



14 August 2020

Chris Ritchie
Director, Industry Assessments
Department of Planning, Industry and Environment
12 Darcy Street
Parramatta NSW 2150

Dear Chris,

**RESPONSE TO THE DEPARTMENT'S RESPONSE TO SUBMISSIONS
ELIZABETH DRIVE SUBDIVISION (SSD 8859)**

Ae Design Partnership has prepared this letter on behalf of Elizabeth Drive Pty Ltd ("**the Applicant**") in response to the Department's Request for Response to Submissions letter dated 15 April 2019 (**Attachment 1**) in relation to the State Significant Development 8859 ("**SSD 8859**") application on the property legally identified as Lot 2 Section 4 DP 2954, otherwise known as No. 1111-1116 Elizabeth Drive, Cecil Park ("**the site**")

Amended Application

TfNSW Land Acquisition

On 19 September 2019, landowners were approached by Transport for New South Wales (TfNSW) formally opening negotiations for the compulsory acquisition of 26,617m² of the site to facilitate the re-alignment of Wallgrove Road.

On 7 May 2020, landowners received a letter from TfNSW outlining the boundary for acquisition has been amended, such that the land required to be temporarily leased for construction purposes is no longer required.

Amended Plan of Subdivision

The Amended Plan of Subdivision comprises 12 lots detailed in **Table 1** below. A new 20 metre access street is proposed off the imminent Wallgrove Road re-alignment via traffic light signalisation as anticipated by Transport for NSW. The Amended Plan of Subdivision is provided at **Attachment C**.

Table 1. Lot Summary

Lot Number	Area (m ²)
1	2,511
2	2,511
3	3,879
4	3,727
5	6,811
6	2,831
7	2,087
8	2,087
9	2,087
10	5,084
11	4,343
12	3,419

Response to Submissions

1. Department of Planning, Industry and Environment

A response to key issues raised by the Department of Planning Industry and Environment ("**the Department**") is provided at **Attachment 2**.

2. *Agency Submissions*

A response to key issues raised by Government Agencies referred to by the Department is provided at **Attachment 3**.

3. *Public Submissions*

A response to submissions received from organisations and the general public is provided at **Attachment 4**.

Sincerely,
ae design partnership pty ltd



Rohan Dickson
Director

ATTACHMENT 2 – RESPONSE TO KEY ISSUES RAISED BY DPIE

Issues	Response
Inconsistency with the Parklands SEPP and Plans of Management	
1. The Department shares the concerns of the WSPT that the development does not provide justification for the inconsistencies with the applicable strategic planning framework for the Parklands. The inconsistencies include, but are not limited to, the following: • The Plans of Management for the Parklands (including POM 2030) which identify that the primary purpose of business hubs in the Parklands is to generate revenue for the WSPT for the ongoing management of the Parklands to benefit the community; and • The land use framework and precinct maps in the Plan of Management, which show the site as being located outside land identified strategically for a business hub. You are requested to provide a comprehensive response to the concerns raised in the submission for the WSPT.	<u>Consistency with the Plan of Management 2030</u> The amended application does not propose development for the purposes of a Business Hub within the Western Sydney Parklands. The amended application provides opportunities for tourism and associated facilities consistent with the land use opportunities outlined in Precinct 11: Cecil Park North. In October 2019, intended future land uses were provided to the Department for comment. Intended future land uses are as follows: • Highway service centre • Food and drinks premises • Eco-tourist facility • Tourist and visitor accommodation • Recreation Areas • Recreation facilities (indoor) • Recreation facilities (outdoor) • Recreation facilities (major) • Information and education facility We note there have been no disagreement to date regarding the intended future land uses provided to the Department on 22 October 2019. A detailed summary defining these land uses are provided at Attachment A. A comprehensive response to the concerns raised in the submission for the WSPT is provided at Attachment B.
2. The EIS refers to the POM 2030 as being in draft form and does not sufficiently address the POM 2030. The POM 2030 is no longer in draft form,	We note the original EIS was lodged on 7 December 2018, prior to the finalisation of the POM 2030 on 17 December 2018.

as it was adopted by the Minister for the Environment and Heritage in December 2018. As such, you are requested to provide a detailed assessment of the proposed development against the POM 2030, including the Desired Future Character, Land Use Opportunities and Key management Priorities for the Cecil Park North Precinct.

An assessment against the desired future character of Precinct 11 'Cecil Park North' from the POM 2030 is provided below.

Desired Future Character

To provide for bushland and semirural paddocks as interim land uses, with future investigation into potential business or tourism uses. Allowance will be made for the future M12 Motorway corridor and associated infrastructure, if required.

The amended application seeks approval for the preparatory enabling works required to facilitate the development of tourism and associated facilities. The concept subdivision layout will accommodate a range of intended future uses which leverage off its strategic location/setting including highway service centre; food and drinks premises; eco-tourist facility; tourist and visitor accommodation; recreation areas; recreation facilities; information and education facilities.

The amended application takes into consideration the new Wallgrove Road re-alignment as proposed by Transport for NSW along the (former) north-western boundary of the site.

The site does not intercept the preferred route proposed for the future M12 corridor.

Objectives

Protect and enhance the natural systems and environmental values

The amended application takes into consideration the new Wallgrove Road re-alignment as proposed by Transport for NSW along the (former) north-western boundary of the site.

Provide services infrastructure as required

The amended proposal will accommodate a range of uses that provide services infrastructure including a highway service station.

Investigate business and tourism potential on remaining lands

The amended application is consistent with providing tourism and associated facilities within the Precinct.

	<u>Land Use Opportunities</u> <i>WSPT Business Hubs at sites designated by the Trust</i> The amended application does not propose a business hub on the site as it is not identified on the Cecil Park North Precinct Plan. <i>Tourism and associated facilities</i> The amended application is consistent with providing tourism and associated facilities within the Precinct. <i>Environmental protection works</i> Not applicable. The amended application takes into consideration the new Wallgrove Road re-alignment as proposed by Transport for NSW along the (former) north-western boundary of the site. <i>Potential Aboriginal and non-Aboriginal cultural and heritage interpretation</i> No Aboriginal objects and/or deposits of cultural significance were located during test excavation undertaken by Streat Archaeological Services Pty Ltd. <i>Existing semi-rural uses</i> The intended future land uses proposed on the site maximises its strategic location to planned infrastructure upgrades in the area. <i>Utilities infrastructure</i> The site lends itself to its strategic location adjacent critical public infrastructure upgrades, being the future M12 motorway and the new Wallgrove Road alignment.
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Biodiversity Impacts	
3. Section 6.1 of the EIS identifies that the development would result in the following biodiversity impacts: • The removal of 2.35 hectares (ha) of CPW, which is listed as a 'critically endangered ecological community' (CEEC) under the <i>Biodiversity Conservation Act 2016</i> (BC Act 2016) and the <i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act). • The removal of 2.35 ha of assumed habitat for the:	On May 2020, the landowners were approached by Transport for New South Wales to compulsory acquire 26,617m² of the site to facilitate the re-alignment of Wallgrove Road. A Revised Subdivision Plan can be found on Drawing Sheet DA05 in the Drawing Package at Attachment C illustrating extent of acquired land. A revised BDAR has been prepared by GHD at Attachment D.

○ Southern Myotis (<i>Myotis Macropus</i>), a threatened fauna species listed as 'vulnerable' under the BC Act 2016; ○ Matted Bush-pea (<i>Pultenaea Pedunculata</i>), a threatened fauna species listed as 'endangered' under the BC Act 2016; ○ Bush Stone-curlew (<i>Burhinus grallarius</i>) and the Cumberland Plain Land Snail (<i>Meridolum corneovirens</i>), which are listed as 'endangered' fauna species under the BC Act 2016. • Potential indirect impacts to adjoining vegetation from edge effects, light spill, noise and the introduction of weeds and pathogens. The Department shares the concerns of the OEH that the proposed development, in its current form, would have an adverse impact on the biodiversity values of the site and conflicts with: • The defining principle of 'protecting natural environmental values' of the POM 2030; • The aim of the Parklands SEPP of 'protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species...; and • Objective 27 of the Metropolitan Strategy, which requires that 'biodiversity is protected, urban bushland and remnant vegetation is enhanced; and planning principle W14 of the Western City District Plan, of 'protecting and enhancing bushland and biodiversity'. You are requested to provide a comprehensive response to the concerns raised by OEH.	A comprehensive response to the concerns raised by OEH has been prepared by GHD and is provided at Attachment E. Additional comments were provided by NSW Environment, Energy and Science ("EES" formerly known as OEH) in November 2019 in relation to the (then) revised concept plan. Responses to these comments have been provided by GHD at Attachment F in relation to revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C.
4. You are requested to provide a list of the number of trees proposed to be removed and the number of trees to be planted on the site, as requested in the Secretary's Environmental Assessment Requirements dated 29 November 2017.	472 trees were identified on the survey for the original site boundary prior to the imminent compulsory acquisition of a portion of the site. We note all 322 trees located within the land to be compulsory acquired are anticipated to be removed due to the nature of proposed road upgrades on this land. There are 150 trees within the revised site boundary. All trees will be removed given the extent of bulk earthworks proposed to facilitate the development. There is capacity to retain 10 trees on the eastern corner, adjacent to the gas pipe easement. It is anticipated this area will not be developed due to flooding constraints.

	Attachment G illustrates trees to be removed on the site at Drawing Sheet PS03-B300. The amended application proposes to plant 26 trees within the proposed road reserve. We anticipate that detailed design development of each lot will provide additional trees at DA stage. A Detailed Landscape Plan is provided at Drawing Sheet DA08 in the Drawing Package at Annexure C.
Acquisition of Land	
5. It is noted the site is located on private land within the Parklands. Under the Parklands SEPP, the consent authority must consider the effect of the carrying out development on acquisition costs before granting consent for development on private land in the Parklands. You are requested to provide an estimate (in dollars) of the potential increase in the future costs of acquisition of the site, following the assumed completion of the proposed development.	Subject to Legal Advice.
Traffic and Access	
6. For the purposes of predicting the worst-case traffic impacts from the proposed development, you are requested to outline the assumed hours of operation and update the traffic modelling to reflect the expected operating hours of the proposed business hub.	An updated Traffic Report has been prepared by <i>Varga Traffic</i> at Attachment H. The Traffic Report outlines: <i>“...the precise future uses on the site are not yet known, nor the sizes of any future buildings, such that it is difficult to accurately quantify the traffic generation potential of the proposed subdivision.</i> <i>Notwithstanding, and based on the above traffic generation rates, for the purposes of this assessment, a traffic generation rate of 6 peak hour vehicle trips per 100m² has been adopted. By comparison, this rate is considered to be a very conservative figure.</i> <i>Application of the above traffic generation rate to the potential for 9,490m² GFA, yields a traffic generation potential of 568 peak hour vehicle trips, the majority of which are expected to be attributed to the service station and fast food restaurant(s). This estimate represents both IN movements & OUT movements, combined – i.e. potentially 284 trips IN & 284 trips OUT.”</i>

7. You are requested to clarify what the predicted worst-case daily traffic volumes for the site would be.	An updated Traffic Report has been prepared by Varga Traffic at Attachment H. The Traffic Report outlines: <i>"In terms of daily traffic volumes, the RMS Guidelines specifies varying rates which differ between land uses and operating hours. As a guide, the peak hour traffic generation rates are factored up by 10 to obtain an estimate of the daily traffic generation rates. Based on this methodology, the proposed subdivision will have an estimated daily traffic generation in the order of 5,680 vehicle movements, including approximately 568 heavy vehicles."</i>
8. The EIS states (on page 18 of Appendix 21 'Traffic and Parking Assessment Report') that the proposed development would generate up to 653 peak hour vehicle trips during the peak network periods. Provide a breakdown of vehicle types expected to enter and exit the site and the proportion of heavy and light vehicles.	An updated Traffic Report has been prepared by Varga Traffic at Attachment H. The Traffic Report outlines: <i>"...the heavy vehicle percentage of the abovementioned traffic volume could be in the order of 6%. Given the future upgrade of the surrounding area, including access to/from the new airport and expected increased freight movements, the future heavy vehicle percentage could be somewhat higher, say closer to 10%, or approximately 57 vehicles."</i>
9. Outline any assumptions used in determining the number of vehicles for passing trade.	An updated Traffic Report has been prepared by Varga Traffic at Attachment H. The Traffic Report outlines: <i>"...passing trade occurs when a person might visit the proposed service station and/or fast food restaurants on the site on their way home from work. That person is already travelling on the nearby road network, thereby not incurring an additional vehicle trip."</i>
10. Provide details of the predicted construction traffic volumes and principles that would be implemented to manage traffic from construction activities.	An updated Traffic Report has been prepared by Varga Traffic at Attachment H. The Traffic Report outlines: <i>"All practicable measures will be taken, including the use of "truck scrubbers", to ensure that vehicles leaving the site do not deposit mud or debris on the road. Any mud or debris deposited on the road must be cleaned up immediately in a manner that does not pollute waters (i.e. by sweeping or vacuuming)."</i> <i>The site manager will ensure that there is adequate on-site parking available for employee, tradesperson and construction vehicles. Given the size of the subject site, there will be ample on-site parking available for contractors. In addition, staff will be encouraged to utilise public transport which will minimise traffic and parking impacts as a consequence of the construction process."</i>

11. Provide details of the volume of traffic predicted for the collection of wastewater and include this in the traffic modelling.	An updated Traffic Report has been prepared by <i>Varga Traffic</i> at Attachment H. Proposed road upgrades associated with the imminent Wallgrove Road re-alignment and Elizabeth Drive upgrades have been designed by TfNSW with a long-term vision. The Traffic Report outlines: <i>"It is therefore expected that the three intersections and the surrounding road network will have significant spare capacity for many years to come, including the ability to accommodate the associated future traffic of the subject site."</i>
Risks and Hazards	
12. The department has undertaken a search of the Australian Pipeline Database and found that: • The Jemena Eastern Gas Pipeline (NSW Pipeline Act 1967 Licence #26) is located within the site; and • The Jemena Central Trunk (Wilton to Horsley Park) Pipeline (NW Pipelines Act 1967 Licence #1) is located in vicinity of the site. Figure 10 in the EIS provides a general indication of two pipelines marked 'Gas Infrastructure' on the diagram and Table 8 in the EIS only identifies the Jemena Eastern Gas Pipeline. Provide a figure which clearly shows the location of all high-pressure dangerous goods and gas pipelines within or in the vicinity of the site.	A diagram illustrating the location of all high-pressure dangerous goods and gas pipelines within or in the vicinity of the site is provided at Attachment I.
13. Detail the consultation outcomes with all operators of high-pressure dangerous goods and gas pipelines within or in the vicinity of the site with regards to the requirements of <i>Australian Standards AS 2885 – Pipelines – Gas and liquid petroleum</i> (AS 2885). Provide sufficient details on how (where relevant) outcomes would be delivered, including and not limited to: a. How all operators of high-pressure dangerous goods and gas pipelines would be notified and consulted prior to development works associated with the new 14 lots; and b. Ensuring that the operation of all high-pressure dangerous goods and gas pipelines can comply with AS 2885, considering any potential land uses in the vicinity of these pipelines.	The amended application is for the purposes of subdivision to facilitate a range of future intended land uses on each lot. A condition should be imposed for the redevelopment of each lot at DA stage, where proponents will be required to detail the consultation outcomes will all operators of high-pressure dangerous goods and gas pipelines within or in the vicinity of the site in accordance with the requirements of <i>Australian Standards AS 2885 – Pipelines – Gas and liquid petroleum</i> (AS 2885).

14. You are requested to provide a detailed response to Jemena's submission. On 26 March 2019, the Department requested clarification on a number of matters in the Jemena submission. The Department will provide you with a copy of any further response from Jemena.	A detailed response to Jemena's submission has been provided in Attachment 3 below.
Contamination and Remediation	
15. The EIS identifies (on page 16 of Appendix 13 'Preliminary Site Investigation') that the site was previously used for market gardens and there is potential for heavy metals and pesticides to be present on the site. Provide a detailed site investigation report prepared by a certified contaminated land consultant in accordance with relevant EPA guidelines to confirm the site can be made suitable for the proposed use/s.	A Detailed Site Investigation Report was prepared by Martens dated August 2020 (Attachment J) and recommends that <i>"additional assessment be completed within all site areas expected to contain fill material as per PSI and DSI observations, in order to delineate asbestos impacts within fill material. Additionally, assessment for asbestos fines (AF) and fibrous asbestos (FA) in accordance with NEPM (2013) methodology will be required.</i> <i>A Remediation Action Plan (RAP) will be required for the site to guide the remediation of identified asbestos contamination. Current site data has confirmed that asbestos is present in fill material at shallow depths or on the ground surface. However findings of the additional asbestos in soils assessment will be required in order to confirm the full extent of asbestos contamination and determine the most practical remediation solution.</i> <i>Post remediation, a Site Validation Report will be required to confirm the remediated site's suitability for the proposed development."</i>
16. If the detailed site investigation report finds that the site needs to be remediated, provide a remediation plan prepared by a certified contaminated land consultant which addresses the requirements of the <i>State Environmental Planning Policy No.55 – Remediation of Land</i>.	A Detailed Site Investigation Report was prepared by Martens dated August 2020 confirms a Remediation Action Plan be prepared to guide the remediation of identified asbestos contamination following site demolition works
Stormwater and Wastewater Management	
17. Provide a copy of the MUSIC modelling undertaken for the stormwater quality assessment.	MUSIC modelling has been prepared by <i>Martens</i> and is appended at Attachment K.
18. Provide detailed engineering drawings for the proposed stormwater treatment measures.	Detailed engineering drawings has been prepared by <i>Martens</i> and is appended at Attachment K.

19.	Provide details of how the existing dam in the north eastern corner of the site will be managed.	The amended proposal provides an on-site detention basin on the northern-most corner of the site. The Stormwater Report details an Onsite Detention Strategy at Section 3. Refer to Attachment K .
20.	Provide owners consent, from the adjoining land owner, to increase the quantity of stormwater proposed to be dispensed into the dam, and consent to undertake any works in or associated with the dam.	The amended proposal no longer seeks to increase the quantity of stormwater to be dispensed into the dam. An on-site detention basin is proposed within Lot 12 of the revised subdivision concept layout. On this basis, owners consent from the adjoining land owner is no longer warranted.
21.	Clarify whether or not the calculations for the wastewater loads in the EIS consider load that may be generated by short-term accommodation uses on the site and if not provide this information.	Lots 1-5 have the potential to be used for short term accommodation as they are not constrained by bushfire asset protection zone requirements and the gas pipeline easement 76m sensitive development buffer. The scope of this SSD does not propose land uses for each of the lots within the proposed subdivision concept plan. Separate DAs for each of the new lots will be lodged at a later stage which will provide sufficient details on the actual development proposed of each new lot. The Preliminary Onsite Wastewater Assessment (Attachment L) states that <i>“Should greater generation rates be assessed at the DA stage for any development, regardless of whether they are short term accommodation uses of other commercial developments, then septic tank and collection well sizes as provided in Table 13 will need to be recalculated.”</i>
Political Donations Disclosure		
22.	Provide a completed copy of the Political Donations Disclosure Statement in Attachment 2.	Not Applicable.
Landscaping		
23.	Provide a detailed landscape plan specifying the location of proposed plant species, setbacks and the total area in square meters proposed to be landscaped across the business hub.	A Detailed Landscape Plan has been provided at Drawing Sheet DA08 in the Drawing Package at Attachment C .
Geotechnical Engineering		
24.	Provide a detailed retaining wall plan which shows: a. Height of all proposed retaining walls	Details of proposed retaining walls is provided on the Earthworks Grading Plan on Drawing Sheet PS03-C100 in Attachment G .

b. Sectional plans c. Retaining wall design.	
25. Provide a detailed plan showing all cut and fill proposed on site.	Revised Civil Design Plans detailing all cut and fill proposed on the site is provided on Drawing Sheet PS03-C500 at Attachment G.
Visual Impacts	
26. Provide an assessment of the potential visual impacts of the proposal from the nearest residential dwelling to the north, including photomontages.	Photomontages are no longer required due to new Wallgrove Road alignment that will be undertaken by Transport for NSW between neighbouring residential properties and the site.



ATTACHMENT 3 - RESPONSE TO AGENCY SUBMISSIONS

The following is a response to the full text of submissions provided by or on behalf of State and Local Government agencies. The proponent's responses have been informed by input by the expert consultant team, and should be read in conjunction with the publicly exhibited Environmental Impact Statement and accompanying technical reports, as well as the Response to Submissions Letter to which this document is appended.

The relevant agencies can be found at the following page references:

1.	Department of Industry	11
2.	Fairfield City Council	11
3.	Endeavour Energy	17
4.	NSW Environment Protection Authority "EPA"	17
5.	Jemena	17
6.	NSW Rural Fire Service	19
7.	Sydney Water	19
8.	Transport for NSW	20
9.	Water NSW	22
10.	Transport Roads and Maritime Services	22
11.	Office of Strategic Lands	25
12.	Hazard Assessment DPIE	26

Issues & Recommendations	Response
Department of Industry - Given the proposal is State Significant Development, the proposed work is exempt from requiring a Controlled Activity Approval; however any works undertaken within watercourses or water front lands should be done so in accordance with the Department's <i>Guidelines for Controlled Activities</i> (2012). - If the proposal intercepts groundwater, a water access licence may be required. All proposed groundwater works, including bores for the purpose of investigation, extraction, dewatering, testing or monitoring must be identified in the proposal and an approval from the Natural Resources Access Regulator must be obtained prior to their installation. - If the dam in the north eastern corner of the site is to be decommissioned, a decommissioning plan must be prepared and submitted to NRAR. The Plan should include details of the quantity of water and proposed method of disposal and rehabilitation measures. - Guidelines/policies that should be addressed are as follows: - Aquifer Interference Policy 2012 - Guidelines for Controlled Activities 2012 - The proposed development has not undertaken a land use conflict assessment (LUCRA) to determine what impact if any, such a development will have on the mainly rural residential and rural industries on Rural Zoned land (RU1 and RU4) in the vicinity of the site. A link to the LUCRA Guide is as follows: https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment2/lucra	Noted. Noted. A condition of consent should be imposed requiring these matters to be addressed as part of the Construction Certificate application for the relevant stage. The dam in the north eastern corner of site is located within the 26,617m² of land to be acquired by Transport for NSW for the re-alignment of Wallgrove Road. The revised concept plan (DA05) is appended at Attachment C illustrating extent of acquired land. As the dam is no longer within the revised site boundary a decommissioning plan is not required. Noted. A condition of consent should be imposed requiring assessment of these guidelines/policies during detailed DA stage of each lot. The scope of this SSD does not propose land uses for each of the lots within the proposed subdivision concept plan. Separate DAs for each of the new lots will be lodged at a later stage which will provide sufficient details on the actual development proposed of each new lot. A condition of consent should be imposed requiring these matters to be addressed as part of the detailed DA's for each of the new lots.
Fairfield City Council A. <u>Planning</u> Economic Impact Issues – Acquisition of Land	Noted.

The proposed land uses on the site are permissible under the SEPP (WSP). However, based on the provisions of the SEPP, it is understood the Western Sydney Parklands (WSP) Trust would need to provide confirmation to the DPE that the proposed scale of development on the site is acceptable having regard to the acquisition provisions relevant to the site. This relates to the potential acquisition of the privately owned land by the Trust and the “effect of carrying out the development on acquisition costs” including the cost of restoring natural systems of the Parklands.	
In addition, the WSP Trust would need to have regard to the 2% quota applying under the WSP POM to the amount of land in the Parklands that can be developed for commercial and industrial uses. It is understood that in the event private development of the subject site took place this would be included within the 2% cap and would therefore impact upon the amount of other land in the Trust’s ownership that could be developed for commercial development.	The amended application does not propose development for the purposes of a Business Hub within the Western Sydney Parklands. The amended application provides opportunities for tourism and associated facilities consistent with the land use opportunities outlined in Precinct 11: Cecil Park North.
As a result of construction of the Western Sydney Airport, Aerotropolis and associated infrastructure, both Horsley Park and Cecil Park are facing significant change. This is particularly relevant to Elizabeth Drive which represents one of the main arterial road corridors servicing the WS Airport and Aerotropolis.	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration the imminent road upgrades around the site, specifically the new Wallgrove Road re-alignment and the Elizabeth Drive road upgrades.
In this respect, in future the nature of land use activities along the Elizabeth Drive Corridor will change as the area becomes more urbanised and attracts more residential, commercial, industrial and service related uses associated with the uptake of the WSA and Aerotropolis.	The amended application provides opportunities for tourism and associated facilities consistent with the land use opportunities outlined in Precinct 11: Cecil Park North. In October 2019, intended future land uses were provided to the Department for comment. Intended future land uses are as follows: • Highway service centre • Food and drinks premises • Eco-tourist facility • Tourist and visitor accommodation • Recreation Areas • Recreation facilities (indoor) • Recreation facilities (outdoor) • Recreation facilities (major) • Information and education facility We note there have been no disagreement to date regarding the intended future land uses provided to the Department on 22 October 2019. A detailed summary defining these land uses are provided at Attachment A.

Additionally, the changing nature of land uses will require the roll out of new and upgraded infrastructure (including public transport and roads) to service the Western City. It is noted that planning for this change is already well underway at State and Federal level as well as work being undertaken by Council in relation to the Rural Lands UIA.	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration the imminent road upgrades around the site, specifically the new Wallgrove Road re-alignment and the Elizabeth Drive road upgrades. A submission was lodged in February 2019 during the public exhibition period of the Draft Structure Plan for the Fairfield Rural Lands Urban Investigation Area ("UIA")- covering the suburbs of Horsley Park and Cecil Park. The purpose of this submission was to include the redevelopment on the site at No. 1111-1141 Elizabeth Drive in the Urban Investigation Area for Horsley Park and Cecil Park. Council at its meeting of 9 April 2019 considered submission from the community and Council officer's recommendations and resolved to endorse a proposed preferred Structure Plan for the Rural Lands UIA. Submissions received from the Greater Sydney Commission and state agencies highlight the need for further detailed investigations into a range of infrastructure, environmental and transport planning issues relevant to the UIA. It is understood that Council is seeking funding support from State Government to progress the structure and master planning for the UIA. On this basis, finalisation of the Draft Structure Plan for the Fairfield Rural Lands Urban Investigation Area is not imminent.
Economic Impact Issues – Viability of Existing Centres The proposed development includes capacity for up to 12,300m² in commercial floor space with a concept proposal included in Attachment B. Under the concept proposal (in the medium term) approximately 2,250m² is identified for delivery of large format and bulky goods retail associated with a homemaker centre style development.	The scope of this SSD does not propose land uses for each of the lots within the proposed subdivision concept plan. Separate DAs for each of the new lots will be lodged at a later stage which will provide sufficient details on the actual development proposed of each new lot. The amended application provides opportunities for tourism and associated facilities consistent with the land use opportunities outlined in Precinct 11: Cecil Park North. In October 2019, intended future land uses were provided to the Department for comment. Intended future land uses are as follows: • Highway service centre • Food and drinks premises • Eco-tourist facility • Tourist and visitor accommodation • Recreation Areas

	• Recreation facilities (indoor) • Recreation facilities (outdoor) • Recreation facilities (major) • Information and education facility We note there have been no disagreement to date regarding the intended future land uses provided to the Department on 22 October 2019. A detailed summary defining these land uses are provided at Attachment A.
An economic impact statement submitted with the application indicates this could include such categories as <i>“household appliances, manchester and homewares, furniture, floor coverings and textiles, pet supplies, camping equipment, liquor outlets and hardware and landscape garden supplies”</i>. In previous submissions to the WSP POM, Council has advised the WSP Trust that it would not support the establishment of any retail uses that have the capacity to impact on the viability of established retail centres of the City. This position has been supported by the findings and recommendations of previous retail studies undertaken for the City which concluded that there were not sufficient grounds for expansion of land zoned for retail floor space outside the established town centres of the City.	Noted. The amended application does not propose any retail uses on the site to minimise any impacts on the viability of established retail centres of the City.
As detailed above, the nature a large format retail uses associated with the development are associated more with bulky goods type development and not less specialised retail uses such as supermarkets and retail shops. The Fairfield Centres Study 2015 found that Fairfield City <i>“has a significant shortfall of bulky goods retailing floor space..... this can be attributed to a lack of vacant appropriately zoned sites and the more recent development of several bulky goods centres outside the City, especially within Liverpool City”</i>. In this regard, there is no objection to the scope and nature of specialised large format retail uses proposed on the site. However, given Council’s established position on commercial uses within the Parklands, Council is adamant that future retail uses on the site should be restricted to bulky goods type development and not include non-specialised retail uses such as supermarkets and smaller retail shops.	Noted. The scope of this SSD does not propose land uses for each of the lots within the proposed subdivision concept plan. Separate DAs for each of the new lots will be lodged at a later stage which will provide sufficient details on the actual development proposed of each new lot. Bulky goods type developments to be included in intended future land uses and will be subject to detailed DA’s for each of the new lots and accompanied with a bulky goods retailing needs assessment.
B. <u>Traffic and Transport</u> The proposal includes approximately 300 car parking spaces on the site. The traffic report for the proposal indicates that during peak hour periods the proposed full scale	An updated Traffic Report has been prepared by <i>Varga Traffic</i> at Attachment H. The Traffic Report outlines:

development of the site (associated with the highway service centre and other uses) would generate up to approximately 653 vehicles per hour.	<i>“...for the purposes of this assessment, a traffic generation rate of 6 peak hour vehicle trips per 100m² has been adopted. By comparison, this rate is considered to be a very conservative figure.</i> <i>Application of the above traffic generation rate to the potential for 9,490m² GFA, yields a traffic generation potential of 568 peak hour vehicle trips, the majority of which are expected to be attributed to the service station and fast food restaurant(s). This estimate represents both IN movements & OUT movements, combined – i.e. potentially 284 trips IN & 284 trips OUT.”</i>
To address traffic impacts generated by the proposal, the traffic report also recommends provision of a new roundabout at the Elizabeth Drive and Cecil Road as well as widening Elizabeth Drive to 2-lane/2-way between Cecil Road and Wallgrove Rd. In addition, a service road is proposed on the southern boundary of the site (accessed from Elizabeth Drive) servicing the proposed lots on this section of the site.	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration the proposed Elizabeth Drive Upgrade and the proposed Wallgrove Road alignment including the proposed intersection on Elizabeth Drive.
Although the site is located outside the Fairfield Rural Lands UIA, the proposal will rely on Cecil Road as the main service road to future commercial development on the subject site. This has important implications for traffic movement along Cecil Road which represents the principle local road servicing existing and future development in Cecil Park.	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration the proposed Elizabeth Drive Upgrade and the proposed Wallgrove Road alignment. Proposed access to the site has been provided by Transport NSW from the proposed Wallgrove Road alignment. An updated Traffic Report has been prepared by <i>Varga Traffic</i> at Attachment H.
Council's Traffic Engineer has undertaken a review of the application and in summary has identified the following concerns: Cecil Road is the main access road from Cecil Park to Elizabeth Drive. In recent years Council has made representations to the RMS for provision of traffic signals at the intersection of Cecil Road and Elizabeth Drive which is yet to be supported by the authority.	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration the proposed Elizabeth Drive Upgrade and the proposed Wallgrove Road alignment including the proposed intersection on Elizabeth Drive.
There is a need for signalisation of this intersection having regarding to traffic safety issues associated with the current levels of traffic along Cecil Road and Elizabeth Drive and poor sight lines from Cecil Road to Elizabeth Drive.	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration the proposed Elizabeth Drive Upgrade and the proposed Wallgrove Road alignment including the proposed intersection on Elizabeth Drive. An updated Traffic Report has been prepared by <i>Varga Traffic</i> at Attachment H.

The installation of a roundabout at this intersection is considered unsuitable given the function of Elizabeth Drive and Cecil Road (both now and into the future), type of vehicles using the intersection, the current levels of traffic and expected significant increase in regional traffic along Elizabeth Drive as a result of development associated with the Western Sydney Airport at Badgerys Creek and Aerotropolis development.	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration the proposed Elizabeth Drive Upgrade and the proposed Wallgrove Road alignment.
The above concerns are compounded by the degree of site development associated with the proposed highway service centre at 1111-1141 Elizabeth Drive and high levels of traffic movement generated by the proposal, lack of service/turning lanes from the site to/from Cecil Road, amount of queuing that would occur on Cecil Rd/Elizabeth Drive and associated detrimental impacts on traffic safety in the area.	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration the proposed Elizabeth Drive Upgrade and the proposed Wallgrove Road alignment.
In addition to the above, it is noted that in November 2018, Transport for NSW and RMS announced commencement of investigations into the Elizabeth Drive upgrade project between the M7 Motorway at Cecil Hill to the Northern Road at Luddenham. The RMS website indicates that the <i>“upgrade covers an approximately 14km section of Elizabeth Drive and the investigations include preliminary engineering, completion of strategic designs, environmental field investigations and strategic modelling. The investigations are expected to be completed by mid-2019 and will help inform an access strategy for the corridor”</i>. It is understood that the investigations will lead to a major upgrade of Elizabeth Drive which will function as one of the main east west arterial road connections to the Western Sydney Airport and Aerotropolis, operating in conjunction with the proposed new M12 motorway link from the existing M7 Motorway to the WS Airport.	Noted. The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration the proposed Elizabeth Drive Upgrade and the proposed Wallgrove Road alignment.
Although the RMS and Transport for NSW would make the ultimate determination on the suitability of a the intersection treatment of Elizabeth Drive and Cecil Road, Council advises the DP&E that it does not support the provision of a roundabout at this location having regard to the above issues raised.	As illustrated in the revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C, vehicular access into the site is proposed via the imminent Wallgrove Road re-alignment proposed by TfNSW. The Proposed Wallgrove Road alignment will intersect with Elizabeth Drive via new traffic signalisation.
C. <u>Natural Resources</u> Council’s Natural Resources officer has assessed the proposal and has recommended that the following measures be conditioned to ensure that during construction any potential negative impacts on biodiversity are minimised: • Sediment and erosion control measures; • Pre clearance ecological survey and supervision during clearing work; • Temporary fencing of no go areas;	Noted. A condition of consent should be imposed requiring these matters to be addressed as part of the Subdivision Works Certificate application for the relevant stage.

No parking, site sheds, stock piles to go outside the development footprint; and Briefing of environmental obligations to site staff including toolbox talks and as part of site register.	
In addition, there should be ongoing monitoring of biodiversity areas during the operational phase and the following ongoing management actions should be implemented: - Erosion control; and - Demarcation of no go areas	Noted. A condition of consent should be imposed requiring these matters to be addressed as part of the Subdivision Works Certificate application for the relevant stage.
D. <u>Environmental Management</u> No major issues/concerns were identified under the proposal and Council considers that the report makes adequate recommendations for the remediation of the site to make suitable for the proposed commercial subdivision.	Noted.
Council does however recommend that in addition to adhering to the recommendations contained within the report, an 'unexpected finds protocol' be developed and included as a condition of consent.	Noted.
Endeavour Energy	
Subject to the following recommendations and comments Endeavor Energy has no objection to the Planning Proposal. - Network Capacity / Connection - Bushfire - Safety Clearances - Earthing - Vegetation Management - Dial before You Dig - Demolition - Public Safety - Emergency Contact	Noted. A condition of consent should be imposed requiring these matters to be addressed as part of the Subdivision Works Certificate application for the relevant stage.

On the basis of the information provided, the proposal does not constitute a Scheduled Activity under Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> ("the POEO Act"). The EPA does not consider that the proposal will require an Environment Protection Licence under the POEO Act. The EPA has no further comment regarding the proposal and has no further interest in this matter.	Noted.
Jemena	
Sensitive Developments within 766m of Jemena's pipeline easement boundary must undergo a Safety Management Study for the purpose of identifying, considering and addressing the implications to the pipeline as well as to the community and environment.	Jemena have identified "<i>Sensitive Developments as Schools, child care centres, accommodation, town centres, places of assembly, shopping centres, administrative centres, industrial complexes, service stations.</i>" The revised concept plan is appended at Drawing Sheet DA06 in the Drawing Package at Attachment C and illustrates a 76 metre buffer from the gas pipeline easement boundary. The amended application does not propose any sensitive developments within a 76 metre buffer from the gas pipe-line easement. A Safety Management Study is not warranted on this basis.
Jemena strongly recommends the consenting authority do not approve Sensitive Developments within 76m of Jemena's pipeline easement boundary.	Intended future land uses agreed for the site are as follows: - Highway service centre - Food and drinks premises - Eco-tourist facility - Tourist and visitor accommodation - Recreation Areas - Recreation facilities (indoor) - Recreation facilities (outdoor) - Recreation facilities (major) - Information and education facility It is important to note the scope of this SSD application is for the purposes of subdivision and does not specify in detail the proposed land uses for each of the lots proposed. Separate DAs for each of the new lots will be lodged at a later stage which will provide sufficient details on the actual development proposed at each new lot. A condition of consent should be imposed requiring these matters to be addressed as part of the detailed DA's for each of the new lots.

Should the consenting authority approve sensitive developments within 76m of Jemena's pipeline easement boundary, additional protection measures such as: pipeline relocation, protective concrete slabbing of pipeline would be required. All costs associated with the additional protection measures would be borne by development proponent/third party.	A condition of consent should be imposed on Lots 6, 7, 8, 9, and 10 so that Sensitive Developments are not permitted on these sites without consultation with Jemena or the provision of additional protection measures.
All development proposed (including roads, utilities, boundary fences) within Jemena's pipeline easement will require Jemena's review and acceptance.	The Civil Plans at Attachment G demonstrates that no roads, utilities, and boundary fences are proposed within Jemena's pipeline easement. Minor fill batters will be located within the pipeline easement with the potential of eliminating any additional fill on the easement by providing a retaining wall adjacent to the gas pipe easement boundary.
NSW Rural Fire Service	
Asset Protection Zones (APZ) A SFPP on the subject land would require an asset protection zone of a minimum of 50m (based on a vegetation classification of woodland and a slope of 0-5°), in order to meet the relevant performance criterion of a radiant heat level no greater than 10kW/m². Proposed lots 7 and 8, and indeed most lots within the subdivision, are not of sufficient size to be able to provide the required APZ. (Lots 2, 3, 11, 12 and 13 would have sufficient separation distance to the bushfire hazard, to provide the 50m APZ).	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C would allow SFPP developments on proposed lots 1, 2, 3, 4, and 5 as they can achieve the required minimum asset protection zone of 50 metres.
Access - It is a requirement of <i>Planning for Bush Fire Protection 2006</i> that <i>"The public road system provide alternative access or egress for firefighters and residents during a bush fire if part of the road system is cut by fire."</i> - The proposed subdivision does not do this. There is a single access point to Cecil Road. This access point is alongside a bushfire hazard, and so has the potential to be cut by fire, leaving no safe evacuation route. Because of this it would not be acceptable to the NSW RFS to locate a SFPP within the subdivision.	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C provides a single access point to the proposed Wallgrove Road alignment. The single access point is no longer alongside a bushfire hazard therefore no longer has the potential to be cut by fire as the proposed bio basin lot would and would be acceptable to locate a SFPP within the subdivision.
Therefore, in summary, the New South Wales Rural Fire Service does not object to the proposed development, but only on the understanding that a motel, or any special fire protection purpose development, will not be permitted within the development.	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration NSW Rural Fire Services recommendation. Refer to above responses

If any tourist accommodation is still to be proposed, the design of the subdivision should be reconsidered.

Sydney Water

Water Servicing

The site fronts a water main along Cecil Road and Elizabeth Drive which is supplied from the Cecil Park Water Supply Zone. This system is currently subject to demand constraints with several ongoing developments occurring within the area including the development of the Western Sydney Airport. Sydney Water is planning for the Aerotropolis and residential development in the South West Growth Area.

The applicant has provided details of total preliminary water yields for the respective allotments within their Service Utility Infrastructure Assessment. However, more information on the development's staging is required to ascertain whether there is enough existing capacity to service part of the site initially and, longer term, in line with our planning for the area.

This application seeks approval for Subdivision Concept Plan for the site and preparatory works to facilitate future intended uses. Staging is subject to future detailed DA of each lot.

Wastewater Servicing

The development site is not serviced by a Sydney Water sewer main with the nearest main being located east of the site in Isabel Street, Cecil Hills. Sydney Water is not supportive of a private pump to sewer connection to this main. As such, the developer will need to arrange a private onsite wastewater management system.

The Preliminary Onsite Wastewater Assessment outlined that the developer's preference is for a pump-out system. Sydney Water advises that a pump-out system is a temporary solution and should only be considered when an ultimate solution has been identified and construction is approved. Sydney Water generally only prefer a pump-out system when it operates for less than one year.

Prior to commenting further, Sydney Water would like the opportunity to discuss this option in greater detail, specifically in relation to staging and timescales.

To discuss these issues around water and wastewater servicing, we recommend that a meeting between Sydney Water, the developer and their WSC take place so that these details can be provided.

This advice is not a formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More

Noted. A condition of consent should be imposed requiring these matters to be addressed as part of the Subdivision Works Certificate application for the relevant stage.

information about the Section 73 application process is available on our web page in the Land Development Manual.

Transport for NSW

Elizabeth Drive Upgrade

Issue:

The traffic report recommends the intersection of Elizabeth Drive and Cecil Road to be upgraded to a roundabout, having considered the existing configuration results in long waiting times for vehicle existing Cecil Road onto Elizabeth Drive. Roads and Maritime Services is undertaking an investigation of upgrading Elizabeth Drive to meet the projected and planned future growth in the region.

Recommendation:

It is requested that the applicant should consult Roads and Maritime Services in regards to the preliminary concept of Elizabeth Drive Upgrade to inform the intersection analysis.

The revised concept plan appended at Drawing Sheet **DA06** in the Drawing Package at **Attachment C** takes into consideration the proposed Elizabeth Drive Upgrade and the imminent Wallgrove Road alignment.

Active Transport

Issue:

The EIS and traffic report have indicated that construction of a new shared pathway should be considered. Figure 6 in the EIS has indicated that footpath and cycle path will be provided along the site boundaries interfacing Elizabeth Drive. The traffic report states that this new shared pathway along the northern side of Elizabeth Drive, pass the site frontage, will connect to the Westlink M7 shared path. However, as shown in various figures in both reports, it is not evident how the proposed new shared path will interact

Recommendation:

Clarification is needed to demonstrate how the proposed new shared path will interact with the proposed deceleration lane and connects with the Westlink M7 shared path. It is also requested that the proposal should consider continuing the new shared path into Cecil Road across the frontage of the proposed Lot 1 and 2.

The revised concept plan appended at Drawing Sheet **DA06** in the Drawing Package at **Attachment C** provides a 1.5 metre wide footpath and a 3 metre wide shared pathway within the proposed access street (20 metre reserve) verges. Refer to Drawing Sheet **DA11** in the Drawing Package at **Attachment C**.

A condition of consent should be imposed requiring these matters to be addressed as part of the Subdivision Works Certificate application for the relevant stage.

Commercial Vehicle Access

Issues:

The revised concept plan appended at Drawing Sheet **DA06** in the Drawing Package at **Attachment C** provides an internal road to accommodate larger commercial vehicle size.

The traffic report assumes that a large rigid truck is the largest commercial vehicle size that would access the local road which connects to Cecil Road. <i>Recommendation:</i> Giving consideration to the nature of the proposed development and the location of the site with regard to the motorways, it is recommended that the internal road should be designed to at least accommodate larger commercial vehicle size i.e. B-Double or bigger.	An updated Traffic Report has been prepared by <i>Varga Traffic</i> at Attachment H.
Construction Impacts <i>Issue:</i> The submission has been supported by a concept earth works and road works plan. In order to appropriately manage the anticipated construction traffic impact, a Construction Traffic and Pedestrian Management Plan must be developed prior to carrying out any demolition/construction activities on site. <i>Recommendation:</i> A condition of consent in regards to providing a Construction Traffic and Pedestrian Management Plan for approval must be implemented.	Noted.
WaterNSW	
WaterNSW has reviewed the EIS and supporting documentation, and has assessed the potential for impact on WaterNSW's Upper Canal to be low, and therefore does not have any comments or particular requirements.	Noted.
Transport Roads and Maritime Services	
Roads and Maritime has reviewed the submitted information and does not grant concurrence under Section 138 of the Roads Act 1993 for the proposed road works on Elizabeth Drive and provides the following comments for Department's consideration: 1. The subject development proposed construction of a service road to access three lots. Roads and Maritime does not support proposed service road based on road safety and network efficiency. It is advised to construct a deceleration lane instead of a service road to provide access to any future service station only.	An updated Traffic Report has been prepared by <i>Varga Traffic</i> at Attachment H. The Traffic Report outlines: <i>"Since the original subdivision application was submitted, the design of the M12 Motorway investigation corridor has progressed. The road design now includes the realignment of Wallgrove Road and in particular where it intersects with Elizabeth Drive. At present, Wallgrove Road meets Elizabeth Drive just west of the M7 Motorway interchange, with the opposite (southern) leg being the M7 Motorway northbound off-ramp... It is pertinent to note that the inability for the future service station to have direct access to/from Elizabeth Drive (or the new</i>

	Wallgrove Road site frontage), as previously supported by RMS, will require all vehicles to access the service station (likely to be Lot 5) via the new internal road.”
2. The proposal included access to the fast food outlets via Elizabeth Drive. Roads and Maritime does not support any direct access to the fast food outlets from Elizabeth Drive since an alternate access is available through Local Road network (via Cecil Road). Therefore, except the service station all other access (including fast food outlets) should be provided via Local Road network. In this regard Roads and Maritime suggests physical separation to be provided within the site to comply with this requirement.	As the scope of the SSD does not specify in detail the proposed land uses for each of the lots proposed. Separate DAs for each of the new lots will be lodged at a later stage which will provide sufficient details on the actual development proposed at each new lot. Imposed to further reconsider this matter with subsequent detail DA's.
3. To access the service station from Elizabeth Drive a deceleration shall be provided. The proposed deceleration lane along Elizabeth Drive shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice.	The amended application no longer proposes a deceleration lane along Elizabeth Drive. See Response to Item 1 above. An updated Traffic Report has been prepared by <i>Varga Traffic</i> at Attachment H.
4. Access to the service station should be restricted with left in and left out access only via a deceleration lane. In this regard, it is requested to investigate and propose mechanism to restrict any right turn movements from the deceleration lane onto Elizabeth Drive	The amended application no longer proposes a deceleration lane along Elizabeth Drive. See Response to Item 1 above. An updated Traffic Report has been prepared by <i>Varga Traffic</i> at Attachment H.
5. The deceleration may be constructed within the existing road reserve however land should be dedicated within the property boundary for any future relocation/construction of the deceleration lane. The land identified for deceleration lane should be identified as a separate lot in the subdivision plan and dedicated to Council as road.	The amended application no longer proposes a deceleration lane along Elizabeth Drive. See Response to Item 1 above. An updated Traffic Report has been prepared by <i>Varga Traffic</i> at Attachment H.
6. Roads and Maritime does not support proposed roundabout in Elizabeth Drive at Cecil Road intersection. It should be noted that Roads and Maritime currently preparing a strategic road design for Elizabeth Drive within the vicinity where Cecil Road may be restricted with left in left out (LILO) movements only. However, as an interim measure it is advice to investigate the impact due to the subject development and propose mitigation measures at the subject intersection.	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration the proposed Elizabeth Drive Upgrade and the proposed Wallgrove Road alignment.

7. Proposed development would have an impact on the operation and Level of Service (LoS) at the intersection of Cecil Road & Access Road. Therefore, it is requested to analyse this intersection, determine the impact and suggest treatments to mitigate the impact.	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration the proposed Elizabeth Drive Upgrade and the proposed Wallgrove Road alignment. An updated Traffic Report has been prepared by <i>Varga Traffic</i> at Attachment H.
8. It is requested to submit soft copy of the SIDRA network modelling to Roads and Maritime for review.	A SIDRA network modelling can be provided.
9. All road works and associated cost with the development must be borne by the applicant.	Noted.
10. Roads and Maritime has previously vested a strip of land as road along the frontage of the subject property, as shown by grey colour on the attached Aerial – “X”. Therefore, all buildings and structures together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth) along the Elizabeth Drive boundary. The proponent should be also be advised that the subject property is within a broad investigation area for the long term widening of Elizabeth Drive. The investigations have not yet advanced to the stage where options have been defined and accordingly it is not possible at this date to identify if any part of the subject property would be required to accommodate this proposal. However, there is a potential that the frontage of the site may be impacted. Further information on the project can be obtained from contacting Kate Lunney, Project Development Manager, on 1800 865 503 or at elizabethdrive@rms.nsw.gov.au.	The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration the proposed Elizabeth Drive Upgrade and the proposed Wallgrove Road alignment.

Office of Strategic Lands

Clause 17 (Development on Private Land) page 32. c) the imminence of acquisition of the land – the EIS states ‘there has been no attempt by either local or state authorities to acquire the subject site’. The PMC challenges this assertion. There has been a number of attempts in the last two decades where the PMC and its forerunner has engaged with the private owners in an attempt to purchase the property with the most recent correspondence in 2014; on more than one occasion this has been at their request. Given the Parklands is now over 95% in public ownership the imminence of acquisition is not decades away and again the PMC is open to	Subject to legal advice.
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acquire the property should the landowner re-open negotiations for its acquisition by the State.	
Clause 17 (Development on Private Land) page 32. d) the effect of carrying out the development on acquisition costs – the EIS states ‘the effect of carrying out development on the land would increase acquisition costs....’. The PMC agrees with this statement and given the potential final development (if approved) is essentially a site for industrial, tourism and retail style developments such improvements would substantially increase the cost of the site in the future to bring it into public ownership. The position of the PMC is that should the development be approved by the consent authority it would request of the consent authority to add a condition of consent whereby the landowner signs a deed with the PMC that grants a release of the PMC from considering the value of the approved works and improvements in the future where acquisition occurs. Should the landowner be unwilling to sign such a deed it is our opinion that the works are of a scale and impact that the effect of carrying out the development on acquisition costs is prohibitive and should be refused.	Subject to legal advice.
Clause 19 (Acquisition of land by corporation) page 33. The EIS states ‘It is not proposed that the site be acquired’. This is incorrect. The site being privately owned and falling within the boundary of the Parklands means that the site has been identified for acquisition by the State and there is no intention or statement by the PMC that the site will not be brought into public ownership. Should the application be approved by the consent authority the ability for the site to be acquired will become more problematic and potentially more time consuming as once a site is subdivided and sold with numerous landowners it is considerably harder to bring all sites into public ownership as opposed to the current ownership and lot configuration.	Subject to legal advice.
In summary the PMC in review of this application assesses the development to compromise the ability to bring the site into public ownership and will potentially increase the acquisition costs without an appropriate deed in place. For purposes of clarity the PMC has not or has never indicated it does not want to acquire this site and would be open to begin the acquisition process should the landowner approach PMC.	Subject to legal advice.
Hazard Assessment DPIE	
<u>Scope of SSD and SEPP 33 requirements</u>	Noted.

Given the scope of the SSD, the EIS does not specify in detail how each new lot will be used. As such, the quantities of dangerous goods or hazardous materials associated with the SSD is not known at this stage.

Notwithstanding, in reviewing the proposed land uses in EIS Section 3.1.1 (taken as indicative at this stage and may change in future), it is considered that the SSD itself is not potentially hazardous under SEPP 33, provided that separate DAs for each new lot will be lodged at a later stage which will provide sufficient details on the actual development proposed at each new lot.

As such, if this SSD is approved, it is recommended that the following condition is included in the consent, ensuring that SEPP 33 requirements will be addressed at the DA-stage for each new lot:

- For any proposed development of each new lot created as part of this SSD, a preliminary risk screening completed in accordance with State Environmental Planning Policy No. 33 Hazardous and Offensive Development and Applying SEPP 33 (Department of Planning, 2011) must be undertaken and enclosed to the development application. The preliminary risk screening must include clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the proposed development. Should the preliminary risk screening indicate that the proposed development is “potentially hazardous”, a preliminary hazard analysis must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6, ‘Hazard Analysis’ (Department of Planning, 2011) and Multi-level Risk Assessment (Department of Planning, 2011) and must be enclosed to the development application.

Jemena high pressure gas pipelines and ISEPP requirements

it is recommended that the Applicant provide the following information in the RTS:

1. revised/amended EIS sections/tables/figures to clearly identify all high pressure dangerous goods and gas pipelines along with clarification that the requirements for these pipelines have been sufficiently considered in the environmental assessment; and
2. a report on the consultation outcomes with all operators of high pressure dangerous goods and gas pipelines within or in vicinity of Lot 2 Section 4 DP 2954 with regards to requirements under Australian Standard AS 2885 – Pipelines – Gas and liquid petroleum (AS 2885) along with sufficient details on how these outcomes will be delivered, including and not limited to:

Refer to Response to Jemena Submission on **Page 17**.

- a) how all operators of high pressure dangerous goods and gas pipelines will be notified and consulted prior to development works associated with the new 14 lots; and
- b) ensuring that the operation of all high pressure dangerous goods and gas pipelines can comply with AS 2885, taking into account any potential land uses in vicinity of these pipeline.

In addition, ISEPP clause 66C specifies obligations on the consent authority (i.e. the Department) with regards to DA close to these pipelines, including providing written notice to Jemena on the DA, considering Jemena's responses to the written notice and taking pipeline risks into consideration in determining the DA. Planning Circular PS 18-010 is attached for your reference.

ATTACHMENT 4 - RESPONSE TO ORGANISATION AND PUBLIC SUBMISSIONS

Issues & Recommendations	Response
Calibre on behalf of CSR Building Products Pty Ltd	
CSR objects to the business hub proposal for the following reasons: The proposed development is premature as the longer term land use in this area (including final alignments of major transport infrastructure) is not yet determined, as demonstrated by its inclusion in an Urban Investigation Area within the Western City District Plan. The proposal does not properly account for the recent strategic planning work undertaken by Fairfield City Council in the Rural Lands Investigation Study and how the proposed uses will interact with the proposed commercial centres in the draft structure plan options recently exhibited. Of particular concern is that the site is not yet included in a committed wastewater servicing strategy, and that the proposal is well ahead of the necessary services planning for the area.	A submission was lodged in February 2019 during the public exhibition period of the Draft Structure Plan for the Fairfield Rural Lands Urban Investigation Area (“UIA”) covering the suburbs of Horsley Park and Cecil Park. The purpose of this submission was to include the redevelopment on the site at No. 1111-1141 Elizabeth Drive in the Urban Investigation Area for Horsley Park and Cecil Park. Council at its meeting of 9 April 2019 considered submission from the community and Council officer’s recommendations and resolved to endorse a proposed preferred Structure Plan for the Rural Lands UIA. Submissions received from the Greater Sydney Commission and state agencies highlight the need for further detailed investigations into a range of infrastructure, environmental and transport planning issues relevant to the UIA. It is understood that Council is seeking funding support from State Government to progress the structure and master planning for the UIA. On this basis, finalisation of the Draft Structure Plan for the Fairfield Rural Lands Urban Investigation Area is not imminent.
The proposal also has the potential to fragment the Western Sydney Parklands, compromising its recreational and environmental values. The site is located within the narrowest portion of the Parklands, which has already been impacted by the M7 corridor. Additionally, the Western Sydney Parklands Plan of Management 2030 does not specify the proposed business hub to be located on the subject site and rather suggests an alternate location.	A comprehensive response to the concerns raised in the submission from WSPT is provided at Attachment B.
The Economic Impact Assessment relies on projected population growth that is remote from the site, being concentrated in the release areas around Austral and Rossmore, which is unlikely to utilise the proposed uses to the extent indicated. This calls into question the demand for the proposed land uses and the timing of the proposal, which is well ahead of any likely urban development in the Cecil Park/Horsley Park Area. The development appears to be opportunistic, and does not have a sound economic basis for justifying development in this location as opposed to planned business centres in Western Sydney.	The amended application does not propose development for the purposes of a Business Hub within the Western Sydney Parklands. The amended application provides opportunities for tourism and associated facilities consistent with the land use opportunities outlined in Precinct 11: Cecil Park North.

CSR does not support the development of the site due to the potential for it to adversely affect its operations and to compromise the long term viability of a strategic resource through the introduction of incompatible land use. The EIS makes no mention of the impact the business hub may have on CSR's Cecil Park operations and the potential land use conflicts arising from the introduction of the proposed uses.

The amended application provides opportunities for tourism and associated facilities consistent with the land use opportunities outlined in Precinct 11: Cecil Park North.

In October 2019, intended future land uses were provided to the Department for comment. Intended future land uses are as follows:

- Highway service centre
- Food and drinks premises
- Eco-tourist facility
- Tourist and visitor accommodation
- Recreation Areas
- Recreation facilities (indoor)
- Recreation facilities (outdoor)
- Recreation facilities (major)
- Information and education facility

We note there have been no disagreement to date regarding the intended future land uses provided to the Department on 22 October 2019. A detailed summary defining these land uses are provided at **Attachment A**.

The expected increase in vehicular traffic that is to accompany the business hub along Elizabeth Drive and Cecil Road will impact on CSR's freight operations and cause conflicts with heavy vehicle movements. In addition, the proposed new roads and roundabout will cause further traffic concerns, given the volume of heavy vehicles needing to turn at this junction. The design of the access to the proposal does not take sufficient account of the proposed M12 corridor and consequential changes to access and circulation in the vicinity of the subject that will arise once the proposed road is designed.

The amended application takes into consideration the new Wallgrove Road re-alignment as proposed by Transport for NSW along the (former) north-western boundary of the site.

The site does not intercept the preferred route proposed for the future M12 corridor.

The gas easement within the proposed site conflicts with sensitive land uses within the buffer region, particularly with respect to the proposed child care and hotel/motel uses and this was not considered within the EIS. The site is potentially further constrained from the buffers required to the major Jemena pipeline in the vicinity of Wallgrove Road.

The amended application does not propose any sensitive developments within a 76 metre buffer from the Jemena gas pipeline easement, as requested by Jemena in their submission.

Bartier Perry Lawyers on behalf of Nazzareno Barca

The Proposal fails to demonstrate that it would be consistent with the aim of the SEPP, *the Western Sydney Parklands Plan of Management 2030* and the existing and desired future character of the locality.

A comprehensive response to the concerns raised in the submission from WSPT is provided at **Attachment B**.

The Proposal will have a significant impact on biodiversity.

A comprehensive response to biodiversity impacts of the proposal is provided at **Attachment D, E and F**.

The Proposal will have impacts in terms of:

- Outlook – providing an intensive urban, commercial/industrial character adjoining out clients property where a rural/bushland outlook is currently enjoyed.
- Visual privacy and security
- Acoustic Privacy
- Odours and air quality associated with the Proposal.
- Traffic.

Outlook

In May 2020, 26,617m² of land primarily along the north-western boundary of the site, was acquired by Transport for NSW to facilitate the re-alignment of Wallgrove Road. Of this land 23,570m² contained threatened species PCT49 Cumberland Plain Woodland.

A Revised Subdivision Plan can be found on Drawing Sheet **DA05** and Revised Concept Plan on Drawing Sheet **DA06** in the Drawing Package at **Attachment C** illustrating the extent of acquired land and the imminent re-alignment of Wallgrove Road, respectively.

Visual Privacy and Security

A condition should be imposed requiring preparation of a visual impact assessment and CPTED report during detailed design stage of each lot.

Acoustic Privacy

A condition should be imposed requiring preparation of an acoustic impact assessment during detailed design stage of each lot.

Odours and Air Quality

An assessment of the site in isolation would not be appropriate given the proposed road infrastructure upgrades proposed adjacent the site. Any odour or air quality assessment

Traffic

An updated Traffic Report has been prepared by *Varga Traffic* at **Attachment H**.

Bartier Perry Lawyers on behalf of Mimma and Tony Barca

The Proposal fails to demonstrate that it would be consistent with the aim of the SEPP, the Western Sydney Parklands Plan of Management 2030 and the existing and desired future character of the locality.	A comprehensive response to the concerns raised in the submission from WSPT is provided at Attachment B.
The Proposal will have a significant impact on biodiversity.	A comprehensive response to biodiversity impacts of the proposal is provided at Attachment D, E and F.
The Proposal will have impacts in terms of: • Outlook – providing an intensive urban, commercial/industrial character adjoining out clients property where a rural/bushland outlook is currently enjoyed. • Visual privacy and security • Acoustic Privacy • Odours and air quality associated with the Proposal. • Traffic.	<i>Outlook</i> In May 2020, 26,617m² of land primarily along the north-western boundary of the site, was acquired by Transport for NSW to facilitate the re-alignment of Wallgrove Road. Of this land 23,570m² contained threatened species PCT49 Cumberland Plain Woodland. A Revised Subdivision Plan can be found on Drawing Sheet DA05 and Revised Concept Plan on Drawing Sheet DA06 in the Drawing Package at Attachment C illustrating the extent of acquired land and the imminent re-alignment of Wallgrove Road, respectively. <i>Visual Privacy and Security</i> A condition should be imposed requiring preparation of a visual impact assessment and CPTED report during detailed design stage of each lot. <i>Acoustic Privacy</i> A condition should be imposed requiring preparation of an acoustic impact assessment during detailed design stage of each lot. <i>Odours and Air Quality</i> An assessment of the site in isolation would not be appropriate given the proposed road infrastructure upgrades proposed adjacent the site. Any odour or air quality assessment <i>Traffic</i> An updated Traffic Report has been prepared by <i>Varga Traffic</i> at Attachment H.
Bartier Perry Lawyers on behalf of Rose and Joe Barca	
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Terrence Ryan – Cecil Park, NSW	
I am in favour of the proposed development my only concerns is the traffic entry as trying to enter Elizabeth drive from Cecil Road is becoming a problem.	As illustrated in the Revised Drawing Package at Attachment C, the amended application will be accessible via the new Wallgrove Road alignment, currently being investigated by Transport for NSW. The amended proposal does not impact any traffic solutions proposed or currently being investigated for the Elizabeth Drive and Cecil Road intersection by state agencies.
Name Withheld – Cecil Park, NSW	

I oppose the subdivision of the slated areas in Cecil park for the use of a business park for the following reasons.

No signaled major improvements to existing roads prior or after development of area, specifically Wallgrove Road, Elizabeth Drive and in particular the M7 Motorway. I believe the road study has failed to understand the amount of traffic it will dump onto the existing roads along with the ever increasing vehicle traffic on the arterial roads and the long lasting negative impact it will bring by ultimately changing the social fabric of the community.

Alternative sites which are available with infrastructure already in place and is in close proximity to new airport such as Eastern Creek, Erskine Park, Kemps Creek and Hoxton Park could be better utilised without disturbing the Cecil Park community.

The amended application does not propose development for the purposes of a Business Hub within the Western Sydney Parklands. The amended application provides opportunities for tourism and associated facilities consistent with the land use opportunities outlined in Precinct 11: Cecil Park North.

The amended application will be accessible via the new Wallgrove Road alignment, currently being investigated by Transport for NSW. The amended proposal does not impact any traffic solutions proposed or currently being investigated for the Elizabeth Drive and Cecil Road intersection by state agencies.

Name Withheld – Cecil Park, NSW

- This development is entirely out of character with the surrounding area.

Desired Future Character

To provide for bushland and semirural paddocks as interim land uses, with future investigation into potential business or tourism uses. Allowance will be made for the future M12 Motorway corridor and associated infrastructure, if required.

The amended application seeks approval for the preparatory enabling works required to facilitate the development of tourism and associated facilities. The concept subdivision layout will accommodate a range of intended future uses which leverage off its strategic location/setting including highway service centre; food and drinks premises; eco-tourist facility; tourist and visitor accommodation; recreation areas; recreation facilities; information and education facilities.

The amended application takes into consideration the new Wallgrove Road re-alignment as proposed by Transport for NSW along the (former) north-western boundary of the site.

The site does not intercept the preferred route proposed for the future M12 corridor.

Objectives

Protect and enhance the natural systems and environmental values

The amended application takes into consideration the new Wallgrove Road re-alignment as proposed by Transport for NSW along the (former) north-western boundary of the site.

Provide services infrastructure as required

The amended proposal will accommodate a range of uses that provide services infrastructure including a highway service station.

Investigate business and tourism potential on remaining lands

The amended application is consistent with providing tourism and associated facilities within the Precinct.

Land Use Opportunities***WSPT Business Hubs at sites designated by the Trust***

The amended application does not propose a business hub on the site as it is not identified on the Cecil Park North Precinct Plan.

Tourism and associated facilities

The amended application is consistent with providing tourism and associated facilities within the Precinct.

Environmental protection works

Not applicable. The amended application takes into consideration the new Wallgrove Road re-alignment as proposed by Transport for NSW along the (former) north-western boundary of the site.

Potential Aboriginal and non-Aboriginal cultural and heritage interpretation

No Aboriginal objects and/or deposits of cultural significance were located during test excavation undertaken by Streat Archaeological Services Pty Ltd.

Existing semi-rural uses

The intended future land uses proposed on the site maximises its strategic location to planned infrastructure upgrades in the area.

Utilities infrastructure

The site lends itself to its strategic location adjacent critical public infrastructure upgrades, being the future M12 motorway and the new Wallgrove Road alignment.

The loss of native vegetation - when you reducing trees and greenspace by adding hard surfaces, such as roads and buildings, it creates “urban heat islands”.	A comprehensive response to biodiversity impacts of the proposal is provided at Attachment D, E and F.
The loss of habitat for any protected species, no matter how insignificant it may seem, should not be allowed to happen.	A comprehensive response to biodiversity impacts of the proposal is provided at Attachment D, E and F.
Traffic management	An updated Traffic Report has been prepared by <i>Varga Traffic</i> at Attachment H.
Sewerage Management No sewerage mains service means on-site management. The recommendation is for “pumpout systems on each lot” [P9, 2018-09-07 Appendix 18_ Service Utility and Infrastructure]. This means each lot is responsible for ongoing management but no mention is made of what happens in the case of a spill or overflow.	A condition should be imposed for the ongoing sewerage management of each lot during detailed DA design stage of each lot.
Stormwater & Hydrocarbon Spill Management How will the development manage stormwater runoff from the service station forecourt that contains possible contaminants such as oil and fuel? How will fuel spills from either customer refuelling or tanker unloading be handled?	Details of proposed stormwater management are outlined in the updated Stormwater Report prepared by <i>Martens</i> at Attachment K.
Litter It is unfortunate that wherever there is a fast food outlet there is litter. Not just in the immediate vicinity but also in the surrounding area.	Noted. A condition of consent should be imposed for the redevelopment of each lot to incorporate a plan of management of each site.
The application seems to be vague in what the site would be used for. The list so far is – service station, hotel/motel accommodation, industrial/warehouse, medical centre, childcare centre, office space, large format retail, fast food outlet or two. There is mention in the flyer that height and appearance “will not be known until detailed design is completed”. Height is not to exceed 15 metres – which is not in keeping with the character of the area. Appearance that is to “positively contribute to the visual amenity of the surrounding landscape” is unlikely.	The amended application does not propose development for the purposes of a Business Hub within the Western Sydney Parklands. The amended application provides opportunities for tourism and associated facilities consistent with the land use opportunities outlined in Precinct 11: Cecil Park North. In October 2019, intended future land uses were provided to the Department for comment. Intended future land uses are as follows: - Highway service centre - Food and drinks premises - Eco-tourist facility - Tourist and visitor accommodation

	• Recreation Areas • Recreation facilities (indoor) • Recreation facilities (outdoor) • Recreation facilities (major) • Information and education facility We note there have been no disagreement to date regarding the intended future land uses provided to the Department on 22 October 2019. A detailed summary defining these land uses are provided at Attachment A.
• The current dam appears to form part of the bio retention/detention basin. This basin will be discharging into the creek after treatment. What happens when there is heavy rain and will the stormwater be discharged with or without treatment? There are no design details on the basin construction. The only details are from the stormwater report [P20, 2018-12-07 1111-1141 Elizabeth Drive, Cecil Park_ Stormwater Report].	The amended application proposes an on-site detention basin on Lot 12 of the proposed subdivision layout. Details of the on-site detention basin are outlined in the updated Stormwater Report prepared by <i>Martens</i> at Attachment K.