

Planning Secretary's Environmental Assessment Requirements
Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*
Schedule 2 of the Environmental Planning and Assessment Regulation 2000

Application Number	SSD-10457
Project Name	Concept proposal for a retail outlet centre on Lot 3 at the Eastern Creek Quarter, amendments to concept approval SSD 5175 and Stage 1 early works.
Location	Rooty Hill Road South, Eastern Creek within Blacktown LGA
Applicant	Frasers Property Retail Holdings Pty Limited
Date of Issue	21 October 2020
General Requirements	<p>The environmental impact statement (EIS) must be prepared in accordance with and meet the minimum requirements of clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (the Regulation).</p> <p>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>Where relevant, the assessment of key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> - adequate baseline data - consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed); - measures to avoid, minimise and if necessary, offset predicted impacts, including detailed contingency plans for managing any significant risks to the environment; and - a health impact assessment of local and regional impacts associated with the development, including those health risks associated with relevant key issues. <p>The EIS must also be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> - a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived. The report shall be prepared on company letterhead and indicate applicable GST component of the CIV; - an estimate of jobs that will be created during the construction and operational phases of the proposed development; and - certification that the information provided is accurate at the date of preparation.
Key issues	<p>The EIS must address the following specific matters:</p> <p>1. Statutory and Strategic Context</p> <p>Address the statutory provisions applying to the development contained in all relevant environmental planning instruments, including:</p> <ul style="list-style-type: none"> - State and Environmental Planning Policy (State and Regional Development) 2011 - State and Environmental Planning Policy (Western Sydney Parklands) 2009 - State and Environmental Planning Policy 55 – Remediation of Land (and draft Remediation of Land SEPP) - State and Environmental Planning Policy (Infrastructure) 2007 - Draft State Environmental Planning Policy (Environment) - Biodiversity Conservation Act 2016

- Environment Protection and Biodiversity Conservation Act 1999

Permissibility

Detail the nature and extent of any prohibitions that apply to the development.

Development Standards

Identify compliance with the development standards applying to the site and provide justification for any contravention of the development standards.

Address the relevant planning provisions, goals and strategic planning objectives in the following:

- NSW State Priorities
- Greater Sydney Region Plan and Western City District Plan
- Western Sydney Parklands Plan of Management
- Better Placed – an integrated design policy for the built environment of NSW
- Guide to Traffic Generating Development (RMS)
- Development near Rail Corridors and Busy Roads – Interim Guideline
- Blacktown City Council Community Strategic Plan and Local Strategic Planning Statement 2020
- Blacktown City Council Engineering Guide for Development 2005.

2. Amendments to Concept Approval SSD 5175

- Describe how the existing concept approval (SSD 5175) will be amended by this concept proposal
- Address and justify any changes to the land use mix, floor space, building envelopes and access arrangements
- Illustrate the amendments sought to the existing concept approval SSD 5175 including a comparative analysis on building envelopes, floor space, uses and any relevant conditions of consent
- Address any requirements of SSD 5175 in relation to Lot 3 and how they will be accommodated in the concept proposal
- Provide details of the upgrade to the internal access road, required for any development on Lot 3, in accordance with Condition B7D of SSD 5175
- Outline the new concept proposal's relationship with any subsequent approvals/stages of the development.

3. Built form and urban design

- Provide details of the proposed building envelope(s) and justification for the proposed built forms and uses, including plans detailing building envelope(s) height, bulk, scale and setbacks.
- Identify how the proposed development will integrate into the surrounding context and locality, including the Eastern Creek Business Hub development on Lots 1 and 2.
- Establish appropriate design guidelines and development parameters including, but not limited to:
 - o site layout
 - o gross floor area
 - o building footprints and setbacks
 - o height and massing of the building envelope/s
 - o building materials, colours and finishes
 - o site access
 - o landscaping, open space and tree planting.

4. Economic impact

- Address the economic impacts the proposed land uses will have on the surrounding area, including:

- o the existing and predicted future trade and viability of nearby commercial areas within the trade catchment of the site (including Rooty Hill, Mount Druitt and Evans Road centres)
- o the impact of the proposed retail factory outlet floor space and ancillary uses (food and drink and indoor recreation facility) on existing centres including potential future growth of centres
- o justification for any adverse trading impacts on existing centres and any measures to prevent unreasonable impacts.

5. Amenity

- Address solar access and any overshadowing impacts, acoustic impacts, visual privacy, visual impacts and wind impacts
- Address any potential amenity impacts on neighbouring residential properties.

6. Noise and Vibration

- Identify the main noise and vibration generating sources and activities at all stages of construction, and any noise sources during operation. Outline measures to minimise and mitigate the potential noise and vibration impacts on surrounding occupiers of land.

7. Traffic, transport, parking and access

- Provide a Traffic and Transport Impact Assessment that includes the following:
 - o daily and peak traffic movements likely to be generated by the proposed development
 - o details of light and heavy vehicle movements (including vehicle type and likely arrival and departure times)
 - o details of the proposed site access, vehicle circulation and parking provision associated with the proposed development including compliance with the requirements of the relevant Australian Standards (ie: turn paths, sight distance requirements, aisle widths, etc)
 - o detail the cumulative study area traffic impacts associated with the development (and any other known proposed developments in the area)
 - o updated SIDRA modelling for the cumulative queuing impacts on Rooty Hill Road South/New Access Road from the roundabout for Stages 1 and 2, of SSD 5175 and the proposal on Lot 3
 - o detail the suitability of Church Street for heavy vehicle access, proposed carriageway configuration and any upgrades required
 - o assess the impact on intersections on Rooty Hill Road South and the need/ associated funding for upgrading or road improvement works (if required) to the intersections of Rooty Hill Road South / Church Street and Rooty Hill Road South / Beggs Road
 - o identify any traffic and transport infrastructure measures required to support future development, including regional and local intersection and road improvements, vehicular access options for adjoining sites, public transport needs, the timing and cost of infrastructure works and the identification of funding responsibilities associated with the development.
 - o proposals to encourage sustainable travel choices, such as walking, cycling, public transport and car sharing and how these will be implemented
- Provide a draft Construction Pedestrian and Traffic Management Plan

8. Biodiversity

- Provide an assessment of the proposal's biodiversity impacts in accordance with Section 7.9 of the Biodiversity Conservation Act 2017, the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report where required under the Act. The BDAR must include

information in the form detailed in the Biodiversity Conservation Act 2016 (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and Biodiversity Assessment Method, including an assessment of the impacts of the proposal (including an assessment of impacts prescribed by the regulations)

- The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method
- The BDAR must include details of the measures proposed to address the offset obligation as follows:
 - o the total number and classes of biodiversity credits required to be retired for the development/project
 - o the number and classes of like-for-like biodiversity credits proposed to be retired
 - o the number and classes of biodiversity credits proposed to be retired in accordance with the variation rules
 - o any proposal to fund a biodiversity conservation action
 - o any proposal to conduct ecological rehabilitation (if a mining project)
 - o any proposal to make a payment to the Biodiversity Conservation Fund
 - o if seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.
- The BDAR must be submitted with all spatial data associated with the survey and assessment as per Appendix 11 of the BAM.
- The assessment of matters of national environmental significance is to comply with the requirements of the *Guidelines for Preparing Assessment Documentation relevant to the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) - Eastern Creek Quarter retail outlet centre (EPBC 2020/8715)*. The assessment must identify and assess direct and indirect impacts on the threatened species and ecological community that will, is likely to, or may be significantly impacted by the proposal, including but not limited to:
 - o Cumberland Plain Shale Woodland and Shale-Gravel Transition Forest (CPW) – critically endangered.

9. Ecologically sustainable development

- Identify how the development will incorporate ESD principles (as defined in Clause 7(4) of Schedule 2 of the Regulation) in the design, construction and ongoing operation phases of the development, and include innovative and best practice proposals for environmental building performance
- Include a framework for how the future development will be designed to consider and reflect national best practice sustainable building principles to improve environmental performance and reduce ecological impact. This should be based on a materiality assessment and include waste reduction design measures, future proofing, use of sustainable and low-carbon materials, energy and water efficient design (including water sensitive urban design) and technology and use of renewable energy.

10. Heritage and archaeology

- A Statement of Heritage Impact (SOHI) prepared by a suitably qualified heritage consultant in accordance with the guidelines in the NSW Heritage Manual. The SOHI is to address the impacts of the proposal on the heritage significance and the listed values of the site, and adjacent areas and is to identify the following:
 - o all heritage items (state and local) within the vicinity of the site including built heritage, landscapes and archaeology, detailed mapping of these items, and assessment of why the items and site(s) are of heritage significance

- o compliance with the relevant Conservation Management Plan
 - o the impacts of the proposal on heritage item(s) including visual impacts, significant site lines and viewsheds from and to the sites, including analysis of appropriate height limitations to protect view corridors to the Blue Mountains from the surrounding SHR sites, which have values linked to their significant views;
 - o the attempts to avoid and/or mitigate the impact on the heritage significance or cultural heritage values of the surrounding heritage items.
- A historical archaeological assessment should be prepared by a suitably qualified and experienced Historical archaeologist in accordance with the guidelines Archaeological Assessment (1996) and Assessing Significance for Historical Archaeological Sites and Relics (2009). This assessment should:
- o identify what relics, if any, are likely to be present, with analysis to address potential in the study area which may be associated with the former Rooty Hill Depot and stock farm (both SHR listed)
 - o assess their significance, potential resource, and consider the impacts from the proposal on this potential archaeological resource
 - o where impact is likely to occur, include recommendations to manage the significance. Test excavation may be necessary and appropriate to inform the EIS for the concept proposal
 - o address what impact are anticipated to the resource and what options and commitments may be possible at detailed design stage to avoid in whole or part the archaeological resource including archaeological mitigation if appropriate.

11. Aboriginal heritage

- Identify and describe the Aboriginal cultural heritage values that exist across the whole area that would be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This shall address:
- o the need for surface survey and test excavation
 - o the identification of cultural heritage values, in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010), and the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)
 - o consultation with Aboriginal people in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW)
 - o the significance of cultural heritage values for Aboriginal people who have a cultural association with the land
 - o impacts on Aboriginal cultural heritage values
 - o attempts to avoid impact upon cultural heritage values and identify any conservation outcomes
 - o where impacts are unavoidable, measures proposed to mitigate impacts
 - o any objects recorded as part of the assessment must be documented and notified to the Department's Environment, Energy and Sustainability Group.

12. Social

Prepare a social impact assessment, which:

- identifies and analyses the potential social impacts of the development, from the points of view of the affected community/ies and other relevant stakeholders, i.e. how they expect to experience the project
- considers how potential environmental changes in the locality may affect people's: way of life; community; access to and use of infrastructure, services, and facilities; culture; health and wellbeing; surroundings; personal and property rights; decision-making systems; and fears and aspirations, as relevant and considering how different groups may be disproportionately affected
- assesses the significance of positive, negative, and cumulative social impacts

considering likelihood, extent, duration, severity/scale, sensitivity/importance, and level of concern/interest

- includes mitigation measures for likely negative social impacts, and any proposed enhancement measures
- details how social impacts will be adaptively monitored and managed over time.

13. Bushfire

The EIS must include a bush fire report in accordance with the requirements of Planning for Bushfire Protection 2019 prepared by a suitably qualified person, that addresses the level of hazard posed to future development, identification and provision of asset protection zones, provision for access and water supply for firefighting purposes and provision of appropriate landscaping.

14. Water, drainage and stormwater

- Detail drainage associated with the proposal, including stormwater and drainage infrastructure
- Describe background conditions for any water resource likely to be affected by the development and impacts of the development on water quality and hydrology.
- Provide where relevant maps of the following, acid sulfate soils, location of rivers, streams, wetlands and estuaries, groundwater and dependent ecosystems and proposed intake and discharge locations.
- Address the requirements of BCC Engineering Guide for Development 2005, including the following, detail of upgrades of Church Street, stormwater easement requirements, OSD requirements, on-lot water quality treatment (WSUD) for the site and water conservation requirements for business/commercial development.

15. Flooding

The EIS shall:

- map, model and assess the impacts of the proposed development (including fill) on flood behaviour in accordance with the comments from the Department's Environment, Energy and Sustainability Group dated 6/5/2020
- describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP, flood levels and the probable maximum flood, or an equivalent extreme event
- consider and document existing Council flood studies and relevant provisions of the NSW Floodplain Development Manual 2005.

16. Utilities

The EIS shall:

- address the existing capacity of the site to service the proposed development and any augmentation requirements for utilities, including arrangements for electrical network requirements, drinking water, wastewater and recycled water
- identify the existing infrastructure on-site and any possible impacts of the construction and operation of the proposal on this infrastructure.

17. Staging

Details regarding the future staging of the proposed development including a staging plan.

18. Stage 1 early works

The EIS shall:

- provide detail of proposed early works, including upgrades or amendments to the stormwater system, bulk earthworks and removal of vegetation and subdivision

	<ul style="list-style-type: none"> - identify and provide an assessment of the main noise and vibration generating sources and activities and outline measures to minimise and mitigate the potential impacts on surrounding occupiers of land - detail measures and procedures to minimise and manage the generation and off-site transmission of sediment, dust and fine particles. - detail the proposed access arrangements and measures to mitigate associated traffic impacts - identify, quantify and classify the likely waste streams to be generated, including any hazardous materials, and describe the measures to be implemented to reduce, reuse, recycle, where possible and then manage and safely dispose of this waste. Identify useable spoil management initiatives - identify appropriate servicing arrangements (including but not limited to, waste management, loading zones, plant) for the site - identify proposed hours of work.
Plans and Documents	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Regulation. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following:</p> <ul style="list-style-type: none"> - high quality files of maps and figures of the subject site and proposal - architectural drawings (to a useable scale at A3) showing key dimensions, RLs, scale bar and north point, plans, sections and elevations of the proposal - site title diagrams and survey plan, showing existing levels, location and heights of existing and adjacent structures/ building - locality/context plan drawn, including significant local features - economic impact assessment - consultation summary report - design guidelines - landscape design report and landscape plans - arboricultural Impact Assessment Report - traffic and transport impact assessment - visual impact assessment and photomontages - solar access analysis report and diagrams - Crime Prevention through Environmental Design (CPTED) report - biodiversity development assessment report (or waiver) - ESD statement (incorporating a sustainability framework) - stormwater concept plan - bushfire assessment - geotechnical/ contamination report - noise and vibration impact assessment - construction impacts and management plan - waste management plan - utilities and services statement.
Consultation	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with:</p> <ul style="list-style-type: none"> - Blacktown City Council - Transport for NSW - Environment, Energy and Science Group in DPIE - Eastern Creek Public School - Local community. <p>The EIS must describe the consultation process and the issues raised and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short</p>

	explanation should be provided.
Further consultation after 2 years	If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Planning Secretary in relation to the preparation of the EIS.