

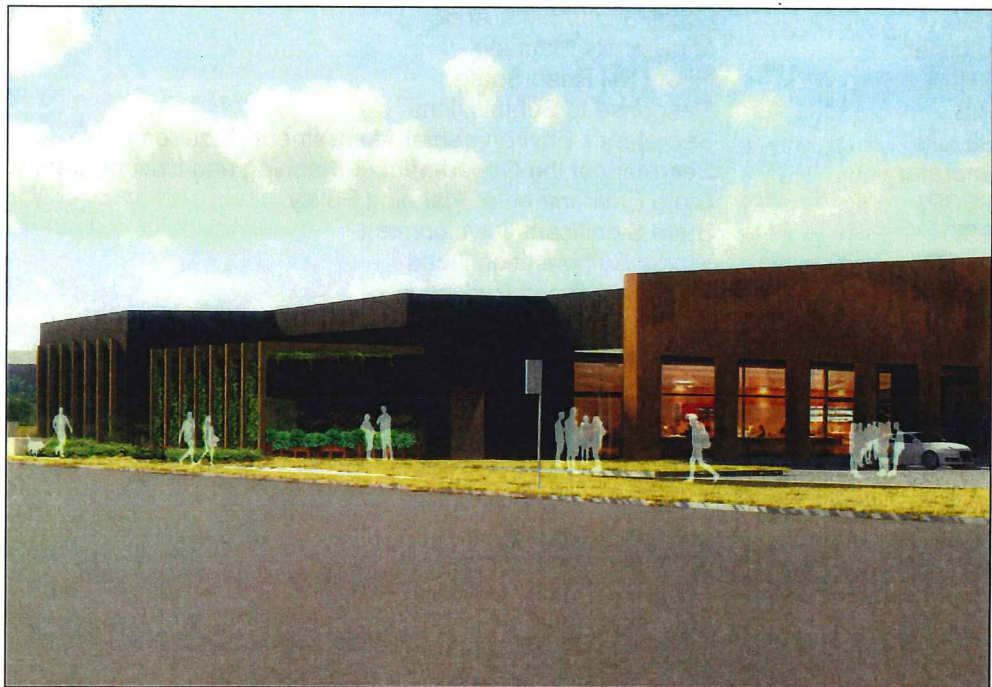


Planning & Environment

SECTION 4.55(2) MODIFICATION AND STATE SIGNIFICANT DEVELOPMENT ASSESSMENT REPORT:

**Eastern Creek Business Hub at Rooty Hill Road South,
Eastern Creek**

SSD 5175 MOD 3 and SSD 8588



Environmental Assessment Report
Sections 4.55(2) and 4.40 of the *Environmental Planning and
Assessment Act 1979*

June 2018

ABBREVIATIONS

Applicant	Frasers Property Australia, or anyone else entitled to act on this consent
CIV	Capital Investment Value
Concept Approval / Concept Proposal	Approved Concept Proposal for the redevelopment of the site (SSD 5175)
Commission	Independent Planning Assessment Commission
Consent	Development Consent
Council	Blacktown City Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FEAR	Future Environmental Assessment Requirement
GSC	Greater Sydney Commission
LEP	Local Environmental Plan
LGA	Local Government Area
Minister	Minister for Planning
RHRS	Rooty Hill Road South
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SSD	State Significant Development
WAD	Works Authorisation Deed
WSP	Western Sydney Parklands

Cover Photograph: 3D Perspective view at the main pedestrian entry at Rooty Hill Road South (Source: Applicant's EIS)

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EXECUTIVE SUMMARY

This report provides a concurrent assessment of an application to modify the Eastern Creek Business Hub stage 1 concept approval (SSD 5175 MOD 3) and a State significant development (SSD) application (SSD 8588) for a convenience retail development at Rooty Hill Road South (RHRS), Eastern Creek. The site is located within the Western Sydney Parklands (Parklands).

The applications seek approval:

- to modify the Stage 1 concept approval to increase the total maximum gross floor area (GFA) by 2,338 square metres (m²) (654m² retail + 1,684m² circulation space) from 53,500m² to 55,838m² resulting from the amended building envelopes approved under MOD 2 of the concept approval
- for development consent for the detailed design, construction and operation of the convenience retail development on approved Lot 2 (Stage 1) comprising a supermarket, specialty shops, food and drink premises, a medical centre, pharmacy, gymnasium and car parking, end-of-trip facilities, community garden, signage zones, loading dock facilities and associated landscaping and infrastructure.

The applications were publicly exhibited between 12 October 2017 and 27 November 2017. The Department of Planning and Environment (the Department) received a total of eight submissions, including seven from public authorities, and one from a local resident. Blacktown City Council (Council) objects to both applications. In particular, it does not support the proposed increase in retail GFA (excluding circulation area) and the proposed design and configuration of Beggs Road. Council has also provided comments in relation to the detailed design of the convenience retail development, including the site interface with the public domain and residential amenity impacts. The public submission raised concerns with traffic, access and the provision of a liquor store.

The Department has considered the above issues in its assessment, along with consistency with the concept approval and the built form and design quality of the development. The Department has considered the merits of the proposal in accordance with relevant matters under Section 79C, the objects of the *Environmental Planning and Assessment Act 1979*, the principles of Ecologically Sustainable Development, and issues raised in all submissions as well as the Applicant's response to these.

The concept approval introduces a new retail centre into the existing retail hierarchy in the Blacktown LGA. As such the Department's assessment of the concept proposal in 2014 carefully considered the proposal's impact on retail trade to nearby centres. The Department's assessment concluded the trading impacts were acceptable and further are likely to be less significant in the future due to expected growth in retail expenditure. Notwithstanding, the concept approval includes a cap on retail floorspace to minimise trading impacts on existing local centres, particularly from food and beverage type retail.

The Department has therefore carefully considered the proposal to increase the total retail floorspace, noting the Council objection. The Department notes the convenience retail component is likely to commence three to four years later than originally assumed and updated data provided in the Applicant's economic analysis indicates an increase in population and retail expenditure and significant retail demand in the Blacktown LGA to 2021. The Department also notes the proposed increase in retail GFA (excluding circulation area) equates to 654m² (254 m² retail GFA + a 400m² retail pad site) which is seven per cent above the total convenience retail floorspace allowed on the site. The Department is therefore satisfied the trading impacts on existing local centres would be maintained within acceptable limits, consistent with the impacts of the original concept approval.

The Department considers the development is consistent with the design guidelines for the site in terms of built form and landscaped setbacks and would result in an acceptable level of design quality in a parkland setting. The Department is satisfied the traffic impact on the surrounding road network would be maintained at acceptable levels, subject to the implementation of the road infrastructure upgrade works under the concept approval. The proposed design of Beggs Road providing loading access to the site is consistent with the concept approval and will meet the access needs of the site without adverse safety or biodiversity impacts. The potential amenity impacts to nearby residential

properties have been adequately addressed and can be further mitigated with the implementation of appropriate conditions in the recommended development consent.

The proposal will provide a new retail development to meet the convenience shopping needs of the local community. Importantly, the proposal constitutes a significant public benefit by facilitating the creation of a business hub integral to funding the long-term maintenance and development works within the Parklands to directly benefit residents within Western Sydney. The Department concludes that the proposals are in the public interest and approvable subject to conditions.

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1. BACKGROUND

1.1 Introduction

This report provides a concurrent assessment of a section 4.55(2) modification application to the Eastern Creek Business Hub stage 1 concept approval (SSD 5175 MOD 3), and a State Significant Development (SSD) application (SSD 8588) for the detailed design, construction and operation of the convenience retail development in stage 1 known as the Eastern Creek Quarter at Rooty Hill Road South, Eastern Creek.

The proposal seeks approval:

- to modify the Stage 1 concept approval to increase the total maximum gross floor area (GFA) by 2,338m² (654m² retail + 1,684m² circulation space) from 53,500m² to 55,838m² resulting from the amended building envelopes approved under MOD 2 of the concept approval
- for development consent for the detailed design, construction and operation of a convenience retail development on approved Lot 2 (stage 1) comprising a supermarket, specialty shops, food and drink premises, a medical centre, pharmacy and gymnasium and carparking, end of trip facilities, community garden, signage zones, loading dock facilities and associated landscaping and infrastructure.

The site is owned by the Western Sydney Parkland Trust (the Trust). Frasers Property Group (the Applicant) have entered a development management agreement with the Trust to develop the land for a retail centre.

The site is located within the Blacktown local government area (LGA).

1.2 Western Sydney Parklands

The site is located within the Western Sydney Parklands (WSP), which extends from Quakers Hill in the north to Leppington in the south, and is one of the largest urban parkland systems in Australia providing important open space and recreation facilities in Western Sydney.

The site is one of nine business hub sites identified for development in the WSP Plan of Management (POM) 2020 to achieve the key objective of creating a sustainable revenue base to fund the ongoing management and improvement of recreation and sporting facilities in the Parklands.

The site is located in the Rooty Hill Precinct in the northern section of the WSP. The site was identified by the Trust as suitable for a business hub due to its low environmental and recreational value relative to other areas in the Parklands. The site is separated from the balance of the Parklands by the M7 Motorway, and its proximity to major roads also makes it suitable for commercial development.

1.3 The site and surrounds

The site is located at the intersection of the Great Western Highway and the M7 Motorway, which is 7 km west of the Blacktown City Centre and 2.5km south of Rooty Hill Railway Station. The site location is shown in **Figure 1**. The subject site has an area of 34 hectares and is generally flat with land gently falling to the eastern and southern boundary. The site is mainly open grassland with some scattered trees and remnant vegetation.

These applications relate to Lot 2 comprising an area of approximately 4.19 hectares, and is the first lot to be developed (refer to **Figure 2**).

The surrounding area is characterised by a mix of land uses including:

- a single dual occupancy residential lot adjoins the north-western corner of the site at the intersection of Beggs Road (an existing local, unsealed road) and RHRS. This lot does not form part of the development site
- the M7 Motorway and other WSP land to the east
- low density residential development mainly comprising single storey detached dwelling houses and the Eastern Creek Public School and Eastern Creek Rural Fire Brigade Station to the west of RHRS
- the Morreau Sporting Reserve and The Rooty Hill to the north of Church Street.



Figure 1: Site location

(source: Design Guidelines)



Figure 2: Approved lot layout (Lot 2 the subject of this application)

(source: Applicant's EIS)

1.4 Previous approvals and other relevant applications

On 7 January 2015, the then Minister for Planning granted consent for the Eastern Creek Business Hub Staged Development Application, including:

- a concept proposal for a new retail centre comprising 52,800m² of GFA to accommodate a retail premises, bulky goods premises and business premises uses and a development structure including:

- site layout
- land uses
- building envelopes
- design parameters
- Stage 1 subdivision and early works including:
 - superlot subdivision to create three developable allotments and one residual allotment
 - construction of an access road
 - bulk and detailed earthworks
 - stormwater management
 - civil engineering works
 - landscaping
 - rehabilitation of existing woodland areas identified for open space/conservation.

The development was approved to be constructed in two stages. The first stage comprises two sub-stages, being Lot 1 comprising bulky goods retail, and Lot 2 comprising a convenience retail development with a maximum GFA of 9,500m² including a supermarket and specialty shops. The second stage comprises the development of Lot 3 for bulky goods retail.

The concept proposal has been previously modified on two occasions, as summarised in **Table 1**.

Table 1: Summary of modifications to the concept approval

MOD	Summary of Modifications	Approval Date
1	<ul style="list-style-type: none"> • Modification to the concept approval including: <ul style="list-style-type: none"> - transfer of the Beggs Road easement and the Church Street pedestrian connection into the primary business hub land - allow any residual large format retail GFA up to the approved maximum to be used as bulky goods GFA, and a maximum of 500m² of residual supermarket GFA to be used as specialty shops/small business GFA - reconfigurations to the Stage 1 stormwater drainage system and the incorporation of a second on-site detention basin • modification to the Stage 1 subdivision and early works including: <ul style="list-style-type: none"> - additional bulk earthworks to include remediation, establishing retail pad sites 1, 2, 3 and 4 and accommodate the amended stormwater modifications. 	28 April 2016
2	<ul style="list-style-type: none"> • Reconfiguration of the Lot 2 building envelopes to make them compatible with the design requirements of a modern suburban retail centre • increase the total maximum GFA by 700m² from 52,800m² to 53,500m² because of the incorporation of a child care centre • provision of a consolidated loading dock at the RHRS side of the site, accessed from Beggs Road • provision of retail pad sites in place of the large retail building footprint at the intersection of Cable Place and RHRS; • the inclusion of pylon signage • the inclusion of 'child care centre', 'medical centre' and 'indoor recreation facility' (gymnasium) as ancillary uses • amendments to Landscape Masterplan • updated design guidelines to reflect the proposed built form modifications. 	21 December 2017

The concept approval layout (as modified) under MOD 2 is shown at **Figure 3**.

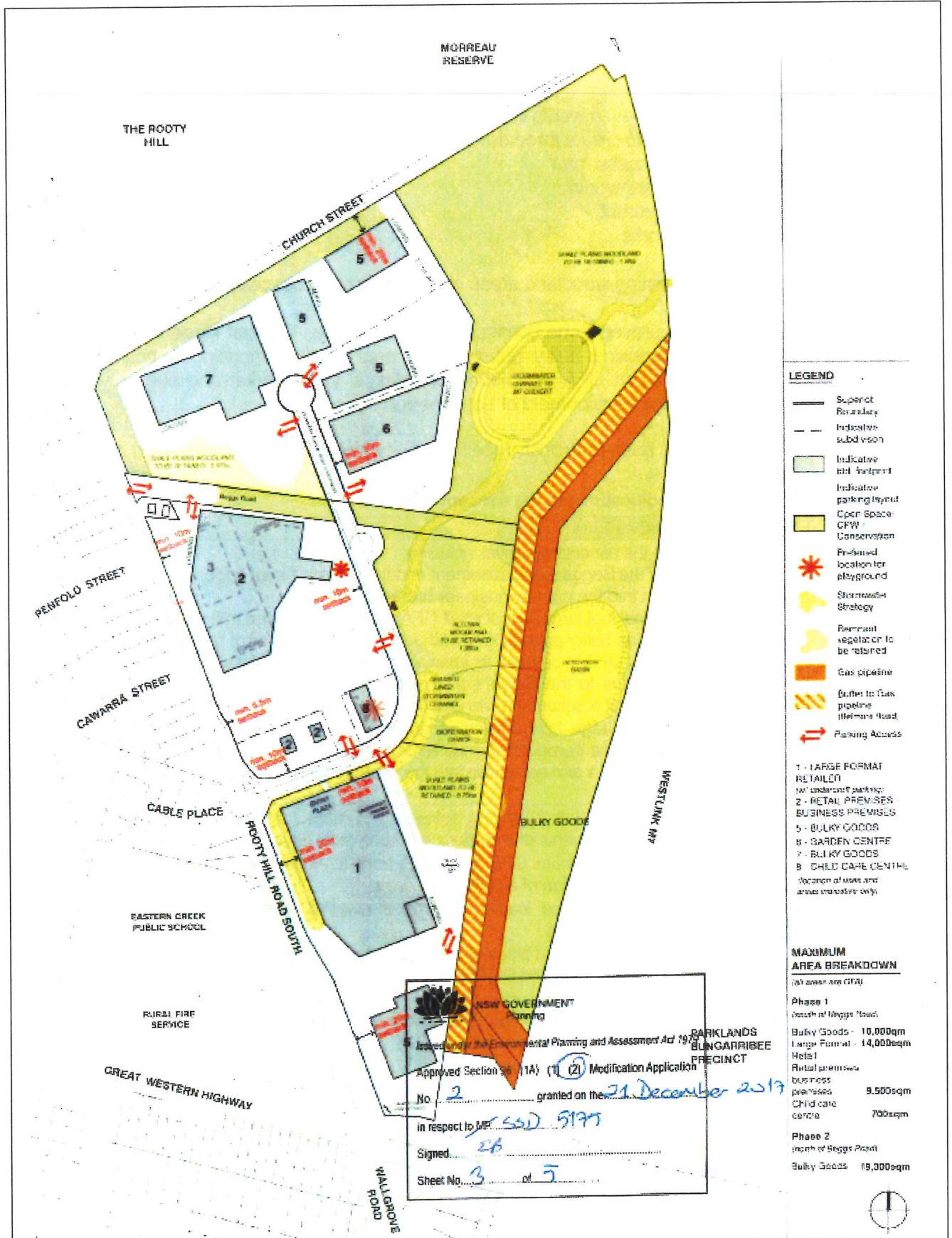


Figure 3: Concept approval layout (as modified under MOD 2)

(source: Concept Approval)

2. DESCRIPTION OF PROPOSAL

2.1 Description of proposals

The applications seek approval:

- to modify the Stage 1 concept approval to increase the total maximum gross floor area (GFA) by 2,338m² from 53,500m² to 55,838m² resulting from the amended building envelopes approved under MOD 2 of the concept approval
- for development consent for the detailed design, construction and operation of the convenience retail development on approved Lot 2 (Stage 1) comprising a supermarket, specialty shops, food and drink premises, a medical centre, pharmacy, gymnasium and car parking, end-of-trip facilities, community garden, signage zones, loading dock facilities and associated landscaping and infrastructure.

The key components and features of both proposals are provided in **Table 2** below and **Figures 4 to 6**.

Table 2: Description of the concept approval modification and stage 1 SSD application

Section 4.55(2) Concept Approval Modification (SSD 5175 MOD 3)					
Aspect	Description	GFA (m²)	+/- (m²)		
Gross Floor Area (Lot 2)	Supermarket	reduction from 4,000 to 3,794	-206		
	Specialty shops (including retail pad site of 400m ²)	increase from 5,500 to 6,360	+860		
	Circulation area	increase of 1,684	+1,684		
	TOTAL	increase from 9,500 to 11,838	+2,338		
SSD Application (SSD 8588) (stage 1 convenience retail development)					
Aspect	Description				
Land Use/Gross Floor Area	Land Use	GFA (m²)			
	Supermarket	3,794			
	Specialty retail	6,711			
	Gymnasium	392			
	Medical centre	541			
	TOTAL	11,438			
	The discrepancies between the GFA calculations in MOD 3 and the Stage 1 SSD (8588) reflect that, whilst the modification is seeking to accommodate the overall GFA of Lot 2, the concurrent SSD (8588) for the detailed design of Lot 2 does not include the pad site subject to separate approval.				
Maximum Height	12m (measured to the top of the sloping wall feature (RL 56.3m))				
Building Setbacks	5m to 10m (building to boundary at RHRS)				
Landscape Setback	5m (RHRS) 10m (car park to internal access road)				
Site coverage	31%				
Landscaped Area	15%				
Hours of Operation	<i>Tenancy</i>	<i>Day</i>	<i>Monday to Saturday</i>	<i>Sunday</i>	<i>Loading/Deliveries</i>
	Supermarket	7 days a week	7:00am to 12:00 am		7:00am – 10:00pm
	Liquor store		9:00am-10:00pm	10:00am-10:00pm	
	Gym		24 hours		
	Pharmacy		7:00am – 10:00pm		
	Medical Centre		7:00am – 10:00pm		
Vehicular Access	<ul style="list-style-type: none"> Internal access road at the intersection with Cable Place and RHRS. two access points to the car park at the centre of the southern boundary and the 				

	eastern boundary <ul style="list-style-type: none"> • separate access to the loading dock via Beggs Road on the northern boundary
Pedestrian Access	<ul style="list-style-type: none"> • The main pedestrian entry is near the south-western corner of the retail centre at RHRS
Car Parking	A total of 433 at-grade parking spaces will be provided, comprising: <ul style="list-style-type: none"> • 418 retail car spaces • 10 accessible car spaces • 1 loading space • 4-pick-up spaces for the supermarket.
Signage	The signage strategy includes signage to the external façade and retail centre awnings and a pylon sign.

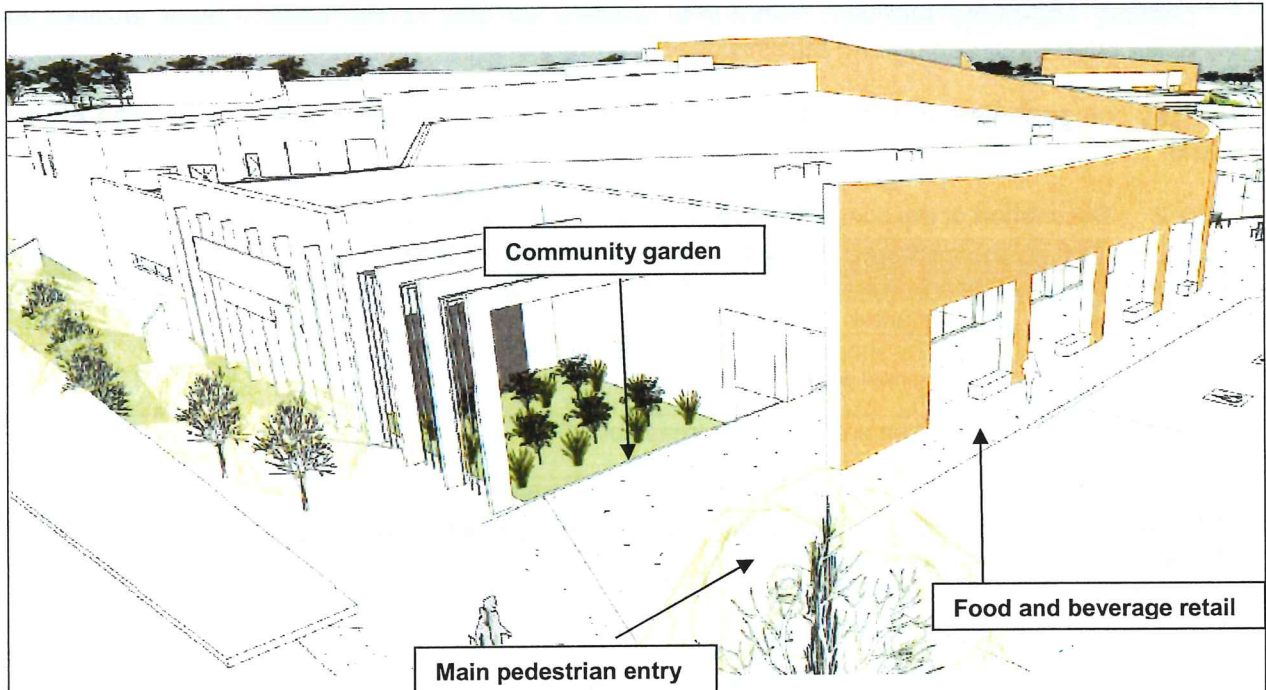


Figure 4: Aerial 3D perspective - pedestrian entry Rooty Hill Road South

(source: Applicant's EIS)

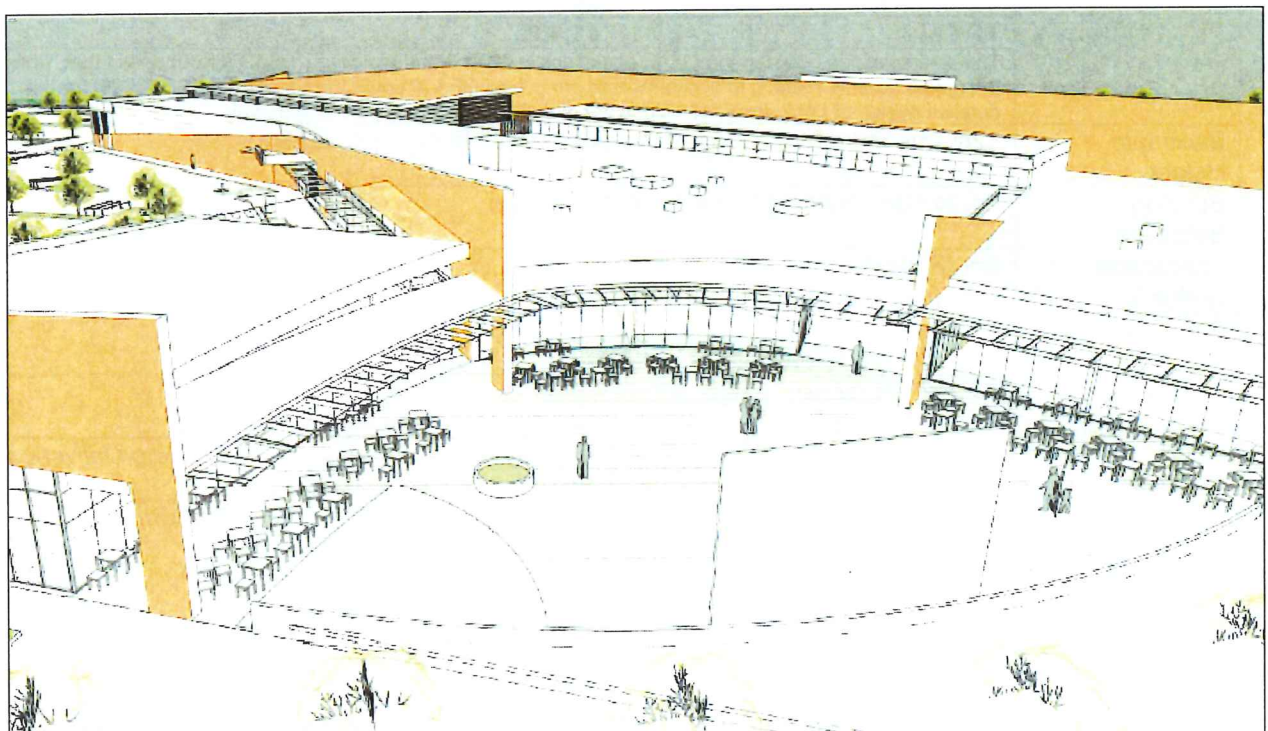


Figure 5: Aerial 3D perspective - alfresco dining area

(source: Applicant's EIS)



Figure 6: Site plan

(source: Applicant's RfS)

2.2 Project Need and Justification

The proposal facilitates the delivery of a convenience retail centre on the site as envisaged under the concept approval. The Applicant justifies the proposal on the basis that:

- it provides a modern and functional retail development to satisfy the convenience shopping needs of the local population
- the increase in retail floorspace would not have any adverse trading impact on existing nearby centres
- it would assist in achieving a business hub to fund the long-term maintenance and development works within the WSP (refer to **Section 2.3** Strategic Context).

2.3 Strategic context

Premier's and State's Priorities

The Premier has set 12 Priorities to improve outcomes for the people of NSW. Of the 12 priorities, creating jobs is relevant to this application.

While the Premier's target of creating 150,000 new jobs by 2019 across New South Wales has already been met, the proposal will accommodate a further 285 operational jobs once developed.

The NSW Government has also identified 18 State priorities in relation to the economy, infrastructure and housing, social welfare, services and safer communities. The proposal will contribute to encouraging business investment through the delivery of a new retail centre and creating new jobs.

Greater Sydney Region Plan and Central City District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. In March 2018, the GSC published the Greater Sydney Region Plan (the Region Plan) and the associated District Plans.

The Region Plan replaces A Plan for Growing Sydney and outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. The site is located within the Central City District, which is the central and major component of the Central River City.

In acknowledging that green space is a key hallmark of liveability, the Sydney Green Grid is a network of high-quality green space that connects town centres, public transport hubs, and major residential areas and is an integral part of the Greater Sydney Region and District Plans.

The vision for the Central City District includes expansion and connection of the Sydney Green Grid to the Parklands and the development of the site is integral to funding the long-term maintenance and development works within the Parklands.

The proposal is therefore consistent with the objectives of the Central City District Plan because the Parklands are identified as a priority green space corridor (Planning Priority C16), which provides for the active and open space needs of the growing communities in the district (Planning Priority C17).

Western Sydney Parklands Plan of Management 2020

The Western Sydney Parklands Act 2006 established the Western Sydney Parklands Trust (the Trust) as a self-funded agency. The Trust has therefore identified the development of business hubs as an opportunity to contribute to an income stream of \$10 million per annum, which is required to manage and develop the Parklands over the next ten years.

In 2010 the Trust developed a 10-year POM to guide the future management and development of the Parklands. The proposal will support the development of one of nine business hubs identified in the Parklands Plan of Management Supplement March 2014. The business hubs will collectively comprise a maximum of two per cent of the total area of the Parklands.

Sites for business hubs have been selected on the criteria of having low environmental value and are generally located on the periphery of the Parklands, adjacent to major arterial roads. The Trust has identified the subject site at Eastern Creek as one of the sites identified as suitable for a business hub due to its low environmental and recreational value relative to other areas in the Parklands. The site is separated from the balance of the Parklands by the M7 Motorway, and its proximity to major roads also makes it suitable for commercial development.

3. STATUTORY CONTEXT

3.1. State Significant Development

The proposal is SSD under section 4.36 (development declared SSD) of the EP&A Act as the development has a CIV in excess of \$10 million and is located at WSP, which is identified as a SSD site under clause 5 of Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*.

3.2. Consent Authority

In accordance with Clause 8A of the State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP) and section 4.5 of the EP&A Act, the Independent Planning Commission (Commission) is the declared consent authority as Council has made an objection.

3.3. Permissibility

Land in the WSP is excluded from the provisions of the Blacktown Local Environmental Plan 1988 (BLEP 1988). The Western Sydney Parklands SEPP establishes planning controls and uses that can be carried out with consent. The proposed development is permitted subject to the consideration of its environmental impacts.

3.4. Environmental Planning Instruments

Under Section 4.15 of the EP&A Act, the Secretary's assessment report is required to include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been taken into account in the assessment of the project. The following EPI's apply to the site:

- *Western Sydney Parklands Act 2006*
- *State Environmental Planning Policy (Western Sydney Parklands) 2009*
- *State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)*;
- *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)*;
- *State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)*;
- *State Environmental Planning Policy No. 64 - Advertising Structures and Signage (SEPP 64)*;

The Department's consideration of relevant Environmental Planning Instruments (EPI) is provided in **Appendix B**. The proposal is consistent with the relevant requirements of the EPIs.

3.5. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects as set out in section 5 of that Act. A response to the Objects of the EP&A Act is provided at **Table 3**.

Table 3: Response to the Objects of the EP&A Act

The objects of the EP&A Act are as follows:	Department's Response
a) <i>to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources</i>	The proposal protects the natural environment by providing a sustainable source of funding for the Parklands and managing environmental impacts of the project.
b) <i>to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</i>	The proposal includes measures to deliver ESD (Section 3.6).
c) <i>to promote the orderly and economic use and development of land</i>	The proposal is consistent with the planning framework established under the Western Sydney Parklands Plan of Management 2020, which aims to achieve a sustainable revenue base for the Parklands. It would therefore result in the orderly and economic use of land in the WSP for business hubs.
d) <i>to promote the delivery and maintenance of affordable housing</i>	The proposal is for retail development, and is not required to provide or maintain affordable housing.
e) <i>to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>	The subject site is identified as suitable for a business hub due to its low environmental and recreational value relative to other areas in the Parklands. The broader Stage 1 concept approval provides for rehabilitation of a degraded part of the Parklands for conservation purposes.
f) <i>to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)</i>	The built and cultural heritage, including potential Aboriginal cultural heritage impacts were addressed as part of the concept approval and the retail development in Stage 1 would not give rise to any further consideration in that regard.
g) <i>to promote good design and amenity of the built environment</i>	The proposal has been assessed against the design guidelines in the concept approval and is generally consistent with the indicative building envelopes, building height, site coverage and landscape setbacks. The Department's assessment of the design quality of the proposal is provided in Section 5 .
h) <i>to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.</i>	A condition is recommended ensuring that the proposal complies with the relevant standards in the National Construction Code (NCC), to ensure the health and safety of the occupants.
i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	The Department publicly exhibited the applications, which included consultation with Council and other public authorities and consideration of their responses (Section 4.1).
j) <i>to provide increased opportunity for community participation in environmental planning and assessment.</i>	The Department publicly exhibited the applications, which included notifying adjoining landowners, placing a notice in the press and displaying the application on the Department's website, at the NSW Service Centres and at Council's office (Section 4).

3.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity

- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The development is targeting a Green Building Council of Australia 6 Star Green Star rating to achieve a sustainable design. The key ESD initiatives and sustainability measures, include:

- passive design solutions including facade optimisation and good daylighting, glare control and appropriate shading to reduce energy consumption
- use of LED lighting and automatic sensor controls
- use of solar panels
- future proof design with a battery storage room for future capacity
- water demand reduction through use of energy efficient fixtures
- rainwater collection to provide non-potable water to service toilets and landscape irrigation
- sub-soil landscape irrigation to minimise evaporation
- use of sustainable products, certified timber and responsible PVC.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

3.7. Secretary's Environmental Assessment Requirements

On 26 July 2017, the Department notified the Applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department is satisfied that the EIS adequately addresses compliance with the SEARs to enable the assessment and determination of the application.

SEARs were not required for the modification to the concept approval (SSD 5175 MOD 3) as sufficient information was provided to enable assessment of that proposal.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

In accordance with schedule 1, clause 9 of the EP&A Act and clause 83 of *the Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Department publicly exhibited the applications from 12 October 2017 until 27 November 2017 (45 days). The applications were exhibited on the Department's website, at NSW Service Centres and at Council's office.

The Department placed a public exhibition notice in the Blacktown Advocate on the 11 October 2017, and notified adjoining landholders and relevant State and local government authorities in writing.

The Department received a total of eight submissions, comprising seven submissions from public authorities, and one submission from the general public. A summary of the issues raised in the submissions is provided in **Sections 4.1.1** and **4.1.2** below and copies of the submissions may be viewed at **Appendix A**.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 5**) and/or by way of conditions in the recommended instrument of consent at **Appendix C**.

4.1.1. Public Authority submissions

Table 4: Summary of public authority submissions to the EIS exhibition

<p>Blacktown City Council (Council)</p> <p><u>Modification to Concept Approval</u> Council acknowledges the amended design involving the consolidation of the building envelopes into one building and the corresponding increase in GFA arising from the internalisation of circulation areas. However, it objects to any further increase in the quantum of retail GFA to that already approved.</p> <p><u>Stage 1 SSD</u> Council indicated it does not support the design of the Beggs Road loading dock access to the site and provided comments in relation to:</p> <ul style="list-style-type: none"> • consultation with NSW Local police and incorporation of safety and security measures into the design and operation regarding the liquor store and ATM room • provision of an all-weather bus stop • details and location of the acoustic fencing along RHRS • amenity impacts to the two adjoining dwellings in Beggs Road • parking numbers to comply with Blacktown DCP 2015 • provision of parking for a child care centre • pedestrian fence within the central median along RHRS • further details regarding the timing of ecological works on the site and the provision of a Vegetation Management Plan.
<p>Roads and Maritime Services (RMS)</p> <p>RMS does not object to the proposal, but requested traffic modelling to confirm the surrounding intersections would perform at acceptable level of service. RMS also provided comments in relation to external road work in RHRS including:</p> <ul style="list-style-type: none"> • lane widths to be widened to 3.5m • pedestrian fencing within the central median • a shared path of at least 3.5m wide and a 6.5m wide verge on the eastern side. <p>RMS also recommended further consultation in relation to the optimisation of the phasing signals at the intersection of Rooty Hill Road and the Great Western Highway.</p>
<p>Transport for New South Wales (TfNSW)</p> <p>TFNSW does not object to the proposal. However, it recommended the appropriate pedestrian connections between the bus stops and provision of publicly accessible bicycle racks.</p>
<p>Office of Environment and Heritage (OEH)</p> <p>OEH does not object to the proposal noting that Aboriginal and European Heritage impacts were satisfactorily addressed during the assessment of the concept plan.</p>
<p>Rural Fire Service (RFS)</p> <p>RFS does not object to the proposal. However, it did request additional information to demonstrate the future child care centre can achieve the relevant Asset Protection Zones in the <i>Planning for Bush Fire Protection 2006</i> guidelines.</p>
<p>Environmental Protection Agency (EPA)</p> <p>EPA does not object to the proposal noting it would not require an Environment Protection Licence under the Protection of the Environment Operations Act 1997.</p>
<p>Sydney Water (SW)</p> <p>Sydney Water does not object to the proposal, noting the existing infrastructure has sufficient capacity to service the development site, and that formal approval for servicing would be required in accordance with a Section 73 compliance certificate.</p>

4.1.2. Public submission

One public submission was received objecting to:

- restricted access to residential properties due to the construction of a central median along RHRS

- traffic congestion at the Great Western Highway/RHRS intersection
- the proximity of a liquor store to the Eastern Creek Public School.

The concerns raised in the public submission have been addressed in **Section 5** of the report.

4.2. Response to Submissions

Following the exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant address the issues raised in the submissions and provide further information to address the streetscape/visual impact, acoustic impacts, traffic impacts, bushfire requirements, stormwater management and outdoor lighting.

On 6 April 2018, the Applicant provided a Response to Submissions (RtS) (**Appendix A**) on the issues raised during the exhibition of the proposal. The RtS includes additional information in relation the treatment of the landscape buffer and interface along RHRS and traffic and acoustic impacts. The only change to the proposal involved removal of the child care centre approved under MOD 2, which is now nominated as a future development site, subject to separate approval.

The RtS was made publicly available on the Department's website and was referred to Council and RMS.

Council maintains it does not support the detailed design of Beggs Road in the Stage 1 SSD application. Council provided no further comment in relation to its objection to the increase in retail GFA outlined in its original submission.

The Department received no response from RMS in relation to the RtS.

5. ASSESSMENT

5.1 Key assessment issues

The Department has considered the modification and SSD applications, the issues raised in submissions and the Applicant's RtS in its assessment of the proposals. The Department considers the key issues associated with the proposals are:

Concept Approval Modification

- Section 4.55(2) matters for consideration
- economic impact

SSD (stage 1)

- Section 4.15 matters for consideration
- consistency with concept approval
- built form and design quality
- visual impact/streetscape
- access and road design
- residential amenity (acoustic impacts)

Each of these issues is discussed in the following sections of this report. Other issues relating to the SSD application were taken into consideration during the assessment of the application and are discussed at **Section 5.3**.

5.2 Modification to the concept approval

5.2.1 Section 4.55(2) matters for consideration

Section 4.55(2) of the EP&A Act requires the consent authority to be satisfied that the following matters (**Table 6**) are addressed in respect of all applications that seek modification approval.

Table 6: Consideration of proposed modification against section 4.55(2) of the EP&A Act

Section 4.55(2) matters for consideration	Comment
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The proposal seeks to modify the approved convenience retail GFA. The development remains for the purposes of a retail business hub comprising bulky goods, large format retail and convenience retail land uses. The Department is therefore satisfied that the proposed modification is substantially the same development as the development originally approved (through SSD 5175).
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and	There are no conditions or general terms of approval imposed as a requirement of concurrence on the original approval (SSD 5175), as concurrence is not required for SSD.
(c) it has notified the application in accordance with the regulations, if the regulations so require.	The modification application has been appropriately notified (Section 4).
(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be	All submissions made during the exhibition are considered in Sections 4 and 5 of this report, or by way of recommended conditions in Appendix E .

5.2.2 Economic impact

As the Eastern Creek Business Hub is a new centre and sits outside of Blacktown Council's Commercial Centres Strategy, the economic impact of the new retail centre was a key consideration in the Department's original assessment of the concept plan. As part of this assessment, the Department commissioned SGS Economics and Planning to provide an independent economic analysis. This advice indicated there would be retail trading impacts to existing local centres, which due to the forecast in growth of population and retail expenditure would lessen over time. SGS concluded these centres would absorb the initial impact in the first year of operation.

The SGS analysis showed the greatest impacts related to food and beverage type floor space. Consistent with the recommendation of the independent advice, the Department included a cap on the convenience retail floorspace at 9,500m². It also imposed a restriction on the use of the large format retail to a non-food and beverage bulky goods retailer to ensure the economic impacts on local nearby centres are maintained to an acceptable level.

The proposed modification seeks to increase the convenience retail GFA by 2,338m² from 9,500 m² to 11,838m² comprising:

- 1,684m² resulting from the internalisation of the convenience retail development approved under MOD 2
- an additional 254m² of specialty shop GFA to meet the increased demand for retail in the area

- 400m² retail pad site.

The Applicant contends the reconfiguration of the four originally approved stand-alone building envelopes into a single built form approved under MOD 2 allows a more efficient and functional layout and the ability for an increase in specialty retail floor space to meet the increased demand for retail in the area.

The Applicant provided economic analysis to support the proposal, which concludes that despite the minor increase in retail floor space, the trading impacts on existing local centres remain below 10%, which is an acceptable low to moderate impact. Further, the impacts to some centres are less than previously forecast due to the expected increase in population and retail expenditure and the significant demand for retail GFA across the Blacktown LGA. At Rooty Hill Village Centre and Evans Road, Rooty Hill, the additional impact is limited to a 0.8 – 0.9% reduction in turnover, compared to the approved development (**Table 7**).

Table 7: Economic Impact Comparison

Local Centre	% shift in turnover	
	Original forecast (2016) SSD 5175	Current forecast (2020) SSD 5175 MOD 3
Rainbow Shopping Centre Doonside	-9.5	-7.1
Myrtle Street Prospect	-8.3	-5.6
Holbeche Road Arndell Park	-6.6	-5.4
Rooty Hill Village Centre	-7.3	-8.1
Evans Road Rooty Hill	-8.0	-8.9

Whilst Council supports the increase in GFA associated with the internalisation of circulation areas approved under MOD 2, it does not support any additional increase in actual retail floorspace under the proposed modification.

The Department notes 72% (1,684m²) of the additional floorspace is circulation GFA, which is a consequence of the internalisation of pedestrian areas in the consolidated built form design approved in MOD 2. The proposed increase in the actual retail GFA, which Council objects to, equates to only 654m² (254m² of retail GFA and a 400m² retail pad site).

The Department has considered the Applicant's economic analysis as well as Council's concerns and is of the view the proposed increase in retail floorspace is appropriate for the site because:

- the proposed increase in retail floorspace of 654 m² represents only 7% of the total convenience retail floorspace allowed on Lot 2 (9,500m²) and only 1% of the approved retail floor space across the business hub (53,500 m²)
- the 654m² of proposed retail floorspace is minor in the context of the 400,000m² of retail floorspace available in existing centres in the locality
- the development is likely to commence three to four years later than originally assumed (in 2016) and updated data indicates:
 - the population in the Blacktown LGA is expected to grow 11% to 2021, resulting in an increase retail expenditure in the locality
 - nearly 20,000m² of additional retail space will be required each year up to 2026 to satisfy the significant forecast retail demand in the Blacktown LGA
 - the trading impacts on existing local centres including Rooty Hill and Evans Road remain below 10%
 - the trading impacts on other centres will be lower in 2020 than previously forecast in 2016, despite the increase in retail floor space, due to the significant growth in retail expenditure.

In this context the Department is satisfied the proposed additional retail GFA represents a negligible change to the retail environment and the trading impacts on existing local centres would be maintained within acceptable limits in accordance with the concept approval.

5.2.3 State Significant Development Application (stage 1)

5.2.4 Section 4.15(1) matters for consideration

Table 8 identifies the matters for consideration under section 4.15(1) of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act. The table represents a summary for which additional information and consideration is provided in **Section 5** (key and other issues), relevant appendices or other sections of this report and EIS, referenced in the table. The EIS has been prepared by the Applicant to consider these matters and those required to be considered in the SEARs, section 4.11 of the EP&A Act and schedule 2 of the EP&A Regulation.

Table 8: Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPs is provided in Appendix B of this report.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans do not apply to SSD.
(a)(iiia) any planning agreement	Not Applicable
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development	Appropriately mitigated or conditioned - refer to Section 5 of this report.
(c) the suitability of the site for the development	The site is suitable for the development, as established through the concept approval (SSD 5175) and as discussed in Section 5 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition period. See Sections 4 and 5 of this report.
(e) the public interest	Refer to Section 5 of this report.
Biodiversity values impact assessment not required if (a) On biodiversity certified land (b) Biobanking Statement exists	The proposal will not affect the implementation of the Biodiversity Offset Statement (BOS) under the concept approval.

5.2.5 Consistency with the concept approval

The concept approval (SSD 5175) for the site establishes several parameters and requirements to be addressed in future applications in developing the site for a business hub. The Department has assessed this SSD application (stage 1) against the concept approval, as recommended to be modified (**Section 5.2**).

The Department is satisfied the proposal is consistent with the concept approval in that:

- it includes a convenience retail centre comprising a supermarket and specialty retail shops
- the built form is generally consistent with the approved indicative building envelopes and setbacks

- the landscape regime retains the parkland setting and incorporates landscape buffers at the interface with the public domain
- the traffic generation would not have an adverse impact on the surrounding road network.

The Department's assessment against the requirements in the concept approval is detailed at **Appendix C**.

5.2.6 Built form and design quality

The detailed design has evolved since the original concept approval with the building now consolidated into a single built form as modified under approved MOD 2. The concept approval includes design guidelines, which establish the design parameters for future development to achieve a high quality built form and public domain outcome for the site. The design guidelines have been updated under MOD 2 to reflect the approved design changes to the built form.

The Department has considered the proposal against the design guidelines and considers it is consistent with the primary built form guidance including indicative building envelopes, building height and site coverage. The proposal is also consistent with the setbacks provided in the design guidelines, except for the southwestern end of the building containing the end-of-trip facilities and waste/recycle room, which is setback 5m from RHRS boundary, compared to the minimum 10m building setback to RHRS under the design guidelines (refer to **Figure 7**).

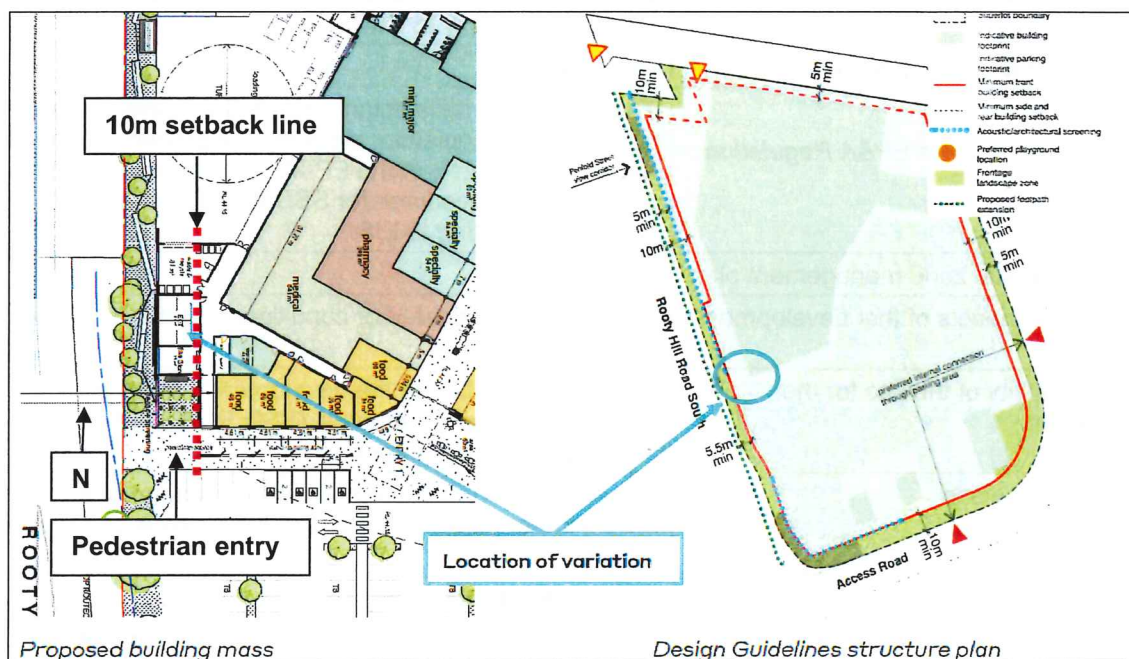


Figure 7: Proposed building (left) and approved envelope (right) (source: Applicant's RtS)

The Applicant justifies the reduced building setback on the basis it would not be readily visible from RHRS as the architectural wall and integrated landscape buffer will assist in screening this part of the building when viewed from RHRS.

The Department however notes the signage strategy includes a 13m x 3.2m sign on this component of the building, which would increase the visual prominence of this wall and draw attention to this non-conforming aspect of the building. On this basis, the Department considers this sign should be deleted from the signage strategy. A condition to this effect is included in the recommended development consent.

The Department considers that, subject to the deletion of the proposed sign on this wall, the reduced setback at this location to be appropriate for the site in that:

- the building is articulated to minimise its visual bulk when viewed from RHRS

- the landscape treatment along the RHRS setback will assist in softening the appearance of the built form
- the non-compliant part of the building creates a visual screen to the loading dock at the main pedestrian entry to the site.

In addition, the Department considers the detailed design provides an appropriate architectural response for the site because:

- the elevations are articulated and include the use of projections, recesses and externally expressed structures and framing systems, glazing, sun shade structures, colours and other forms of architectural detailing to reduce the overall bulk and scale of the consolidated built form (refer to **Figure 8**)
- the sloping roof feature and varied roof heights provide articulation and visual interest
- the predominant natural colours and earth tones blend in with the parkland character (refer to **Figure 9**)
- a pedestrian entrance is provided at RHRS with a contrasting combination of lightweight and solid materials to provide visual interest (refer to **Figures 4 and 5**)
- appropriate landscape treatment is provided to minimise the visual impact of loading docks along RHRS (refer to **Section 5.2.7**)
- the car park is integrated with landscaping to provide shade relief and visual amenity (refer to **Section 5.2.7**)
- a landscaped setback is provided around the perimeter of the site and includes a 5m landscaped setback to RHRS to soften the built form (refer to **Figure 4**)
- it includes a north-eastern facing alfresco dining area with generous proportions providing good amenity for future users (refer to **Figure 6**).

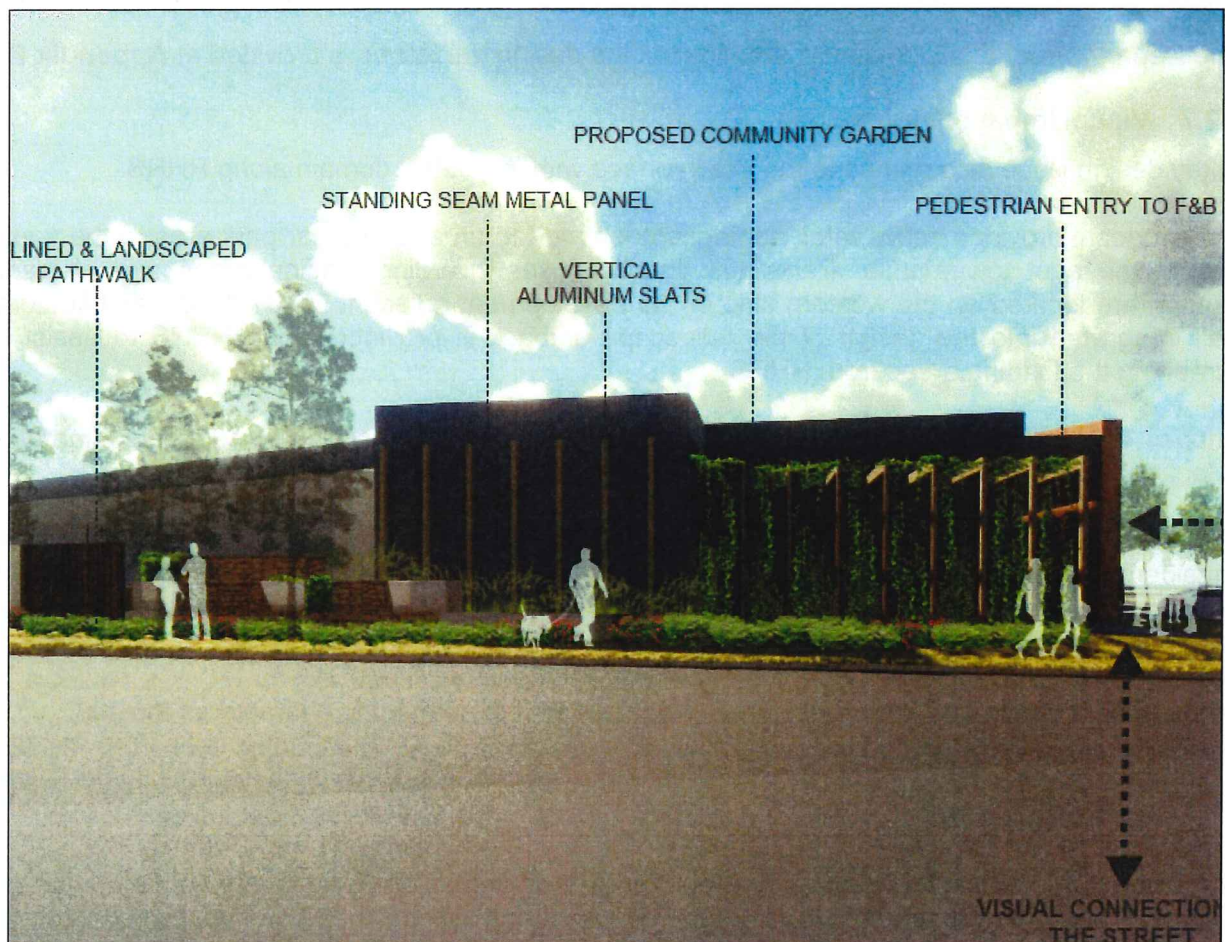


Figure 8: Northern side of main pedestrian entry viewed from RHRS

(source: Applicant's RtS)

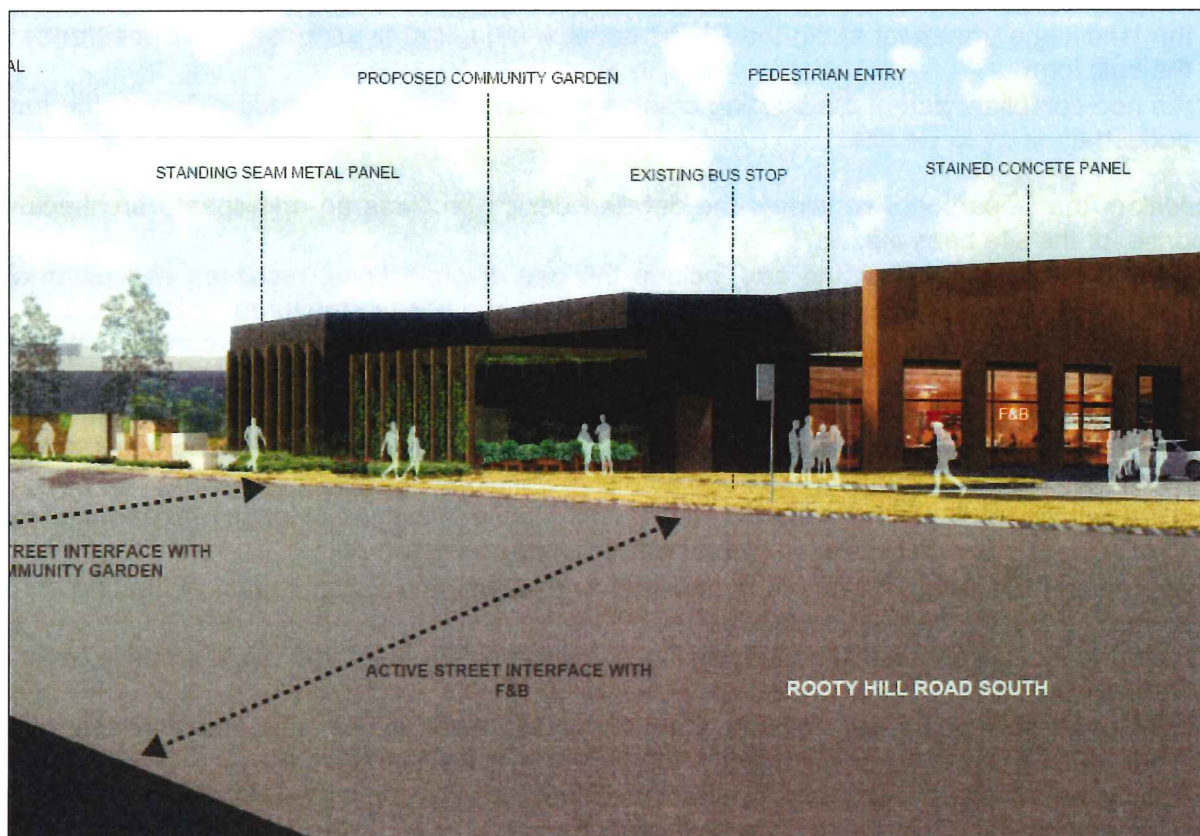


Figure 9: Southern side of main pedestrian entry viewed from RHRS

(source: Applicant's RtS)

The Department's detailed assessment against the design guidelines is provided at **Appendix D**.

5.2.7 Visual impact / streetscape

A key design issue also relates to the site interface with the public domain along RHRS.

The proposal provides active retail frontages orientated to an at-grade car park area to the south and to the east towards the Parklands. Inactive uses including loading areas and at-grade parking are located on the western side of the development adjacent to RHRS. An architectural wall integrated into the design of the landscape setback is provided along RHRS to assist in screening the loading areas from RHRS.

Council has indicated it supports the concept of an articulated wall and suggested material selection should ensure an appropriate interface/transition at the site frontage.

The Department notes the inactive uses, in particular the loading areas fronting RHRS were considered as part of MOD 2 to the concept approval where the Department concluded the loading dock would not result in unacceptable impacts (subject to assessment at the detailed design stage) noting:

- the extent of building massing fronting RHRS was reduced in MOD 2
- the overall built form was considered consistent with the emerging character of the site
- the slope of the site and acoustic wall would reduce visibility of the loading dock from RHRS
- appropriate controls are incorporated into the design guidelines to ensure a high quality visual appearance.

The Department notes the design guidelines require loading areas to be located behind the front building line and landscaped setback, separated from car parking areas and integrated into site layout and building design so as not to dominate the primary street frontage of the site.

The loading docks are located behind the building line and landscaped area and well separated from the car park and other accessible areas on the site. The Department also considers the loading area is appropriately placed having regard to the site layout and building design and the orientation of the retail development to the south and east. The slope of the site also allows for the loading area to be sited approximately 3.3m below the footpath level in RHRS which, together with proposed landscaping and screening treatments will substantially diminish views from RHRS to this area (**Figures 10, 11 and 12**).



Figure 10: Looking north showing the pedestrian footpath and loading dock (source: Applicant's RtS)

The Department considers the architectural wall along RHRS is an appropriate response to further screen the loading area and is well designed because it:

- includes a combination of natural colours and stone and timber materials in a staggered arrangement with varying heights and depths to provide visual interest
- is integrated with the landscape measures to enhance the pedestrian walking experience
- provides visual separation between pedestrians and the loading dock activity.

In relation to the materiality of the architectural wall, the Department supports the use of timber however is concerned the finish of the timber screen (lapped and capped) is more akin to a side or rear boundary fence and is not an appropriate design response along the primary street frontage of the site (**Figure 11**). Therefore, an alternative timber infill design or natural material should be incorporated into the wall design to ensure a high-quality finish. A condition to this effect is included in the recommended development consent.

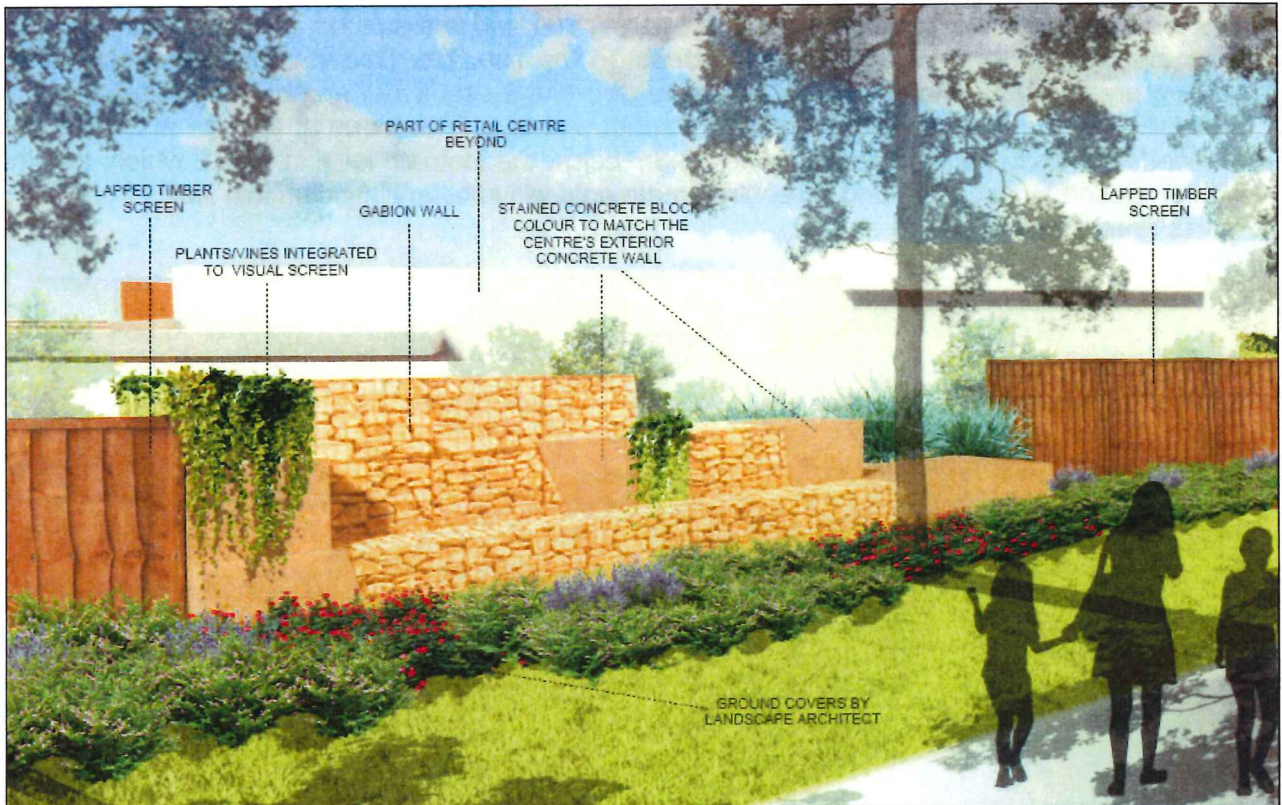


Figure 11: Architectural wall on the RHRS frontage

(source: Applicant's RtS)

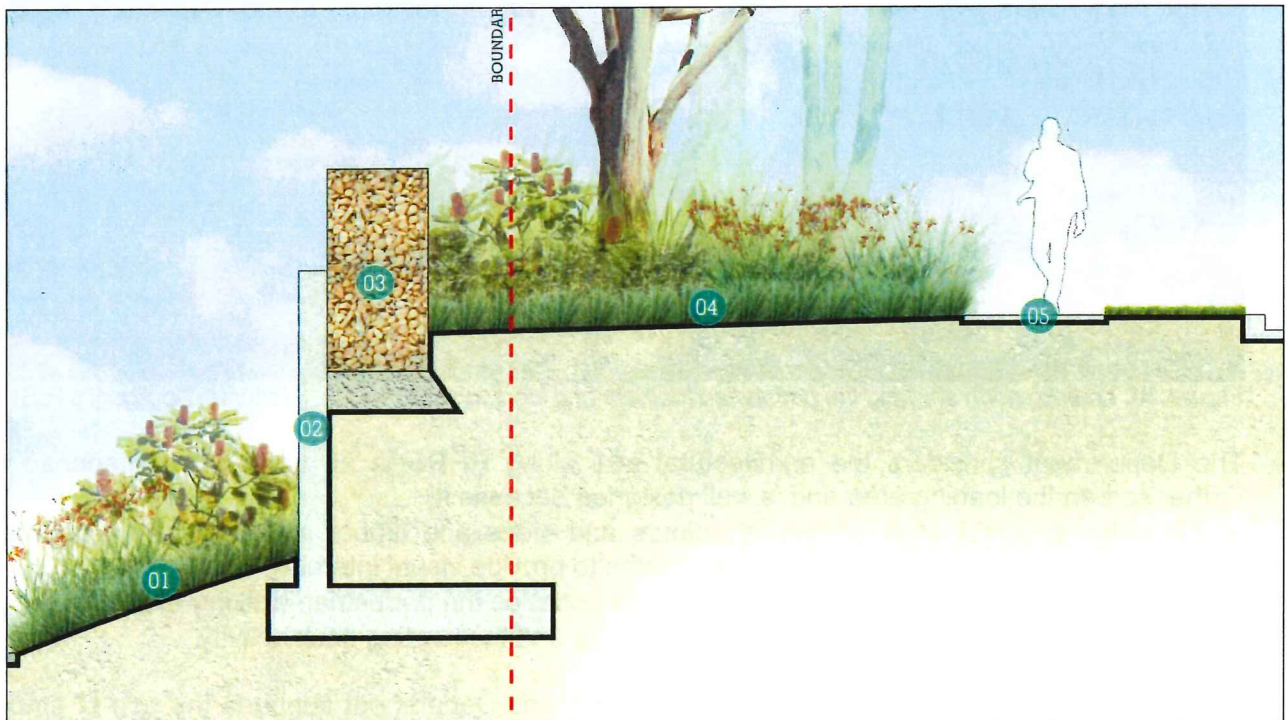


Figure 11: Typical section through architectural wall looking south at RHRS

(source: Applicant's RtS)

The Department is also satisfied that the car park is located behind the landscaped setback consistent with the design guidelines and the visual impact of the car park from RHRS would be minimised by the provision of a:

- varied landscape buffer along the site frontage of between 5m to 10m
- minimum of one tree per eight parking spaces and a 35% coverage of hard stand areas by mature tree canopy

- minimum 1.5m wide landscape strip between the banks of car parking.

The Department's assessment concludes the detailed design is consistent with the design guidelines and provides suitable screening of the loading docks and car parking and achieves an acceptable level design quality at the interface with RHRS, subject to conditions.

5.2.8 Access and road design

The submissions from Council, RMS and the public raised several issues in relation to access and the road infrastructure upgrade works at Beggs Road and RHRS. The key external road works and vehicular access to the site are illustrated in **Figure 13**. The design issues are addressed below.

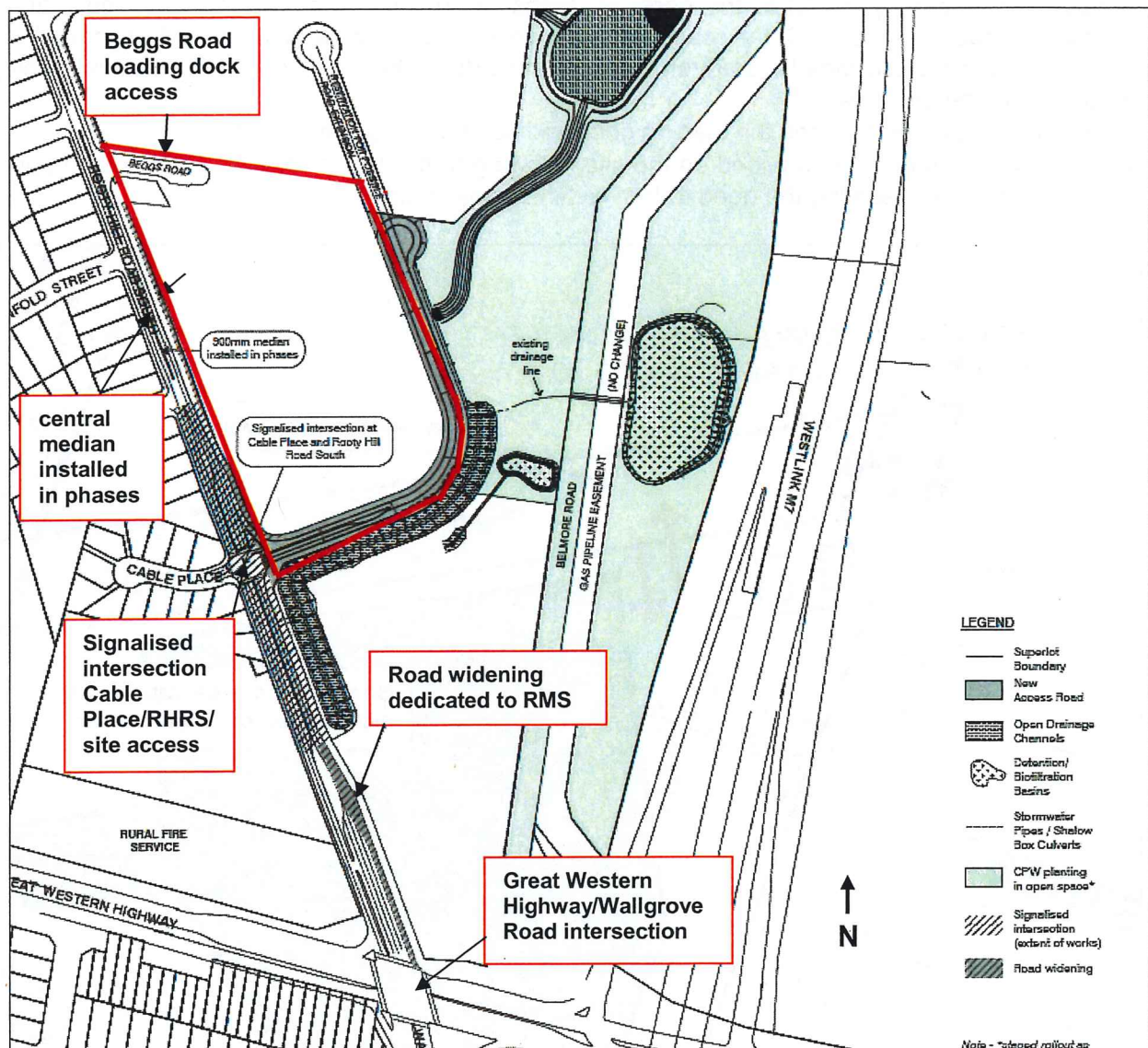


Figure 13: Road Infrastructure works under the concept approval

(source: Applicant's RtS)

Beggs Road

The approved loading dock access to the site is via Beggs Road, which is currently a no-through unsealed road providing vehicular access to the adjoining dwellings on the corner of Beggs Road and RHRS. The proposal seeks to re-construct part of Beggs Road, consistent with the approved concept design (refer to **Figure 14**) including:

- retention of the existing angle of the road (70 degrees) where it meets RHRS
- a 17m carriageway including a 3.5m footpath on the southern side of the road

- a turning circle at the end of the road allowing a turning area for 12.5m truck within the road alignment.

Council does not support the proposed road design and has requested a 20.5m wide road, which includes a 13.5 m wide carriageway and a 3.5m footpath on both sides; a turning circle at the end with a carriageway radius of 13.5m and re-alignment to 90 degrees in accordance with its design requirements for a local industrial road.

The Department notes Council's advice is consistent with its comments on MOD 2, which approved the concept design for Beggs Road. The Department carefully considered Council's previous comments however, noted additional land would be required to accommodate a 20.5m road reserve and a full turning circle, which would impact on Shale Plains Woodland Endangered Ecological Community (EEC) to the north of Beggs Road. The Department concluded that, to minimise impacts on the EEC, the road alignment should be retained in its current alignment (as proposed), and a 3.5m wide footpath on the northern side of the road and a full industrial turning head was not required as:

- Beggs Road only services the loading dock and two residential dwellings
- a 23m turning circle is provided on the site, allowing trucks to turn around in the loading area within the site, negating the need to turn within Beggs Road.

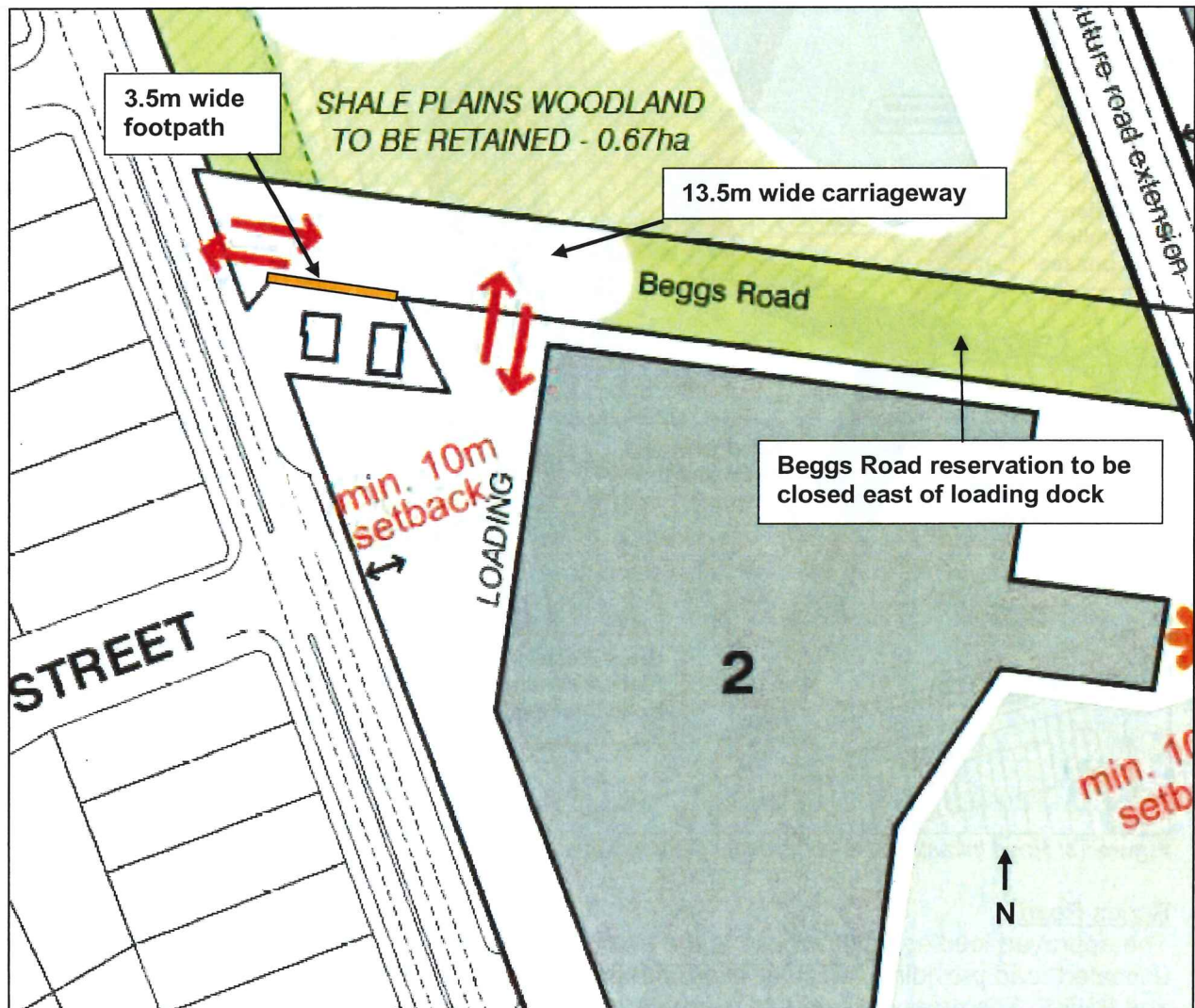


Figure 14: Beggs Road concept design approved under MOD 2

(source: Applicant's Rts)

The Department notes the road reservation is required to be closed east of the loading dock access in accordance with the concept approval. On this basis, the Department maintains the design approved within MOD 2 is appropriate and the proposed road design meets the access needs for the site, and the two residential properties, without adverse safety or biodiversity impacts.

Rooty Hill Road South

The concept approval requires road infrastructure works as follows:

- signalisation of the new Cable Place/RHRS/site access intersection
- provision of a second right turn lane on the RHRS approach to the intersection with the Great Western Highway
- installation of a central median in phases along the frontage of the ECBH site.

RHRS is a classified road and approval from RMS is required prior to commencement of the road works in accordance with section 138 of the Roads Act. The Concept Approval requires the Applicant to enter into a Works Authorisation Deed (WAD) with RMS for the construction of the required works on RHRS.

The Applicant advises there have been ongoing discussions with RMS regarding the road infrastructure upgrade works and that a detailed design is now 70% complete and currently being reviewed by RMS as part of the WAD process.

Council, RMS, TfNSW and the public submission provided comments on several design matters on RHRS including the central median on RHRS, pedestrian fencing, road widening and setbacks and the location of the bus stop and pedestrian connectivity. These matters are considered below.

Central median

Concern was raised in the public submission in relation to the central median and the impact on access to residential properties with frontage to RHRS.

The concept approval includes a 900mm wide central median installed in phases along RHRS at the frontage of the site in response to pedestrian safety concerns raised by RMS. A specific requirement for a central median between Minchinbury Street and Penfold Street was also approved under MOD 2 to restricting right turn movements into and out of Beggs Road to ensure efficiency and safety along RHRS.

The Department notes installation of a central median will also prevent the right turn movements in and out of the residential properties opposite the site. However, right turn movements to the streets on the western side of RHRS will be retained. The Department acknowledges the restrictions the median will impose on traffic movements for residential properties opposite the site and adjoining Beggs Road but, consistent with the advice provided by RMS and the requirement of the concept approval, is of the view this approved traffic safety measure is in the public interest for all road users.

Pedestrian fence

Council and RMS have advised a pedestrian fence should be provided in the central median along RHRS to improve pedestrian safety. The Applicant considers the need for a pedestrian fence can be addressed through the separate approval process with RMS for the road upgrade works.

The Department acknowledges the works within RHRS can be resolved through the separate WAD process with RMS. However, the Department considers that a pedestrian fence should be provided along the central median to prevent pedestrians crossing other than at safe crossing points in accordance with the advice provided by RMS. A condition to this effect is included in the

recommended development consent.

Road widening and setbacks

RMS has provided comments to the Applicant in relation to the road works and requested the following in its submission to the Department:

- lane widths widened to 3.5 m
- a shared path of 3.5 m wide on the eastern side
- a 6.5 m wide verge between the road and the footpath.

The Department notes the concept approval includes land dedicated for road widening as part of the approved subdivision layout and an agreement with RMS in relation to the road upgrade works is required prior to the issue of the first subdivision certificate. The Department is satisfied that these design matters will be further refined through the separate WAD process with RMS for the road upgrade works and sufficient certainty is provided through the Concept Approval to ensure RMS' design requirements along RHRS are met.

Bus stop and pedestrian connectivity

There are two existing public bus stops for northbound and southbound services located adjacent to the retail centre. TfNSW has advised the existing bus stop on the eastern side of the road may need to be relocated to satisfy road safety and bus design requirements and has requested a footpath between both bus stops and the proposed pedestrian entry to the retail centre.

The Department notes the final location of the bus stop and pedestrian access will be resolved through the separate approval process with RMS for the road upgrade works.

Further the Department has considered the comments provided by TfNSW, and is of the view there will be adequate connectivity between the bus stops and the retail centre noting that:

- there is an existing footpath on the western side of RHRS between the northbound bus stop and Cable Place intersection
- a new footpath will be provided along the RHRS frontage of the site connecting the entry of the retail centre to the bus stop and the new traffic signals at Cable Place
- the new traffic signals at Cable Place will provide a pedestrian crossing on all legs of the intersection allowing pedestrians travelling to/from the site to access the existing bus stop on the opposite side of the RHRS.

5.2.9 Residential amenity (acoustic impacts)

The operation of the retail centre has the potential to generate additional noise to the two dwellings adjoining the north-western corner of the site at Beggs Road and the residential properties opposite the site fronting RHRS. The Department has considered the noise impacts from the proposed loading areas, as well as the car park, mechanical plant and construction below.

Loading areas

Council has raised concerns with the acoustic impact to the adjoining dwellings at the north-western corner of the site at Beggs Roads, particularly in relation to the activities at the loading docks.

The application includes a Noise Impact Assessment (NIA), which establishes the noise criteria based on the *Environmental Protection Authority (EPA) Industrial Noise Policy (INP)* guidelines for assessing noise impact from development sites. The NIA also includes noise logging to determine the acoustic environment of the site. The nearest affected dwellings in relation to the loading dock and the noise logging locations are illustrated in **Figure 15**.

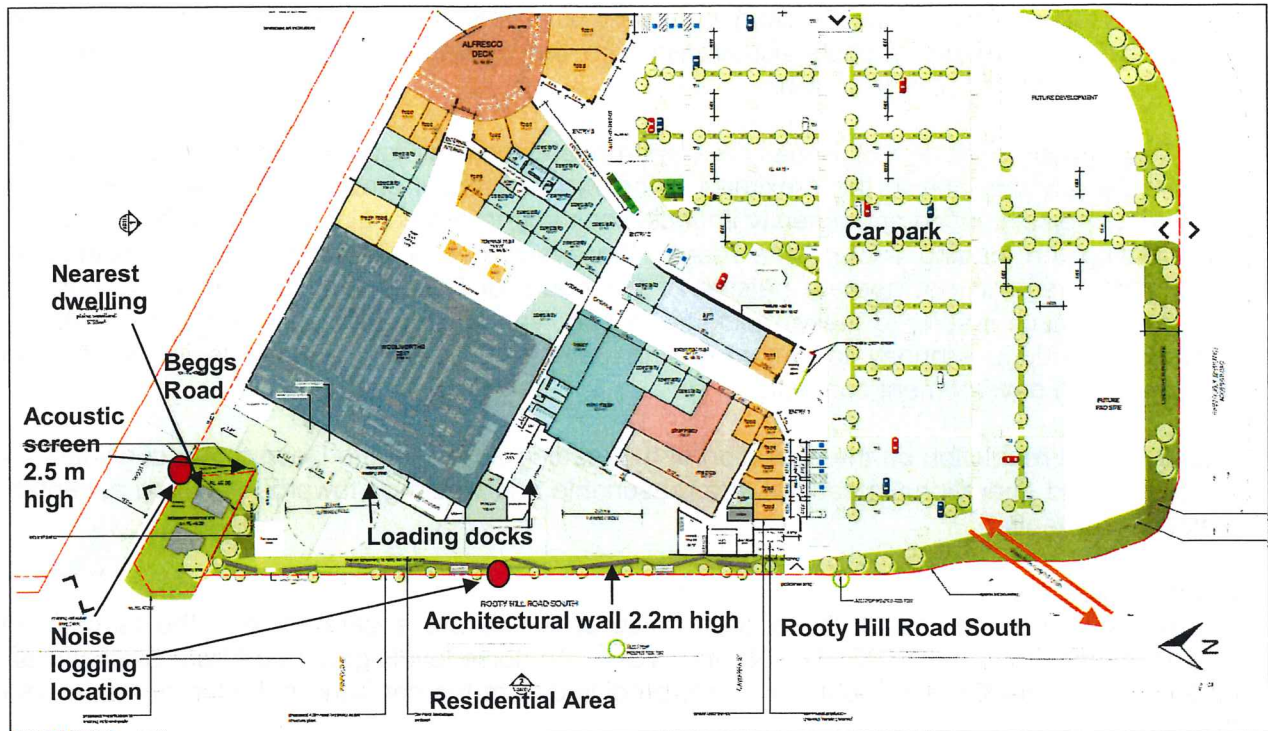


Figure 15: Site plan showing existing dwellings in relation to loading docks (source: Applicant's RtS)

The NIA concludes noise levels to the adjoining dwellings at the north-western corner of the site associated with the operation of the loading docks will comply with the relevant noise criteria, subject to the following operational measures:

- the hours of operation being restricted to between 7:00am and 10:00pm
- use of garbage compactors only within the loading dock areas
- installation of rubber buffers on the vertical face of the loading dock to absorb impacts
- vehicle engines switched off during loading and unloading within the dock.

In addition to these operational measures, it is proposed to construct:

- a 2.2m high solid architectural wall along the western boundary of the site adjacent to the loading docks to protect the acoustic amenity of the residential properties on the opposite side of RHRS (refer to Figure 15).
- a 2.5m high screen such as a timber fence above a retaining wall with landscaping to further reduce noise impacts to the two dwellings fronting Beggs Road (refer to Figure 16).

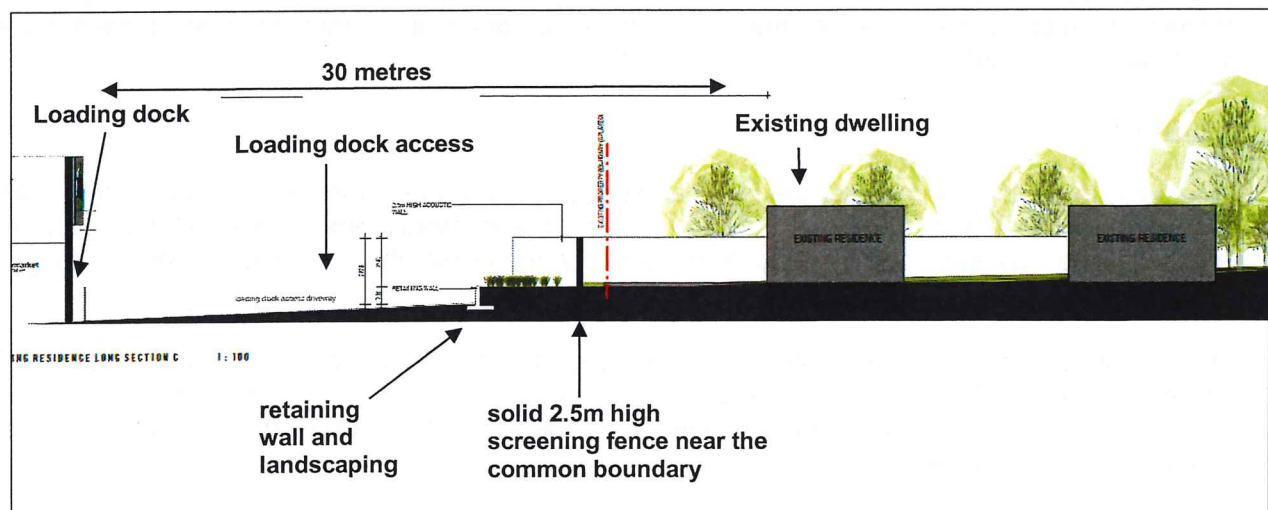


Figure 16: Section from loading dock to nearest dwelling and acoustic treatment (source: Applicant's RtS)

The Department supports the recommended mitigation measures outlined in the NIA, however raises concern with the impacts associated with the operation of the loading dock between 7:00am and 10:00pm, 7 days a week.

The Department considers it would be inappropriate to allow loading activities to occur after 6:00pm on any day due to the proximity to the two residential properties on Beggs Road, and associated noise, lighting and amenity impacts cause by trucks passing in front of their properties and utilising the loading dock to the rear in the evening. The Department also considers the loading dock should not operate outside of the hours of 8:00am and 5:00pm on Sundays to provide additional respite to these residents. A condition limiting the use of the loading dock to 7:00am – 6:00pm, Monday to Saturday and 8:00am – 5:00pm, Sunday is included in the recommended development consent.

Subject to the restriction on the operation of the loading activities, the Department considers that the design and operational measures are reasonable and would go towards ensuring acceptable residential amenity.

Car park area

The residential properties on the opposite side of RHRS are separated from the carpark and internal access road by RHRS. The NIA considers the noise levels generated from existing traffic on RHRS are greater than the noise levels predicted from the car park and internal roadways of the site.

The Department accepts the analysis provided by the NIA and agrees the noise generated within the car park and internal road is unlikely to adversely impact the amenity of nearby residential properties given the existing noise levels associated with traffic volumes along RHRS. The Department is therefore satisfied that no further acoustic treatment of the car park interface is warranted in the circumstance. Subject to standard noise conditions, the acoustic amenity of the neighbouring residential area to the west across RHRS would be maintained within acceptable limits established by the existing acoustic environment.

Mechanical plant

In relation to mechanical plant, the NIA recommends acoustic treatments and screening once the plant has been selected to ensure required levels of acoustic internal amenity are achieved. The NIA also recommends a detailed assessment of noise emissions from plant and equipment associated with the loading dock to be conducted prior to installation in conjunction with council requirements.

The Department considers that mechanical plant noise can be satisfactorily managed and mitigated though the measures recommended in the NIA and has recommended these measures as a condition of consent.

Construction

In relation to construction noise, the NIA has suggested that the issue can be addressed as part of a management plan when construction methods and details are known. The Department considers that construction noise can be suitably managed through a condition of consent requiring a construction management plan.

The Department's assessment concludes the potential acoustic impacts have been adequately addressed in the Applicant's NIA and the mitigation measures proposed would protect the acoustic amenity of the surrounding residential properties associated with the construction and operation of the retail centre.

5.3 Other issues

The Department's consideration of other issues is provided at **Table 9**.

Table 9: Department's assessment of other issues

Issue	Consideration	Recommendation
<i>Traffic Impacts</i>	<ul style="list-style-type: none"> • The application includes a Traffic Impact Assessment (TIA) to analyse the traffic effects of the convenience retail development in Stage 1 on the intersections at RHRS/Great Western Highway/Wallgrove Road and Cable Place/RHRS/site access. • The assessment of traffic impacts under the concept approval was based on a convenience retail development of 9,500m² GFA generating approximately 490 vehicles per hour (two way) in the weekday afternoon peak hour. • The TIA concludes the Stage 1 convenience retail development with the additional retail GFA of 654m² included will generate 510 vehicles per hour (two way) in the weekday afternoon peak hour. • The TIA assigns the additional traffic to the road network and the above intersections have been analysed using SIDRA traffic modelling (including the intersection upgrades identified in the concept approval). • The TIA concludes the intersection at RHRS/Great Western Highway/Wallgrove Road will operate at satisfactory level of service (LOS D) and the intersection of Cable Place/RHRS/site access will operate at a good level of service (LOS B) with spare capacity. • Council and RMS raise no concerns with the additional traffic generated by the proposal on the surrounding road network. • The Department's is of the view that the additional traffic generated by the development is minor and therefore the performance of nearby intersections will be maintained at acceptable levels, subject to the implementation of the approved road upgrade works. 	<p>The Department considers no additional conditions or amendments are necessary.</p>
<i>Car Parking</i>	<ul style="list-style-type: none"> • Council has indicated that the number of on-site car spaces does not comply with the parking requirements in the Blacktown Council Development Control Plan 2015 (1 space per 22m²). • The Department notes the proposal complies with the parking requirements set out in the approved design guidelines (1 space per 25m² of GFA). • The Department considers these rates to be appropriate and notes the RMS rate of 1 space per 25m² has been previously considered under MOD 2 and is consistent with the parking rates under the RMS <i>Guide to Traffic Generating Developments</i>. • The Department is satisfied that sufficient parking will be provided on the site to satisfy the demand generated by the convenience retail development in Stage 1 consistent with the concept approval. 	<p>The Department considers no additional conditions or amendments are necessary.</p>
<i>Signage</i>	<ul style="list-style-type: none"> • The application seeks approval for a signage strategy including the location and size of all external signs relating to retail centre. • The proposed signage zones primarily relate to shopfronts within the site and are not readily visible from the public domain. • The prominent signage zones visible from RHRS include: 	<p>The Department has recommended conditions requiring the deletion of Sign K and that external signage to be turned off when the retail</p>

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> - a pylon sign 2m x 6m set within a metal frame up to 10 m in height fronting RHRS at its intersection with Cable Place - a major tenancy wall sign 13m x 3.2m on the western façade at the southern end of the retail building - a major tenancy wall sign 15m x 2.5m on the western façade of the supermarket building • The Applicant's EIS concludes the proposed signage zones are integrated into the design of the built form and are of a scale and character suitable to the context of the site. • The approved design guidelines establish the detailed parameters for future signage on the site. • The Department considers the proposed signage strategy is consistent with the design guidelines noting it would satisfy the following key requirements: <ul style="list-style-type: none"> - only one freestanding sign is proposed along RHRS where a maximum of three are allowed - the pylon sign at the main vehicular entry to the site does not exceed 10 m in height - no roof signage is proposed with the wall signage visible from RHRS integrated into the façade design • However, as discussed in Section 5.2.6 the Department does not support the proposed 13m x 3.2m sign on the portion of the building setback only 5m from RHRS as this sign will inappropriately dominate and draw attention to this aspect of the building. The Department recommends this sign is deleted. • The Department's assessment otherwise concludes the proposed signage strategy is appropriate for the site given it: <ul style="list-style-type: none"> - does not adversely impact the visual quality of the area given the expansive nature of the site's frontage along RHRS - assists with site identification and wayfinding and is typical of retail centre development - integrated within the building design. • Council recommends the illuminated signage is turned off at night to not disturb the amenity of the Parklands and nearby residents. • Given the site context adjacent to a residential area and within the Parklands, the Department considers that the illumination of signs should be restricted to the operating hours until midnight. • A condition to this effect is included in the recommended development consent. 	<p>centre is closed to protect the amenity of the surrounding area, and the sign on the end-of-trip building being reduced in size (refer to Section 5.2.6).</p>
<p><i>Stormwater</i></p>	<ul style="list-style-type: none"> • The Department notes the stormwater from the site will be directed to the combined on-site detention and water quality basins via the new access road, consistent with the concept approval (as modified under MOD 1). • The piped stormwater system has been designed to accommodate the 1:20 Average Recurrence Interval (ARI) peak flows in accordance with Council's <i>Engineering Guideline 2005</i> and includes measures to meet pollution reduction targets in accordance with Council's <i>Development Control Plan 2015 Part J</i> consistent with the concept approval. • The Department is satisfied the proposal is consistent with the precinct wide stormwater strategy in the concept approval. 	<p>The Department has recommended a condition requiring stormwater details in accordance with Council's stormwater requirements.</p>

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> Furthermore, the Department recommends conditions requiring the detailed design of the stormwater system be undertaken in accordance with Council's stormwater requirements. 	
<i>Safety and Security</i>	<ul style="list-style-type: none"> Council requested appropriate safety and security measures in relation to the operation of the liquor store and ATM and the public submission raised concerns with the proximity of a liquor store to Eastern Creek Public School. The EIS includes a CPTED assessment to assess the potential facilitation of crime and perceived fear of crime associated with the development of the retail centre. The CPTED assessment includes recommendations to improve the safety and security of the development by incorporating design and operational measures in accordance with the CPTED principles. The key measures include transparent shopfronts for better surveillance, outdoor seating, appropriate location of ATMs in populated spaces avoiding concealment, adequate lighting, wayfinding signage, restriction of public access to operating hours and security patrols. The Department is satisfied the design and layout incorporates the above measures to assist in preventing crime and maintaining a safe environment for all users of the retail centre. The application was referred to the NSW Local Police and no objection was raised in relation to the proposed liquor store. The application also includes a Plan of Management to ensure it is operated in a responsible manner and in accordance with relevant harm minimisation and responsible service of alcohol requirements. In response to the concerns about the proximity of the liquor store to the Eastern Creek Public School, the Department notes that the liquor store is unlikely to be readily visible from the school given the separation across RHRS and the car park. In addition, the retail operator will need to obtain all relevant licences and abide by the applicable regulations pertaining to the sale of packaged liquor in accordance with the Liquor Act 2007. 	<p>The Department considers no additional conditions or amendments are necessary.</p>
<i>Light Spill</i>	<ul style="list-style-type: none"> The main potential source of light spill at night relates to the lamps associated with the loading docks and car park. The applicant has advised that 24-hour lighting is required in the car park for security and to align with the use of the gymnasium. The application includes an assessment of the proposed lighting scheme particularly regarding the two residential dwellings adjoining the loading areas in the north-western corner of the site. The obtrusive lighting assessment concludes the lighting scheme has been designed to comply with the requirements in <i>Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting</i>. The Department recommends a condition to ensure the detailed design of the lighting scheme complies with AS4282-1997 and is designed to be shielded and directed away from adjoining dwellings to protect the amenity of the surrounding area. 	<p>The Department has recommended a new condition requiring the outdoor lighting scheme to comply with <i>Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting</i>.</p>
<i>Hours of Operation</i>	<ul style="list-style-type: none"> The proposed hours of operation are as follows: - supermarket - 7:00am to 12 midnight, seven days a 	<p>The Department considers no</p>

Issue	Consideration	Recommendation
	<ul style="list-style-type: none"> week - liquor store 9:00am -10:00pm Monday to Saturday and 10:00am -10:00pm Sunday - gymnasium 24 hours - pharmacy and medical centre - 7:00am to 10:00pm, seven days a week • Council has recommended the hours of operation are restricted between 8:00am to 8:00pm on Sundays and public holidays. • The Department considers the proposed hours of operation are consistent with a modern retail centre, noting it would satisfy the convenience retail needs and provide medical and health facilities for the local community. • Whilst the gymnasium would operate 24 hours it is unlikely to result in any adverse amenity impact on the surrounding area given it is centrally located within the site. 	<p>additional conditions or amendments are necessary.</p>
<i>Waste Management</i>	<ul style="list-style-type: none"> • Waste will be collected from the bin storage rooms via the loading dock by a private contractor. • The waste management report includes mitigation measures to ensure waste management protects the local amenity and environment including noise reduction measures, design and operation of bin storage rooms and stakeholder engagement and education. • The Department is satisfied that waste will be managed appropriately on the site to minimise impacts on the surrounding area. 	<p>The Department has recommended waste management in accordance with relevant requirements of <i>Part G Site Waste Management and Minimisation City of Blacktown Development Control Plan 2005</i>.</p>
<i>Odour Impacts</i>	<ul style="list-style-type: none"> • The loading dock operations have the potential to emit odour including the delivery and despatch of goods and waste management and movement of heavy vehicles. • The application includes an Odour Assessment, which concludes the generation of odour from loading dock activities is minor and the risk of unacceptable odour impacts to the adjoining properties is low. • No concerns were raised by the EPA in relation to odour impacts to the neighbouring areas. • The Department recommends conditions requiring compliance with relevant requirements under the <i>Protection of the Environment Operations Act 1997</i> and management of substantiated odour complaints to protect the amenity of the surrounding area. 	<p>The Department has recommends conditions requiring compliance with <i>Protection of the Environment Operations Act 1997</i> and management of odour complaints to protect the amenity of the surrounding area.</p>
<i>Construction Impacts</i>	<ul style="list-style-type: none"> • The EIS includes a preliminary Construction Management Plan (CMP) for the convenience retail development in Stage 1. • The key aspects of the CMP include: <ul style="list-style-type: none"> - construction hours 7:00am-6:00pm Monday to Friday, 8:00am-1:00pm Saturday and no work Sunday and public holidays - the provision of a Noise and Vibration Management Plan (NVMP) and Construction Traffic Management Plan (CTMP), prior to commencement of works. • The Department is satisfied that the traffic impacts and disturbance to the local area during the construction phase can be managed through the implementation of a detailed NVMP and CTMP. • Conditions to this effect are included in the recommended development consent. 	<p>The Department has recommended conditions requiring a NVMP and CTMP.</p>
<i>Bushfire risk</i>	<ul style="list-style-type: none"> • The application includes an assessment of the proposed bushfire risk as the site is located within the WSP and near 	<p>The Department has recommended a</p>

Issue	Consideration	Recommendation
	<p>woodland areas.</p> <ul style="list-style-type: none"> The bushfire assessment recommends Asset Protection Zones (APZ) of 10m to part of the northern boundary and the entire eastern and southern boundaries RFS initially required further information in relation to the APZ for the future childcare centre but that aspect of the proposal have now been removed. The Department notes RFS raised no further issues with the proposal and considers the proposal is acceptable in terms of bushfire risk, subject to the implementation of a condition requiring compliance with the Rural Fire Service <i>Planning for Bushfire Protection Guidelines 2006</i>. 	<p>condition requiring detailed design to comply with the <i>Planning for Bushfire Protection Guidelines 2006</i>.</p>
<i>Ecological Impacts</i>	<ul style="list-style-type: none"> Council has also requested details on timing of revegetation of the conservation areas and provision of a Vegetation Management Plan (VMP) to guide the revegetation works for the conservation areas on residual land to the east outside of approved Lot 2. The Applicant has advised the VMP is currently being prepared and will be submitted prior to the commencement of the approved Stage 1 early works consistent with the requirements of the concept approval. The Department notes the timing of revegetation works is required to be addressed in the VMP and no further details are required in that regard. 	<p>The Department considers no additional conditions or amendments are necessary.</p>
<i>Contamination</i>	<ul style="list-style-type: none"> Site contamination was assessed as part of the original Concept Plan, which included the preparation of a Concept Remedial Action Plan (RAP) and Early Works RAP. The subject site has since been remediated and a Site Audit Statement issued confirming the site is suitable for its intended use. 	<p>The Department considers no additional conditions or amendments are necessary.</p>

5.4 Summary of Department's consideration of submissions

A summary of the Department's consideration of the issues raised in the public submissions is provided at **Table 10**.

Table 10: Department's consideration of issues raised by public submission

Issue Raised	Department's Consideration
Restricted vehicular access to residential properties along RHRS	<ul style="list-style-type: none"> The provision of a central median along RHRS is included in the concept approval and recommended by RMS to ensure traffic safety for all road users (Section 5.2.8)
Traffic congestion at the Great Western Highway/RHRS intersection	<ul style="list-style-type: none"> The additional traffic generated by the development is minor and therefore the performance of nearby intersections will be maintained at acceptable levels (Section 5.3)
The proximity of a liquor store to the Eastern Creek Public School	<ul style="list-style-type: none"> The liquor store is unlikely to be readily visible from the school given the separation across RHRS and the car park. The liquor retailer will need to obtain all relevant licences and abide by the applicable regulations pertaining to the sale of packaged liquor in accordance with the Liquor Act 2007 (Section 5.3)

6. CONCLUSION

The Department has considered all relevant matters under Sections 4.15 and 4.55 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has reviewed the EIS, RtS and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council. The issues raised in the public submission have been considered and all environmental issues associated with the proposal have been thoroughly addressed.

The Department has considered the economic impacts of the proposal and concludes the additional retail GFA would not result in any adverse trading impacts on the existing local centres as the additional floor space primarily relates to circulation area rather than leasable floor area.

The balance of additional retail GFA equates to 654m², which is seven per cent above that allowed on the site under the concept approval. As the convenience retail development will commence three to four years later than originally assumed, the Department is satisfied the forecast increase in population and retail expenditure in the Blacktown LGA would maintain the trading impacts on existing local centres within acceptable limits in accordance with the concept approval.

The Department considers the proposal is consistent with the approved design guidelines and therefore is an appropriate architectural and landscape response for the site, noting that it provides it provides sufficient building articulation and architectural detailing to reduce the bulk and scale of the consolidated built form. Furthermore, the landscaped setbacks and architectural treatments at the perimeter of the site will soften the built form and create visual interest at the interface with the public domain.

The Department is satisfied the potential acoustic impacts to nearby residential properties associated with the operation of the retail centre, particularly from the loading/unloading activities have been adequately addressed and can be further mitigated with the implementation of appropriate conditions in the recommended development consent. The Department is satisfied the local road network has sufficient capacity to accommodate the additional traffic generated by the development and the performance of nearby intersections will be maintained at acceptable levels, subject to the implementation of the approved road upgrade works. The Department notes the Applicant has been liaising with RMS to resolve the signalised intersection at Cable Place/RHRS and the detailed design issues will be resolved through this separate RMS process.

The proposal will provide a new retail development to meet the convenience shopping needs of the local community and includes medical and health uses on the site. Importantly, the proposal constitutes a significant public benefit by facilitating the creation of a business hub integral to funding the long-term maintenance and development works within the Parklands. The Department considers this to be consistent with the objectives of the Central River City District Plan because the Parklands are identified as a priority green space corridor, which provides active and open space to meet the needs of the growing communities in the district and directly benefit residents within Western Sydney

The Department considers the proposals are in the public interest and are able to be approved subject to conditions. This assessment report is hereby presented to the Independent Planning Commission for determination.

Ben Lusher
Director
Key Sites Assessments
NSW Government
Department of Planning & Environment

Anthea Sargeant 15/6/18
Executive Director
Key Sites and Industry Assessments