

11 December 2015

Amy Wilson
Team Leader Metropolitan Projects
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2000

Attention: Brendon Roberts

Dear Ms Wilson

Re: Exhibition of State Significant Development Application for Staged Commercial Precinct, West Hoxton (SSD 6407)

I write in response to your letter dated 27 October 2015 in relation to the exhibition of State Significant Development Application for Staged Commercial Precinct, West Hoxton (SSD 6407).

Council recognises that the site is one of nine locations identified for proposed business hubs in the supplement to the *Western Sydney Parklands Plan of Management 2013*, and that these hubs are intended to "form an important foundation for securing the long term, sustainable revenue base that funds parklands infrastructure, maintenance and improvements."

Council has considered the Environmental Impact Statement and supporting documentation lodged in support of the application and makes comments as follows in relation to the proposed development.

1. Subdivision and proposed land uses

It is noted that the development application proposes the staged development of the subject site. Stage 1 will establish the conceptual framework for the proposed development including land use approval in addition to demolition, subdivision, bulk earthworks, estate landscaping and provision of site infrastructure. Consent for the development of specific buildings on the site will be the subject of subsequent applications for each development.

The application seeks to consolidate the six lots detailed in Table 3 of the Environmental Impact Statement lodged and to subdivide to create eight lots. Proposed lots 1-7 are intended for specific uses as discussed below, while proposed lot 8 is designated as a residue lot, with the exception of the proposed road described as Pt 8 on the Draft Plan of Subdivision, Appendix 8.

Proposed Lot 8, formed by the amalgamation of Lots 304, 305 and 306 in DP 2485 is intended as a residue lot. The application does not seek to attribute any future use to this part of the site, as made clear in Part C of the EIS. Nevertheless, Council notes that the EIS states that future uses on the site may include private schools or other uses which have neither been tested for impacts nor discussed with Council. Council recommends that reference to such "potential future land use opportunities" be removed from the EIS, as it may infer that permission for such additional use is subject to this application.

In addition, Council notes that Section 5 of Part C of the EIS *Nominated land uses, gross floor areas and building envelopes* recommends that only two uses be made permissible on the southern part of the site, being "Commercial Premises" and "Service Stations". While such uses would cover most of the development proposed for the site, it would not cover all.

"Childcare Centres", "Recreation Facility (Indoor)" and "Medical Centres" are specific uses which are not included under the rubric of "Commercial Premises". It is recommended that the list of nominated land uses be increased to include these uses, should the applicant wish to consider these options which are explored in the Economic Impact Assessment supplied (Appendix 7).

2. Economic considerations

The West Hoxton Precinct Retail Demand Assessment (Appendix 8) states that:

In the context of population growth and the potential sources of expenditure, a neighbourhood centre of up to 5,000sqm to 6,000sqm GLA would be justifiable and sustainable.

As part of the mix of uses for the proposed neighbourhood centre, the Assessment recommended that a supermarket of no more than 1500sqm be permitted, along with large format retail and other uses as detailed above.

Table 5.8 of the Economic Impact Assessment (Appendix 7) provides estimates of the impacts of the proposal on existing and planned centres in the vicinity of the subject site. It finds that the greatest impact would be on the existing West Hoxton Shopping Centre, located 1.5km to the west of the subject site. The EIA finds that the impact on the existing West Hoxton Shopping Centre would be in the vicinity of a 10% loss of sales in the 2019/20 financial year.

Nevertheless, the locality of Austral is expected to grow significantly, providing a large increase to the scale of demand for retail in the vicinity. The existing West Hoxton Shopping Centre is expected to be subsumed by the larger Austral Town Centre, which will develop as retail demand resulting from increased population increases. The impact on the Austral Town Centre is expected to be less than \$1 million (2.5% of expected sales).

On the basis of the evidence presented, Council supports the proposed development. However, it is recommended that any consent limit the development to no more than 6000sqm Gross Leasable Area, and that the size of any retail premises be limited to no more than 1600sqm. The latter would be consistent with the size limit for retail premises pertaining to land zoned B6 – Enterprise Corridor under Liverpool Local Environmental Plan (LLEP) 2008.

3. Flora and Fauna

The Environmental Impact Statement and associated site plans indicate a proposed stormwater detention basin within the western portion of the site (proposed Lot 7 of the subdivision). It appears that these works are beyond the extent of the assumed development area assessed by the Flora and Fauna Assessment (FFA) (i.e. subject site, as indicated in Figure 1 of the FFA).

It is recommended that the FFA is reviewed to ensure that it considers all impacts associated with the current plans, including the proposed detention basin. It is further recommended that any conditions of consent issued include the requirement for any works or activities to adhere to the recommendations of the FFA.

4. Flooding and Stormwater

The proposed development is not affected by mainstream flooding. However, stormwater runoff from the upper catchment areas flows across the property and discharges in to the Sydney Water Canal. In order to mitigate adverse impacts of the proposed development, appropriate stormwater management is required to ensure no adjoining properties are adversely affected by flooding and that stormwater runoff is appropriately treated prior to exiting the site.

The Amended Secretary's Environmental Assessment Requirements (SEARs) for Stormwater, Flooding and Water Management are considered satisfactory and acceptable to Council.

The EIS Section 6.12 Stormwater, Flooding and Management referred to a detailed stormwater analysis undertaken by consultant Costin Roe. The report indicated that stormwater runoff from the site will be attenuated to pre-development levels by the provision of onsite detention. The report also indicated that MUSIC modelling has been undertaken for water quality treatment design. The report has proposed to construct a Gross Pollutant Trap (GPT) and bio-retention basin for water quality treatment to satisfy Council requirements for water quality.

Council is satisfied with the SEARs requirements and design principles as proposed by Costin Roe Consulting Engineers for flooding and water quality management. It is recommended that the provision of water quantity and quality controls ensure that:

1. Post-development stormwater flows from the site are maintained/controlled to pre-development levels;
2. Stormwater runoff from adjoining catchment areas are conveyed appropriately to ensure no private properties are adversely affected;
3. Stormwater runoff from the site is appropriately treated prior to discharge, in accordance with best management practice and WSUD to ensure Council's pollution reduction targets are achieved; and
4. Consent must be obtained from Sydney Water for discharging in to the Sydney Water Canal.

5. European and Aboriginal Heritage

Amended SEARs for the subject application requires in part that the EIS:

- *Assess the potential impact on the heritage significance of any listed heritage items in the vicinity of the site including the adjoining Kirkpatrick-Boydland Park and nearby Sydney water Channel.*

While it is noted that an archaeological assessment has been provided for the site, no comprehensive assessment of the proposed development in the vicinity of the heritage items has been provided. The proposal would be contained within the boundaries of the subject site and would not encroach into the physical curtilage of either heritage item in

the vicinity thus conserving significant fabric. However, the setting of both heritage items would be impacted by the proposal.

The planned widening of Fifteenth Avenue will dramatically reduce the size of the heritage listed park. The location of the proposed child care facility in conjunction with the future road widening will impact the amenity of the park and the public's ability to appreciate and engage with the war memorial situated in the park.

In order to manage the cumulative impacts of both the subject proposal and the road widening, it is recommended that the proposed child care facility should be relocated to the north. This element should extend no further south than the northern boundary of Kirkpatrick and Boyland Park and a vegetated buffer incorporated along the eastern boundary of the park. The car park could be extended towards the Kirkpatrick and Boyland Park boundary without adversely impacting significance.

Council supports the recommendation for photographic archival recording for the 1940s dwelling at 185 Fifteenth Avenue. This should be implemented prior to any demolition.

There were no identified Aboriginal sites on the subject lots and field investigations did not locate any new sites. The subject lots have been disturbed over time through pastoral, agricultural and industrial/commercial uses historically. The landscape has been extensively modified and therefore there is low likelihood for intact Aboriginal cultural heritage deposits. There was no evidence of cultural modified trees during site inspections.

It is recommended that the following conditions are applied to any consent issued for works on the site:

1. Should any Aboriginal 'objects' be discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the NSW Office of Environment and Heritage is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Aboriginal 'objects' must be managed in accordance with the *National Parks and Wildlife Act 1974*. Subject to an assessment of the extent, integrity and significance of any exposed 'objects', applications under the *National Parks and Wildlife Act 1974* may be required before work resumes.
2. Should any historical relics be unexpectedly discovered in any areas of the site then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW is to be informed in accordance with Section 146 of the *Heritage Act 1977*.
3. Photographic Archival Recording of the extant dwelling at 185 Fifteenth Avenue, West Hoxton is to be undertaken in accordance with pertinent guidelines published by the Office of Environment and Heritage. Three copies of the recording are to be produced, one for Liverpool City Council archives, one for the Liverpool Heritage Library, and the third to be retained by the owner.

6. Traffic and Access

The development application is accompanied by a traffic impact assessment report prepared by Transport and Traffic Planning Associates (Appendix 21). The report has outlined that the estimated trip generation as a result of the proposed development will be as follows:

- Total peak trip generation = 282 trips per hour (AM)
- Total peak trip generation = 421 trips per hour (PM)
- Total peak trip generation = 443 trips per hour (week-end mid-day)

The traffic impact of this development would be along the section of Fifteenth Avenue fronting the development site. To cater for the turning movements in and out of the development the development is proposing a roundabout at the cross intersection of Fifteenth Avenue/Twenty Second Avenue/ Access Road to the site as well as the following:

- A left-turn deceleration lane for the service station
- A left- turn deceleration lane into the fast food development

In a 10 year horizon, SIDRA analysis carried out by the applicant's consultant has identified that the intersection of Fifteenth Avenue/Twenty Second Avenue/ Access Road will have a Level of Service (LOS) of A and F without a roundabout and A and B with a roundabout during the AM and PM peak periods. The analysis assumed a growth rate along Fifteenth Avenue of 2.5% per annum.

The provision of a signalised intersection has been assessed as infeasible at this intersection by the applicant. It is recommended that more information on this assessment, including SIDRA analysis for signals, is to be sought from the applicant for further assessment by Council and the RMS prior to any approval being issued.

The installation of a roundabout was discussed with Council and the applicants were advised that the roundabout should only be considered as an interim treatment. The future cost for upgrading the roundabout to traffic signals is to be borne by the applicant. This recommendation was discussed with the applicant before RMS started design investigations along Fifteenth Avenue.

It is further recommended that the intersection treatment is discussed and agreed to with Council and the RMS prior to determination of the application.

Parking provision is to be in accordance with the requirements of Liverpool Development Control Plan (LDCP) 2008 and AS2890 parts 1, 2 and 6.

The proposed pedestrian pathway along the property frontage linking with the existing pedestrian refuge on Fifteenth Avenue is supported. In addition the proposed bus bay near the pedestrian refuge including a bus shelter and street lighting is also supported.

Prior to a final determination of this rezoning application it is recommended that:

1. A preferred intersection treatment including a signalised intersection at Fifteenth Avenue/Twenty Second Avenue/ Access Road to the site (including SIDRA analysis for signals) is to be agreed with Council and the RMS.
2. A referral for the proposal is to be made to the RMS and their comment taken into consideration.

7. Environmental Health

Contamination Assessment

The applicant has provided two Stage 1 contamination assessment prepared by Golder Associates (report no 47622023_001_R_Rev2) dated May 2015 for the premises identified as 185 & 195 Fifteenth Avenue, West Hoxton. The preliminary assessment revealed contamination issues onsite as a result of past land use activities. As a result, it was recommended that a Stage 2 – Detailed Site Investigation was conducted to undertake soil sampling.

A Stage 2 – Detailed Site Investigation was prepared by Douglas Partners (report no 84801.00) dated July 2015. The report concludes that the subject premises are suitable for commercial and industrial land uses.

It should be noted that results from soil samples are compliant with Schedule B 1 - Guideline on Investigation Levels for Soil and Groundwater Table 1A (1) Health Investigation Levels for soil contaminants for industrial and commercial land uses. This criteria is extracted from National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999.

The EIS has indicated that childcare facilities are likely to be developed at the subject premises. Under NEPM 1999 the criteria for childcare centres is considered to be Residential A and contain more stringent values for health based criteria. As a result, should the applicant seek to make childcare a permissible use on the site, it is recommended that the applicable analytical data be reassessed against more Stringent HILs and HSL prior to the issuing of any consent.

It is further suggested that other recommendations contained within the submitted Detailed Site Investigation prepared by Douglas Partners (report no 84801.00) dated July 2015 also be adopted.

Acoustic Report

It is suggested that recommendations contained within the acoustic report prepared by Acoustic Logic Pty Ltd (report no: 20150617.1) dated July 2015 be incorporated into conditions of consent.

Onsite sewerage management system

The subject premises are not connected to sewer. It is not feasible to provide an onsite sewerage management system onsite for the whole precinct. It is recommended that the applicant be required to consult with Sydney Water to determine servicing needs for the subject premises.

Service Station

It is recommended that the applicant be required to prepare a Forecourt Management Plan to the satisfaction of Council to be lodged with a development application for any service station on site. The plan shall include details of daily operations and management of the forecourt area (including any policies, procedures and staff training). This plan is to be prepared in accordance with the Environment Protection Authority (formerly known as Department of Environment & Climate Change) guideline 'Environmental Action for Service Stations'.

It is further recommended that the installation of the proposed underground storage system(s) shall be undertaken in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014, Australian Standard 4897 – 2008: The Design, Installation and Operation of Underground Petroleum Storage Systems. Vapour Recovery controls (stage 1 – 2) should also be installed in accordance with the following:

- Protection of the Environment Operations (Clean Air) Regulation 2010
- NSW Environment Protection Authority (formerly known as Department of Environment, Climate Change and Water), 'Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations'.

The applicant should also be required to notify the NSW Environmental Protection Authority (EPA) in writing that Vapour Recovery controls (stage 1-2) have been installed.

Fast Food Outlet and Supermarket

Any food outlets and supermarket developed on the site shall be designed and constructed in accordance with NSW Food Act 2003, NSW Food Standards Code and Australian Standards 4674-2004 Design, construction and fit-out and food premises.

8. Land and Development Engineering

Key Engineering Issues

- On-Site Detention and Water Quality treatment devices will be required for the proposed development site as detailed on the submitted plans;
- The intersection treatment on Fifteenth Avenue will need to consider future upgrade road widening works proposed by RMS;
- The ownership of the proposed internal access road (Pt Lot 8) should be clarified (i.e. whether it is to be private or dedicated as a public road);
- Kerb and gutter drainage and half width roadworks are required along the full frontage of Fifteenth Avenue; and
- Half road and kerb and gutter drainage works will be required along the full frontage of Twenty-Seventh Avenue.

Earthworks

It is recommended that the following conditions regarding earthworks are imposed on any consent issued for this application:

- No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site;
- Earthworks and retaining walls must comply with the requirements of LDCP 2008;
- The application is to be supported by a geotechnical report prepared by a suitably qualified person to address salinity and/or acid sulfate soils; and
- The quality of the proposed fill must comply with the requirements of LDCP 2008.

Conclusion

Thank you for your consideration of these issues. Council would be pleased to discuss these matters further if required.

Should you require any further information on this matter, please contact Graham Matthews, Senior Strategic Planner, on 9821 9156.

Yours sincerely



Toni Averay
Director Planning and Growth