

Fairfield City Council

Submission to Proposed State Significant Development

(SSD 17/8859)

**Proposed Business Hub
1111-1141 Elizabeth Drive, Cecil Park**

22 February 2019

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SUMMARY

Council at its meeting of 12 February 2019 considered the State Significant Development Application (SSD 8859) currently on public exhibition in relation to a proposed subdivision (and associated works) at 1111-1141 Elizabeth Drive, Cecil Park.

The proposed development includes subdivision of a 7.38 hectare site into 14 allotments, including associated works such as demolition of existing structures, clearing of vegetation, rehabilitation of riparian corridors, stormwater and civil works and road works. It is envisaged that complimentary commercial uses (subject to future DA) would include service station, hotel/motel accommodation, industrial/warehouse units, medical/child care centres, high-end office space for the aviation industry, etc.

The purpose of this submission is to advise the NSW Department of Planning and Environment (DP&E) of several concerns Council has with respect to the future progression of the proposed business hub at the subject location including:-

- 1) Proposed roundabout located at the intersection of Elizabeth Drive and Cecil Road;
- 2) Proliferation of general retail uses at the site;
- 3) Confirmation regarding inclusion of the development within the 2% of land within the Western Sydney Parklands to be dedicated towards income generating business hubs;
- 4) Appropriate management of conservation areas during construction and management; and
- 5) Incorporation of an *Unexpected Finds Protocol* as part of any development approval process.

PROPOSED DEVELOPMENT

The Development Application (DA) seeks approval for the subdivision and enabling/preparatory works of 7.38 hectares of land to ultimately facilitate the development of a Mixed-Use Business Hub comprising 12,324 sqm of gross floor area across 14 indicative allotments.

In summary the proposal comprises:

- Demolition of existing structures (includes an existing dwelling on the site);
- Subdivision to create 14 lots;
- Bulk earthworks to level the site;
- Provision of utility services;
- Environmental & creek line works;
- Construction of vehicular access points and connection to new internal road; and
- Landscape works.

Proposed future development (subject to future DA) as a business hub includes the following uses and corresponding floor areas:-

Land Use Proposed	Indicative Gross Floor Area
Highway service centre comprising service station and fast food premises	1,858m ²
Industrial/urban services	5,667m ²
Large format retail uses (e.g. homemaker centre, bulky goods development)	2,249m ²
Tourist and Visitor Accommodation (motel)	2,544m ²

The Elizabeth Drive Business Hub Site is located on privately owned land within the Western Sydney Parklands situated on the corner of Elizabeth Drive and Cecil Road, Cecil Park, to the west of the M7 Motorway and Wallgrove Road. It is known as Lot 2 Section 4 DP 2954 (No. 1111- 1141) Elizabeth Drive, Cecil Park (see image below).



The Western Sydney Parklands are identified as a State Significant Site in Schedule 2 of the State Environmental Planning Policy (State and Regional Development) 2011. Development within the Parklands with a capital investment value of more than \$10 million is State Significant Development (SSD) for the purposes of the EP&A Act. As the proposed development will have an estimated capital investment value of over \$12 million it is deemed to be SSD.

BACKGROUND INFORMATION

The subject property is located within the Western Sydney Parklands however has never been identified for acquisition by the Western Sydney Parklands Trust and therefore remains in private ownership.

The key planning policies relevant to the proposal comprise the SEPP (State & Regional Development), SEPP (Western Sydney Parklands) and Western Sydney Parklands Plan of Management (POM). The site is located outside the study area associated with the Fairfield Rural Lands Urban Investigation Area and the provisions of Fairfield LEP 2013 do not apply to the site.

ADDITIONAL COMMENTS/CONSIDERATIONS

In response to the Notice of Exhibition for the proposed subdivision and site works, various relevant Council Departments have reviewed the proposed Development Application and associated Environmental Impact Statement (EIS). The following comments form the basis of Council's submission to the proposal.

A. Planning

Economic Impact Issues – Acquisition of Land

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.

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.

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.

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.

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.

An economic impact statement submitted with the application indicates this could include such categories as *“household appliances, manchester and homewares, furniture, floor coverings and textiles, pet supplies, camping equipment, liquor outlets and hardware and landscape garden supplies”*.

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.

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 *“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”*.

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.

B. Traffic and Transport

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 development of the site (associated with the highway service centre and other uses) would generate up to approximately 653 vehicles per hour.

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.

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.

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.
- There is a need for signalisation of this intersection having regard 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 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 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.

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 “*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*”.

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.

Although the RMS and Transport for NSW would make the ultimate determination on the suitability of 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.

C. Natural Resources

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;
- 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

D. Environmental Management

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.

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.

CONCLUSION

The proposed subdivision, site works and future development of 111 - 1141 Elizabeth Drive, Cecil Park for the purposes of a business hub containing a highway service centre, motel accommodation and bulky goods type development may have significant and unacceptable implications on traffic safety and congestion if it is not appropriately conditioned to require the proponent to signalise the intersection of Elizabeth Drive and Cecil Road.

The potential for proliferation of general retail uses is a concern that will need to be appropriately managed so as not to impact upon the viability of Council's existing retail centres. Therefore Council advises the NSW DPE that support for the proposal is based upon the appropriate conditioning of the following:

- Signalisation of the intersection of Elizabeth Drive and Cecil Road;
- Specific reference to the proposed land uses within the conditions of consent;
- Inclusion of an *Unexpected Finds Protocol* and appropriate conservation management measures as conditions of consent; and
- Confirmation that the floor space generated is included within the 2% allowed for business hub development within the Parklands under the Western Sydney Parklands Plan of Management 2030.