



Eastern Creek Business Hub

Modification and State Significant Development
Assessment SSD 5175 MOD 5 and SSD 8858

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	Blacktown City Council
Department	Department of Planning, Industry and Environment
ECBH	Eastern Creek Business Hub
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RtS	Response to Submissions
RHRS	Rooty Hill Road South
SEARs	Planning Secretary's Environmental Assessment Requirements
Secretary	Planning Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
TfNSW (RMS)	Transport for NSW (Roads and Maritime Services)
WSP	Western Sydney Parklands

Executive Summary

This report provides a concurrent assessment of an application to modify the Eastern Creek Business Hub (ECBH) Concept Approval (SSD 5175 MOD 5) and a State significant development (SSD) application (SSD 8858) for the detailed design, construction and operation of a specialised retail centre on Lot 1 at Rooty Hill Road South, Eastern Creek. The Applicant is Frasers Property Group and the site is located within the Blacktown local government area (LGA).

The then Minister for Planning granted consent to the ECBH on 7 January 2015, providing concept approval for a new retail centre with retail premises, bulky goods premises, business premises over three lots and Stage 1 subdivision and early works.

The Applicant seeks to modify the ECBH Concept Approval as it relates to Lot 1. It seeks to amend building envelopes, include additional land uses and update the landscape masterplan and Design Guidelines. The Applicant is also seeking concurrent consent to construct a specialised retail centre on Lot 1, ancillary uses including a café, indoor recreation facility and vehicle repair station, signage zones, car parking and landscaping works.

The proposed development on Lot 1 is SSD under section 4.36 of the EPA&A Act, as it is development located at the Western Sydney Parklands (an identified SSD site under clause 5 of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011) with a Capital Investment Value (CIV) over \$10 million.

Engagement

The Department publicly exhibited the applications from Thursday 29 November 2018 to Friday 1 February 2019. The Department received a total of ten submissions, comprising nine submissions from Government agencies (comments) and one submission from Council (objecting). No public submissions were received.

In October 2019 the Applicant submitted a Response to Submissions (RtS) which altered the site layout and the number of buildings. Due to the changes and the time since public consultation on the original proposal (almost 12 months), the Department re-exhibited the RtS from 24 October to 20 November 2019. The Department received five submissions, four from Government agencies (comments) and one from Council (objecting). Council objects to the proposal in relation to the potential impact on the growth of nearby retail centres. No public submissions were received.

Assessment

The Department has considered the merits of the proposal in accordance with the relevant matters under sections 4.55(2) and 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the issues raised in the submissions and the Applicant's response.

The Department considers the proposal is acceptable for the following reasons:

- updating the land use terminology to replace 'bulky goods' and 'large format retail' with 'specialised retail' is acceptable as this is consistent with the Standard Instrument Local

Environment Plan and there is no actual change to the nature of retail approved under the Concept Approval

- the proposal would not result in any significant impact on other nearby retail centres as the proposed increase in retail GFA is minor (+600 m² or 1% of approved retail floor space across the ECBH) and the proposal is expected to only have a 0.1-0.7% greater impact than the approved retail centre on Lot 2 and specialised retail impacts are less than forecast in the original approval (2.3-3.5% less)
- the proposed indoor recreation facility and vehicle repair station uses are ancillary to, and complement, the primary specialised retail use
- the proposed changes to the design guidelines are acceptable as they continue to provide for a high-quality built form in a parkland setting
- the revised site layout is substantially the same development and the proposed building setbacks and heights comply with the Design Guidelines approved under the Concept Approval, allowing for high quality built forms
- the detailed design for Lot 1 includes built forms with visually interesting facades to reduce bulk and scale, including green walls and a variety of textures, landscaped setbacks around the site to soften the built forms, reducing visual impacts within the parkland setting
- the existing road network can accommodate traffic generated by the proposed development and the carpark provides access for public parking, loading and servicing, as well as pedestrian access.

The Department has also recommended a suite of conditions to ensure any residual construction, stormwater and operational impacts are appropriately mitigated and managed.

Conclusion

The Department is satisfied the proposal is consistent with the strategic objectives for the area, as outlined in the Greater Sydney Region Plan and the Central City District Plan as it will provide growth in jobs close to existing residential areas and provides a source of funding for the Western Sydney Parklands.

As Council objects to the proposed development, it is being referred to the Independent Planning Commission for determination.

The Department considers the proposal is in the public interest and is approvable, subject to the recommended conditions of consent.

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1 Introduction

- 1.1.1 This report provides a concurrent assessment of an application to modify the Eastern Creek Business Hub Concept Approval (SSD 5175 MOD 5) and a State significant development (SSD) application (SSD 8858) for the detailed design, construction and operation of a specialised retail centre on Lot 1 at Rooty Hill Road South, Eastern Creek.
- 1.1.2 The proposal seeks approval:
- to modify the Concept Approval (as it relates to Lot 1), to amend the main building envelope and provide two additional smaller building envelopes, include a recreation facility (indoor), café, vehicle repair station and a future development site for a food and drinks premise, amend the landscape masterplan, Design Guidelines and update land use terminology to replace bulky goods with specialised retail premises (SSD 5175 MOD 5)
 - to construct a specialised retail centre on Lot 1 (gross floor area of 11,398 m²) comprising three specialised retail premises buildings, a café, indoor recreation facility and vehicle repair station, signage zones and content, 355 at grade car parking spaces, loading facilities and landscaping works (SSD 8858).
- 1.1.3 The modification and SSD applications were lodged on 1 November 2018 by Frasers Property Group (the Applicant).
- 1.1.4 It is noted the site is owned by the Western Sydney Parkland Trust (the Trust). The Applicant has entered into a development management agreement with the Trust to develop the land for a retail centre.
- 1.1.5 The site is located within the Blacktown local government area (LGA).

1.2 Western Sydney Parklands

- 1.2.1 The site is located within the Western Sydney Parklands (WSP), which extends from Quakers Hill in the north to Leppington in the south and provides important open space and recreation facilities in Western Sydney (**Figure 1**).
- 1.2.2 The site is one of nine business hub sites identified for development in the WSP Plan of Management (POM) 2030 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.
- 1.2.3 The site is 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 majority of the Parklands by the M7 Motorway, and its proximity to major roads also makes it suitable for commercial development.

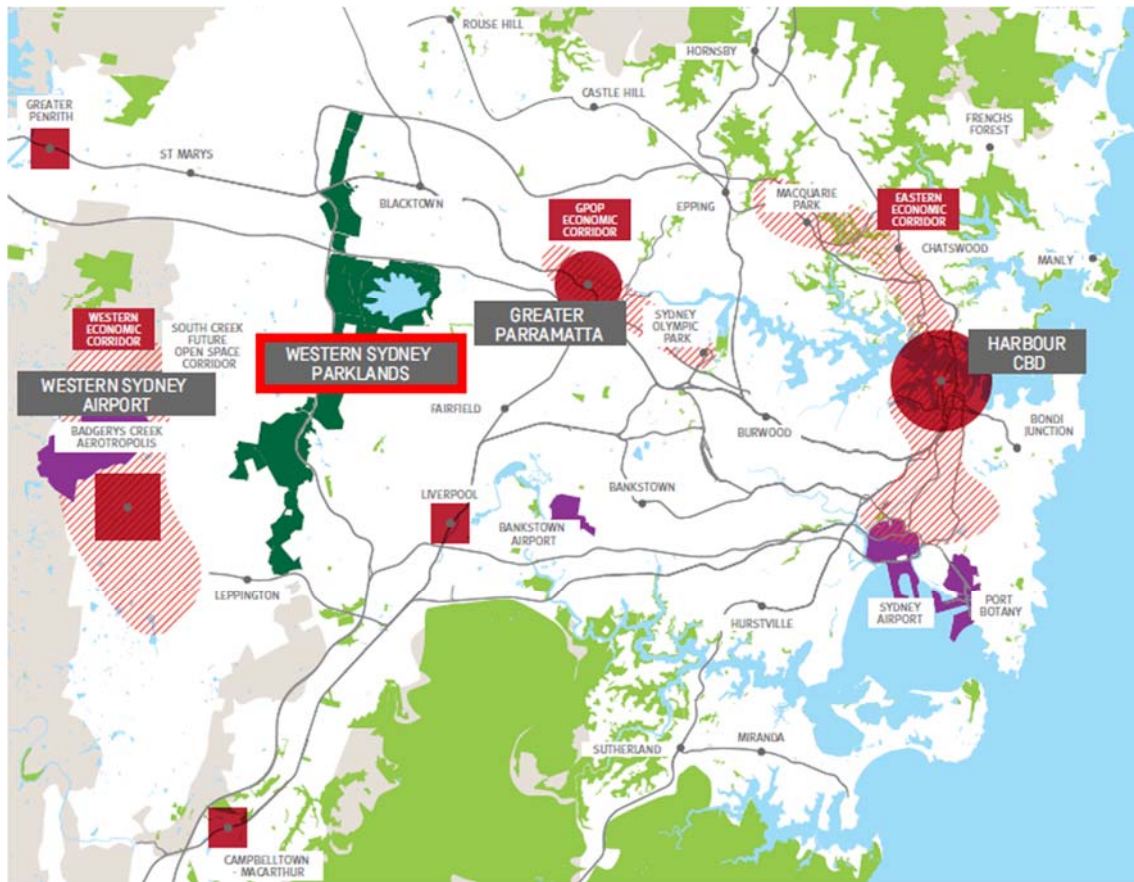


Figure 1 | Location of Western Sydney Parklands within Sydney

1.3 The site and surrounds

- 1.3.1 The site is known as the Eastern Creek Business Hub (ECBH) and is located at the intersection of the Great Western Highway and the M7 Motorway, 7 km west of Blacktown City Centre and 2.5km south of Rooty Hill Railway Station (**Figure 2**). The ECBH has an area of 34 hectares and is generally flat, with a gentle fall to the east and south boundaries and is mainly open grassland with some scattered trees and remnant vegetation.
- 1.3.2 The applications relate to Lot 1, comprising an area of approximately 4 hectares and is the second lot to be developed (**Figure 3**). Lot 1 is located at the southern end of the ECBH site, at the corner of Rooty Hill Road South (RHRS) and the Great Western Highway.
- 1.3.3 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 ECBH site at the intersection of Beggs Road (an existing local, unsealed road) and RHRS, which is not part of the development site
 - the M7 Motorway and Western Sydney Parkland 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 reserve to the north of Church Street.



Figure 2 | Site location – Lot 1 identified in red

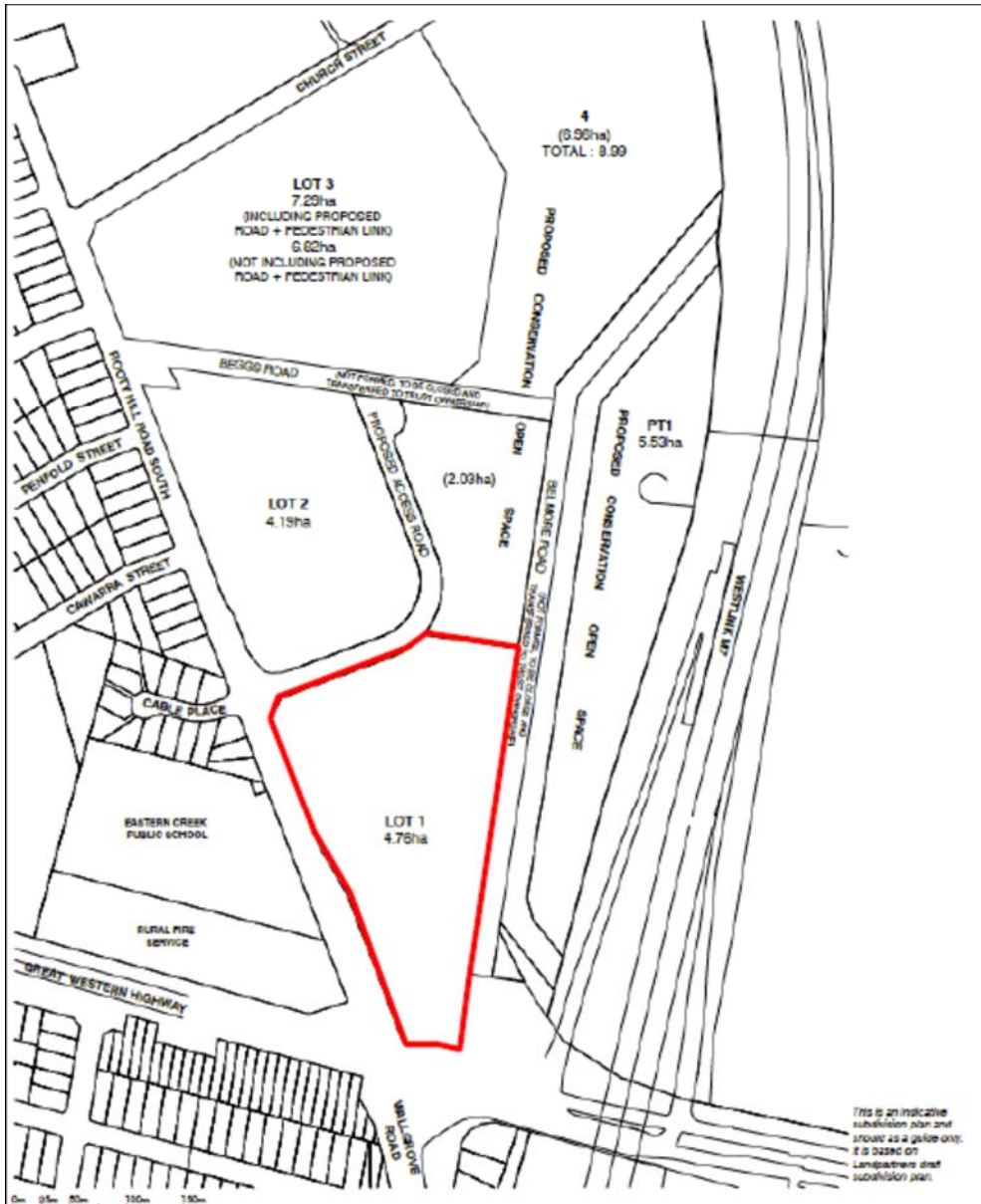


Figure 3 | Approved ECBH lot layout (Lot 1 in red)

1.4 Approval history

SSD 5175 Eastern Creek Business Hub Concept Plan

- 1.4.1 On 7 January 2015, the then Minister for Planning granted consent for the ECBH Staged Development Application, including a new retail centre to accommodate retail premises, bulky goods premises and business premises uses and Stage 1 subdivision and early works (**Figure 4**).
- 1.4.2 The development was approved to be constructed in two stages. The first stage comprises two substages, being Lot 1 comprising specialised retail and Lot 2 comprising a convenience retail development, including a supermarket and specialty shops. The second stage comprises the development of Lot 3 for specialised retail.
- 1.4.3 The concept proposal consent has been modified on six occasions and one modification is currently under assessment (see **Table 1**).

Table 1 | Summary of modifications to SSD 5175

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Modify the concept approval to change the timing of works, amend stormwater drainage system and allow residual large format retail GFA up to the approved maximum to be used as bulky goods GFA and modify Stage 1 subdivision works to undertake additional bulk earthworks.	Department	4.55(2)	28 April 2016
MOD 2	Modify the concept approval to reconfigure building envelopes and parking, add a child care centre, medical centre and indoor recreation facility to Lot 2 and new access road, and modify Stage 1 approval to reflect the access road changes	Department	4.55(2)	21 December 2017
MOD 3	Increase the approved gross floor area by 2,338 m ² to 55,838 m ²	Independent Planning Commission	4.55(2)	20 July 2018
MOD 4	Modify the stormwater drainage system, construct a new roundabout on the internal access road between Lots 1 and 2 and associated realignment of lot boundaries	Department	4.55(2)	18 July 2019
MOD 6	Modify the concept approval (SSD 5175) to transfer 500 m ² of gross floor area (GFA) from large format retail to the child care centre.	Department	4.55(1A)	6 September 2019
MOD 7	Allow vehicles to exit Lot 2 via the roundabout on the internal access road.	TBC	4.55(1A)	Under assessment
MOD 8	Delete Condition D8 (internal roads) to clarify the WSPT retains ownership of the internal access road	Department	4.55(1A)	17 February 2020



Figure 4 | Concept Approval layout (as modified under MOD 6)

SSD 8588 – Eastern Creek Business Hub retail centre

- 1.4.4 On 20 July 2018, the Independent Planning Commission granted consent for the detailed design, construction and operation of a convenience retail development on approved Lot 2 (stage 1) with a supermarket (**Figure 5**). The development consent has been modified on three occasions and one modification is under assessment (see **Table 2**).

Table 2 | Summary of modifications to SSD 8588

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Modify the detailed design of the retail centre building, including the facade, changes to plant and services, rainwater tank, loading dock, trolley bay, waste room and reconfigure the internal layout.	Department	4.55(1A)	21 November 2018
MOD 2	Modify the retail centre, including changes to the layout of the southern part of the Lot 2 car park and location of future building envelopes.	Department	4.55(1A)	18 July 2019
MOD 3	Design refinements to the retail centre including shade sails, signage and solar panels.	Department	4.55(1A)	29 November 2019
MOD 4	Modification to allow vehicles to exit the carpark via the roundabout	TBC	4.55(1A)	Under assessment

SSD 10457 – Eastern Creek retail outlet centre

- 1.4.5 On 29 April 2020, the Applicant requested Secretary's Environmental Assessment Requirements (SEARs) for a new Concept Proposal on Lot 3 of the ECBH. The proposal, as outlined in the Applicant's SEARs request, is SSD as it has a CIV of \$130 million and is on land within the Western Sydney Parklands. The proposal will seek approval for:
- land uses, including retail (factory outlet), food and drink premises and indoor recreation facility
 - maximum GFA of approximately 31,000m² (representing the surplus GFA from the broader ECQ site);
 - building envelopes;
 - preliminary landscape design;
 - built form design guidelines;
 - access arrangements
 - development staging.
- 1.4.6 At the time of writing this report, the Department is engaging with Council and other relevant agencies on the environmental assessment requirements prior to issuing SEARs.



Figure 5 | Approved layout of the convenience retail centre, Lot 2

2 Project

2.1.1 The applications comprise a section 4.55(2) modification application to the Concept Approval (SSD 5175 MOD 5) and an SSD application (SSD 8858) for the detailed design, construction and operation of a specialised retail centre on Lot 1 of the ECBH.

2.1.2 In summary, approval is sought:

- to modify the Concept Approval (as it relates to Lot 1), to amend the main building envelope and provide two additional smaller building envelopes, include a recreation facility (indoor), café, vehicle repair station and a future development site for a food and drinks premise, amend the landscape masterplan, Design Guidelines and update land use terminology to replace bulky goods with specialised retail premises (SSD 5175 MOD 5)
- to construct a specialised retail centre on Lot 1 (gross floor area of 11,398 m²) comprising three buildings, ancillary uses including a café, indoor recreation facility and vehicle repair station, signage zones and content, 355 at grade car parking spaces, loading facilities and landscaping works (SSD 8858).

2.1.3 The key components and features of the proposals are provided in **Tables 3** and **4** and **Figures 6** to **10**.

Table 3 | Description of changes under SSD 5175 MOD 5

Component	Description
Amend building envelopes	<ul style="list-style-type: none"> • Reduce the width and overall length of the main building envelope (Building 1) and position to the eastern side of the site. • Provide two smaller building envelopes (Building 2 and 3), addressing the internal access road and RHRS. • No changes are proposed to maximum building heights or setbacks.
Additional land uses	<ul style="list-style-type: none"> • Include recreation facility (indoor) • Include vehicle repair station • A café in Building 1 • A future development site at the corner of RHRS and the internal access road.
Gross Floor Area (GFA)	<ul style="list-style-type: none"> • Increase the overall GFA from 54,541 m² to 54,754 m² (+ 600 m²) comprising: <ul style="list-style-type: none"> ○ reduction in specialised retail floor space from 42,800 m² to 39,400 m² (-3,400 m²) ○ increase in convenience retail floor space from 10,154 m² to 10,754 m² (+600 m²) ○ 3,000 m² allocated for a new recreational facility indoor (+ 3,000 m²) ○ 400 m² allocated for a new vehicle repair station (+400 m²) ○ no change to child care centre GFA (1,200 m²).
Design Guidelines	<ul style="list-style-type: none"> • Amend design guidelines to reflect building envelope changes within Lot 1, updated figures, change to specialised retail terminology and parking rates.
Land uses	<ul style="list-style-type: none"> • Update land use terminology to replace the terms 'bulky goods' and 'large format retail' with specialised retail premises, in accordance with the replacement of these terms in the <i>Standard Instrument LEP Order 2006</i>.

Table 4 | Description of changes under SSD 8858

Component	Description
Land use	Use
	GFA (m²)
	Building 1: 10 specialised retail premises, 1 major (1,900 m ²) and a café (100 m ²)
	Building 2: 4 specialised retail premises
	Building 3: 6 specialised retail premises
	Future development site (subject to separate approval)
	Total site
	11,398
	Use of any specialised retail premise tenancy for: <ul style="list-style-type: none"> • a recreation facility (indoor) with up to a maximum GFA of 3,000 m² • a vehicle repair station with up to a maximum GFA of 400 m².
Building Height	<ul style="list-style-type: none"> • Building 1: 8 m • Building 2: 6.6 m • Building 3: 7.1 m.
Building Setbacks	<ul style="list-style-type: none"> • North: 15 m (Building 1) and 35.083 m (Building 2 and pad site) • East: 11.6 m (Belmore Road) • South: 35.8 m (Great Western Highway) • West: 20 m (Rooty Hill Road South).
Site coverage	<ul style="list-style-type: none"> • 29%.
Landscape	<ul style="list-style-type: none"> • Landscape area 3095 m² (8%) • Landscaped setbacks around primary frontages of the site (internal access road, RHRS and the Great Western Highway) • Tree planting throughout car park to provide shading, comprising 53% of the hardstand area • 130 new trees to be planted, 72 trees to be removed.
Hours of operation	<ul style="list-style-type: none"> • Specialised retail/ indoor recreation/ vehicle repair station: 7 am to 10 pm, 7 days • Café: 6:30 am to 6:30 pm, 7 days • Loading/ deliveries: 7 am to 10 pm, 7 days.
Vehicle access	<ul style="list-style-type: none"> • One vehicle access point via the roundabout on the internal access road, for public and loading vehicles • Separate loading zone behind Building 1 and two loading bays for smaller service vehicles located at Buildings 2 and 3.
Pedestrian access	<ul style="list-style-type: none"> • A pedestrian footbridge over the drainage channel provides pedestrian access from the internal access road to the site • Pedestrian marking throughout the car park to each building.
Car parking	<ul style="list-style-type: none"> • 355 at grade car parking spaces: <ul style="list-style-type: none"> ○ 307 specialised retail spaces ○ 11 accessible car spaces

- 37 future development site spaces
- 30 bicycle parking spaces
- 18 motorbike spaces.

Signage

- External signage zones for tenant façade signs, Eastern Creek Quarter signage, pylon and monument signage:
 - one 10 m high pylon sign at the southern end of the precinct, marking the precinct from the Great Western Highway
 - one 6 m high monument sign at the northern-western corner of Lot 1 marking the vehicle entry to the precinct
 - forty wall signs (two per tenant) (maximum 7.2 m x 1.5 m)
 - three wall signs for the major tenant (two 7.2 m x 1.5 m signs on the RHRS frontage and a third sign 6 m x 1.5 m oriented toward the M7 Motorway)
 - one 6 m x 0.9 m wall sign for the future café use
 - three 5 m x 3 m wall signs identifying the precinct 'Eastern Creek Quarter'.
- All signage to be illuminated, with a midnight to dawn curfew
- A condition that allows replacement signage to be installed without consent
- Directional and wayfinding signage.

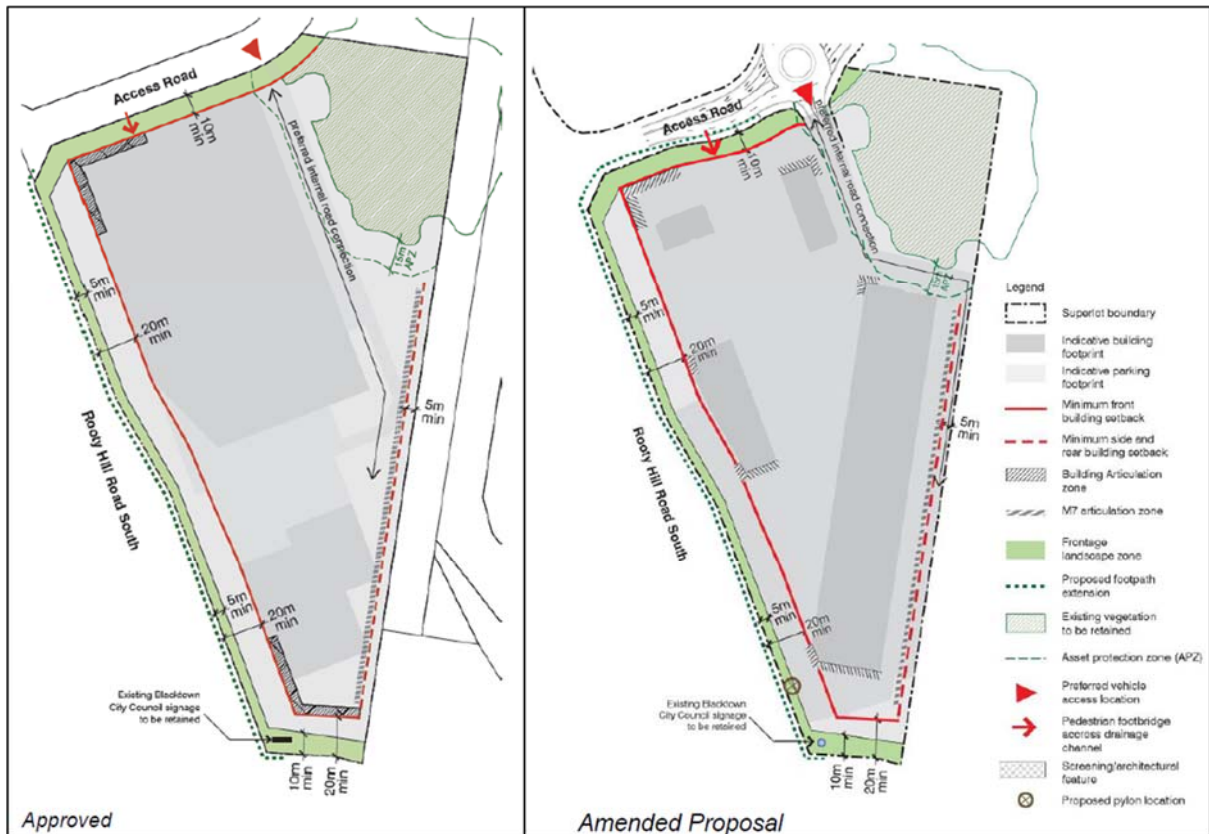


Figure 6 | Approved concept plan for Lot 1 (left) and proposed (right)

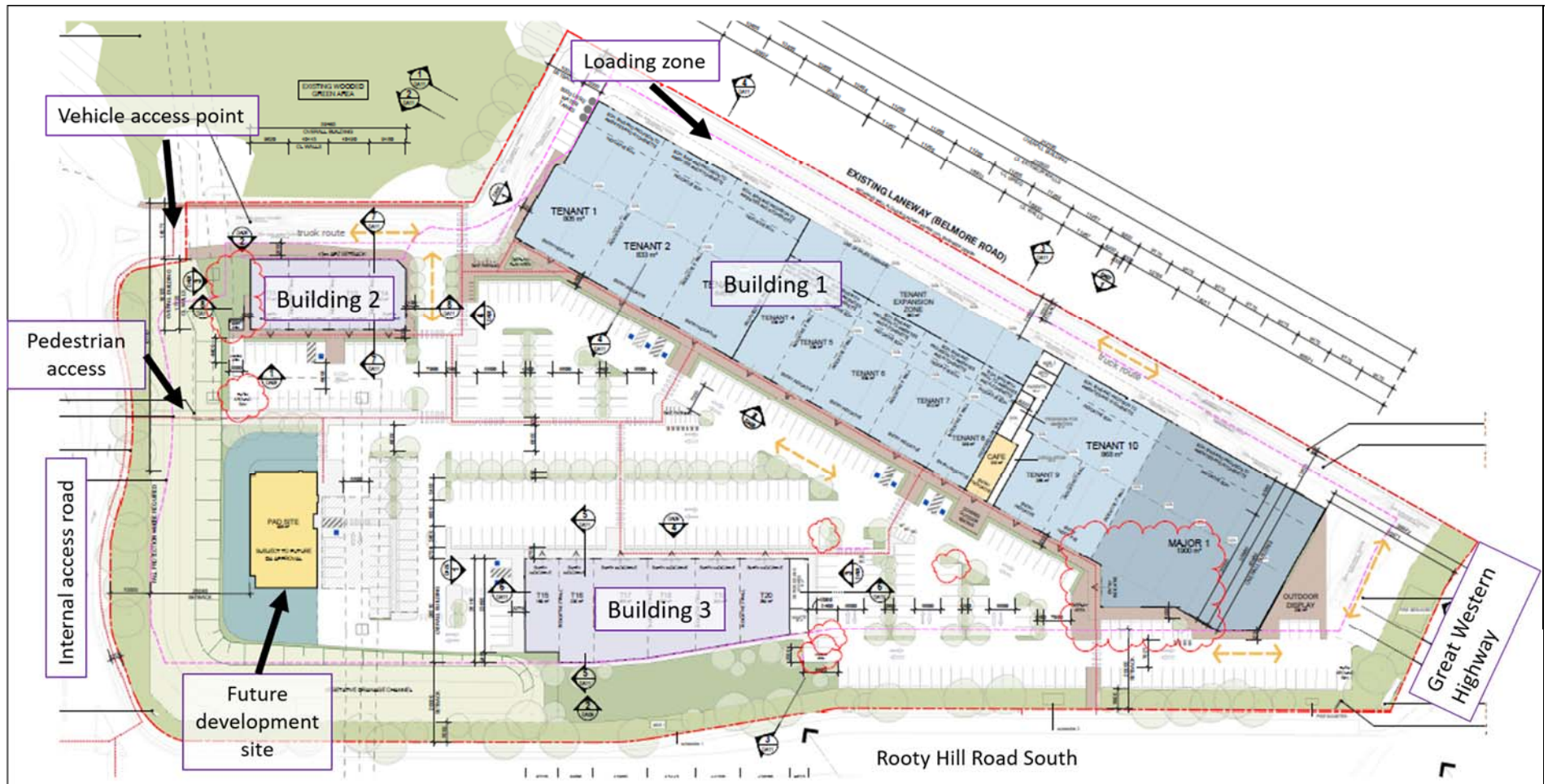


Figure 7 | Proposed detailed design for specialised retail centre, Lot 1



Figure 8 | 3D perspective of specialised retail centre, looking north west



Figure 9 | Photomontage of view from Rooty Hill Road South to the site, looking north



Figure 10 | Photomontage of view from internal access road to site, with Building 2 in the foreground

3 Strategic context

3.1 Greater Sydney Region Plan

- 3.1.1 The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared the Greater Sydney Region Plan (Region Plan) to provide a 40-year vision for a metropolis of three cities, the Eastern Harbour City, the Western Parkland City and the Central River City, that will rebalance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.
- 3.1.2 The Region Plan aims to integrate land use, transport links and infrastructure across the three cities, with more people having access within 30 minutes to jobs, schools, hospitals and services.
- 3.1.3 The original Concept Approval was considered consistent with the Region Plan. The modification application remains consistent with the original application and is consistent with the Region Plan.
- 3.1.4 The SSD application is consistent with the Region Plan, as it supports productivity through growth in jobs close to existing residential areas and increased investment and business activity. The proposal also supports the expanded Greater Sydney Green Grid by providing a source of funding for the Western Sydney Parklands.

3.2 Central City District Plan

- 3.2.1 The GSC has also prepared District Plans to implement the Region Plan through local planning and influence state agency decisions. District plans connect local planning with the longer-term metropolitan planning for Greater Sydney. The site is located within the Central City District area.
- 3.2.2 The original Concept Approval was considered consistent with the District Plan. The modification application remains consistent with the original application and is consistent with the District Plan.
- 3.2.3 The SSD application is consistent with the relevant objectives in the Central City District Plan as it:
- delivers integrated land use and transport planning and a 30-minute city (Planning Priority C9)
 - delivers investment and business opportunities in strategic centres and supports employment generating land uses (Planning Priority C10)
 - protects and enhances bushland, biodiversity and scenic and cultural landscapes, by providing a source of funding to manage the Western Sydney parklands and managing environmental impacts from the proposal (Planning Priority C15)
 - increases urban tree canopy cover and supports the Greater Sydney Green Grid (Planning Priority C16).

3.3 Western Sydney Parklands Plan of Management 2030

- 3.3.1 The Western Sydney Parklands Act 2006 established the Western Sydney Parklands Trust (the Trust) as a self-funded agency. The Trust has 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.

3.3.2 The proposal will support the development of one of nine business hubs identified in the Parklands Plan of Management (PoM) Supplement March 2014. The business hubs will collectively comprise a maximum of two per cent of the total area of the Parklands. The SSD and modification application are consistent with the PoM as it will assist in WSPT achieving its objective to complete the lease of the business hubs to support the ongoing development and management of the Parklands.

4 Statutory context

4.1 State Significant Development

4.1.1 The proposed specialised retail centre on Lot 1 is SSD under section 4.36 (development declared SSD) of the EPA&A Act as the development has a CIV in excess of \$10 million and is located at the Western Sydney Parklands, which is identified as an SSD site under clause 5 of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011.

4.2 Consent Authority

4.2.1 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 for the SSD application as Council objects to the development.

4.2.2 The Commission may also determine the Section 4.55(2) modification request concurrently with the SSD application, in accordance with the then Minister for Planning's delegation dated 14 September 2011.

4.3 Permissibility

4.3.1 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.

4.4 Mandatory Matters for Consideration

4.4.1 Section 4.15 of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters could be summarised as:

- the provisions of environmental planning instruments (including draft instruments), development control plans, planning agreements and the Environmental Planning and Assessment Regulation 2000
- the environmental, social and economic impacts of the development
- the suitability of the site
- any submissions, and
- the public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD).

4.4.2 The Department has considered all these matters in this assessment of the project, as well as the Applicant's consideration of the environmental planning instruments in its EIS, as summarised in **Section 6** of this report. The Department has also considered the relevant provisions of the EP&A Act, including environmental planning instruments, in **Appendix B**.

Section 4.55(2) matters for consideration

- 4.4.3 Section 4.55(2) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application. The matters for consideration under section 4.55(2) of the EP&A Act that apply to the modification to the Concept Approval to the ECBH have been considered in **Table 7**.

Table 5 | Section 4.55(2) matters for consideration

Section 4.55(2) Evaluation	Consideration
a) 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)	The proposal seeks to alter building envelopes and GFA within Lot 1 but remains for the purposes of a specialised retail centre at Lot 1. The proposed ancillary uses (café, recreation facility and vehicle repair station) complement the specialised retail premises without changing the primary use of the lot. The Department is satisfied that the proposed modification is substantially the same development as the key components of the development remain, being a concept plan for a new retail centre.
b) that it has consulted with the relevant Minister, public authority or approval body) in respect of a condition imposed by the Minister, public authority or approval body, and	Not applicable.
c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in Section 5.1 of this report.
d) any submission made concerning the proposed modification has been considered.	The Department received a submission from Council and submissions from government agencies. The issues raised in submissions have been considered in Section 5 and 6 of this report.

4.5 Secretary's Environmental Assessment Requirements

- 4.5.1 On 14 December 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.
- 4.5.2 SEARs were not required for the modification application as sufficient information was provided to enable assessment of the proposal.

5 Engagement

5.1 Department's Engagement

- 5.1.1 The Department exhibited the applications from Thursday 29 November 2018 to Friday 1 February 2019 on the Department's website, at NSW Service Centres and at Blacktown City Council offices.
- 5.1.2 The Department placed a public exhibition notice in the Blacktown Advocate on 28 November 2018 and provided written notification to adjacent landholders and relevant Government agencies.
- 5.1.3 The Department has considered the comments raised in submissions from Government agencies and Council during the assessment of the application (**Section 6**).

5.2 Summary of Submissions

- 5.2.1 The Department received a total of ten submissions, comprising nine submissions from Government agencies (**Table 5**) and one submission from Council. No public submissions were received.
- 5.2.2 Copies of the submissions may be viewed at **Appendix A**.

5.3 Key Issues – Government Agencies

Table 6 | Summary of Government Agency Submissions

Environment, Energy and Science (EES) Group of the Department (former Office of Environment and Heritage)

EES requested the following additional information to adequately assess the proposal:

- clarify if the new internal access road impacts existing vegetation to be retained and if the boundary alignment changes affect the required offset area and amend plans or submit a BDAR
- clarify if the proposal affects the biodiversity, Aboriginal cultural heritage, tree removal and originally agreed offsets.

EES also noted it supports the conservation measures in the Design Guidelines and recommended the Applicant undertake further consultation with Blacktown City Council regarding the flood risk for the site and ensure all documents reflect Councils latest flood studies.

Transport for NSW (TfNSW)

TfNSW reviewed the applications and provided the following comments:

- adequate provision should be made for footpaths and pedestrian connectivity between bus stops and pedestrian entries
- the centre should incorporate publicly accessible bicycle racks for visitors.

Transport for NSW (RMS) (former RMS)

RMS did not provide specific comments on the subject applications, however advised that it had concerns about the location of the proposed roundabout as part of SSD 5175 MOD 4.

The Department notes that these concerns have been addressed and the location of the roundabout was approved in the determination of MOD 4 on 18 July 2019.

Jemena

Jemena advised it does not object to the applications and provided comments that:

- no loadings are applied to the gas main (including all truck and excavator logistics)
- a pipeline patrol officer be present to supervise all works in the locality of interest to Jemena.

Sydney Water

Sydney Water provided comments that the trunk drinking water system and trunk wastewater system have adequate capacity to service the proposed development and advised the Applicant will need to submit a staging plan for any network upgrades needed to service the proposal.

Rural Fire Service

RFS has granted a Bush Fire Safety Authority subject to conditions including asset protection zones, building fitted for ember protection, services protection, access roads, a bushfire emergency management and evacuation plan and landscaping.

Heritage NSW

Heritage NSW provided comments that as the site is not within the curtilage of any State Heritage Register items or historic archaeology, they have no concerns regarding the applications.

Department of Industry (DoI)

DoI advised it had no comments on the applications

Environment Protection Authority (EPA)

EPA advised it had no comments on the applications.

5.4 Key Issues – Council

5.4.1 Council reviewed the applications and objects on the basis that the proposals do not meet the requirements of the original concept plan. The following comments were provided:

- the Applicant has not adequately addressed the potential and future impact of the proposal on existing centres. Council is concerned that the additional 600 m² of floor space results in a cumulative increase of almost 3000 m² (5%) more than originally approved, which could have a significant impact on local centres, particularly those with a convenience retail focus
- if the future development site is to service Lot 1, rather than passing traffic it should be positioned further within the site
- drainage and internal access road issues identified in Council's advice on the previous application (SSD 5175 MOD 4) have not been addressed
- Council does not have a contributions plan that covers new development in the Western Sydney Parklands and the Applicant should demonstrate how it meets the additional demand for stormwater and traffic management facilities in the area

- Concerns about loading vehicles (19 m truck) accessing Lot 1
- the Applicant must demonstrate that additional traffic generated can be accommodated within the existing and new road network capacity. In addition:
 - new roads and parking should be to Council's requirements, DCP and relevant Australian Standards
 - private waste management services are to service the development
- the Applicant must comply with the Food Act 2003 and relevant Australian Standards
- a detailed mechanical noise assessment should be required as part of construction certificate documentation.

5.5 Response to Submissions

5.5.1 Following exhibition of the application the Department placed copies of all submissions received on its website. It requested the Applicant provide a response to the issues raised in the submissions and provide further information about proposed land uses, clarify inconsistencies and provide additional information on the revised concept plan, Design Guidelines, traffic and parking detail, landscaping and revised stormwater plans.

5.5.2 On 10 October 2019, the Applicant provided a Response to Submissions (RtS) (**Appendix A**), which contained an amended application revising the design of the specialised retail centre on Lot 1, as a result of the withdrawal of the major anchor tenant.

5.5.3 The Applicant made several key amendments to the Concept Approval modification and the SSD application, including:

5.5.4 Concept Plan modification

- reconfiguring the layout of the main building (reduce length and width) and two additional smaller buildings, resulting in three specialised retail buildings and a future development site on Lot 1
- updating the land use terminology to replace bulky good and large format retail with specialised retail premises
- including vehicle repair station as a potential future use
- amending the Design Guidelines.

5.5.5 SSD application

- reducing the floor space by 1,120 m² (from 12,518 m² to 11,398 m²)
- construction of three specialised retail buildings and one food and drink premises on Lot 1
- amending car parking layout and reduce car parking spaces by 46 (from 401 to 355)
- including detailed signage plans
- staging the delivery of specialised retail buildings.

5.5.6 The RtS was re-exhibited for a period of 28 days from 24 October to 20 November 2019 and was made publicly available on the Department's website, Service NSW and at Blacktown City Council offices. The Department also placed a public exhibition notice in the Blacktown Advocate on 23 October 2019 and provided written notification to adjacent landholders and relevant Government agencies.

- 5.5.7 The Department received five additional submissions, including four from Government agencies and one from Council.
- 5.5.8 No public submissions were received.

5.6 Key Issues – Government Agencies (amended applications)

Table 7 | Summary of Government Agency Submissions

Transport for NSW (RMS)

RMS reviewed the applications and requested that pedestrian safety be considered. It also recommended the following conditions:

- any changes to the stormwater drainage system are to be submitted to RMS for approval prior to the commencement of works
- a Construction Traffic Management Plan should be submitted to Council prior to the issue of a Construction Certificate
- a road occupancy license should be obtained for any works that may impact traffic on RHRS
- all construction vehicles are to be contained wholly within the site
- the layout of car parking areas should be in accordance with the relevant Australia Standard
- the swept path of the longest vehicle entering the site shall be in accordance with AUSTROADS.

Transport for NSW (TfNSW)

TfNSW reviewed the revised design and noted no further comments are provided.

Environment, Energy and Science (EES) Group

EES advised it has no comments on the amended application.

Rural Fire Service (RFS)

RFS reviewed the applications and raises no objection subject to its previous advice sent in letter dated 11 March 2019.

5.7 Key issues – Council (amended applications)

- 5.7.1 Council reviewed the amended applications and advise it maintains its objection to the proposals, with the following concerns raised:
 - the Applicant’s economic assessment does not adequately address possible impact on nearby centres. In particular, Council is concerned that the proposal may impact on the potential for growth of existing underdeveloped centres, including Rooty Hill and Doonside
 - the economic assessment continues to refer to the Minchin Drive Centre, which was rezoned to R2 under Blacktown LEP 2015
 - amended drainage plans and modelling are required.

5.8 Further Response to Submissions (amended applications)

- 5.8.1 Following the re-exhibition of the application the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions and provide further detail about potential growth of nearby retail centres, the proposed staging of SSD 8858, loading details for buildings 2 & 3 and additional justification for signage.
- 5.8.2 On 9 January 2020, the Applicant provided a further RtS for the amended applications, which contained updated documents and design amendments including:
- building envelope changes to Building 1 and 2 resulting in an additional 40 m² of GFA across the site (with Building 1 increasing by 140 m² and Building 2 decreasing by 100 m²)
 - updated civil levels to facilitate a single finished floor level and reduce overall cut/ fill requirements
 - details on loading facilities for Buildings 2 and 3
 - reduction in the amount of road facing signage
 - identification of two stages for SSD 8858
 - updated civil engineering drawings and stormwater report.
- 5.8.3 The further RtS was made publicly available on the Department's website and referred to Council for comment (14 days).
- 5.8.4 Council reviewed the further RtS and maintains its objection. Council is concerned about the extent of impacts to existing centres and the estimated time to return to existing trading levels before the centres can experience any level of growth. Further, Council identifies the risk that once trade is lost consumers may move away permanently. In this regard, Council does not consider any loss of trading to existing centres to be acceptable.

5.9 Additional Information

- 5.9.1 The Department requested the Applicant provide further information about the economic impacts of the proposal on the existing retail centre at Evans Road Rooty Hill and clarify the impacts on existing specialised retail centres.
- 5.9.2 On 5 March 2002, the Applicant provided a supplementary economic assessment advising that:
- the impact on the Evans Road shopping centre is not considered significant as a 10.2% loss in trade is within a reasonable competitive range. An impact greater than 15% is considered significant. Given growth in the area it is estimated Evans Road would return to 2018 trading levels by 2023
 - impacts to nearby existing specialised retail centres has reduced as the amount of specialised retail has reduced due to the addition of vehicle repair station (tyre centre)
 - there is approximately 150,000 m² of competing specialised retail in the wider trade area and as the proposal provides less than 9,000 m², the expected average impact is below 5% loss in trade.
- 5.9.3 The additional information was made publicly available on the Department's website.

5.10 Further Additional Information

5.10.1 On 8 April 2020, the Applicant submitted additional information including an amended site plan and elevations plans for Lot 1 (SSD 8858) with the following changes:

- relocate back of house/ loading zone to south side of Major 1 tenancy with associated changes to location of roller door and awning (Building 1)
- an external bin enclosure with architectural screening on the south east of Building 1
- a maintenance shed on the north elevation of Building 1
- amend loading dock awnings (east elevation of Building 1) to be located above each tenancy loading area
- relocate two trolley bays and motorcycle parking bays in the carpark (no change to parking numbers)
- relocation of a footpath and one car parking space
- provide rainwater tanks for each building as follows:
 - Building 1: 36,000 L (2 x 18,000 L tanks)
 - Building 2: 5,000 L
 - Building 3: 7,000 L
- Allow loading and deliveries for Building 1 between 7am to 10 pm (from 7:00 am to 8:30 am and 5:00 pm to 10:00pm) and an updated operational plan of management
- Reduce the proposed hours of operation by one hour in the evening, to 7 am to 10 pm.

5.10.2 The amended information was made publicly available on the Department's website.

6 Assessment

6.1.1 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 (SSD 5175 MOD 5)

- economic impacts
- specialised retail premises
- built form changes.

SSD 8858

- consistency with Concept Approval
- built form and design
- signage.

6.1.2 Each issue is discussed in the following sections of this report. Other issues relating to the applications were taken into consideration during the assessment and are discussed at **Section 6.9**.

6.2 Modification to the Concept Approval

6.3 Economic impact

6.3.1 The economic impact of the Eastern Creek Business Hub (ECBH) was a key consideration in the Department's original assessment of the concept plan. The Department commissioned independent economic analysis which indicated there would be initial retail trading impacts to existing local centres, which due to population growth and retail expenditure would lessen over time. The economic impact on nearby retail centres was below 10% and were considered acceptable.

6.3.2 The Applicant has provided an updated Economic Impact Assessment (EIA) providing an assessment of the impact of the proposed 600 m² increase in convenience retail floor space on nearby retail centres (**Table 8**). The assessment shows:

- the impacts on existing specialised retail centres at Minchinbury, Prospect and Seven Hills are 5.2% or less
- the greatest impact will be on smaller surrounding centres in proximity to the subject site, such as Evans Road (10.2%) and Rooty Hill (8.8%), however these impacts are largely from the convenience retail centre approved on Lot 2 (SSD 8588).

Table 8 | Impacts to existing retail centres

% shift in turnover			
Retail centre	Original forecast (2016) SSD 5175	Modified forecast (2020) SSD 5175 MOD 3	Proposed forecast (2021) SSD 5175 MOD 5
CONVENIENCE RETAIL IMPACTS			
Rainbow Shopping Centre Doonside	-9.5	-7.1	-7.2
Mytle Street Prospect	-8.3	-5.6	-5.7
Holbeche Road Arndell Park	-6.6	-5.4	-5.6
Rooty Hill Village centre	-7.3	-8.1	-8.8
Evans Road Rooty Hill	-8.0	-8.9	-10.2
SPECIALISED RETAIL IMPACTS			
Prospect Housemaker	-7.8	- *	-4.4
Minchinbury Bulky Goods	-8.7	- *	-5.2
Seven Hills Bulky Goods	-5	- *	-2.7

** MOD 3 did not involve any changes to the approved specialised retail floor space and therefore impacts to existing specialised retail centres were not re-assessed.*

- 6.3.3 Council has raised strong concerns about the impact of the proposal on existing centres and considers any loss of trade to existing centres is unacceptable. Council is concerned about the extent of retail impacts, the time it would take for existing centres to recover and grow again and the impact of the proposal on nearby underdeveloped centres, including Rooty Hill and Doonside.
- 6.3.4 In response, the Applicant submitted an updated Economic Analysis providing further assessment of the growth over time of Doonside and Rooty Hill retail centres, concluding both centres would experience initial loss in trade but would return to current trading levels in 3 to 4 years.
- 6.3.5 The Department has carefully considered the Applicant's economic analysis as well as Council's concerns about the extent of impacts to other centres in the Blacktown LGA.
- 6.3.6 The Department is of the view that the proposed increase in retail floor space is appropriate for the site because:
- the 600 m² of increase in retail floorspace is minor in the context of the 400,000 m² of retail floorspace available in existing centres in the locality representing:
 - only a 6% increase above the total convenience retail floorspace in the Concept Approval, as modified (10,154 m²)
 - only 1% of the approved retail floor space across the business hub (54,154 m²)
 - in terms of cumulative impacts, the proposed increase represents a 13% increase in convenience retail, however taking into account the proposed transfer of up to 3,400 m² of

specialised retail floor space for use as an indoor recreation facility and vehicle repair station, the overall retail floor space could be up to 5% lower than the original approval.

6.3.7 Further, the Department considers the proposed increase in retail floor space would have acceptable impacts on surrounding centres as:

- the trading impacts to nearby retail centres are only slightly greater than the impacts created by the approved retail centre on Lot 2, in particular:
 - 1.3% worse at the closest centre (Evans Road)
 - 0.1-0.7% worse at all other centres
- the trading impacts are less than 10% to all centres, except Evans Road (10.2%), which marginally exceeds 10%, and overall are considered moderate and acceptable impacts
- all other centres (not listed in **Table 8**) will experience less trading impacts and continue to grow in trade from 2018 to 2021, due to population growth and affluence
- specialised retail impacts on nearby homemaker centres are 2.3 – 3.5% lower than forecast in the original approval
- by 2023 every centre will enjoy some level of trade above the 2018 levels due to strong population growth in Blacktown LGA
- the proposal does not affect the potential for expansion of existing centres, including Rooty Hill and Doonside. Both centres have the space to expand, and a growing population would provide further demand for these centres to expand
- the nature of the proposed uses on Lot 2 (a café and a future development site for a restaurant) are complementary and ancillary to the use of the site for specialised retail and is unlikely to redirect turnover so significantly to affect the viability of other centres.

6.3.8 In this context, the Department concludes that the proposed additional retail GFA represents a minor 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.

Proposed additional uses

6.3.9 The Department has also considered the economic impact of the indoor recreation facility and vehicle repair station uses, which are proposed as additional land uses ancillary to, and to complement, the primary specialised retail use.

Indoor recreation facility

6.3.10 The Department notes the Blacktown Council Recreation and Open Space Strategy (2017) sets out the future provision of recreation and open space in Blacktown to meet the needs of the growing population, including providing indoor sport and recreation facilities for the community. There are currently five indoor recreation facilities in the Blacktown LGA, as well as numerous gymnasium and fitness facilities.

6.3.11 The Applicant estimates that a further 20,000 m² to 25,000 m² of indoor recreation space will be required to cater for the existing and growing population over the next 20 years. On this basis, the Department does not anticipate any adverse economic impacts arising from the proposed 3,000 m² indoor recreation space, given population growth and the current need in the local area.

Vehicle repair station

- 6.3.12 The proposed vehicle repair station use permits the carrying out of repairs to or selling and fitting accessories to vehicles or agricultural machinery but is not a vehicle body repair workshop (panel beater) or vehicle sale or hire premises. The Applicant envisages a tyre service centre could be provided, which are commonly found at specialised retail centres.
- 6.3.13 The Department notes the specialised retail premises land use permits the sale of automotive parts and accessories, but it does not permit fitting of accessories. The Applicant advises this results in potential tenants unable to operate from the site despite having a similar business model and target market to specialised retail.
- 6.3.14 The Department considers the vehicle repair station is a complementary use to the specialised retail centre and is unlikely to result in additional economic impacts.
- 6.3.15 The Applicant also seeks to transfer any GFA not utilised by the indoor recreation facility and vehicle repair station back to specialised retail premises, to allow flexibility with leasing and avoid future modification applications. The Department is satisfied with this approach as:
- the two uses are ancillary to and support the specialised retail premise main use on the site
 - the overall GFA would remain within the maximum GFA limit for specialised retail
 - the GFA associated with these uses has been derived from within the approved bulky goods (now specialised retail premises) maximum GFA and transferring the GFA back does not intensify the specialised retail use on the site.

6.4 Specialised retail premises

- 6.4.1 The amount and mix of retail floor space was a key issue in the assessment of the original Concept Plan application. The Concept Approval (as modified) allows for a total of 42,800 m² GFA for large format retail and bulky goods comprising:
- a maximum 13,500 m² of large format retail premises, operated by a maximum of two retailers and/or tenants for non-food or beverage purposes (Condition A8)
 - 29,300 m² of bulky goods.
- 6.4.2 On 31 August 2018, the Standard Instrument Local Environment Plan definitions were updated and 'bulky goods' was replaced with a new 'specialised retail premises' definition. The new term was introduced to reflect changing business models in the large format retail industry, including the development of homemaker centres, which may sell non-bulky items but require a large area for handling, display or storage or direct vehicular access to loading/ unloading goods into their vehicles.
- 6.4.3 The standard instrument defines 'specialised retail premises' as:

specialised retail premises means a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires:

- (a) a large area for handling, display or storage, or
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to those goods being sold, hired or displayed.

Note. Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

Specialised retail premises are a type of retail premises—see the definition of that term in this Dictionary.

- 6.4.4 The Applicant seeks to update the land use terminology in the Concept Approval to use the definition of specialised retail premises to replace the previously approved 'bulky goods' and 'large format retail' premises. The Applicant also seeks to delete Condition A8 which placed limits on the use of the large format retailers.
- 6.4.5 The Department notes that there is no longer any distinction between bulky goods and large format retail premises and is satisfied the previously approved 'bulky goods' and 'large format retail' fit within the definition of specialised retail uses. The Department agrees that Condition A8 is now redundant as no sale of food and beverage is permitted within specialised retail premises (unless ancillary to the goods being sold, hired or displayed), which achieves the intent of Condition A8 to limit impacts on existing centres.
- 6.4.6 The Department notes that updating the land use terminology will not alter the total amount of bulky goods and large format retail permitted across the ECBH. Further, the Department is satisfied the proposed change is unlikely to result in any adverse economic impacts noting there is no longer any distinction between bulky goods and large format retail.
- 6.4.7 On this basis, the Department concludes the proposed change to the Concept Approval is consistent with the intent of the approval and will not result in any additional impacts

6.5 Building envelopes

- 6.5.1 The proposed modification seeks to reconfigure two building envelopes on Lot 1 into three specialised retail buildings and one future development site (**Figure 11**).
- 6.5.2 The Applicant advises the revised site layout is sought due to changes in market conditions which no longer support a single major retailer at the site and to provide flexibility, support the leasing potential of the development and the overall success of the centre. To support the revised built form the Applicant has provided an Architectural Design Statement, Urban Design Rationale Study and Visual Impact Assessment.



Figure 11 | Approved concept plan for Lot 1 (left) and proposed (right)

6.5.3 The Department has considered the revised building envelopes and considers the layout is appropriate as:

- it maintains the approved building height, landscape and building setbacks to RHRS and the internal road
- it provides three buildings with smaller floor plates than originally approved, providing an improved transition and less visual impact to surrounding properties as:
 - the largest building, Building 1, is setback further from RHRS and neighbouring residential properties
 - the smaller scale of Buildings 2 and 3 will be significantly less dominant than the approved building envelope viewed from RHRS and neighbouring residential properties
- it provides a landscaped setting, with tree planting throughout the carpark and landscaped setbacks to RHRS, the Great Western Highway and the internal access road
- a high level of design quality is achieved through the Design Guidelines (**Appendix D**).

6.6 State significant development application for Lot 1

Consistency with the Concept Approval

6.6.1 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 retail business hub.

6.6.2 The Department has assessed the SSD application for Lot 1 against the requirements in the Concept Approval (as recommended to be modified) in **Appendix C**.

6.6.3 In summary, the Department is satisfied the proposal is consistent with the Concept Approval in that:

- it is for specialised retail premises and supporting ancillary uses

- the built form is generally consistent with the indicative building envelopes and setbacks, as recommended to be modified
- the landscape plan 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.

6.7 Built form and design

6.7.1 The Department has considered the proposal against the Design Guidelines (**Appendix D**) and considers it is consistent with the primary built form guidance including indicative building envelopes, building height, setbacks and site coverage. The Department considers the detailed design provides an appropriate architectural response for the site because:

- the building locations break up the built form across the site and will support a combination of specialised retail premises
- all buildings are setback at least 20 m from RHRS and the Great Western Highway, 10 m from the internal access road and 5 m for the rear internal property boundary, exceeding the minimum building setbacks in the design guidelines
- the building facades are predominately earth colour tones to blend in with the surrounds with varied materials and finishes to provide visual interest including (**Figure 13**):
 - timber vertical feature detail at prominent corners to highlight landscape surrounds
 - green walls, creating layers of texture and continue the landscaped surrounds into the built form
 - continuation of the feature wall pattern from Lot 2 on key corners of the buildings, tying the ECBH together
 - tenant signage integrated into the building facades.
- a landscaped setback of between 5 m and 20 m is provided around the site providing a landscaped setting and reducing the visual impact of the buildings from neighbouring properties and the public domain
- the car park is integrated with landscaping to provide shade relief and visual amenity, while planting in the carpark allows the buildings to be seen but not stand out (**Figure 14**)
- a pedestrian bridge is provided providing pedestrian access to the internal access road and Lot 2
- some social spaces are provided including a café, small display areas and pockets of green space as rest points to provide amenity for future users
- the Building 1 loading area is located to the rear of the building to reduce visual and acoustic impacts.

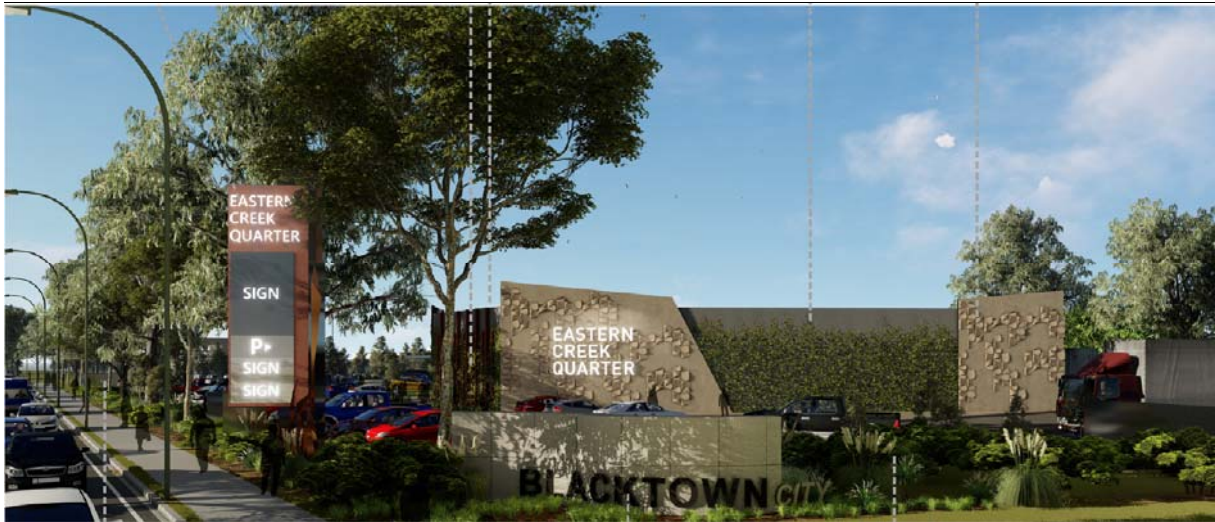


Figure 12 | Proposed Building 1 façade, viewed from Great Western Highway



Figure 13 | Landscaping around the site and carpark, viewed from RHRS

6.8 Signage

6.8.1 The Department has considered the proposed signage (**Section 2**) against the Design Guidelines, which seek to keep advertising signage to a minimum.

Signage zones and signage content

6.8.2 The Department initially raised concern with the amount and size of proposed signage, noting that the private domain signage controls within the Design Guidelines provide a total permissible signage area no greater than 1 m² of advertising per 3 m of street frontage.

6.8.3 In response, the Applicant provided an amended signage strategy which reduced signage across the site, from 350 m² of road facing signage to 227 m², which is consistent with the design guidelines (based on a total road frontage of 750 m).

6.8.4 The Department has reviewed the amended signage strategy and supports the proposed signage zones and detailed signage content (**Figure 15**) for the following reasons:

- it reflects tenants' requirements for a specialised retail centre, allowing each tenant to have one front and rear building sign
- the signage is integrated into the architectural form of the buildings with an appropriate scale for the setting
- the signage will not obscure or obstruct any view
- the illumination is consistent with illumination of signage approved for Lot 2
- many of the signs are inward facing and are not visible from the public domain
- minor directional and wayfinding signage will also be provided in accordance with the design guidelines and exempt development provisions of the Parklands SEPP.

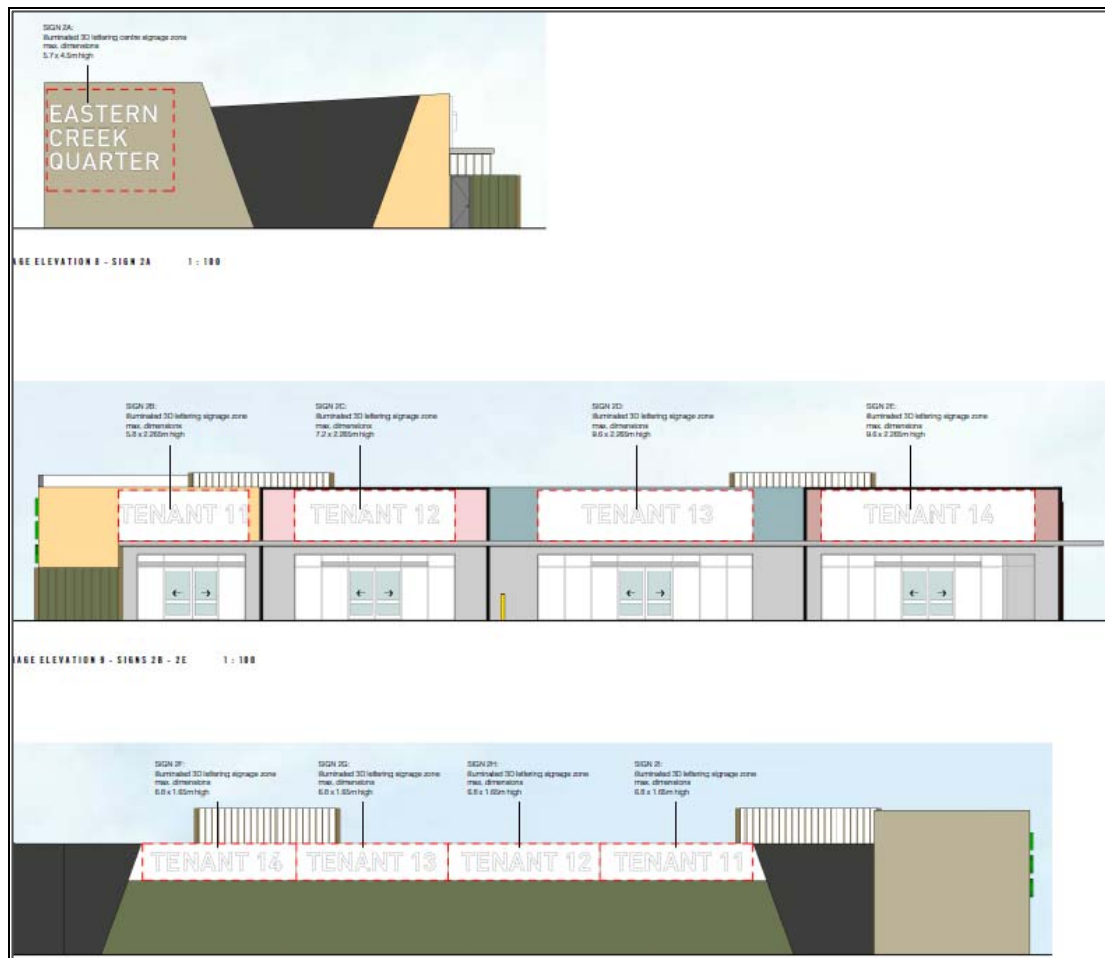


Figure 14 | Proposed site signage and tenant front and rear signage zones, Building 2.

6.8.5 The Department is also satisfied the proposed signage zones are acceptable and consistent with the objectives of State Environmental Planning Policy (SEPP) No.64 – Advertising and Signage. The Department's consideration of the proposal against SEPP 64 is provide in **Appendix B**.

New condition for replacement signage

6.8.6 Business identification signage in Western Sydney Parklands (WSP) requires development consent as the provisions of SEPP 64 (Advertising and Signage) and SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP) do not apply to the WSP and the Western Sydney Design Manual does not cover commercial/ business signage.

6.8.7 The Applicant seeks to add a new condition to allow external business identification signage to be replaced without consent, to facilitate changes to external signage in the future, without the need for a development application. The proposed condition would align with the exempt provisions in the Codes SEPP.

6.8.8 The Department supports the proposed condition as it:

- is consistent with State government policy for replacing external business identification signs
- will remove the need for minor signage development applications in the future when tenancies change
- there will be no additional impact beyond what has already been assessed and considered
- does not permit any new external signage to be installed without development consent
- is consistent with the condition on SSD 8588 which allows replacement signage without consent for the retail centre on Lot 2.

6.9 Other issues

Issue	Findings	Recommend Condition
Hours of operation	<ul style="list-style-type: none"> • The proposal seeks the following hours of operation: <ul style="list-style-type: none"> ○ specialised retail premises, indoor recreation facility and vehicle repair station - 7 am to 10 pm, seven days a week ○ café – 6.30 am to 6.30 pm, seven days a week. • The Department notes the proposed trading hours of 7 am to 10 pm are quite broad, however the site includes a variety of uses with different operating requirements. This includes standard business hours for the specialised retail uses and vehicle repair (with earlier start time) while the indoor recreation use could include a children’s play centre, a swim school or a gym, with a variety of hours needed. • The Department notes the site is located away from sensitive land uses and considers the potential operation of buildings on the site to 10 pm is unlikely to have adverse impacts as: <ul style="list-style-type: none"> ○ the buildings are setback at least 20 m from RHRS ○ RHRS is a major arterial road with regular traffic movements, such that additional traffic movements are unlikely to be noticeable and cause adverse amenity impacts ○ to the east and south are also busy roads (Great Western Highway and M7) ○ immediately opposite the site is the Eastern Creek Primary school and a Rural Fire Service building, primarily used during the day ○ the closest residential properties are located near Cable Place, to the north west of the site. • Further, all uses are contained within buildings and the Applicant’s Noise and Vibration assessment demonstrates that noise from the car park and loading/unloading does not have 	<p>The Department recommends a condition restricting the hours of operation.</p> <p>The Department also recommends a condition that the operation of the centre not give rise to transmission of offensive noise.</p>

adverse impacts on the neighbouring residential properties or the Eastern Creek Primary school

- The Department therefore concludes the proposed operating hours of 7 am to 10 pm are appropriate for the site given the absence of any adverse noise impacts, the separation of the site from uses across RHRS and the character of the area, being located adjacent to a busy road.

Traffic impacts

- The applications include a Transport Assessment that analyses the traffic impacts of the specialised retail centre on Lot 1. The Assessment demonstrates that:
 - the proposed specialised retail centre (including indoor recreation facility, tyre service centre and café) on Lot 1 will generate 270 vehicles per hour two way in the weekday afternoon, which is less than the traffic generation anticipated in the original assessment of the concept plan (380 vehicles per hour in the afternoon peak)
 - road works to support the development of the ECBH (new internal access road, signalised intersection at Cable Place, upgrade to Great Western Highway/ RHRS/ Wallgrove Road) have recently been completed as part of the Lot 2 works
 - the surrounding intersections and roundabout on the internal access road operate at a good level of service with Lot 1 and 2 traffic in place.
- The Department also notes Council and TfNSW (RMS) raised no concerns with the additional traffic generated by the proposal on the surrounding road network.
- The Department is satisfied the existing road network can accommodate traffic generated by the proposed development.

The conditions recommended by TfNSW (RMS) are included in the consent.

Car parking

- The site provides at grade car parking accessed from the roundabout on the internal access road.
- The Design Guidelines require a minimum of 276 car spaces. The development complies, providing 355 car spaces, including 11 accessible spaces.
- The Design Guidelines also specify that a dedicated area for bicycle parking is to be provided within the car park and shall include bicycle racks or similar. The proposal provides 30 bicycle spaces for customers and staff located near the buildings which is considered appropriate given the nature of the retail use which generally requires private vehicle use to transport items. In addition, 18 motorbike spaces are provided to provide additional transport options.
- The Department is satisfied the vehicle and pedestrian access is suitable for the site as:
 - it has been designed in accordance with the relevant Australian Standards
 - pedestrian access to the site is from the signalised intersection at RHRS/ Cable Place/ internal access road

The Department recommends standard conditions in relation to the provision and design of all car parking, motorcycle and bicycle parking spaces.

- and pedestrian paving and a footbridge provide access over the drainage channel into the site
- pedestrian marking will provide access and navigation through the car park to each building.

Loading

- The site loading facilities are accessed from the internal access road, including:
 - a dedicated loading area for Building 1, located on the eastern side of the building, separated from the residential uses along RHRS, with two-way access for large trucks with adequate manoeuvring space
 - smaller service vehicles will access Building 2, 3 and the future development site via the carpark using individual loading areas with adequate manoeuvring space provided.
- Deliveries for Building 2 and 3 are proposed to occur outside of the operating hours of the main centre trading hours but within the overall hours of the centre ie between 7 am and 8:30 am or 5 pm to 10 pm
- For Building 1, deliveries are proposed between 7am to 10 pm as a dedicated loading dock is provided. Given the extended hours, a Noise Impact Assessment (NIA) has been undertaken by the Applicant. The NIA considered the potential noise impacts of the proposal against the requirements of the EPA Noise Policy for Industry. The NIA concludes noise emissions would comply with the relevant noise criteria between 7 am and 10 pm.
- The Department is satisfied with deliveries occurring between 7 am and 10 pm for Building 1 as:
 - the building will screen noise from loading dock activities
 - noise from heavy vehicles complies with the relevant criteria
 - no loading or unloading would take place during the more sensitive night time period between 10 pm and 7 am
 - management and physical controls recommended in the NIA will be implemented including installation of rubber buffers, vehicle engines to be switched off during loading/unloading and a noise assessment of plant and equipment associated with the loading dock to be undertaken.
- The Department has recommended conditions to ensure the management and physical controls identified in the NIA are implemented.

The Department recommends conditions limiting loading and deliveries to between 7 am and 10 pm, implementation of management and physical controls for the Building 1 loading dock and the preparation of a Loading Dock Management Plan for the whole site.

Staging

- The Applicant advises the development may be constructed in stages as follows:
 - Stage A: Building 1 and future development site completed late 2020 or early 2021
 - Stage B: Buildings 2 and 3 completed mid to late 2021
- The Department is satisfied with the information provided and notes if staging occurs, the Applicant will provide hoardings

The Department recommends conditions to address the possible staging of the detailed design of SSD 8858.

around Buildings 2 and 3 and prepare a detailed construction management plan.

Stormwater	<ul style="list-style-type: none"> • Council has raised concerns with the stormwater plans submitted by the Applicant and recommended amended plans and modelling. • The Applicant provided amended plans and advised: <ul style="list-style-type: none"> ○ the gross pollutant trap will be replaced by Enviro-pods (for all surface inlet pit and kerb inlet pits) or approved equivalent ○ 30,000L rainwater tanks will be provided across Buildings 1, 2 and 3, with roof catchment to be confirmed at detailed design stage with Council • The Department is satisfied that stormwater volume and quality can be appropriately managed on the site to an acceptable standard. However, to ensure the civil works have been designed in accordance with Council's Engineering Guidelines, the Department recommends conditions of consent requiring amended stormwater plans to be submitted to and approved by Council prior to construction commencing. 	<p>The Department recommends a condition that amended stormwater plans be submitted to and approved by Council prior to issue of a Construction Certificate.</p>
Waste	<ul style="list-style-type: none"> • A Waste Management Plan has been provided which details that waste will be collected directly from individual tenancies by a private waste contractor. • The waste management report includes measures to ensure waste management maintains the local amenity and environment including noise reduction measures, design and operation of bin storage rooms and stakeholder engagement and education. • The Department has recommended conditions requiring compliance with Council's waste requirements to ensure that waste will be managed appropriately on the site. 	<p>The Department has recommended conditions to require waste management in accordance with relevant requirements of Part G Site Waste Management and Minimisation, City of Blacktown Development Control Plan 2005.</p>
Construction impacts	<ul style="list-style-type: none"> • The RtS includes an updated Preliminary Construction Management Plan (CMP). The key aspects of the CMP include: <ul style="list-style-type: none"> ○ Construction hours 7 am to 6 pm (Monday to Friday) and 8 am to 1 pm (Saturday), with no work Sunday and public holidays ○ Preparation of a Noise & Vibration Management Plan (NVMP) and a Construction, Pedestrian & Traffic Management Plan (CPTMP) ○ Management of dust to protect the amenity of the neighbourhood and erosion and sediment controls to prevent soil leaving the site. • The updated Acoustic and Vibration assessment report advises the proposal can achieve the relevant noise and vibration criteria for construction. • The Department is satisfied construction impacts are acceptable as they would be temporary in nature and can be 	<p>The Department has recommended conditions requiring a detailed CMP (including a NVMP and a CPTMP).</p>

appropriately mitigated and managed subject to a condition requiring a detailed CMP to be provided prior to construction commencing

Bushfire	<ul style="list-style-type: none">• The Applicant submitted a bushfire risk assessment as the site is located near the Western Sydney Parklands and near bushfire prone land.• The report recommends a 15 m Asset Protection Zone at the north east corner of the site from existing woodland and the Department notes the proposed buildings on Lot 1 are located outside this area.• RFS reviewed the amended proposal and raised no issues and have granted a Bush Fire Safety Authority subject to recommended conditions.• The Department is therefore satisfied the proposal has satisfactorily addressed bushfire risk and has included the conditions recommended by the RFS.	The Department has included the conditions recommended by the RFS.
Contamination	<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.	The Department considers no additional conditions or amendments are necessary.

7 Evaluation

- 7.1.1 The Department has assessed the merits of the proposal, in consideration with the submissions received from Government agencies and Council.
- 7.1.2 The proposed development is consistent with the objects of the EP&A Act and the State's strategic planning objectives for the site as set out in the Greater Sydney Region Plan and Central City District Plan, as it will support growth in jobs close to existing residential areas, increased business activity and provide a source of funding for the Western Sydney Parklands.
- 7.1.3 The Department has considered the economic impacts of the proposal and considers the additional retail GFA is minor, comprising 6% of retail floor space in Lot 1 and 1% of retail floorspace approved at the ECBH. The additional retail GFA on Lot 1 will comprise a café and future development site for a restaurant, which are ancillary uses to the specialised retail centre and unlikely to compete with existing retail centres nearby. The impacts to nearby centres, at its worst, is marginally greater than 10% which the Department considers to be within acceptable limits, noting all centres will enjoy growth in trade by 2023.
- 7.1.4 The Department considers the proposal is consistent with the Design Guidelines (as concurrently proposed to be amended) and provides for building envelopes and built form with a high level of design quality. Architectural detailing to building elevations is provided to reduce the bulk and scale of the buildings. The landscaped setbacks and carpark landscaping soften the built form and create visual interest at the interface with the public domain.
- 7.1.5 The proposed signage is consistent with a specialised retail centre and responds to tenant needs while also being sensitive to residential properties across RHRS.
- 7.1.6 The Department is satisfied the recommended conditions will adequately mitigate any environmental impacts of the proposed development.
- 7.1.7 The Department concludes the application is in the public interest and is approvable, subject to conditions. This assessment report is presented to the Commission for determination.



Anthony Witherdin
Director
Key Sites Assessments



Anthea Sargeant
Executive Director
Regions, Industry and Key Sites

8/5/2020

Appendices

Appendix A – List of referenced documents

The following supporting documents and supporting information to this assessment report can be found on the Major Projects website as follows:

- SSD 5175, being the development consent for the Eastern Creek Business Hub Staged Development, granted by the Minister for Planning, on 7 January 2015, together with submissions, Applicant's response to submissions and the Department's assessment report.
- Associated modifications (SSD 5175 MOD 1, MOD 2, MOD 3, MOD 4, MOD 6 and MOD 8)
- Environmental Impact Statement SSD 8858, prepared by Ethos Urban, dated 1 November 2018
- Statement of Environmental Effects SSD 5175 MOD 5, prepared by Ethos Urban, dated 10 October 2018
- Response to Submissions report for SSD 5175 MOD 5 and SSD 8858, prepared by Ethos Urban, dated 10 October 2019
- Additional Information, prepared by Ethos Urban, dated 9 January 2020, 13 February 2020 and 8 April 2020
- Additional Information, prepared by Hill PDA, dated 5 March 2020
- Submissions
- SSD 5175 MOD 5: <https://www.planningportal.nsw.gov.au/major-projects/project/10946>
- SSD 8858: <https://www.planningportal.nsw.gov.au/major-projects/project/10076>

Appendix B – Consideration of Environmental Planning Instruments

In line with the requirements of section 4.15 of the EP&A Act, the Department's assessment of the proposed specialised retail centre on Lot 1 has considered a number of statutory requirements. These include:

- the objects found in section 1.3 of the EP&A Act
- the matters listed under section 4.15(1) of the EP&A Act, including applicable environmental planning instruments and regulations.

The Department has considered these matters in its assessment of the project in **Tables 1** and **2** below.

Table 1 | Response to the objects of the EP&A Act

Objects of the EP&A Act	Consideration
<p>a) 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</p>	<p>The proposal protects the natural environment by providing a sustainable source of funding for the Parklands and managing environmental impacts of the project. The proposal does not affect existing vegetation to be retained under the Concept Approval.</p>
<p>b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment</p>	<p>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 generally 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.</p> <p>In particular, the proposal includes measures to deliver ESD including:</p> <ul style="list-style-type: none"> • targeting a Green Building Council of Australia 5 star Green Star rating (Design and As-built v1.2) • passive design solutions including facade optimisation with good daylighting, glare control and appropriate shading to reduce energy consumption • use of LED lighting and automatic sensor controls • consider the use of solar panels • water demand reduction through use of energy efficient fixtures • rainwater collection to provide non-potable water to service toilets and landscape irrigation • use of native plantings for landscaping • use of sustainable products, certified timber and responsible PVC.

c) to promote the orderly and economic use and development of land	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. The proposal continues to the orderly and economic use of 2% of land in the WSP for business hubs.
d) to promote the delivery and maintenance of affordable housing	The proposal is for retail development and is not required to provide affordable housing.
e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	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) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The built and cultural heritage, including potential Aboriginal cultural heritage impacts were addressed as part of the Concept Approval and the proposed specialised retail centre would not give rise to any further impacts in that regard. No issues were raised by EES upon review of the amended application.
g) to promote good design and amenity of the built environment	The proposal has been assessed against the design guidelines in the Concept Approval (as modified by SSD 5175 MOD 5) and is 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 6 .
h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The proposal was accompanied by a Building Code of Australia report, which concludes the development can comply with the requirements of the relevant sections of the Act.
i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department publicly exhibited the proposal, which included consultation with Council and other relevant Government agencies and consideration of their responses (see Section 5).
j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal providing the opportunity for community engagement. In particular, the Department wrote to adjoining landowners, placed a notice in the newspaper and displayed the proposal on the Departments website and at Council's office, as outlined in Section 5 .

Table 2 | Section 4.15 (1) Matters for consideration

Section 4.15(1) matters for consideration	Department's consideration
(a)(i) any environmental planning instrument	The proposed development is permissible under the provisions of the WSP SEPP. The Department's consideration of other relevant EPIs is provided below.
(a)(ii) any proposed instrument	See below.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans (DCPs) do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The applications satisfactorily meet the relevant requirements of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), including the procedures relating to applications (Part 6), public participation 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 including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The Department has considered the likely impacts of the proposed development are acceptable and/or have been appropriately managed by recommended conditions of consent (refer to Section 6).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in Sections 4 and 6 of this report.
(d) any submissions	The Department has considered the submissions received during the exhibition period (refer to Sections 5 and 6 of this report).
(e) the public interest	The Department considers the proposal is in the public interest (refer to Section 6 of this report).

Environmental Planning Instruments

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

The aims of the SRD SEPP are to identify SSD, State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications. The proposal is SSD as summarised at **Table 1**.

Table 1 | Department's consideration of the relevant sections of the SRD SEPP

Relevant sections	Department's consideration	Compliance
8 Declaration of State significant development: section 4.36	The proposed development is permissible with development	Yes

(1) Development is declared to be State significant development for the purposes of the Act if:	consent. The site is located at the Western Sydney Parklands, which is identified as a SSD site under clause 5 of Schedule 2 of the SRD SEPP.	
(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		
(b) the development is specified in Schedule 1 or 2.		
Schedule 2 State significant development — general (Clause 8 (1))	The proposed development (SSD 8858) has a capital investment value of more than \$10 million (\$20,336,272) and is within the identified Western Sydney Parklands.	Yes
5 Development in Western Parklands		
Development that has a capital investment value of more than \$10 million on land identified as being within the Western Parklands on the Western Sydney Parklands Map within the meaning of the SEPP (western Sydney Parklands) 2009		

State Environmental Planning Policy (Western Sydney Parklands) 2009

The principal aim of the Western Sydney Parklands (WSP) SEPP is to put into place planning controls that will enable the WSP Trust 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 in **Table 2** as follows:

Table 2 | Department’s consideration of the relevant sections of the WSP SEPP

Matters for consideration - clause 12	Department’s consideration
In determining a development application for development on land in the Western Parklands, the consent authority must consider such of the following matters as are relevant to the development:	The proposal is consistent with the relevant aims of the policy as it will facilitate the creation of the Eastern Creek Business Hub, as identified in the WSP Plan of Management (POM) 2030. The proposal will achieve the objective of the POM by creating a sustainable revenue base to fund long term maintenance and development within the Parklands and its ongoing recreational, environmental and community programs.
(a) the aim of this Policy, as set out in clause 2	
(b) the impact on drinking water catchments and associated infrastructure	The proposed stormwater management system has been designed to integrate with the stormwater management plan approved under SSD 5175 and as modified under MOD 4 and to improve water quality from stormwater discharged from the site.

(c) the impact on utility services and easements	The gas pipeline in residual land to the east which remains undeveloped will not be affected by the proposed specialised retail centre in Lot 1. Sydney Water has advised adequate capacity is available to service the proposal.
(d) the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities	The proposed development will be contained wholly within proposed Lot 1. 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.
(e) the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland	The proposed development within Lot 1 will not affect the conservation area created (under the approved concept plan) on the eastern portion of the site, linked with vegetation to the north within Morreau Reserve and The Rooty Hill.
(f) the impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use	The proposed development is confined to Lot 1 and will not have any impact on circulation or access to the Parklands. The revenue generated by the proposed development will facilitate the improvement of the recreational programs and activities in the Parklands.
(g) the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney	The site is part of the Rooty Hill Precinct in the northern section of the Parklands. The Rooty Hill precinct is the only northern precinct of the Parklands which is located on the western side of the M7 motorway and is therefore isolated from the remainder of the Parklands.
(h) the impact on public access to the Western Parklands	The proposed development will not reduce public access to the Parklands.
(i) consistency with: (i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006 , or (ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part	The proposed development is consistent with the WSP POM 2030, which identifies nine business hubs for commercial development within the Parklands. The site is located within the Rooty Hill Precinct. The proposal is consistent with the precinct plan as it will not affect the significance or prominence of Rooty Hill, its sporting facilities and bushland areas given it is located on the lower southern area of the precinct.
(j) the impact on surrounding residential amenity	The impacts in relation to residential amenity have been addressed (refer Section 6) and the proposed development is considered acceptable subject to recommended conditions.
(k) the impact on significant views	The proposed development will not impact any significant views.
(l) the effect on drainage patterns, ground water, flood patterns and wetland viability	The Concept Approval (SSD 5175) included a water cycle management strategy which detailed proposed drainage measures. The

	proposal is consistent with this strategy and the proposal is not expected to impact groundwater due to minimal excavation.
(m) the impact on items	The site is not within the curtilage of any State Heritage Register items or historic archaeology. Aboriginal cultural heritage has been addressed in the assessment and found to be acceptable.
(n) the impact on traffic and parking	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 types of infrastructure development, and providing for consultation with relevant Government agencies about certain development during the assessment process.

The development has a frontage to a classified road and therefore is subject to assessment under clause 101 of the ISEPP. The proposed vehicle access to the site utilises the existing internal access road off Rooty Hill Road South and the safety, efficiency and ongoing operation of the classified road is considered appropriate within the context of the site. The Department also considers the proposed development is of a type that is not sensitive to traffic noise or vehicle emissions.

The development is a traffic generating development in accordance with clause 104 of the ISEPP as it will involve commercial premises with a size greater than 10,000 m² with access to a classified road. The ISEPP requires traffic generating development to be referred to RMS for comment.

The proposal was referred to RMS and their comments are summarised in **Section 5** of this report. The RMS support the proposal subject to recommended conditions of consent including a Construction Traffic Management Plan. The Department considers the proposal to be consistent with the ISEPP subject to conditions.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to promote the remediation of contaminated land to prevent the risk of harm to human health and the environment. SEPP 55 requires the consent authority to consider whether the land is contaminated, and if so, whether the land is suitable for the purpose for the proposed development.

The original concept plan approval considered site contamination and included the preparation of a Concept Remediation Action Plan (RAP) and an early works RAP. These reports demonstrated the land could be made suitable for the development and included a strategy to remediate areas of the site.

The EIS includes a Site Audit Statement advising remediation works in accordance with the RAP have been completed and the site is suitable for the proposed uses. The Department is satisfied the proposal has addressed the contamination requirements under SEPP 55.

Draft Remediation of Land State Environmental Planning Policy (Draft Remediation of Land SEPP)

The Explanation of Intended Effect for a new Remediation of Land SEPP was exhibited until April 2018. The Remediation of Land SEPP proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works. As the proposal has addressed the contamination requirements under SEPP 55, the Department considers it would be consistent with the intended effect of the Remediation of Land SEPP.

State Environmental Planning Policy No. 64 – Advertising and Signage

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 the specialised retail centre. The signage zones include tenant signage, Eastern Creek Quarter signage, a pylon sign and monument sign and all are proposed to be illuminated. The proposed signage include:

- Building 1 – 23 x tenant signs on the eastern and western facades and one café tenant sign on western façade
- Building 2 – 8 x tenant signs on the eastern and western facades
- Building 3 – 12 x tenant signs on the eastern and western facades
- Eastern Creek Quarter signage on the south façade of Building 1, north façade building 2 and south facade of Building 3
- 1 x monument sign, 6m x 2m at the corner of RHRS and the internal access road
- 1 x pylon sign, 10 m x 2.5 m at the corner of RHRS and the Great Western Highway.

Although clause 6 of the WSP SEPP turns off the provisions of SEPP 64, the design criteria of Schedule 1 have been used to inform a merit assessment of the proposed signage (**Table 3**).

Table 3 | Department's consideration of Schedule 1, SEPP 64

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 specialised retail character of the site in a parkland setting, but also surrounded by large roads. The signage will be integrated with the building design.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no particular theme for outdoor advertising in the locality, the proposed signage is consistent with Lot 2 and typical of a specialised retail centre.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any	The site is located in the Parklands and is adjacent to residential areas. The proposed signage would not detract from the visual quality of the area as only one pylon and	Yes

environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	monument sign are proposed, and other signs are integrated into the building design.	
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 and monument signs 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?	As the site is located within the Parklands, the proposal does not impact on any 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 proposed signage zones scale and proportion are appropriate in terms of the building design and the extensive site frontage along Rooty Hill Road South.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The various sizes and locations of the proposed signage zones on the building provide visual interest and are integrated with the building design.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage relates to a new specialised retail centre,	Yes
Does the proposal screen unsightliness?	There is no unsightliness to be screened.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above the building, structure or tree canopies. The pylon sign has a maximum height of 10m which is consistent with the Design Guidelines.	Yes
Does the proposal require ongoing vegetation management?	The proposed signage will not require ongoing 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 is generally of a scale and proportion consistent with the overall size of the building. The pylon sign identifies the site at the intersection of Rooty Hill Road South and the Great Western Highway.	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 proposal seeks approval for signage zones, which are an effective form of site identification integrated with the building facades.	Yes
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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?	Illumination is sought for all signage zones and lighting devices will be concealed within the signage structure.	Yes
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7 Illumination

Would illumination result in unacceptable glare?	The cumulative impact of glare to the surrounding area would be limited given the majority of signage is integrated within the building design and faces the M7, north and south.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	Signage facing east is well setback from Rooty Hill Road South and away from neighbouring residential areas.	
Would illumination detract from the amenity of any residence or other form of accommodation?	The intensity of illumination can be adjusted. A curfew to midnight is proposed given the sites context adjacent to a residential area and within the Parklands.	
Can the intensity of the illumination be adjusted, if necessary?		
Is the illumination subject to a curfew?		

8 Safety

Would the proposal reduce safety for any public road?	The proposed signage zones are unlikely to adversely impact safety for road users, pedestrians and cyclists.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage zones are integrated into the building and will contribute to wayfinding in the site and between buildings.	
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?		

Biodiversity Conservation Act 2016

Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act), SSD applications are to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine the proposed development is not likely to have any significant impact on biodiversity values.

The former Office of Environment and Heritage and the Department determined on 30 March 2018 and 1 June 2018, respectively, that a BDAR is not required for the proposal. The proposed works are therefore not likely to have a significant impact on biodiversity values.

Appendix C – Consistency with Concept Approval

Concept Approval	Department's comment
<p>Building Design</p>	
<p>B1. To ensure a high quality urban design and architectural response is achieved, the site layout and architectural design of the ECBH shall have regard to, and be generally consistent with, the Design Guidelines 2 August 2019.</p>	<p>The Applicant's EIS and RTS includes an assessment against the design guidelines as concurrently amended under MOD 5.</p> <p>The key urban design principles in the design guidelines seek to ensure the built form is well articulated and responds to the scale of the locality, there are active frontages within the site, suitable landscaped setbacks at the interface with residential areas and street frontages, high quality public domain and high quality built form.</p> <p>The Department is satisfied the development complies with the design guidelines and achieves an acceptable design outcome appropriate for the site. A full assessment is provided in Appendix D.</p>
<p>B2. Details are to be provided with the development application for the detailed design and construction of the ECBH demonstrating compliance with Condition B1 above, unless it can be satisfactorily demonstrated to the approval authority that a superior built form and/or urban design outcome can be achieved.</p>	<p>The EIS and RTS demonstrate compliance with Condition B1, with a high quality urban design proposed, generally consistent with the Design Guidelines.</p>
<p>B3. Future development applications for the construction of buildings shall include plans, elevations and sections to sufficiently detail the design, including height, setback, gross floor area, modulation and articulation of all buildings.</p>	<p>Architectural plans are included in the EIS and RtS for SSD 8858.</p>
<p>B4. Future development applications for the construction of buildings shall also include photomontages.</p>	<p>Photomontages are included in the EIS and RtS for SSD 8858.</p>
<p>Landscaping</p>	
<p>B5. Future development applications for the construction of buildings shall include detailed landscape plans identifying the vegetation to be removed and the location of any additional landscaping and must be generally in accordance with the landscape and public domain principles and development guidelines in the Design Guidelines prepared by Architectus dated 2 August 2019.</p>	<p>Landscape plans and a tree removal strategy is included in the EIS and RtS. The landscape proposal is generally consistent with the design guidelines.</p>
<p>B6. The detailed landscape plans should include relevant details of the species to be used in the various landscape areas (preferably species indigenous to the area) and other soft and hard landscape treatments, including any pavement areas.</p>	<p>The landscape plans identify tree and plant species to be used.</p>
<p>Traffic, Access and Car Parking</p>	
<p>B7. Future development applications shall be accompanied by a detailed assessment of the traffic, and transport impacts on the surrounding road network and intersection capacity and shall detail provisions demonstrating that sufficient loading/ unloading, access and car parking has been provided having regard to RMS's Guide to Traffic Generating Developments, and details to promote non-car travel modes. The traffic and transport impact assessment shall also have specific regard to the scope and timing of road infrastructure works in the surrounding road network.</p>	<p>The RtS includes an updated Traffic and Parking Assessment to analyse the traffic effects of the specialised retail development on the surrounding road network. The information submitted with the RtS includes details of loading, access and car parking and non- car travel.</p>

<p>B7A The future development application for the development of Lot 2 shall include access to the loading dock via Beggs Road. The Beggs Road access shall:</p> <ul style="list-style-type: none"> a) generally retain the existing road alignment b) be restricted to left in/ left out movement with a concrete median island provided to AUSROADS standards along Rooty Hill Road South between Minchinbury Street and Penfold Street, with all existing lane widths on Rooty Hill Road South are to be retained c) incorporate a 13.5 metre wide carriageway and a 3.5 metre wide footway on the southern side of the road d) provide a turning circle within the 13.5 metre road alignment e) not encroach on, or impact the Shale Plains Woodland on the northern side of the road f) only provide access to the dwelling house fronting the roadway and the Lot 2 loading dock. 	<p>Not applicable as the applications relate to Lot 1.</p>
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<p>B7B Future development applications shall consider pedestrian safety and pedestrian desire lines along Rooty Hill Road South. Where necessary to improve pedestrian safety, a pedestrian fence is to be incorporated along the median of Rooty Hill Road South to prevent pedestrians crossing other than at safe crossing points.</p>	<p>The EIS And RTS includes a Traffic and Parking Assessment that considers pedestrian movements.</p>
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<p>B7C Future development applications for the childcare centre within Lot 2 are to provide designated car parking spaces within the existing carpark adjacent to the child care centre and provided at a rate of 1 space per 6 children and 1 space per employee in accordance with the Design Guidelines.</p> <p><i>Note: The future application may seek that the designated childcare parking be available for general use outside of the operating hours of the child care centre and peak morning afternoon drop off/ pick up periods.</i></p>	<p>Not applicable as the applications relate to Lot 1.</p>
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<p>Operational Noise</p> <p>B8. Future development applications shall include a site specific noise assessment and demonstrate that appropriate acoustic amenity is achieved and include mitigation measures, where necessary.</p>	<p>The EIS and RtS includes a Noise Impact Assessment which concludes the proposal would satisfy relevant noise criteria and appropriate acoustic amenity achieved, subject to mitigation measures.</p>
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<p>Construction</p> <p>B9. Future development applications shall analyse and address the impacts of construction and include:</p> <ul style="list-style-type: none"> a) Construction Transport Management Plan, addressing traffic and transport impacts during construction; b) Noise and Vibration Impact Assessments, addressing noise and vibration impacts during construction; c) Construction Waste Management Plan, addressing waste during construction; d) Air Quality Management Plan, addressing air quality during construction; e) Water Quality Impact Assessment and an erosion and sediment control plan (including water discharge considerations) in accordance with <i>Managing Urban Stormwater, Soils and Construction (Landcom 2005)</i>; and f) Acid Sulphate Soil and Assessment and Management Plan. 	<p>The EIS and RtS includes a preliminary CMP detailing the site construction and environmental management principles for the proposed development including requirement for a Noise and Vibration Management Plan and Construction Traffic and Management Plan to minimise the impacts on the surrounding area during the construction phase.</p>
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g) Salinity Assessment Management Plan.

Contamination	EIS includes a Site Audit Statement confirming the site is suitable for the specialised retail use.
B10. Future development applications for the construction of buildings shall include a Remediation Action Plan addressing the potential contamination of the land including mitigation measures in accordance with <i>State Environmental Planning Policy No.55 – Remediation of Land</i> , where necessary.	
Ecologically Sustainable Development	The EIS and Rts includes an ESD report including initiatives in design, construction and on-going operation of the specialised retail centre.
B11. Future development applications shall demonstrate how the development incorporates the principles of ESD in the design, construction and on-going operation of the development.	
Stormwater	The EIS and Rts includes a Stormwater Management Plan.
B12. Future development applications for the construction of buildings shall include a stormwater management plan in accordance with the Stormwater and Road Design Report, prepared by Henry & Hyams, dated 21 March 2019 and Council's <i>Engineering Guide for Development 2005</i> and part J of DCP 2015.	
Flooding	The EIS and Rts includes details in relation to flooding.
B13. Future development applications for the construction of buildings shall include a detailed flood impact assessment in accordance with the <i>NSW Floodplain Development Manual (2005)</i> identifying minimum floor levels for buildings and flood evacuation strategies, where necessary.	
Crime Prevention	The EIS and Rts includes a CPTED assessment.
B14. Future development applications shall include a <i>Crime Prevention Through Environmental Design (CPTED)</i> assessment, including mitigation measures, where necessary.	
Bushfire	The EIS and Rts includes a Bushfire Report.
B15. Future development applications for the construction of buildings shall demonstrate compliance with the relevant provisions of <i>Planning for Bushfire Protection (PBP) NSW Rural Fire Service 2006</i> and the Asset Protection Zones recommended in the <i>Bushfire Protection Assessment – Subdivision and Early Works, Eastern Creek Business Hubs</i> , prepared by Ecological, dated August 2012.	
Disability Access	The EIS and Rts includes an Access Report.
B16. Future development applications shall include a Disability Access Review to demonstrate an appropriate degree of accessibility in accordance with the <i>Disability (Access to Premises - buildings) Standards 2010</i> (the Premises Standards).	
Building Code of Australia	The EIS and Rts includes a BCA Report.
B17. Future development applications for the construction of buildings shall demonstrate compliance with the <i>Building Code of Australia</i> , as relevant.	
Waste	The EIS and Rts includes a Waste Management Plan.
B18. Future development applications shall include a Waste Management Plan to address storage, collection, and	

management of waste and recycling within the development.

Outdoor Lighting

B19. Future development applications shall include details of any outdoor lighting within the site and compliance with *AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting* and *AS4282: 1997 Control of Obtrusive Effects of Outdoor Lighting*.

The EIS and RTS includes an Outdoor Lighting Assessment.

Advertising Signage

B20. Future development applications shall include details of any external advertising signage to demonstrate compliance with council's requirements for external advertising signage and *State Environmental Planning Policy No. 64 – Advertising and Signage*, as relevant.

The EIS and RTS includes details of external advertising signage and an assessment against SEPP 64.

Staging Plan

B21. Future development applications for the construction of buildings shall include a detailed staging plan showing the development being carried out in a sequential manner and the timing for road infrastructure works.

The details of staging have been provided in the RTS.

Appendix D – Assessment Against the Design Guidelines

Design Guidelines	Applicant's response	Department's Assessment	Compliance
3.6.1 General Guidelines			
C3 Locate activity including offices, entries and pedestrian areas fronting proposed streets and ensure buildings address streets to improve surveillance and visual interest.	The proposed building layout is consistent with the Concept Plan approval (as modified) which provides for activation and street address where possible. A pad site for future development is located at the corner of Rooty Hill Road South and the access road to address these streets and the specialised retail premises buildings have been designed with an architectural presence to the M7 and Rooty Hill Road South.	The proposed site layout orientates building entries to streets, with Building 1 orientated towards RHRS, and Building 2, 3 and the future development site located adjacent to RHRS and the internal access road. The layout ensures the activity responds to key roads, provides visual interest and improves surveillance.	Yes
C4 Buildings visible from the Parklands or from a residential area are to be designed with pitched or skillion roof-forms, that reflect the traditional Australian aesthetic.	The proposal includes pitched and skillion roof forms,	The building design includes sloping roof with parapet to provide articulation when viewed from the public domain.	Yes
C5 Provide effective sun-shading for windows, wall surfaces and building entries (other than loading docks) by the use of design elements such as overhanging eaves and awnings, undercrofts, colonnades and external sun shading devices including screens.	The proposal includes overhanging eaves, awnings and extensive planting to provide sun-shading across Lot 1.	The design incorporates a variety of design elements including awnings, eaves and landscaping to enhance comfort within and outside the building.	Yes
C6 Provide articulated and well detailed elevations including the use of projections and recesses, a variety of quality materials, externally expressed structures and framing systems, glazing, sun shade structures, colours and other forms of architectural detailing. Blank building facades facing street frontages are not permitted.	The proposed elevations are articulated with projections, recesses and varied roof heights. A variety of quality materials and green walls have also been incorporated into the design to enhance the visual interest of the development.	The design incorporates articulated facades, including a patterned wall at the corner of Building 2 to identify the site to visitors entering by car, as well as the same corner articulation on Building 1 at the corner of RHRS and the Great Western Highway.	Yes
C7 Parking areas and service loading areas are to be located behind the landscape setback, be integrated into site layout and building design, and not dominate the primary streetscape of an allotment.	The parking and service areas are all located behind a landscaped setback and integrated into the building and landscape design of the Lot. The proposed location of the loading dock allows for the separation of public access from the heavy vehicle movements associated with	The parking area is located behind a landscaped setback that varies between 5-20 m. The main loading dock is located behind Building 1 and is not visible from RHRS. Smaller loading bays within the carpark for Building 2 and 3 are integrated into the site design	Yes

the loading dock. Smaller trucks will be used to service Buildings 2 and 3. and are separated by the perimeter landscaping.

3.6.2 Street Address

C1 All buildings to provide a clearly defined pedestrian entry with a canopy, recess, awning and/or colonnade facing the primary street frontage to distinguish that entry (Figure 35).	All building entries are clearly defined with canopies, signage and design treatments.	Each building provides clear entry to the proposed tenancies, with awnings and glazing to distinguish the entry.	Yes
C2 Where an allotment has its primary street frontage to the Access Road a minimum of 40% of the primary building facade at ground level is to be activated by the inclusion of offices, showrooms, building entryways and the like, located to face the street	N/A. Lot 1 has a primary street frontage to Rooty Hill Road South.	N/A	N/A

3.6.4 Site coverage

C1 A maximum site coverage of 60% applies for each individual lot unless it can be demonstrated that greater site coverage will not adversely impact upon amenity of the streetscape or adjoining allotments	The site coverage of Lot 1 is approximately 29%.	Lot 1 has a total GFA of 11,398 m ² , which equals 29% site coverage.	Yes
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3.6.5 Materials and finishes

C1 External materials are to be high quality and durable products and colours that complement the natural landscape character of the locality.	A variety of high quality and durable materials and finishes are proposed as identified on the material schedule.	The design includes a variety of materials and finishes including: <ul style="list-style-type: none"> • precast concrete panel with patterned finish • precast concrete panel • green walls • timber feature cladding/ screens. 	Yes
C2 Primary facades are to be articulated with a minimum of two primary materials.	Complies. Refer to Materials Schedule within the Architectural Plans	The primary facades includes coloured painted walls, precast concrete panels, glazing, patterned wall and green walls.	Yes
C3 The use of colourbond wall cladding combined with expressed timber and steel detailing is encouraged.	Complies. Refer to Materials Schedule within the Architectural Plans	The primary facades include a combination of precast with timber detailing on key facades providing a contrasting colour scheme within the building design.	Yes
C4 Use natural colours and earth tones.	The proposal includes natural colours and earth tones in-keeping with the landscaped setting of the site. Green walls have also been used to activate key elevations.	The proposal includes a variety of colours, including earthy tones and green walls.	Yes
C5 Brighter colours should only be used to define building entries	No large proportions of brightly coloured elevations are proposed. The use of	Brighter colours are only proposed at tenancy entries.	Yes

and signage. Large proportions of brightly coloured elevations are not appropriate.

brighter colours is restricted to define tenancy entries and signage.

C6 Exposed structures and framings systems are encouraged to break down the bulk of the building.	Exposed structures and framings (such as timber and planted vertical elements) are proposed to break down the bulk of the buildings.	The design includes timber vertical cladding and green walls to provide articulation of the building forms.	Yes
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3.6.6 Parking

C1 Access routes to car parking areas are to be clearly identified.	Access routes to car parking areas will be identified with signage.	Access to the carpark is clearly defined with a pylon sign at the intersection with Cable Place.	Yes
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C2 Any parking areas located adjacent the building, is to include a 5m minimum landscaped setback to screen visual impact of car parking from the street.	A minimum 5m landscape setback is provided around the parking areas.	A minimum 5 m landscape setback is provided around the carpark.	Yes
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C3 Visitor parking is to be clearly marked and easily identifiable and be located closest to the building's main entry.	Car parking is easily identifiable and located around the building's entrances.	The buildings are located around the carpark with visitor parking provided for direct access.	Yes
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C4 All car parking outside the building footprint to be integrated with landscaping to provide shade and visual amenity.	An extensive network of planting is proposed across the car park to provide shading, visual amenity and assist with stormwater drainage.	The carpark includes 1.5 m - 2 m wide landscaped strips between carparks, providing space for trees and a variety of plantings for shade and amenity.	Yes
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C5 Allow for shared car parking arrangements between neighbouring allotments for efficient use of access driveways.	The proposed access to Lot 1 is provided in accordance with the Concept Plan and is via the shared internal access road.	The car park is configured to allow efficient use of the internal access road via the roundabout.	Yes
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C6 Incorporation of tree planting throughout the carpark to improve amenity and micro-climate effect.	The proposal includes extensive tree planting throughout the car park.	Trees are planted through the carpark and around the site boundary.	Yes
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C7 A minimum 1500mm wide landscape strip is to be provided between banks of car parking to provide shade and minimise visual impact of car parking.	Complies. Refer to Architectural Plans.	Refer to C4 above.	Yes
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C7.1 The following Water Sensitive Urban Design strategies should be incorporated into large parking layouts of 100 cars or greater:	Central planted zones throughout the site have been designed to complement the stormwater drainage network. Refer to Landscape Plans.	The landscape strips in the carpark will assist with natural water filtration and break up the expanse of hard surface.	Yes
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Permeable pavements and asphalt to assist with detention of stormwater

C7.2 Planting pits with flush kerbs and wheel stoppers that allow overhang of cars into planting pit	Complies. Refer to Landscape Drawings.	This detail is provided on the landscape plans.	Yes
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C7.3 Parking areas must incorporate a minimum of 1 tree per 8 parking spaces and achieve a 35% coverage of hard stand areas by mature tree canopy.	Complies. Refer to Landscape Drawings.	A total of 130 trees are proposed, which equates to 1 tree per 4 car spaces.	Yes
C8 A dedicated area for bicycle parking is to be provided within the car park and shall include bicycle racks or similar.	Bicycle parking is provided within the car park.	30 bicycle parking spaces are provided throughout the carpark.	Yes
C9 Car parking is to be provided in accordance with the minimum rates in the table below:	Complies. Refer to Section 5.4 of the RTS Report and the Amended Architectural Plans.	276 car spaces are required. The development provides 355 car spaces.	Yes
<ul style="list-style-type: none"> • Specialised retail premises – 1 space/ 60sqm • Indoor recreation – 1 space/ 30 sqm • Cafe – 1 space/ 25 sqm • Future development site – greater of 1 space/ 2 internal seats or 1 space/ 3 internal and external seats • Childcare – 1 space/ employee, plus 1 space/ 6 children • Tyre service centre – 3 spaces/ 100sqm 			

3.6.7 Allotment landscaping

C1 Landscaping within the setbacks facing future woodland to contain only endemic Cumberland Plain Woodland species.	All trees are endemic Cumberland Plain species. Refer to Landscape Drawings.	All trees within the setbacks are endemic species and include a variety of eucalyptus.	Yes
C2 Landscaping is required in the side and rear setbacks of buildings if visible from the street, car parking areas or other areas considered publicly accessible. In addition, the perimeter of open storage areas is to be landscaped to provide buffer screening from public view.	The proposal includes a landscaped buffer around the site which screens operational facilities from public view.	Landscaping is provided around the side and rear of buildings to screen them from the street.	Yes
C3 Low water demand drought resistant vegetation is to be used in landscaping areas, including native salt tolerant trees to high saline affected areas.	All vegetation is drought tolerant. Proposed trees have good salt tolerance. Refer to Landscape Plans.	The endemic tree species are well adapted to site soil and microclimate conditions.	Yes
C4 Mulching cover is to be incorporated in	Complies. Refer to Landscape Plans.	This will form part of the detailed landscape plan and specification	Yes

landscaped areas (excluding drainage corridors).		included as a condition on the recommended development consent.	
C5 All landscaped areas are to be separated from vehicular areas by means of a kerb, dwarf wall or other effective physical barrier.	Complies. Refer to Landscape Plans.	As above.	Yes
C6 Planting of vegetation is to consider passive surveillance. Excessively dense vegetation that creates a visual barrier is to be avoided.	Complies. Excessively dense vegetation within the landscape setback has been avoided to ensure passive surveillance is maintained.	The endemic tree species include clear trunks to provide good surveillance through the site.	Yes
C7 Undeveloped areas are to be stabilised to prevent soil erosion. Landscaping including mulching, may be required around the perimeter of undeveloped areas.	Complies. All areas are developed and either treated with native turf or garden bed planting and mulch.	The undeveloped areas are landscaped to prevent soil erosion.	Yes
C8 WSUD principles are to be employed to direct surface run-off to areas of planting where possible (Figure 43).	Complies. Central planted zones throughout the site to complement the stormwater drainage network. Refer to Landscape Plans and Stormwater Management Plan.	The carpark aims to use passive irrigation by grading hardscapes areas to drain towards planted zones and reduce pressure on the stormwater system.	Yes

3.6.8 Private Domain signage

C1 Advertising signage for the business hub should be kept to a minimum and should relate only to the use occurring on the respective property and is to identify the relevant business names.	The provision of signage is addressed at Section 5.9 of the EIS. The proposed signage only relates to uses occurring at the site.	The proposed signage is generally acceptable given the expansive frontage of the site. All signage is for site and business identification and wayfinding.	Yes
C2 A maximum of 3 freestanding signs are permitted fronting Rooty Hill Road South. All other signage is to be incorporated into the design of the building.	1 x pylon sign is proposed along the Rooty Hill Road South frontage of Lot 1. The cumulative number of freestanding signs along Rooty Hill Road South upon development of the three lots will not exceed 3.	Two freestanding signs are proposed, a pylon sign located at the corner of RHRS and the Great Western Highway and a monument sign at the corner of RHRS and the internal access road. This complies as Lot 2 has one approved pylon sign, providing a maximum of 3 freestanding signs along RHRS.	Yes
C3 Signs are permitted on the pedestrian entries, one on the awning, transom or below parapet that is sized so that it is visible and legible from the principal road frontage and one adjacent to the pedestrian entry door.	Complies. Refer to the Signage Strategy at Appendix B and Section 3.3.8 of the RTS.	Signage is provided at the entry to each tenancy in accordance with the guidelines.	Yes
C4 Freestanding signage such as a directory boards for buildings or sites including those with multiple occupancies are	1 x pylon sign and 1 x monument sign are proposed at the corner of the access road and the Great Western	See C2 above.	Yes

to be limited to 2 structures at the entry to the site from a public road, along the road frontage. Freestanding signage must be located within the signage zones as indicated in Figure 52.	Highway to mark the entry to the site via Rooty Hill Road South.		
C5 Pylon signage is not to exceed 10m in height from ground level.	Complies. The proposed pylon signage has a maximum height of 10 m.	The pylon sign has a maximum height of 10 m and the monument sign a maximum height of 6 m.	Yes
C6 For single developments, the total permissible signage and advertisements are not to exceed 1sqm of advertising per 3m of street frontage.	The proposal is for a retail centre and a signage strategy has been prepared to reflect the nature of this development type. Refer to Section 3.3.8 of the RTS and Signage Plans at Appendix A.	The proposal provides 227 m ² of signage and has a frontage of 750 m to RHRS, and therefore complies.	N/A
C7 Directional signage for car parking areas, loading docks, delivery areas and the like are to be well designed and located at a convenient point close to the main access to a development site.	Complies. Refer to the Signage Plans.	Directional signage will be provided in accordance with the design guidelines.	Yes
C8 The placement, colouring, type and scale of signage erected within individual properties are to be consistent throughout the development and complementary with the architectural style of the building (Figure 46).	Complies. Refer to the Signage Plans at Appendix A and Section 5.3 of the RTS.	The proposed signage plan includes signage zones to ensure consistency in placement and design of individual tenancy signs.	Yes
C9 Signs are not to create a hazard for traffic or pedestrians.	Complies. The signage has been designed to avoid flashing and/or moving components which may distract traffic or pedestrians.	No moving parts or flashing signs are proposed, which would cause a hazard for traffic or pedestrians.	Yes
C10 Roof signs or signs that break the roof line of a building are generally not permitted. In exceptional circumstances a roof sign or a sign which breaks the roof line of a building may be permitted where it forms an integral part of, and enhances, the architecture of a building.	Complies. No roof signage is proposed.	No roof signs are proposed.	Yes
C11 Private domain signage is to be located so as not to obstruct sight lines of motor vehicles or trucks or impede pedestrian movement.	Complies.	The proposed signage zones are located on buildings and will not obstruct sightlines of vehicles or impede pedestrian movements.	Yes

C12 Signs are not to cause environmental damage to trees or large shrubs.	Signs will not damage surrounding vegetation or include erratic or flashing movements.	The signs are contained within buildings and will not result in damage to landscaping.	Yes
C13 Animated signs with erratic or flashing movements are not permitted	Noted. Illumination of the signage can be controlled.	Conditions in relation to lighting are included in the recommended development consent.	Yes
C14 Illuminated signage is to minimise light spill in to the night sky and into the adjacent parklands.	Noted. Illumination of the signage can be controlled.	Illumination is sought for all signs with a midnight to dawn curfew, consistent with Lot 2, with proposed conditions in the recommended development consent.	Yes
C15 Illuminated signage is also to be energy efficient and to have a consistent light level with the general level of lighting which illuminates shadows and enhances the safety of adjoining public areas (Figure 47-48).	Complies.	Conditions in relation to lighting are included in the recommended development consent	Yes
C16 Illuminated signs which feature exposed lamps or neon tubes are permitted only where they do not detract from the architectural quality of the buildings.	Complies.	Conditions in relation to lighting are included in the recommended development consent	Yes
C17 No support, fixing, suspension or other systems required for the installation of signage is to be exposed, unless designed as an integral feature of the sign. Conduits, wiring and the like is to be concealed.	Complies.	Conditions in relation to lighting are included in the recommended development consent	Yes
C18 The location, size and form of any freestanding signage for the retail pad sites will be subject to detailed assessment at the development application stage.	N/A – this application does not include the detailed design of the pad site.	The application does not include the design for the future development site.	N/A
C19 The location, size and form of signage on the pad site buildings, will be subject to detailed assessment as part of any relevant Development Application.	See above.	See above	N/A
C20 Shopfront signage for individual retail tenancies are to be assessed as part of detailed development applications	The detailed design application seeks shopfront signage.	The application seeks approval for shopfront signage with appropriate details provided.	Yes

3.6.10 Recycling and waste management

C1 Waste separation, recycling and reuse facilities are to be provided on site	Waste and recycling facilities are provided.	Waste and recycling facilities are provided on the site.	Yes
C2 Waste facilities are to be fully integrated with the design of the building and/or landscaping	Waste facilities are integrated into the design of the building and are hidden from public view through landscaping and the change in level between Rooty Hill Road South and the waste collection point.	Waste areas are integrated with each building. The waste areas adjacent to Building 1 and 2 are integrated with the building design and screened with materials to match the building design.	Yes

3.6.11 Outside Storage

C1 Storage of any kind is not permitted within the front setback area	Outdoor storage is not located within the front setback area.	Storage is not proposed in the front setback.	Yes
C2 Development applications proposing external processes and/or outdoor or open storage areas are to provide details of the parts of the site to be so used, the specific materials to be stored and proposed screening. Outdoor storage areas are not to interfere with access, manoeuvring and parking arrangements	Outdoor storage proposed adjacent to Buildings 1 and 2 is consistent with these requirements.	The proposed outdoor storage areas are integrated with Buildings 1 and 2 and architectural screening is used which is consistent with screening across the ECBH. The location of the storage will not interfere with vehicle access or manoeuvring.	Yes

3.6.12 Rooftop mechanical plant

C1 Rooftop structures (including plant rooms, air conditioning and ventilation systems) are to be incorporated into the design of the building to create an integrated appearance	Complies.	The proposed roof plant areas are screened and integrated into the design of the buildings.	Yes
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3.6.13 Sustainable building design

C1 Developments are to demonstrate how the design is capable of achieving an ESD level equivalent to a 4 star Green Star standard. Where a GBCA Pilot Tool is available, the applicant may choose to utilise it for the DA submission	The building is targeting a 5 star Green Star rating.	The development is targeting a Green Building Council of Australia Green Star rating (design and as built v1.2) of a minimum of 5 stars. The key initiatives are passive design solutions, use of solar panels, rainwater collection, prioritise use of sustainable products.	Yes
C2 Buildings are to install rainwater tanks to meet a portion of supply such as outdoor use, toilets or laundry	Rainwater collection is proposed to provide non-potable water to service WC and urinal flushing and landscape irrigation.	Rainwater tanks are proposed to meet a significant portion of the non-potable demands.	Yes
C3 The roof area should be directed to a rainwater tank and should be maximised to	As above.	Refer above.	Yes

both increase the effectiveness and reliability of the reuse system.

C4 Development is to incorporate water efficient fixtures such as taps, shower heads and toilets. The fixtures are to be rated to at least AAA under the National Water Conservation Rating and Labelling Scheme. Where the building or development is water intensive, specific water conservation objectives are to be resolved	Complies. Refer to ESD Report.	The development proposes to use water efficient fixtures.	Yes
C5 Appropriate use of energy efficient materials during construction is to be demonstrated	A comprehensive Environmental Management Plan that aligns with the NSW EMS Guidelines will be developed to provide a framework to reduce the environmental impact of the development.	A condition requiring the development to occur in accordance with Green Building Star 5 stars rating is included in the recommended development consent.	Yes
C6 Development should incorporate energy efficient hot water systems, air-conditioning, lighting and lighting control systems	Complies. Refer to ESD Report.	The ESD report includes use of energy efficient systems and mechanical plant.	Yes

3.6.15 Lot 1 - site specific development controls

Setbacks

C1 10m minimum front building setback to Rooty Hill Road South of which a minimum of 5m in from the front boundary is to be utilised for landscaping.	Complies.	A minimum 20 m front building setback is provided from RHRS with a 5 m landscaped setback.	Yes
C2 20m minimum front building setback to Great Western Highway of which a minimum of 10m in from the front boundary is to be utilised for landscaping.	Complies.	A minimum 35 m front building setback to Great Western Highway is provided, with 10 m used for landscaping.	Yes
C3 10m minimum front building setback to the Access Road, all of which is to be utilised for landscaping and stormwater requirements	Complies.	A 30 m minimum front building setback to the access road is provided with 10 m used for landscaping.	Yes
C4 5m minimum side and rear setbacks for all other frontages, of which 1.5m is to be used for landscaping.	Complies.	A 5 m setback is provided to Belmore Road (rear setback). While this is not landscaped as it forms part of the loading vehicle route behind Building 1, the extensive landscaped setback to all other boundaries provides sufficient amenity for the site.	Yes

C5 5m minimum landscaped setback to the car parking area adjoining the Access Road	Complies.	A minimum 5 m setback is provided to the car park and adjoining access road.	Yes
Height			
C1 The maximum building height permissible is 12m from natural ground level	Complies.	The maximum building height is 8 m for Building 1, 6.6 m for Building 2 and 7.1 m for Building 3.	Yes
C2 For developments with undercroft parking the maximum building height is 15m from existing ground level	N/A	Undercroft parking is not proposed.	N/A
Articulation Zones			
Development within the specified 'building articulation zone' must include: C1 An active ground level that includes continuous glazing, showrooms, retail displays, building entry, continuous awnings and the like facing the street.	Active street frontages are provided where possible and design features, including awnings, green walls, articulation in height and form are provided to ensure visual interest to all street frontages.	Building articulation is provided on the key elevations of the buildings, with active ground levels, achieved with glazing, awnings and green walls.	Yes
C2 Articulated roof forms and innovative signage is required to provide a gateway address to the Business Hub	Articulated building heights, a variety of materials and signage is used to emphasise the gateway address to the business hub.	The built form includes feature walls with a unique design pattern, green walls and signage identifying the site.	Yes
C3 Minimum 2m footpaths aligned to the edge of the buildings that provide clear access to the building entries	Complies.	Minimum 2m wide footpaths are provided to the edge of the buildings.	Yes
C4 Undercroft parking within the articulation zone is not permitted	N/A	N/A	N/A
Building elevations that are visible to the Westlink M7 is to include: C4 Articulated roof forms and dynamic upper level facade elements to provide visual interest when viewed from the M7	Awnings are proposed around the buildings and facade elements (such as vertical timber elements, green walls and articulation to building height) are used at key locations to provide visual interest.	The rear of Building 1 is visible to the M7 and the roof form provides elements including vertical timber screening and tenant signage to identify the site.	Yes
C5 An integrated lighting strategy is recommended to enhance the visual appearance of the development at night.	Lighting has been considered as part of the design of the centre.	A lighting design has been provided for the site.	Yes
Parking			
C1 Parking within the front building setback for the northern portion of the site is limited to one double loaded aisle	Complies.	All parking is setback more than 5 m from the site boundary.	Yes

setback at least 5m from the site boundary

C2 If undercroft parking is preferred, adequate screening and building articulation of the ground level must be provided. Access to the parking area should be from the preferred location indicated in Fig 51	N/A	N/A	N/A
C3 If Lot 1 is subdivided into 2 or more lots the internal access road is to provide vehicular access to all parking areas. No direct vehicular access to Rooty Hill Road South is permitted	NA	N/A	N/A

Existing vegetation and asset protection zones

C1 The existing shale plains woodlands within the developable area is to be retained.	Complies.	The existing shale plains woodlands area is retained.	Yes
C2 Management of the woodlands will be undertaken by the Western Sydney Parklands Trust	Noted.	Noted	Yes
C3 A minimum 15m Asset Protection Zone (APZ) from the woodlands to any future development is required as shown in Fig 51	Complies.	A 15 m APZ is shown on the architectural plans.	Yes

Frontage landscape zone

C1 An elevated walkway traversing the drainage channel from the Access Road to the building entry must be provided	Complies.	An elevated walkway across the drainage channel is provided, with details on the landscape plans.	Yes
C2 Provision of 1.5m wide footpaths along Rooty Hill Road South	Complies.	Footpaths outside the site are to be provided as per a Works Authorisation Deed (WAD) between Frasers and RMS. The footpaths are shown on the landscape plans for reference.	Yes
C3 Preservation of the existing Blacktown City Council signage at the southern end of the site	Complies.	The existing Blacktown City Council sign is preserved.	Yes
C4 High quality landscaping, including informal planting of Australian native and indigenous trees, shrubs and ground covers	Complies.	The submitted landscape plan includes high quality design for the frontage landscaped zone.	Yes
C5 Adoption of a preferred stormwater strategy that demonstrates a high quality landscaped address to both Rooty Hill Road South and the Access Road	Complies.	A stormwater strategy has been proposed.	Yes

C6 WSUD principles should be employed to utilise surface water runoff in irrigation of areas of planting

Complies.

WSUD principles are employed to utilise surface water runoff.

Yes

Appendix E – Recommended Instrument of Consent/Approval and Notice of Modification

The recommended conditions of consent can be found on the Major Project's website as follows:

- SSD 5175 MOD 5

<https://www.planningportal.nsw.gov.au/major-projects/project/10946>

- SSD 8858

<https://www.planningportal.nsw.gov.au/major-projects/project/10076>