

ATTACHMENT B - RESPONSE TO WSPT SUBMISSION

Issues & Recommendations

Response

Western Sydney Parklands Trust

Objective 1. SSD 8859 is not consistent with the applicable strategic planning framework for the Western Sydney Parklands (**Parklands**);

The WSPT strategic framework is founded on four strategic directions being:

1. **Environmental protection and land stewardship**

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. Of the land to be acquired, **23,570m²** comprise of PCT 849 Cumberland Plain Woodland (CPW) fragmenting existing biodiversity corridors to the broader Parklands. **11,876m²** or **34%** of the original area of land comprising PCT 849 CPW remain within the revised site boundary which has an area of 47,170m²



Figure 1. Extent of PCT 849 CPW within the site overlaid with DPIE's recommended Vegetation to be retained.

Figure 1 illustrates the extent of PCT 849 CPW to be removed to facilitate the new Wallgrove Road alignment in solid green. It also illustrates the extent of the Department of Planning, Industry and Environment's identified high value vegetation in green hatch.

Table 1. Vegetation Summary Table

	DPIE/EES Vegetation		PCT 849 CPW	
	m ²	%	m ²	%
Within Acquired Land	20,218	77%	23,570	77%
Within the Revised Site Boundary	6,066	23%	11,876	34%
Total	26,284	100%	35,447	100%

As summarised in **Table 1** above, 77% of the PCT849 CPW found within the original site boundary was compulsory acquired by TfNSW for road infrastructure upgrades associated with Wallgrove Road realignment.

2. Creating recreational and community facilities

The amended subdivision application creates a range of opportunities within the Parklands by providing a series of future intended land uses consistent with the desired future character of Precinct 11 'Cecil Park North' in the Structure Plan. The revised future intended land uses facilitate unstructured recreation and other community activities that provide leisure opportunities in a new destination in the Southern parklands.

The amended subdivision application has capacity to integrate new cycling tracks, however given the uncertainty presented by the new Wallgrove re-alignment proposed by Transport for NSW, it is unclear as to whether the new road network would integrate with existing cycle paths in the area.

3. Community participation and engagement

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

- Highway service centre

	<ul style="list-style-type: none"> • 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 <p>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.</p> <p>Future intended land uses are consistent with the following objectives under this direction being:</p> <ul style="list-style-type: none"> Objective 1. Create spaces and venues that appeal to all audiences Objective 2. Maximise awareness in of the Parklands Objective 3. Increase community participation in the Parklands' spaces, events, and programs Objective 4. Increase community engagement and sense of ownership of the Parklands <p>The amended application demonstrates consistency the strategic directions with the exception of environmental protection and land stewardship given the compulsory acquisition of 26,617m² of land by Transport for NSW for the re-alignment of Wallgrove Road.</p>
Objective 5. The 2% of the Parklands proposed for 'Business Hubs' is already allocated and accounted for;	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.
Objective 6. The development of the Site would impede WSPT's ability to undertake its statutory functions, by preventing WSPT from developing the Parklands and therefore foregoing revenue streams it requires to operate the Parklands;	The amended proposal is consistent with the strategic framework of WSPT as outlined in the Plan of Management 2030. See responses above.

<p>Objective 7. Subdivision and development of the Site will defer acquisition and significantly increase acquisition costs; and</p>	<p>Subject to legal advice</p>		
<p>Objective 8. SSD 8859 does not have regard for the Required conditions, pursuant to the statutory framework, when proposing development on 'private land' within the Parklands.</p>	<p>Subject to legal advice</p>		
<p>State environment Planning Policy (Western Sydney Parklands) 2009</p> <p>In relation to the Parklands SEPP, the Site is included within 'Western Parklands' as per the Western Sydney Parklands Map. WSPT is of the view that SSD 8859 is inconsistent with several key clauses of the Parklands SEPP, as stated in the following table:</p>	<p>Noted.</p>		
<table border="1"> <tr> <td data-bbox="183 710 566 1382"> <p><u>Clause 2 Aim of Policy</u></p> <p>"The aim of this Policy is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland..."</p> <p>(j) "allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the Western Sydney Parklands Act 2006"</p> </td><td data-bbox="566 710 945 1382"> <p>The Justification for the planning controls is to enable WSPT, not another part, to develop the Parklands, consistent with the Parklands SEPP. The EIS overlooks the nature and intent of this provision.</p> <p>Further, the proposed development of SSD 8859 is not considered to be for "interim uses".</p> <p>The PoM 2020 and PoM 2030 describe Interim Land Uses as "Short term residential tenancies, vacant land, private land yet to be acquired."</p> <p>The EIS does not address the fact that the proposed development is unlikely to be considered an "interim land</p> </td></tr> </table>	<p><u>Clause 2 Aim of Policy</u></p> <p>"The aim of this Policy is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland..."</p> <p>(j) "allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the Western Sydney Parklands Act 2006"</p>	<p>The Justification for the planning controls is to enable WSPT, not another part, to develop the Parklands, consistent with the Parklands SEPP. The EIS overlooks the nature and intent of this provision.</p> <p>Further, the proposed development of SSD 8859 is not considered to be for "interim uses".</p> <p>The PoM 2020 and PoM 2030 describe Interim Land Uses as "Short term residential tenancies, vacant land, private land yet to be acquired."</p> <p>The EIS does not address the fact that the proposed development is unlikely to be considered an "interim land</p>	<p><u>Consistency with the Plan of Management 2030</u></p> <p>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.</p> <p>In October 2019, intended future land uses were provided to the Department for comment. Intended future land uses are as follows:</p> <ul style="list-style-type: none"> • 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
<p><u>Clause 2 Aim of Policy</u></p> <p>"The aim of this Policy is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland..."</p> <p>(j) "allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the Western Sydney Parklands Act 2006"</p>	<p>The Justification for the planning controls is to enable WSPT, not another part, to develop the Parklands, consistent with the Parklands SEPP. The EIS overlooks the nature and intent of this provision.</p> <p>Further, the proposed development of SSD 8859 is not considered to be for "interim uses".</p> <p>The PoM 2020 and PoM 2030 describe Interim Land Uses as "Short term residential tenancies, vacant land, private land yet to be acquired."</p> <p>The EIS does not address the fact that the proposed development is unlikely to be considered an "interim land</p>		

	use” as that term is described in the PoM 2020 and PoM 2030.	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.
<p><u>Clause 12 Matters to be considered by the consent authority – generally</u></p> <p>“In determining a development application for development on land in the Western Parklands, the consent authority must consider such of the following matters as are relevant to the development:</p> <p>(a) the aim of this Policy, as set out in clause 2,”</p> <p>(g) “the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney”</p> <p>“(i) consistency with:</p> <p>(i) Any plan of management for parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006, or</p> <p>(ii) Any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part,”</p>	<p>WSPT is concerned that SSD 8859 and the EIS do not address the conditions in clause 12 of the Parklands SEPP, because:</p> <p>In regards to clause 12(a) of the Parklands SEPP, the aim of the Policy is to enable WSPT to develop the Parklands, not another party.</p> <p>In regards to clause 12(g) of the Parklands SEPP, SSD 8859 would reduce the continuity of the Parklands as a scenic break along Elizabeth Drive.</p> <p>In regards to clause 12(i), sub-clause (i) & (ii) of the Parklands SEPP, the EIS does not adequately address the applicable Plans of Management.</p> <p>SS 8859 is not consistent with the PoM 2020 or PoM 2030 on the grounds that a Business Hub is not proposed where the Site is located, and the 2% of the Parklands allocated for business hubs is already planned elsewhere.</p> <p>A detailed response is provided in the Plan of Management section below.</p>	<p>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.</p>

<p><u>Clause 17 Development on private land</u></p> <p>“Development consent must not be granted to development on private land in the Western Parklands unless the consent authority has considered the following:</p> <p>(a) Whether the development will contribute to or impede the implementation of the aim of this Policy,</p> <p>(b) The need to carry out development on the land,</p> <p>(c) The imminence of acquisition of the land,</p> <p>(d) The effect of carrying out the development on the natural systems of the Western Parklands,</p> <p>(e) The effect of carrying out the development on the natural systems of the Western Parklands,</p> <p>(f) The cost of restoring those systems after the development has been carried out.”</p>	<p>Clause 5.3.2.1 of the EIS states <i>“The implications of the proposal have been discussed with the Western Sydney Parklands trust who raised no objection to the proposal in the context of this clause.”</i> WSPT refutes this statement and confirms that the applicant was instructed to confirm consistency with the Statutory Documents including the Parklands SEPP.</p> <p>In response to each sub-clause of clause 17 of the Parklands SEPP, WSPT submits:</p> <p>(a) The aim of the Parklands SEPP is to enable WSPT to develop the Parklands and SSD 8859 will impede WSPT’s ability to fulfil this action as WSPT will not have control of the development outcome. The EIS does not address the nature or intent of this provision.</p> <p>(b) The EIS does not provide a “need to carry out development”. The EIS refers to a “unique setting” however WSPT does not accept that the development could not be located elsewhere and achieve similar outcomes..</p> <p>(c) WSPT is advised by the acquisition authority that there is a history of</p>	<p>The amended application is assessed against the aims of the WSPT SEPP:</p> <p>(a) allowing for a diverse range of recreational, entertainment and tourist facilities in the Western Parklands, and</p> <p>Response: A diverse range of recreational, entertainment and tourist facilities are intended as future land uses on proposed lots including:</p> <ul style="list-style-type: none"> • 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 <p>(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</p> <p>Response: In response to Fairfield Council’s submission, the amended application does not propose any retail uses on the site to minimise any impacts on the viability of established retail centres in Fairfield local government area.</p> <p>(c) continuing to allow for and facilitate the location of government infrastructure and service facilities in the Western Parklands, and</p> <p>Response: The revised concept plan appended at Drawing Sheet DA06 in the Drawing Package at Attachment C takes into consideration the proposed Elizabeth Drive Road Upgrade and the imminent Wallgrove Road alignment.</p> <p>(d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and</p> <p>Response: A comprehensive response to biodiversity impacts of the proposal is provided at Attachment D, E and F.</p> <p>(e) protecting and enhancing the cultural and historical heritage of the Western Parklands, and</p>
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	<p>communications with the owner's solicitor and the owner. Notwithstanding, previous contact is not a prerequisite to justify imminence of acquisition. Further detail is provided following this table.</p> <p>(d) Carrying out the development would significantly increase acquisition costs and thereby constrain the ability of WSPT to fulfil its functions prescribed by the Parklands Act. The Cost Investment Value Report by Altus Group (Appendix 1 to the Request for SEARs) estimated site works costs of \$12,033,669 and in relation to the Economic Impact, the EIS references an "Estimated \$150m in output and more than \$70m contribution to GDP". Capital expenditure of this magnitude would significantly impact the acquisition costs to the public acquisition authority. Further, WSPT expresses serious concern regarding the proposed subdivision of the Site which would also delay the imminence and expense of acquisition.</p> <p>(e) The 100 ecosystem credits to offset impacts,</p>	<p>Response: No Aboriginal objects and/or deposits of cultural significance were located during test excavation undertaken by Streat Archaeological Services Pty Ltd.</p> <p>(f) <i>maintaining the rural character of parts of the Western Parklands by allowing sustainable extensive agriculture, horticulture, forestry and the like, and</i></p> <p>Response: The amended application provides opportunities for tourism and associated facilities consistent with the land use opportunities outlined in Precinct 11: Cecil Park North.</p> <p>(g) <i>facilitating public access to, and use and enjoyment of, the Western Parklands, and</i></p> <p>Response: The amended application proposes</p> <p>(h) <i>facilitating use of the Western Parklands to meet a range of community needs and interests, including those that promote health and well-being in the community, and</i></p> <p>Response: A diverse range of intended future land uses are including:</p> <ul style="list-style-type: none"> • Eco-tourist facility • Tourist and visitor accommodation • Recreation Areas • Recreation facilities (indoor) • Recreation facilities (outdoor) • Recreation facilities (major) • Information and education facility <p>(i) <i>encouraging the use of the Western Parklands for education and research purposes, including accommodation and other facilities to support those purposes, and</i></p> <p>Response: A diverse range of intended future land uses are including:</p> <ul style="list-style-type: none"> • Eco-tourist facility • Tourist and visitor accommodation • Recreation Areas • Recreation facilities (indoor) • Recreation facilities (outdoor) • Recreation facilities (major) • Information and education facility <p>(j) <i>allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the Western Sydney Parklands Act 2006, and</i></p>
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	<p>(as proposed in clause 6.1 of the EIS), to 2.35 ha of Forest Red Gum grassy woodland on flats of the Cumberland Plain, plus the various species credits required, is considered to indicate a significant environmental impact to the Parklands.</p> <p>(f) WSPT considers it unlikely that restoration the natural systems can be achieved.</p>	<p>Response: A diverse range of recreational, entertainment and tourist facilities are intended as future land uses on proposed lots including:</p> <ul style="list-style-type: none"> • 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 <p>(k) ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.</p> <p>Response: A comprehensive response to biodiversity impacts of the proposal is provided at Attachment D, E and F.</p> <p>Legal advice is sought in relation to the ‘imminent’ acquisition of the site.</p> <p>A comprehensive response to biodiversity impacts of the proposal is provided at Attachment D, E and F.</p>
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