

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-8859 Elizabeth Drive Subdivision
Applicant	AE Design Partnership Pty Ltd
Consent Authority	Minister for Planning

Decision

The Director, Industry Assessments under delegation from the Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**the Act**) granted consent to the development application subject to conditions.

A copy of the development consent and conditions [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

Date of decision

16 June 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report;
- advice from relevant NSW Government authorities and Fairfield City Council; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting consent to the development application are as follows:

- the development would provide a range of benefits for the region and the State as a whole, including a total capital investment of \$10 million and the generation of 151 construction jobs and upon ultimate development, allow for 443 operational jobs within Western Sydney;
- the development is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan – A Metropolis of Three Cities and the Western City District Plan;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the conditions of consent; and
- weighing all relevant considerations, the development is in the public interest, subject to strict conditions of consent.

Attachment 1 – Consideration of Community Views

The Department exhibited the EIS for the development from Thursday 24 January 2019 until Wednesday 20 February 2019 (28 days) and received 10 submissions, including seven objections to the development.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include traffic and biodiversity impacts. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<i>Traffic Impacts</i> Concern was raised in public submissions regarding the increase in traffic, the installation of a new roundabout on Elizabeth Drive and limited upgrades to mitigate traffic	<i>Assessment</i> - In September 2020, the Applicant amended the DA to change access arrangements to facilitate significant road upgrades surrounding the site by TfNSW. These changes resulted in the removal of a roundabout on Elizabeth Drive in favour of an intersection on the upgraded and realigned Wallgrove Road. - Significant collaboration between the Applicant, the Department, TfNSW and Council resulted in a left in, left out intersection on the future Wallgrove Road. TfNSW has advised some changes to the planned Wallgrove Road will also be required, including the lengthening of the southbound lane and construction of a deceleration lane. - The Department notes that the establishment of land uses on site will require the lodgement of future DAs for each lot, which will be required to consider traffic impacts. <i>Conditions</i> - The Department has recommended conditions requiring the Applicant to enter into a Work Authorisation Deed with TfNSW to ensure the detailed design of the site's access and roadworks are compliant with TfNSW's requirements and confirm funding arrangements.
<i>Biodiversity Impacts</i> Concern was raised by the public over the removal of vegetation and its impact of flora and fauna.	<i>Assessment</i> - The development will require the removal of 1.15 ha of vegetation to accommodate the development footprint. The Applicant provided a BDAR in accordance with the Biodiversity Assessment Methods. The BDAR identified that site as having vegetation that was relatively fragmented from surrounding areas, given significant road corridors surrounding the site, including the approved removal of further vegetation under M12 Motorway works. The BDAR concluded a total of 86 species credits and 48 ecosystem credits were required to offset clearing of vegetation on the land. - BCD recommended the offsetting of the abovementioned credits, pre-clearance surveys, reuse opportunities of habitat features (i.e. hollow trees) and the planting of native vegetation where possible. The Department's assessment concluded vegetation clearing would be unlikely to significantly impact on biodiversity values due to the fragmented nature of the site and adjoining M12 Motorway clearing works. <i>Conditions</i> - The Department has recommended conditions requiring the offsetting of 86 species credits and 48 ecosystem credits in accordance with the BC Act and the preparation and implementation of a landscape management plan that incorporates locally native species and explores opportunities for salvage and reuse of vegetation.
<i>Suitability of Site</i> Concern was raised by the public about the suitability of the site based on strategic planning and that the development would be out of character with surrounding development.	<i>Assessment</i> The Department notes that subdivision of the site is permissible with consent and has carried out a full assessment of the site in relation to the relevant strategic plans and EPIs. The Department's assessment has concluded that the site is suitable for the proposed development.
<i>Stormwater</i> Concern was raised by the public over the use of the site's dam for stormwater management and the quality of runoff from future land uses.	<i>Assessment</i> - In September 2020, the DA was amended which included changes to stormwater management, which removed the use of the dam as use. The Applicant provided a concept stormwater management plan which proposes the use of an on-site detention basin to manage the quantity of stormwater discharged to Ropes Creek. As part of the CSMP, the Applicant also included a quality treatment train. The CSMP concluded that the development would meet Council's quality and quantity objectives. - Council did not raise any concerns regarding the stormwater management. The Department's assessment concludes there are unlikely to be any

	adverse off-site water quality impacts or additional volumes of runoff from the site. It is noted the proposal seeks approval for subdivision and associated works only. Any future uses will be subject to stormwater assessments in subsequent DAs. <i>Conditions:</i> The Department has recommended conditions of consent requiring the Applicant to install and operate a stormwater management system in consultation with Council.
<i>Water Serviceability</i> Concern was raised by the public regarding the site's serviceability of water and wastewater and potential for overflow from the proposed interim wastewater.	<i>Assessment</i> - In its amended DA, the Applicant had confirmed the site can gain access to potable water through water mains on Elizabeth Drive and Cecil Road. The Applicant noted that reticulated sewage service is available to the south and east of the site, however recommended on-site wastewater management until a time sewer is available closer to the site. - Sydney Water advised it had some concerns over the pump out system and recommended further discussions be held. The Department notes that future land uses will be required to adequately demonstrate wastewater can be managed. Further, the Applicant is required to gain approval from Sydney Water under section 73 of <i>Sydney Water Act 1994</i>. <i>Conditions</i> - The Department has recommended a condition of consent requiring the Applicant to gain approval from Sydney Water for the water servicing of the lots.
<i>Contamination</i> Concern was raised by the public that the Applicant did not demonstrate the site's contamination status.	<i>Assessment</i> - In its amended DA, the Applicant undertook a detailed site investigation to assess potential contamination on site and provided remedial action plan to guide the remediation of asbestos contamination. Excavation and offsite disposal of asbestos impacted fill material was considered the most appropriate remediation technique. - The Department's assessment concluded the site can be made suitable for the proposed use, subject to recommended conditions. <i>Conditions</i> - The Department has recommended conditions of consent Applicant to obtain a Site Audit Statement (SAS) at the conclusion of site remediation activities from an accredited Site Auditor to confirm the site has been suitably remediated to support the future land uses.
<i>Amenity Impacts</i> Concern was raised by the public over operational visual, noise and air quality impacts on surrounding residential uses.	<i>Assessment</i> - The Department notes the Applicant seeks consent for subdivision and associated infrastructure works only. As there is no operational component of the development, it is not expected to have a material impact on the amenity of surrounding properties. The ultimate development of each lot created will be subject to future DAs, which will be required to assess the amenity impacts. - The Department understands that some amenity impacts may occur during the construction phase relating to air quality and noise impacts. The Department's assessment concluded that these impacts can be managed through appropriate conditions of consent. <i>Conditions</i> - The Department has recommended conditions of consent ensuring construction noise and dust is appropriately managed in accordance with relevant policies.
<i>Site Use</i> Concern was raised by the public over the lack of details on built form and use.	<i>Assessment</i> The Department notes the Applicant seeks consent only for subdivision and associated works. The Applicant does not seek land uses approval at this stage, with subsequent DAs required to assess the merits of land uses on the resultant lots.
<i>Gas Pipeline</i> Concern was raised by the public regarding the gas easement on the site and conflicts with future land uses.	<i>Assessment</i> - Concerns were raised by the Department and Jemena, the gas pipeline operator, regarding the location of the gas pipeline within the site and restrictions of sensitive uses within 76 m of the pipeline. In its RTS, the Applicant amended the site layout plan to move boundaries to follow the 76 m wide buffer, allowing for restrictions of land uses on Lots 6 to 11. - The Department's assessment concludes that the hazard and risk of the pipeline can be suitably managed through recommended conditions of consent. It is noted future land uses will be assessed on their own merit

	regarding the pipeline <i>Conditions</i> • The Department has recommended conditions of consent restricting sensitive uses on lots within 76 m of the pipeline.
--	---