

18 August 2021

Chris Ritchie  
Director, Industry Assessments  
Department of Planning, Industry and Environment  
12 Darcy Street  
Parramatta NSW 2150

Dear Chris,

**RESPONSE TO THE DEPARTMENT'S REQUEST FOR FURTHER INFORMATION  
ELIZABETH DRIVE SUBDIVISION (SSD 8859)**

Ae Design Partnership has prepared this letter on behalf of Elizabeth Drive Pty Ltd (**"the Applicant"**) in response to the Department's Request for Request for Additional Information letter dated 23 November 2020 (**Attachment 1**) in relation to the State Significant Development 8859 (**"SSD 8859"**) application on the property legally identified as Lot 2 Section 4 DP 2954, otherwise known as No. 1111-1116 Elizabeth Drive, Cecil Park (**"the site"**).

**DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT ISSUES**

**1. Management of future sensitive land uses**

**Issue Raised:** *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*

**Response:** The concept subdivision plan has been amended in the Revised Drawing Package at **Attachment 2** as follows:

- a) re-alignment of Lot 5 eastern common boundary with Lot 6:
  - i) reduction of **1,034 SQM** to Lot 5 so that it is wholly outside the 76 metre buffer to Jemena's Gas Pipeline easement
  - ii) increase of **379 SQM** to Lot 6
- b) re-alignment of Lot 11 south-eastern common boundary with Lot 10:
  - i) reduction of **783 SQM** to Lot 11
  - ii) increase of **1,032 SQM** to Lot 10

LOT	ADDITIONAL INFORMATION (AI) CONCEPT AREAS	REVISED CONCEPT AREAS	DIFFERENCE FROM AI CONCEPT
1	2,511 m <sup>2</sup>	2,702 m <sup>2</sup>	191 m <sup>2</sup>
2	2,511 m <sup>2</sup>	2,678 m <sup>2</sup>	167 m <sup>2</sup>
3	3,879 m <sup>2</sup>	2,512 m <sup>2</sup>	-1,367 m <sup>2</sup>
4	3,727 m <sup>2</sup>	3,410 m <sup>2</sup>	-317 m <sup>2</sup>

5	6,811 m <sup>2</sup>	5,777 m <sup>2</sup>	-1,034 m <sup>2</sup>
6	2,831 m <sup>2</sup>	3,210 m <sup>2</sup>	379 m <sup>2</sup>
7	2,087 m <sup>2</sup>	2,660 m <sup>2</sup>	573 m <sup>2</sup>
8	2,087 m <sup>2</sup>	2,660 m <sup>2</sup>	573 m <sup>2</sup>
9	2,087 m <sup>2</sup>	2,660 m <sup>2</sup>	573 m <sup>2</sup>
10	5,084 m <sup>2</sup>	6,116 m <sup>2</sup>	1,032 m <sup>2</sup>
11	4,343 m <sup>2</sup>	3,560 m <sup>2</sup>	-783 m <sup>2</sup>
12	3,419 m <sup>2</sup>	3,419 m <sup>2</sup>	0 m <sup>2</sup>
<b>TOTAL</b>	<b>41,377 m<sup>2</sup></b>	<b>41,364 m<sup>2</sup></b>	<b>-13 m<sup>2</sup></b>

We propose the following condition to be imposed on Lots 6, 7, 8, 9, 10 and 11 for future development:

#### **PART B SPECIFIC ENVIRONMENTAL CONDITIONS**

##### **HAZARDS AND RISK**

*B1. Special fire protection purposes as defined under Section 100B of the Rural Fires Act 1995 are prohibited land uses within 76 metres of the Jemena Gas Pipeline Easement.*

*B2. The following sensitive developments are prohibited within 76 metres of the Jemena Gas Pipeline Easement:*

- Schools
- Child Care Centres
- Accommodation
- Town Centres
- Places of Assembly
- Shopping Centres
- Administrative Centres
- Industrial Complexes
- Service Stations

## **2. Timing in relation to Wallgrove Road realignment**

**Issue Raised:** *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.*

**Response:** It is anticipated the following enabling works will be undertaken prior to the construction of the new Wallgrove Road alignment.

- subdivision;
- demolition of structures;
- site remediation;
- bulk earth works;

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- construction of stormwater management and lead-in
  - services;
  - environmental works and water channel works;
  - construction of vehicular access points and connections to
  - an internal road network; and
  - complementary landscaping.

Recent correspondence with Kurt Bridde, Project Manager at TfNSW, in relation to the timing of Wallgrove Road:

*“Construction of M12 East (Including the realignment of Wallgrove Road) is scheduled to commence early 2023. Based on TfNSW current staging it would be logically that realigned Wallgrove Rd would commence construction at the first stage of construction (i.e. early 2023) with completion mid to late 2024 with the rest of the project to be completed by End of 2025.*

***However, this staging is only indicative and subject to detailed design and it ultimately determined by the construction contractor.***

***The only timing /staging I can confirm at this stage is that the M12 East project is due to commence construction in early 2023 and be completed by end of 2025.”***

Two options for Temporary Construction Access **prior** to the Elizabeth Drive and Wallgrove Road Upgrade have been provided at **Attachment 7**. Two options for Temporary Construction Access **during** the Elizabeth Drive and Wallgrove Road Upgrade have been provided at **Attachment 7**.

Further information in relation to construction access into the site has been provided by TfNSW and set-out in the letter prepared by Varga Traffic at **Attachment 3t**.

### 3. Updated Specialist Reports

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

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**Response:** In light of proposed amendments to the Subdivision Layout, the following specialist reports have been updated accordingly:

- Varga Traffic Response to TfNSW (**Attachment 3a**)
- BDAR Report (**Attachment 3b**)
- GHD Response to EES (**Attachment 3c**)
- Concept Civil Plans (**Attachment 3d**)
- Stormwater Report (**Attachment 3e**)
- Flooding (**Attachment 3f**)
- Aboriginal Cultural Heritage (**Attachment 3g**)
- Aboriginal Test Excavation (**Attachment 3h**)
- AMAC Letter (**Attachment 3i**)
- Capital Investment Value (**Attachment 3j**)
- Economic Impact Assessment (**Attachment 3k**)
- Noise and Vibration Impact Assessment (**Attachment 3l**)
- Detailed Site Investigation (**Attachment 3m**)

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- n. Remedial Action Plan (**Attachment 3n**)
  - o. Amended Services Utility Infrastructure (**Attachment 3o**)
  - p. Preliminary Onsite Wastewater (**Attachment 3p**)
  - q. Urban Design Report (**Attachment 3q**)
  - r. Waste Minimisation and Management (**Attachment 3r**)
  - s. Landscape Plan (**Attachment 3s**)
  - t. *Varga Traffic* Additional Letter (**3t**)
  - u. Bushfire Report (**Attachment 3u**)

## **RESPONSE TO AGENCY SUBMISSIONS**

### **1. Environment, Energy and Science**

<b>FLOOD</b>	
<b>Issue Raised</b>	<b>Response</b>
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.	<p>The Applicant maintains continual correspondence with TfNSW in relation to the realignment of Wallgrove Road.</p> <p>TfNSW's <i>Amended Construction Program</i> for the M12 Motorway anticipates completion of demolition/clearing, bulk earthworks, bridgeworks, drainage and pavements to be complete by the end of 2025.</p> <p>A revised Flooding Assessment Report has been prepared by <i>GHD</i> that takes into consideration information provided by TfNSW in relation to the M12 Motorway. Refer to <b>Attachment 3f</b>.</p>
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.	<p>A Revised Concept Civil Design Package has been prepared by <i>Martens Consulting Engineers</i> at <b>Attachment 3d</b>.</p> <p>This Civil Design Package has been referred to in the revised Flooding Assessment Report at <b>Attachment 3f</b>.</p>
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.	A revised Flooding Assessment Report has been prepared by GHD that takes into consideration information provided by TfNSW in relation to the M12 Motorway. Refer to <b>Attachment 3f</b> .
<b>BIODIVERSITY</b>	
<b>Issue Raised</b>	<b>Response</b>
<p><i>Digital shape files</i></p> <p>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.</p>	<p>This is addressed in the letter prepared by <i>GHD</i> dated June 2021 at <b>Attachment 3c</b>.</p> <p>Digital shape files have been provided to EES with the updated BDAR (<b>Attachment 3b</b>) through the Biodiversity Offset Assessment and Management Systems.</p>
<p><i>Project footprint and assessment of impacts</i></p> <p>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.</p>	This is addressed in the letter prepared by <i>GHD</i> dated June 2021 at <b>Attachment 3c</b> and in Figure 5-1 of the BDAR at <b>Attachment 3b</b> .
<p><i>Mapping native vegetation extent</i></p> <p>An area within the Cumberland Plain Woodland (CPW) has been mapped as "Buildings,</p>	This is addressed in the letter prepared by <i>GHD</i> dated June 2021 at <b>Attachment 3c</b> and in Section

<p>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.</p>	<p>3.1.10 and Section 3.2.1 of the BDAR at <b>Attachment 3b</b>.</p>
<p><i>Targeted surveys</i></p> <p>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.</p>	<p>This is addressed in the letter prepared by <i>GHD</i> dated June 2021 at <b>Attachment 3c</b> and in Section 2.2.1 and Section 2.2.5 of the BDAR at <b>Attachment 3b</b>.</p>
<p>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:</p> <ul style="list-style-type: none"> <li>• 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</li> </ul>	<p>This is addressed in the letter prepared by <i>GHD</i> dated June 2021 at <b>Attachment 3c</b> and in Section 5.4.1, Section 6.1, Section 9, Figure 6-3, Section 9 and Appendix E of the BDAR at <b>Attachment 3b</b>.</p>
<ul style="list-style-type: none"> <li>• 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.</li> </ul>	<p>This is addressed in the letter prepared by <i>GHD</i> dated June 2021 at <b>Attachment 3c</b>.</p>
<p><i>Species polygon for Southern Myotis</i></p> <p>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</p>	<p>This is addressed in the letter prepared by <i>GHD</i> dated June 2021 at <b>Attachment 3c</b> and in Figure 6-2, Section 6.6 and Section 9 of the BDAR at <b>Attachment 3b</b>.</p>

<p>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.</p>	
<p><i>Avoiding and minimising impacts</i></p> <p>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... As such, section 8.1 of the BAM needs to be applied.</p>	<p>This is addressed in the letter prepared by <i>GHD</i> dated June 2021 at <b>Attachment 3c</b> and in Section 5.2 of the BDAR at <b>Attachment 3b</b>.</p>
<p>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.</p>	<p>This is addressed in the letter prepared by <i>GHD</i> dated June 2021 at <b>Attachment 3c</b>.</p>
<p><i>Mitigation measures</i></p> <p>Mitigation measures need to be included for the removal of habitat associated with prescribed impacts.</p>	<p>This is addressed in the letter prepared by <i>GHD</i> dated June 2021 at <b>Attachment 3c</b> and in Table 5-1 of Section 5.3 of the BDAR at <b>Attachment 3b</b>.</p>
<p><i>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).</i></p>	<p>This is addressed in the letter prepared by <i>GHD</i> dated June 2021 at <b>Attachment 3c</b> and in Table 5-1 of Section 5.3 of the BDAR at <b>Attachment 3b</b>.</p>
<p>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.</p>	<p>This is addressed in the letter prepared by <i>GHD</i> dated June 2021 at <b>Attachment 3c</b> and in Table 5-1 of Section 5.3 of the BDAR at <b>Attachment 3b</b>.</p>

## 2. Western Sydney Parklands Trust

WESTERN SYDNEY PARKLAND PLAN OF MANAGEMENT 2030	
Issue Raised	Response
<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 (“<b>2030 Plan</b>”) states:</p> <p><i>“The Trust has encouraged private investment in Business and <b>Tourism Hubs</b> 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 land uses are provided at <b>Attachment 4</b>.</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><b><u>Desired Future Character</u></b></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 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"> <li>the new Cecil Road and Wallgrove Road re-alignment as proposed by Transport for NSW along the (former) north-western boundary of the site.</li> <li>Jemena’s gas pipeline easement and sensitive development buffer along the site’s eastern boundary</li> </ul>



	<ul style="list-style-type: none"> <li>• NSW identified High Biodiversity Values.</li> </ul> <p>Refer to Site Constraints Drawings at <b>Attachment 5</b>.</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><b><u>Objectives</u></b></p> <p><i>Protect and enhance the natural systems and environmental values</i></p> <p>As illustrated in the drawings at <b>Attachment 5</b>, the site is constrained by existing and planned infrastructure upgrades arounds 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 (<b>Attachment 6</b>). 20,218m<sup>2</sup> 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 <b>Attachment 3b</b>.</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><b><u>Land Use Opportunities</u></b></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> <p>Not applicable. The amended application seeks the removal of vegetation in accordance with the Biodiversity Conservation Act (Refer to BDAR at <b>Attachment 3b</b>). The amended application also takes into consideration the new Wallgrove Road re-alignment as proposed by Transport for NSW</p>
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	<p>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>
<p>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.</p>	<p>The site is located adjacent significant major road infrastructure, being:</p> <ul style="list-style-type: none"> <li>• M7 Motorway;</li> <li>• M12 Motorway (planning stage)</li> <li>• New Wallgrove Road re-alignment associated with the M12 Motorway.</li> </ul> <p>A highway service centre is defined under the standard instrument as follows:</p> <p><b>highway service centre</b> 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"> <li>(a) a restaurant or cafe,</li> <li>(b) take away food and drink premises,</li> <li>(c) service stations and facilities for emergency vehicle towing and repairs,</li> <li>(d) parking for vehicles,</li> <li>(e) rest areas and public amenities.</li> </ul> <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>c. Page 25 of the amended EIS includes “a pub” and “a small bar” as potential land uses under the <i>Food and Drink Premises</i> classification. WSPT strongly opposes the allowance of any</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>gambling facilities within the Parklands including but not limited to TAB, Keno and poker machines.</p>	
<p align="center"><b>STATE ENVIRONMENTAL PLANNING POLICY (WESTERN SYDNEY PARKLANDS) 2009</b></p>	
<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 Sydney Parklands Act 2006</i>, consistent with Clause 2(j) of the Parklands SEPP.</p>
<p>b. Clause 12(g) as SSD-8859 would reduce the continuity of the Parklands as a scenic break along Elizabeth Drive;</p>	<p>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.</p>
<p>c. Clause 12(i) as the 2030 Plan does not identify a Tourism Hub to be located at the Site;</p>	<p>The proposed development is not intended to be a Tourism Hub.</p> <p>The proposed subdivision will facilitate tourist and associated interim uses consistent with the desired future character of the precinct.</p>
<p>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;</p>	<p>This is a Legal Matter.</p>
<p>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;</p>	<p>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.</p> <p>Refer to Site Constraints Drawings at <b>Attachment 5</b>.</p> <p>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.</p>
<p>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;</p>	<p>Noted. This is a Legal Matter.</p>

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.
h. Clause 17(e) as the proposed development will be to the detriment of the natural systems of the Parklands; and	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.  It is important to note that the portion of land acquired by TfNSW from the original site boundaries comprised 23,570m <sup>2</sup> of land that contained threatened species PCT849 Cumberland Plain Woodland. The acquired land is to facilitate the re-alignment of Wallgrove Road.
i. Clause 17(f) as WSPT considers it unlikely that restoration of the natural systems can be achieved.	As above.

### 3. Fairfield City Council

IMPACTS ON EXISTING CENTRES AND RETAIL ACTIVITY	
<i>Issue Raised</i>	<i>Response</i>
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).	It is anticipated that the development of each lot would be subject to individual development applications to ensure future uses do not impact the viability of existing retail in Fairfield.  It is noted that the amended application does not proposes any retail activities on the site. This can be conditioned.
WESTERN SYDNEY PARKLANDS – FUTURE ACQUISITION	
<i>Issue Raised</i>	<i>Response</i>
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.	Noted.
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.	This is addressed in Section 5.0 of the BDAR at <b>Attachment 3b</b> .

TRAFFIC	
<i>Issue Raised</i>	<i>Response</i>
The applicant is requesting an access road to the development off the realigned Wallgrove Road. The proposed access arrangement requires approval from TfNSW	<p>The Applicant maintains continual correspondence with TfNSW in relation to the realignment of Wallgrove Road. The proposed access road to the development off the realigned Wallgrove Road was provided by TfNSW.</p> <p>Two options for Temporary Construction Access <b>prior</b> to the Elizabeth Drive and Wallgrove Road Upgrade have been provided at <b>Attachment 7</b>.</p> <p>Two options for Temporary Construction Access <b>during</b> the Elizabeth Drive and Wallgrove Road Upgrade have been provided at <b>Attachment 7</b>.</p>
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;	<p>Noted.</p> <p>Refer to Letter prepared by <i>Varga Traffic</i> dated 5 May 2021 at <b>Attachment 3a</b>.</p>
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;	<p>Noted.</p> <p>Refer to Letter prepared by <i>Varga Traffic</i> dated 5 May 2021 <b>Attachment 3a</b>.</p>
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;	This can be conditioned.
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.	A Road Safety Audit Report has been prepared by <i>MU Group</i> ( <b>Attachment 3a</b> ) that assesses any potential risks for vehicles at the proposed intersection.

#### 4. Heritage NSW

<i>Recommendation</i>	<i>Response</i>
<p>Due to the incorrect mapping of the Aboriginal site we recommend:</p> <ul style="list-style-type: none"> <li>an attempt be made to reidentify AHIMS site 45-5-2563 DLC2</li> </ul>	<p>The Aboriginal Cultural Heritage Assessment Report and Aboriginal Test Excavation Report have been updated to identify the correct location of registered AHIMS site 45-5-2563 DLC2 based on the MGA56 coordinates.</p> <p>It is noted that two (2) other locations of registered AHIMS site 45-5-2563 DLC2 are also identified from:</p>

<ul style="list-style-type: none"> <li>test excavations be undertaken at the location of AHIMS site 45-5-2563 DLC2 as the</li> <li>isolated find is recorded in association with potential archaeological deposit (PAD)</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Placement from Sketch Plan; and</li> <li>GDA94 geographic coordinates.</li> </ul> <p>This amended report is further supported by the Letter dated 8 June 2021 from AMAC Group.</p> <p>See <b>Attachment 3g, 3h and 3i.</b></p>
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## 5. Jemena

<i><b>Issue Raised</b></i>	<i><b>Response</b></i>
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.	As illustrated in the revised Drawing Package at <b>Attachment 2</b> , no sensitive developments are proposed within the 76 metre buffer.  See response to Item 1 of DPIE issues above.
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.	No sensitive developments are proposed within the 76 metre buffer.  See response to Item 1 of DPIE issues above.  All costs associated with the additional protection measures required by Jemena and relevant authorities are anticipated to 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.	This application does not propose any roads, utilities, boundary fences or bulk earthworks within Jemena's Pipeline easement. This is shown in the Drawing Package and Concept Civil Design Package at <b>Attachments 2 and 3d</b> (respectively).

## 6. Transport for NSW

<i><b>Issue Raised</b></i>	<i><b>Response</b></i>
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: <ul style="list-style-type: none"> <li>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.</li> <li>b) The traffic report p.11, shows a proposed left turn slip lane from the realigned Wallgrove Road onto the access road</li> </ul>	<p>Item (a) is in addressed on page 4 of the Letter prepared by <i>Varga Traffic Pty Ltd</i> at <b>Attachment 3a.</b></p> <p>Item (b) is in addressed on page 5 of <b>Attachment 3a.</b></p> <p>Item (c) is in addressed on page 5 of <b>Attachment 3a.</b></p>

<p>(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.</p> <p>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.</p>	
<p>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.</p>	<p>This is addressed on pages 5 and 6 of <b>Attachment 3a</b>.</p>
<p>A road safety audit is also required for the proposed access arrangement to the site given the above concerns.</p>	<p>This is addressed on pages 6, 7 and 8 of <b>Attachment 3a</b>.</p> <p>A Road Safety Audit Report has been prepared by <i>MU Group (Attachment 3a)</i> that assesses any potential risks for vehicles at the proposed intersection.</p>
<p>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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>a. Realigned Wallgrove Road / new site access road</li> <li>b. Realigned Wallgrove Road / Cecil Road</li> <li>a. Realigned Wallgrove Road / Elizabeth Drive</li> </ul>	<p>This is addressed on pages 8, 9 and 10 of <b>Attachment 3a</b>.</p>
<p>A swept path analysis for the largest vehicle accessing the site should be provided.</p>	<p>This is addressed on page 10 of <b>Attachment 3a</b>.</p>
<p>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.</p>	<p>This is addressed on page 11 of <b>Attachment 3a</b>.</p>

## 7. NSW Rural Fire Service

<b>Issue Raised</b>	<b>Response</b>
The Applicant is to address the provision for perimeter roads under section 3.4.1 of <i>Planning for Bush Fire Protection 2019</i> (PBP). This may incorporate a performance-based solution to demonstrate how firefighting operations can be effectively deployed to the interface and defend multiple properties with ease and efficiency.	This is addressed in Section 4.3 on page 16 of <b>Attachment 3u</b> .
NSW RFS assessed an effective downslope of 5-10 degrees to the northeast of the development site. As such, an asset protection zone (APZ) of 20 metres along the length of the north-eastern boundary of proposed Lots 10 and 11 should be provided to facilitate future commercial-type developments. Otherwise, future buildings will require BAL Flame Zone construction based on the current 12-metre setback, which may not be practicable.	This is addressed in Section 3.2 on page 8 and Table 2 on Page 9 of <b>Attachment 3u</b> .
The subdivision plan is to incorporate a restriction of the use of land under Section 88b of the <i>Conveyancing Act 1919</i> to prohibit Special Fire Protection Purpose (SFPP) developments and Class 9 buildings on Lots 6-11 because of APZ constraints as acknowledged in the bush fire report.	This is addressed in Section 4.2 on pages 13-14 of <b>Attachment 3u</b> .
The proposed detention basin on Lot 12 has not been identified as potential hazard despite connectivity to Grassy Woodland vegetation the northeast. As such, a suitable mechanism is to be proposed ensuring the ongoing management of the basin by a body corporate under a Community Title Scheme or a Plan of Management by a government entity. Otherwise, the potential bush fire threat must be addressed, including how it impacts on the single point access for future SFPP developments.	This is addressed in Section 4.4 on pages 16-17 of <b>Attachment 3u</b> .
The proposed development intends to facilitate a future highway service centre that may include service stations. The Applicant is to address the appropriateness of future service stations on the development site, which is identified as a type of hazardous industry that should be avoided on bush fire prone land under section 8.3.9 of PBP.	This is addressed in Section 4.2 on pages 13-15 of <b>Attachment 3u</b> .

Please contact me on (02) 9818 5898 or via email on [rohan@aedesignstudio.com.au](mailto:rohan@aedesignstudio.com.au) should you wish to discuss the matter further.

Sincerely,

ae design partnership pty ltd



Rohan Dickson

**Director**