

Mr Rohan Dickson
Director
AE Design Partnership
3/780 Darling Street
ROZELLE NSW 2039

23/11/2020

Dear Mr Dickson

Elizabeth Drive, Cecil Park Subdivision (SSD-8859)
Request for Additional Information

I refer to Amended Environmental Impact Statement and Response to Submissions for the Elizabeth Drive, Cecil Park Subdivision (SSD-8859). Further to our meeting on 19 November 2020, the Department is seeking additional information in response to correspondence received from Jemena, Transport for NSW, Fairfield City Council, Heritage NSW, Environment, Energy and Science Group and Western Sydney Parklands Trust, as well as matters identified by the Department. Any additional requests for further information made by agencies will be forwarded to you in due course.

You are requested to submit additional information that effectively addresses the issues identified by the Department in Attachment 1, and the aforementioned agencies and asset owners and Council in Attachments 2, 3, 4, 5, 6 and 7.

You are requested to provide the information, or notification that the information will not be provided, to the Department by Friday 11 December 2020. If you are unable to provide the requested information within this timeframe, you are requested to provide, and commit to, a timeframe detailing the provision of this information.

If you have any questions, please contact Ania Dorocinska, who can be contacted on 9274 6225 at ania.dorocinska@planning.nsw.gov.au.

Yours sincerely,



Attached:

Department Matters to be addressed
Jemena RFI
Transport for NSW RFI
Fairfield City Council RFI
Heritage NSW RFI
Environment, Energy and Science Group RFI
Western Sydney Parklands Trust RFI

Attachment 1: Department of Planning, Industry and Environment Issues

Management of future sensitive land uses

1. The Department considers that further consideration needs to be given to Jemena's submission dated 26 March 2019 and reiterated in its submission of 12 November 2020, particularly relating to future development of the site being located within 76 metres from the boundary of its pipeline easements.

The Department suggests consideration be given to reconfiguring some of the lots so that they don't partially sit within the 76 metre setback. This includes:

- a) realigning lot 5 and lot 6 to ensure lot 5 is wholly outside of the setback
- b) realign lot 11, potentially splitting the lot into two allotments

Timing in relation to Wallgrove Road realignment

2. It is acknowledged the development proposes access from the proposed realignment of Wallgrove Road. However, details of how the timing of the development's construction and future use will interact with the construction of the road have not been provided.

Updated specialist reports

3. As a result of the realignment of allotments, as requested in point 1, please make any necessary changes to specialist reports.



20 November 2020

Ms Ania Dorocińska
Senior Environmental Assessment Officer
Department of Planning, Industry & Environment
4 Parramatta Square, 12 Darcy Street
Parramatta, NSW 2150

By email: Ania.Dorocinska@planning.nsw.gov.au

Dear Ms Dorocińska,

1111-1141 Elizabeth Drive, Cecil Park – State Significant Development application

Thank you for the opportunity to provide comments to the amended Environmental Impact Statement and Response to Submissions for the proposed Elizabeth Drive Subdivision (**SSD-8859**) at 1111-1141 Elizabeth Drive, Cecil Park (**Site**).

Western Sydney Parklands Trust (**WSPT**) requests that this submission be considered in conjunction with our previous submission to SSD-8859 dated 27 February 2019 (attached) as generally the concerns remain relevant to the amended SSD-8859 with the exception of the proposed development being considered a 'Business Hub'.

SSD-8859 appears to have been amended to account for the portion of the land proposed for acquisition by Transport for NSW (**TfNSW**) for the M12 Motorway as detailed in TfNSW's letter dated 7 May 2020, and to reframe the land uses so the development is not considered a Business Hub, as defined under the Western Sydney Parklands (**Parklands**) Plan of Management 2030 (**2030 Plan**).

Following we provide some of WSPT's concerns and we request that you refer to our submission dated 27 February 2020 for a more expansive explanation.

1. Western Sydney Parklands Plan of Management 2030

The amended SSD-8859 remains inconsistent with the 2030 Plan including:

- a. While the *Land Use Opportunities* for Precinct 11 Cecil Park North of the 2030 Plan including "Tourism and associated facilities", the scale of SSD-8859 would constitute a *Tourism Hub* and there is no such hub indicated on the Site as there are in other locations.
- b. The 2030 Plan identifies Tourism Hubs as "Tourism destinations based on a wide range of recreation, leisure, entertainment, education and nature-based uses and opportunities with

associated facilities such as accommodation, exhibition spaces, conference centres and retail.” Some of the land uses proposed under SSD-8859 such as *Highway service centre* are not considered to be tourism uses.

- c. Page 25 of the amended EIS includes “a pub” and “a small bar” as potential land uses under the *Food and Drink Premises* classification. WSPT strongly opposes the allowance of any gambling facilities within the Parklands including but not limited to TAB, Keno and poker machines.

2. State Environmental Planning Policy (Western Sydney Parklands) 2009 (Parklands SEPP)

The amended SSD-8859 remains inconsistent with Parklands SEPP in particular:

- a. Clause 12(a) as the aim of the Parklands SEPP is to enable WSPT to develop the Parklands, not another party;
- b. Clause 12(g) as SSD-8859 would reduce the continuity of the Parklands as a scenic break along Elizabeth Drive;
- c. Clause 12(i) as the 2030 Plan does not identify a Tourism Hub to be located at the Site;
- d. Clause 17(a) as 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;
- e. Clause 17(b) as SSD-8859 does not provide a “need to carry out development”. The Amended Environmental Impact Statement (**EIS**) refers to a “unique setting” however WSPT does not accept that the development could not be located elsewhere and achieve similar outcomes, particularly in relation to rezoned land within the Western Sydney Aerotropolis;
- f. Clause 17(c) as there are few remaining privately-owned parcels within the Parklands and we understand that extensive communications including offers to acquire between the acquiring authority and representatives of the landowner of the Site have been produced since our letter of 27 February 2019. The prospects of acquisition are expected to be diminished if a development consent being granted for SSD-8859. Further detail is included in our letter dated 27 February 2020;
- g. Clause 17(d) as the proposed improvements are likely to increase the value of the Site and increase acquisition costs;
- h. Clause 17(e) as the proposed development will be to the detriment of the natural systems of the Parklands; and
- i. Clause 17(f) as WSPT considers it unlikely that restoration of the natural systems can be achieved.

Planning controls were imposed for land within the Parklands to enable WSPT to masterplan the Parklands in accordance with the functions of the Parklands Act and to provide a world class facility for the Western Sydney community.

Approval of SSD-8859 would not only diminish the ability of WSPT to fulfil its functions but also undermine the acquisition of lands by successive governments over the past 50 years and deprive the community of facilities that have been planned within the Parklands.

Despite the revisions to SSD-8859, many of the concerns raised in our letter of 27 February 2019 relate to development generally and accordingly remain relevant. WSPT is concerned that an approval for SSD-8859 would undermine the planning framework that was established to create the Parklands.

Thank you for the opportunity to provide input to SSD-8859.

Yours sincerely

A handwritten signature in black ink that reads "Suellen Fitzgerald". The signature is written in a cursive, flowing style.

Suellen Fitzgerald
Chief Executive
Greater Sydney Parklands

12 November 2020

TfNSW Reference: SYD17/01529/04

Council Reference: SSD 8859

Department of Planning, Industry & Environment
GPO Box 39
Sydney, NSW 2001

Attention: Ania Dorocinska

Dear Sir/Madam

**EXHIBITION OF AMENDED REPORT ON EIS FOR ELIZABETH DRIVE SUBDIVISION
– 1111-1141 ELIZABETH DRIVE, CECIL PARK**

Reference is made to the Department's correspondence dated 22 October 2020, requesting comments from Transport for NSW (TfNSW) on the amended report for the Environmental Impact Statement on the abovementioned application.

TfNSW has reviewed the submitted documents and provides the following comments for consideration:

1. TfNSW has safety and operation concerns with the proposed location of the access in relation to the proposed new traffic signals and would not support it for the following reasons:
 - a. The proposed access to the site on the new realigned Wallgrove Road is located around a bend and TfNSW raises safety concerns with the sight distance at the proposed access road. A sight distance assessment should be provided to demonstrate the required sight distance is achieved.
 - b. The traffic report p.11, shows a proposed left turn slip lane from the realigned Wallgrove Road onto the access road (access to the subject site), which also continues after the access road to form two lanes on the realigned Wallgrove Road continuing to the intersection with Elizabeth Drive. This will potentially cause significant safety and operational issues as traffic turning in and out onto and from the access road would assume these vehicles on the kerb side lane are turning left onto the access road, however, these vehicles may choose to continue to travel straight on Wallgrove Road. Further, visibility and sightlines for traffic exiting from the access road would also be restricted by traffic travelling along the kerb side lane before the proposed access road.
 - c. The proposed access to the site is uncontrolled and the potential for conflict is high due to it being at a point where drivers are merging and diverging.

2. TfNSW require the proposed access to the site on the realigned Wallgrove Road to be located to the farthest point of northern boundary of the site, away from the proposed intersection at Cecil Road.
3. A road safety audit is also required for the proposed access arrangement to the site given the above concerns.
4. Traffic modelling using SIDRA modelling to understand the impact of the new development on the future TCS on the realigned Wallgrove Road and Elizabeth Drive should be provided for further assessment before TfNSW can provide further comments. The modelling should be done as a network for the following intersections for the year the signals/M12 will be completed scenario and 2036 scenario:
 - a. Realigned Wallgrove Road / new site access road
 - b. Realigned Wallgrove Road / Cecil Road
 - c. Realigned Wallgrove Road / Elizabeth Drive
5. A swept path analysis for the largest vehicle accessing the site should be provided.
6. Please provide more information on proposed footpaths / pedestrian access to the site along Elizabeth Drive and new Wallgrove Road. Pedestrian fencing will need to be provided to ensure pedestrians would be crossing at the designated crossing facilities.

The applicant is requested to submit the above requested information for further review before detailed comments can be provided. Once this information is received, TfNSW will review and respond accordingly.

Additionally, TfNSW has previously vested a strip of land as road along the Elizabeth Road frontage of the subject property, as shown by the grey colour on the attached Aerial – “X”.

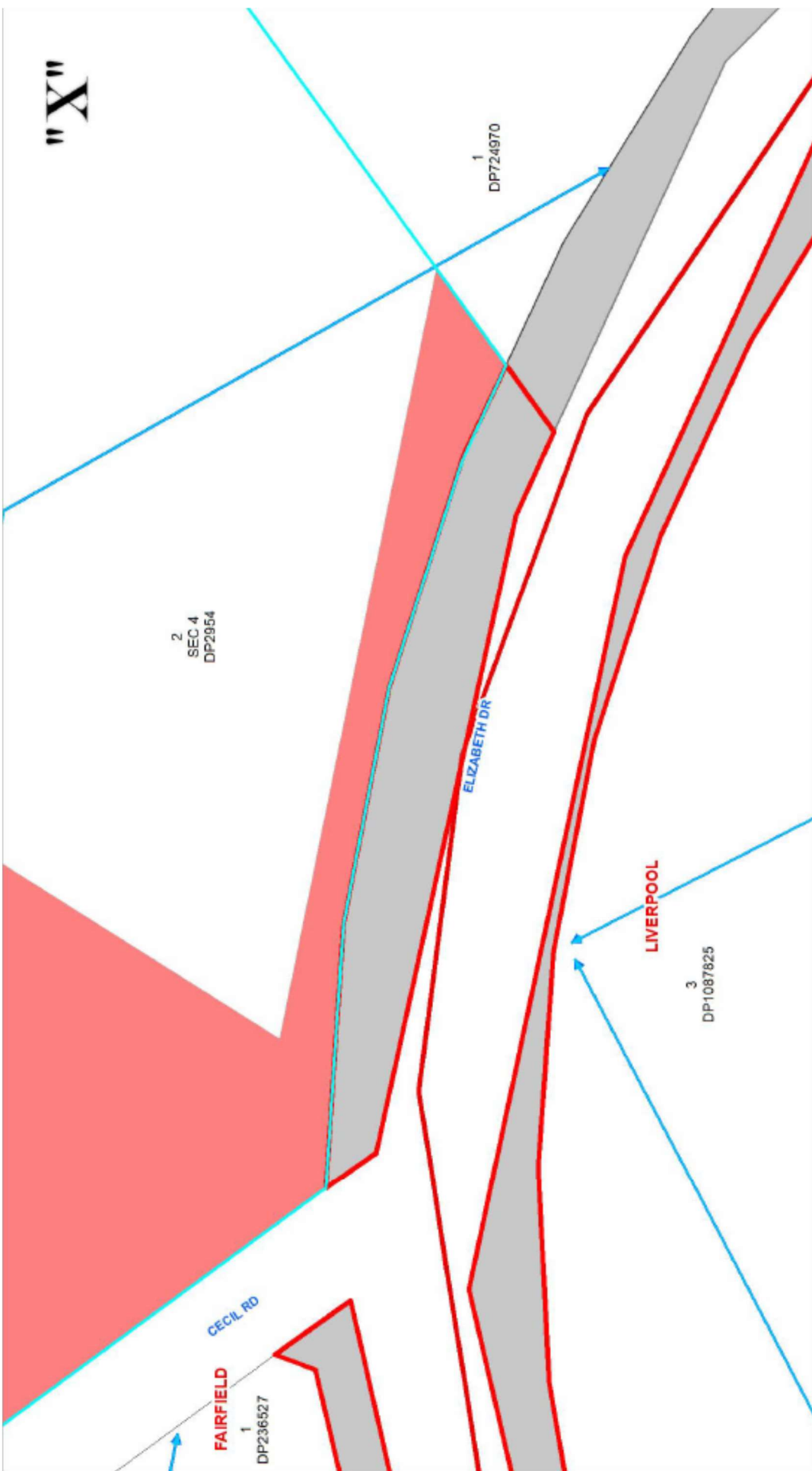
Further, the applicant is aware the subject property is within the preferred corridor for the proposed M12 Motorway Project. It is noted the applicant has been liaising with the project team and should continue to do so in relation to any impacts.

If you have any further questions, Sandra Grimes, Land Use Planner, would be pleased to take your call on (02) 9563 8651 or please email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely



Pahee Rathan
Senior Land Use Assessment Coordinator





Our ref: DOC20/838219

Senders ref: SSD-8859

Ms Ania Dorocinska
Planning and Assessment Group
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Dorocinska

Subject: EES comments on Amended EIS and Response to Submissions for Elizabeth Drive subdivision – SSD-8859 – 1111-1116 Elizabeth Drive Cecil Park

Thank you for your email of 23 September 2020 requesting advice on the amended Environmental Impact Statement (EIS) and Response to Submissions (RtS) for this State Significant Development.

The Environment, Energy and Science Group (EES) has reviewed the amended EIS and RtS and provides its recommendations and comments at Attachment A.

Please note that from 1 July 2020, Aboriginal cultural heritage (ACH) regulation, including advice on major projects, is now managed by the Heritage NSW. The new contact for the ACH regulation team is heritagemailbox@environment.nsw.gov.au.

If you have any queries regarding this matter, please do not hesitate to contact Janne Grose, Senior Conservation Planning Officer on 02 8837 6017 or at janne.grose@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads 'S. Harrison'.

09/11/20

Susan Harrison

**Senior Team Leader Planning
Greater Sydney Branch
Environment, Energy and Science**

Subject: EES comments on Amended EIS and Response to Submissions for Elizabeth Drive subdivision – SSD-8859 – 1111-1116 Elizabeth Drive Cecil Park

The Environment, Energy and Science Group (EES) has reviewed the following documents:

- Response to Submissions Report (RtS) – 14 August 2020
- Amended Environmental Impact Statement (EIS) – 22 September 2020
- Attachment D - Biodiversity Development Assessment Report (BDAR) - August 2020
- Appendix 8 – Urban Design report
- Appendix 16 – Flooding Review – 9 September 2020

and provides its comments below.

Flood

EES comments in its submission dated 18 March 2019 on the original application have not been addressed in the RtS.

The site boundary and lot layout have been changed significantly since the original application. However, the information provided on flooding still does not address the SEARs and demonstrates insufficient consideration of flooding in general. The original report on flooding by GHD (2126819-REP-1111-1141 Elizabeth Drive DA Stage Stormwater, Flooding and Dams) makes no reference to the SEARs, and neither does the letter from GHD (1141 Elizabeth Drive DA – Flooding Matters) attached to the revised EIS.

As per the SEARs, the applicant needs to consider flood risk on site for the full range of floods, including those larger than the 1% annual exceedance probability event, up to and including the probable maximum flood. The applicant has not presented any information on or consideration of extreme events. The council flood study mapping (Rural Area Flood Study Ropes, Reedy & Eastern Creeks, BMT WBM, 2013) indicates that the site could be isolated by flood water in extreme events. Consideration needs to be given to flood emergency response. For example, no attempt has been made to detail how the development would ensure the safety of persons on-site, which was explicitly itemised in the SEARs.

The applicant has not provided the required Flood Impact Risk Assessment for the updated proposal. It is proposed to fill parts of the subject site. There is a risk that this development would cause an unacceptable increase to flood risk on surrounding and downstream properties. Consideration needs to be given to the timing of construction of the Wallgrove Road realignment and the subject development and that these two proposals are independent of each other. The subject development may be constructed before the Wallgrove Road realignment, which may also have impacts not considered as part of EES advice.

Limited information on the Wallgrove Road works has been presented for consideration as part of this application and the details may not yet be finalised. The letter from GHD asserts that the future Wallgrove Road would 'likely' have 1% annual exceedance probability flood immunity and protect the development from flooding. No evidence has been provided to support this assertion and EES experience indicates it may not be accurate. It would be prudent to assess the subject development independently without relying on flood protection from an external source, especially when its future likelihood is unclear.

EES recommends the applicant liaise with Transport for NSW to confirm design details of the realignment of Wallgrove Road and its timeframe and include this information in an updated flooding assessment. If this information is not available, it is recommended the proposal disregard the road realignment in consideration of flooding matters. Otherwise, it would be prudent to consider the development both independent of, and together with the road realignment for the purposes of floodplain risk management.

A revised civil design has been prepared by Martens Consulting Engineers for the updated EIS. The revised civil design has not been referred to in the letter on flooding from GHD and it is unclear whether it has been taken into consideration for the assertions made therein.

A Flood Impact Risk Assessment needs to be prepared, having regard to the revised civil design and EES comments dated 18 March 2019. If information is available on the realignment of Wallgrove Road, two scenarios should be investigated: with and without the road realignment.

Biodiversity

Digital shape files

This review was carried out without digital shape files being provided to EES. As per Table 25 of the BAM, digital shape files for all maps and spatial data need to be provided.

Project footprint and assessment of impacts

The project footprint shown in Figure 5-1 of the BDAR does not consider all structures associated with the proposed on-site detention basin in Lot 12, for example see page 55 of the Amended EIS. As such, in accordance with Table 25 of the BAM, the operational and construction footprints need to be included in the BDAR, and the assessment of all impacts must be carried out in accordance with section 9 of the BAM.

Mapping native vegetation extent

An area within the Cumberland Plain Woodland (CPW) has been mapped as “Buildings, infrastructure and dumped fill” (Figure 2-1) and has been identified as not requiring assessment (page 54) or offsets (Figure 6-1). However, recent aerial imagery (Nearmap dated Friday October 2 2020) shows no obvious differences between this area and the surrounding vegetation and section 5.1.1.3 of the BAM states “The native vegetation extent on the subject land includes all areas of native vegetation including native ground cover and the canopy area of trees.” As such, justification for this mapping needs to be provided in accordance with section 5.1.1.7 of the BAM, and section 10.4.1.1 may also need to be revisited.

Targeted surveys

Figure 2-1 contains the following “Note: habitat assessments, active searches for the Cumberland Plain Land Snail and other ground dwelling fauna, visual inspection of potential roost/nest trees and systematic traverses for threatened plants were conducted across the entire study area”. However, no GPS tracks are mapped for this and no field data sheets are included in an appendix. As such, sections 6.5.1.3 and 6.5.1.5 of the BAM need to be applied.

As part of the M12 proposal (which has amendments to the original EIS currently on exhibition) one live Cumberland Plain Land Snail (CPLS) was found during targeted surveys in January 2020, approximately 80m from the north eastern boundary of the subject site, in CPW that is contiguous with the CPW occurring in the study area and subject site (see Figure 4-3 of *M12 Motorway Amendment Report - Appendix A Biodiversity supplementary technical report October 2020*). As such, step 4 of section 6.4 of the BAM needs to be revisited, bearing in mind:

- that a targeted survey can confirm if a species credit species is present or is likely to use suitable habitat on the subject land and
- for the supplementary biodiversity report for the M12 proposal, EES does not understand why all of the native vegetation on Lot 2 DP 2954 has not been included as part of the CPLS polygon; the vegetation mapped in a higher condition (Moderate/Good – Medium) has been excluded from the polygon, but the vegetation mapped as Moderate/Good – Poor has been included.

Species polygon for Southern Myotis

The polygon for Southern Myotis is incorrect. This is because the dam located near the junction of Cecil Road and Elizabeth Drive (on Lots 1 and 2 DP236527) is within 200m of the subject land but was not used to determine the species polygon; only the water body in the north west of the study area was (see page 56 of the BDAR). Bionet states “Use aerial imagery to map waterbodies with pools/stretches 3m or wider on or within 200m of the subject land. Species polygon boundaries should align with PCTs on the subject land to which the species is associated that are within 200m of waterbodies mapped”. As such, the species polygon for Southern Myotis needs to be determined in relation to both waterbodies and the credit obligation recalculated.

Avoiding and minimising impacts

No effort has been demonstrated to avoid and minimise impacts on biodiversity values in the vegetated areas along the north eastern and south eastern boundaries of the subject site. This is important because Figure 1-2 ‘Construction footprints of the amended project and the project as described in the EIS’ in the *M12 Motorway Amendment Report - Appendix A Biodiversity supplementary technical report October 2020* shows the proposed retention of vegetation along these boundaries. As such, section 8.1 of the BAM needs to be applied.

Mitigation measures

Mitigation measures need to be included for the removal of habitat associated with prescribed impacts.

A mitigation measure on page 45 of the BDAR states “The construction contractor is to contact the Project ecologist for advice if any unexpected fauna are found during the construction period (i.e. following clearing of native vegetation when the Project ecologist is no longer on site).” (EES emphasis). The timing stated in the BDAR for this mitigation measure is ‘during clearing’. EES recommends the timing should be amended to ‘post clearing’ and not “during clearing” as the mitigation relates to “following clearing of native vegetation” (see page 45).

The mitigation measure to relocate significant habitat features to adjacent areas of vegetation (see page 44 of the BDAR) should only be done in areas that will not form part of the construction footprint for the M12 i.e. they should be placed areas where the vegetation will be retained for the long term.

Recommended Conditions of Consent

Pre-clearance surveys

EES recommends a condition of consent is included for surveys to be undertaken by a suitably qualified ecologist prior to any clearing of vegetation commencing on the site to mitigate potential impacts on native fauna.

Any resident native fauna found during the surveys should be appropriately captured and relocated by a licensed wildlife carer to appropriate nearby habitat locations, particularly as the BDAR notes the tree hollows on site may provide roosting, refuge and breeding habitat for a range of native species including micro bats, arboreal species (e.g. possums) and birds (parrots, lorikeets) and a resident Brushtail Possum with dependant young was observed utilising a hollow within the subject site during nocturnal surveys (section 3.3, page 30). The relocation of native fauna which use the tree hollows on site for habitat may need compensatory tree hollows provided prior to being released.

Seed collection from native plants to be removed

EES recommends seed from native plants to be removed within the project footprint is collected prior to any site clearing and used in plant propagation for landscaping/ planting on the site. In order to avoid local provenance species not being available at the required planting time, EES recommends a condition is included that the proponent must commence sourcing local native provenance plant species particularly trees and/or growing local provenance trees as soon as possible, so the trees to be planted are advanced in size to improve the urban tree canopy and

local biodiversity. The proponent should seek advice from a qualified bush regenerator and condition of consent is included to this effect.

- ***The proponent must commence collecting local native seed and growing local provenance plant species particularly trees as soon as possible, so the trees to be planted are advanced in size to assist improve the urban tree canopy and local biodiversity***

Translocation of juvenile native plants

EES recommends any juvenile native plants that are to be removed as part of this development are translocated to the area on site where the trees are to be retained and/or planted in the site's landscape areas to conserve the local genetic diversity.

The plants should be relocated when plant growth conditions are ideal to give the native plants the best possible opportunity to establish before the next summer. The translocated plants should be maintained until established (i.e. weeding and watering).

The following condition of consent should be included:

- ***prior to any earthworks and clearing of native vegetation commencing on the site, juvenile native plants shall be removed and planted where trees are to be retained on the site and/or used in the site's landscape areas to conserve the local genetic diversity.***

Reuse of removed trees

EES recommends the SSD salvages and reuses native trees that are removed including tree hollows, tree trunks (greater than approximately 25-30cm in diameter and 3m in length) and root balls and these are used by the SSD in the landscape areas to enhance habitat.

As the SSD is unlikely to be able to reuse all of the 150 trees proposed to be removed, EES recommends a condition of consent is included that the proponent consults with the local community restoration/rehabilitation groups, Landcare groups, surrounding reserve managers including the National Parks and Wildlife Service (NPWS) and Council etc prior to any clearing commencing to determine if the removed trees can be re-used by others in habitat enhancement and rehabilitation work. This detail including consultation with the community groups and their responses should be documented in the Construction Environmental Management Plan (CEMP).

It is recommended the project includes following condition:

- ***The Proponent must identify where it is practicable to reuse any of the native trees that are to be removed as part of this development, including tree hollows and tree trunks (greater than 25-30 centimetres in diameter and three metres in length), and root balls to enhance habitat. Where the removed native trees are not able to be entirely re-used on the site, the proponent must consult with local community restoration/rehabilitation groups, Landcare groups, surrounding reserve managers including the National Parks and Wildlife Service (NPWS) and Council prior to removing any native trees to determine if the removed trees can be reused in habitat enhancement and rehabilitation work. This detail including consultation with the community groups and their responses must be documented in the CEMP***

Site landscaping

The amended EIS states "landscaping would be undertaken on the site as part of the Proposal and would be included on all boundaries of the Proposal Site (page 24). It indicates the landscape design for the Proposal aims to integrate the site into the broader environment with the following:

- use of species that are local to the area, hardy and easy to maintain
- use of trees within the site to provide a uniform canopy cover within vegetated areas
- use of local species as understory planting to support and enhance local habitat values
- use (where reasonable and feasible) of seeds collected within the local area for planting to reinforce the genetic integrity of the region (page 25).

The Urban Design report includes a limited plant species list comprising three tree species (Grey Box, Luscious Water Gum and Forest Red Gum) and seven species of grass and rushes (section

6.7, page 24). EES recommends any landscaping/planting at the site uses a diversity of local provenance native species from the relevant native vegetation communities that occur on the site rather than use exotic species or non-local native species. It is recommended the proponent obtains advice from a suitably qualified bush regenerator on local provenance native plant species that can be planted, and a condition of consent is included to this effect.

The RtS notes the amended application proposes to plant 26 trees within the proposed road reserve (page 5). EES recommends local native provenance tree species are used and these are advanced in size to assist improve the urban tree canopy and local biodiversity.

EES recommends the following conditions of consent are included:

- ***Any planting for the project shall use a diversity of local provenance native trees, shrubs and groundcover species (rather than exotic species or non-local native species) from the relevant native vegetation communities that occurs on the site***
- ***Tree planting shall use advanced and established trees with a minimum plant container pot size of 100 litres, or greater for tree species which are commercially available. Other tree species which are not commercially available may be sourced as juvenile sized trees or pre-grown from provenance seed.***
- ***Enough area/space is provided to allow the trees to grow to maturity***
- ***A Landscape Plan is to be prepared and implemented by an appropriately qualified bush regenerator and include details on:***
 - a. the location of landscape areas and tree retention***
 - b. seed collection – the location of all native seed sources should be identified***
 - c. the translocation of existing juvenile native plants***
 - d. the native vegetation communities that occur on the site***
 - e. the plan demonstrates that the plant species consist of local provenance and provides a list of local provenance species to be planted***
 - f. the quantity and location of plantings***
 - g. the pot size of the trees to be planted***
 - h. the area/space required to allow the planted trees to grow to maturity***
 - i. plant maintenance regime. The planted vegetation must be regularly maintained and watered for 12 months following planting. Should any plant loss occur during the maintenance period the plants should be replaced by the same plant species.***

End of Submission



Jemena Gas Networks
(NSW) Ltd
ABN 87 003 004 322

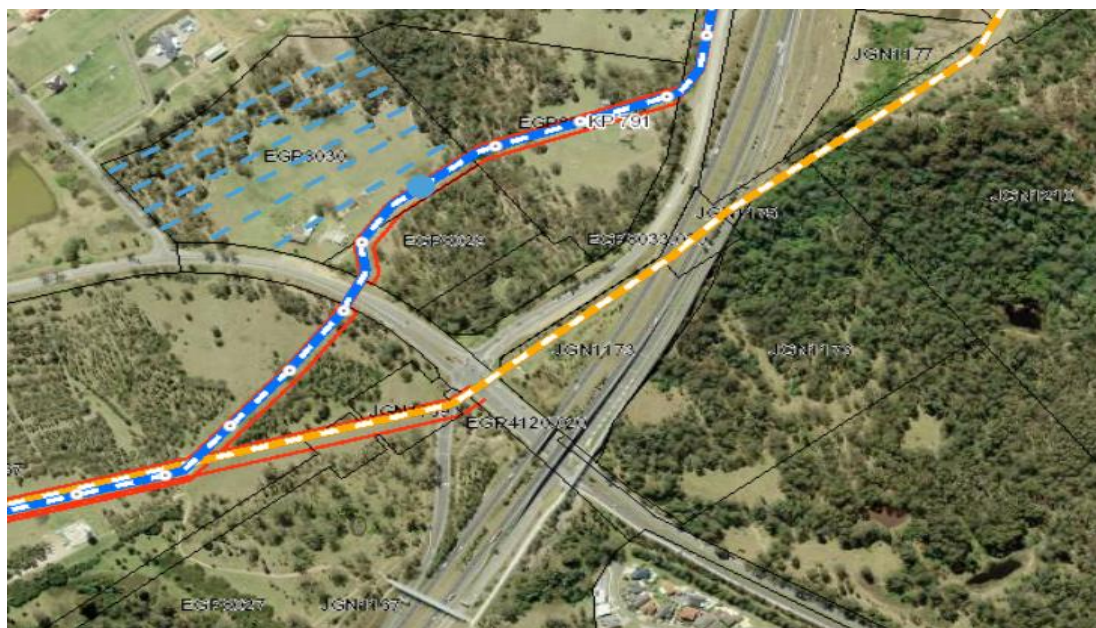
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Reference : SSD 8859

Jemena confirms that it owns and operates two high pressure gas transmission pipelines which are on or near the proposed Elizabeth Drive Business Hub .Refer Figure 1 (EGP shown in blue, Licence 1 is yellow).

- The EGP which has a measurement length of 766m.
- Licence 1 which has a measurement length of 766m.

Figure 1. Gas pipelines and development plan



[illegible]

The EGP & JGN high pressure pipelines are significant gas pipelines that in part, convey gas to the 'City Gates' and in turn to the Jemena Gas Network (JGN) which provides gas to 1.4 million Sydney and NSW customers.

High Consequence Area . A location along the pipeline where sensitive developments are present pipeline rupture can be expected to result in multiple fatalities or significant environmental damage.

The proposed development along the EGP and Licence 1 pipeline routes will have impacts on the safety and risk profile of the pipelines. In particular the inclusion of '*sensitive developments*' within the measured length of a pipeline will result in locations along the pipeline considered as HCAs. For pipeline segments located within the HCA the risk level may be unacceptable and risk mitigation measures would be required.

Jemena recommendations

Jemena submits consenting authorities and the developer should consider the following requirements and recommendations for development within the measurement length.

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 strongly recommends the consenting authority do not approve *Sensitive Developments* within 76m of Jemena's pipeline easement boundary.

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.

All development proposed (including roads, utilities , boundary fences) within Jemena's pipeline easement will require Jemena's review and acceptance.

To provide some greater context to the decision above, the high pressure pipelines operates at pressures greater than 6MPa. Under AS2885 requirements, Jemena takes its rights and obligations under these instruments seriously as they relate to ensuring the ongoing safety and integrity of its Licenced gas pipelines and the community at large. Development proponents are obliged to consider the implications of undertaking development adjacent to high pressure pipelines transporting dangerous goods in NSW as communicated in the ISEPP clause 66C and more recently the Planning Circular PS 18-010.

Duty of care exists to ensure there is no compromise to the integrity of the Jemena assets during this procedure due to the existing ground conditions that currently exist.

If you have any questions or quires, please do not hesitate to contact the undersigned.

Kind Regards



Luke Duncan
Property Officer
Gas Distribution



Our ref: A4188107

Contact: Elizabeth Workman on 9725 0292

3 November 2020

Ania Dorocinska
Senior Planning Officer
Industry Assessments
NSW Department of Planning, Industry and Environment
GPO Box 39
Sydney NSW 2000

Dear Ms Dorocinska

**SSD 8859: 1111-1141 Elizabeth Drive, Cecil Park
Request for Advice in Relation to Response to Submissions**

The following outlines Council's comments in relation to your new request for advice for SSD 8859 and the applicants Response to Submissions. Council notes that the applicant has amended the proposal somewhat in response to the submissions received and has now addressed a key issue raised in Council's previous submission by removing day to day retail activities from the proposal. Another critical modification is the change to access arrangements to the site as discussed further below.

Having reviewed all the information, Council requests that the following additional comments be considered.

Impacts on Existing Centres and Retail Activity

Council previously raised concern regarding the potential impacts the use of the site for retail/business activities could have on existing nearby retail centres and the proposal was therefore contrary to Council's Retail and Centres Strategy.

In response, the applicant has amended the proposal to remove facilitation of retail activities on the site. Instead, it is now proposed to create 12 allotments incorporating a range of future land uses including a highway service centre, light industrial, recreation and urban services (e.g. warehousing), large format retail (bulky goods) and short-term accommodation. Future development applications will be required for development and use of each allotment created.

As the amended application seeks only subdivision and site enabling works, future uses will be required to lodge individual development applications. To ensure that these future uses do not impact on the viability of existing retail in Fairfield City, it is recommended that DPIE restrict the extent for retail activities on the site to ancillary retail uses associated with a highway service centre (i.e. service station).

Western Sydney Parklands – Future Acquisition

Based on the provisions of the SEPP (Western Sydney Parklands), it is understood the Western Sydney Parklands (WSP) Trust would need to provide confirmation to NSW DPIE 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.

This is an issue that will need to be resolved between the NSW DPIE, WSP Trust and the applicant/owner and could impact upon future acquisition of the site by the WSP Trust.

Critically Endangered Ecological Communities

Council Natural Resources officer has stressed the detrimental impact the proposal will have on the Cumberland Plain Woodland in the Sydney Basin Bioregion which is listed as a critically endangered ecological community (CEEC) under the NSW *Biodiversity Conservation Act 2016* (BC Act) and the related community Cumberland Plain.

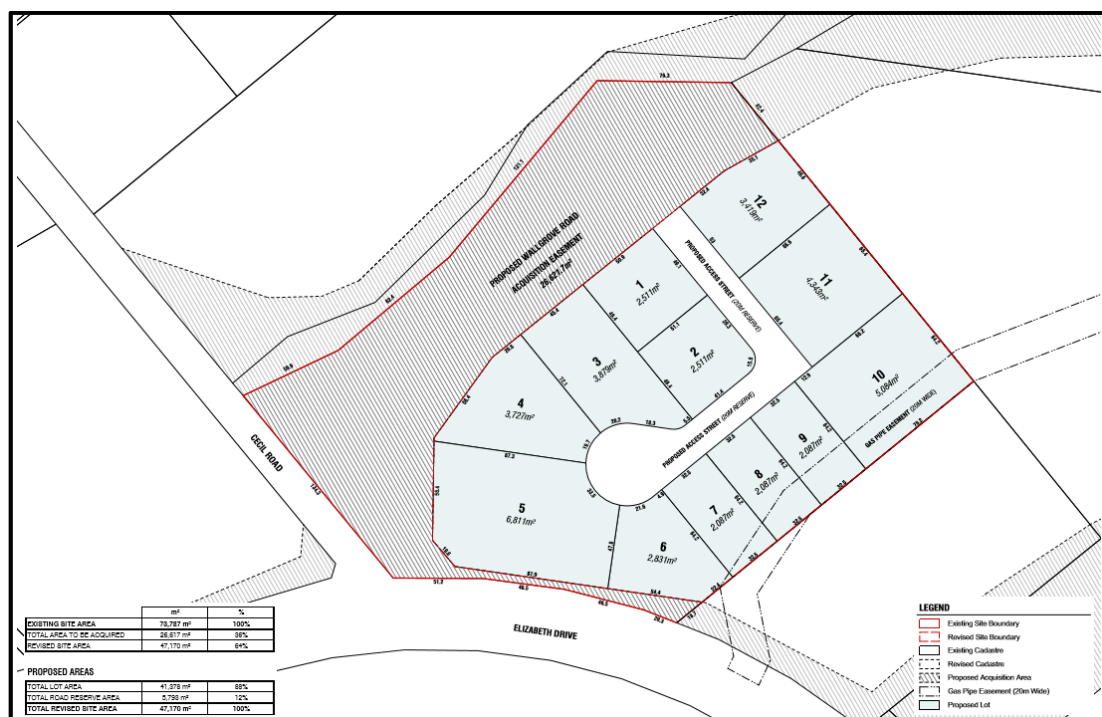
The following credits are required to be retired to offset the impacts of the proposal:

- 48 ecosystem credits to offset impacts to 1.15 ha of PCT 849 - Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain.
- 36 Southern Myotis species credits to offset the removal of habitat within a 1.06 hectare species polygon.

To avoid and minimise potential impacts of the proposal on biodiversity values, a series of mitigation and management measures have been identified, which will need to be implemented as part of a future construction environmental management plan (CEMP) for the site.

Access Arrangements

Access to the site is now proposed from a future extension to Wallgrove Road (see Figure below), which is currently being planned for by TfNSW under the amended M12 Major Infrastructure Project.




Council's Traffic Engineers have provided advice on the amended proposal and the following issues are highlighted:

- The applicant is requesting an access road to the development off the realigned Wallgrove Road. The proposed access arrangement requires approval from TfNSW;
- The proposed works including road realignment, road upgrade, installation of traffic control signals at/near the subject intersection require approval from the TfNSW and relevant sections of Council;
- As part of the realignment of Wallgrove Road, clarification is required about whether vehicles accessing the new access road needs to be restricted to left-in and left-out movements based on safety reasons particularly during the AM and PM peak hours;
- A traffic management plan will need to be submitted to Council to demonstrate how the increase in vehicle movements (heavy vehicle and passenger vehicle movements) accessing the proposed access road (travelling to/from the sites) will be managed during the peak AM and PM peak hours; and
- Due to the scale of the works proposed, a road safety audit will need to be undertaken by a qualified/accredited person to help identify whether there are any issues/risks associated with the entire proposal.

In response to the Department's request for response, the above issues are recommended for consideration by DPIE regarding the amended SSD application for 1111-1141 Elizabeth Drive, Cecil Park. If you have require any further information in relation to the above please do not hesitate to contact me on 9725 0292.

Yours sincerely



Elizabeth Workman
SENIOR STRATEGIC LAND USE PLANNER



Our ref: DOC20/872008
Your ref: SSD-8859

Ania Dorocinska
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Industry Assessments
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Advice provided via the Major Projects Portal

Dear Ms Dorocinska,

Advice on Amendment Report for SSD – 8859 Elizabeth Drive Subdivision

Thank you for referring the Amendment Report for the above State Significant Development (SSD) to Heritage NSW for comment. We understand this SSD relates to the proposed subdivision at Lot 2 Section 4 DP 2954 – 1111-1141 Elizabeth Drive, Cecil Park, New South Wales.

Previous responses

On 2 November 2017 a request for Secretary's Environmental Assessment Requirements (SEARs) was sent to the then Office of Environment and Heritage (OEH) for their response. OEH provided advice that an Aboriginal site was recorded on the Aboriginal Heritage Information Management System (AHIMS) in or near proposed subdivision area. OEH also provided SEARs in relation to Aboriginal cultural heritage matters.

On 21 January 2019 a letter was sent to OEH requesting input on the abovementioned state significant development. OEH advised they would not provide comment on Aboriginal cultural heritage matters at that time but did emphasise that not commenting did not represent OEH support for the proposal and that the matter may still need to be considered by the consent authority.

Please note that on 1 July 2020 Aboriginal cultural heritage regulation functions were transferred into Heritage NSW in the Department of Premier and Cabinet (DPC). We offer the following advice in relation to Aboriginal cultural heritage matters.

AHIMS site 45-5-2563 DLC2 lies within the study area

We can advise that this Aboriginal site has been mapped incorrectly in the following reports prepared for the project:

- Aboriginal Cultural Heritage Assessment Lot 2 Section 4 DP 2954 1111-1141 Elizabeth Drive Cecil Park NSW (ACHAR) (Fairfield LGA) (prepared by Archaeological Management & Consulting Group & Streat Archaeological Services and dated September 2020)

- Aboriginal Test Excavation Report Lot 2 Section 4 DP 2954 1111-1141 Elizabeth Drive Cecil Park NSW (Fairfield LGA) (ATER) (prepared by Archaeological Management & Consulting Group & Streat Archaeological Services and dated September 2020)

As the site was mapped incorrectly it was not assessed as being within the project area and was not subject to test excavations. As such, the current assessment may not have adequately considered the impacts of the project to Aboriginal cultural heritage values.

Recommended Actions prior to approval

Due to the incorrect mapping of the Aboriginal site we recommend:

- an attempt be made to reidentify AHIMS site 45-5-2563 DLC2
- test excavations be undertaken at the location of AHIMS site 45-5-2563 DLC2 as the isolated find is recorded in association with potential archaeological deposit (PAD)
- the ACHAR and the ATER be updated to reflect the presence of AHIMS site 45-5-2563 DLC2 within the study area and the results of the additional test excavations.

We look forward to reviewing the project again after the additional test excavations have been conducted.

Please note: the above comments relate only to Aboriginal cultural heritage regulation matters. You may wish to seek separate advice from Heritage NSW in relation to matters under the *Heritage Act 1977*.

If you have any questions regarding the above advice please contact Kym McNamara on (02) 6229 7028 or via email at kym.mcnamara@environment.nsw.gov.au.

Yours sincerely



Jackie Taylor
Senior Team Leader, Aboriginal Cultural Heritage Regulation - South
Heritage NSW
5 November 2020