



CF/JM
16258
28 June 2017

Carolyn McNally
Secretary
Department of Planning & Environment
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Ben Lusher

Dear Ben,

**EASTERN CREEK BUSINESS HUB STAGE 1 (LOT 2) DETAILED DA
ROOTY HILL ROAD SOUTH, EASTERN CREEK**

1.0 INTRODUCTION

This report has been prepared by JBA, on behalf of the proponent, Frasers Property Australia (Frasers), who are proposing to develop the Eastern Creek Business Hub within the Western Sydney Parklands (Parklands) at Rooty Hill Road South (RHRS), Rooty Hill.

The total site area is approximately 34 hectares in area and located in Rooty Hill within the area bounded by Church Street (north), the Great Western Highway (south), M7 Motorway (east), RHRS (west).

The site is subject to an existing State Significant Development approval (SSD 5175). On 7 January 2015, the NSW Minister for Planning approved the following:

- 'A concept proposal for a new retail centre comprising 52,800m² gross floor area to accommodate 'retail premises', 'bulky goods premises' and 'business premises' uses and a development structure including:
 - Land uses;
 - Site layout;
 - Building envelopes; and
 - 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; and
 - Rehabilitation of the existing woodland areas identified for open space / conservation

A s96(2) modification (SSD 5175 MOD 1) was granted consent by the Department of Planning and Environment on 28 April 2016. A subsequent s96(2) modification (SSD 5175 MOD 2) is currently under assessment. MOD 2 is seeking approval for the reconfiguration of the convenience retail built form component of the approved development.

The proposed application seeks consent for the detailed development and construction of the Stage 1 convenience retail component of the concept approval at Lot 2 of the site.

The site is currently subject to the land use and development control provisions of the *State Environmental Planning Policy (Western Sydney Parklands) 2009* (WSP SEPP), within which the proposed development is permissible with consent.

Pursuant to Clause 5 of Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011*, the development is considered to be State Significant Development (SSD). This is due to the proposed development being within the Parklands and having a capital investment value of more than \$10 million.

In accordance with Part 2, Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, we hereby seek the Secretary's Environmental Assessment Requirements (SEARs) to inform the preparation of an Environmental Impact Statement (EIS) for the proposed development.

This report describes the site, its environs and the proposed development, and includes a preliminary environmental assessment of the proposal in accordance with the requirements set out on the NSW Department of Planning and Environment (DPE) website. It should be read in conjunction with the information contained within and appended to this report.

This report includes the following information:

- An overview of the site and the proposed development.
- An outline of the key strategic and statutory planning framework.
- A preliminary assessment of the environmental issues associated with the proposal.
- Justification as to why the site was chosen and the wider benefits that will result from the proposal.
- An overview of consultation taken to date for the proposal with authorities.
- Provision of the Capital Investment Value to carry out the proposal.

2.0 BACKGROUND

In 2010 the Western Sydney Parklands Trust developed a 10 year Plan of Management to guide the long-term future of the Parklands (adopted in 2011 and supplemented in March 2014) and identified nine locations for proposed business hubs. The business hubs collectively will comprise a maximum of two per cent of the total area of the Parklands with the aim of generating income to help fund the management and future development of the entire Parklands.

The sites identified as proposed business hubs have the least ecological value within the Parklands and are located on the Parklands' margins, adjacent to motorways and major arterial roads. The business hubs form an important plank in securing the long term, sustainable revenue base that funds Parklands infrastructure, maintenance and improvements.

The revenue generated from the business hubs long-term leases will enable the Trust to fund key improvements to picnic and playgrounds, cycling and walking track networks and sporting facilities, as well as restore and expand natural habitat throughout the Parklands.

The site was selected with consideration of the four criteria outlined in the Plan of Management for identifying Business Hub sites and land uses:

1. Land uses should not only generate an appropriate commercial return but also add to the amenity of adjacent communities.
2. Land uses must generate additional employment and training opportunities for local and regional communities.
3. Development must be undertaken in a manner that will minimise the environmental impact of such development.
4. The development of business hubs will only be permitted to occur on sites with low environmental and recreational values.

2.1 SSD 5175

The SSD 5175 development consent outlines the terms of approval for the concept proposal. Of particular relevance are the following conditions:

Determination of Future Development Applications

A2. In accordance with section 838(3) of the EP&A Act the subsequent stages are to be subject of future development applications.

*A3. The determination of future development applications is to be generally consistent with the terms of development consent SSD 5175 as described in **Schedule 1** and subject to the conditions in Part B **Schedule 2**.*

The concept approval is attached as **Appendix A**. Part B Schedule 2 of the consent requires future development applications to address the following:

- Building design;
- Landscaping;
- Traffic, access and parking;
- Operational noise;
- Construction;
- Contamination;
- Ecologically sustainable development;
- Stormwater;
- Flooding;
- Crime prevention;
- Bushfire;
- Disability access;
- Building code of Australia;
- Waste;
- Outdoor lighting;
- Advertising signage; and
- Staging.

Therefore, the DPE can be guided in its preparation of the SEARs by the existing requirements of the concept approval. Each environmental consideration is considered in further detail at **Section 6.0**.

3.0 SITE ANALYSIS

3.1 Site Location and Context

The 34ha Eastern Creek Business Hub site is situated to the north of the Great Western Highway between Rooty Hill Road South and the M7 Motorway. Church Street marks the site's northern boundary. The site forms part of the Western Sydney Parklands and is located within the Blacktown Local Government Area. It is located approximately 1.5km south east of Rooty Hill Station.

Open space comprising part of the broader Western Sydney Parklands is located to the north, east and south of the site. To the west of the site, on the opposite side of Rooty Hill Road South, is the Eastern Creek Public School, Rural Fire Services site and low density residential development.

The site's locational context is shown at **Figure 1**.



Figure 1 – Site Location

Source: Architectus

The site predominantly consists of open grass lands and clustered vegetation consistent with its position within the Western Sydney Parklands. A single dual occupancy lot (Lot 2 of DP31130) is located at the Beggs Road (an existing local, unsealed road) and Rooty Hill Road South intersection. This lot does not form part of the development site.

The site is owned by the Western Sydney Parkland Trust (the Trust) and Frasers have entered a development management agreement with the Trust to develop the land for a business hub.

This application relates to Lot 2 of the approved Eastern Creek Business Hub which is the first lot that will be developed. It is situated in the middle of Lots 1 and 3 (Stages 2 and 3) and has an area of approximately 4.19ha (refer to **Figure 2** below). The lot is proposed to be developed for retail and ancillary uses and parking.

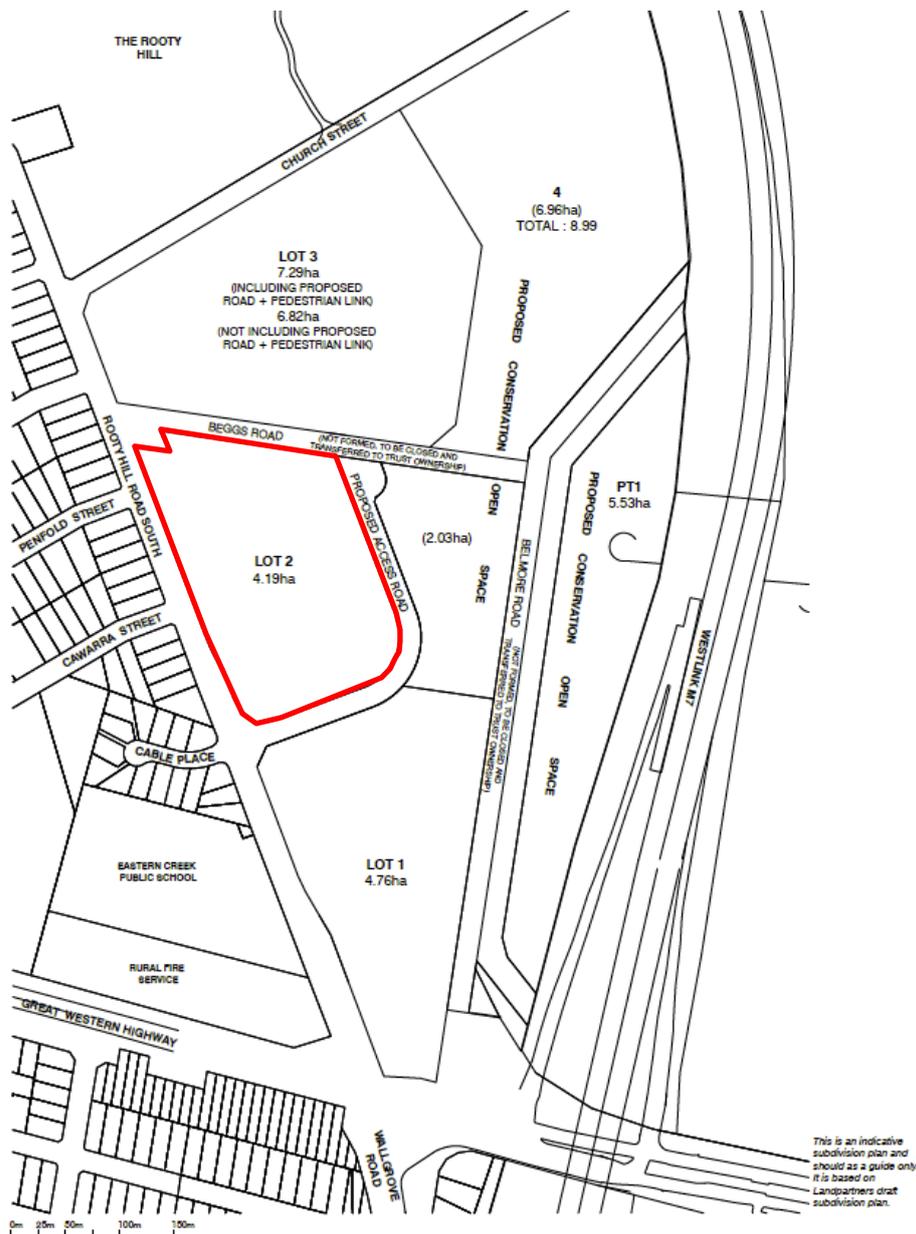


Figure 2 – Approved Lot Layout
 Source: Architectus

4.0 PROPOSED DEVELOPMENT

The proposal seeks consent for the detailed development and construction of a 10,200m² shopping centre, comprising:

- 9,500m² of convenience retail and ancillary uses, including:
 - 1 x supermarket accommodating approximately 3,800m² retail gross floor area (GFA);
 - Approximately 30 x small business / specialty shops accommodating approximately 4,400m² retail GFA;
 - Medical centre accommodating approximately 540m² GFA;
 - Gym accommodating approximately 340m² GFA;
- Child care centre accommodating approximately 700m² GFA;
- A pad site accommodating approximately 400m² GFA;
- Approximately 410 at grade car parking spaces; and
- Landscaping.

5.0 PLANNING FRAMEWORK AND CONTEXT

5.1 Strategic Planning

The Secretary's Environmental Assessment Report for SSD 5175 addressed the proposed development's consistency with the following:

- Western Sydney Parklands Plan of Management 2020;
- NSW 2021 State Plan; and
- Draft Metropolitan Strategy for Sydney 2031.

5.2 Environmental Planning Instruments

The DPE considered the following State and Local Environmental Planning Instruments (EPI) as part of their assessment of SSD 5175:

- *State Environmental Planning Policy (Western Sydney Parklands) 2009;*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy (Infrastructure) 2007;* and
- *Blacktown Local Environment Plan 1998;*

6.0 PRELIMINARY ENVIRONMENTAL ASSESSMENT

The DPE considered the suitability of the site broad impacts of the proposed development during their assessment of SSD 5175. The following matters are considered to have been satisfied during the assessment of the concept proposal:

- Land use and the suitability of the site;
- Built form;
- Economic impacts;
- Aboriginal and European heritage impacts (including archaeological);
- View impacts; and
- Flora and fauna;

The development consent for SSD 5175 contains conditions outlining the matters to be addressed as part of the future development applications. It is our view, that a DA for proposed development that addresses the matters listed in the consent will provide the DPE with an appropriate level of information with which to assess and determine the proposed development. The relevant conditions of consent are reproduced in the table below with our commentary. Specialist studies will be prepared and submitted with the development application to address the matters required to be assessed.

Table 1 – SSD 5175 – Part B Conditions to be met in future development application

Condition	Response
Building Design	
B1. To ensure a high quality urban design and architectural response is achieved, the site layout and architectural design of the ECBH shall have regard to, and be generally consistent with, the Design Guidelines prepared by Architectus dated 12 February 2014 accompanying the Response to Submissions.	The SSDA will include an assessment against the requirements of the Design Guidelines.
B2. Details are to be provided with the development application for the detailed design and construction of the ECBH demonstrating compliance with Condition B1 above, unless it can be satisfactorily demonstrated to the approval authority that a superior built form and/or urban design outcome can be achieved.	As above. Any proposed non-compliances will be supported by justification demonstrating that a superior built form and/or urban design outcome can be achieved.
B3. Future development applications for the construction of buildings shall include plans, elevations and sections to sufficiently detail the design, including height, setback, gross floor area, modulation and articulation of all buildings	Architectural plans addressing these items will be submitted as part of the SSDA.
B4. Future development applications for the construction of buildings shall also include photomontages.	Photomontages will be provided will be submitted as part of the SSDA.
Landscaping	
B5. Future development applications for the construction of buildings shall include detailed landscape plans identifying the vegetation to be removed and the location of any additional landscaping, and must be generally in accordance with the landscape and public domain principles and development guidelines in the Design Guidelines prepared by Architectus dated 12 February 2014.	Landscape plans addressing these items will be submitted as part of the SSDA.
B6. The detailed landscape plans should include relevant details of the species to be used in the various landscape areas (preferably species indigenous to the area) and other soft and hard landscape treatments, including any pavement areas.	As above.
Traffic, Access and Car Parking	
B7. Future development applications shall be accompanied by a detailed assessment of the traffic, and transport impacts on the surrounding road network and intersection capacity, and shall detail provisions demonstrating that sufficient loading/unloading, access and car parking has been provided having regard to RMS's Guide to Traffic Generating Developments, and details to promote non-car travel modes. The traffic and transport impact assessment shall also have specific regard to the scope and timing of road infrastructure works in the surrounding road network.	A Traffic and Parking Impact statement addressing these matters will be submitted as part of SSDA.

Condition	Response
Operational Noise	
B8. Future development applications shall include a site specific noise assessment and demonstrate that appropriate acoustic amenity is achieved and include mitigation measures, where necessary.	A Noise Impact Statement addressing these matters will be submitted as part of SSDA. The statement will also address construction noise as required by B9 below.
Construction	
B9. Future development applications shall analyse and address the impacts of construction and include: <ul style="list-style-type: none"> ▪ Construction Transport Management Plan, addressing traffic and transport impacts during construction; ▪ Noise and Vibration Impact Assessments, addressing noise and vibration impacts during construction; ▪ Construction Waste Management Plan, addressing waste during construction; ▪ Air Quality Management Plan, addressing air quality during construction; ▪ Water Quality Impact Assessment and an erosion and sediment control plan (including water discharge considerations) in accordance with <i>Managing Urban Stormwater, Soils and Construction (Landcom 2005)</i>; and ▪ Acid Sulphate Soil and Assessment and Management Plan. ▪ Salinity Assessment Management Plan 	A Construction Management Plan will be submitted with the SSDA to address these matters.
Ecologically Sustainable Development	
B11. Future development applications shall demonstrate how the development incorporates the principles of ESD in the design, construction and on-going operation of the development.	An ESD report will be submitted with the SSDA to address these matters.
Stormwater	
B12. Future development applications for the construction of buildings shall include a stormwater management plan in accordance with the <i>Water Cycle Management Strategy Report Incorporating Water Sensitive Urban Design Techniques</i> prepared by J. Wyndham Prince dated March 2013 and council's <i>Engineering Guide for Development 2005</i> .	A Stormwater Management Plan will be submitted with the SSDA to address these matters.
Flooding	
B13. Future development applications for the construction of buildings shall include a detailed flood impact assessment in accordance with the <i>NSW Floodplain Development Manual (2005)</i> identifying minimum floor levels for buildings and flood evacuation strategies, where necessary	A Flood Impact Assessment will be submitted with the SSDA to address these matters.
Crime Prevention	
B14. Future development applications shall include a <i>Crime Prevention Through Environmental Design (CPTED)</i> assessment, including mitigation measures, where necessary.	A CPTED assessment will be submitted with the SSDA to address these matters.
Bushfire	
B15. Future development applications for the construction of buildings shall demonstrate compliance with the relevant provisions of <i>Planning for Bushfire Protection (PBP) NSW Rural Fire Service 2006</i> and the Asset Protection Zones recommended in the <i>Bushfire Protection</i>	A Bushfire Assessment Report will be submitted with the SSDA to address these matters.

Condition	Response
<i>Assessment – Subdivision and Early Works, Eastern Creek Business Hubs, prepared by Ecological, dated August 2012.</i>	
Disability Access	
B16. Future development applications shall include a Disability Access Review to demonstrate an appropriate degree of accessibility in accordance with the Disability (Access to Premises - buildings) Standards 2010 (the Premises Standards).	A Disability Access Review will be submitted with the SSDA to address these matters.
Building Code of Australia	
B17. Future development applications for the construction of buildings shall demonstrate compliance with the <i>Building Code of Australia</i> , as relevant.	A BCA Report will be submitted with the SSDA to address these matters.
Waste	
B18. Future development applications shall include a Waste Management Plan to address storage, collection, and management of waste and recycling within the development.	A Waste Management Plan will be submitted with the SSDA to address these matters.
Outdoor Lighting	
B19. Future development applications shall include details of any outdoor lighting within the site and compliance with AS/NZS 1158.3:1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of Obtrusive Effects of Outdoor Lighting.	Details will be provided as part of the SSDA.
Advertising Signage	
B20. Future development applications shall include details of any external advertising signage to demonstrate compliance with council's requirements for external advertising signage and <i>State Environmental Planning Policy No. 64 – Advertising and Signage</i> , as relevant.	Proposed signage zones will be indicated on the plans and an assessment will be undertaken in the EIS as required.
Staging Plan	
Future development applications for the construction of buildings shall include a detailed staging plan showing the development being carried out in a sequential manner and the timing for road infrastructure works.	The SSDA will address development staging.

7.0 JUSTIFICATION

The proposed development forms part of larger concept approval (SSD 5175) that was determined by the DPE to have sufficient strategic justification to provide development consent. The DPE's assessment of the strategic justification of SSD 5175 concluded that:

"...Using the approach provided by the Department's Draft Centres Policy, it has been demonstrated that the proposed new centre is reasonably located and will provide retail floorspace to satisfy the undersupply in bulky goods forecast for the region, and a supermarket to satisfy the needs of the local population. The Department also considers that the site meets a number of key locational requirements that are desirable for new centres.

Importantly, the proposed development is integral for the funding and ongoing management and improvement of the recreation and sporting facilities in the Parklands which will directly benefit local and regional communities in Western Sydney. This outcome is supported by the Department's key metropolitan policies in the Draft Strategy 2031 and Subregional Delivery Plans. The Department therefore considers there is sufficient strategic justification for the proposal."

8.0 CONSULTATION

SSD 5175 was subject to extensive consultation prior to approval. Frasers has engaged with both Blacktown Council and the DPE prior to submitting this request for SEARs and will continue to maintain a dialogue with the relevant stakeholders throughout the development assessment process.

9.0 CONCLUSION

This submission provides information to assist in the preparation of SEARs for the proposed detailed development and construction of the convenience retail shopping centre at Rooty Hill Road South, Rooty Hill. The DPE's assessment of SSD 5175 identified the key issues to be addressed as part of any future detailed development application. Therefore, it is our view that matters outlined at Schedule 2 Part B of the SSD 5175 development consent represent the key environmental considerations associated with the proposal and can be replicated as the Secretary's environmental assessment requirements.

It is therefore requested that the Secretary issue the Environmental Assessment Requirements for the preparation of an EIS for a State Significant Development Application for the detailed development of the site for convenience retail in a manner consistent with the SSD 5175 concept approval.

Should you have any further queries about this matter, please do not hesitate to contact me on 9956 6962 or jmurray@jbaurban.com.au.

Yours faithfully



Jim Murray
Principal Planner