

23 November 2021

2191002

Kiersten Fishburn
Secretary
Department of Planning, Industry and Environment
12 Darcy Street,
Parramatta NSW 2150

Attention: Thomas Piovesan, Senior Planner, Key Sites Assessments

Dear Tom,

Response to Request for Information for Eastern Creek Quarter - Lot 3 Concept Plan (SSD-10457)

Ethos Urban has prepared this letter on behalf of Frasers Property Australia (Frasers) in response to the Department of Planning, Industry and Environment's request for information, dated 9 November 2021, regarding the ECQ 3 development (SSD-10457). Frasers and the project team have considered all matters raised in the RFI and a response to each item is provided below.

1.1 Electronic SIDRA Modelling

As requested, electronic copies of the SIDRA intersection associated with the proposal have been provided to the Department via email on 10 November 2021. A copy of these files is provided at **Attachment A**.

1.2 Church Street Intersection

The Department notes that the amended concept design for the Church Street intersection appears to encroach into the curtilage of the nearby State heritage listed 'The Rooty Hill' and existing, unassessed vegetation. Accordingly, an updated Statement of Heritage Impact and BDAR have been requested.

Whilst it is recognised that the most recently submitted concept intersection shows that works would be required to Morreau Reserve to accommodate a left turn slip lane into Church Street from Rooty Hill Road South, consent for these works is not sought via this application. Rather, the concept intersection design has been submitted to TfNSW to demonstrate one workable solution for a signalised intersection at this location and that the predicted traffic volumes associated with the Concept Plan can be accommodated. It is noted that an alternative design for the intersection, which was supported in-principle by Council, has a lower impact on Morreau Reserve but that the slip lane has been incorporated at the request of TfNSW during recent consultation. Despite this, it is anticipated that this design will be subject to further refinement and ongoing consultation with both Council and TfNSW over the coming months, and that the final intersection design will seek to minimise or avoid works in Morreau Reserve.

Approval for the intersection upgrade will be sought as part of a future Works Authorisation Deed (WAD) process with TfNSW whereby an additional environmental assessment will be required under Part 5 of the EP&A Act (i.e via a REF). This process would be consistent with the original Concept Plan (SSD 5175) whereby the necessary road infrastructure works were identified (such as the widening of RHRS and upgrades to the Cable Place intersection) and a condition was imposed on the Concept Plan requiring Frasers to enter into a Deed with TfNSW for the delivery of the works. The detailed design and assessment of these upgrades were subsequently undertaken as part of the WAD.

Therefore, as this Concept Plan application does not seek approval for the intersection upgrades, it is requested that a similar condition of consent be imposed to ensure these works are delivered prior to operation of the centre (refer to former condition B9 of SSD 5175). The following condition is proposed in this regard:

The applicant shall provide written evidence to the Certifying Authority that it has entered into a Works Authorisation Deed agreement with Transport for NSW for the delivery of a signalised intersection at Rooty Hill Road South and Church Street.

The intersection upgrade must be:

- (a) constructed prior to issue of any Occupation Certificate for Lot 3;*
- (b) be approved by TfNSW in accordance with section 87 of the Roads Act 1993; and*
- (c) subject to a Works Authorisation Deed (WAD) with TfNSW.*

Given the ongoing evolution of the intersection design and the separate approval pathway available, it is not considered necessary to prepare a further BDAR at this stage as this would inevitably require revision upon finalisation of the intersection design (assuming a BDAR is required). Instead, it would be more appropriate for a new BDAR to be prepared, if required, as part of the future WAD process. Equally, GBA Heritage has advised that heritage impacts would be more appropriately addressed via a condition of consent, particularly given that the affected area of the potential roadworks is relatively small in the context of the overall 'The Rooty Hill' site.

Furthermore, Clause 4.22(5) of the EP&A Act states that, when considering the likely impact of a development under section 4.15 of the Act, the assessment authority only needs to consider the likely impact of the concept approval and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications. In this regard, consent for the intersection upgrade is not sought via this application and would be subject to a separate approval (at which time the full impacts of the works can be assessed). The proposed condition of consent on the Concept Plan provides assurance that this will occur.

On a similar basis, if the final intersection design encroaches into Morreau Reserve, the land would be acquired and/or owners' consent would be obtained for these works as part of the separate approval process. It is noted that Morreau Reserve is Council owned land and that preliminary consultation has occurred with Council's Property Department in this regard, where Council has been supportive of Frasers acquiring the land for the purpose of road widening.

Accordingly, the concept intersection design has been prepared for TfNSW to demonstrate one workable solution for the signalisation of the intersection. Consent is not sought for these works at this stage and the design will be subject to ongoing consultation with Council and TfNSW to ensure the best outcome in terms of transport, environmental and heritage considerations. In the interest of an efficient assessment process, it is requested that this matter be conditioned so that Frasers can progress with the detailed design of this important project for Western Sydney and fulfill its contractual obligations with the Western Sydney Parklands Trust around project timeframes.

1.3 Geotechnical Assessment

As requested, copies of all reports referenced in the Geotechnical Assessment prepared by PSM are provided at **Attachment B**.

1.4 Groundwater

A response to the pre-approval recommendations for groundwater management has been provided to the Department. A copy of this response is provided at **Attachment C**.

1.5 Economic Impacts

The term 'negligible' within the economic impact assessments means that the local centre would experience less than a 0.5% trade impact as a result of the development and that 'no impact' is also a likely outcome.

1.6 Conclusion

We trust that the information provided above satisfies the requirements of the additional information request. We look forward to the Department progressing the assessment of the application and to receiving a set of draft conditions for consideration in due course.

Should you have any further queries about this matter, please do not hesitate to contact me on the details provided below.

Yours sincerely,



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