

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENT(S)

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)

To satisfy the requirements of section 4.15 of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- 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)

COMPLIANCE WITH CONTROLS

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

Table 11: SRD compliance table

Relevant Sections	Consideration and Comments	Complies?
<p>3 Aims of Policy The aims of this Policy are as follows:</p> <p>(a) to identify development that is State significant development,</p>	The proposed development is identified as SSD.	Yes
<p>8 Declaration of State significant development: section 89C</p> <p>(1) Development is declared to be State significant development for the purposes of the Act if:</p> <p>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</p> <p>(b) the development is specified in Schedule 1 or 2.</p>	The proposed development is permissible with development consent. The site is specified in Schedule 2.	Yes
<p>Schedule 2 State significant development — identified sites</p> <p>(Clause 8 (1))</p> <p>2 Development on specified sites</p> <p>Development that has a capital investment value of more than \$10 million on land identified as being within any of the following sites on the State Significant Development Sites Map</p>	The proposed development is within the identified Western Sydney Parklands site and has a CIV more than \$10 million.	Yes

State Environmental Planning Policy (Western Sydney Parklands) 2009

The principal aim of the Western Sydney Parklands SEPP is to put into place planning controls that will enable the Applicant to develop the Parklands into a multi-use urban parkland for Western Sydney.

Clause 11(1) of the SEPP identifies a range of land uses that can be carried out without consent including but not limited to cafes, community facilities and entertainment facilities. Clause 11(2) allows for the consideration of any other type of development (except residential development)

with development consent. The matters for consideration in the determination of applications for development in the Parklands are addressed as follows:

Table 12: Western Sydney Parklands SEPP compliance table

Aims in clause 2 of the policy	Department's Comment
<p><i>The aim of this Policy is to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of Western Sydney by:</i></p> <ul style="list-style-type: none"> <i>a) allowing for a diverse range of recreational, entertainment and tourist facilities in the Western Parklands, and</i> <i>b) allowing for a range of commercial, retail, infrastructure and other uses consistent with the Metropolitan Strategy, which will deliver beneficial social and economic outcomes to Western Sydney, and</i> <i>c) continuing to allow for and facilitate the location of government infrastructure and service facilities in the Western Parklands, and</i> <i>d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and</i> <i>e) protecting and enhancing the cultural and historical heritage of the Western Parklands, and</i> <i>f) maintaining the rural character of parts of the Western Parklands by allowing sustainable extensive agriculture, horticulture, forestry and the like, and</i> <i>g) facilitating public access to, and use and enjoyment of, the Western Parklands, and</i> <i>h) facilitating use of the Western Parklands to meet a range of community needs and interests, including those that promote health and well-being in the community, and</i> <i>i) encouraging the use of the Western Parklands for education and research purposes, including accommodation and other facilities to support those purposes, and</i> <i>j) allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the Western Sydney Parklands Act 2006, and</i> <i>k) ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.</i> 	<p>The proposal is consistent with the relevant aims of the policy in that it will facilitate the creation of the Eastern Creek Business Hub integral to funding the long-term maintenance and development works within the Parklands and its ongoing recreational, environmental and community programs.</p>

Matters for consideration – clause 12 of the policy	Department's Comment
<i>Impact on drinking water catchments and associated infrastructure</i>	The Stormwater Management Plan submitted with the application includes measures to improve water quality from stormwater discharged from the site including the precinct wide strategy, which involves tertiary treatment within the communal basin downstream of the site to ensure compliance with pollution reduction targets.
<i>Impact on utilities/services and easements</i>	The gas pipeline in residual land to the east which remains undeveloped eastern will not be affected by the proposed retail centre in Lot 2. The Beggs Road easement will be closed east of the loading dock access consistent with the concept approval.
<i>Impact on conservation areas and EEC</i>	The proposed development will be contained wholly within proposed Lot 2 and the will not result in the removal of any additional vegetation to that already approved in the concept approval. The precinct wide strategy for the site includes rehabilitation of the degraded Parkland area for conservation purposes and a biodiversity offset strategy required under the concept approval.
<i>Impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland</i>	The proposed development within Lot 2 will not affect the conservation area on residual land to the east intended to provide a bushland link to Morreau Reserve to the north of the site.
<i>Impact on circulation and access to recreational uses</i>	The revenue generated by the proposed development will facilitate the improvement of the recreational programs and activities in the Parklands. The proposed development is confined to Lot 2 and will not have any impact on circulation or access to the Parklands.
<i>Impact on physical and visual continuity</i>	The subject site is isolated from the balance of the Parklands due to the M7 Motorway, which forms the eastern boundary of the site.
<i>Impact on public access</i>	The proposed development will not reduce public access to the Parklands.
<i>Consistency with WSP POM and any precinct plan</i>	The proposed development is consistent with the POM, which identifies nine business hubs for commercial development within the Parklands. The site is located within the Rooty Hill Precinct comprising the open bushland reserve of Rooty Hill and the Morreau Sporting Reserve and land along RHRS. The proposal is consistent with the precinct plan as it would not affect the significance and prominence of Rooty Hill and its sporting facilities and bushland areas given it is located on the lower southern area of the precinct.
<i>Impact on surrounding residential amenity</i>	The impacts in relation to residential amenity in terms of noise have been adequately addressed in the EIS and the

	proposed development is considered acceptable subject to the mitigation measures proposed to protect the acoustic amenity of the adjoining residential properties associated with the operation of the retail centre.
<i>Impact on significant views</i>	The proposed development will not impact any significant views
<i>Effect on drainage patterns, groundwater, flood patterns and wetland viability</i>	A Water Cycle Management Strategy was submitted with the application which details proposed drainage measures to meet Council's pollutant reduction targets and minimise water quality impacts to wetland areas on residual land to the east. Groundwater is not expected to be impacted due to minimal excavation. The site is not located in a flood risk area.
<i>Impact on heritage items</i>	There are no heritage items on the site.
<i>Impact on traffic and parking</i>	The traffic and parking impacts has been addressed in the assessment and found to be acceptable.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP (ISEPP) aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The development constitutes traffic generating development in accordance with clause 104 of the ISEPP as it will involve a retail centre of 12,538m² with access to a classified road (RHRS). The ISEPP requires traffic generating development to be referred to RMS for comment.

The application was referred to RMS in accordance with the ISEPP. The RMS, in response to the RtS, have raised no objections to the proposal on traffic grounds. The Applicant is currently liaising with RMS in relation to the road infrastructure works along RHRS through a separate WAD process. The proposal is therefore consistent with the ISEPP.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The subject site has been remediated and the RtS includes a Site Audit Statement confirming the site is suitable for the retail development. The Department is satisfied the proposal has addressed the contamination requirements under SEPP 55.

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

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:

- pylon sign 2 m x 6 m set within a metal frame up to 10 m in height fronting RHRS at its intersection with Cable Place

- major tenancy wall sign 13 m x 3.2 m on the western façade at the southern end of the retail building
- a major tenancy wall sign 15 m x 2.5 m on the western façade of the supermarket building

Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. **Table 13** below demonstrates the consistency of the proposed signage with these assessment criteria.

Table 13: SEPP 64 compliance table

Assessment Criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage strategy is compatible with the emerging retail character of the site in a parkland setting noting the prominent signage would be integrated within the building design and landscape regime.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Whilst there is no particular theme for outdoor advertising, the proposed signage strategy is typical of a retail centre.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The site is located within the Parklands and is adjacent to a residential area. The proposed signage strategy would not detract from the visual quality of the area as only one pylon sign is proposed within the site's extensive frontage and other prominent signs are integrated into the building design.	Yes
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposed signage will be located within the building façade or under shop awnings resulting in no loss of views to the surrounding area. The pylon sign on RHRS will not impede any important views to the Parklands.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	As above	Yes
Does the proposal respect the viewing rights of other advertisers?	Given the site is located within the Parklands in an out-of-centre location there would be no impact on other advertisers in the area	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale and proportion of the proposed signs are appropriate in terms of the building design and the extensive site frontage along RHRS.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage strategy will provide site identification and wayfinding to complement the emerging retail character of the precinct and in that regard, would provide visual interest.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage relates to a new retail centre.	N/A
Does the proposal screen	The signage is integrated with the overall built form of the	Yes

unsightliness?	centre and does not screen unsightliness.	
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above buildings, structures or tree canopies.	Yes
Does the proposal require ongoing vegetation management?	The proposed signage does not require on-going vegetation management.	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage will generally fit within the building facade and is generally of a scale and proportion consistent with the overall size of the building. The pylon sign marks the vehicular entry to the centre and is appropriately scaled.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed signage will integrate with the building design and will not detract from the overall architectural form and features.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is an effective form of site identification without dominating the building facades.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Lighting devices will be integrated into the overall design of the signage zones and cabling will be concealed within the signage structure.	Yes
7 Illumination		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	The cumulative impact of glare to the surrounding area would be limited given the majority of signage is integrated within the building design and orientated to the south and west of the site away from RHRS and neighbouring residential areas.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	As above	Yes
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	The intensity of illumination can be adjusted. No curfew is proposed. Given the site context adjacent to a residential area and within the Parklands, the Department considers that the signs only be illuminated until midnight during the hours of operation of the shopping centre.	Yes
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage strategy is not likely to reduce safety for users of public roads as none of the signage zones will contain moving parts or flashing lights.	Yes
Would the proposal reduce safety for any public road?	As above	Yes

Draft State Environmental Planning Policy (Competition) 2010

The Draft Competition SEPP outlines that commercial viability of a proposal and the impact of a proposal on the commercial viability of another commercial development are not relevant planning considerations. However, consideration must be given to the overall adverse impact on the services and facilities available to the community.

Given the increase in floor area proposed under the modification application mainly constitutes circulation and not leasable floor area, the Department is satisfied the proposal would have a negligible impact on the retail environment and the trading impacts on existing local centres would be maintained within acceptable limits in accordance with the concept approval.