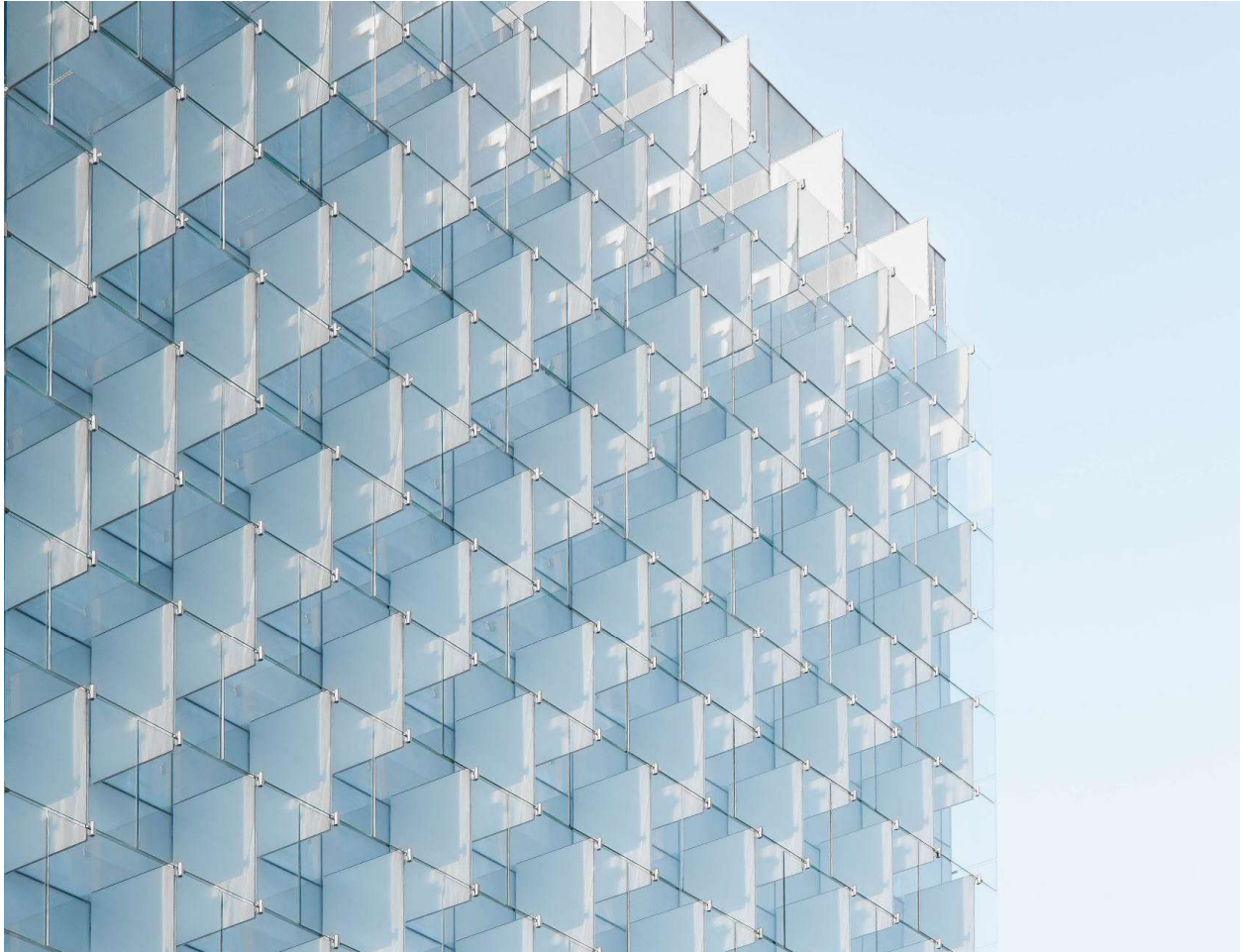


WILLOWTREE PLANNING



20 December 2023

Ref: WTJ23-096
Contact: Vidhya Ramesh



STATEMENT OF ENVIRONMENTAL EFFECTS:

PROPOSED INTERIM SIGNALISED INTERSECTION - SYDNEY SCIENCE PARK

—
Prepared by Willowtree Planning Pty Ltd
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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

Willowtree Planning acknowledges the Traditional Owners of Country throughout Australia and their continuing and ongoing connections to land, waters, and community. We pay our respects to Elders – past and present. We acknowledge that we stand on this Country which was and always will be recognised as Aboriginal Land. We acknowledge the Traditional Owners of the Lands where the proposed development will be located and pay our respects to Elders past and present.

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STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

TABLE OF CONTENTS

TABLE OF CONTENTS	2
APPENDICES LIST	4
FIGURES LIST	5
PHOTOGRAPH LIST	5
TABLES LIST	5
PART A EXECUTIVE SUMMARY	6
1.1 INTRODUCTION	6
1.2 BACKGROUND	7
1.3 THE PROPOSAL	7
1.4 ZONING AND PERMISSIBILITY	9
1.5 CONSENT AUTHORITY	9
1.6 CONSULTATION WITH GOVERNMENT AGENCIES.....	10
1.7 REQUIREMENTS FOR REFERRAL AND CONCURRENCE	13
PART B SITE LOCATION & CONTEXT	14
2.1 SITE LOCATION	14
2.2 DEVELOPMENT HISTORY	16
PART C PROPOSED DEVELOPMENT	18
3.1 DEVELOPMENT OVERVIEW.....	18
3.1.1 Scope of Works.....	18
3.1.2 Capital Investment Value	18
3.2 DESIGN AND LAYOUT OF THE PROPOSED INTERSECTION	19
3.3 CONSTRUCTION STAGING	20
3.4 DEDICATION OF LAND.....	20
3.5 UTILITIES AND SERVICES.....	21
PART D LEGISLATIVE AND POLICY FRAMEWORK.....	22
4.1 CONTROLS AND POLICY OVERVIEW	22
4.2 COMMONWEALTH PLANNING CONTEXT	22
4.2.1 Environment Protection and Biodiversity Conservation Act 1999	22
4.3 STATE PLANNING CONTEXT	23
4.3.1 Environmental Planning and Assessment Act 1979.....	23
4.3.2 Environmental Planning and Assessment Regulation 2021	24
4.3.3 Biodiversity Conservation Act 2016	26
4.3.4 Cumberland Plain Conservation Plan 2022.....	26



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

4.3.5	Roads Act 1993	26
4.3.6	State Environmental Planning Policy (Resilience and Hazards) 2021.....	27
4.3.7	State Environmental Planning Policy (Transport and Infrastructure) 2021	27
4.3.8	State Environmental Planning Policy (Planning Systems) 2021.....	28
4.3.9	State Environmental Planning Policy (Biodiversity and Conservation) 2021.....	29
4.3.10	State Environmental Planning Policy (Precincts – Western Parkland City) 2021	30
4.3.12	Western Sydney Aerotropolis Precinct Plan.....	34
4.3.13	Western Sydney Aerotropolis Development Control Plan.....	41
4.4	CONTRIBUTION PLANS	41
PART E	LIKELY IMPACTS OF THE DEVELOPMENT	42
5.1	ROAD DESIGN & GEOMETRY	42
5.2	TRAFFIC & TRANSPORT	43
5.3	CIVIL ENGINEERING DESIGN	43
5.4	FLOODING	44
5.5	UTILITIES AND SERVICES.....	44
5.6	HERITAGE	45
5.7	ECOLOGY	46
5.8	LANDSCAPING	46
5.9	BUSHFIRE.....	46
5.10	CONTAMINATION	47
5.11	WASTE MANAGEMENT.....	47
5.12	CONSTRUCTION IMPACTS.....	47
5.13	PLANNING AGREEMENTS.....	47
5.14	SOCIAL AND ECONOMIC IMPACTS	47
5.15	SAFETY AND SECURITY	48
5.16	SUITABILITY OF SITE FOR DEVELOPMENT	48
5.17	SUBMISSIONS	48
5.18	THE PUBLIC INTEREST	48
PART F	CONCLUSION	49



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

APPENDICES LIST

Appendix	Document	Prepared by
1	In-Principle Approval	Transport for NSW
2	Civil Engineering Drawings	Enspire Solutions Pty Ltd
3	Civil Engineering Design Report	Enspire Solutions Pty Ltd
4	Transport Assessment Report	JMT Consulting
5	Aboriginal Heritage Due Diligence Assessment + Addendum Letter	Kelleher Nightingale Consulting Pty Ltd
6	Arboricultural Impact Assessment	Hugh The Arborist
7	Bushfire Assessment Report	Peterson Bushfire
8	Flora and Fauna Assessment Report	Eco-Logical
9	Landscape Plan	Place Design Group
10	Quantity Surveyor Report	Mitchell Brandtman
11	Unexpected Finds Protocol	JBS&G Australia Pty Ltd
12	Demolition and Construction Waste Management Plan	Orion Consulting Engineers Pty Ltd
13	Site Survey	Proust and Gardner
14	Signal Plan	Road Delay Solutions Pty Ltd
15	Luddenham Road Widening Plan	Proust and Gardner
16	Luddenham Road Widening Plan with Design Underlay	Proust and Gardner
17	Western Sydney Aerotropolis Development Control Plan Compliance Table	Willowtree Planning
18	Owners Consent	Sydney Metro + Celestino



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

FIGURES LIST

Figure 1. Aerial Photograph of the Proposed Development (Source: Enspire Solutions Pty Ltd, May 2023) 14

Figure 2. General Arrangement Plan (Source: Enspire Solutions Pty Ltd, May 2023) 19

Figure 3. Future Infrastructure Corridor Map (Source: NSW Legislation, 2023) 28

Figure 4. Zoning Map (Source: NSW Legislation, 2023) 31

PHOTOGRAPH LIST

Photograph 1: A view of the existing access to SSP, looking west from Luddenham Road..... 15

Photograph 2: Sydney Metro Corridor is currently under construction in proximity to the subject site16

TABLES LIST

TABLE 1. COUNCIL PRE-LODGE MENT ADVICE..... 11

TABLE 2. SITE IDENTIFICATION..... 14

TABLE 3. RELEVANT DEVELOPMENT HISTORY 16

TABLE 4. KEY DESIGN PARAMETERS..... 20

TABLE 5. SECTION 4.15(1)(A) CONSIDERATIONS..... 23

TABLE 6. HOW THE DA IS MADE..... 24

TABLE 7. COMPLA INCE WITH WESTERN PARKLAND CITY SEPP PROVISIONS 31

TABLE 8. ASSESSMENT OF CONSISTENCY WITH THE AERPTROPOLIS PRECINCT PLAN 35



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

PART A EXECUTIVE SUMMARY

1.1 INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Celestino Developments SSP Pty Limited (the Proponent) in support of a Development Application (DA) submitted to Penrith City Council (the Council). The subject site encompasses a section of the existing road reserve on Luddenham Road (approximately 650m) and land within properties on either side of this section and includes the following land parcels:

- Lot 204 in DP 1280188 (581 Luddenham Road, Luddenham)
- Lot 206 in DP 1280188 (599 Luddenham Road, Luddenham)
- Lot 205 in DP 1280188
- Lot 24 in DP1277418
- Lot 26 in DP1277418

This DA seeks development consent for the following, including other necessary works, as described in **PART C** of this SEE:

Construction of a 650m upgrade of part of Luddenham Road, including provision of a new interim signalised intersection to provide access to Sydney Science Park, relocation of services and associated site works.

This SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation). Assessment of the proposal against the relevant matters for consideration under Section 4.15(1) of the EP&A Act has also been carried out under **PART D** of this SEE.

This SEE describes the subject site and proposed development, provides relevant background information, and responds to the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments, and planning policies.

The structure of the SEE is as follows:

- **PART A SUMMARY**
- **PART B SITE LOCATION & CONTEXT**
- **PART C PROPOSED DEVELOPMENT**
- **PART D LEGISLATIVE AND POLICY FRAMEWORK**
- **PART E ENVIRONMENTAL ASSESSMENT**
- **PART F CONCLUSION**

This SEE should be read in conjunction with all supporting documentation appended to this report in **Appendix 1 - Appendix 18**. Based on the assessment undertaken of the proposal and given its merits, the DA warrants approval by the Council.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

1.2 BACKGROUND

In February 2014, Council resolved to endorse a Planning Proposal (Ref: PP-2020-2552) to rezone a 287 hectare parcel of land located at 565-609 Luddenham Road & 180 Gates Road, Luddenham from RU2 Rural Landscape to B4 Mixed Use, B7 Business Park and RE1 Public Recreation under the *Penrith Local Environmental Plan 2010* (PLEP 2010) to enable the development of Sydney Science Park (SSP). The PLEP 2010 was the principal Environmental Planning Instrument (EPI) at the time. A Local Planning Agreement pursuant to Section 7.6 of the EP&A Act was made in association with the Planning Proposal and executed by the following parties on 9 September 2016.

Planning Authority: Penrith City Council

Developer: Celestino Developments SSP Pty Limited

SSP is located on the western side of Luddenham Road, and as a part of this planning agreement, amongst other things, a monetary contribution capped at \$2,000,000 was committed to upgrade the intersection to traffic signals at Luddenham Road/Sydney Science Park site access by 01 January 2026.

Following announcement of Badgerys Creek as the site for Western Sydney Airport, the Western Sydney City Deal was signed by the three levels of government in 2018. Subsequently, a planning approval for the Sydney Metro Western Sydney Airport project was granted in July 2021. The project includes six new metro stations, including the elevated Luddenham Metro Station located within SSP. A section of the metro line will be an elevated viaduct that will pass through SSP. To facilitate the delivery of this, Sydney Metro acquired land from the Proponent in 2022 which includes the existing access point to SSP. Sydney Metro took possession of the acquired land on 9 January 2023 and has commenced construction. It is relevant to note information relating to existing improvements is subject to change as the construction works by Sydney Metro are ongoing in this corridor. Currently, Sydney Metro is maintaining access to SSP via the existing access point from Luddenham Road within land owned by Sydney Metro, albeit through an alternate internal access road that has been recently reconstructed around the Sydney Metro viaduct to facilitate access to Celestino's vehicles. This access will no longer be available in the immediate future to ensure the metro is operational by 2026/2027. The removal of this access point will result in SSP having no site access. It will also impact the existing Sydney Water Integrated Water Recycling Hub (IWRH) located within SSP that is currently under construction, as it relies on the existing access point.

1.3 THE PROPOSAL

SSP is located within the Northern Gateway Precinct, which will be a major interface for the Western Sydney Airport and a specialised centre linking the Airport with the metropolitan cluster. Luddenham Road is identified as a 'primary arterial road' corridor (60m) that will act as a key north-south connection for the Northern Gateway precinct in the *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* (the Western Parkland City SEPP) Transport Corridor Map and the *Western Sydney Aerotropolis Precinct Plan* (the Aerotropolis Precinct Plan).

The proposed road upgrade works will be undertaken for a portion of Luddenham Road fronting SSP, as well as providing for an interim signalised intersection as a key access point to SSP to facilitate access to future developments located within SSP. The location of the proposed interim signalised intersection is consistent with the 'key signalised intersection' identified in the Aerotropolis Precinct Plan. The



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

construction of the new access road to SSP (herein referred to as Road 01) is designed as a 'sub-arterial' road and is consistent with the Aerotropolis Precinct Plan in terms of road hierarchy and location.

Luddenham Road will be upgraded to a 60m wide corridor to service the growth of the Northern Gateway precinct, and this is referred to as the 'ultimate' scenario. The proposal is therefore referred to as an 'interim' signalised intersection, as the ultimate configuration will be delivered as part of the Luddenham Road upgrade.

The DA also seeks development consent for the following works:

- removal of up to 40 trees and vegetation;
- construction of a 650m road including the following:
 - road widening to facilitate dual approach and departure lanes on Luddenham Road within an approximate road reserve width of 20m to 31m including kerbs, medians, traffic islands and footpaths;
 - provision of a three-way interim signalised intersection to provide principal access to SSP;
 - provision of a signalised pedestrian crossing on all approaches of the intersection; and
 - installation of safety barrier, signage, line marking and street lighting;
- Construction of internal access track to facilitate access to Sydney Water IWRH located within SSP.
- Construction of an access road including slip lanes on the western side of Luddenham Road to provide access to SSP.
- Reconstruction of the slip lane on the eastern side of Luddenham road to maintain construction access to the Metro Viaduct. Reconstruction of temporary left in/left out construction access for Sydney Metro.
- Removal and relocation of the overhead and underground electrical services located in the existing road reserve.
- Removal and relocation of the underground telecommunication services located in the existing road reserve.
- Reconfiguration of the existing stormwater inlet and outlet headwalls in the existing road reserve.
- Associated demolition works, earthworks, environmental management, civil and stormwater management, and landscaping works, and
- Creation of the road reserve and dedication as a public road.

The construction work will generally be undertaken in two stages, as noted below, to minimise traffic impacts.

- Stage 1: Construct northbound carriageway including access road to SSP and carry out the west verge electrical relocation. Traffic flow to remain on the existing Luddenham Road carriageway.
- Stage 2: Divert traffic to northbound lanes with the east lane operating as a southbound lane temporarily during construction work. Demolish the existing Luddenham Road pavement and construct the southbound carriageway including Metro construction access road. Carry out telecommunications relocations.

It is, however, noted that the construction methodology will be refined by the contractor appointed to undertake the works.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

1.4 ZONING AND PERMISSIBILITY

The site of proposed road works is subject to two zoning provisions pursuant to the Western Parkland City SEPP. The land within SSP on the western side is zoned Mixed Use (MU) and the Luddenham Road corridor and the eastern portion of the land is zoned Enterprise (ENT). The subject site includes a small portion of the Sydney Metro corridor, on Luddenham Road that is zoned SP2 Infrastructure pursuant to Chapter 4 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP).

The construction of the roads, along with associated works is permitted with consent in the SP2 Infrastructure as well as in both the MU and ENT zones by way of omission from the list of prohibited uses.

1.5 CONSENT AUTHORITY

The proposal falls under Schedule 1, clause 1 of the Local Planning Panel Direction - Development applications given that it involves works to the existing Luddenham Road reserve which is classified as a regional road and currently under the Council's care and management. The DA will be determined by the Penrith Local Planning Panel (PLPP).

The DA is categorised as a 'council related development application' defined in clause 9B(2) of Schedule 1 of the EP&A Act as:

- '... a development application, for which a council is the consent authority, that is—*
- (a) made by or on behalf of the council, or*
 - (b) **for development on land—***
 - (i) of which the council is an owner, a lessee or a licensee, or*
 - (ii) **otherwise vested in or under the control of the council.***

A council-related development application must be publicly exhibited for a period of 28 days.

In accordance with section 66A of the EP&A Regulation, a council-related development application must not be determined by the consent authority unless the council:

- has adopted a conflict of interest policy, and
- considers the policy in determining the application.

The Council adopted 'Managing Conflict of Interest for Council Related Development' (the Policy) in a meeting held on 17 April 2023.

In accordance with this Policy, the DA will be referred to Council's General Manager or delegate for a conflict-of-interest risk assessment. Given the nature of the proposed development, it is understood that the DA will be assessed under delegation with a peer review or assessed by an independent consultant and will be determined by the PLPP.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

1.6 CONSULTATION WITH GOVERNMENT AGENCIES

Transport for NSW

The design and layout of the proposed interim signalized intersection is the culmination of a detailed consultation with Transport for NSW (TfNSW), the Council and Sydney Metro. A summary of the consultation is provided below in chronological order:

- 18 March 2022: An initial meeting was attended by the Proponent and representatives from TfNSW and Council where general support was expressed for the proposed interim intersection arrangements by all parties.
 - 24 February 2023: Correspondence from TfNSW noting that the signals proposed, and the location of the intersection are acceptable, subject to design amendments. In response to this correspondence and a subsequent meeting with TfNSW on 7 March 2023 the following design amendments were made:
 - Dual lane approaches on Luddenham Road, with the southbound movement achieving a 300m dual lane approach and the northbound movement achieving an 80m dual lane approach.
 - 250m long departure lane for the northbound movements and an 80m long departure lane for the southbound movements.
 - Updated slip lane designs to be in accordance with Austroads standards for the road networks speed limit (80km/h).
 - Significantly enhanced traffic capacity for traffic exiting SSP.
 - Updated traffic modelling to reflect a reduced intersection cycle time of 90 seconds.
- The revised design package was submitted to TfNSW to obtain an In-Principle Approval (IPA) on 9 March 2023.
- 14 March 2023: TfNSW issued correspondence via email noting that they are satisfied with the redesigned intersection, including the location and signal position and to proceed with the preparation of a signals plan. The signals plan (**Appendix 14**) was prepared and issued to TfNSW on 4 April 2023.
 - 2 May 2023: TfNSW issued an IPA, a copy of which is provided in **Appendix 1**.

Sydney Metro

The Proponent has undertaken extensive consultation with Sydney Metro to obtain landowners consent for works located on Lot 205 in DP 1280188, Lots 24 and 26 in DP1277418. It is relevant to note that the feedback from Sydney Metro has, in part, dictated the civil engineering design of the proposed development. A summary of the consultation process is provided below:

- 11 May 2023: The Proponent submitted the DA documentation to Sydney Metro to obtain landowners consent. Following this, an initial meeting was attended by the Proponent and representatives from Sydney Metro to discuss the works proposed on State-owned land.
- November 2023: Sydney Metro presented the principles of consent which required some adjustments to the extent of works proposed on State-owned. From a design perspective, it was advised that Sydney Metro will only consider third party asset within the proposed 60m road widening corridor.
- 01 December 2023: Amended drawings were submitted to Sydney Metro for approval. Landowners consent from Sydney Metro has been provided in **Appendix 18**.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

Penrith City Council

A pre-lodgement meeting (Council Ref: PL22/0082) was held with Council on 10 November 2022: and subsequently, a pre-lodgement advice was issued by Council on 20 January 2023. **TABLE 1** below outlines the notes provided by the Council and commentary against each matter.

TABLE 1. COUNCIL PRE-LODGEEMENT ADVICE	
Topic/Council Comments	Applicant Response
PLANNING	
<ul style="list-style-type: none">It is considered that the proposal is premature, given that there are no associated approved developments for the overall site and future associated traffic volume are unknown at this time. Furthermore, the alignment of Luddenham Road (both locationally and vertically) has not been finalised or gazetted.	<p>This DA seeks to provide an interim signalised intersection as a key access point to SSP to facilitate access to future developments located within SSP. This intersection will provide access to SSP and the development of initial stages that are the subject of separate development applications currently being prepared by the Proponent.</p> <p>Furthermore, in accordance with Section 3.1 of the Aerotropolis Precinct Plan, prior to granting development consent for any built form, the consent authority must be satisfied that essential services and infrastructure, including road access, should be available when required for the development. This intersection is essential infrastructure for future developments within SSP.</p> <p>The proposed interim intersection is in accordance with the Western Parkland City SEPP and Aerotropolis Precinct Plan which define the location and alignment of the ultimate Luddenham Road and key signalised intersection. It is also noted that the horizontal alignment has been designed with consideration of the ultimate arterial road formation as documented in the <i>Western Sydney Aerotropolis Development Control Plan</i> (Aerotropolis DCP). The vertical alignment is governed by key elements including the Austroad design guidelines, clearances to the viaduct crossing Luddenham Road, interface levels with Sydney Metro works, and the approved intersection to the north (referred to as LUD2). Additionally, and most importantly, the layout of the intersection and the road upgrade works have been designed in consultation with</p>



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

TABLE 1. COUNCIL PRE-LODGE MENT ADVICE	
Topic/Council Comments	Applicant Response
	TfNSW. Refer to further discussion in Section 5.1 in relation to road geometry and design.
<ul style="list-style-type: none"> The proposal fails to demonstrate consistency with the Aims of Chapter 4 (Western Sydney Aerotropolis) of State Environmental Planning Policy (Precincts – Western Parkland City) 2021. Attention is to be given to Section 4.27 of State Environmental Planning Policy (Precincts – Western Parkland City) 2021, which relates to the concurrence of Transport for NSW, for development on transport corridor land. 	These matters are addressed in Section 4.3.10 .
<ul style="list-style-type: none"> Attention is to be given to Section 4.39 of State Environmental Planning Policy (Precincts – Western Parkland City) 2021, whereby development must be consistent with the applicable precinct plan. Any such development must be consistent with the associated road hierarchy and geometry provisions of the Western Sydney Aerotropolis Precinct Plan and the Western Sydney Aerotropolis Development Control Plan 2022. 	The road hierarchy and location of the signalised intersection are consistent with the Aerotropolis Precinct Plan and the Aerotropolis DCP. Refer to .
ENVIRONMENTAL MANAGEMENT	
<u>Biodiversity</u> <ul style="list-style-type: none"> There are a number of remnant native trees along Luddenham Road, which would be impacted upon by the proposed development. Accordingly, a Test of Significance, prepared in compliance with Biodiversity Conservation Act 2016, will need to accompany any such application. 	Refer to the Flora and Fauna Assessment Report in Appendix 8 .
<u>Contamination</u> <ul style="list-style-type: none"> An unexpected finds protocol will need to be prepared as part of any such development. 	Refer to Appendix 11 .
ENGINEERING	
<ul style="list-style-type: none"> Sydney Water are the trunk drainage authority for stormwater in the Western Sydney Aerotropolis. Accordingly, consideration will need to be given to Sydney Water Western Sydney Aerotropolis Drainage Management / Stormwater Guidelines. 	Refer to the discussions under Section 5.3 .
<ul style="list-style-type: none"> Any such works will require approval under Section 138 of the Roads Act 1993. 	Noted. Consent from the Council under Section 138 of the <i>Roads Act 1993</i> (Roads Act) will be required for works undertaken within the existing road reserve and will be obtained prior to the issue of the construction certificate for the proposal.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

TABLE 1. COUNCIL PRE-LODGE MENT ADVICE	
Topic/Council Comments	Applicant Response
TRAFFIC	
<ul style="list-style-type: none">Concurrence from Transport for NSW will need to be obtained.	Refer to Appendix 1 .
<ul style="list-style-type: none">The traffic counts provided within the Transport Assessment Report were undertaken in 2017. Updated traffic counts will need to be provided and considered in any Transport Assessment Report provided in support of the proposal.	The Transport Assessment Report provided in Appendix 4 is based on the traffic count data collected in September 2022.
Key Land Based Considerations	
<ul style="list-style-type: none">Bushfire Prone Land will likely require lodgement of a Bushfire Assessment Report.	A Bushfire Assessment Report accompanies this DA and is provided in Appendix 7 .
<ul style="list-style-type: none">Flood Affected Land will require floor levels to Australian Height Datum (AHD).	The subject site is not impacted by flooding as it is not located within or adjacent to an existing floodway or flood storage area. Matters relating to Flood Management are addressed in Section 7.2 of the Design Report provided in Appendix 3 .
<ul style="list-style-type: none">Impacts to native vegetation (including grassland) will require an assessment under the NSW Biodiversity Offset Scheme and may require a Biodiversity Assessment Report or a Test of Significance.	These matters are addressed in the Flora and Fauna Report provided in Appendix 8.

1.7 REQUIREMENTS FOR REFERRAL AND CONCURRENCE

The DA will require concurrence from TfNSW. In addition to this, the DA may be referred to the following authorities for comment:

- Sydney Metro
- Sydney Water
- Water NSW
- Endeavour Energy



PART B SITE LOCATION & CONTEXT

2.1 SITE LOCATION

The subject site encompasses a section of the existing road reserve on Luddenham Road (approximately 650m) and land within properties on either side of this section (refer to **Figure 1** below) and includes the following land holdings:

TABLE 2. SITE IDENTIFICATION		
Site Address	Legal Description(s)	Landowner
581 Luddenham Road, Luddenham	Lot 204 in DP 1280188	Proponent
599 Luddenham Road, Luddenham	Lot 206 in DP 1280188	Proponent
N/A	Lot 205 in DP 1280188	Sydney Metro
N/A	Lot 24 in DP1277418	Sydney Metro
N/A	Lot 26 in DP1277418	Sydney Metro

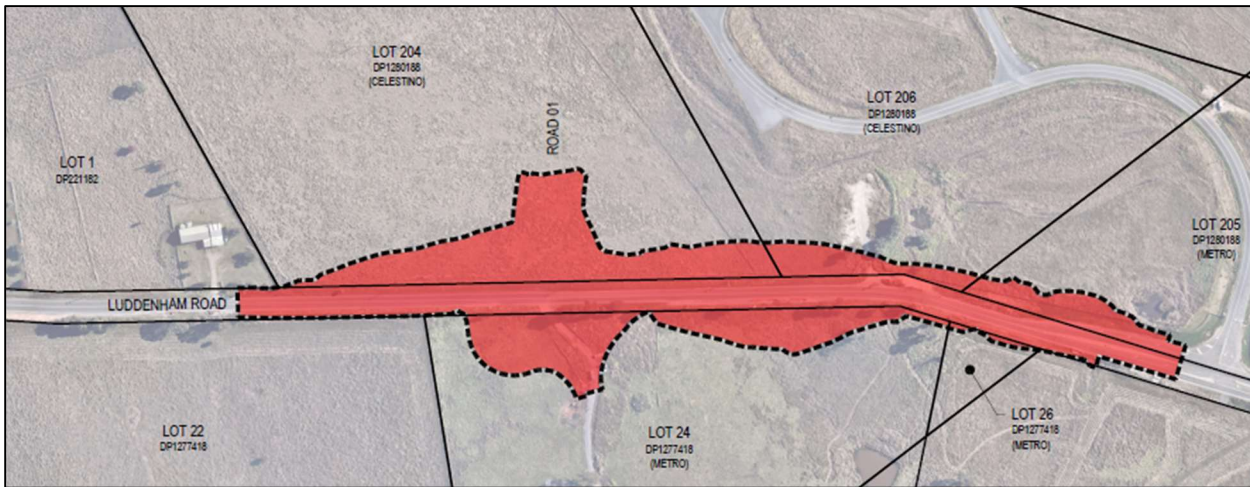


Figure 1. Aerial Photograph of the Proposed Development (Source: Enspire Solutions Pty Ltd, May 2023)

Luddenham Road is located within Penrith Local Government Area (LGA) and is currently a two lane road with a carriageway of approximately 8.5m. It is classified as a regional road and is currently under the Council's care and management and extends for approximately 5.22km and connects Elizabeth Drive with Mamre Road.

The existing access to SSP is via a priority-controlled 'seagull' intersection (**Photograph 1**). The proposed intersection is located to the south-west of the existing SSP access. A roundabout constructed by Sydney Metro is located to the north-west of the proposed intersection, which will initially service construction vehicle access for the Sydney Metro sites before reverting to general traffic access to the Luddenham Metro Station as well as future developments within SSP.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

The area surrounding the section of Luddenham Road the subject of this DA is currently characterised by non-urban, rural and rural/residential land. The Twin Creeks Country Club and Residential Estate is located to the northeast of the subject site. The land on the western and eastern side Luddenham Road is zoned MU and ENT respectively, pursuant to the Western Parkland City SEPP and will soon be developed.

The subject site forms part of the Cosgroves Creek catchment and is located at the top of one of its Strahler Order 1 tributaries. The subject site is not affected by flooding. At the time of writing this SEE and based on the Detail Survey Plan (**Appendix 13**), the subject site contains trees and vegetation predominantly comprising native and locally indigenous species with some exotic species. An unnamed water course runs through the subject site and a farm dam was located within the subject site on the eastern side of Luddenham Road to the south of the existing SSP access. It is, however, noted that the farm dam was removed as a part of ongoing construction works by Sydney Metro in accordance with the approval of the Sydney Metro Western Sydney Airport Project (Ref: SSI 10051).



Photograph 1: A view of the existing access to SSP, looking west from Luddenham Road

The subject site and surrounding land are identified as bush fire prone land and mapped as Vegetation Category 2 which indicates the potential presence of a grassland hazard. The subject site does not contain any non-Aboriginal or European heritage items. With respect to Aboriginal heritage, a previously registered Aboriginal archaeological site (Ref: Luddenham Road Cosgroves Creek AFT 1; AHIMS 45-5-5479) is located within the subject site on the eastern side of Luddenham Road. However, this archaeological site was destroyed in accordance with the SSI construction works for the Sydney Metro Western Sydney Airport



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

Project. As such, no extant Aboriginal archaeological sites or Aboriginal objects exist within the proposed LUD3 Intersection development area.



Photograph 2: Sydney Metro Corridor is currently under construction in proximity to the subject site

2.2 DEVELOPMENT HISTORY

TABLE 3 below provides a summary of applications pertaining to the subject site and of relevance to the proposal that have been determined by Council.

TABLE 3. RELEVANT DEVELOPMENT HISTORY		
DA Reference	Description of Development and Status	Determination
DA17/0100	Land Remediation Works Status: Complete	Approved on 5 June 2017
DA18/0569	Water Recycling Facility, Access Roads and Earthworks	Approved on 11 December 2018



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

TABLE 3. RELEVANT DEVELOPMENT HISTORY

DA Reference	Description of Development and Status	Determination
	Status: Under construction and due to be completed by 2023.	
DA20/0857	Construction of Luddenham Road and Commercial Road Intersection at Sydney Science Park (Precinct 1) Entrance including Related Earthworks, Road Works, Stormwater Drainage Works and Utility Servicing Infrastructure Works.	Refused on 01 September 2021. The primary reason for refusal relates to the absence of the required concurrences from TfNSW which have been obtained as a part of this DA.



PART C PROPOSED DEVELOPMENT

3.1 DEVELOPMENT OVERVIEW

The proposal involves the construction of a 650m upgrade of part of Luddenham Road including the provision of a new interim signalised intersection, relocation of services, and associated site works.

Figure 2 provides the General Arrangement Plan of the proposal. Further details in relation to these components of this DA are provided below.

3.1.1 Scope of Works

The proposed development seeks development consent for the following works:

- removal of up to 40 trees and vegetation;
- construction of a 650m road including the following:
 - road widening to facilitate dual approach and departure lanes on Luddenham Road within an approximate road reserve width of 20m to 31m including kerbs, medians, traffic islands and footpaths;
 - provision of a three-way interim signalised intersection to provide principal access to SSP;
 - provision of a signalised pedestrian crossing on all approaches of the intersection; and
 - installation of safety barrier, signage, line marking and street lighting;
- Construction of an internal access track to facilitate access to Sydney Water IWRH located within SSP.
- Construction of an access road including slip lanes on the western side of Luddenham Road to provide access to SSP.
- Reconstruction of the slip lane on the eastern side of Luddenham road to maintain construction access to the Metro Viaduct. Reconstruction of temporary left in/left out construction access for Sydney Metro.
- Removal and relocation of the overhead and underground electrical services located in the existing road reserve.
- Removal and relocation of the underground telecommunication services located in the existing road reserve.
- Reconfiguration of the existing stormwater inlet and outlet headwalls in the existing road reserve.
- Associated demolition works, earthworks, environmental management, civil and stormwater management, and landscaping works, and
- Creation of a road reserve and dedication as a public road.

The road design and the proposed intersection arrangements are detailed in the Civil Engineering Plans and Civil Engineering Design Report provided in **Appendix 2** and **Appendix 3**, respectively, and supported by the Transport Assessment in **Appendix 4**.

3.1.2 Capital Investment Value

The total estimated Capital Investment Value (CIV) of the proposed works is \$7,175,872 including the cost of works on the land under Council's control. **Appendix 10** provides a detailed breakdown of the development costs for the purposes of estimating DA fees as well as the CIV.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

TABLE 4. KEY DESIGN PARAMETERS

Component	Parameter	
	Primary Arterial Road (Luddenham Road)	Sub-arterial Road (Road 01)
Operating Speed	80km/hr	60km/hr
Design Speed	90km/hr	70km/hr
Reaction Time	1.5 seconds	1.5 seconds
Observation Time	3 seconds	3 seconds
Design Vehicle	20.0m ARV	-
Check Vehicle	26.0m B-Double	-
Approach Sight Distance	126m (cars) - to a 0m object height	83m (cars) - to a 0m object height
Stopping Sight Distance	126m (cars) - to a 0.2m object height	83m (cars) - to a 0.2m object height
Safe Intersection Sight Distance (SISD)	201m (cars)	-

3.3 CONSTRUCTION STAGING

To minimise traffic impacts, the construction work will be staged and generally undertaken as noted below:

- **Stage 1:** Construct northbound carriageway including access road to SSP and carry out the west verge electrical relocation. Traffic flow to remain on the existing Luddenham Road carriageway.
- **Stage 2:** Divert traffic to northbound lanes with the east lane to operating as a southbound lane temporarily during construction work. Demolish the existing Luddenham Road pavement and construct the southbound carriageway, including Metro construction access road. Carry out telecommunications relocations.

It is, however, noted that the construction methodology will be refined by the contractor appointed to undertake the works.

3.4 DEDICATION OF LAND

Following construction and completion of the proposed development, the private land accommodating the additional Luddenham Road pavement extents to facilitate the intersection and additional traffic lanes will be dedicated as a Luddenham Road public road reserve. A Road Widening Plan has been prepared to support the application (**Appendix 15**). For ease of reference, **Appendix 16** provides a road widening plan with design underlay. The intention is for this to be facilitated by a condition of consent requiring boundary re-alignment and dedication at the completion of the works.

For clarity, the extent of the access road to SSP, being Road 01, is designed as a sub-arterial road in accordance with the Aerotropolis Precinct Plan; however, it will be under private ownership until subsequent development applications are lodged for the development of SSP.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

3.5 UTILITIES AND SERVICES

It is envisaged that the proposal would include the relocation and/or reconfiguration of the following utilities located within the existing Luddenham Road reserve:

- overhead and underground electrical services located in the existing road reserve;
- underground telecommunication services, and
- stormwater inlet and outlet headwalls

The services will be relocated to position the utilities outside the new pavement extents and with appropriate vertical cover to suit the proposed road levels. The relocation works are anticipated to be temporary on the basis that it is not feasible to reposition the utilities in accordance with the ultimate Luddenham Road configuration, and hence no shared utility trenches are proposed at this stage.

The proposal involves the installation of new street lighting within the subject site for safety and will be positioned beyond the paved road shoulder.



PART D LEGISLATIVE AND POLICY FRAMEWORK

This Part of the SEE addresses and responds to the legislative and policy requirements relevant to the proposal and the subject site.

4.1 CONTROLS AND POLICY OVERVIEW

The following Environmental Planning Instruments (EPIs) have been considered in the preparation of this SEE.

Commonwealth Planning Context

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Biodiversity Conservation Act 2016*
- *Cumberland Plain Conservation Plan 2022*
- *Roads Act 1993*
- *Water Management Act 2000*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environment Planning Policy (Precincts – Western Parkland City) 2021*
- *Western Sydney Aerotropolis Precinct Plan*
- *Western Sydney Aerotropolis Development Control Plan*
- *Western Sydney Aerotropolis Special Infrastructure Contribution*

4.2 COMMONWEALTH PLANNING CONTEXT

4.2.1 Environment Protection and Biodiversity Conservation Act 1999

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project, or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval on a Commonwealth level. If an action is considered likely to have a significant impact on MNES, it is declared a “controlled action,” and formal Commonwealth approval is required.

The Flora and Fauna Assessment Report in **Appendix 8** includes an assessment of the listed threatened species and ecological communities, and the following MNES were identified as having the potential to occur within the subject site:

- *Pteropus poliocephalus* (Grey-headed Flying-fox), and



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

- *Gallinago hardwickii* (Latham's Snipe)

An Assessment of Significance was prepared to establish the impacts, and it was determined that the proposal is unlikely to result in a significant impact. This being the case, no further consideration of the EPBC Act is required.

4.3 STATE PLANNING CONTEXT

4.3.1 Environmental Planning and Assessment Act 1979

The EP&A Act is the principal planning and development legislation in NSW.

4.3.1.1 Section 4.15(1) of the EP&A Act – Considerations

Section 4.15(1) of the EP&A Act specifies the matters that a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15(1) of the EP&A Act are provided in **TABLE 5** below.

TABLE 5. SECTION 4.15(1)(A) CONSIDERATIONS	
Section	Response
Section 4.15(1)(a)(i) any environmental planning instrument, and	The EPIs relevant to the proposal are set out in Section 4.1 and assessed in the following sections of this SEE.
Section 4.15(1)(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	There are no draft instruments applicable to the subject site.
Section 4.15(1)(a)(iii) any development control plan, and	The Aerotropolis DCP applies to the subject site and is addressed in Section 4.3.134.4.1 and Appendix 17 of this SEE.
Section 4.15(1)(a)(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	<p>The land within SSP and under the ownership of the Proponent is subject to the following planning agreements:</p> <ul style="list-style-type: none">▪ State Planning Agreement executed on 07 December 2016 and registered as Dealing AK987944 in the Certificate of Title of each lot.▪ Local Planning Agreement executed on 09 September 2016 <p>These matters are addressed in Section 5.13 of this SEE.</p>
Section 4.15(1)(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The EP&A Regulation is addressed in Section 4.3.2 of this SEE.
Section 4.15(1)(b)-(c)	These matters are addressed in PART E of this SEE.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

4.3.1.2 Section 4.46 of EP&A Act - Integrated Development

Section 4.46 of the EP&A Act defines 'integrated development' as matters that require consent from the consent authority and one or more authorities under related legislation. The proposed works do not require approvals listed under Section 4.46 of the EP&A Act.

4.3.2 Environmental Planning and Assessment Regulation 2021

The proposal has been prepared in accordance with the provisions of the EP&A Regulation. Division 1 of Part 3 of the EP&A Regulation stipulates how a DA must be "made". This DA satisfies the relevant criteria of the Regulation as follows:

TABLE 6. HOW THE DA IS MADE	
Considerations	Response
Division 1 - Making development applications	
<i>Section 23 - Persons who may make development applications</i>	
(1) A development application may be made by— (a) the owner of the land to which the development application relates, or (b) another person, with the consent of the owner of the land.	This DA is made by Celestino Developments SSP Pty Limited C/o -Orion Group. The subject site is owned by Proponent and Sydney Metro. Landowners consent has been provided in Appendix 18 in accordance with this to allow for the DA to be made. In relation to the proposed works on the Luddenham Road reserve that is currently under Council's care and management, this is subject to Council granting development consent for the DA, which also results in consenting as the owner of the land to the making of the DA.
<i>Section 24 - Content of development applications</i>	
(1) A development application must— (a) be in the approved form, and (b) contain all the information and documents required by— (i) the approved form, and (ii) the Act or this Regulation, and (c) be submitted on the NSW planning portal.	The DA includes all relevant information, including details of the development, address, and formal particulars, estimated cost of development, owner's consent, supporting documents, including detailed plans, and SEE. This DA is submitted via the NSW planning portal.
<i>Section 25 - Information about concurrence or approvals</i>	
A development application must contain the following information— (a) a list of the authorities — (i) from which concurrence must be obtained before the development may lawfully be carried out, and	These matters are addressed in Section 1.7 .



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

TABLE 6. HOW THE DA IS MADE	
Considerations	Response
<p>(ii) from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41,</p> <p>(b) a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.</p>	
Section 31 - Other documents required for certain development applications	
<p>A council-related development application must be accompanied by—</p> <p>(a) a statement specifying how the council will manage conflicts of interest that may arise in connection with the application because the council is the consent authority (a management strategy), or</p> <p>(b) a statement that the council has no management strategy for the application.</p>	<p>This DA is made for development on land currently under Council's care and management. Refer to the discussions under Section 1.5.</p>
Section 35 - Additional requirements for development applications in certain areas of Sydney	
<p>(2) A person must not apply to a consent authority for development consent to carry out development on the following land unless the application is accompanied by an assessment of the consistency of the development with the relevant plan—</p> <p>(d) land in the Western Sydney Aerotropolis under State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Chapter 4,</p> <p>relevant plan means the following—</p> <p>(e) for land in the Western Sydney Aerotropolis—the Western Sydney Aerotropolis Plan and any precinct plan that applies to the land under State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Chapter 4,</p>	<p>TABLE 8 provides an assessment of consistency with the Aerotropolis Precinct Plan.</p>
Section 66A - Council-related development applications—the Act, s 4.16(11)	
<p>(1) A council-related development application must not be determined by the consent authority unless—</p> <p>(a) the council has adopted a conflict of interest policy, and</p> <p>(b) the council considers the policy in determining the application.</p>	<p>Refer to the discussions under Section 1.5.</p>



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

4.3.3 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is the key piece of legislation in NSW relating to the protection and management of biodiversity and threatened species. The purpose of the BC Act is to maintain a healthy, productive, and resilient environment for the greater well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The BC Act is supported by a number of regulations, including the *Biodiversity Conservation Regulation 2017* (BC Regulation).

Under Section 7.7 of the BC Act, a DA under Part 4 of the EP&A Act is not required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the development is likely to significantly affect threatened species. The Flora and Fauna Assessment Report (**Appendix 8**) has been prepared to address the requirements of the BC Act. The report includes 'A Likelihood of Occurrence' assessment which concludes that nine (9) threatened fauna species recorded within five (5) km of the study area have the potential to be affected by the proposal. Therefore, a Test of Significance under the BC Act was undertaken, as summarised below, which confirmed that no significant impact is likely to result from the proposal, and as such, the preparation of a BDAR is not required.

One threatened ecological community, Cumberland Plain Woodland in the Sydney Basin Bioregion, was identified within the subject site. The proposed works would remove 0.13 ha of this ecological community. A Test of Significance under the BC Act was undertaken for this community which determined that no significant impact is likely to result from the proposal. The proposal would not impact threatened flora or habitats for threatened flora. Therefore, Tests of Significance were not undertaken for any threatened flora species. The proposal has the potential to impact native vegetation within the subject site, which may provide habitat for certain threatened fauna species. A Tests of Significance were undertaken, which concluded that the proposal is unlikely to result in a significant impact to any of the above threatened fauna species.

Mitigation measures recommended in the Flora and Fauna Assessment Report (**Appendix 8**) relate to sediment and erosion control, hollow bearing trees and construction which will be implemented during construction. On this basis, it is concluded that no significant impact is likely to result from the proposal.

4.3.4 Cumberland Plain Conservation Plan 2022

The *Cumberland Plain Conservation Plan* (the CPCP) identifies strategically important biodiversity areas within the Cumberland subregion to offset the biodiversity impacts of future urban development and facilitate a green and liveable city. The subject site is not biodiversity certified under the CPCP. The Flora and Fauna Assessment Report in **Appendix 8** satisfies the assessment required under the BC Act.

4.3.5 Roads Act 1993

The consent of TfNSW is required for the installation of a traffic control light at the proposed intersection in accordance with Section 87(4) of the Roads Act. Extensive consultation has been undertaken with TfNSW in relation to the proposed signals, with TfNSW providing in-principle Approval as provided in **Appendix 1**.

Consent from the Council under Section 138 of the Roads Act will be required for works undertaken within the existing road reserve and will be obtained prior to the issue of the construction certificate for the proposal. This may be addressed as a condition on the development consent.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

4.3.6 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of land

Under the provisions of Chapter 4 of the Resilience and Hazards SEPP, the consent authority must be satisfied that the subject site is suitable for its intended use (in terms of contamination) prior to granting consent.

Remediation works for the portion of the land located within SSP approved under DA 17/0100 have been completed and a Validation Certificate has been reviewed and approved by the Council. For works outside the extent of SSP, an Unexpected Finds Protocol accompanies this DA in **Appendix 11**. Compliance with this may be addressed as a condition on the development consent.

4.3.7 State Environmental Planning Policy (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP contains planning provisions relating to infrastructure in NSW, such as hospitals, roads, railways, emergency services, water supply and electricity delivery. Of these, the proposed development must have regard to the following chapters:

Chapter 2 Infrastructure

Division 5 Electricity transmission or distribution

The proposal involves the relocation of the existing overhead and underground electrical services located in the Luddenham Road reserve. In accordance with clause 2.48 of the Transport and Infrastructure SEPP, the DA must be referred to the relevant electricity supply authority, Endeavour Energy, to obtain feedback.

Division 15 Railways

The viaduct of the Sydney Metro Western Sydney Airport passes through the subject site, and works are proposed below this area. The Council may also refer the DA in accordance with the requirements of clause 2.98 of the Transport and Infrastructure SEPP to invite comments from Sydney Metro.

Chapter 4 Major infrastructure corridors

A small portion of the proposed works are located in an area identified as a future transport corridor, specifically for the Western Sydney Airport Metro line, as shown in **Figure 3** below - refer to the yellow corridor zoned SP2 Infrastructure.

Clause 4.6(2) states development for the purposes of 'Roads' is permitted with consent. The objectives of SP2 Infrastructure zone are as follows:

- (a) to provide for infrastructure and related uses,
- (b) to prevent development that is not compatible with or that may detract from the provision of infrastructure.

The proposal has been designed to accommodate the future 60m wide road corridor. Refer detailed discussed under **Section 5.1**. The Proposal provides a vertical clearance to the Sydney Metro viaduct been



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

based on AS5100 which requires a minimum 5.4m clearance to arterial roads and therefore will not have an adverse effect on rail safety. The proposal satisfies the Aims of Chapter 4 as well as the objectives of the SP2 zone. The proposed road upgrade and ancillary works within the SP2 zone are permitted with consent.

Concurrence from TfNSW must be obtained in accordance with clause 4.7 and 4.8 of the Transport and Infrastructure SEPP. It is the responsibility of the Council to refer the DA accordingly.

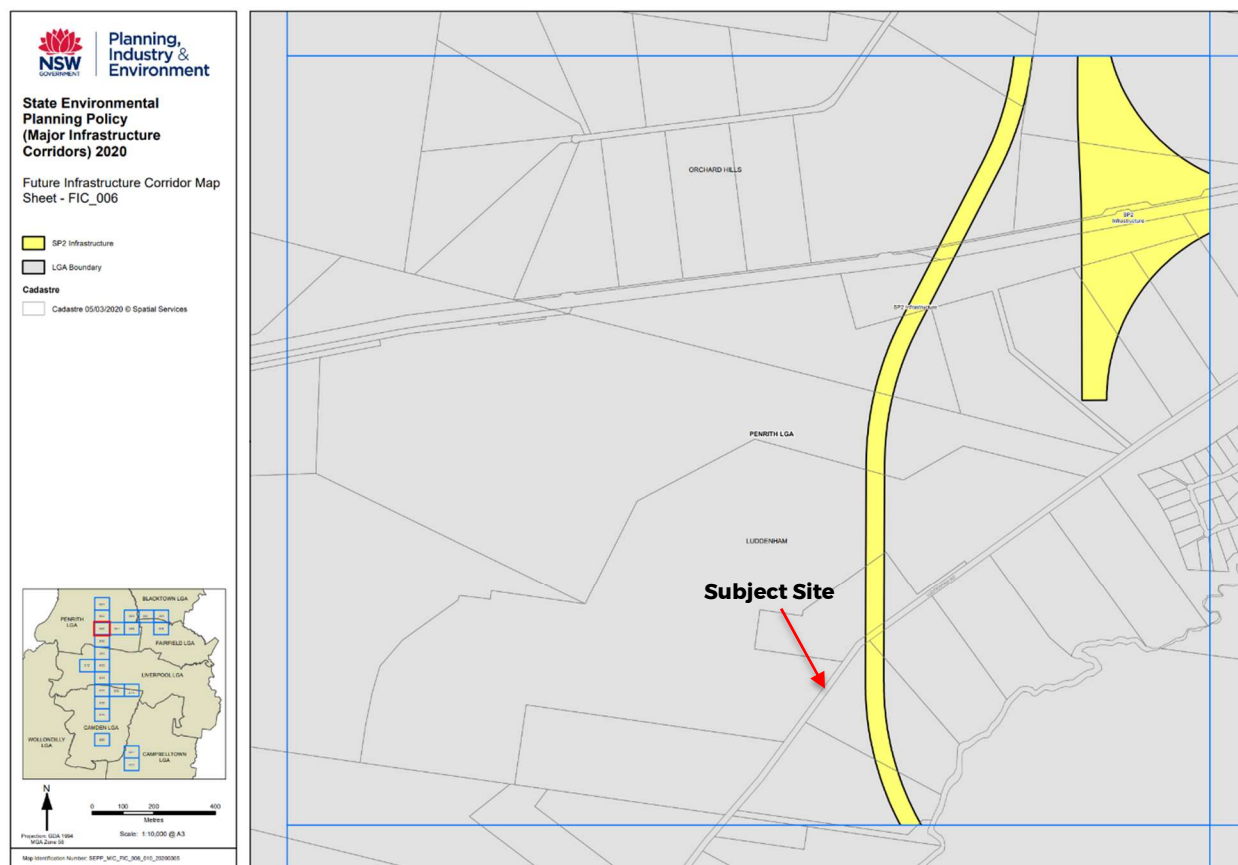


Figure 3. Future Infrastructure Corridor Map (Source: NSW Legislation, 2023)

4.3.8 State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 State and regional development

Pursuant to Schedule 6, clause 3 of the *State Environmental Planning Policy (Planning Systems) 2021* SEPP (Planning Systems SEPP), 'Council related development over \$5 million' (given the DA works include the road reserve of Luddenham Road, which is land currently under Council's control and management) is categorised as 'regionally significant development'.

The total estimated CIV of the proposed works is **\$7,175,872** (excluding GST). The CIV of the works on the portion of the existing road reserve is **\$3,085,625** and does not exceed the threshold of \$5 million. This DA is therefore not considered a Council related development and no further consideration is required.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

4.3.9 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

Chapter 2 of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity and Conservation SEPP) deals with Vegetation for non-rural areas and aims to protect biodiversity values and preserve the amenity of non-rural areas, through the preservation of trees and other vegetation. Chapter 2 applies to the Penrith LGA; however, only for the portion of the subject site zoned SP2 Infrastructure.

The proposal seeks the removal of up to 40 trees as identified in the Arboricultural Impact Assessment provided in **Appendix 6**. For clarity, this application seeks removal of **'up to'** and not for 40 trees (**our emphasis**). The reason is that some trees are located within the approved construction footprint of the Sydney Metro Western Sydney Airport Project which is currently ongoing and progressing.

Chapter 6 Water Catchments

Chapter 6 deals with Water Catchments. The subject site is located within the Hawkesbury-Nepean Catchment.

Part 6.2, Division 2, clause 6.6 address water quality and quantity. Suitable sediment and erosion control measures will avoid adverse impacts on the natural watercourses and ultimately the river system. These matters are addressed in detail in **Section 5.3** of this SEE as well as in the accompanying Civil Engineering Plans and Design Report. The proposal will not result in any detrimental impacts on the Hawkesbury-Nepean River.

Division 3, clause 6.13 provides the controls on development in Hawkesbury-Nepean conservation area sub-catchments which provide the following:

- (1) Development in a Hawkesbury-Nepean conservation area sub-catchment may be carried out only with development consent.*
- (2) In deciding whether to grant development consent to development in a Hawkesbury-Nepean conservation area sub-catchment, the consent authority must consider the following—*
 - (a) whether the development will minimise human interference with the condition of the sub-catchment,*
 - (b) whether the development will maintain and enhance the structure and floristics of native vegetation in the sub-catchment,*
 - (c) whether the development will maintain or enhance the scenic quality of the locality,*
 - (d) whether development has previously been carried out on the development site.*

The DA seeks development consent for the proposed road upgrade and ancillary works, which will not impact on scenic qualities within the catchment. The proposal involves the provision of roads which is a public infrastructure and would require the removal of trees and vegetation required to facilitate the road upgrades. Any potential environmental impacts associated with the proposal are appropriately identified, managed, and mitigated in accordance with the applicable legislative requirements.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

4.3.10 State Environmental Planning Policy (Precincts – Western Parkland City) 2021

Chapter 4 Western Sydney Aerotropolis

Chapter 4 of the Western Parkland City SEPP applies to land in the Western Sydney Aerotropolis and is the primary EPI that applies to the subject site. It aims to facilitate development in the Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan, and to ensure development is compatible with the long-term growth, development, and operation of the Western Sydney Airport. The relevant provisions of the Aerotropolis SEPP as they relate to the subject site and the proposal are considered in the following subsections:

Aims of the Chapter

The proposal complies with the Aims of Chapter 4 of the Western Sydney Aerotropolis SEPP, as it:

- facilitates development in the Western Sydney Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan;
- promotes sustainable, orderly, and transformational development in the Western Sydney Aerotropolis;
- provides the infrastructure to facilitate development of the Northern Gateway Precinct and stimulate employment and world-class innovation precinct (SSP) and provide for residential development in suitable locations, and
- minimise the impact of development on, trees and vegetation, soil quality and the health of waterways and to contribute to the conservation of biodiversity.

Zoning and Permissibility

The subject site is subject to two zoning provisions, MU and ENT, pursuant to the Aerotropolis SEPP as shown in **Figure 4**.

In terms of permissibility, both zones are open zone i.e., it lists specific prohibitions and permit all other uses. **Roads are permissible with consent** by way of omission from the list of prohibited uses.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

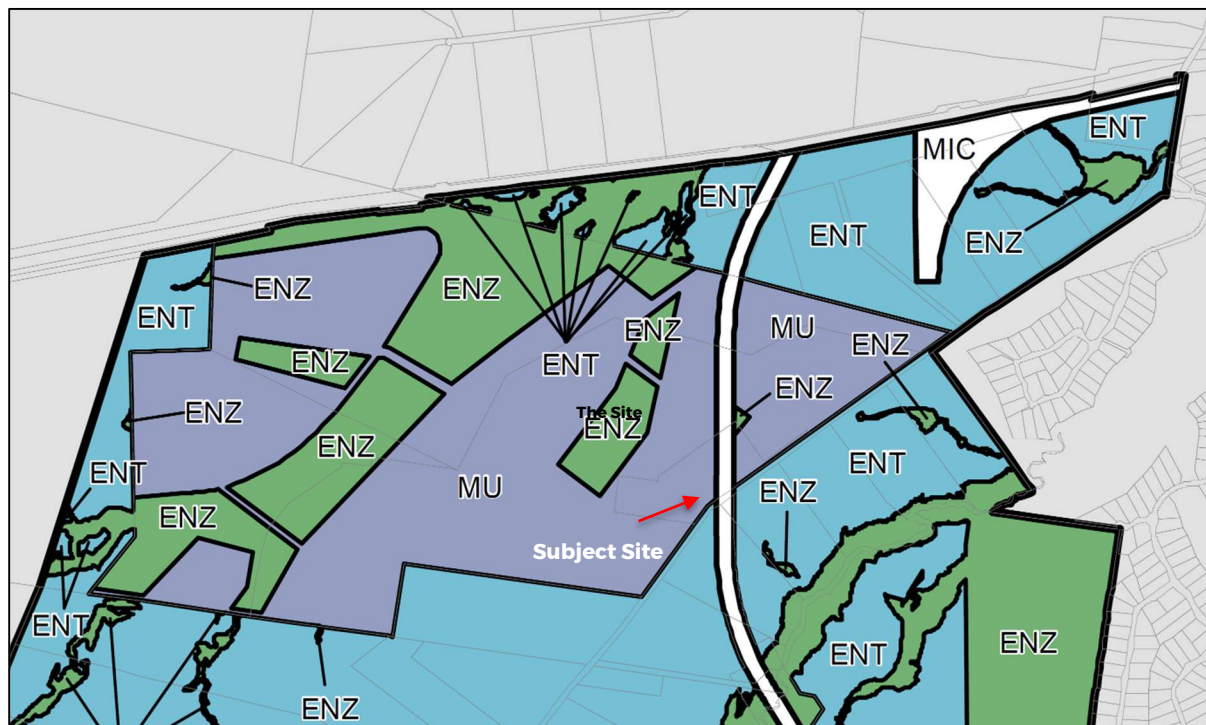


Figure 4. Zoning Map (Source: NSW Legislation, 2023)

Development Controls

TABLE 7 provides an overview of the development controls of Chapter 4 of the Aerotropolis SEPP, as they apply to the subject site.

TABLE 7. COMPLIANCE WITH WESTERN PARKLAND CITY SEPP PROVISIONS		
Clause	Provisions	Comments
Part 4.2 Permitted or prohibited development		
4.12 Zone objectives and Land Use Table	Mixed Use zone Enterprise zone	Refer to the discussions under Zoning and Permissibility .
4.15 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent	Development consent is sought for the proposed demolition works.
Part 4.3 Development controls—Airport safeguards		
4.19 Wildlife hazards	N/A	The subject site is located within the 8km wildlife buffer zone on the Wildlife Buffer Zone Map. However, the proposal involves road upgrade works and is not categorised as a 'relevant development'.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

TABLE 7. COMPLIANCE WITH WESTERN PARKLAND CITY SEPP PROVISIONS

Clause	Provisions	Comments
4.21 Lighting	<p><i>Development consent must not be granted to development for the following purposes on land shown as the “6km Lighting Intensity Radius”, a “Light Control Zone” or a “Runway Boundary” on the Lighting Intensity and Wind Shear Map unless the consent authority has consulted the relevant Commonwealth body—</i></p> <p><i>(a) installation and operation of external lighting (whether coloured or white lighting) in connection with development for the following purposes—</i></p> <p><i>(i) classified roads,</i></p> <p><i>(ii) ...</i></p> <p><i>(v)</i></p> <p><i>(b) installation and operation of external lighting in connection with construction works that is likely to be obtrusive or create light spill outside the land on which the construction works are carried out.</i></p>	The subject site is within the 6km Lighting Intensity Radius. The proposal involves the installation of streetlights (during construction as well as post completion of works) within the subject site. Luddenham Road is currently identified as a regional road and not a classified road. No further consideration is required.
4.22 Airspace operations	N/A	The proposal does not involve any built form works.
Part 4.4 Development controls—general		
4.24 Flood planning	N/A	The subject site is not identified as affected by the 1 in 100 AEP Flood Extent in the Flood Planning Map.
4.26 Heritage conservation	<p><i>(8) Archaeological sites</i></p> <p><i>The consent authority must, before granting consent under this section to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies)—</i></p>	Refer to the discussions under Section HERITAGE5.6 .



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

TABLE 7. COMPLIANCE WITH WESTERN PARKLAND CITY SEPP PROVISIONS

Clause	Provisions	Comments
	<p>(a) <i>notify the Heritage Council of its intention to grant consent, and</i></p> <p>(b) <i>(b) take into consideration a response received from the Heritage Council within 28 days after the notice is sent.</i></p>	
4.27 Transport corridors	<p><i>Development consent must not be granted to the following development unless the consent authority has obtained the concurrence of Transport for NSW—</i></p> <p>(a) <i>development on transport corridor land with a capital investment value of more than \$200,000,</i></p> <p>(b) <i>development that involves the penetration of ground to a depth of at least 2 metres below ground level (existing) on land within 25 metres (measured horizontally) of transport corridor land.</i></p>	The proposal is located on Luddenham Road, which is identified as a 'primary arterial road (60m)' and the Metro alignment on the Transport Corridor Map. This DA will be referred to TfNSW to obtain concurrence.
4.28 Warragamba Pipelines		Not applicable. The proposal is unlikely to affect the pipeline corridor given the distance.
4.28A Sydney Science Park	<i>This section applies to land identified as "Sydney Science Park" on the Sydney Science Park Map.</i>	Not applicable. A portion of the subject site is identified as SSP on the Sydney Science Park Map. However, the provisions of this clause relate to the delivery of residential and commercial development and are not applicable to the proposal.
4.28B Aboriginal cultural guidelines	<i>Development consent must not be granted to development on land to which this Policy applies unless the consent authority has considered Recognise Country: Draft Guidelines for development in the Aerotropolis published in October 2021 on the Department's website.</i>	<p>Not applicable. The proposal is categorised as a 'local development' and the provisions of this section do not apply.</p> <p>Furthermore, the proposal relates to the provision of infrastructure and associated works and does not involve any built form works.</p>
Part 4.7 Precinct plans and master plans		
<i>Division 1 Precinct plans</i>		



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

TABLE 7. COMPLIANCE WITH WESTERN PARKLAND CITY SEPP PROVISIONS

Clause	Provisions	Comments
4.39 Development must be consistent with precinct plan	<p><i>Development consent must not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied that the development is consistent with the precinct plan.</i></p> <p><i>The above does not apply if—</i></p> <p><i>(a) the consent authority has considered a written request from the applicant that seeks to justify an inconsistency by demonstrating that—</i></p> <p><i>(i) the inconsistency is minor, and</i></p> <p><i>(ii) consistency with the plan is unreasonable or unnecessary in the circumstances, and</i></p> <p><i>(iii) sufficient environmental planning grounds justify the inconsistency, and</i></p> <p><i>(b) the consent authority is satisfied that—</i></p> <p><i>(i) the applicant's written request adequately addresses the matters required to be demonstrated by paragraph (a), and</i></p> <p><i>(ii) the development is consistent with the strategic vision and general objectives for the precinct.</i></p>	<p>The proposal complies with all the requirements of the Aerotropolis Precinct Plan. Refer below provides an assessment demonstrating compliance with the relevant requirements.</p>

4.3.12 Western Sydney Aerotropolis Precinct Plan

The Aerotropolis Precinct Plan provides place-based objectives and requirements to guide development in the Aerotropolis in a consistent and sustainable manner over time. The subject site is located within the 'Northern Gateway' precinct. In accordance with clause 4.39 of the Western Parkland City SEPP, the development must be consistent with the Aerotropolis Precinct Plan. **TABLE 8** provides an assessment of the proposal against the relevant provisions.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

TABLE 8. ASSESSMENT OF CONSISTENCY WITH THE AERPTROPOLIS PRECINCT PLAN

Section	Provisions	Comments
<u>2 Precinct vision and objectives</u>		
2.5 Northern Gateway		
	<p>Additional objectives:</p> <ul style="list-style-type: none"> ▪ Develop the mixed use zone within walking distance of Luddenham Metro station into a specialised centre. Support a cluster of leading science-based business, tertiary institutions and research facilities connected by public transport. ▪ Facilitate the development of a high technology employment precinct. ▪ Facilitate a variety industrial and business enterprises and diverse residential development in locations that support the principles of transit-oriented development. ▪ Provide for a mix of uses to support the specialised centre, including social and educational uses to meet the demands of workers, residents, and visitors. ▪ Prioritise the restoration and protection of natural ecology and management of water in the landscape, particularly at Cosgroves Creek and its tributaries. ▪ Promote the role of water within Wianamatta-South Creek Corridor and Cosgroves Creek to support healthy, liveable and sustainable communities. 	<p>The subject site is located within the Northern Gateway Precinct. The proposal relates to infrastructure, which is the road upgrade works, to facilitate development within SSP and the broader precinct. The proposal will stimulate development within the precinct.</p>
<u>3 Infrastructure and Development Staging</u>		
3.1 Infrastructure Delivery	<ul style="list-style-type: none"> ▪ Prior to granting development consent, the consent authority must be satisfied that essential services and infrastructure are available or will be available when required for the development. Essential services and infrastructure are road access, water supply, sewer, electricity and stormwater infrastructure. ▪ Development near utility infrastructure should be in accordance with the relevant service authority's guidelines and requirements. ▪ Shared utility trenches are to be used and located generally in accordance with the utilities allocations in the Western Sydney Street Design Guideline and relevant cross-sections in the DCP to minimise the impacts of utilities allocations on landscaping and street tree planting 	<p>As outlined previously, this DA seeks to provide an interim signalised intersection as a key access point to SSP to facilitate access to future developments located within SSP.</p> <p>In relation to utilities and services, refer to discussions under Section 5.5.</p>
<u>4 Urban Structure</u>		




STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

TABLE 8. ASSESSMENT OF CONSISTENCY WITH THE AERPTROPOLIS PRECINCT PLAN

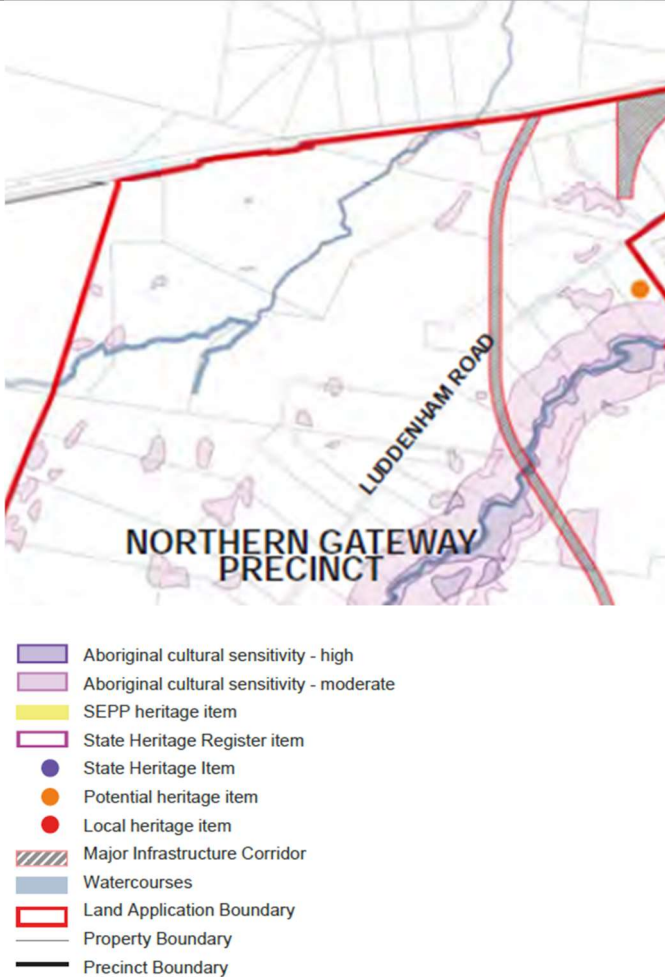
Section	Provisions	Comments
4.1 Proposed Land Use and Structure Plan	<p>The types and densities of land uses are to be consistent with the Land Use Plan. Key land use terms used in the Land Use Plan are described in the Glossary.</p>  <p>Legend:</p> <ul style="list-style-type: none"> Commercial centre - mixed use Local/Neighbourhood Centre Business and enterprise Mixed use residential Agribusiness Enterprise and light industry Education Special Infrastructure Specialised centre mixed use Open Space / Stormwater Land Environment and Recreation Primary arterial road Primary arterial road (rapid bus) Sub-arterial <p>Land Use and Structure Plan</p>	The proposal involves the provision of roads and is consistent with the Structure Plan.
4.3 Aboriginal Culture and Heritage – Recognising Country	<p>Development applications that propose disturbance to the landscape in areas of moderate, high or very high Aboriginal sensitivity in the Figure below, or include known Aboriginal cultural or archaeological sites, are required to include an assessment of impacts on archaeological and or cultural heritage values and significance. Where specific measures are required to mitigate or avoid impacts, applications are to include a cultural heritage management plan or conservation management plan prior to the issue of a construction certificate.</p>	Refer to the discussions under Section 5.6.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

TABLE 8. ASSESSMENT OF CONSISTENCY WITH THE AERPTROPOLIS PRECINCT PLAN

Section	Provisions	Comments
	 <p>Heritage and Cultural Landscapes</p> <ul style="list-style-type: none"> Aboriginal cultural sensitivity - high Aboriginal cultural sensitivity - moderate SEPP heritage item State Heritage Register item State Heritage Item Potential heritage item Local heritage item Major Infrastructure Corridor Watercourses Land Application Boundary Property Boundary Precinct Boundary 	
4.6 Movement Framework		
4.6.1 Transport strategy	The Transport Network is to be designed generally in accordance with Figure below.	Luddenham Road is identified as 'the primary arterial road,' and the access to SSP is identified as a 'sub-arterial road' in the Street Hierarchy Map. Further, a 'key signalised intersection' is identified at this location.

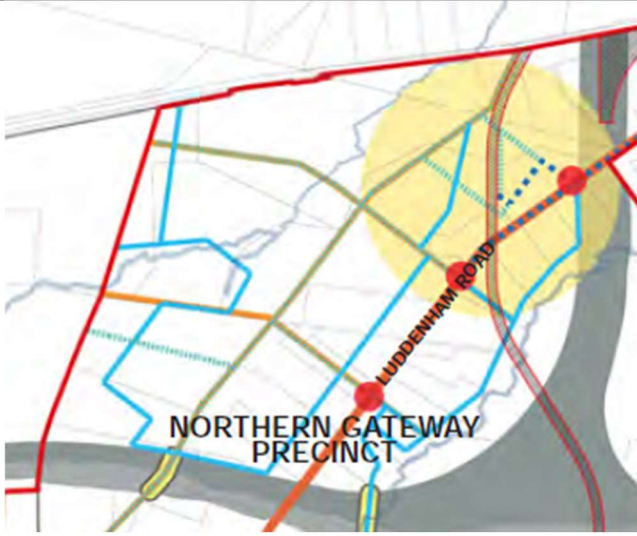


STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

TABLE 8. ASSESSMENT OF CONSISTENCY WITH THE AERPTROPOLIS PRECINCT PLAN

Section	Provisions	Comments
	 <p>Transport Network</p>	<p>The design of the proposal is consistent with the Transport Network Map.</p>
	<p>Active transport is integrated with the Blue Green Infrastructure Framework in Figure 5 and provided generally in accordance with the Active Transport Network in Figure 9.</p>	<p>There are no dedicated existing cycle lanes to the north or south of this section of Luddenham Road. It is anticipated that the cycle path will be delivered as a part of the 'ultimate' scenario and will integrate with the overall cycle path strategy.</p>




STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

TABLE 8. ASSESSMENT OF CONSISTENCY WITH THE AERPTROPOLIS PRECINCT PLAN


Section	Provisions	Comments
	 <p>Active Transport Network</p> <ul style="list-style-type: none"> Principal regional cycle path network (off road) Principal regional cycle path along the OSO Cycle Paths on Collector Roads Cycle paths through open space Wianamatta - South Creek Crossing Key Intersections Area of investigation for a future signalised intersection Metro Station 	
4.6.2 Street hierarchy and typology	<p>The Road Network within the Transport Network is to be generally consistent with the alignment and connections of roads shown in Figures above.</p>	<p>The proposal is consistent with the alignment, connections of roads, and hierarchy of this section. Further, the design of the roads, where relevant, in the interim scenario, is designed in accordance with the Aerotropolis DCP.</p>



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

TABLE 8. ASSESSMENT OF CONSISTENCY WITH THE AERPTROPOLIS PRECINCT PLAN

Section	Provisions	Comments
	 <p>Major Roads</p> <ul style="list-style-type: none"> Primary arterial road Primary arterial road (rapid bus) Sub-arterial road Collector Local Street Park Edge Street Riparian Street M12 motorway Outer Sydney Orbital Indicative roadway (subject to further investigation) <p>Laneways and Service Roads</p> <ul style="list-style-type: none"> Service Street Park Edge Active Path Key signalised intersection Planned signalised intersection (subject to investigation) Area of investigation for a future signalised intersection Major Infrastructure Corridor Watercourses Land Application Boundary Property Boundary Precinct Boundary <p>Street Hierarchy</p> <p>Roads and streets are to be designed in accordance with the Western Sydney Street Design Guidelines, except where specific street cross sections are provided in the DCP for streets as shown on the street hierarchy map at Figure 10.</p>	
4.6.3 Development adjacent to protected transport corridors	Development adjacent to corridors identified on the Transport and Infrastructure SEPP and the Aerotropolis SEPP is to be designed to orient noise sensitive elements (for example habitable rooms) away from the noise source.	N/A
4.7 Sustainability and Resilience	Plan for, and achieve, leading industry targets by 2025 and from 2026 beyond to achieve sustainable regenerative targets: <ul style="list-style-type: none"> 10% reduction of waste generation 85% reduction in construction waste. 	Yes, refer to the discussions in the accompanying Demolition and Construction Waste Management Plan in Appendix 12 .



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

TABLE 8. ASSESSMENT OF CONSISTENCY WITH THE AEROTROPOLIS PRECINCT PLAN

Section	Provisions	Comments
5 Land Use and Built Form		The provisions of this chapter are not applicable to the proposal.

The proposal complies with all the requirements of the Aerotropolis Precinct Plan

4.3.13 Western Sydney Aerotropolis Development Control Plan

The Aerotropolis DCP supports the implementation of the Aerotropolis Precinct Plan. The Aerotropolis DCP provides a performance based approach by providing objectives, performance outcomes and benchmark solutions.

Appendix 17 provides an assessment of the proposed development in accordance with relevant sections of the Aerotropolis DCP. Alternative solutions to the benchmark solutions, where proposed, demonstrate compliance with the objectives and performance outcomes, of the relevant development controls.

4.4 CONTRIBUTION PLANS

4.4.1 Western Sydney Aerotropolis Special Infrastructure Contribution

The *Western Sydney Aerotropolis Special Infrastructure Contribution* Determination (SIC Determination) made by the Minister of Planning under Section 7.23 of the EP&A Act came into effect on 9 March 2022. The subject site is located within the 'Luddenham Station Precinct' on the Western Sydney Aerotropolis Special Contributions Area (SCA) map.

Part 3 of the SIC Determination deals with 'Development for which SIC is required in the station precinct'. Division 1, clause 19(2) lists out the types of development exempt from SIC and includes the following in relation to roads:

- (m) roads, or other public amenities or public services, for which development contributions have been imposed under section 7.11 or section 7.12 of the Act, or may be imposed in accordance with a contributions plan that is in force (when consent is granted for the development),
- (n) roads, or other infrastructure, for which a contribution may be required to be made under this Determination or other applicable determination under section 7.23 of the Act,

The proposal involves upgrades to an existing regional road and does not involve any built form work.



PART E LIKELY IMPACTS OF THE DEVELOPMENT

This section identifies and assesses the impacts of the development with specific reference to the heads of consideration under Section 4.15(1) of the EP&A Act.

5.1 ROAD DESIGN & GEOMETRY

SSP is located within the Northern Gateway which will be a major interface for the Western Sydney Airport and a specialised centre linking the Airport with the metropolitan cluster. Luddenham Road is identified as a 'primary arterial road' corridor that will act as a key north-south connection for the Northern Gateway precinct. The location of the proposed interim signalised intersection and new sub-arterial access road to SSP (Road 01) is consistent with the 'key signalised intersection' as indicated on the Transport Network Map in the Aerotropolis Precinct Plan.

Luddenham Road will ultimately be a 60m wide arterial road that will serve as the main transport corridor linking the Northern Gateway to the wider Aerotropolis. It is understood that Luddenham Road will have a road formation in accordance with the typical arrangement for Primary Arterial Road provided in the Aerotropolis DCP. This proposal does not seek to construct the ultimate Luddenham Road formation, as this will occur as part of TfNSW streamlined wider upgrade strategy, and to deliver such a road in an isolated fashion would require significant land acquisition from adjoining properties. This has been discussed as part of the consultation with TfNSW in obtaining the IPA for the signal warrants and accepted as part of the IPA process. The Luddenham Road upgrade by TfNSW is unlikely to occur in the next decade.

Notwithstanding, the proposed upgrade works have been designed with consideration of the ultimate arterial road formation as documented in the Aerotropolis DCP. The upgrade works have been designed to be parallel to the 60m wide road widening corridor while incorporating temporary transitions to match existing Luddenham Road towards the north and south ends of the proposed intersection. The footprint of the proposed design provides scope for modification to the future widening whilst ensuring two-way traffic movements on Luddenham Road could be maintained without impacting the general flow of traffic through the interim intersection. This will maximise opportunities for upgrades to the future signalised intersection and minimise total cost, as well as provide greater levels of safety compared to other interim intersection arrangements.

The road upgrade works, and signalised intersection have been generally designed to comply with the following guidelines (outlined in the order of precedence):

- Austroads Guide to Road Design
- TfNSW Supplements to the Austroads Guide to Road Design
- Western Sydney Engineering Design Manual

The horizontal geometry has been developed based on a design speed of 90km/hr, the 20.0m ARV as the design vehicle, and the 26.0m B-Double as the check vehicle. The vertical geometry is fixed in both the interim and ultimate scenarios to achieve compliant clearances beneath the Metro viaduct (RL57.0m) and to match interface levels that have been developed in coordination with Sydney Metro. The vertical design also considers expected level changes at existing low points to accommodate improved stormwater drainage crossings and achieve post-development flood immunity.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

5.2 TRAFFIC & TRANSPORT

The proposed road upgrades will provide safe direct access to a key access point for SSP. The design of the proposed signalised intersection has been developed in consultation with TfNSW to cater for demand associated with the development of SSP and ensure an acceptable level of service for the intersection by 2030. The Transport Assessment (**Appendix 4**) provides the following summary¹:

Traffic modelling undertaken for the intersection up to the year 2030, considering future traffic flows on Luddenham Road and into/out of the SSP site, has confirmed that the intersection would operate well with a Level of Service B during both the AM and PM peak hours.

There are a number of benefits from delivering the signalised intersection from 'day 1' (i.e. 2023) with respect to road user safety, construction staging, property acquisition and intersection performance. A number of alternate intersection design options were analysed however none of these options were considered to provide a suitable outcome with respect to the above factors.

Extensive consultation has been undertaken with Transport for NSW in relation to the proposed signals, with TfNSW providing in-principle support for the proposal in March 2023.

In the above context the works contemplated under the proposal are considered appropriate to warrant the proposed signalised intersection from day one.

The proposed design and works are therefore considered acceptable from a traffic perspective.

5.3 CIVIL ENGINEERING DESIGN

The key elements of the Civil Engineering Design Report provided in **Appendix 3** are summarised below:

Erosion and Sediment Control: The proposed erosion and sediment control measures detailed in the accompanying Civil Engineering Drawings (**Appendix 2**) have been designed in accordance with the Landcom Manual, "Managing Urban Stormwater Soil & Construction" 2004 (Blue Book) and implemented during all phases of construction and following completion of the proposed works.

Stormwater and Integrated Water Management: Section 2.3.1 of the Aerotropolis DCP deals with Waterway Health and Riparian Corridors. The subject site is not located at or beyond a 15ha catchment threshold in a Strahler Order 1 tributary and is not located within the riparian corridor identified in Figure 6 of the Aerotropolis Precinct Plan. Therefore, no riparian corridor restoration work is required. Section 2.3.2 of the Aerotropolis DCP deals with Stormwater Management and Water Sensitive Urban Design.

The benchmark solutions predominantly relate to built form outcomes and do not contemplate the type of development proposed, which is an upgrade of an existing public road and suitably categorised as infrastructure works.

¹ Transport Assessment, JMT Consulting, 2023, Page 23



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

The proposal has, however, been designed to comply with the objectives and performance outcomes. The of Part C3 of the *Penrith Development Control Plan 2014* (PDCP 2014) which address stormwater quality and flow targets has been used a guide. This approach is considered appropriate and best practice in the absence of any guidance in the Aerotropolis DCP. The PDCP 2014 requires an assessment of pre-development and post-development peak stormwater flows to determine if the impact of development will have detrimental effects on the surrounding environment. The modelling undertaken for the proposal indicates that the capacity of pipe crossings (both existing and proposed) is not exceeded and that the proposed design generates reductions in the quantity of stormwater overtopping Luddenham Road at CPI in the 1% AEP.

Earthworks: Bulk earthworks are required to facilitate the road upgrade works and ensure the signalised intersection accords with the Austroads Guide to Road Design for an 80km/hr speed limit, 90km/hr design speed. A Bulk Earthworks Cut and Fill Plan is included in the Civil Engineering Drawings in **Appendix 2**. It is relevant to note that the cut and fill earthworks volumes provided in the accompanying documentation are estimates only and are subject to detailed design development.

In addition to the above, as outlined previously, the feedback from Sydney Metro has, in part, dictated the civil engineering design of the proposed development.

5.4 FLOODING

The subject site is not identified in the 1 in 100 AEP Flood Extent in the Western Parkland City SEPP Flood Planning Map. Accordingly, the proposed works will not result in any adverse impact with regard to flood risk and will have a negligible impact overall on Cosgroves Creek flood behaviour.

5.5 UTILITIES AND SERVICES

It is envisaged that the proposal would involve the relocation and/or reconfiguration of the following utilities located within the existing road reserve:

- overhead and underground electrical services located in the existing road reserve;
- underground telecommunication services, and
- stormwater inlet and outlet headwalls

As outlined previously, the utilities will be relocated with appropriate vertical cover to suit the proposed road levels. No shared utility trenches are proposed given that it is not feasible to reposition the utilities in accordance with the ultimate expansion of Luddenham Road.

As outlined previously, the intent is to not relocate an existing 132kV line within the existing Luddenham Road reserve. It is, however, noted that the extent of the impact on utilities and services cannot be confirmed until the detailed design is finalised. Strategies to address impacts on utilities and services would be developed in close consultation with the relevant authorities during the detailed design and construction of the proposal.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

5.6 HERITAGE

The subject site does not contain any non-Aboriginal or European heritage items. With respect to Aboriginal heritage, a previously registered Aboriginal archaeological site (Ref: Luddenham Road Cosgroves Creek AFT 1; AHIMS 45-5-5479) is located within the subject site on the eastern side of Luddenham Road; however, this constraint is not relevant to the proposal as it will be removed to facilitate the construction of the Sydney Metro Western Sydney Airport. The land within SSP has been previously assessed for Aboriginal cultural heritage values and is covered under an existing Aboriginal Heritage Impact Permit (C0003861). A portion of the work is located within this area.

An Aboriginal Heritage Due Diligence (**Appendix 5**) was prepared in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* which provides the following conclusions and recommendations:²

Visual inspection confirmed that the majority of the study area had been disturbed by the construction and maintenance of the existing Luddenham Road corridor and related activities.

- *Luddenham Road Cosgroves Creek AFT 1 (AHIMS 45-5-5479) was identified within the current study area. The location of the identified site should be avoided by all pre-construction and construction activities related to the current project.*
- *Luddenham Road Cosgroves Creek AFT 1 is located within the SMWSAP SSI approved construction footprint (SSI 10051). Based on the construction footprint, the archaeological constraint will be destroyed as part of SSI construction works.*
- *The proposed works also overlaps an area that has been previously assessed for Aboriginal cultural heritage values and is covered under an existing AHIP (C0003861) (AHIP issued to Celestino). Any works undertaken within the existing AHIP area must be undertaken in accordance with AHIP conditions.*

Conclusion

Provided the proposed Luddenham Road intersection works are completed following SMWSAP construction, that the SMWSAP construction works remove all Aboriginal heritage constraints (specifically AHIMS site 45-5-5479) and that the Luddenham Road intersection works comply with conditions of AHIP C0003861 then no additional Aboriginal heritage assessment or AHIP is required and the proposed Luddenham Road intersection works may proceed with caution.

Subsequent to the preparation of this report, the archaeological site referenced above is located within the approved construction footprint of the Sydney Metro Western Sydney Airport Project and has been destroyed. This is confirmed in the Addendum Letter prepared by Kelleher Nightingale Consulting (**Appendix 5**) which notes the following:

Conclusion and Recommendations

No extant Aboriginal archaeological sites or Aboriginal objects exist within the proposed LUD3 Intersection development area. No Aboriginal heritage will be impacted by the current proposal.

*No further Aboriginal heritage assessment for the proposal is warranted.*³

² Aboriginal Heritage Due Diligence, Kelleher Nightingale Consulting Pty Ltd, 2023, Page 16

³ Aboriginal Heritage Due Diligence Addendum Letter, Kelleher Nightingale Consulting Pty Ltd, July 2023, Page 2



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

Apart from this, the remaining portion of the subject site is covered by AHIP C0003861. The proposed works within this area is required to comply with the conditions and compliance may be achieved by including a condition on the development consent.

5.7 ECOLOGY

The proposal requires the removal of 0.17 hectares including up to 40 trees of native vegetation, within the existing Luddenham Road reserve to facilitate the necessary road works. It is noted that the footprint of the proposal is wholly located within the proposed wider road reserve of the Luddenham Road Corridor. Therefore, the loss of vegetation would have to inevitably occur, albeit in the future. Further, it is emphasised that the construction works by Sydney Metro are ongoing in this corridor, and the trees have been removed with the construction footprint of the SSI approval. As such, this DA seek the removal of ‘**up to**’ and not 40 trees.

To that end, an Arboriculture Impact Assessment and a Flora and Fauna Assessment accompany this application and provided at **Appendix 6 & 8**, respectively. A Test of Significance for Cumberland Plain Woodland undertaken in accordance with the BC Act concluded that the proposal is unlikely to result in a significant impact on the threatened ecological community. Further, no threatened flora species or habitat for threatened flora would be significantly affected by the proposal.

It is noted that exotic flora species were identified within the subject site including five Priority Weeds, including two Weeds of National Significance. The works would require the management of weeds consistent with the *Greater Sydney Regional Strategic Weed Management Plan 2017 – 2022*. The proposal would impact potential foraging habitat for certain threatened fauna species; however, assessments undertaken for these species concluded that the potential impacts are unlikely to be significant. The Flora and Fauna Assessment provides mitigation measures related to sediment and erosion control, hollow bearing trees, and construction to mitigate any potential impacts. It is anticipated that these measures will be used as the basis for future conditions of consent and the Proponent accepts that they will be imposed for that purpose.

5.8 LANDSCAPING

The medians and all unpaved disturbed surfaces will be landscaped to enhance their visual presentation to and from the road and adjacent properties. A Landscape Plan is provided in **Appendix 9**.

5.9 BUSHFIRE

The subject site is located on bushfire prone land. A Bushfire Assessment Report is provided in **Appendix 7**. Given the proposal relates to road infrastructure works and does not involve the construction of buildings, the development does not require the assessment of hazards or the application of APZ or BAL; however, it may be used during a bushfire emergency by occupants or emergency authorities.

The design of the road therefore complies with the PBP Acceptable Solutions for public road design in bushfire prone areas as listed in Table 5.3b of the PBP. Further, the installation of utilities complies with the requirements of Table 5.3c of PBP.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection

Sydney Science Park

5.10 CONTAMINATION

Remediation works for the portion of the land located within SSP approved under DA 17/0100 have been completed, and a Validation Certificate has been reviewed and approved by the Council. An Unexpected Finds Protocol accompanies this DA in **Appendix 11**. Compliance with this may be addressed as a condition of the development consent.

5.11 WASTE MANAGEMENT

A Demolition and Construction Waste Management Plan in Appendix **12** sets out the waste minimization and management measures that will be undertaken.

5.12 CONSTRUCTION IMPACTS

The proposal will be constructed over two stages, as set out in **Section 3.3** to minimise the impacts associated with traffic. Given the potential overlap of the proposal with the construction of large infrastructure projects in and around the locality, it is acknowledged that the residents may experience short-term changes in local amenity associated with increased traffic delays, noise, dust; however, the impacts would be temporary and will be managed. A Construction Management Plan would be prepared prior to the commencement of construction and applied during the construction process to minimise impacts on the community.

5.13 PLANNING AGREEMENTS

As outlined previously, the development of SSP is subject to both State and Local Planning Agreements. The State Planning Agreement deals with the payment of monetary contributions for the provision of State public infrastructure and is not applicable to the area of any land within SSP that the proposed development reserves, dedicates, or otherwise sets aside as or for the purpose of existing roads to which works (such as widening) are required to be carried out.

With respect to the Local Planning Agreement, the Proponent has committed to certain works and/or monetary contributions in lieu of works at the appropriate times. The proposed design and works are in accordance with the Road Upgrade Contributions itemised in the Planning Agreement with a monetary contribution capped at \$2,000,000 to be paid to Council by January 2026 to upgrade the Luddenham Road and SSP access to traffic signals.

Whilst the Local Planning Agreement contemplates a monetary contribution, this DA seeks to undertake the works-in-kind in lieu of a monetary contribution. The CIV of the proposed works is **\$7,175,872** (excluding GST) and significantly larger than the monetary contribution contemplated by the agreement. Following the determination of this DA and with Council's support, a Deed of Variation to amend the original agreement in relation to this aspect will be prepared in accordance with Part 9, Division 1 of the EP&A Regulation.

5.14 SOCIAL AND ECONOMIC IMPACTS

The Proposal would have direct social and economic impacts related to the development of the SSP and the broader Northern Gateway precinct. The overall social impact associated with construction would likely



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

be minor and short term changes to traffic and access, including reduced travel speeds, increased delays near construction works, and temporary changes to accessibility for pedestrians and cyclists; however, this is not considered significant.

5.15 SAFETY AND SECURITY

The design improves accessibility and provides additional safety for pedestrians as well as cars by providing safety barriers in appropriate locations. The proposal involves the construction of new street lighting within the subject site for safety and will be positioned beyond the paved road shoulder. Further, the construction of the proposal has been designed and staged to minimize hazards or risks during construction.

5.16 SUITABILITY OF SITE FOR DEVELOPMENT

The subject site is encompassed within the existing and proposed wider road reserve on Luddenham Road and is considered suitable for the proposed development and upgrade works. Further, the development of SSP is subject to a Planning Agreement with Council that outlines the Proponent's responsibilities for road upgrade works required, including the proposed intersection. As such, the proposal is considered suitable for the subject site.

5.17 SUBMISSIONS

Any submissions made during the course of public notification of the DA as well as submissions received from relevant State agencies will be addressed by the Proponent at the request of Council.

5.18 THE PUBLIC INTEREST

The public benefits of the proposal include:

- improved transport connections from the Northern Gateway precinct to the Western Sydney Airport;
- increased road capacity to cater to the future growth arising from the development of SSP as well as the wider Northern Gateway Precinct;
- improved safety for all road users by:
 - installing a signalised intersection on Luddenham Road that is consistent Figure 8: Transport Network of the Aerotropolis Precinct Plan;
 - providing a central median to separate opposing traffic flows;
 - improved alignment of the road, and
 - improved street lighting
- improved traffic efficiency for road users; and
- consistent with the Local Planning Agreement with respect to the provision of public road access to SSP via a signalised intersection on Luddenham Road.

Based on the above, the public interest is best served by the proposal.



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Interim Signalised Intersection
Sydney Science Park

PART F CONCLUSION

The purpose of this SEE has been to present the proposed construction of a 650m upgrade of part of Luddenham Road, including the provision of a new interim signalised intersection, relocation of services, and associated works at the subject site and to assess its potential impacts having regard to Section 4.15(1) of the EP&A Act. The proposal is a critical step to facilitate the provision of public access and commence the development of SSP.

The proposal has been prepared after taking into consideration the following matters:

- The development history of the subject site;
- The context of the subject site and locality;
- The relevant heads of consideration under Section 4.15(1) of the EP&A Act; and
- The aims, objectives, and provisions of the relevant statutory and non-statutory planning instruments.

The proposal should be given a favourable determination as:

- upgrade Luddenham Road which is a key north-south connection for the Northern Gateway precinct providing a signalised intersection as identified in the Aerotropolis Precinct Plan.
- stimulate the development of SSP that would result in employment opportunities in Western Sydney.
- matters for consideration under Section 4.15(1) of the EP&A Act have been satisfactorily addressed.

Any impacts of the proposal can be suitably mitigated and/or managed to ensure an acceptable level of environmental performance through the implementation of the recommendations of the accompanying specialist reports and conditions of consent. It is considered the proposal is in the public interest and in light of its merits, the proposed development.

