

ASSESSMENT REPORT

EASTERN CREEK BUSINESS HUB, ROOTY HILL SSD 5175 MOD 2

1. INTRODUCTION

This report is an assessment of an application seeking to modify the State significant development (SSD) approval for the Eastern Creek Business Hub in the Blacktown local government area.

The application has been lodged by Frasers Property Australia on behalf of Western Sydney Parklands Trust (the Applicant) pursuant to section 96 (2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to consolidate four building envelopes into a larger single building envelope with two small pad sites, permit additional uses within Lot 2 and to amend the Landscape Master Plan and Urban Design Guidelines.

2. SUBJECT SITE

The site is located within the Rooty Hill Precinct in the northern section of the Western Sydney Parklands. It is located at the intersection of the Great Western Highway and the M7 Motorway, which is 7 kilometres (km) west of the Blacktown City Centre and 2.5 km south of Rooty Hill Railway Station (**Figure 1**). The site has an area of 34 hectares and is bound by Rooty Hill Road South (west), Great Western Highway (south), M7 Motorway (east) and Church Street (north) (**Figure 2**).

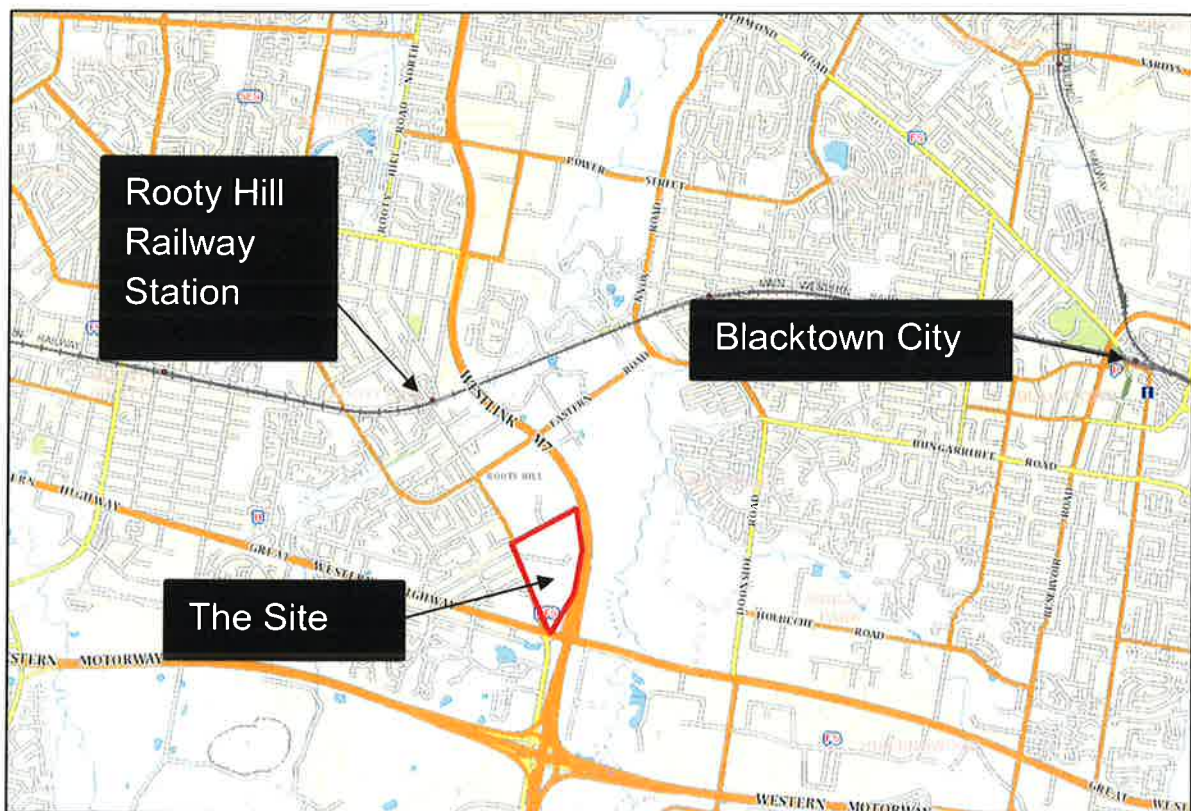


Figure 1: Site Location

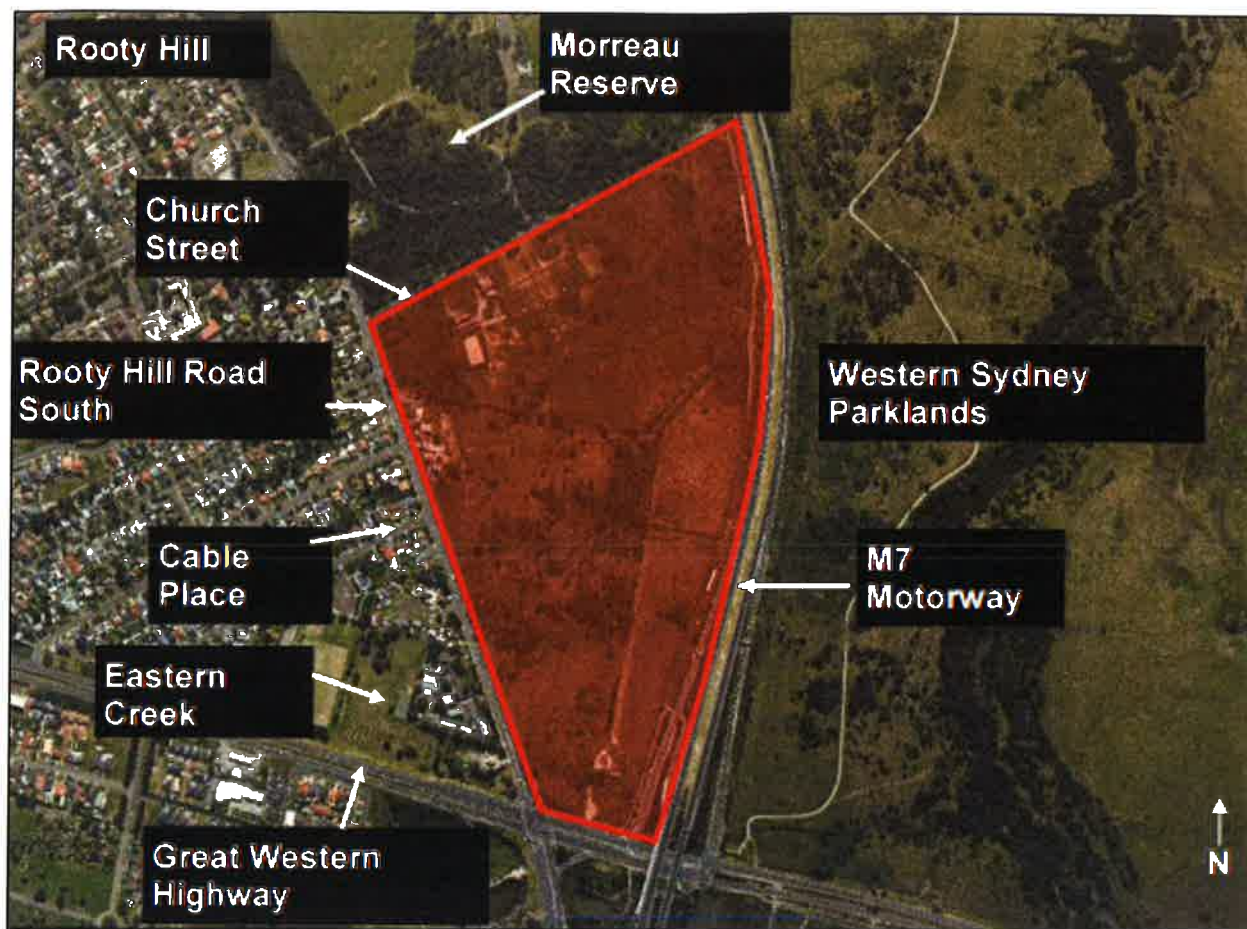


Figure 2: Site Location

A high-pressure gas pipeline associated with the Jemena Gas Trunk Receiving Station 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 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 State heritage listed Rooty Hill.

3. APPROVAL HISTORY

On 7 January 2015, the then Minister for Planning granted SSD approval for the Eastern Creek Business Hub Staged Development Application, including:

- A concept proposal for a new retail centre comprising 52,800 sqm gross floor area to accommodate 'retail premises', 'bulky good premises' and 'business premises' uses and a development structure including:
 - land uses
 - site layout
 - building envelopes
 - design parameters.
- 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
- rehabilitation of the existing woodland areas identified for open space/conservation.

The approved layout of the site is shown in **Figure 3**.

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

The proposal has been modified on one occasion. On 28 April 2016, the Director, Key Sites Assessments approved a:

- modification to the concept approval including:
 - 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.
- Modification to the Stage 1 subdivision and early works including:
 - undertake additional bulk earthworks to include remediation, establishing pad sites 1, 2, 3 and 4, and accommodate the amended stormwater drainage system.

The Department is also currently assessing:

- SSD 5175 MOD 3 which seeks approval for an increase in GFA permitted on Lot 2 by 2538m²
- SSD 8588 being the detailed design for the retail centre.

4. PROPOSED MODIFICATION

On 16 March 2017, the Applicant lodged SSD 5175 MOD 2 seeking approval for modifications to the Concept Plan relating to Lot 2 and subdivision works for Phase 1B of the development. Key modifications include:

- deletion of one bulky goods outlet
- consolidate three convenience retail outlets into a single building envelope, plus two small pad (stand alone) sites
- the provision of a new access road within the existing Beggs Road reserve to provide access to a loading dock
- the provision of a child care centre site (with an additional floor space of 700 m²)
- relocation of the children's playground to the eastern side of the retail centre
- approval for additional permitted uses, including a 'medical centre' and 'indoor recreation facility' (gymnasium) within Lot 2 of the site
- amendments to the Landscape Masterplan to reflect the above changes
- updated Urban Design Guidelines to reflect the proposed built form modifications.

The modification also seeks to amend one condition in the Stage 1 approval relating to the closure of Beggs Road to reflect the new access road.

The approved and proposed layouts are shown in **Figures 3 and 4** below.

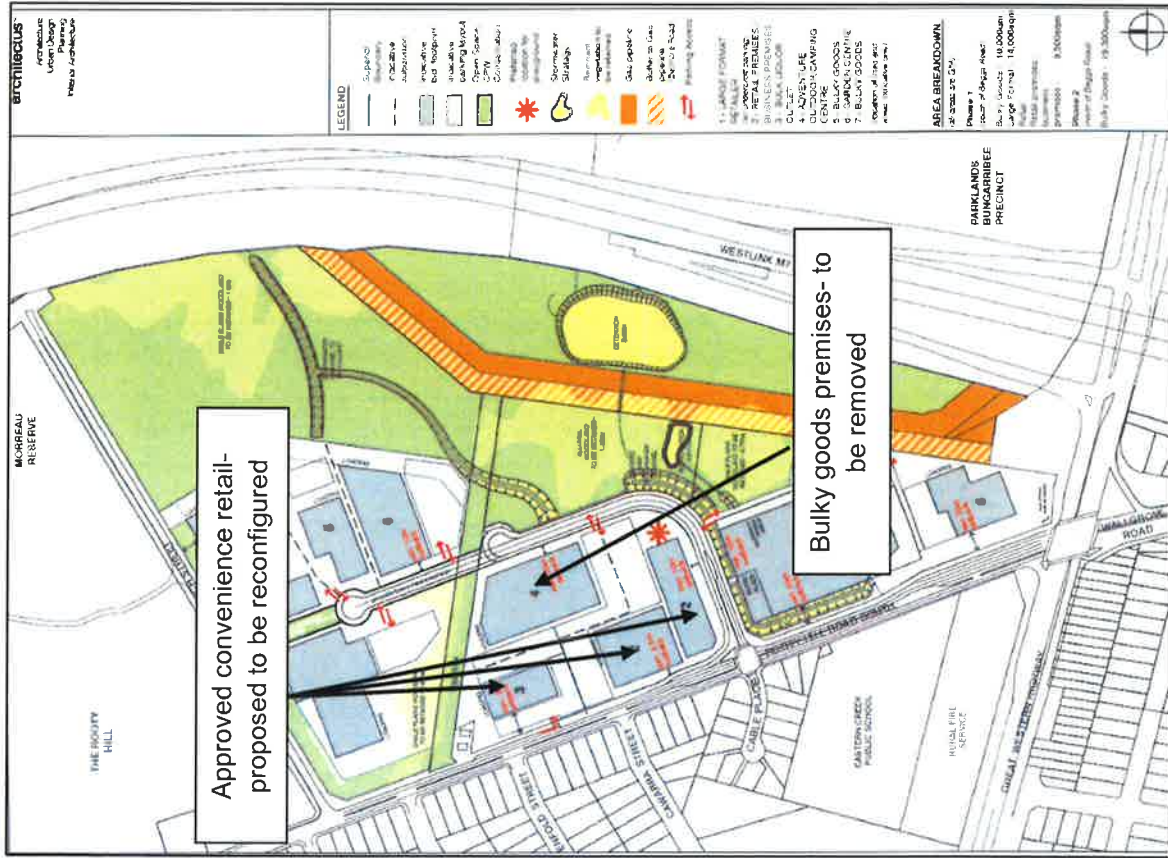


Figure 3 Approved Concept Plan

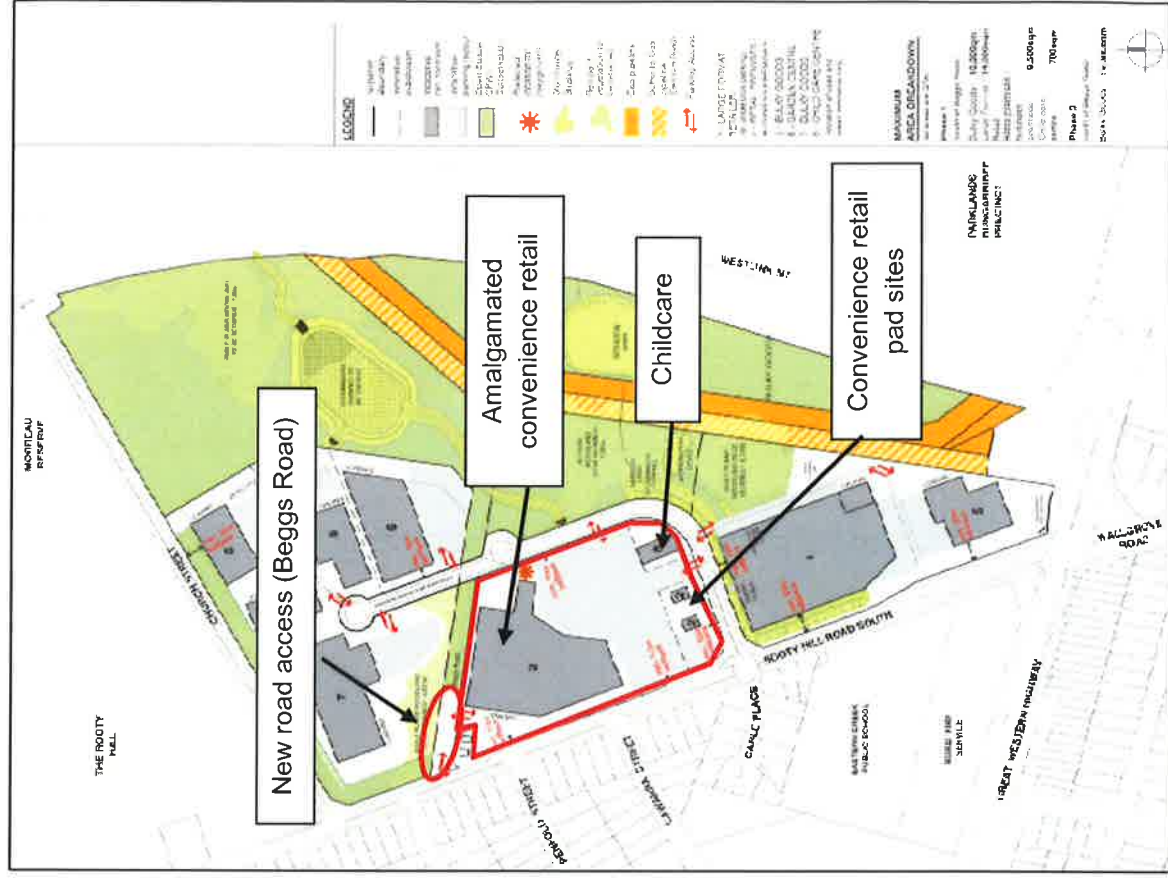


Figure 4 Proposed Concept Plan

The reconfigured built form, and provision of a landscaped setback to Rooty Hill Road South is proposed to respond to the change in topography within the site and the modifications to the Urban Design Guidelines are required to reflect the proposed changes to the built form.

The consolidation and reconfiguration of the loading dock is proposed to improve functionality and mitigate conflict between customers and service vehicles. The additional land uses are proposed on the basis that they will provide convenient facilities for surrounding residents and employees on the site.

5. STATUTORY CONSIDERATION

5.1 Modification of 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:

Section 96(2) matters for consideration	Comment
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 proposed modification seeks approval for changes to the configuration of Lot 2, but does not result in any significant changes to the overall retail use of the site, or changes to the remaining aspects of development on the site. On this basis, the proposal would result in development that is substantially the same as the originally approved development.
Consultation 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 proposal does not require concurrence of any Minister, public authority or approval body.
The application has been notified in accordance with the regulations or a development control plan.	The modification application has been notified in accordance with the regulations. Details of the notification are provided in Section 6 of this report.
Any submission made concerning the proposed modification has been considered.	The Department received four submissions from agencies on the proposal. The issues raised in submissions have been considered in Section 7 of this report.

5.2 Environmental Planning Instruments

The following EPIs are relevant to the application:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Western Sydney Parklands) 2009
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure)

The Department undertook a comprehensive assessment of the redevelopment against the above-mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied that the modification does not affect the proposal's consistency with the EPIs.

5.3 Approval Authority

The Minister for Planning is the approval authority for the application. However, the Executive Director Key Sites and Industry Assessments, may determine the application under delegation as:

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

6. CONSULTATION

The application was notified in accordance with the *Environmental Planning & Assessment Regulation 2000*. The modification request was made publicly available on the Department's website and referred to Blacktown City Council (Council), Office of Environment and Heritage (OEH) and Roads and Maritime Services (RMS) for comment. The Department also notified surrounding residents and landowners of the application in writing.

Council provided the following comments:

- the loading dock should be relocated adjacent to the northern boundary or recessed into the building to reduce visual, acoustic and odour impacts on the adjacent dwellings
- the proposed reduction in active street frontage is not supported
- the proposal for two pylon signs per lot is excessive and is not supported
- references to ancillary uses and specific retail uses to be assessed under separate development applications (DAs) should be removed
- the two proposed access driveways off Rooty Hill Road South are not supported due to potential for safety impacts on Rooty Hill Road South and adjoining streets
- future DA's should demonstrate that parking for the child care centre is provided in accordance with the DCP
- the Urban Design Guidelines should be updated to include requirements for the following:
 - building frontages to address the streets
 - a separate entry and exit for heavy vehicles
 - references to minimum lot sizes
 - pitched or skillion roof form for buildings
 - 40% building façade to be activated
 - a maximum of 3 freestanding signs across the site
 - appropriate screening and landscaping to Rooty Hill Road South

RMS advised current practice is to limit the number of vehicular conflict points along arterial roads and that the proposal incorporating an additional access driveway to Rooty Hill Road would not be supported. It was also noted the proposed driveway locations would impact on the safety of Penfold Street and Cawarra Street.

OEH did not raise any objection to the proposal.

No **public** submissions were received.

6.1 Response to Submissions

The Applicant provided updated plans and documentation in response to Council and RMS comments. The response to submissions (RtS) included the following:

- Changes to proposed access arrangements (driveway access from Rooty Hill Road South deleted and access to the loading dock proposed via Beggs Road)
- An updated Concept Plan showing the additional access from Rooty Hill Road South removed and access to the loading dock proposed via Beggs Road
- Amended Design Guidelines addressing Council's comments
- An updated Traffic Impact Assessment
- An Odour Assessment
- An Acoustic Report.

The Department made the RtS publicly available on its website and referred it to relevant authorities.

RMS advised the proposed access via Beggs Road should be restricted to left in/ left out movement and a concrete median island should be constructed along Rooty Hill Road South

between Minchinbury Street and Penfold Street. It was also advised Beggs Road is to service Lot 2 only, and no access to other lots should be granted in the future.

Council provided the following comments:

- Condition B12 should be updated to include additional stormwater management requirements relating to non-potable water
- Beggs Road should comply with Council's local industrial road standard, which includes a 13.5m wide carriageway and a 3.5m wide footway on each side
- A turning head in the form of a cul-de-sac with a carriageway radius of 13.5 m is required at the end of Beggs Road as a three-point turn by a truck on a public road is not supported.
- It is preferred that Beggs Road be realigned to intersect with Rooty Hill Road South at 90 degrees
- DCP parking rates should be applied rather than RMS rates
- A pedestrian fence along Rooty Hill Road South is recommended to prevent pedestrians crossing the road to improve pedestrian safety.

7. ASSESSMENT

The Department considers the key issues associated with the proposed modification are built form and access. All other issues are considered in **Table 1** below.

7.1 Built Form

The proposal seeks to consolidate retail building envelopes to provide one large building envelope and two small pad sites.

Council raised concern about the potential visual impacts of the new building envelope, particularly the proposal to incorporate the loading dock and service area on the Rooty Hill Road South façade. As such, Council suggested further information be provided about the treatment of the façade and the incorporation of further controls in the Urban Design Guidelines, including:

- building frontages to address the streets
- 40% of the building façade to be activated
- appropriate screening and landscaping to Rooty Hill Road South.

In response, the Applicant updated the Urban Design Guidelines to incorporate Council's suggestions.

The Department has considered the potential visual impacts of the modification and considers that subject to appropriate detailed design at the future DA stage, the appearance of the building and loading dock when viewed from Rooty Hill Road South, would be acceptable as:

- the amalgamation of the building forms results in a reduction in the extent of building massing fronting Rooty Hill Road South as the overall street facing façade length is reduced and building envelope height remains unchanged
- the overall built form would still be consistent with the emerging character of the site which will primarily accommodate retail development in large format arrangements
- the natural slope of the site, and an acoustic wall would partly screen the development and reduce its visibility from the street (see **Figure 5**)
- the visual impacts of the future building and street activation can be appropriately managed as part of the detailed design at DA stage through the use of appropriate façade treatments, materials and architectural screening, and the updated Urban Design Guidelines are considered to provide appropriate guidance in this regard.

The Department considers the proposed changes would not result in unacceptable visual impacts and that appropriate controls have been incorporated into the Urban Design Guidelines to ensure future development presents a high quality visual appearance.

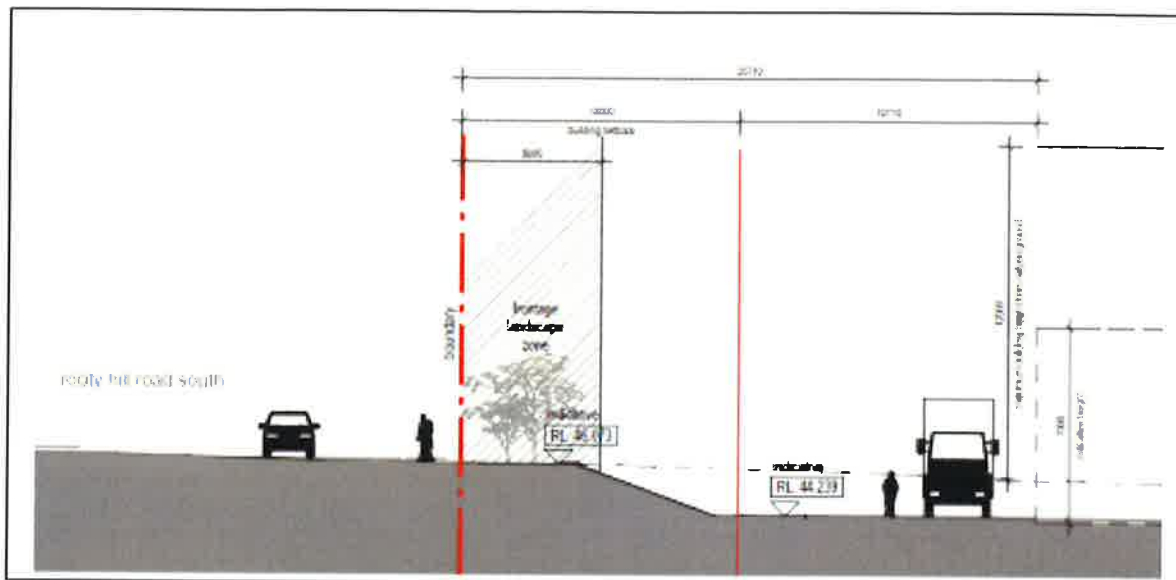


Figure 5 Loading dock adjacent to Rooty Hill Road South

7.2 Land use and economic impacts

The proposal seeks to make the following changes to floor area and land use:

- Incorporate additional permitted uses, including a 'medical centre' and 'indoor recreation facility' (gym) which are not defined as 'retail' under the Blacktown Local Environmental Plan 2015.
- Incorporate a child care centre not previously proposed and increase overall GFA on the site by 700 m² for the creation of the child care centre.
- Delete a bulky goods building from the site, with no change to the approved floor area for bulky goods.

Economic impacts were a key consideration in the Department's original assessment. As such, the Department has carefully considered the proposed changes to land use and floor area and its potential economic impacts on other nearby centres.

The Applicant submitted an economic assessment of the impacts of the inclusion of a 'child care centre', 'medical centre' and 'indoor recreation facility' (gym) on the site. The report concludes there would be a substantial net community benefit from the inclusion of the proposed uses. It also notes the main trade area served by the Eastern Creek Business Hub would not change with the inclusion of these uses, and would therefore have no impact on other surrounding centres.

The Department agrees a gym, medical centre and childcare centre would provide additional beneficial services to the community and would be appropriate on the site. As the gym and medical centre would be provided within the existing convenience retail floor space cap of 9,500 m² there would be no adverse impacts to other retail centres.

The proposed additional 700 m² of GFA for a childcare centre is also considered acceptable as the additional floor space is minor, it would not affect the total retail GFA and it would be offset by reduced bulky goods floor space. Further, the Department considers there would be sufficient demand for childcare services to ensure the proposal would not impact on other surrounding centres.

The modification also seeks to delete an adventure / camping store, nominated as a 'bulky goods' outlet, but has not changed the approved maximum floor area allocated to 'bulky goods', being 10,000 m² south of Beggs Road.

The Department considers the one remaining building designated for bulky goods on this part of the site could not accommodate the approved 10,000 m² of floor space without substantial changes to the approved envelope. The proposed modification is therefore likely to result in a decrease in bulky goods floor space. To avoid confusion at future assessment stages, the Department recommends a condition clarifying the approved bulky goods floor space may not be able to be achieved and applications must comply with the approved envelopes.

To protect other nearby centres, the Department notes the existing approval also restricts the provision of large format retailers to two outlets on the site. The modified proposal only incorporates one large format retailer and therefore remains consistent with this requirement.

Overall, the Department's assessment concludes the proposed changes to floor space are minor and the proposal would not result in any adverse economic impacts on surrounding centres. Further, the proposed additional land uses would complement the approved uses on the site resulting in a positive outcome.

7.3 Access

Beggs Road is currently a no-through road which provides access to a single dwelling on the corner of Beggs Road and Rooty Hill Road South. The approved development incorporated the closure of Beggs Road.

The Applicant now seeks approval to retain part of Beggs Road and to construct a 12 m wide carriageway to provide service vehicle access to the loading dock of the new amalgamated convenience retail building. The new access point is sought to provide a truck and service vehicle access point that is separate from customer vehicles and pedestrian movements.

Council advised it would support access to the loading dock via Beggs Road provided:

- Beggs Road is widened to a local industrial road standard (13.5 m carriageway and 3.5 m footways each side)
- A turning head to industrial standard is constructed at the end of Beggs Road
- Beggs Road preferably be realigned at a right angle (90 degrees) where it meets Rooty Hill Road South
- A median strip be provided to restrict access to left-in-left-out

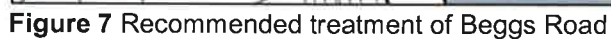
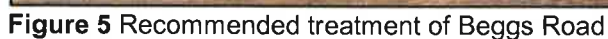
RMS are also supportive of the access, subject to provision of the median strip and limiting access to Lot 2 only. A condition has been recommended limiting access to Lot 2 only.

The Department agrees with Council that a 13.5 m wide carriageway should be provided in accordance with Council's requirements to ensure adequate access for trucks to the site. However, the site is constrained by the presence of Shale Plains Woodland (an Endangered Ecological Community) to the north of Beggs Road which restricts the available land to the north of the site to provide Council's recommended road verges. To minimise impacts on EEC to the north of Beggs Road the Department recommends the provision of a 13.5 m wide carriageway with a 3.5 m footway along the southern side only (see **Figures 6 and 7**). The Department considers a single footpath would be sufficient in this case, given the road only services the loading dock and a single dwelling house, and adequate pedestrian links to the Business Hub are provided within Lot 2.

The Department considers an industrial turning head is not necessary, given the constrained nature of the road, and the potential impacts on the EEC. Further, it is not expected there would be any significant demand for a turning head, as a 23 m turning circle is proposed on the site adjacent to the loading area, allowing trucks to turn around within the site negating the need to turn within Beggs Road.

The Department notes Council also prefers Beggs Road to be realigned to create a 90 degree intersection with Rooty Hill Road South, however a road alignment with a 90 degree intersection would encroach on the EEC, resulting in adverse biodiversity impacts. Further,

The Department agrees with Council and RMS that a median strip should be provided to Rooty Hill Road South, as left turn only movements would result in an improved outcome in terms of traffic movements and safety. A condition has been recommended accordingly.



The Department supports the proposed access via Beggs Road as it will separate service vehicles from customer vehicle movements. The Department has recommended conditions to ensure the road design meets the access needs for the site without adverse safety or biodiversity impacts. Recommended requirements for the design of Beggs Road include:

- retention of the existing road alignment
- a 13.5 m carriageway and 3.5 m footway on the southern side of the road
- a turning circle at the end of the road within the road alignment
- no encroachment into the Shale Plains Woodland on the northern side of the road
- a median strip to be provided on Rooty Hill Road south to prevent right turn movements into and out of Beggs Road.

7.4 Other Issues

Table 1: Assessment of Other Issues

Issue	Consideration	Recommendation
<i>Parking</i>	<ul style="list-style-type: none"> • Council advised parking should be provided in accordance with the DCP rates instead of the RMS rates. • Parking requirements for future applications are set out in the approved Design Guidelines. The approved guidelines require parking for retail uses at the rate of 1 space per 25m² of GFA. • The Department considers these parking rates are appropriate and notes the rate of 1 space per 25 m² (RMS rate) is only marginally less than the DCP rate of 1 space per 22 m². • No changes are proposed to this requirement, which will apply to the retail, medical centre and gym development. • The updated Guidelines also include additional rates for the child care centre, consistent with the <i>Blacktown Development Control Plan 2015</i> (DCP). • Overall, the Department's assessment concludes the modified proposal is acceptable as it would retain the approved carparking rate for the retail component of the proposal and it adopts Council's carparking rate for the childcare centre. 	No additional conditions or amendments necessary.
<i>Acoustic Impacts</i>	<ul style="list-style-type: none"> • Council raised concern about the acoustic impact of the loading dock on adjoining residential dwelling. • The Department has considered the location of the proposed loading dock and notes it would be similar to the location of an approved loading dock on the site and therefore would be unlikely to result in additional impacts compared to the approved layout. • Further, the Applicant's acoustic consultant has advised that it has undertaken a review of the proposal and confirms that the noise levels associated with the proposed loading dock can comply with the relevant criteria. This would be subject to the implementation of appropriate acoustic treatments and controls, which would be determined as part of DA 8588. • The Department notes existing condition B8 requires future development applications to include a site specific noise assessment and to demonstrate appropriate acoustic amenity is achieved, with mitigation measures included where necessary. • The Department is therefore satisfied the proposal is unlikely to result in acoustic impacts beyond those already assessed and approved, and existing conditions will ensure future development on the site will be designed to achieve acceptable acoustic amenity. 	No additional conditions or amendments necessary.
<i>Signage</i>	<ul style="list-style-type: none"> • The application seeks to amend the Urban Design Guidelines to permit free standing (pylon) signs along the Rooty Hill Road South frontage. The approved guidelines currently prohibit freestanding signs. • Council initially raised concern about the number of proposed freestanding signs along Rooty Hill Road South and advised a maximum of three would be supported. • In response, the Applicant updated the Design Guidelines to permit a maximum of three signs along Rooty Hill Road South, consistent with Council's advice. • The Department has considered the proposal against the requirements of SEPP 64 – Advertising and Signage. While the detailed design of the signs will be considered at the DA stage, generally the provision of three pylon signs is considered appropriate as the signage would assist with site identification and wayfinding, be consistent with the emerging urban character of the area, and would not result in unacceptable visual clutter on Rooty Hill Road South. 	No additional conditions or amendments necessary.

Issue	Consideration	Recommendation
<i>Water</i>	<ul style="list-style-type: none"> • Council recommended Condition B12 be updated to reflect the Council's DCP requirements, including a requirement for alternate water sources to be used for 80% of non-potable demand. • The Applicant raised concern with the recommended condition, noting the proposed condition provided less flexibility than the DCP, as the DCP allows for less than 80% from alternate sources on a merits basis and subject to alternate water sources being maximised. • The Department considers the modification does not give rise to a specific need to increase alternate water sources. However to improve the environmental outcomes of the development, the Department considers the condition could be updated to require water management to be in accordance with the DCP. This would encourage provision of 80% of water from alternate water sources, but would allow for some flexibility based on a merits assessment as part of future applications. 	The Department has recommended a modified Condition B12 to incorporate the current DCP requirements in relation to water management.
<i>Pedestrian Safety</i>	<ul style="list-style-type: none"> • Council advised a pedestrian fence along Rooty Hill Road South, between Cable Place and Penfold Street, should be provided to prevent pedestrians crossing other than at the Cable place traffic signals. • The Department notes the amended layout has the potential to affect pedestrian desire lines. Desire lines will be impacted by the future treatment along Rooty Hill Road South, with pedestrians likely to want to cross near building entrances, but less likely to cross where access to the site is already impeded by large changes in level or screening along the frontage. • The Department considers pedestrian desire lines should therefore be considered as part of the future DA, and the need for pedestrian fencing also considered as part of future assessments. A condition has been recommended to this effect. 	The Department has recommended a new condition to consider pedestrian desire lines and the need for pedestrian fencing along Rooty Hill Road south as part of future development applications.

8. CONCLUSION

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- the modification would not result in unacceptable urban design, streetscape, or visual impacts and the proposed updated Urban Design guidelines incorporate appropriate measures to ensure future development incorporates good design outcomes
- subject to appropriate conditions, the proposed Beggs Road access would provide safe access to the loading dock and would reduce conflict between customer and service vehicles
- the acoustic impacts on surrounding residential receivers would be appropriate subject to detailed design
- the proposed medical centre, child care centre and gym uses would provide convenient facilities for employees on the site and surrounding residents and would not adversely affect surrounding centres.

Consequently, it is recommended that the modification be approved subject to the recommended conditions.

9. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate for the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the application falls within the scope of section 96(2) of the EP&A Act;
- **approves** the modification application SSD 5175 MOD 2, subject to conditions; and
- **signs** the attached notice of modification (Appendix A).

Recommended by:



Anthony Witherdin
Director
Modification Assessments

DECISION

Approved by:



Anthea Sargeant 21/12/17
Executive Director
Key Sites and Industry Assessments
as delegate of the Minister for Planning.

APPENDIX A: NOTICE OF MODIFICATION

A copy of the instrument of Modification can be found on the Department's website at the following address:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8328

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8328

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8328

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8328