Council and existing residents need to have a level of comfort that noise and vibration can be adequately attenuated, particularly given the potential increase in residents resulting from future urban development within the site. Several dwellings currently exist in close proximity to the rail corridor, some within 40m (i.e. noise and vibration will exceed human comfort levels in these locations, as per the outcomes of the EA), therefore details of attenuation methods are imperative for these landowners to have an understanding of the likely impacts on their properties and assets. Council would also like to confirm the type of measures proposed, in order to determine the likely impact on assets such as roads and other associated infrastructure.

- The proposal will likely impact on heritage items such as the former Farley Railway Station precinct and the existing Wollombi Road railway underbridge. Consideration should be given to the amelioration of impacts on such items as part of the project, particularly in regards to vibration and methods to mitigate against structural damage.
- The EA states that groundwater adjoining Wollombi Road will temporarily be lowered during construction of the project. Council explicitly states that such impacts should be monitored closely in order to ensure that temporary lowering of groundwater does not promote Acid Sulfate Soils or salinity.
- The visual sensitivity of the site, particularly from the south, means that future noise attenuation methods will need to consider the prominence of the Farley Investigation Area and the visual impact upon potential future residences within the site. Council would consider that where there is no other feasible or logical alternative to limit the impacts of noise and vibration generated by operations within the rail corridor, appropriate barriers should be constructed and be softened by appropriate landscaping.
- The EA acknowledges proposed urban areas adjacent to the rail corridor, including Heritage Green, and the Rutherford Industrial Area (both north of the rail corridor), but does not directly acknowledge the Farley Investigation Area and its potential to accommodate residential development in the future. It should be noted that the LHRS 2006 (p. 12-13) identifies the Farley Investigation Area as a 'Proposed Urban Area', while the Maitland Urban Settlement Strategy 2008 identifies the Farley Investigation Area as a Category 1 site, which indicates an estimated development timeframe of 0-5 years. Given this, much more emphasis should be given to the potential of the Farley Investigation Area to accommodate urban development in the future, since it is not considered to any extent in the EA for the project.
- The EA explains that air quality receptors are identified as areas within 500m of the rail corridor, with a focus on those that exist within 100m of the

rail corridor. As stated in the EA (p. 286), Farley is a key sensitive receptor to be considered as part of this project. While there is no mention specifically of the Farley Investigation Area, the site is located within the locality of Farley, and within 500m of the rail corridor, therefore the site is a key sensitive receptor to be considered as part of the EA.

- There are likely to be some noise and vibration effects from ground blasting in proximity to the Farley Investigation Area during construction of the project. Consideration should be given to existing residences and future urban development in relation to how blasting may possibly affect existing and proposed residences, and other buildings (especially those with heritage significance), within the Farley Investigation Area.

Existing Urban Areas

The proposal will impact existing urban allotments adjoining the rail corridor within the Maitland LGA, namely Telarah and Rutherford. The points below outline the likely impacts of the project on these existing urban allotments. Council understands that where noise thresholds are exceeded as a result of the project, existing landowners would be eligible to have housing elements retrofitted to ensure that human comfort levels are not exceeded from the additional impacts of the proposed Third Track. This type of arrangement would be encouraged, considering it is impractical for the proponent to acquire all land that is impacted by the proposal, and that construction measures can possibly mitigate a substantial extent of the likely impacts in any case.

Telarah

- As outlined above for the localities of Lochinvar and Farley, details of noise and vibration attenuation methods should be provided to inform the community of the likely structures that are to be provided to minimise noise and vibration impacts adjoining the rail corridor in the vicinity of Telarah. Appropriate attenuation measures need to be implemented to ensure that human comfort levels are not exceeded as a result of increased noise and vibration generated from the expansion of the rail corridor. Where human comfort levels are exceeded, it is expected that the proponent will appropriately retrofit existing dwellings to ensure that residents are not impacted to a level that is unreasonable or unacceptable.
- The majority of Council's concerns relating to impacts on the locality of Telarah are consistent with the issues raised for the localities of Lochinvar and Farley, as stated earlier in this submission. The locality of Telarah is obviously an existing urbanised area and significant consideration should be given to existing residents adjoining the rail corridor to ensure that human comfort levels are not exceeded either during construction from the project, or from operations along the rail corridor once the project is completed.

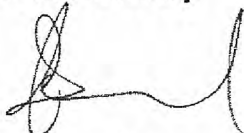
Rutherford

- As stated above for the locality of Telarah, details of noise and vibration attenuation methods should be provided to inform the community of the likely structures that are to be provided to minimise noise and vibration impacts adjoining the rail corridor in the vicinity of Rutherford. Appropriate attenuation measures need to be implemented to ensure that human comfort levels are not be exceeded as a result of increased noise and vibration generated from the expansion of the rail corridor.
- Given the extent of existing and future proposed industrial land within Rutherford, the proponent should consider the impacts of the project on the land uses associated with industrial areas and any anticipated effects on these as a result of the project. Such effects may include operational noise levels, appropriate attenuation at the interface of industrial land, stormwater management and air quality. This is particularly important given the proximity to residential areas within Rutherford. The combination of increased rail movements with existing (and potential for future) industrial land within close proximity to residential development means that existing residential receivers (and potentially those associated with the Heritage Green site – subject to Council approval) are likely to be impacted significantly by the project within the locality of Rutherford.

We trust that the submission clearly illustrates Council's concerns in relation to the Maitland to Minimbah Third Track project. Given the widening of the rail corridor proposed, along with a corresponding increase in rail movements, the project is likely to negatively impact the quality of life of a number of existing residents, and potentially many future residents within Council's planned urban release areas. The proponent is encouraged to contact Council for any information that would assist with the project, including discussions relating to Council's assets or planned urban release areas.

If you require any additional information from Council in relation to this project please contact Mr Josh Ford from the City Strategy department on (02) 4934 9700.

Yours faithfully



JOSH FORD
STRATEGIC TOWN PLANNER



5.5.5 Lochinvar Investigation Area

Physical Description

The Lochinvar Investigation Area builds on the existing village of Lochinvar, as shown in *Figure 18 Lochinvar Investigation Area*. This area has been identified in the Lower Hunter Regional Strategy as a major urban release site, to be developed over the next 20 years.

Constraints and opportunities for the Lochinvar Investigation Area have been considered in consultation with the Lochinvar community through the preparation of the Lochinvar Structure Plan.

Lochinvar Structure Plan

With financial assistance from the Department of Planning, Council has prepared a broad strategic plan for the Lochinvar area, known as the ***Lochinvar Structure Plan***. The Structure Plan aims to consider and address matters including village structure and operation, such as desirable land uses, transport and access, and infrastructure and services including water and sewer servicing, commercial developments, emergency and community services.

The Investigation Area adjoins the village of Lochinvar but is otherwise developed with rural residences on farms and small-holdings.

The site is extensively cleared and is gently undulating, with limited significance from an agricultural perspective. The area contains a number of culturally significant features, local and regional heritage listed items, and is characterised by the visual setting and approaches into the village and landscape plantings associated with the civic buildings.

At present, the village of Lochinvar does not offer the range of local services which would be required if the population in the area were to increase significantly. Preliminary investigations and consultation has identified the need and opportunities for service provision. Detailed investigations (infrastructure and staging plan) are required to ensure adequate services and facilities are provided to meet the needs of the future residents at each stage of development.

The long-term relationship of lands surrounding the Investigation Area and the Lochinvar locality to the surrounding areas has also been considered, including Winders Lane, Old North Rd, and along the New England Highway west of the Lochinvar township. These areas have been identified as 'preliminary investigation areas' requiring more detailed studies and planning assessment to ascertain future development opportunities and limitations.

Access

The primary access to the Investigation Area is from the New England Highway. The standard of access to the highway will therefore be a key consideration in future investigations. All access points with existing development in Lochinvar will need to be considered.

Conclusion

Following extensive consultation with the local community the Lochinvar Structure Plan was adopted by Council in October 2007. The implementation of the Plan requires a number of further investigations to progress, prior to the consideration of any future land release areas. The recommendations include the preparation of the following:

1. Traffic study and transportation strategy;
2. Urban Design Study incorporating design principles for each precinct;
3. Continued consultation with government agencies responsible for infrastructure provision;
4. Ongoing community consultation;
5. Rural Lands Strategy review for the western part of the LGA;
6. Review of heritage items in rural areas to ensure the identification and protection of buildings, items and their cartilages.

Three (3) sites have been identified which require individual masterplanning to determine their future land use capabilities, in addition to the progression of the required studies. The design and development of site specific locations and any additional studies necessary to enable the development of individual precincts to occur will continue to be prepared in accordance with Council's Local Environmental Study protocol and subject to private developer funding.



5.5.8 Farley Investigation Area

The Farley area has been included as Category 1 Land (*Cnt resolution 10 Nov 2009*). Prior to the development of more detailed planning and progression of rezoning, Council and the community must establish the fundamental principles for development in the area and resolve a number of issues in the Investigation Area. Consequently, it is envisaged that the Farley Investigation Area not be approved till after 2011 which is consistent with Council's adopted Land Release Program and the preparation of the new Maitland LEP 2011.

Physical Description

The Farley Investigation Area has been redefined in the 2007/2008 review of the Settlement Strategy to respond to the land constraints, visual setting, and longer term infrastructure and conservation planning. The investigation area covers cleared land north and south of Wollombi Road as shown in *Figure 21 Farley Investigation Area*. It is bounded by the estimated 1% flood event and Wentworth Swamp in the south, vegetation boundaries to the west and the rail line to the north.

The site is approximately 140 hectares that is partly cleared but adjoins large areas of relatively intact vegetation, with potential linkages to Wentworth Swamp and other areas of regionally significant biodiversity values. The long-term conservation of these areas of vegetation is a major priority in this area.

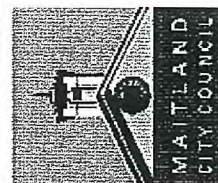
Existing Development

At present, the majority of land holdings are used for low intensity grazing and rural living, with approximately 30 dwellings within the Preliminary Investigation Area. A higher density of dwellings occurs along the western end of Wollombi Road, close to the residential areas of Rutherford and Telarah.

There are remnants of the Farley train station and stone and gravel quarry on the northern boundary of the investigation area. These features should be considered for integration with the future land uses for the Farley area. Similarly, the Ravensfield



FARLEY INVESTIGATION AREA



Scale 1 : 25 000
Printing Date: November 2008



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 Category 1 - Residential

This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time and should therefore be verified with Maitland



5.5.12 Rutherford Industrial Investigation Area

Physical Description

The Rutherford Industrial Investigation Area is bounded by the railway line in the south, by properties fronting Winders Lane in the west, by the existing Rutherford Industrial Estate in the east and the New England Highway to the north, as shown in *Figure 25 Rutherford Industrial Investigation Area*. Land to the north of the New England Highway previously described as Category 1 Industrial land, in the MUSS, has been rezoned to 4(b) Light Industrial and 7(c) Environmental Protection in May 2007.

Existing Development

To the south of the Highway, the Investigation Area contains a few existing dwellings with frontage to the New England Highway. The Investigation Area also adjoins dwellings with frontage to Winders Lane and the New England Hwy. These dwellings are situated above the site and any future industrial development will therefore be visible from the dwellings. Potential impacts such as noise, lighting and odour will also need to be considered.

The future of existing uses on Kyle Street, including local motorcycle clubs and the stock saleyards will need to be considered in the context of future industrial development as well as access and environmental outcomes for the area.

Access

Access points to the New England Highway will need to be limited and should not include direct access to industrial buildings. The standard of the New England Highway will also be a key consideration.

Access between the existing industrial estate and new industrial development will need to be considered to avoid the need for traffic to re-enter the New England Hwy on local trips.

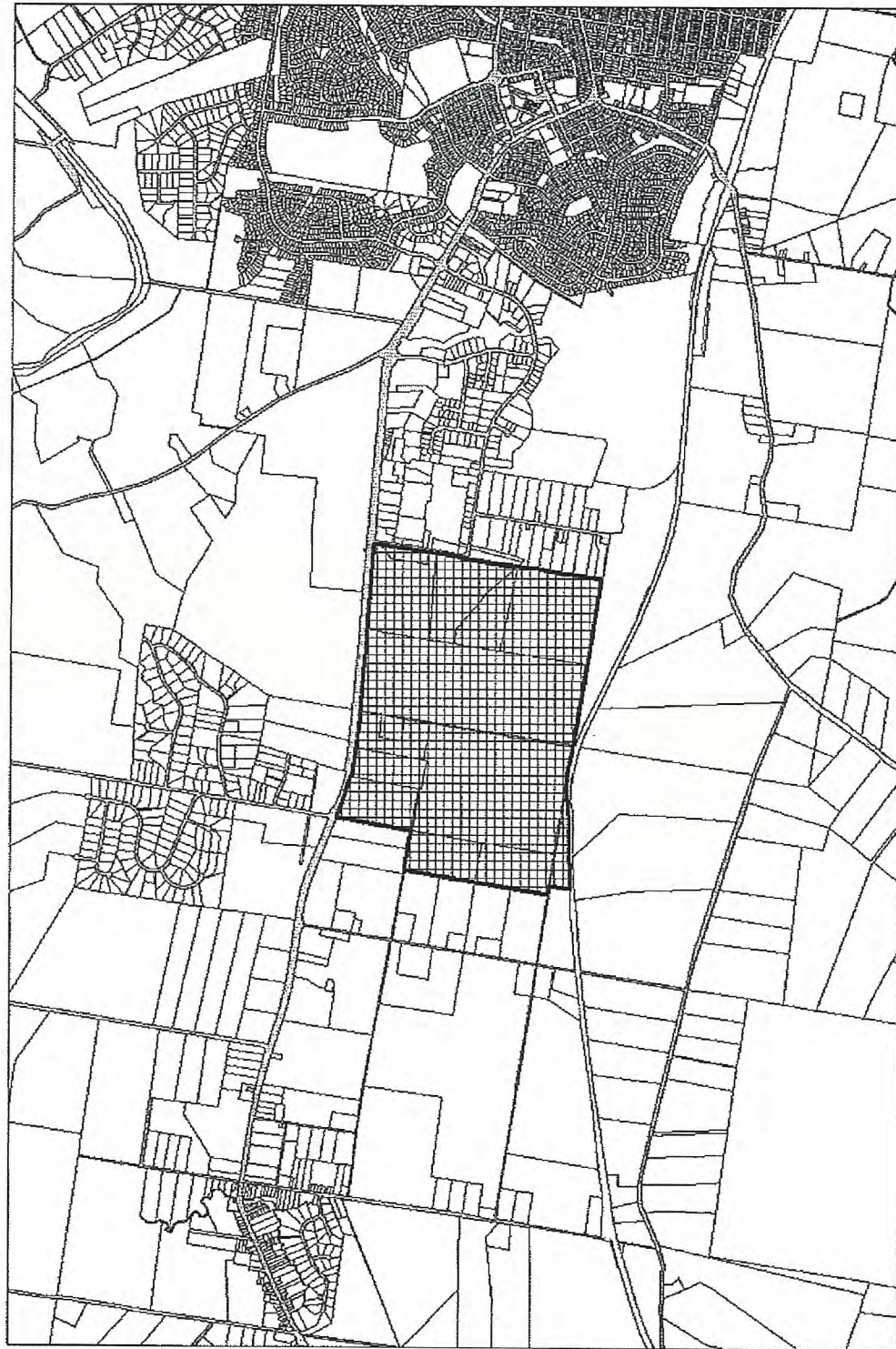
Visual Impact

Industrial land occurs on both sides of the highway at one of the major gateway entries to the City. It is therefore imperative that the visual impact of development in the area is coordinated and designed so as to present a positive image of the City.

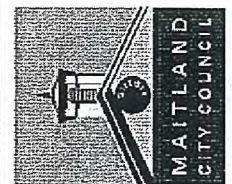
The design of a new visual gateway should also consider potential to incorporate compatible improvements for existing development in the existing Rutherford Industrial Estate, road edge landscape buffers and vegetation corridors separating landuses.

Environmental

A local catchment analysis will be required, including assessment of the potential for impacts on water quality and quantity and land degradation issues such as salinity and acid sulphate soils. Impacts on native flora and fauna will also need to be assessed. This includes an area of Hunter Lowland Redgum Forest, an endangered



RUTHERFORD INDUSTRIAL INVESTIGATION



Scale 1 : 40 000
Printing Date: November 2008



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Category 1 - Industrial

This map has been prepared on the basis of information available to Council at the date of issue. However, that information may be subject to change over a limited time and should therefore be verified with Maitland



LOCHINVAR INVESTIGATION AREA

RUTHERFORD INDUSTRIAL INVESTIGATION AREA

RUTHERFORD INDUSTRIAL AREA

500m AIR QUALITY RECEPTOR BUFFER

PANLEY INVESTIGATION AREA