

Your reference: SSD 31516522  
File number: MC-23-00002

24 April 2023

NSW Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

By email: [Annika.Hather@planning.nsw.gov.au](mailto:Annika.Hather@planning.nsw.gov.au)

Dear Assessment team

**SSD 31515622- Eastern Creek Quarter Stage 3- Retail Outlet Centre**

Thank you for your correspondence dated 17 March 2023 requesting our advice on the above proposal which is for a Retail Outlet Centre at Lot 12 DP 1245264 Rooty Hill Road South, Eastern Creek; a State Significant Development proposal under section 4.36 of the *Environmental Planning and Assessment Act 1979*.

We object to the proposal based on the concerns and issues listed in the attachment to this letter.

We request that these matters are comprehensively addressed and referred back to us for further consideration and comment.

If you have any queries on the matters set out in the attachment, please contact Judith Portelli, our Manager Development Assessment, on 9839 6228.

Yours faithfully



Judith Portelli  
Acting Director City Planning and  
Development

Attachments:

1. SSD 31515622 - Proposal: concerns and issues to be addressed

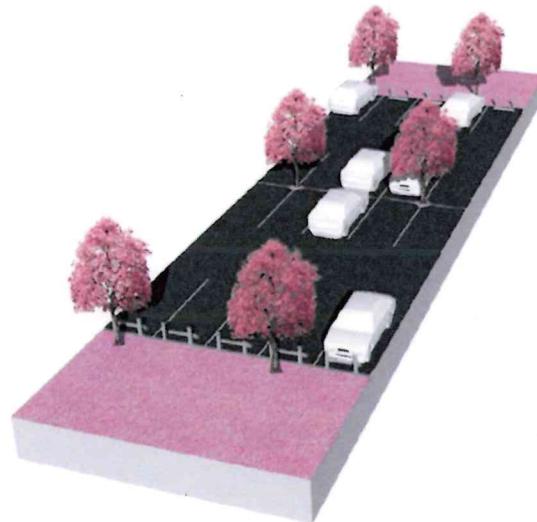
# Blacktown City Council submission

## SSD 31515622 - Eastern Creek Quarter Stage 3 Detailed Design – Retail Outlet Centre

### 1. Planning Issues

---

- 1.1 The roof of the Retail Outlet Centre must utilise high albedo and high emittance roofing materials and be light coloured in accordance with Blacktown City Council's Responding to Climate Change Strategy (<https://www.blacktown.nsw.gov.au/About-Council/What-we-do/Environmental-Plans-and-Policies#section-2>). Please confirm roof materials and finishes.
- 1.2 Additionally, all internal roads and hardstand surfaces should also utilise high albedo and high emittance colours and materials to mitigate urban heat.
- 1.3 The at-grade carpark area is to incorporate more tree planting at a rate of 1 tree per 3 parking spaces to assist with heat mitigation in the Western Sydney context.
  - The larger carpark fronting Church Street is of particular concern and requires further tree planting. Amended plans should consider utilising diamond planters of similar effect to increase canopy cover



Diamond Planters

- 1.4 Clarification is required regarding pedestrian accessibility for customers who park in the northern portion of the basement as these spaces are located a considerable distance from the lift cores and elevator/travelators.
- 1.5 As Phase B of the development will be located on-top of the basement, please provide indicative locations for access areas (lift shafts, travelators) and confirm the impact on basement parking numbers.
- 1.6 Consideration should be given to the provision of additional bathroom facilities given the high intensity usage of factory outlet centres and food premises.

## **2. Open Space Issues**

---

- 2.1 The proposal entails the removal of a significant number of trees for the development proposal and intersection upgrades. The Arboricultural Impact Assessment does not adequately discuss the protection of trees within the Tree Protection Plan.
- 2.2 An amended Tree Protection Plan is to be provided in accordance with AS4970-2009 Protection of Trees on Development Sites, Section 2.3.5 Arboricultural Impact Assessment. The report shall include the following:
- The Arboricultural impact assessment will be prepared once the final layout is complete. The report will identify trees to be removed, retained or transplanted. The report will identify possible impacts on trees to be retained. The report will explain the design and construction methods proposed to minimize impacts on retained trees where there is encroachment into the calculated TPZ (refer to Clause 3.3.2). It will recommend measures necessary to protect the trees throughout all demolition and construction stages. Review of architectural, services and landscape plans should be included to provide an accurate impact assessment. If these plans are not available for review, it should be clearly stated in the report. Specification of tree protection measures will be included in construction documentation.
  - The report will include a tree protection plan (drawing) showing the TPZs for trees being retained taking into account the matters referred to in Section 3 and other protection measures. Groups of trees with overlapping TPZs may be included within a single protection area. A copy of this plan will form part of the development plans.
  - The tree protection plan should be included in subsequent construction documentation. The location of tree protection measures should also be shown on other documents such as demolition, bulk earth works, construction and landscape plans

## **3. Strategic Planning Issues**

---

- 3.1 The Economic Impact Analysis fails to provide specific data in potential job losses at any other centres in the vicinity and therefore no there is limited opportunity to accurately assess any effect on job losses in those centres. Please provide an addendum addressing the above.

## 4. Drainage Issues

---

4.1 Amended Engineering information is required addressing the following:

4.2 Rainwater re-use tank:

- A 400 KL rainwater tank was proposed in the report when it only captures a 10664 square meter roof area. The total roof area is over 35000 square metre in this development. It is unclear the reason of the rest of the roof areas is not discharging into a rainwater tank when the 80% non- potable reuse target is not achieved. The target shall be achievable by increasing the roof areas to discharge into the rainwater tank.
- Amended plans must be provided showing all roof connections into the tank and the pump connection, these are not shown on the plan. Please ensure these details of the tank must be shown in the plans to ensure the proposal meets re-use targets.

4.3 Flooding:

- In the submitted flood assessment report, the additional flood water is sent into the intersection of Church Street and Rooty Hill Road South and Lot 101 DP581882. No adjacent property or roadway shall be affected by the proposed development in accordance with Council's WSUD Developer Handbook. Please provide a Tuflow model for assessment.
- Amended plans demonstrating a crest must be created on the ramp of the basement carpark to prevent the flood water entering the basement. The crest level shall be at least 300mm higher than 1% AEP.

4.4 Drainage:

- The details of proposed GPT ROCLA CDS shall be provided including the design level and cross- section of the GPT.
- Please provide the long-section of the proposed line AA on Beggs Road.

4.5 Water Quality treatment:

- The development is proposed to discharge into the existing basin. The applicant must confirm the conditions and function of the basin is suitable to capture the additional discharge from this development.

## 5. Biodiversity Issues

---

- 5.1 There is native vegetation on site, specifically Critically Endangered Cumberland Plain Woodland areas and the subject land is within the NSW Biodiversity Values Map. Approximately 1.16 ha of CPW is proposed for removal that was not offset in the previous SSD approvals. This includes vegetation on site and in Morreua Reserve and road verges for road upgrades and a new intersection on Church St.
- 5.2 Council has reviewed the BDAR by EcoLogical dated 13th December 2022 and suggests the following amendments in a revised BDAR:
- Native vegetation cover calculation to include the crown spread of tree canopy where it extends outside of Lots e.g. along Rooty Hill Rd South and Church Street where the tree canopy calculations currently cut off at the road edge.
  - Bird and bat surveys dated (2012) should be repeated and conducted in line with 'Species credit' threatened bats and their habitats: NSW survey guide for the Biodiversity Assessment Method (OEH, 2018) and should cover the Rooty Hill Rd South and Church St areas
  - Painted Honeyeater should not be excluded from the ecosystem credit species assessment given the volume of mistletoe seen on site and as reported in the arborist report
  - Masked Owl (foraging) should not be excluded from the ecosystem credit species assessments given proximity to local records in BioNet.
  - Consider including species credit calculations for species positively identified in Anabat echolocation surveys undertaken as part of targeted microbat surveys:
    - *Falsistrellus tasmaniensis* (Eastern False Pipistrelle)
    - *Micronomus norfolkensis* (Eastern Coastal Free-tail Bat)
    - *Miniopterus orianae oceanensis* (Large Bent-winged Bat).
  - Section 4.3.5 currently reports waiting on RBGSyd determination on a *Pimelea* sample while Table 11 and Appendix K suggest confirmation as *Pimelea curviflora*. Please confirm.
  - Mitigation measures to be expanded to include a Biodiversity Management Plan that is to detail actions proposed with respect to the management of fauna during tree removal, strategies for salvage and re-use of top soil, tree hollows, logs and coarse woody debris, and unexpected threatened species finds protocols.
  - The Landscape Plan by Arcadia dated July 2022 should incorporate more trees in the car park looking to achieve 1 in 3 car spaces, for shade and amenity. Please include more local native species of all growth forms in the landscape plan species selection.

## **6. Active Transport Issues**

---

- 6.1 Active Transport to the site and within the Eastern Creek Quarter retail hub is lacking and Stage 3 does not adequately address active transport in a holistic manner.
- 6.2 Stage 3 and the retail hub as a whole should consider the relationship with the Western Sydney Regional Parklands and the M7 cycleway and promote
- 6.3 Whilst the centre faces the outdoor food court towards the Regional Parklands, it makes no provision to be able to draw pedestrians or cyclists to and from or through this area. The Western Sydney Regional Parklands are a major feature of this locality and a unique feature adjoining this retail hub. A valuable placemaking opportunity has not been explored.
- 6.4 Wayfinding signage directing users of the M7 cycleway is encouraged to be installed on the Church St exit and M7 Cycleway as there is only 1 existing water station along the entire 40km cycleway and the Stage 3 development can be considered as a relief point for users of the cycleway.
- 6.5 The proposed development should provide for a safe off-road cycleway on Church Street to minimise cyclist/pedestrian conflict with motor vehicles. Given that this development greatly increases traffic along Church Street and it adjoins an existing park (Morreau Reserve) and the Western Sydney Regional Parklands, it should provide active transport infrastructure along both sides of Church Street.
- 6.6 As the Retail outlet centre represents the final development stage within the Eastern Creek Quarter, pedestrian links between all stages should be reviewed to provide continuous accessibility throughout the site between all stages. Further details can be provided separately.
- 6.7 The proposed shared bicycle pathway on Church St must address the entry/exit to the M7 cycleway as the current configuration is not functional due to the narrow size of the space currently provided for users.
- 6.8 There is a real opportunity with the Active Transport Review that is occurring as a condition of development approval of the M7 widening (SSI633 MOD6) to obtain a direct active transport link across the M7 motorway to connect the suburb of Bungarribee to the Eastern Quarter Hub. The distance is about 1.6km, it would be a very short cycle for local residents. Much of the cycleway already exists on the eastern side of the motorway. It is encouraged to engage in discussions with TfNSW and Transurban to facilitate this,

## **7. Waste Issues**

---

- 7.1 The applicant must demonstrate compliance with the following Guidelines
  - Blacktown Development Control Plan 2015 Part G
  - Blacktown Council Guideline to waste management in new developments

## 8. Heritage Issues

---

8.1 Whilst the Landscape Design Report prepared by Arcadia refers to the Aboriginal History of the area, it fails to make reference to the European History associated with the subject area;

- Graham Brooks and Associates (GBAA) prepared a Statement of Heritage Impact in 2012 which noted that the southern portion of the site had previously been occupied by a school and Henry Beggs residence with a bee-hive well located in the vicinity of the Great Western Highway. Council has continuously requested some form of interpretation of this history to be provided on the site.
- Additionally, In 2012, AHMS undertook a baseline historical assessment of the Project Area which noted that there is potential for physical remains of historical occupation to exist within two areas within the Project Area.
- The subsequent 2015 Development Consent from the Minister of Planning (SSD-5175) made the condition (B23) which states, *"Prior to the commencement of any works a Historical Archaeological Management Plan prepared by a suitably qualified person shall be submitted ... The plan shall assess the monitoring and management of potential remains of the school and the Begg family homes include Bee Hive Wells in the vicinity of The Great Western Highway.."*
- In 2016 Biosis prepared an Archaeological Management Plan (for Western Sydney Parklands) which recommended that a report which complies with the requirements of the NSW Heritage Division should be created. Dependant on the findings of the excavation, the final archaeological report will include the following points:
  - The compiled results of areas investigated and contexts or units encountered.
  - A stratigraphic matrix and discussion of the sites phasing.
  - GIS and CAD mapping where appropriate to illustrate the findings.
  - A detailed description of the excavation results including discussion on phasing and possible land use.
  - An artefact catalogue compiled on a commercially available computer database designed to reflect the research questions.
  - A functional analysis of artefacts uncovered with reference to their provenance and pertinence to research questions.
  - A synthesis of results to allow for comparison to other sites.
  - Additional historical research to aid understanding of the archaeological evidence.
  - A detailed interpretation of the results and addressing of the research questions.
  - Illustration of significant artefacts in drawn or photographic form, and a photographic archive of excavation in progress. Copies of

the excavation report should be lodged at appropriate research libraries and with the Heritage Division.

- The information from this report could be used to provide interpretive features celebrating the European former uses of the site within the landscaping that is now proposed in the north western corner of the site. This would include any archaeological remains (eg bee-hive well) that were required to be retrieved and stored.