



Western Sydney Parklands Trust

7 September 2021

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Mr Chris Ritchie
Director, Industry Assessments
Department of Planning, Industry and Environment
12 Darcy Street
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Attention: Tom Bertwistle
Environmental Assessment Officer
email: Thomas.bertwistle@planning.nsw.gov.au

Dear Sir/Madam

RE: Response to RFI - Elizabeth Drive Subdivision (SSD-8859)

Thank you for the opportunity to provide comments on the latest Response to Request for Information (RFI) for the proposed Elizabeth Drive Subdivision (SSD-8859) at 1111-1141 Elizabeth Drive, Cecil Park (Site). The site is within the Western Sydney Parklands.

Western Sydney Parklands Trust (WSPT) requests that this submission is considered in conjunction with our previous submissions dated 27 February 2019 and 20 November 2020. WSPT considers that the proposal is inconsistent the Western Sydney Parklands SEPP and Western Sydney Parklands Plan of Management 2030, as outlined in our previous responses. The table provided at Attachment A provides an overview of the applicant's response (18 August 2021) to the issues raised by WSPT and provides comment on the response.

Should DPIE progress with development consent for this matter, it is recommended that DPIE consider imposition of conditions, such as a Restriction to User, to ensure the future uses on the land are for tourism and associated facilities.

Thank you for the opportunity to comment on the application.

Yours Sincerely

Suellen Fitzgerald
Chief Executive
Greater Sydney Parklands

ATTACHMENT A – WSPT comments on Applicant’s response dated 18 August 2021

WESTERN SYDNEY PARKLAND PLAN OF MANAGEMENT 2030		
Issue Raised	Applicant’s Response	WSPT comments
<p>The amended SSD-8859 remains inconsistent with the 2030 Plan including:</p> <p>a) While the <i>Land Use Opportunities</i> for Precinct 11 Cecil Park North of the 2030 Plan including “Tourism and associated facilities”, the scale of SSD-8859 would constitute a <i>Tourism Hub</i> and there is no such hub indicated on the Site as there are in other locations.</p>	<p>The Plan of Management 2030 (“2030 Plan”) states:</p> <p><i>“The Trust has encouraged private investment in Business and Tourism Hubs to activate the Parklands and create a sustainable funding base for the Parklands in the long-term.”</i> (Emphasis added)</p> <p>As addressed in the Response to Submissions dated August 2020, 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 the 2030 Plan.</p> <p>A detailed summary defining the intended future landuses are provided at Attachment 4.</p> <p>Intended future land uses align with Objective 3 of the 2030 Plan’s Strategy Direction 4 ‘<i>Financial Sustainability and Economic Development</i>’, which states,</p> <p><i>“Increase employment and economic activity in Western Sydney through private and public partnerships in new WSPT Business, Community Facility, Sport and Tourism Hubs”</i></p> <p>The proposed development demonstrates consistency with the objectives and desired future character of Precinct 11 ‘Cecil Park North’.</p> <p><u>Desired Future Character</u></p> <p><i>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</i></p>	<p>WSPT requests that DPIE considers mechanisms, such as a Restriction to User, to ensure the future uses are for tourism and associated facilities.</p> <p>Food and drink premises are considered appropriate in the Western Sydney Parklands in this location, however this should exclude gambling uses.</p> <p>The Plan of Management provides for private land holders to continue to provide for bushland and semirural paddocks as interim land uses.</p>

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	<p><i>associated infrastructure, if required.</i></p> <p>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.</p> <p>The amended application takes into consideration a series of site constraints including:</p> <ul style="list-style-type: none"> • the new Cecil Road and Wallgrove Road re-alignment as proposed by Transport for NSW along the (former) north-western boundary of the site. • Jemena's gas pipeline easement and sensitive development buffer along the site's eastern boundary. • NSW identified High Biodiversity Values. <p>Refer to Site Constraints Drawings at Attachment 5.</p> <p>The Applicant maintains ongoing correspondence with TfNSW in relation to any potential new changes by the state government regarding the alignment.</p> <p>The site does not intercept the preferred route proposed for the future M12 corridor.</p> <p><u>Objectives</u></p> <p><i>Protect and enhance the natural systems and environmental values</i></p> <p>As illustrated in the drawings at Attachment 5, the site is constrained by existing and planned infrastructure upgrades</p>	<p>The proposal seeks to remove all vegetation from the site. It does not adequately respond to this constraint. The proposal does not consider any opportunity to enhance the natural systems and environmental values of the Western Sydney Parklands.</p>

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	<p>around the area.</p> <p>On 11 December 2019, DPIE provided an aerial image identifying areas of vegetation to be considered by the Proponent to avoid (directly and indirectly) by the development or by any associated infrastructure or bushfire requirements (Attachment 6). 20,218m² of the high value vegetation identified by the Department is located within the portion of the site to be acquired by TfNSW to facilitate the new Wallgrove Road easement.</p> <p>Refer to BDAR Report at Attachment 3b.</p> <p><i>Provide services infrastructure as required</i></p> <p>The amended proposal will accommodate a range of intended future land uses that will provide services infrastructure. An updated stormwater management plan has also been submitted as part of this application. Stormwater for the site will be managed into one bio-detention basin and does not rely on the new Wallgrove Road re-alignment.</p> <p><i>Investigate business and tourism potential on remaining lands</i></p> <p>The amended application is consistent with providing tourism and associated facilities within the Precinct.</p> <p><u>Land Use Opportunities</u></p> <p><i>WSPT Business Hubs at sites designated by the Trust</i></p> <p>The amended application does not propose a business hub on the site as it is not identified on the Cecil Park North Precinct Plan.</p> <p><i>Tourism and associated facilities</i></p> <p>The amended application is consistent with providing tourism and associated facilities within the Precinct.</p> <p><i>Environmental protection works</i></p>	

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	<p>Not applicable. The amended application seeks the removal of vegetation in accordance with the Biodiversity Conservation Act (Refer to BDAR at Attachment 3b). The amended application also takes into consideration the new Wallgrove Road re-alignment as proposed by Transport for NSW along the (former) north-western boundary of the site.</p> <p><i>Potential Aboriginal and non-Aboriginal cultural and heritage interpretation</i></p> <p>No Aboriginal objects and/or deposits of cultural significance were located during test excavation undertaken by Streat Archaeological Services Pty Ltd.</p> <p><i>Existing semi-rural uses</i></p> <p>The intended future land uses proposed on the site maximises its strategic location to planned infrastructure upgrades in the area. The proposed intersection at Elizabeth Drive and the new Wallgrove Road alignment will become a key transport connection to the proposed M12 Motorway for commuters headed west-bound towards Badgerys Creek Airport.</p> <p><i>Utilities infrastructure</i></p> <p>The site lends itself to its strategic location adjacent critical public infrastructure upgrades, being the future M12 motorway and the new Wallgrove Road alignment. There is capacity within existing utilities infrastructure to redevelop such as water and electricity. Wastewater will be managed within the site and will be subject to future detailed DA stage of individual lots.</p>	
b. The 2030 Plan identifies Tourism Hubs as "Tourism destinations based on a wide range of recreation, leisure, entertainment,	The site is located adjacent significant major road infrastructure, being:	The proposed road connection does not supersede the Western Sydney

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<p>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.</p>	<ul style="list-style-type: none"> • M7 Motorway; • M12 Motorway (planning stage) • New Wallgrove Road realignment associated with the M12 Motorway. <p>A highway service centre is defined under the standard instrument as follows:</p> <p>highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following—</p> <ul style="list-style-type: none"> (a) a restaurant or cafe, (b) take away food and drink premises, (c) service stations and facilities for emergency vehicle towing and repairs, (d) parking for vehicles, (e) rest areas and public amenities. <p>In this regard, the site's strategic location lends itself to the provision of a highway service centre as it provides ancillary services that support tourism uses in the area.</p>	<p>Parklands SEPP or the Plan of Management. The controls provided within these documents remain appropriate for the site.</p>
<p>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.</p>	<p>The proposed development does not seek approval for future indicative land uses for each lot. Potential land uses that do not align with the objectives of the WSPT and can be conditioned.</p>	<p>WSPT requests that DPIE considers mechanisms, such as a Restriction to User, to ensure the future uses are for tourism and associated facilities.</p> <p>Food and drink premises are considered appropriate in the Western Sydney Parklands in this location, however this should exclude gambling uses.</p>
STATE ENVIRONMENTAL PLANNING POLICY (WESTERN SYDNEY PARKLANDS) 2009		
<p>The amended SSD-8859 remains inconsistent with Parklands SEPP in particular:</p> <p>a. Clause 12(a) as the aim of the Parklands SEPP is to enable WSPT to develop the Parklands, not another party;</p>	<p>Notwithstanding non-compliance with this aim, the proposed development provides interim uses on private land that 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 <i>Western</i></p>	<p>Tourism and associated facilities can be considered appropriate in the Western Sydney Parklands.</p>

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	<i>Sydney Parklands Act 2006, consistent with Clause 2(j) of the Parklands SEPP.</i>	
b. Clause 12(g) as SSD-8859 would reduce the continuity of the Parklands as a scenic break along Elizabeth Drive;	Given the site's location at the centre of existing and planned major road infrastructure, the merits of the site's location should be considered having regard to the new Wallgrove Road re-alignment and proposed M12 corridor which will significantly impact the 'scenic break' along Elizabeth Drive during construction phase.	Noted
c. Clause 12(i) as the 2030 Plan does not identify a Tourism Hub to be located at the Site;	The proposed development is not intended to be a Tourism Hub. The proposed subdivision will facilitate tourist and associated interim uses consistent with the desired future character of the precinct.	WSPT requests that DPIE considers mechanisms, such as a Restriction to User, to ensure the future uses are for tourism and associated facilities.
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;	This is a Legal Matter.	WSPT requests that DPIE considers mechanisms, such as a Restriction to User, to ensure the future uses are for tourism and associated facilities.
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;	Given the site's location at the centre of existing and planned major road infrastructure, the merits of the proposed development should be considered having regard to the new Wallgrove Road re-alignment and proposed M12 corridor which will significantly impact the 'scenic break' along Elizabeth Drive during construction phase. Refer to Site Constraints Drawings at Attachment 5 . TfNSW released a Community Update regarding the M12 Motorway in March 2021, which outlined key changes to the transport connections around the site. One of which includes new connections between the M12 and Elizabeth Drive near the existing M7 Motorway.	Noted
f. Clause 17(c) as there are few remaining privately-owned parcels within the Parklands and we understand that extensive	Noted. This is a Legal Matter.	WSPT requests that DPIE considers mechanisms, such as a Restriction to User, to ensure the future uses are for tourism and

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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;		associated facilities.
g. Clause 17(d) as the proposed improvements are likely to increase the value of the Site and increase acquisition costs;	Noted. This is a Legal Matter.	WSPT requests that DPIE considers mechanisms, such as a Restriction to User, to ensure the future uses are for tourism and associated facilities.
h. Clause 17(e) as the proposed development will be to the detriment of the natural systems of the Parklands; and	<p>As discussed throughout this letter the site is located at the centre of state government existing and planned major road infrastructure including the new Wallgrove Road alignment and M12 Motorway.</p> <p>It is important to note that the portion of land acquired by TfNSW from the original site boundaries comprised 23,570m² of land that contained threatened species PCT849 Cumberland Plain Woodland. The acquired land is to facilitate the re- alignment of Wallgrove Road.</p>	Noted. This does not address the applicant's proposal to remove all remaining vegetation from the site.
i. Clause 17(f) as WSPT considers it unlikely that restoration of the natural systems can be achieved.	As above.	As above