NSW GOVERNMENT | Office of Environment & Heritage

DOC19/57130
SSD 8859

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Team Leader - Industry Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Chloe Dunlop

Exhibition of Elizabeth Drive Subdivision located at 1111 - 1141 Elizabeth Drive, Cecil Park (SSD 8859)

Dear Mr Winwood,

I refer to your letter dated 21 January 2019, requesting input from the Office of Environment and Heritage (OEH) on the abovementioned State Significant Development application.

The development proposes subdivision into 14 allotments, and associated works including demolition of existing structures, clearing of vegetation communities, site remediation, bulk earth works, rehabilitation of riparian corridors, stormwater and civil works and road works to facilitate a mixed-use Business Hub (subject to a future DA) that will comprise 12,324m² of gross floor area and include:

- a highway service centre (1,858 sq.m) with service station and fast food premises
- industrial/urban services (5,669 sq.m)
- large format retail (2,250 sq.m)
- short-term accommodation – motel (2,545 sq.m, indicative 73 room facility)
- medical/child care centres
- high-end office space for the aviation industry.

Please find OEH comments in Attachment 1. Based on the significant biodiversity values of the site and the impacts the proposal has on these values as outlined in attachment 1, OEH recommends the following:

- retention and protection of the existing critically endangered ecological community (CEEC) of Cumberland Plain Woodland (CPW) and threatened species habitat
- amend the design to avoid impacting the CPW on site and threatened species habitat
- amend the proposal so that it is consistent with relevant policies including the Western Sydney Parklands SEPP.

OEH comments on flood risk will be provided separately and are forthcoming.

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Should you have any queries regarding this matter, please contact Svetlana Kotevska, Senior Conservation Planning Officer on 8837 6040 or at Svetlana.kotevska@environment.nsw.gov.au.

Yours sincerely

S. Harrison 28/02/19

SUSAN HARRISON
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Attachment 1 – Office of Environment and Heritage (OEH) comments - Exhibition of 1111-1141 Elizabeth Drive, (Corner Cecil Road), Cecil Park SSD 8859

Biodiversity values of the site
The proposal seeks to remove Cumberland Plain Woodland (CPW) which is listed as a critically endangered ecological community (CEEC) under the NSW Biodiversity Conservation Act 2016 (BC Act). It is also listed as CEEC for the related community of Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest, under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

Cumberland Plain Woodland is currently listed as a Serious and Irreversible Impacts entity as it is most at risk of extinction from potential development and therefore must be protected. In the Sydney Basin, 93% of this critically endangered ecological community has already been cleared and very little of this community remains within a 1,000 ha and 10,000 ha radius of the site (refer to Figure 1 in Attachment 2).

The site is within Western Sydney parklands (WSP) and forms part of a corridor linking core habitat of CEEC CPW in the parklands. The site provides connectivity to the parklands including a conservation area to the east of the site and an adjoining bushland corridor as shown on the State Environmental Planning Policy (Western Sydney Parklands) 2009 and WSP Plans of Management (WSPT PoM) 2020 and draft WSPT PoM 2030. The Biodiversity Development Assessment Report (BDAR) states that the site is part of a larger vegetation patch of about 331 ha within the 1,500 m buffer of the subject site. Of this 1,500m buffer area, 37.77% is native vegetation (and Figure 2 Attachment 2).

The intended land use for this site that is part of the WS parklands has been established by the Western Sydney Parklands SEPP and PoM which is to maintain the parklands and the habitat for threatened fauna and flora. The site is not identified for a future business hub and as such this proposal is inconsistent with the vision for the parklands.

The site contains CPW in good condition as reflected in the site achieving near benchmark values for native plant species richness and most vegetation cover attributes. The vegetation integrity score for this vegetation (68) reflects a high diversity of biodiversity values that provide a range of foraging, roosting and shelter resources for threatened and protected fauna species (see Appendix B of BDAR). Mature and hollow-bearing trees are scattered throughout native vegetation within the subject site and there is regeneration of all canopy species within this native vegetation (BDAR dated November 2018 prepared by GHD Section 3.2.3 pg 23).

An abundance of native frogs and bats were noted in the BDAR (page 16), with four species of threatened bats including the Eastern Bentwing-bat, Eastern Freetail-bat, Southern Myotis and Grey-headed Flying-fox recorded on site. Many native birds were also recorded, including the Red-rumped Parrot, Satin Bowerbird and Little Pied Cormorant. Records were also given for the Sugar Glider and Common Brushtail Possum. A total of 69 flora species from 31 families are recorded within the subject site, comprising 38 native and 31 exotic species. There were 49 native fauna species and seven exotic fauna species recorded on-site.

Further, two creeks traverse the site along both the northern boundary and eastern boundary and the site is part of the Ropes Creek riparian corridor system. This creek provides linkages between vegetation communities and this development has the potential to fragment a key biodiversity corridor.

Biodiversity impacts of the proposal
The development proposed currently fails to meet the objectives of the Biodiversity Act 2016 Act (BC Act) 2016 as it does not avoid and minimise impacts on the abovementioned biodiversity values. The development does not avoid impacting on 2.35 hectares of CPW that is a CEEC and is therefore inconsistent with the objectives of the BC Act 2016 that requires proposals to first and foremost avoid impacts on biodiversity values, secondly to minimise such impacts and thirdly, as a last resort, offset unavoidable impacts. OEH considers that there has been no attempt to apply the avoid, minimise

and offset framework as established by the BC Act (section 1.3(k)) and the Biodiversity Assessment Method (BAM).

The urban design report states "Due to the site's area of 7.38 ha, there is limited scope for retention of extensive vegetation which should not result in any reduction of the size of the development footprint". This statement demonstrates that limited site analysis has occurred with the view to avoid impacts on significantly threatened and in this case critically endangered ecological community. OEH considers that adequate planning/siting of the proposal has not been carried out that avoids the CPW. The site is 7.37 ha in size with a proposed developable footprint of 6.01ha although there is a cleared area of 3.66 ha comprising exotic vegetation on site.

The BDAR states (page 32 Chapter 5.2 -Avoidance of Impacts) "The proposal has aimed to avoid impacts on native vegetation and habitat values by focusing development in areas of exotic grassland where possible and adjusting the proposal footprint to limit impacts on better quality vegetation within the remainder of the site (see BDAR Figure 5)." However, only one vegetation zone was identified across the study area (see BDAR Figure 4), which shows the vegetation was considered homogeneous across the site. Therefore, the proposal does not limit impacts on 'better quality' vegetation because the vegetation was assessed as having a relatively homogenous condition (or 'quality') across the entire study area. OEH considers that through better site planning that the CPW on site can be protected and retained.

In summary, the proposal's biodiversity impacts are as follows:

- removing 2.35 ha of PCT 849 - Grey Box
- remove habitat for the Southern Myotis (Myotis macropus)
- removal of 2.35 ha of assumed habitat for:
    - threatened flora species Pultenaea pedunculata
    - Bush Stone-curlew
    - Cumberland Plain Land Snail and
    - Southern Myotis
- fragmentation of a core biodiversity corridor that provides connectivity across the Western Sydney Parklands that will create barriers to the movement of pollinator vectors and small and sedentary fauna with the likely isolation of remnant vegetation
- removal of mature trees that have value for fauna populations as sources of foraging resources such as leaves, nectar, sap or seed and substrate for invertebrate prey
- adversely impacting on foraging, roosting and shelter resources for threatened species, dwelling mammals, reptiles and amphibians
- weed invasion and edge effects such as changes to vegetation type and structure, increased growth of exotic plants and increased potential spread due to the presence of two creeks on site, increased predation of native fauna, light spill and noise
- ongoing operational impacts include increased risk of fire particularly given the proposed land uses such as a service station and bulky goods, increased fauna mortality due to increased vehicular movements on site
- the proposed rehabilitation of a 1.36ha riparian corridor of CPW despite its good condition as reflected in a vegetation integrity score under the BAM of 68 and rehabilitation has potential to detrimentally impact on the condition of this remnant vegetation. Based on the flood risk plans, it appears that this vegetation reserve area has only been proposed due to flood risk in this area, for flood mitigation purposes.

In addition, the following direct and indirect biodiversity impacts have not been assessed.

<u>Assessing direct and indirect impacts</u>

The BDAR has failed to appropriately apply section 9 of the BAM (Assessment of impacts) because it has not assessed all the proposed impacts. Direct and indirect impacts from the following have not been addressed:

- a co-located flood detention basin and bioretention area, and their associated spillway (see Appendix B Stormwater Management Plan in *aeDesign Partnership Pty Ltd 2126819-REP-1111-1141 Elizabeth Drive DA Stage Stormwater, Flooding and Dams* (GHD October 2018)) and

- an on-site wastewater management system (see the Environmental Impact Statement (AE Design Partnership 7 December 2018) and *Preliminary Onsite Wastewater Assessment: Lot 2 Sec 4 DP2954 1111-1141 Elizabeth Drive, Cecil Park, NSW* (Martens & Associates Pty Ltd September 2018)). The EIS notes that the site has no access to reticulated sewer services with the nearest reticulated sewerage network located approximately 800m away and the nearest trunk sewer is 1.7km away. Details regarding onsite wastewater management is proposed to be deferred to the DA stage for each individual building on each lot and this is inconsistent with the BAM given the potential direct or indirect impacts on vegetation and the creeks/water quality.

Importantly, the report states in its assessment of serious and irreversible impacts (SAIIs) (see page 54), that the proposed vegetation reserve will not be impacted by the proposal. However, this area will be directly and indirectly impacted by the above-mentioned stormwater works.

Potential impacts on aquatic fauna have not been adequately assessed. The BDAR states there is no permanent aquatic habitat occurring within the subject site. It also states that the "larger artificial water body in the north west of the study area lack any fringing, emergent or aquatic vegetation, and as such, are unlikely to provide suitable habitat for wetland species such as the Australasian Bittern (*Botaurus poiciloptilus*) or the Green and Golden Bell Frog (*Litoria aurea*)". However, aerial photos and the photograph on the front page of the stormwater report as shown below show fringing vegetation near the dam. Further, the proposed co-located flood detention basin and bioretention area at the northern boundaries of the site appears to be in the vegetation reserve where the onsite dam is presently. This may necessitate dam removal and an adequate assessment of aquatic ecology is required. This may need to include a management plan for dam dewatering/decommissioning to ensure that aquatic fauna are relocated prior to dewatering occurring, as well as to manage water quality impacts, contamination etc.

Furthermore, asset protection zones (APZs) are mentioned in the discussion of mitigation measures, for example on page 41 it states "Water Sensitive Urban Design infrastructure, perimeter roads and setbacks would be included in APZ (sic). These design features would act as a buffer between the built form and vegetation reserve." But the locations of APZs and their impacts on biodiversity values have not been assessed, nor have the impacts of WSUD infrastructure.

The report states on page ii "Given the scale and nature of the proposal, the character of the study area and the proposed impact mitigation measures there are unlikely to be any notable indirect impacts on biodiversity values arising from the proposal." This seems unlikely however, given: the bulk earth works required for the construction of the roads (25,055m^3 of cut) and the stormwater management system (for example see page 18 of the Environmental Impact Statement); the connection of the site to the Ropes Creek corridor and its proximity to extensive areas of native vegetation conserved within the Western Sydney Parklands; and the high threat status of Cumberland Plain Woodland, which is an entity of SAII. Further to this, the Cumberland Plain Woodland on the site meets the definition of a CEEC under both state and federal legislation.

OEH considers the description of the proposal is inadequate, with a misleading operational footprint and no construction footprint.

Chapter 5.2 of the BDAR also states (page 32) "The proposal includes 14 industrial lots that would result in impacts to 2.35 ha of native vegetation but has avoided impacts to 1.12 ha of native vegetation that could have yielded additional industrial lots within the proposed subdivision of the study area." However, it seems that the 1.12 ha of 'better quality' vegetation identified in BDAR Figure 5 (i.e. the vegetation reserve) is related to flood extent and depth (see *aeDesign Partnership Pty Ltd 2126819-REP-1111-1141 Elizabeth Drive DA Stage Stormwater, Flooding and Dams* (GHD October 2018)).

OEH notes that the failure of the BDAR to mention the flood extent and depth is not in accordance with the BAM, which requires the BDAR to identify the full range of site constraints. Section 8.1.1.5 of the BAM requires that "Justifications for project location decisions should identify any other site constraints that the proponent has considered in determining the location and design of the project,

e.g. bushfire protection requirements including clearing for asset protection zones, flood planning levels, servicing constraints."

Assessing serious and irreversible impacts (SAIIs) on biodiversity values

The BDAR has not adequately addressed section 10.2 of the BAM (Impact assessment of potential entities of serious and irreversible impacts on biodiversity values) because assessment under sections 10.2.2.1 (a) and 10.2.2.1 (b) cannot be carried out until all impacts are first identified.

Furthermore, the report states (page 57) "Overall the subject site would make a minor contribution to regional biodiversity values and is unlikely to be considered an important area of the PCT/TEC." However, this statement is not supported given:

- The large patch size (greater than 100 ha) calculated for this site and its proximity to major drainage lines, riparian areas and conservation areas within the Western Sydney Parklands (see Figure 2 of the BDAR).
- The vegetation integrity score for the site (68) and the near benchmark values for native plant species richness and most vegetation cover attributes (see BDAR page 24), along with at least four large trees (with a diameter at breast height greater than 50 cm) and four hollow bearing trees and an appreciable amount of fallen logs (for example see Table A6 of the BDAR).
- There were 49 native fauna species and seven exotic fauna species recorded on-site (see Appendix B of the BDAR). Of these seven exotics, three most likely comprised stock and/or pets (i.e. dog, horse and sheep) associated with the current tenancy of the site.
- There were positive anabat recordings for four threatened bat species on the site (i.e. Eastern Bentwing-bat, Eastern Freetail-bat, Southern Myotis and Grey-headed Flying-fox), with as many as 14 other bat species also having been recorded (see Appendix B in BDAR).
- The Cumberland Plain Woodland on the site is critically endangered under both state and federal legislation.

Assessing prescribed biodiversity impacts

The BDAR has not assessed prescribed biodiversity impacts in accordance with sections 6.7 and 9.2 of the BAM. The areas reportedly not requiring assessment (see chapter 6.4 of the report) were buildings, infrastructure, dumped fill and a 0.25 ha artificial waterbody without any fringing vegetation. These features however, may provide habitat for threatened species such as the Cumberland Plain Land Snail, Eastern Bentwing-bat and Southern Myotis.

Carrying out targeted surveys

Targeted surveys for the Cumberland Plain Land Snail were carried out but no spatial data was given for where this occurred. Section 6.5.1.5 of the BAM requires information to be given on the timing, method and effort used for threatened species surveys. Furthermore, the method used active searches around woody debris and the bases of trees where leaf litter was present (page 14 of

BDAR). However, this species can also shelter under virtually any form of human made ground cover including rubbish, building materials, old car parts etc. and so may be impacted by prescribed biodiversity impacts.

Targeted surveys for threatened flora were also carried out but once again, no spatial data (map) was given for this. This is at odds with sections 6.5.1.3 and 6.5.1.5 of the BAM.

Chapter 4.1.2 (Species credit species) of the BDAR states "Further targeted surveys are required for some species credit species. These surveys will be completed at the appropriate time of year to target these species (refer to Table 4-2)." However, it is not clear from Table 4-2 which species need to be surveyed.

Creating the Southern Myotis species polygon

The method used to calculate the species polygon for Southern Myotis (chapter 6.6 of BDAR) grossly under mapped the habitat components for this species. It involved mapping foraging and roosting habitat by buffering the dam on the northern-most boundary of the study area by 100 meters (see BDAR Figure 7), then clipping out areas that did not contain areas of native vegetation with hollow bearing trees or other suitable roost sites; no mapped drainage lines, on or adjacent to the site, were used to map the polygon because they were not considered to be foraging habitat (see page 50 of the report).

The following method must be used instead to develop a species polygon for Southern Myotis (as per section 6.4.1.33 of the BAM, Table 1 of *'Species credit' threatened bats and their habitats: NSW survey guide for the Biodiversity Assessment Method* (OEH 2018) and from information contained within the Threatened Biodiversity Data Collection):

- the features to include in the polygon are all habitats on the subject land where the subject land is within 200 meters of a waterbody with pools and/or stretches three meters or wider including rivers, creeks, billabongs, lagoons, dams, and other water bodies on the subject land;
- the approach to create the polygon needs to use aerial imagery to map waterbodies with pools and/or stretches three meters or wider that are on, or within 200 meters of, the subject land; and
- following on from this, the polygon boundaries need to align with the plant community types (PCTs) on the subject land to which the species is associated (as listed in the Threatened Biodiversity Data Collection) that are within 200 meters of the mapped waterbodies.

Note the correct 'buffer' is twice the size of that used for the BDAR, with the correct method not being reliant on hollow bearing trees. Additionally, it seems likely that a large waterbody located next to the subject land, between Cecil Road and Elizabeth Drive, would constitute a waterbody for mapping a species polygon for Southern Myotis at this site i.e. it is within 200 meters of the subject land and it is more than three meters wide.

OEH biodiversity recommendations

Based on the significant biodiversity values of the site and the impacts the proposal has on these values as outlined above, OEH recommends the following:

- retention and protection of the existing critically endangered ecological community (CEEC) of Cumberland Plain Woodland (CPW) and threatened species habitat
- amend the design to avoid impacting the CPW on site and threatened species habitat
- amend the proposal so that it is consistent with relevant policies including the Western Sydney Parklands SEPP

The EIS states that "*The planning and management of the Western Sydney Parklands has, of recent years, established that there are strategic opportunities (**in less environmentally sensitive** and areas of high accessibility) to facilitate limited precinct based "non-traditional" park activities".* Given the presence of CEEC CPW on site, OEH considers the land to be environmentally sensitive which constrains its development potential. The current design is not responsive to the existing site constraints despite the EIS stating that an objective of the development is to "Respond to the environmental sensitivities of the site/ precinct;" and "Provide for the conservation and rehabilitation of the more environmentally sensitive parts of the site". The entire area of CPW on site is CEEC and

is environmentally sensitive and links with the broader Western Sydney Parklands, providing connectivity as part of a habitat corridor.

Specifically, the proposal is inconsistent with the following policies.

State Environmental Planning Policy (Western Sydney Parklands) 2009 and Western Sydney Parklands Plans of Management (PoM)

The Western Sydney Parklands Act 2006 (the Act) establishes the Parklands, constitutes the Western Sydney Parklands Trust (WSPT), provides for the addition of land to the Parklands and identifies the functions of WSPT including the development of "the Parklands into a multi-use urban parkland for the region of Western Sydney and to maintain and improve the Parklands on an ongoing basis".

Much of the area now constituting the Parklands was originally identified in the 1968 Sydney Region Outline Plan and successive NSW Governments have subsequently spent hundreds of millions of dollars acquiring the land. WSPT now estimates that approximately 96% of the Parklands within the corridor is in public ownership.

The Western Sydney Parklands Trust (WSPT) Plan of Management already allocates 2% of the Parklands to Business Hubs. This subject site is not identified nor earmarked as a potential business hub site in any strategic studies or the WSP PoM. In the SEARS received for the project the WSPT states that it "is not intending to include the Site as part of the 2% allocation of Business Hubs for the Parklands.... WSPT may acquire land, for the purposes of the Act, by agreement or by compulsory process in accordance with the Land Acquisition (Just Terms Compensation) Act 1991. It is important to note that the acquiring authority approached the land owner in relation to the possible acquisition of the Site in 2016."

Further, the BDAR states that the land use framework in the PoM identifies the subject site as falling within 'interim land uses (short-term residential tenancies, vacant land, private land yet to be acquired) WSPT, 2010. The proposed uses the subject of this SSD are inconsistent with this land use framework. The proposal does not demonstrate strategic merit for the purposes of a business hub and fails to meet the following aims of the State Environmental Planning Policy (Western Sydney Parklands) 2009:

(b) allowing for a range of commercial, retail, infrastructure and other uses consistent with the Metropolitan Strategy, which will deliver beneficial social and economic outcomes to western Sydney, and
(d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and
(k) ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.

The SSD is not considered to be consistent with the metropolitan strategy, it fails to protect natural systems of the parklands including threatened flora and fauna and the critically endangered ecological communities in the parklands being the CPW that is part of a core habitat corridor that links bushland in the parklands and as such is considered to not be ecologically sustainable. Furthermore, the site is located within an area designated as a 'Major Urban Parkland & Reserve' under the District Plan and a business hub in this location is inconsistent with the direction established in the District Plan which gives effect to the Metropolitan Strategy.

Further the proposal has significant adverse impacts on the CPW EEC and the continuity of the corridor within Western Sydney Parklands and required to be considered under the following SEPP (Western Sydney Parklands) 2009 clauses:

- Clause 12 Matters to be considered by the consent authority—generally
  (d) the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities,

(e) the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland,
(i) consistency with:
(i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the *Western Sydney Parklands Act 2006*, or
(l) the effect on drainage patterns, ground water, flood patterns and wetland viability,

- Clause 14 Development in areas near nature reserves or environmental conservation areas
(2) Development consent must not be granted to development on land to which this clause applies, unless the consent authority has considered the following:
(a) whether the development is compatible with and does not detract from the values of the nature reserve or environmental conservation area,
(b) any management plans applicable to the nature reserve or environmental conservation area,

The development is not considered to be compatible with the biodiversity values of the site and Western Sydney Parklands and detracts from these values by proposing to remove CPW in a core bushland habitat corridor. The EIS states "The subject land is not proximate to the identified lands." This is incorrect with the maps clearly identifying bushland corridors under both the current WSP PoM 2020 and draft WSP PoM 2030 Figure 3 in Attachment 2 below that links with mapped environmental conservation areas nearby.

- Clause 17 Development on private land. Development consent must not be granted to development on private land in the Western Parklands unless the consent authority has considered the following:
a) whether the development will contribute or impede the implementation of the aim of this policy.
(b) the need to carry out development on the land,
(c) the imminence of acquisition of the land,
(d) the effect of carrying out the development on acquisition costs,
(e) the effect of carrying out the development on the natural systems of the Western Parklands,
(f) the cost of restoring those systems after the development has been carried out.

OEH considers that the development would be inconsistent with Clause 17 in particular it impedes the aims of the policy to protect and enhancing the natural systems of the Parklands, including flora and fauna species and communities and riparian corridors; there is no need to carry out the development on the land as the site has not been identified as a potential business hub by WSPT; its adversely impacts on the natural systems and finally, the proposed rehabilitation of 1.36ha riparian corridor is unnecessary as it has been identified by the ecological consultants as being in good condition as reflected in a vegetation integrity score under the BAM of 68 and rehabilitation has potential to detrimentally impact on the condition of this remnant vegetation.

The EIS states in relation to Clause 19A Preservation of Trees and Vegetation of the WSP SEPP "Trees and vegetation of significance will be retained and embellished where aligning with the riparian zone…The proposal retains over 1.3ha of vegetation to form part of a vegetation reserve on the north western boundary of the site." However, this is inconsistent with the description of the development section 3.0 Table 3 of the EIS (pg 18) that states all vegetation is to be removed.

The EIS states that the Western Sydney Parklands Plan of Management 2020 (December 2010) Objective 3 outlines a desire to: "Develop new business opportunities to support the management and further development of the Parklands" and at Action (1) identifies the "Development of Business Hubs in appropriate locations in the Parklands". Also, the EIS states that the proposal is consistent with the WSP Plan of Management 2020 - Supplements (March 2014) four criteria for identifying suitable locations for business hubs sites including:

- The development of Business Hubs will only be permitted to occur on sites with low environmental and recreational values.
- Development must be undertaken in a manner that will minimise the environmental impact of such development.

OEH disagrees as the proposal does not meet the abovementioned PoM criteria for business hub sites given the environmental impacts of the proposal and high conservation environmental value of the site.

Finally, the proposal is inconsistent with *Principle 1 - Protect natural environmental values: deliver environmental benefits and protect environmental values through sustainable park management* of the Draft Plan of Management 2030 (March 2018).

Western City District Plan
The Western City District Plan (WCDP) March 2018 planning priorities outlined below are relevant to the proposal:

Relevant Western City District Planning Priorities

- W7. Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City.
- W12. Protecting and improving the health and enjoyment of the District's waterways
- W13. Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element
- W14. Protecting and enhancing bushland and biodiversity
- W15. Increasing urban tree canopy cover and delivering Green Grid connections
- W16. Protecting and enhancing scenic and cultural landscapes
- W19. Reducing carbon emissions and managing energy, water and waste efficiently
- W20. Adapting to the impacts of urban and natural hazards and climate change.

The intended land use for this site that is part of the WS parklands has been established by the WSP SEPP and PoM which aims to maintain the parklands and the habitat for threatened fauna and flora. The site is not identified for a future business hub and as such this proposal is inconsistent with the vision for the parklands and therefore impedes the direction W7 of delivering a sustainable western parkland city. As mentioned previously, the site is located within an area designated as a 'Major Urban Parkland & Reserve' under the District Plan and a business hub in this location is inconsistent with this direction.

Given the proposals biodiversity impacts outlined in this letter, it is considered that this development is inconsistent with each of the abovementioned Sustainability Planning priorities in the Western City District Plan.

Additional matters

- The EIS section 5.2.1 incorrectly refers to superseded legislation as follows "In particular, the native woodland on the Site that conforms to Cumberland Plain Woodland under the Threatened Species Conservation Act 1995 (NSW)".
- The retention of vegetation in site will reduce impacts on amenity and liveability to nearby residences and assist to minimise land use conflicts given neighbouring residential dwellings and noting the proponents own noise assessment concluded numerous exceedances of established acoustic amenity standards in respect of immediate residential premises.
- Cumberland Plain Woodland is currently listed as a SAII entity and NSW OEH are yet to publish clearing thresholds to determine if a project will have an SAII. In the absence of a clearing threshold, any impact is potentially considered as a SAII and therefore development consent cannot be granted under Part 4 of the EP&A Act and the decision maker must refuse the application. It is noted that this proposal is an SSD because its projected capital investment value of $12,033,669 (above the $10million that triggers SSD).

Sustainability and climate change
Relevant Western City District Planning Priorities

- W15. Increasing urban tree canopy cover and delivering Green Grid connections
- W19. Reducing carbon emissions and managing energy, water and waste efficiently
- W20. Adapting to the impacts of urban and natural hazards and climate change.

OEH notes that there is no assessment of the proposal's sustainability and climate change impacts in the EIS. OEH considers that sustainability and climate change should be addressed to achieve the District Plan priorities listed above.

Urban tree canopy and green cover

The most recent climate change projection data from the NSW Government NARCLiM data indicates that western Sydney will experience:

- an increase in maximum temperatures by 0.7ºC by 2030 and up to 1.9ºC by 2070 and
- 5-10 more hot days (over 35oC) per year by 2030 increasing to over 10-20 hot days per year by 2070.

NARCLiM data is available at http://climatechange.environment.nsw.gov.au/Climate-projections-for-NSW/About-NARCliM.

In relation to the District Plan priority to increase urban tree canopy cover (W15), the site is uniquely placed to retain existing vegetation that is a CEEC and will contribute to the area of green cover. This would provide effective and relatively low-cost resilience to heat impacts while improving amenity and providing multiple environmental benefits, such as improving the quality of runoff into Ropes Creek and enhancing the biodiversity values of the WSP.

OEH recommends the following matters be addressed:

1. Seek to increase vegetated, reflective and permeable surfaces to cover at least 40% of an area to minimise heat islands, through applying the *Technical Guidelines for Urban Green Cover in NSW* in:
    - retention of existing CEEC and vegetation on site
    - site landscaping
    - green walls and green roofs
    - street trees and plants
    - vegetated carparks
    - green shade structures.

2. Create and connect vegetated areas with a mixture of native trees, shrubs and ground covers to increase biodiversity, shade and public access to green spaces.

3. Capture rain and storm water runoff to save and filter water and reduce local flooding through:
    - reflective permeable paving
    - bioswales
    - vegetated detention basins
    - deep planting areas
    - rain gardens.

4. Plant native species along riparian creek corridors to create wildlife habitat, link natural places, prevent soil erosion and keep waterways healthy.

The *Technical Guidelines for Urban Green Cover in NSW* (OEH 2015) are available at: http://climatechange.environment.nsw.gov.au//Adapting-to-climate-change/Green-Cover.

Aboriginal Cultural Heritage

Fairfield City Aboriginal Heritage Study indicates the property is a Registered Aboriginal Heritage Site (p.62 of the Study) and listed on the AHIMS register. The Study also indicates the site is located generally within an Aboriginal 'potential investigation area'. An Aboriginal Cultural Heritage Assessment was undertaken by the Archaeological Management Consulting Group (AMAC) in conjunction with Streat Archaeological Services Pty Ltd (SAS). Test excavation was undertaken over four days 26/03/18 – 29/03/18. The programme was conducted under the Code of Practice for

Archaeological Investigation of Aboriginal Objects in New South Wales and consisted of the excavation of 30 test trenches (50cm x 50cm). It concluded that the site has nil-low archaeological significance. Intact A and A2 horizons were present although most of the study area was disturbed from past agricultural land use. The test excavation resulted in no Aboriginal objects and/or deposits of cultural significance being located.

Please note that OEH has decided not to provide comments on Aboriginal cultural heritage matters at this time. This does not represent OEH support for the proposal and this matter may still need to be considered by the consent authority. Please note that an aim of SEPP (WSP) 2009 is *(e) protecting and enhancing the cultural and historical heritage of the Western Parklands, and*

(END OF SUBMISSION)

Attachment 2 – Office of Environment and Heritage (OEH) - Exhibition of 1111-1141 Elizabeth Drive, (Cnr Cecil Road), Cecil Park SSD 8859 - Figures

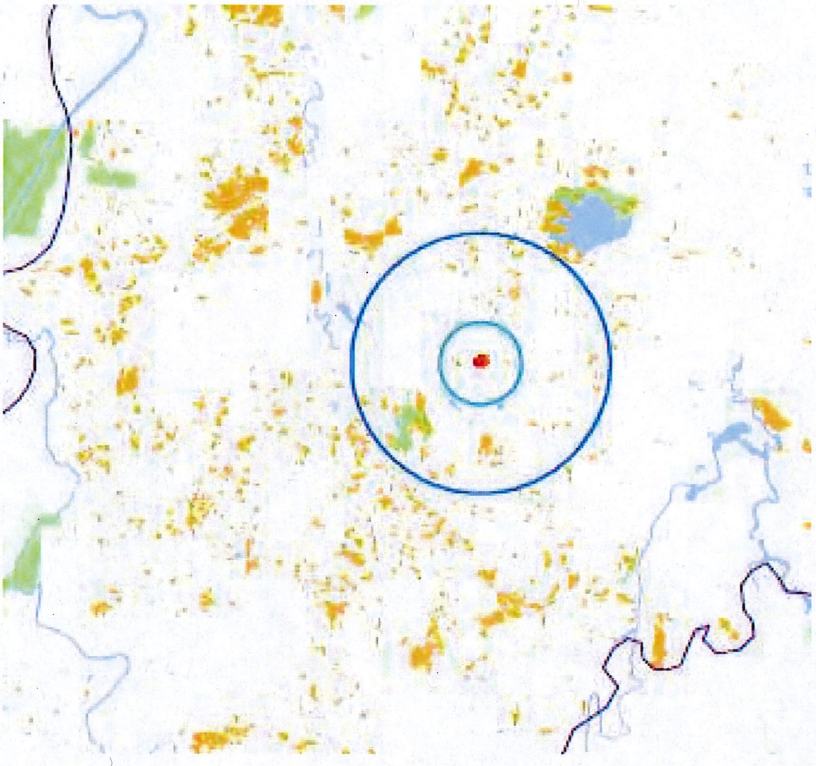

Figure 1 – CPW critically endangered ecological community within a 1,000 ha and 10,000 ha radius of the site

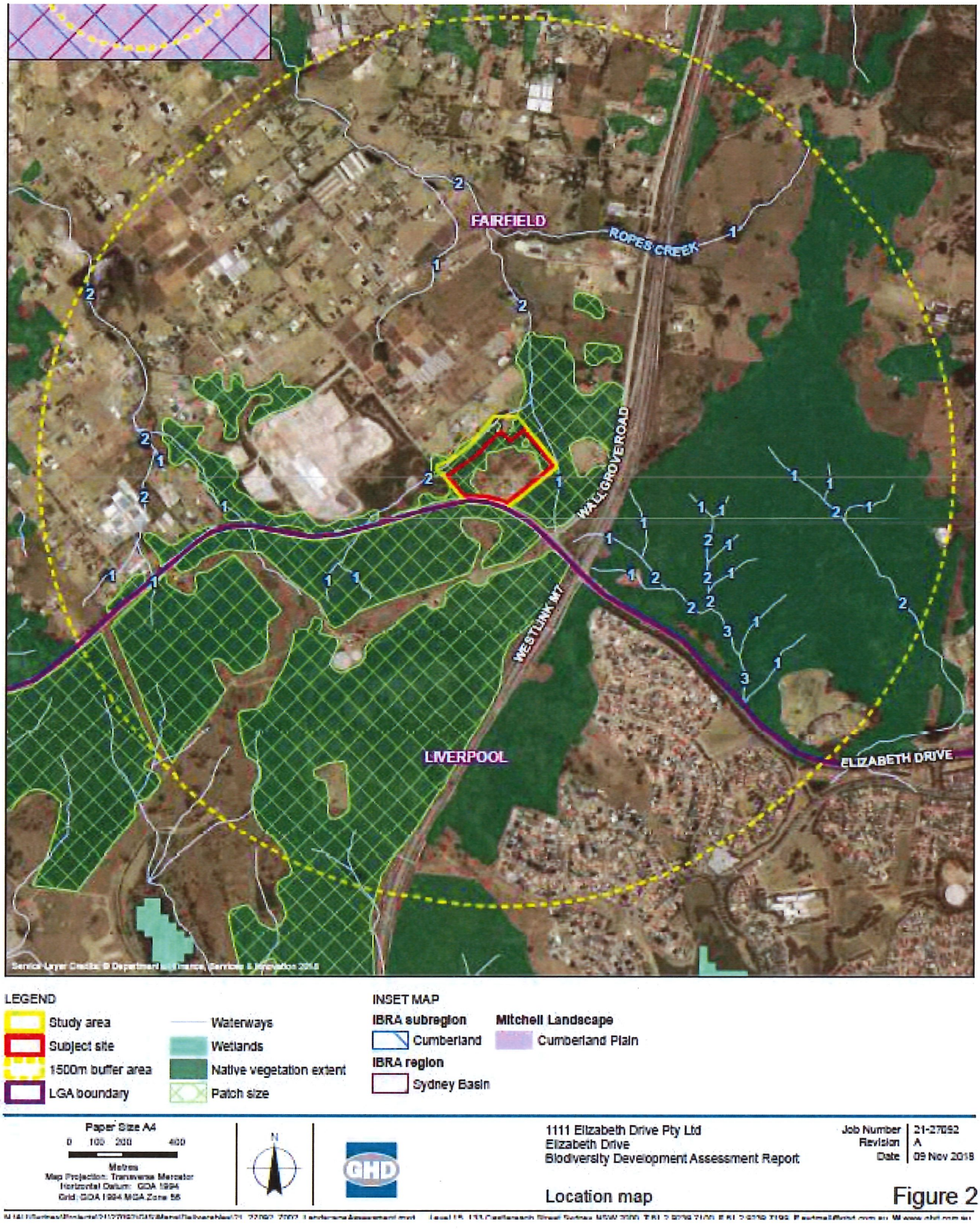

Figure 2 – Habitat Corridor, native vegetation connectivity and 331 ha patch size

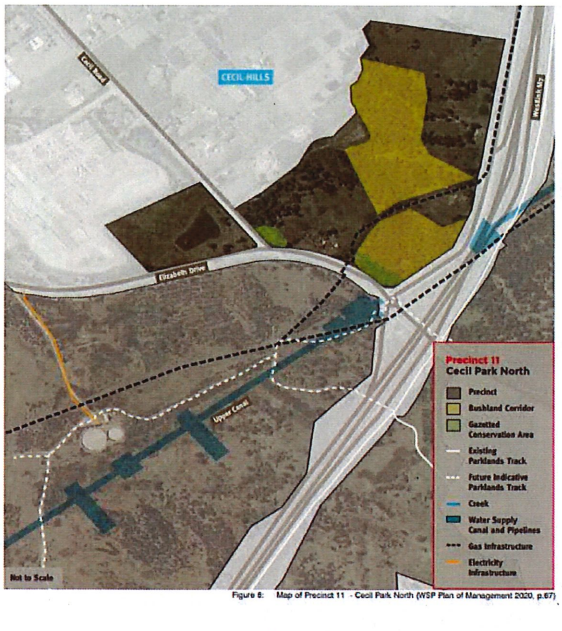

Figure 8: Map of Precinct 11 - Cecil Park North (WSP Plan of Management 2020, p.67)

Figure 10: Map of Precinct 11 - Cecil Park North (Draft WSP Plan of Management 2030, p.75)

2020 2030

Figure 3: WSP Plans of Management (PoM) 2020 and Draft 2030 PoM showing the sites connectivity to the bushland corridor