

MODIFICATION REQUEST:

Amend the concept approval and Stage 1 subdivision and early works for the Eastern Creek Business Hub (SSD 5175 MOD 1)



Secretary's Environmental Assessment Report
Section 96(2) of the *Environmental Planning and Assessment Act 1979*

April 2016

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1. BACKGROUND

The purpose of this report is to assess a request to modify:

- the concept approval for a new retail centre comprising 52,800m² gross floor area to accommodate 'retail premises', 'bulky goods premises' and 'business premises' uses including site layout, building envelopes, design parameters, and maximum Gross Floor Area (GFA) distribution; and
- Stage 1 subdivision and early works.

1.1. Western Sydney Parklands

The Western Sydney Parklands is a 27km open space corridor covering about 5,500 hectares located in Western Sydney. The Parklands extends from Quakers Hill in the north to Leppington in the south, and provides an important open space link between Sydney's North West and South West Growth Centres and also acts as a major service corridor containing significant components of Sydney's utility infrastructure. The Parklands provide a range of passive and active recreation facilities to the public and caters for 1.6 million visitors per year.

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 (refer to **Figures 1 to 3**).

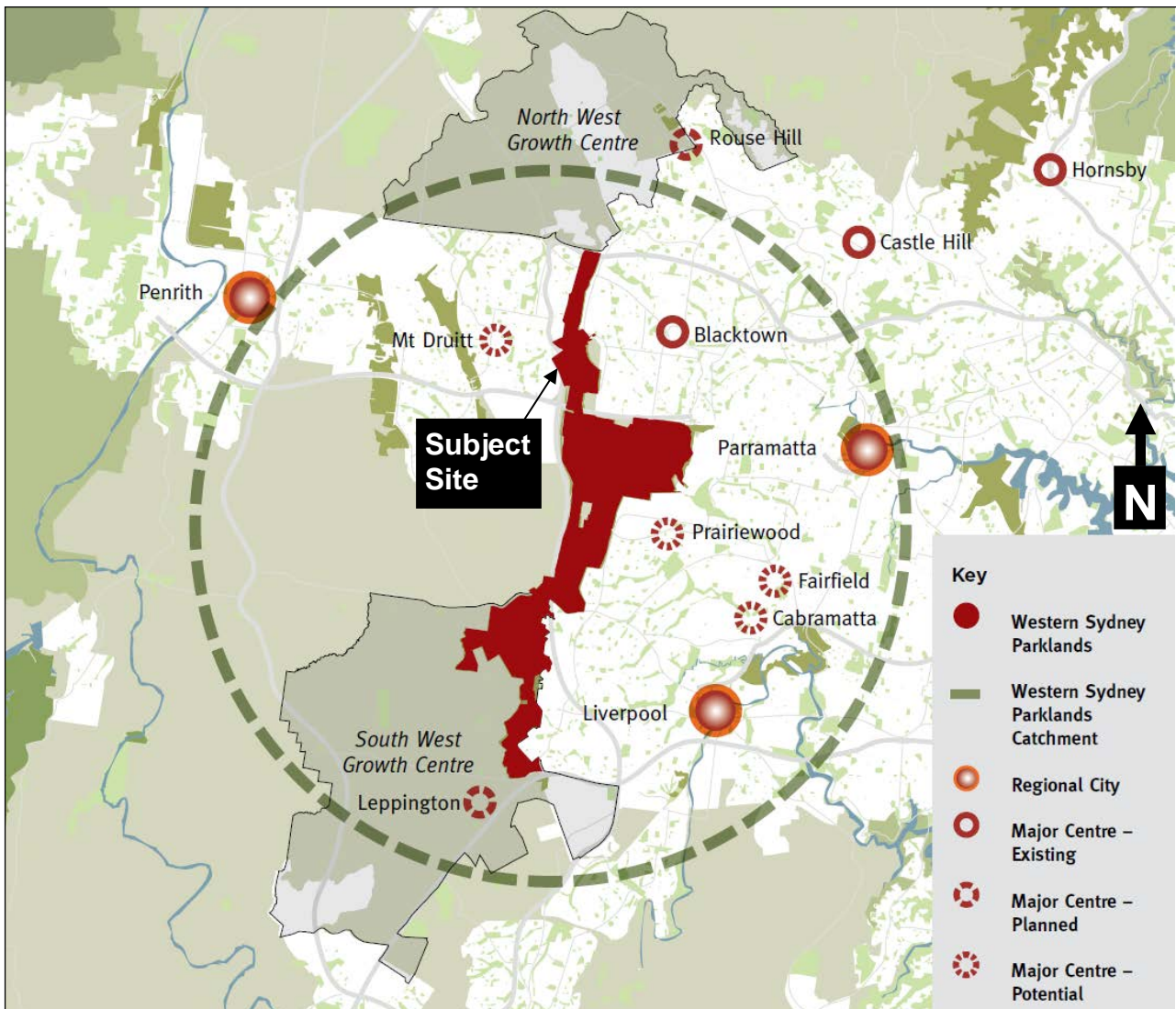


Figure 1: Western Sydney Parklands

1.2. Site Description and Surrounding Development

The site is located at the intersection of the Great Western Highway and the M7 Motorway, which is 7 km west of the Blacktown City Centre and 2.5 km south of Rooty Hill Railway Station (**Figure 2**).

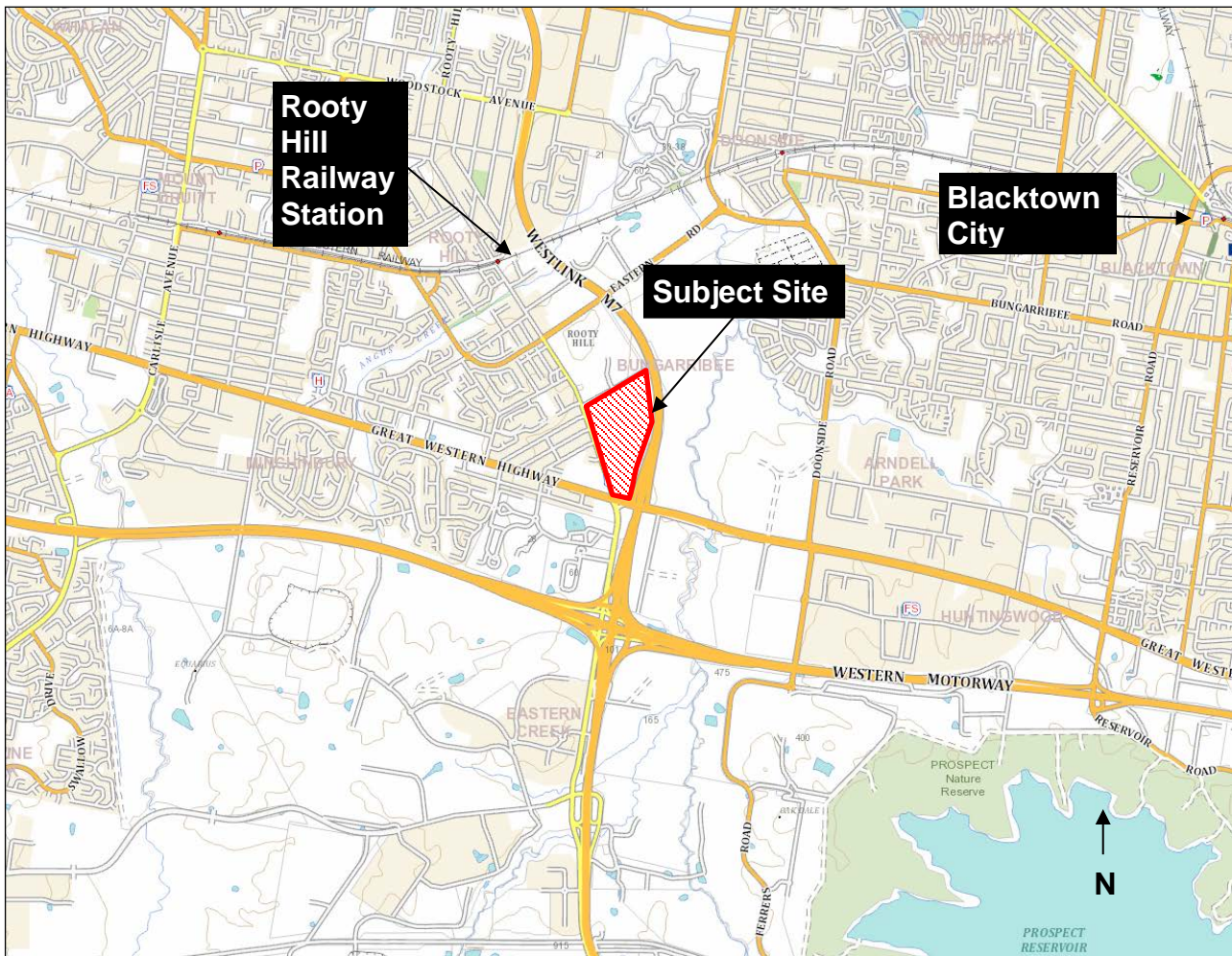


Figure 2: Location Plan

The subject site has an area of 34 hectares and is generally flat with land gently falling to the eastern and southern boundaries. The site is bound by Rooty Hill Road South (west), Great Western Highway (south), M7 Motorway (east) and Church Street (north)

The site is mainly open grassland with some scattered trees and remnant vegetation. The balance of the land is used for horse agistment purposes.

A high pressure gas pipeline associated with the Jemena Gas Trunk Receiving Station in the south-eastern corner of the site traverses the eastern part of the site. An easement for unformed roads known as Beggs Road and Belmore Road traverse the site in an east-west and north-south direction, respectively. There are seven existing dwelling houses fronting Rooty Hill Road South and Church Street in the northern part of the site.

Land to the west across Rooty Hill Road South contains low density residential development mainly comprising single storey detached dwelling houses and the Eastern Creek Public School and Eastern Creek Rural Fire Brigade Station at its southern end. Land to the north accommodates the Morreau Sporting Reserve and Amphitheatre and The Rooty Hill. Refer to **Figures 3 to 6**.

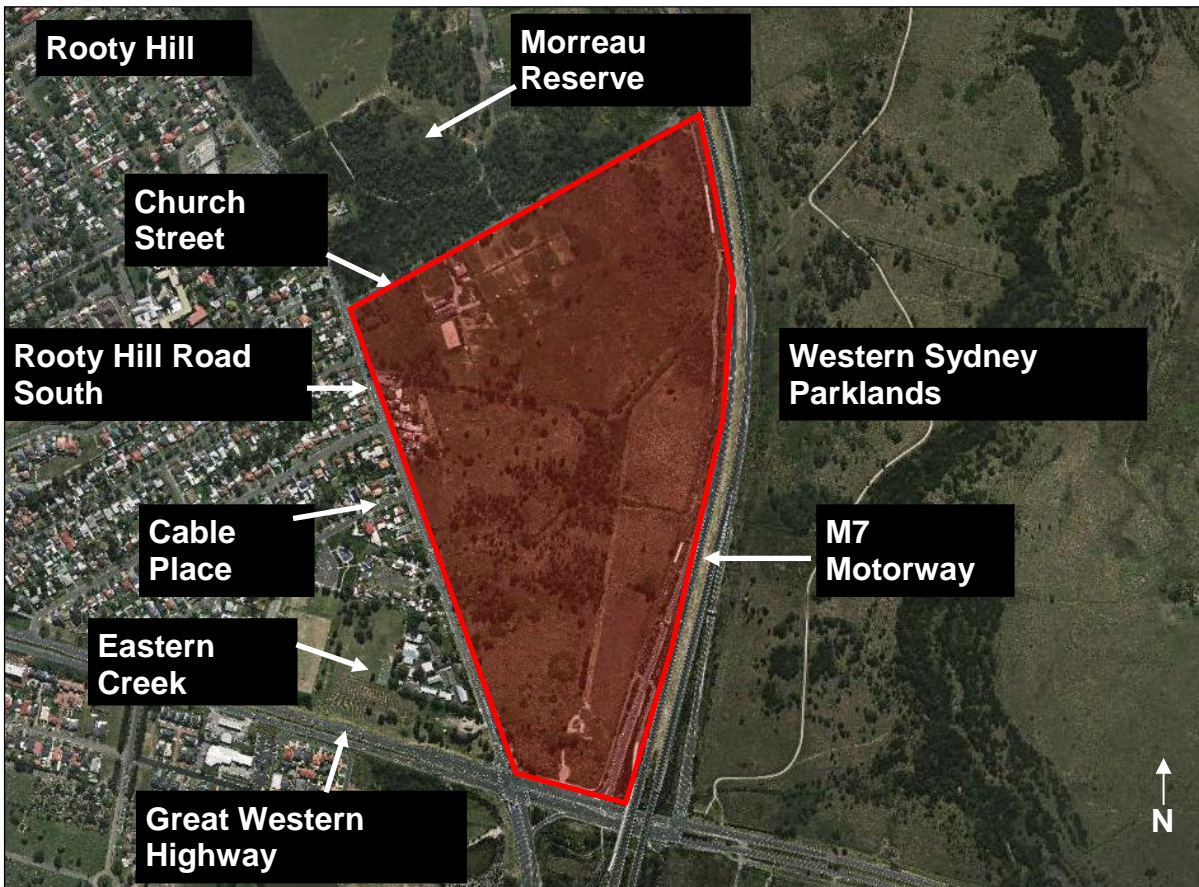


Figure 3: Aerial view of the site (outlined in red)



Figure 4: View looking north along Rooty Hill Road South



Figure 5: View looking east from Cable Place



Figure 6: View looking southeast from Church Street

1.3 Approvals History

On 7 January 2015, the Minister for Planning approved the State Significant Development (SSD) application for a new retail centre comprising 52,800m² gross floor area to accommodate 'bulky goods premises', 'large format retail premises', 'supermarket premises' and 'specialty shops/business premises' uses including concept approval for site layout, building envelopes, design parameters and maximum GFA distribution.

The approval restricted large format retail to a maximum of two retail operators/tenants for non-food or beverage purposes to ensure that the proposal would not have unacceptable economic impacts on surrounding centres.

Approval was also granted for Stage 1 subdivision and early works including:

- super lot subdivision to create three developable allotments and one residual allotment;
- construction of an access road;
- bulk and detailed earthworks;

- stormwater management;
- civil engineering works;
- landscaping; and
- rehabilitation of the existing woodland areas identified for open space/conservation.

2. PROPOSED MODIFICATION

2.1 Proposal

The modification request, as refined in the applicant's response to submissions, seeks approval to:

- modify the concept approval as follows:
 - transfer the Beggs Road easement into Phase 1B and Phase 2 of the business hub land;
 - maintain and incorporate the proposed pedestrian link to Church Street into Phase 2 of the development;
 - reconfigure the stormwater drainage system including provision of a second on-site detention basin; and
 - allow any residual large format retail GFA up to the approved maximum to be used as bulky goods GFA, and a maximum of 500m² of residual supermarket GFA to be used as specialty shops/small business GFA (**Table 1**).
- modify the Stage 1 subdivision and early works as follows:
 - undertake additional bulk earthworks to include remediation, establishing pad sites 1, 2, 3 and 4, and accommodate the amended stormwater drainage system.

Table 1: Summary of approved and proposed land use GFA allocation

Land Use	Maximum GFA	Proposed Modification
Bulky goods	29,300m ²	Allow any residual large format retail GFA transferable to Bulky Goods GFA
Large format retail	14,000m ²	
Convenience retail	9,500m ²	Allow a maximum of 500m ² of residual supermarket GFA to be transferable as specialty shops/small business GFA
- supermarket	(4,000m ²)	
- specialty shops/small business	(5,500m ²)	
Total	52,800m²	

The proposal including comparisons against the Concept approval is shown in **Figures 7-9**.

2.2 Response to Submissions (RtS)

On 20 January 2016, the applicant submitted a RtS which provided additional clarification to aspects of the proposal relating to land ownership, economic impacts, stormwater designs, heritage and archaeological management. The proposal, as originally submitted, did not seek to limit the amount of supermarket floor space that could be transferred to specialty retail. However in response to concerns raised by Council, the applicant amended the proposal by capping the transfer of residual supermarket GFA to be used as specialty shops/small business GFA to a maximum of 2000m².

On 15 March 2016, the applicant further amended the proposal to cap the transfer of residual supermarket GFA to be used as specialty shops/small business GFA to a maximum of 500m² in response to concerns raised by the Department concerning the potential economic impacts to nearby retail centres, particularly Evans Road, Rooty Hill as discussed in **Section 5.1**.

On 30 March 2016, the applicant further amended the proposal to defer the requirement for a Deed of Agreement with the Roads and Maritime Services (RMS) for external roadworks from prior to construction commencing to prior to the issue of the first subdivision certificate.



Figure 7: Comparison of approved (left) and proposed (right) layout of the business hub with proposed changes circled in red
NSW Government
Department of Planning & Environment

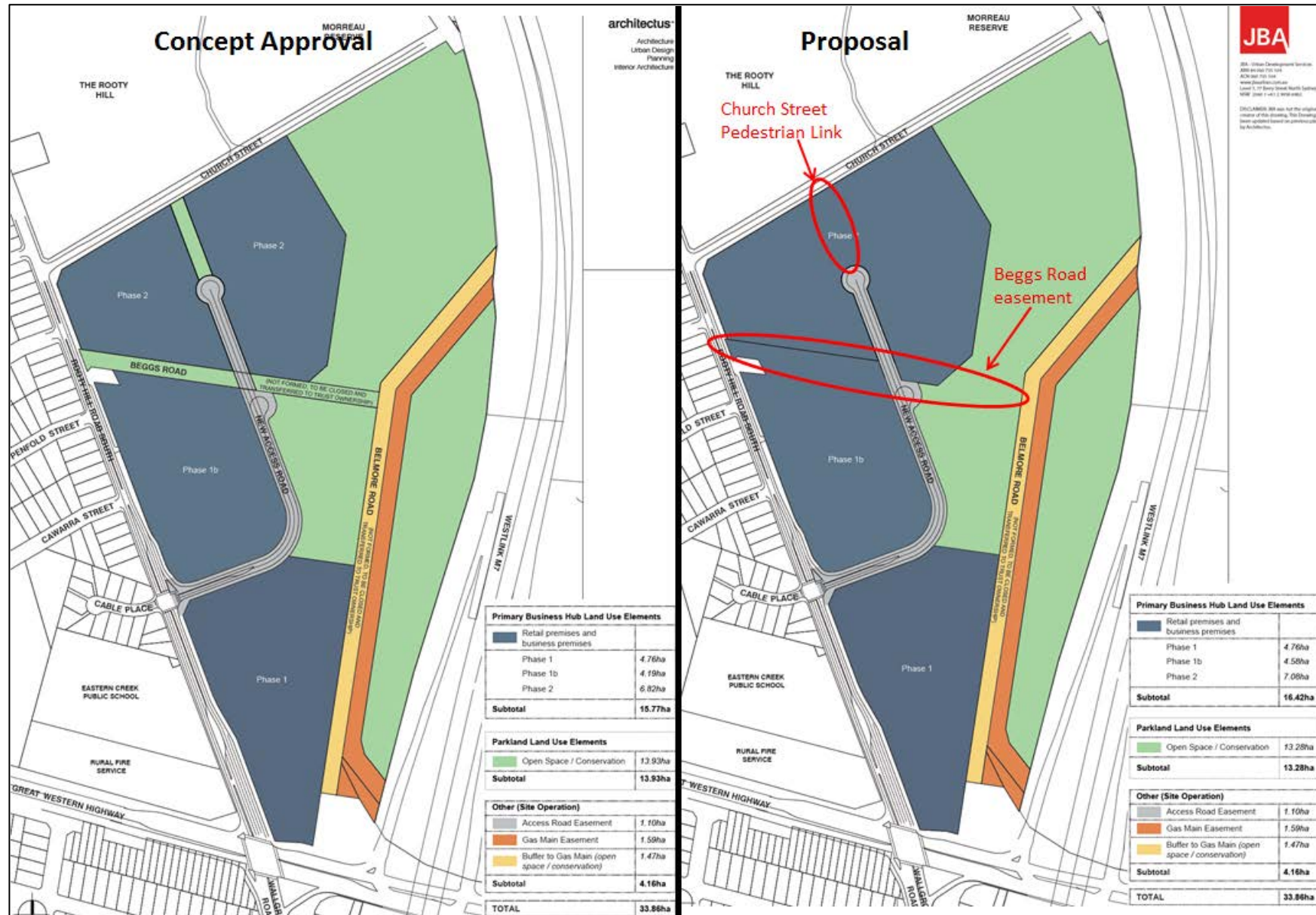


Figure 8: Comparison of approved (left) and proposed (right) staging of the business hub with proposed changes circled in red

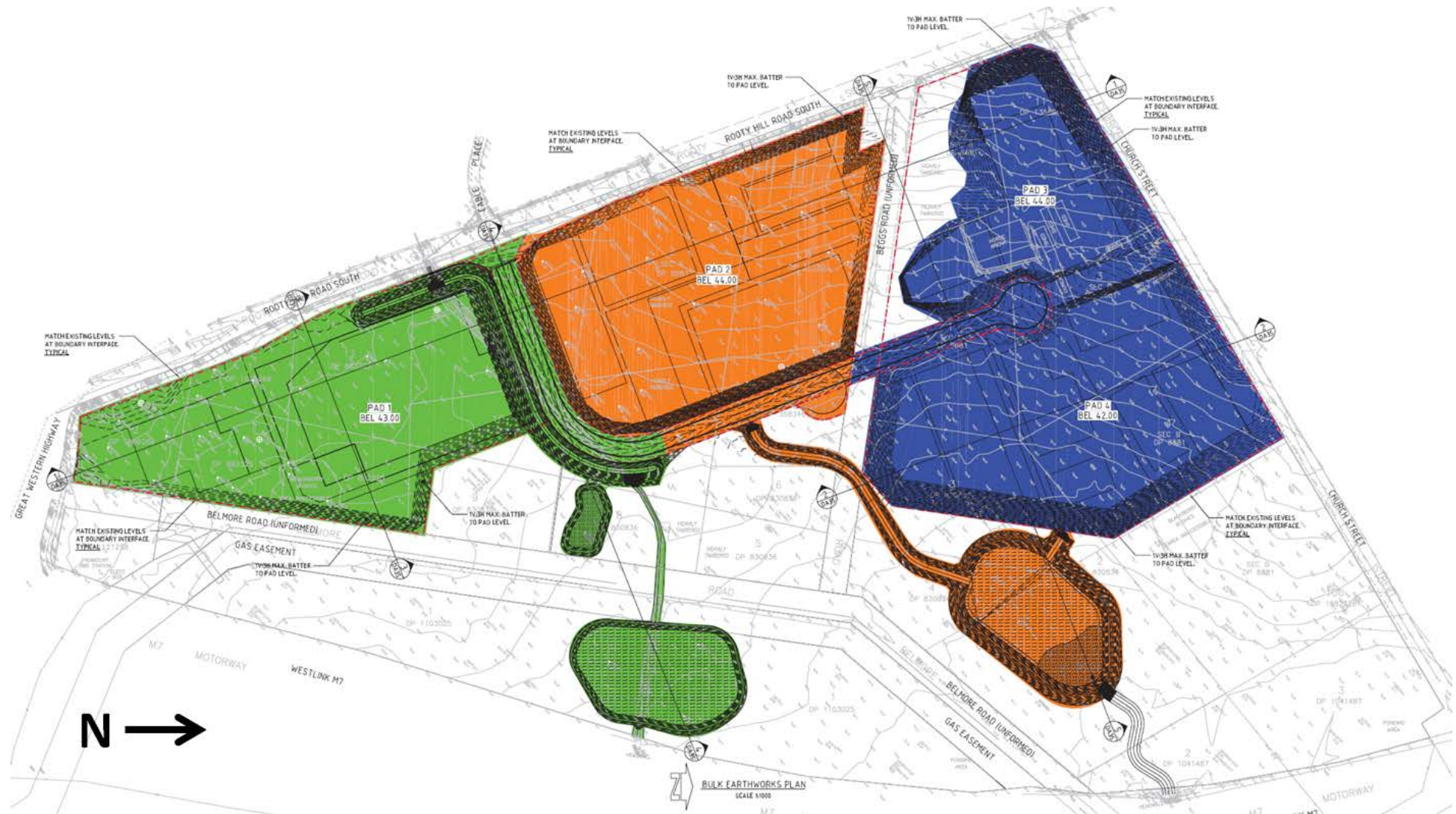


Figure 9: Extract of proposed bulk earthworks plan showing pad sites and levels

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Section 96(2) of the EP&A Act requires the consent authority to be satisfied that the following matters are addressed in respect of all applications that seek modification approvals (**Table 1**):

Table 2: Consideration of proposed modification against Section 96(2) of the EP&A Act

Section 96(2) matters for consideration	Comment
(a) 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 involves minor modifications to the approved land use GFA mix, additional infrastructure and early works to allow for future development of the site, and amended stormwater infrastructure designs. The development remains for the purposes of developing a new business hub at Eastern Creek. The Department is therefore satisfied that the proposed modification is substantially the same development as the development originally approved.
(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent.	The Department has consulted all relevant public authorities or approval bodies on the proposed modification application, and no objections were received.
(c) it has notified the application in accordance with the regulations, if the regulations so require.	The modification application has been appropriately notified in accordance with Clause 119 of the <i>Environmental Planning & Assessment Regulation 2000</i> .
(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.	The Department received seven submissions from public authorities which do not object to the proposal. No public submissions were received. Details of the notification are provided in Section 4 of this report. The Department has considered all the submissions in Sections 4 and 5 of this report.

3.2 Secretary's Environmental Assessment Requirements

No additional environmental assessment requirements were issued with respect to the proposed modification, as sufficient information has been provided to consider the application. Further, the issues raised remain consistent with the key assessment requirements addressed in the original application.

3.3 Delegation

On 16 February 2015, the Minister for Planning delegated functions to determine modifications under section 96 of the EP&A Act to the Director, Key Sites Assessments, where:

- the relevant local council has not made an objection;
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

In accordance with the Minister's delegation, the Director, Key Sites Assessments may determine this modification request under delegated authority.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

The Department publically exhibited the modification request from Thursday 10 September 2015 until Monday 26 October 2015 (45 days) on the Department's website. The public exhibition was advertised in the Sydney Morning Herald, Daily Telegraph and the Blacktown Advocate on Wednesday 9 September 2015. Nearby land owners and the relevant State and local government authorities were notified in writing.

The Department received five submissions from public authorities during exhibition. No submissions were received from the public.

The Department received two further submissions from Council and RMS commenting on the applicant's RtS.

A summary of the issues raised in submissions is provided below.

4.2 Public Authority Submissions

A total of seven submissions were received from public authorities comprising five submissions in response to the exhibition and two submissions in response to the RtS. The issues raised by public authorities are summarised in **Table 2** below.

Table 2: Summary of public authority submissions

Blacktown Council	
Modification Request	<p>Council does not object to the proposal but provided the following comments:</p> <ul style="list-style-type: none"> • the applicant should maintain management of the retail centre to ensure it operates with no adverse impacts on the wider parklands; • the supermarket shall have a minimum floor plate of 2,000m² to ensure no more than 2,000m² GFA is transferred to speciality shops/small businesses; • an assessment of proposed changes on design guidelines including the visual impact of changing retail spaces to bulky good areas should be undertaken; • consideration be given to adjusting the boundary alignment at the north west corner of PAD 2 to provide a better transition to remnant bushland; • Council does not support changes to the intersection of Francis Road/Eastern Road and Rooty Hill Road South; • additional information is required including: <ul style="list-style-type: none"> ○ an historical archaeological aboriginal management plan; ○ further assessment of aboriginal and non indigenous archaeology; ○ the proposed drainage design; ○ consultation for any future voluntary planning agreement; and ○ confirmation of any proposed infrastructure to be dedicated to Council.
RtS	<p>Council advised that its previous concerns have generally been addressed and in principle it has no objection to the proposal, however note:</p> <ul style="list-style-type: none"> • an updated visual assessment montages should have been provided with the response to assess the impact of any increase in building heights; and • the changes to the Francis Road/Eastern Road and Rooty Hill Road South are not supported. <p>Following receipt and review of an Archaeological Management Plan, Council advised that this addresses previous concerns and recommended conditions of approval.</p>
Roads and Maritime Services (RMS)	
Modification Request	RMS raised no objection to the proposal.
RtS	RMS raised no objection to defer the requirement for a Deed of Agreement with the RMS for external roadworks to prior to the issue of the first subdivision certificate.

Office of Environment and Heritage (OEH)	
Modification Request	OEH recommends minor amendments to Condition B2 to require delivery of biobanking outcomes prior to clearing on site.
Heritage Council NSW	
Modification Request	Heritage Council recommends that a suitably qualified historical archaeologist be contacted in the event of any historic objects being uncovered during the construction and operational phases, to determine the significance of the objects.
Environment Protection Authority (EPA)	
Modification Request	EPA recommends additional conditions of consent surrounding site remediation, noise and vibration during construction, dust control management, erosion and sediment control, and waste control and management.

5. ASSESSMENT

The Department considers that the key environmental issues for the proposal are:

- land use mix and economic impacts
- bulk earthworks; and
- archaeology.

5.1 Land Use Mix and Economical Impacts

The concept approval allows a total maximum GFA of 52,800m² of retail floor space including maximum distribution of GFA for bulky goods, large format retail and convenience retail for supermarket and specialty shops/small businesses as shown in **Table 2** below.

The proposal seeks to amend the maximum allowable GFA between the land uses to allow greater flexibility in the distribution of residual GFA as follows:

- allow any residual large format retail GFA to be transferable to bulky goods GFA; and
- allow a maximum of 500m² of residual supermarket GFA to be transferable to specialty shops/small business GFA (**Table 2**).

Table 2: Summary of approved and proposed changes to maximum GFA for various land uses

Land Use	Approved Maximum GFA	Proposed modification
Bulky goods	29,300m ²	Allow any residual large format retail GFA transferable to Bulky Goods GFA
Large format retail	14,000m ²	
Convenience retail - supermarket - speciality shops/small business	9,500m ² (4,000m ²) (5,500m ²)	Allow a maximum of 500m ² of residual supermarket GFA to be transferable as speciality shops/small business GFA
Total	52,800m²	No Change

The economic impact of the new centre on other nearby centres was a key consideration in the Department's original assessment. The Department obtained independent advice from SGS Economics to inform its assessment and took a view that an economic impact on other centres of 10 percent or less in retail turnover was acceptable. In this regard, the Department approved the development on the condition that the proposed large format retail component be operated by a maximum of two retailers for non-food or beverage purposes, noting this would reduce economic impact to nearby centres (with the exception of other bulky goods centres within the wider Sydney) to below 10 percent retail turnover. In addition, the Department noted economic impacts to nearby retail centres will dissipate over time as a result of increased population and retail expenditure in the defined trade area.

The applicant contends that the proposal will not have further economic impacts from that already approved for the following reasons:

- the transfer of large format retail floor space to bulky goods will not impact the viability of nearby surrounding centres as the surrounding centres are not proposed to accommodate bulky goods retail; and
- the target retail turnover for specialty shops/small business (\$5,500 per m²) is lower than the turnover for supermarkets (\$9,000 per m²). In this regard, the proposal to provide additional specialty shops/small business GFA is likely to draw a lower turnover and therefore reduce the economic impact of the retail centre on surrounding centres.

The applicant also submitted an addendum to the economic impact assessment report by Hill PDA which outlined the projected potential impacts (loss in retail turnover) to nearby centres in 2017 as a result of the proposed modification. A summary of the potential economic impacts to other key nearby retail centres compared to the approved development is provided in **Table 3**.

Table 3: Summary of projected shift in retail turnover in 2017 as a result of approved and proposed development in nearby centres

Local Centres	% impact in turnover 2017	
	Approved	Proposed
Rainbow Shopping Centre	-8.1%	-7.5%
Myrtle Street, Prospect	-7.0%	-6.4%
Holbeche Road, Arndell Park	-5.8%	-5.4%
Rooty Hill Village Centre	-6.7%	-6.6%
Evans Road, Rooty Hill	-8.0%	-8.9%

Hill PDA notes that the proposal will largely result in an overall lesser impact than that originally approved to nearby surrounding centres with the exception of Evans Road. The Evans Road centre comprises only specialty stores and two small bulky good stores, and no supermarket. Hence, the proposed flexibility towards speciality stores and bulky goods stores at the expense of supermarket floor space has a greater impact on this particular centre. Notwithstanding, Hill PDA contends that the increased economic impact to Evans Road centre is minor being 0.9% and will further diminish by a further 2% approximately by 2018.

Council raise no concern with the proposed changes subject to a condition being imposed restricting a maximum of 2,000m² of residual supermarket GFA be transferrable to specialty shops/small businesses GFA. The Department notes that the applicant has subsequently amended the proposal to restrict the amount of supermarket GFA being transferred to specialty shops/small businesses GFA to a maximum of 500m².

The Department notes that the transfer of large format retail floor space to bulky goods will not have any significant impacts as there are no nearby centres providing bulky goods retail. The transfer of a maximum of 500m² residual supermarket floor space will also ensure that any future supermarket on the site is of a reasonable size in keeping with that envisaged for the business hub.

The Department is satisfied that the proposal will generally result in an overall lesser impact than that originally approved to nearby surrounding centres with the exception of Evans Road. The increased economic impact to Evans Road centre is 0.9% which is considered minor and the overall impact of 8.9% is within the originally accepted range of 10% established by the SGS independent review undertaken as part of the Department's original assessment. Further, the Department notes that these economic impacts will dissipate over time as a result of increased population and retail expenditure in the defined trade area.

In consideration of the above, the Department considers that the proposal will have a similar economic impact to the approved development and is acceptable. The redistribution of residual large format retail floor space to bulky goods retailing and up to 500m² of residual supermarket

floor space to specialty retail will not significantly alter the composition or impact on the retail centre, as approved.

5.2 Bulk Earthworks

The approval allowed for stage 1 subdivision and early works including super lot subdivision; construction of an access road; bulk and detailed earthworks; stormwater management; and civil engineering works. The approval did not include bulk earth works involving establishment of pad site levels. This was initially intended to be subject of future applications for individual pad sites.

The proposal seeks to incorporate additional bulk earthworks to allow for:

- the establishment of development pad sites;
- revised levels to reduce the number of retaining walls; and
- the revised stormwater design.

The proposed changes to bulk earthworks are considered necessary as part of the detailed design for the construction of the site and minor in nature. The bulk earthworks maintain the approved layout and seek to establish building platform levels as summarised in **Table 4** below:

Table 4: Summary of pad site RLs compared to existing contours

Building Platform	Existing Levels/Contours (RL) Fronting Roads based on Survey	Proposed Levels (RL) (+/-500mm)	Approved Maximum Building Height*
Pad 1 (Lot 1)	Rooty Hill Road South: RL43.3m in the south to RL42.6m in the north.	Average RL43m	12m
Pad 2 (Lot 2)	Rooty Hill Road South: RL43.0m in the south to RL47.3m in the north	Average RL44m	15m
Pad 3 (Lot 3)	Rooty Hill Road South: RL48.0m in the south to RL50.6m in the north. Church Street: RL50.6m in the west to RL44.5m in the east.	Average RL 44m	12m
Pad 4 (Lot 4)	Church Street: RL44.5m in the west to RL41.0m in the east.	Average RL42m	12m

*Building heights from natural ground level as identified within the approved design guidelines

Council requested that an updated visual impact assessment be submitted to aid the assessment of the potential changes in building height from the proposed pad site levels. Council also commented that pad site 2 retaining wall alignment at the north western corner should be adjusted to provide a better transition to adjacent remnant bushland and adjacent remaining cottage.

The Department notes that the proposed pad levels are:

- generally an average between the existing ground levels and the ground levels at the boundaries of the relevant pad sites at the relevant street frontages (or lower); and
- generally consistent with the existing natural fall of the land for the relevant pad sites.

Further, the Department notes future buildings on the site will be setback between 21.5 and 116 metres from the nearest residential boundary (**Figure 10**). Given the significant setbacks and general consistency with existing levels, the Department considers that any minor variations in building height would not be visibly discernible from the streetscape. In addition, any increase would not alter the scale/form of future buildings.

Condition B1 of the approval also requires future applications demonstrate compliance with the approved design guidelines which comprise maximum building heights. The design guidelines set out building height, bulk and activation requirements to ensure appropriate massing and design of future buildings in the detailed applications.

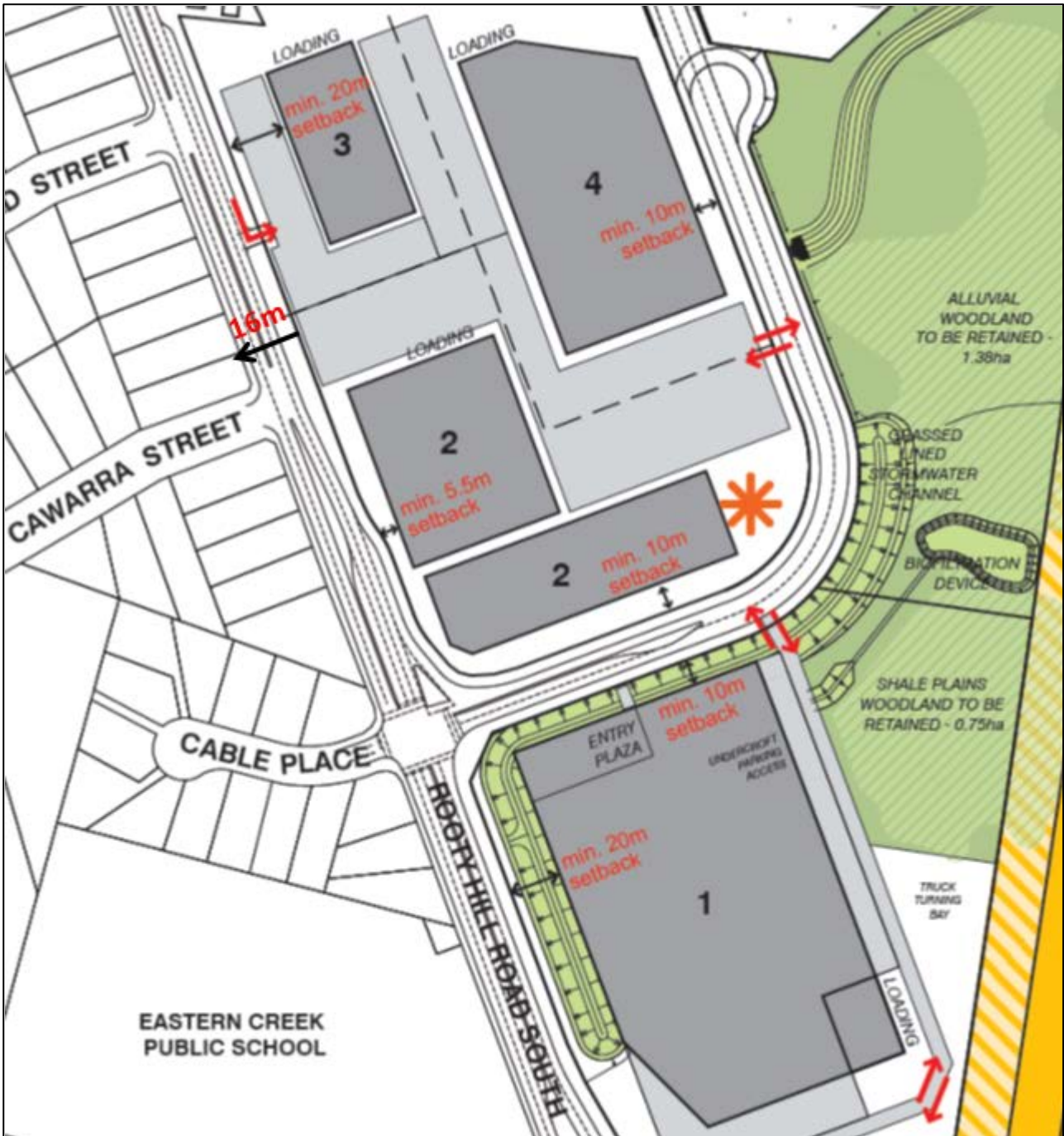


Figure 10: Extract of maximum building foot prints showing minimum setbacks to Rooty Hill Road South

The Department notes the proposed level for pad site 2 of RL 44m has resulted in the removal of the retaining wall at the north west corner and will provide a pad level generally consistent with the existing ground levels of the adjoining remnant bushland and adjacent cottage. Further, the applicant's heritage consultant contends that adjustment of building pad levels would not change the visual impacts to any historical or aboriginal archaeology. The Department agrees and is satisfied that the realigned levels provides an appropriate transition to remnant bush.

Noting the above, the Department does not consider it necessary for an updated visual impact assessment to be provided. The Department is satisfied the resulting built form impacts are minor and overall acceptable.

5.3 Archaeology

The Department's original assessment noted that the site it is unlikely to contain any substantial archaeology, however it imposed conditions requiring archaeological monitoring in relation to the approved ground works.

The proposal seeks to amend the approved stormwater drainage system including the incorporation of a second on-site detention basin (**Figure 7**) in the north eastern part of the site. The stormwater drainage system will continue to be managed and maintained by the applicant into the future.

Council has advised that it is satisfied that the proposed stormwater system and the Archaeological Management Plan prepared by Biosis dated 10 February 2016, submitted pursuant to Condition B23, is satisfactory in managing potential impacts on archaeology during construction.

The Heritage Council of NSW have recommended that a suitably qualified historical archaeologist be contacted in the event of any historic objects being uncovered during the construction and operational phases, to determine the significance of the objects.

The Department notes that the proposal involves minor changes to the earthworks approved for the development with the exception of the new on-site detention basin. Notwithstanding, the Department notes the Archaeological Management Plan contains detailed procedures for the management of any potential archaeological discoveries and requires that a suitably qualified historical archaeologist be contacted in the event of any historic objects being uncovered during the construction and operational phases. Further, Condition C13 requires that suitably qualified historical archaeologist be contacted as per the above.

The Department is satisfied that the Archaeological Management Plan is satisfactory in ensuring any archaeological impacts are appropriately managed during the construction of the development. Therefore, the Department recommends that Condition B23 requiring an Archaeological Management Plan be deleted, and a new condition be imposed requiring compliance with the submitted Archaeological Management Plan. Further, the Department recommends a further condition requiring consultation with the Mount Druitt Historical Society on the requirement for a Heritage Interpretation Strategy, and preparation of this plan if required, prior to issue of a Construction Certificate.

5.4 Other

Issue	Comment
<p>Staging</p>	<p>The proposal seeks to stage the development by:</p> <ul style="list-style-type: none"> • incorporating the Beggs Road easement into the business hub land and transferring it into Phase 1B and Phase 2 of the development; and • maintaining and incorporating the proposed pedestrian link to Church Street into Phase 2 of the development (Figure 8). <p>The applicant contends the incorporation of both the Beggs Road easement and pedestrian link to Church Street is sought to remove the requirement for further administrative modifications to the concept approval once the Beggs Road easement has been transferred from Blacktown Council to the Western Sydney Parklands Trust.</p> <p>The Department notes that the Beggs Road easement is an unformed road running through the northern part of the site and the pedestrian link connects Church Street to the new access road. Both are currently under the ownership of Blacktown Council. The original concept approval identified that these easements would not be developed and will be transferred to the ownership of Western Sydney Parklands Trust.</p> <p>The proposed staging will not impact on the overall delivery or intent of the concept approval for the easements and is considered acceptable.</p>

<p>Traffic</p>	<p>Council does not support works at the intersection of Francis Road/Eastern Road and Rooty Hill Road South, specifically the provision of a right turn only lane and a combined left/straight through lane at the south approach to Rooty Hill Road South. Council also recommends that a condition be imposed requiring safety measures be implemented in the form of a fence along the full median strip of Rooty Hill Road South, to ensure pedestrians cross at the signalised crossing at Cable Place and Rooty Hill Road South.</p> <p>The Department notes that the Traffic Management and Accessibility Plan (TMAP) submitted with the original application recommended intersection upgrades at Francis Road/Eastern Road and Rooty Hill Road South. However, these works were removed in the amended TMAP submitted with the RtS, and the Concept Approval does not give approval for any intersection upgrades at Francis Road/Eastern Road and Rooty Hill Road South. The proposed modification does not seek to make any changes to external traffic arrangements.</p> <p>Further, the Department also notes that the proposed modifications will not have any significant impacts to future pedestrian movements from that approved. RMS have previously advised that a central median is not required for the subject proposal for subdivision. The Department notes that the requirement will be the subject of further analysis of traffic/pedestrian volumes and future land uses as part of any future development application for the construction/use of individual buildings on site.</p>
<p>Biodiversity</p>	<p>The Applicant provided an addendum to the original Ecological Impact Assessment which indicates that the proposed additional works will not impact on any additional threatened species and the approved biodiversity offset strategy is adequate.</p> <p>OEH recommends that the Condition B2 be amended to require the biodiversity strategy be implemented prior to any clearing on site.</p> <p>The Department is satisfied the proposal will not have any further impacts on the biodiversity value of the land and the approved biodiversity strategy is adequate to offset any impacts. Further, the Department supports the amendment to Condition B2 to ensure the biodiversity strategy is implemented appropriately.</p>
<p>Contamination</p>	<p>The applicant submitted a revised phase 1 early works remediation action plan (RAP) which assesses the additional scope of works as proposed by the modification.</p> <p>The RAP concludes that the site can be made suitable for the proposed development subject to appropriate remediation as per the recommendations of the plan prior to and during construction of the development.</p> <p>The Department recommends that condition C3 is amended accordingly.</p>
<p>Land Management</p>	<p>Council has advised that it does not support any proposal by the applicant to divest itself of its management responsibilities for the subject site. Council is of the view that the applicant should maintain management to ensure the retail centre operates with no adverse impacts on the wider parklands.</p> <p>The Department notes that Western Sydney Parklands Trust will retain ownership of the basins and the internal road with the exception internal access road which will be dedicated to Council as per Condition D8. This is appropriate to ensure that Western Sydney Parklands Trust is able to mitigate and prevent any potential impacts from future operators on the wider parkland. A condition has been recommended accordingly.</p>
<p>Environmental Management</p>	<p>The proposal seeks additional construction works which will have the potential to give rise to additional impacts.</p> <p>In this regard, the EPA has recommended additional conditions to mitigate environmental impacts during construction relating to site remediation, noise and vibration during construction, dust control management, erosion and sediment control, and waste control</p>

	<p>and management. The Department is satisfied that the existing conditions and recommended additional conditions will ensure environmental impacts are minimised during construction of the development.</p>
RMS Deed of Agreement	<p>Condition B9 requires that the applicant enter into a Deed of Agreement with the RMS for a number of external site road works prior to the commencement of works on site as detailed in the RMS letter dated 6 June 2014.</p> <p>The proposal seeks to amend the timing of the Deed to prior to the release of the first subdivision certificate, which would allow the site works to commence prior to the Deed being finalised.</p> <p>RMS has advised that it has no objection with the proposal to defer the requirement for entering into a Deed with the RMS to prior to the issue of the first subdivision certificate.</p> <p>On this basis, the Department considers that this amendment is acceptable and recommends that Condition B9 be deleted and a new condition D17 be imposed requiring the applicant enter into a Deed with the RMS for the required external road works prior to the issue of the first subdivision certificate.</p>

Table 5: Summary of amendments to conditions

Condition	Proposed amendment/ new condition
Schedule 2 – Terms of Approval for Concept Proposal	
A1	Amend condition to include MOD 1 documents.
A4	Amend documentation and plan references to reflect proposed changes.
A7	Amend condition to allow for changes in GFA distribution within the allowable maximums.
A9	New condition requiring Western Sydney Parklands Trust retain ownership of basins and internal roads.
B12	Amend condition to reflect proposed changes to storm water.
Schedule 3 – Conditions of Consent for Stage 1 Subdivision and Early Works	
A2	Amend documentation and plan references to reflect proposed changes.
A9	New condition requiring compliance with Archaeological Assessment Plan at all times.
B2	Amend condition to require offsets works be implemented prior to clearing on site.
B9	Delete condition to allow for Deed of Agreement to be finalised prior to the issue of the first subdivision certificate.
B21	Amend condition to updated remediation action plan and reference the site audit statement submitted with the proposal.
B23	Delete condition for submission of an archaeological management plan as no longer applicable.
B24-B32, C1A, C5A, C14-C20, D11-D17	<p>New conditions relating to:</p> <ul style="list-style-type: none"> • historical interpretation strategy; • storm water and flood design and management; • cut and fill; • landscaping; • retaining walls; • construction activity management; and • Deed of Agreement for roadworks.
C1	Amend condition to restrict certain construction works within set construction hours.
C3	Amend condition to updated remediation action plan and allow the NSW site auditor to amend the remediation action plan as required during construction.

6. CONCLUSION AND RECOMMENDATION

The Department has assessed the merits of the proposed modification taking into consideration the issues raised in all submissions and is satisfied that the impacts have been satisfactorily addressed within the proposal and Department's recommended conditions.

The Department carefully considered the change in land use mix and associated economic impacts. The Department is satisfied that the proposed flexible retail floor space provisions will generally have an acceptable economic impact that is consistent with that originally considered acceptable by the Department. Further, the proposed land use mix is reasonable noting the proposal will maintain the approved maximum GFA for the site and continue to provide a supermarket of a reasonable size and an overall retail centre that is consistent with that approved.

The Department is satisfied that the proposed additional bulk earthworks in particular the establishment of pad sites is acceptable and appropriate at this stage of the development. The pad levels will facilitate the future development of development lots and have an appropriate relationship with existing natural ground levels and surrounding levels. Any potential changes to building heights will be minor, noting the considerable separation distances from nearby residential properties and also that future detailed applications for buildings will be required to comply with the approved design guidelines.

Council is satisfied that the reconfigured stormwater drainage system is acceptable and will continue to be managed and maintained by the applicant into the future. Further, the proposal will not result in any unacceptable heritage and archaeological impacts subject to appropriate management in accordance with the submitted archaeological management plan.

The Department has also consulted with RMS on the timing of the Deed of Agreement for external road works, and supports this Deed being deferred until prior to issue of the first subdivision certificate, to enable commencement of early works while the Deed is being finalised.

The modified proposal remains generally consistent with the overall intent and terms of approval and is acceptable. It is therefore recommended that the Director, Key Sites Assessments:

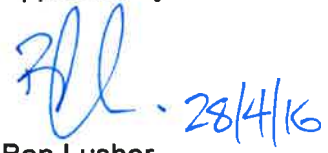
- (a) **consider** the findings and recommendations of this report;
- (b) **approve** the modifications subject to conditions under Section 96(2) of the Environmental Planning and Assessment Act 1979; and
- (c) **sign** the attached Instrument of Modification (**Appendix C**).

Prepared by: Simon Truong
Senior Planner, Key Sites Assessments

Endorsed by:


Amy Watson
Team Leader
Key Sites Assessments

Approved by:


Ben Lusher
Director
Key Sites Assessments

APPENDIX A MODIFICATION REQUEST

See Planning and Environment's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7240

APPENDIX B SUBMISSIONS

See Planning and Environment's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7240

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
