



Environmental Impact Statement – SSD 6407

Fifteenth Avenue Commercial Precinct

185 & 195 Fifteenth Avenue, West Hoxton

Lot 345 DP 2475
Lot 346 DP 2475
Lot 2 DP 307334
Lot 304 DP 2485
Lot 305 DP 2485
Lot 306 DP 2485

Prepared by Willowtree Planning on behalf of Western
Sydney Parklands Trust

March 2016

Environmental Impact Statement

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185 & 195 Fifteenth Avenue, West Hoxton

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CLAUSE 78A(8A) CERTIFICATE

Declaration Form

Submission of Environmental Impact Statement (EIS)

prepared under the *Environmental Planning and Assessment Act 1979*
Clause 78A(8A)

| | EIS Prepared By | EIS Reviewed By |
|----------|--|--|
| Name | Thomas Cook | Matthew O'Donnell |
| Position | Associate Director | Director |
| Address | Suite 7, Level 7 100 Walker Street North Sydney NSW 2060 | Suite 7, Level 7 100 Walker Street North Sydney NSW 2060 |

In Respect Of

Proposed Staged Commercial Precinct including:

- Demolition
- Subdivision
- Bulk and detailed earthworks
- Estate infrastructure
- Estate landscaping
- Conceptual site layout
- Indicative building envelopes
- Land use approval

Development Application

| | |
|----------------|---|
| Applicant Name | Western Sydney Parklands Trust (Tim Ireson) |
| Address | Level 7, 10 Valentine Avenue, Parramatta NSW 2150 |

Land to be Developed

185 & 195 Fifteenth Avenue, West Hoxton, being:

- Lot 345 in DP 2475; Lot 346 in DP 2475; Lots 2 in DP 307334; Lot 304 DP 2485; Lot 305 DP 2485; Lot 306 DP 2485.

EIS

An Environmental Impact Statement (EIS) is attached.

Certificate

I certify that I have prepared the contents of this EIS and to the best of my knowledge:

- it is in accordance with Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, and
- it is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

Signature



Name
Date

Thomas Cook
9 March 2016

Matthew O'Donnell
9 March 2016

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GLOSSARY OF TERMS

| TERM | MEANING |
|----------------------------------|---|
| AU\$ | Australian Dollars |
| Council | Liverpool City Council |
| DGRs | Director-General's Requirements issued 21 March 2014 |
| DoP&E | Department of Planning and Environment |
| EIS | Environmental Impact Statement |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> (as amended) |
| EP&A Regulation | <i>Environmental Planning and Assessment Regulation 2000</i> |
| A Plan for Growing Sydney | <i>A Plan for Growing Sydney</i> <i>Draft South West Subregional Strategy</i> |
| WTP Planning | Willowtree Planning Pty Ltd |
| NSW 2021 | <i>NSW 2021: A Plan to Make NSW Number One</i> |
| OEH | NSW Office of Environment and Heritage |
| WSP POM | <i>Western Sydney Parklands Plan of Management 2020</i> |
| SEARs | Secretary's Environmental Assessment Requirements 11 February 2015 |
| SEPP | State Environmental Planning Policy |
| Sqm or m² | Square metres |
| SREP | Sydney Regional Environmental Plan |
| SSD | State Significant Development |
| The Site | 185 & 195 Fifteenth Avenue, West Hoxton, being: <ul style="list-style-type: none">▪ Lot 345 in DP 2475;▪ Lot 346 in DP 2475;▪ Lots 2 in DP 307334;▪ Lot 304 DP 2485;▪ Lot 305 DP 2485;▪ Lot 306 DP 2485. |
| The Trust | Western Sydney Parklands Trust |
| WSEA | Western Sydney Employment Area |
| WSEH | Western Sydney Employment Hub |
| WSP | Western Sydney Parklands |
| WSP Act | <i>Western Sydney Parklands Act 2006</i> |

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EXECUTIVE SUMMARY

This Environmental Impact Statement (EIS) has been prepared by Willowtree Planning (formally McKenzie Group Planning) Pty Ltd for the Western Sydney Parklands Trust (the Trust). The proposal seeks approval for a staged commercial precinct to be located at 185 & 195 Fifteenth Avenue, West Hoxton (the Site) at the corner of Fifteenth Avenue and Twenty-Seventh Avenue. The development will be known as Fifteenth Avenue Business Hub (FABH) and is located immediately adjacent to two emerging residential growth centres.

The site forms part of a larger strategic corridor known as the Western Sydney Parklands (WSP) which extends from Quakers Hill in the north to Leppington in the south. The WSP covers parts of the three local government areas of Blacktown, Fairfield and Liverpool. The Site and proposed development will be wholly contained within the Liverpool local government area.

The Site currently comprises six (6) lots (Lots 345, 346, 2, 304, 305, and 306) with a total combined area of approximately 8.9 hectares. The Trust owns all lots except for Lot 345 within the proposed application area. Lot 345 is owned by the NSW Office of Strategic Lands (Department of Planning & Environment).

The development qualifies as State Significant Development (SSD) under *State Environmental Planning Policy (State and Regional Development) 2011* due to its location with land covered by *State Environmental Planning Policy (Western Sydney Parklands) 2009* and capital investment value. The proposal will involve:

- Demolition
- Subdivision
- Bulk and detailed earthworks
- Estate infrastructure
- Concept estate landscaping
- Conceptual site layout
- Indicative building envelopes
- Land use approval

Lots 304, 305 and 306 (northern section of site) are contained in this SSD Application for the purpose of subdivision only. All other components of the proposal, as listed above, do not apply to these lots and will be subject to future development applications.

It is envisaged that the lots created will be used for a range of commercial activities suitable for a range of commercial uses. In respect to development and use of the site this application seeks approval only for land uses and indicative building envelopes. Detailed building design and use of each building will be subject to separate Development Applications.

The proposal is being undertaken in accordance with the Trust's functions under the *Western Sydney Parklands Act 2006* and the *Western Sydney Parklands Plan of Management 2020* to enable viable ongoing management of the larger Western Sydney Parklands system.

The selected site is recognised as providing the most suitable location for the commercial activities of the Trust within the WSP given its past disturbances, limited environmental value, proximity to transport networks and complementary adjacent development.

The process of applying for SSD under the *Environmental Planning and Assessment Act 1979* (the EP&A Act) requires a request for Secretary's Environmental Assessment Requirements (SEARs). SEARs were previously provided on 21 March 2014 (at the time called Director-General's Requirements (DGRs)). SEARs were then requested again on 29 January 2015 due to a revised proposal and subsequently issued by the Department of Planning and Environment (DoP&E) on 11 February 2015.

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The SEARs for the proposal outlined a number of Key Issues which are to be addressed as part of the EIS, including consideration of:

- Relevant EPIs, Policies and Guidelines
- Strategic Justification
- Economic Impact
- Site Layout and Urban Design
- Ecologically Sustainable Development
- Traffic and Transport
- Noise and Vibration
- Staging
- Utilities
- Contributions
- Stormwater, Flooding and Water Management
- Bulk Earthworks and Waste
- Contamination
- Flora and Fauna
- Heritage
- Archaeological Impact

Each of the Key Issues has been addressed in this EIS through the input of specialist consultants. Consultation with relevant stakeholders has also been undertaken as required by the SEARs.

Based on the findings of this EIS, the development of part of the Western Sydney Parklands for the purposes of the proposed commercial precinct is supported. The proposal is consistent with the NSW 2021 and A Plan for Growing Sydney by allowing new employment land to develop and expand the ability of the Trust to undertake its operational requirements in relation to the larger WSP area. The proposed development is also consistent with the legislative and policy framework applicable at the local and state levels.

The proposal is suitable for its context and will not result in any significant environmental impact. As such, it is recommended that the proposal be supported by the Department of Planning and Environment.

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PART A PRELIMINARY

1.1 INTRODUCTION

This Environmental Impact Statement (EIS) has been prepared by Willowtree Planning on behalf of the Western Sydney Parkland Trust (the Trust), and is submitted to the New South Wales Department of Planning and Environment (DoP&E) in support of development at 185 & 195 Fifteenth Avenue, West Hoxton (Lots 345, 346, 2, 304, 305, and 306).

This application seeks approval for a staged commercial precinct to be located at the corner of Fifteenth Avenue and Twenty-Seventh Avenue, West Hoxton (the Site).

The site is owned by the Western Sydney Parkland Trust and is envisaged to be used for employment-generating activities associated with a commercial precinct such as a service station, commercial, retail and child care uses. No tenants have been allocated to the site at the time of writing. No buildings are proposed under this application, only a nominated gross floor area (GFA) of building envelopes.

The proposal is located on land that forms part of the Western Sydney Parklands which is listed as a State Significant Site under *State Environmental Planning Policy (State and Regional Development) 2011* due to its location with land covered by *State Environmental Planning Policy (Western Sydney Parklands) 2009* and has a capital investment value in excess of \$10million. As such, the proposal is defined as State Significant Development (SSD) and requires the preparation of an EIS.

This EIS describes the site and proposed development, provides relevant background information and responds to the SEARs and assesses the proposed development in terms of the relevant matters set out in relevant legislation, environmental planning instruments and planning policies.

The structure of the EIS is as follows:

- Part A Preliminary
- Part B Site Analysis
- Part C Proposed Development
- Part D Legislative and Policy Framework
- Part E Consultation
- Part F Environmental Risk Assessment
- Part G Statement of Commitments
- Part H Project Justification
- Part I Conclusion

1.2 PROJECT TEAM

The Project Team involved in the preparation of this application are:

- Western Sydney Parklands Trust (Land Owner and Applicant)
- Hansen Yuncken (Project Managers)
- Willowtree Planning Pty Ltd (Town Planning Consultant)
- Costin Roe Consulting (Engineering Consultant)
- Golder Associates (Contamination Consultant)
- Traffic & Transport Planning Associates (Traffic Consultant)
- Total Surveying Solutions (Surveying Consultant)
- LFA Architects (Architects/Urban Design)
- Lesryk Environmental (Ecological Consultant)
- MacroPlan Dimasi (Economic Planning)
- Dominic Steele Consulting Archaeology (Aboriginal Archaeological Consultant)
- Footprint Green Pty Ltd (Arboricultural Environmental & Horticultural Consultants)
- Northcroft (Quantity Surveyors)
- Building Code & Bushfire Hazard Solutions (Bushfire Consultants)
- Acoustic Logic (Acoustic Consultants)
- Douglas Partners (Geotechnical Consultant)
- Hill PDA (Economic Consultant)
- KJA (Communications/Consultation)
- Landpartners (Surveyor)

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1.3 STRUCTURE/STAGING OF PROPOSAL

As outlined in Part C of this EIS the proposal is broken up into two (2) stages including:

Stage 1 (proposed under this SSD Application):

- Demolition
- Subdivision
- Bulk and detailed earthworks
- Estate infrastructure
- Conceptual estate landscaping
- Conceptual site layout
- Indicative building envelopes
- Land use approval

Stage 2 (subject to separate Development Applications):

- Detailed land uses
- Detailed built form
- Estate landscaping

Lots 304, 305 and 306

The abovementioned concept proposal and works specified under Stages 1 and 2 (excluding subdivision) apply only to Lots 345, 346 and 2. Lots 304, 305 and 306 are subject to subdivision only under Stage 1 of this SSD Application.

1.4 WESTERN SYDNEY PARKLANDS TRUST

Although the Western Sydney Parklands were initially identified in the 1968 Sydney Region Outline Plan, it was not until November 2006 when the NSW Government introduced the *Western Sydney Parklands Act 2006* to Parliament that the Western Sydney Parklands Trust (the Trust) was established to manage the land within the Parklands as well as achieve the Management Vision objectives. The *Western Sydney Parklands Act 2006* commenced on 1 January 2008.

The Trust is a self-funded government body so it is less reliant on public funds. The decision to allow a limited number of commercial land uses for lease within the Parklands was outlined in the *Western Sydney Parklands Plan of Management* (WSP POM), developed in 2010. A maximum of 2 per cent of the Parklands, which is not of high conservation or recreation value, has been identified for lease as strategically located business hubs to generate a substantial revenue base to develop and manage the remainder of the Parklands. Further, the subject site represents only a portion of the total 2 per cent allocated for business hubs within the Parklands.

Developing sustainable funding based on leasing land for business uses will enable the Trust to deliver the key outcomes of the WSP POM. In particular, income from leasing business hubs will enable the Trust to continue to deliver important sustainability/environmental initiatives and simultaneously generate high quality employment opportunities in Western Sydney. This includes improving and expanding facilities, such as picnic areas, children's playgrounds, sporting fields and parking. The revenue generated will also pay for educational programs for thousands of local school students and environmental initiatives for the benefit of Western Sydney.

The proposal will enable the Trust to carry out its corporate operations in an efficient and economically viable manner that will have economic benefits without significant environmental impact.

In 2010 the Trust developed a 10 year Plan of Management (POM) to guide the long-term future of the Western Sydney Parklands (herein referred to as 'the Parklands' or 'WSP'). In March 2014, the Trust released a Supplement to the WSP Plan of Management that identified nine locations for proposed business hubs. The business hubs collectively will comprise a maximum of two per cent of the total area of

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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 low ecological value and are located nearby motorways and major arterial roads. The business hubs form an important foundation for 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.

As identified in the WSP POM, the Trust is committed to achieving the Government's key goals for the Parklands which are to:

- activate these lands and make them accessible for the public to enjoy;
- provide a place for many different uses such as recreation, bushland conservation, urban farming near the city, involvement in active sports and key community services; and
- continue to grow private business investment to create a sustainable funding base for the Parklands in perpetuity.

1.5 STRATEGIC PLANNING CONTEXT

The proposal is to be carried out within the Western Sydney Parklands which was originally identified in 1968 Sydney Regional Outline Plan to provide for infrastructure and future regional open space needs in Western Sydney.

In the 1970s, the boundaries of the Parkland's Eastern Creek and Hoxton Park corridors were confirmed through inclusion in local planning instruments. Thanks to an active land acquisition program by the NSW Government, almost 70 percent of the current Parklands area was accumulated by 1978.

Then, in 1989, the NSW Government introduced *SEPP No 29 — Western Sydney Recreation Area* to allow for key recreational facilities such as the Eastern Creek International Raceway and parklands that would later be used as venues for equestrian, shooting, baseball, softball and mountain biking during the Sydney 2000 Olympic Games.

Since 2001, the NSW Government has focused on managing and developing a single and cohesive park. The gazettal of the *Sydney Regional Environmental Plan No 31 — Regional Parklands* in 2001 provided a framework to manage land uses and development located within and along the edges of the Parklands, including residential developments that had reached the Parklands' edges.

The Western Sydney Parklands Management Vision (2004) mapped out a blueprint for the future of those lands that included the creation of accessible recreation areas and the regeneration of natural bushlands as wildlife habitats. In 2006, the NSW Government introduced the *Western Sydney Parklands Act 2006* which then commenced on 1 January 2008. This Act confirmed the boundaries of the Parklands and established the Trust to manage and develop the Parklands in partnership with other state and local government agencies within the Parklands boundaries.

The gazettal of the *State Environmental Planning Policy (SEPP) Western Sydney Parklands*, in March 2009, provided the statutory planning framework for the Trust and its partners to develop and manage the Parklands. The Western Sydney Parklands Plan of Management 2010-2020 (WSP POM) was then prepared to further detail the vision for the Parklands and set out prioritised actions for the Trust to implement over the next decade.

The current legislative and policy framework for the proposal is considered in detail in Part D of this EIS.

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1.6 THE PROPONENT

The proponent is the Western Sydney Parklands Trust. See **Table 1** for contact details.

| TABLE 1 – Proponent Contact Details | |
|--|-----------------------------------|
| Contact Name | Tim Ireson |
| Position | Project Manager |
| Organisation | Western Sydney Parklands Trust |
| | Department of Premier and Cabinet |
| | Level 4, 10 Valentine Avenue |
| | Parramatta NSW 2150 |
| Contact Number | 0437 945 499 |

1.7 CAPITAL INVESTMENT VALUE

As per Northcroft's Capital Investment Value Report (**Appendix 6**) the capital investment value of this project is in the order of AU\$14,736,000.00.

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1.8 SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

SEARs (then DGRs) were initially provided on 21 March 2014 for the project against the original development scheme. Following significant amendments to the development scheme an application to receive the SEARs was submitted to DoP&E on 29 January 2015. The updated SEARs were subsequently issued on 11 February 2016 (Reference: SSD-6407). The SEARs issued are annexed as **Appendix 1**.

Key Issues

A summary of the Key Issues to be addressed for the proposed development and how these requirements have been satisfied within the EIS is outlined in **Table 2**.

| TABLE 2 – DGRs Key Issues | |
|---|---|
| Issue | Satisfied by... |
| <p>1. Relevant EPIs, Policies and Guidelines</p> <ul style="list-style-type: none">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) 2007;State Environmental Planning Policy (Major Development) 2005; andLiverpool Local Environmental Plan 2008. <p><i>Permissibility</i> Detail the nature and extent of any prohibitions that apply to the development.</p> <p><i>Development Standards</i> Identify compliance with the development standards applying to the site.</p> <p>Policies Address the relevant planning provisions, goals and strategic planning objectives in the following:</p> <ul style="list-style-type: none">NSW 2021: A Plan to make NSW Number One;Metropolitan Plan for Sydney 2036;Draft Metropolitan Strategy for Sydney 2031;South West Subregion: Draft Subregional Strategy;Western Sydney Parklands Plan of Management 2020;Planning for Bushfire Protection 2006;NSW Government Flood Prone Land Policy (1984) as set out in the Floodplain Development Manual (2005);Draft Centres Policy 2009;Relevant Development Contributions Plans;Liverpool Community Strategic Plan 2021; andLiverpool Development Control Plan 2008. | <p>Part A – Preliminary (Section 1.4 – Strategic Planning Context)</p> <p>Part D – Legislative and Policy Framework</p> |
| <p>2. Strategic Justification</p> <p>Provide detailed analysis of the various development options considered for the site and the evolution of the preferred development option (commercial/retail development) with the rationale for identifying the subject site as the preferred location for future development.</p> | <p>Part A – Preliminary (Section 1.4 – Strategic Planning Context)</p> <p>Part D – Legislative and Policy Framework</p> |

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| | |
|--|---|
| <p>3. Economic Impact</p> <ul style="list-style-type: none">Clarify the nature of the intended future land uses. Assess the supply and demand for the future land uses facilitated by the proposal, and include a detailed justification in relation to the demand for the intended future land uses; andAddress the economic implications the future land uses will have on existing and planned retail/commercial centres within the trade area and the viability of existing nearby retail/commercial centres within the trade catchment. <p><i>Relevant Policies and Guidelines:</i></p> <ul style="list-style-type: none"><i>Liverpool Retail Centres Hierarchy Review 2012;</i><i>The Business Centres and Corridors Strategy Review 2013;</i><i>Liverpool Economic Profile 2013.</i> | <p>Part F – Environmental Assessment (Section 6.4 – Economic Impact)</p> |
| <p>4. Site Layout and Urban Design</p> <ul style="list-style-type: none">Provide urban design guidelines and design parameters for the entire site which address the future subdivision layout and design for the development including but not limited to staging, site layout, open space and public domain, connectivity, building mass, site coverage, setbacks, floor space distribution, building height, building articulation, materials and finishes, parking, landscaping, signage, vehicle and pedestrian access and circulation, loading and servicing, safety and amenity.Identify the location of the land required for the future widening of Fifteenth Avenue in consultation with Liverpool City Council and Roads and Maritime Services;Address potential land uses, in the layout and potential building footprints/envelopes, Include spatial separation, siting, noise mitigation, and a suitable design response incorporating using endemic species;Provide an assessment of any geo-technical and/or topographical limitations (such as site soils and slope) and, if necessary, design considerations that address these limitations; andOutline how the extent of cut and fill associated with the proposal has been minimised. | <p>Part C – Proposed Development</p> <p>Part F – Environmental Assessment (Section 6.5 – Layout and Urban Design)</p> |
| <p>5. Ecologically Sustainable Development (ESD)</p> <ul style="list-style-type: none">Detail how ESD principles (as defined in clause 7(4) of Schedule 2 of the Environmental Planning and Assessment Regulation 2000) will be incorporated in the design, construction and ongoing operation phases of the development; and.Include a description of the measures that would be implemented to minimise consumption of resources, water and energy, including an Integrated Water Management Plan which details any proposed alternative water supplies, proposed end uses of potable and non-potable water, and demonstrates water sensitive urban design and any water conservation measures. | <p>Part F – Environmental Assessment (Section 6.6 – Ecologically Sustainable Development)</p> |

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| <p>6. Traffic and Transport</p> <ul style="list-style-type: none"> Provide a detailed traffic and transport assessment including an analysis of existing traffic conditions and estimated traffic generated by the proposed development; Assess the cumulative traffic impact on the safety and efficiency of the local road network (consider existing and proposed development in Austral, West Hoxton and Middleton Grange) and intersection capacity, with a detailed intersection performance analysis of the Fifteenth Avenue and Twenty Seventh Avenue intersection; Identify the potential need and outline any funding agreement for intersection/road improvement works to accommodate the traffic impact of the proposed development in consultation with Liverpool City Council and Roads and Maritime Services; Provide an analysis of likely pedestrian movements to and within the development including access to public transport services and measures to ensure pedestrian safety; Provide a travel plan outlining measures to promote sustainable means of transport including the provision of facilities to increase the non-car mode share for travel to and from the site; Provide details of the proposed access and parking provisions and the requirements of the relevant parking codes and Australian Standards and details of the proposed services vehicle movements (including vehicle type and the likely arrival and departure times). <p><i>Relevant Policies and Guidelines:</i></p> <ul style="list-style-type: none"> <i>Guide to Traffic Generating Development (RMS);</i> <i>EIS Guidelines – Roads and Related Facilities (DoPI); and</i> <i>NSW Planning Guidelines for Walking and Cycling.</i> | <p>Part F – Environmental Assessment (Section 6.7 – Transport and Transport)</p> |
| <p>7. Noise and Vibration</p> <p>Identify the main noise and vibration generating sources and activities at all stages of construction, and any noise sources during operation. Outline measures to minimise and mitigate the potential noise and vibration impacts on surrounding occupiers of land.</p> <p><i>Relevant Policies and Guidelines:</i></p> <ul style="list-style-type: none"> <i>NSW Industrial Noise Policy (EPA);</i> <i>NSW Road Noise Policy (DECCW 2011);</i> <i>Interim Construction Noise Guideline (DECC); and</i> <i>Assessing Vibration: A Technical Guideline 2006.</i> | <p>Part F – Environmental Assessment (Section 6.8 – Noise and Vibration)</p> |
| <p>8. Staging</p> <p>Provide details regarding the staging of the proposed development.</p> | <p>Part C – Proposed Development (Section 3.2 Description of the Proposal)</p> <p>Part F – Environmental Assessment (Section 6.9 – Staging)</p> |
| <p>9. Utilities</p> <p>In consultation with relevant agencies and through the preparation of an integrated water/infrastructure management plans, detail the existing capacity and any augmentation requirements of the utilities for the development, including water and waste water supply, and the staging of infrastructure, and potential impacts on environmental performance.</p> | <p>Part C – Proposed Development (Section 3.2 Description of the Proposal)</p> <p>Part F – Environmental Assessment (Section 6.10 – Utilities)</p> |

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| <p>10. Contributions</p> <p>Identify contributions which are to be established for the development, including relevant Section 94 Contribution Plan and / or details of any Voluntary Planning Agreement.</p> | <p>Part D – Legislative and Policy Framework (Section 4.4.3 – Section 94 Development Contributions Plan 2009)</p> <p>Part F – Environmental Assessment (Section 6.11 – Contributions)</p> |
| <p>11. Stormwater, Flooding and Management</p> <ul style="list-style-type: none"> Provide a detailed analysis of the stormwater runoff (including potential overland flooding impacts) for the site and all adjacent areas, to ensure the pre-development flow regime is maintained for all design storm events, including and up to the 100 year ARI storm event; Outline the safe water run-off arrangements from the site towards the Sydney Water Channel in consultation with Sydney Water; Assess the impacts on surface and ground water sources (both quality and quantity), watercourses, riparian land and groundwater dependent ecosystems, and measures proposed to mitigate impacts; Provide a detailed water quality impact assessment including water quality modelling to assess and address the impact on stormwater runoff from the development site; Identify management strategies for the existing dam on the site including disposal of sediment and water; and Provide details of On-site stormwater treatment facilities to ensure all gross pollutants and liquid contaminants are captured and removed from stormwater runoff. | <p>Part F – Environmental Assessment (Section 6.12 – Stormwater, Flooding and Management)</p> |
| <p>12. Bulk Earthworks and Waste</p> <ul style="list-style-type: none"> Detail the management of earthworks across the site including measures and procedures to minimise and manage the generation and off-site transmissions of sediment, dust and airborne pollutants; Provide a bulk earthworks strategy including details of volume/s of soil to be excavated, removed from the site, or imported to the site and cut and fill diagrams; Identify measures to ensure future construction works do not impact on water quality; and Identify, quantify and classify the likely waste streams to be generated during construction and the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. <p><i>Relevant Policies and Guidelines:</i></p> <ul style="list-style-type: none"> <i>Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA); and</i> <i>Managing Urban Stormwater-Soils & Construction Volume 1 2004 (Landcom) and Volume 2 (DECC 2008).</i> | <p>Part C – Proposed Development (Section 3.2 Description of the Proposal)</p> <p>Part F – Environmental Assessment (Section 6.13 – Bulk Earthworks and Waste)</p> |
| <p>13. Contamination</p> <ul style="list-style-type: none"> Provide a preliminary site assessment, and further detailed site assessment and remedial action plan/s (if applicable), to demonstrate that the site is suitable, or can be made suitable, for the proposed use in accordance with SEPP 55; and Identify measures for the management and disposal of any hazardous materials from the demolition/removal of existing buildings/structures (including dams). <p><i>Relevant Policies and Guidelines</i></p> <ul style="list-style-type: none"> <i>EPA Guidelines, under the Contaminated Land Management Act.</i> | <p>Part D – Legislative and Policy Framework (Section 4.2.14 – SEPP No. 55)</p> <p>Part F – Environmental Assessment (Section 6.14 – Contamination)</p> |

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| 14. Flora and Fauna <ul style="list-style-type: none">Assess the impact on flora and fauna, including threatened species, populations and endangered ecological communities and their habitats, in accordance with the Office of Environment and Heritage (OEH) <i>Threatened Species Survey and Assessment Guidelines</i> and any relevant draft or recovery plans; andIdentify any steps to mitigate or offset any identified impacts to the environment in accordance with the <i>NSW Offset Principles for Major Projects (state significant development and state significant infrastructure)</i> issued by OEH on 17 July 2013. | Part D – Legislative and Policy Framework (Section 4.4.1 Environment Protection and Biodiversity Conservation Act 1999; Section 4.2.7 Threatened Species Conservation Act 1995) Part F – Environmental Assessment (Section 6.15 – Flora and Fauna) |
| 15. Heritage <ul style="list-style-type: none">Assess the potential impact on the heritage significance of any listed heritage items in the vicinity of the site including the adjoining Kirkpatrick-Boyland Park and the nearby Sydney Water Channel; andAddress Aboriginal cultural heritage in accordance with the <i>Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (2005)</i> and <i>Aboriginal Cultural Heritage Consultation Requirements for proponents (DECCW, 2010)</i>. Impacts to Aboriginal cultural heritage must be avoided or adequately mitigated (in consultation with Aboriginal stakeholders). | Part D – Legislative and Policy Framework (Section 4.2.5 – Heritage Act 1977) Part F – Environmental Assessment (Section 6.16 – Heritage) |
| 16. Archaeological Impacts <ul style="list-style-type: none">If relevant, an archaeological study is to be carried out on the site to identify any European and / or aboriginal archaeological impacts associated with the proposed development. Address recommendations in any archaeological zoning plan or archaeological management plan held by Liverpool City Council. | Part D – Legislative and Policy Framework (Section 4.2.5 – Heritage Act 1977) Part F – Environmental Assessment (Section 6.17 – Archaeological Impacts) |

Additional Details

The SEARs require that the EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the *Environmental Planning and Assessment Regulation 2000* (the EP&A Regulation). In addition, the SEARs provide that the EIS must include the following:

- Concept Development Plans and a Site Analysis Plan;
- Draft Plan of Subdivision and Road Layout Plan;
- Demolition Plan;
- Site Survey Plan, showing existing levels, location and height of existing and adjacent structures/building;
- Crime Prevention Through Environmental Design Principles Report (Stage 1);
- Noise and Vibration Impact Assessment (Stage 1);
- Bushfire Assessment;
- Economic Impact Assessment;
- Visual Impact Assessment/Photomontages (Stage 1);
- Acid Sulfate Soil Assessment;
- Stormwater Concept Plan;
- Sediment and Erosion Control Plan (Stage 1);
- Concept Landscape Plan (Stage 1);
- Construction Management Plan, inclusive of a Construction Traffic Management Plan and construction methodology (Stage 1);
- Arborist Report;
- Remediation Plan (if applicable)

The above-listed supporting documentation has been provided and discussed in detail throughout the relevant Parts of this EIS.

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Consultation

The SEARs provide that, during the preparation of the EIS, consultation must be undertaken with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.

Community Consultations were held consistently throughout the preparation project with local community and adjacent stakeholders, including property owners and local businesses. This consultation process was ran by KJA Engaging Solutions and as outlined in their Community Consultation Report (**Appendix 24**) activities undertaken to support the preparation of this EIS included:

- 2 x drop in sessions to enable local neighbours to speak with project team;
- Door knocking / and letter box drop to approximately 130 local residents;
- Letter mail out and meeting invitation sent to key stakeholders; and
- Meetings with adjacent business owners, Government agencies and infrastructure authorities.

Part E of this EIS details the consultation undertaken.

PART B SITE ANALYSIS

2.1 SITE LOCATION

This Environmental Impact Statement (EIS) relates to six (6) parcels of land located at the corner of Fifteenth Avenue and Twenty-Seventh Avenue, West Hoxton and forms part of the Western Sydney Parklands located within the Liverpool Local Government Area.

The site is approximately 8.9 hectares with frontage of approximately 260m along Fifteenth Avenue and 300m along Twenty-Seventh Avenue. The concept approval and works proposed apply only to Lots 345, 346 and 2 (4.5 hectares).

The site comprises the allotments detailed in **Table 3** and shown in **Figure 1**.

| TABLE 3 – Site Details | | |
|-------------------------------|-----------|-----------------------------------|
| Lot | DP | Address |
| 345 | 2475 | 185 Fifteenth Avenue, West Hoxton |
| 346 | 2475 | 195 Fifteenth Avenue, West Hoxton |
| 2 | 307334 | 195 Fifteenth Avenue, West Hoxton |
| 304 | 2485 | 195 Fifteenth Avenue, West Hoxton |
| 305 | 2485 | 195 Fifteenth Avenue, West Hoxton |
| 306 | 2485 | 195 Fifteenth Avenue, West Hoxton |

2.2 LAND OWNERSHIP

The subject land identified in **Figure 1** is owned by the Western Sydney Parklands Trust (in red) and the NSW Office of Strategic Lands (OSL) (Department of Planning & Environment). (in blue).

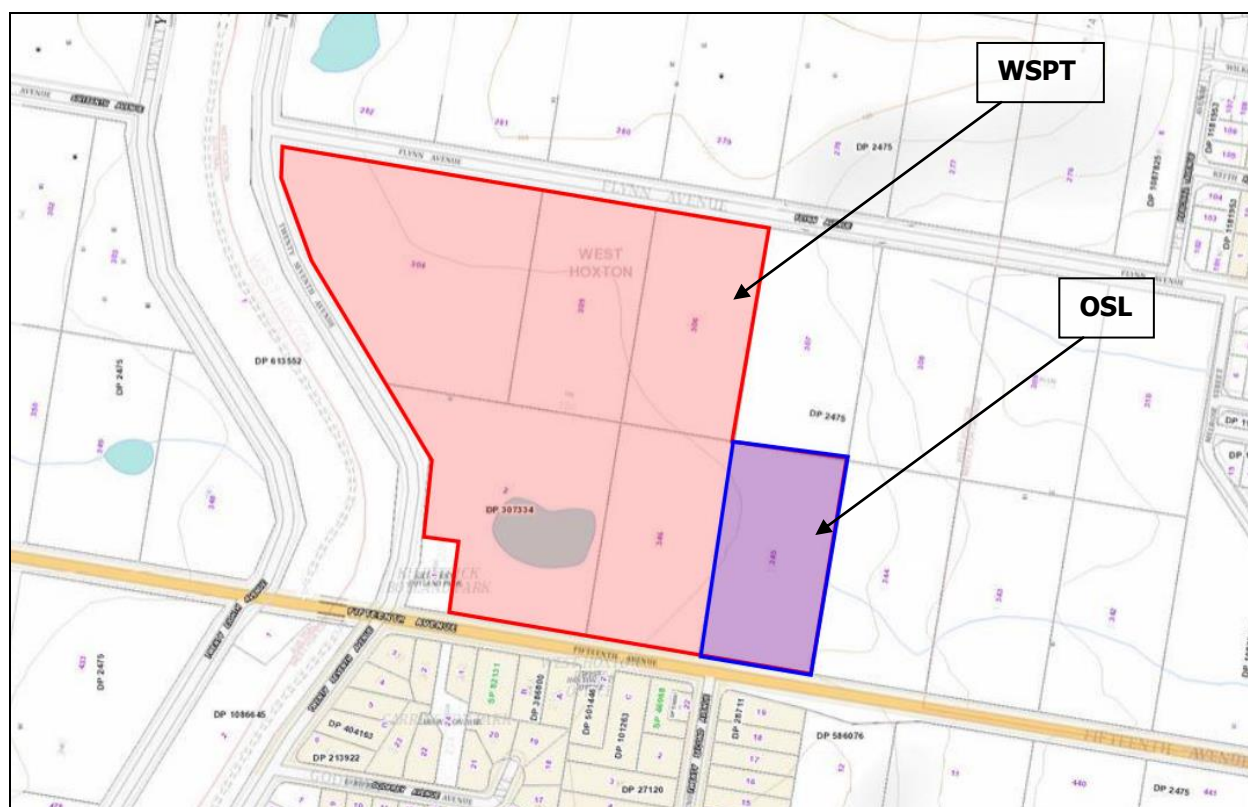


Figure 1 – Site Location (Source: NSW Land and Property Information, 2015)

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2.3 LOCAL HISTORY

The Aboriginal & Historical Archaeological Assessment (Historical Assessment) (**Appendix 14**) prepared by Dominic Steele Consulting Archaeology identifies the known and potential archaeological and cultural heritage constraints of the site. The Aboriginal & Historical Archaeological Assessment concludes that the site does not pose any Aboriginal archaeological constraints to the proposal. Furthermore the results of the assessment did not find any heritage sites or items within the site that are listed on any State or Local Heritage register or schedule.

2.4 EXISTING SITE CHARACTERISTICS

One (1) residence, fencing, farm dam in the south-west corner, ancillary farm sheds, bus depot and services currently exists within the Site. Reflecting its historic agricultural use, the site is predominately cleared of vegetation and covered with pasture grasses with scattered stands of trees and scrub located within the north-west portion of the Site.

An aerial photograph of the site, showing the site characteristics (as at June 2015) is provided as **Figure 2**. The topography of the local landscape includes steep low hills, with a southerly aspect.

The proposed commercial precinct site itself has an undulating topography, with a dominant east-west ridge running along the northern portion of the land.

A Site Survey was undertaken by Total Survey Solutions in February 2015 and is attached at **Appendix 2**.



Figure 2 – Aerial Photograph (2015) (Source: Land and Property Information, 2015)

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2.5 LOCAL CONTEXT

The Western Sydney Parklands, located in the heart of Western Sydney, comprise a 27km corridor stretching from Quakers Hills to Leppington. Consisting of 5,280 hectares, the Parklands will be the largest urban parkland system in Australia and one of the largest in the world.

Much of the land is still to be developed for its long term parklands purpose and around 40 percent of the Parklands is currently interim land uses such as rural residential or vacant land. The network however provides more than recreational space and conservation. Portions of the Parklands are leased for a variety of uses including agriculture, waste processing, motor sports and rural residential purposes. In addition, approximately 21 percent of the Parklands is utilised for long term infrastructure including Prospect Reservoir and the associated water supply canal and pipelines, as well as electricity, gas and water easements, waste services, water storage tanks, telecommunications towers and other essential infrastructure.

Major recreation facilities located within the Parklands include:

- Blacktown Olympic Park;
- Eastern Creek International Raceway;
- Western Sydney International Dragway;
- Sydney International Equestrian Centre; and
- Sydney International Shooting Centre.

There are also picnic grounds at Plough and Harrow, The Dairy, Sugarloaf Ridge, Lizard Log, Nurragingy, Peckys, Walder Park and extensive walking and cycling areas.

The extent of the Parklands is shown in **Figure 3**.

Employment and training opportunities in tourism, recreation and environment will continue to play an important role in providing jobs and training in these sectors in Western Sydney over the coming years, with the proposed development site being strategically positioned adjacent to extensive employment lands extending eastward from the Site within the suburbs of Middleton Grange, Carnes Hill and Prestons.

Land immediately north of the site has not yet been developed for its intended Parkland use and remains in an agricultural state. Land adjoining the site to the west forms part of the 'Upper Canal' of the Water Supply Canal and Pipelines network for Prospect Reservoir.

The Upper Canal of the water supply from the weirs on the Upper Nepean River and Cataract River was completed in 1888. The water flowed through the canal from the catchments by gravity into Prospect Reservoir to the north, which was the main storage dam. The Upper Canal is 45 km in length and is lined in the most part of dry packed rubble masonry. A strip of land bordering the canal was also reserved, and here some landscaping appears to have been undertaken and houses built for the maintenance men.

Land to the south of the site, adjacent to Fifteenth Avenue, comprises of low density residential development as well as a commercial retail strip which the proposed business hubs forms an extension of. Land beyond the residential area to the south consists of Western Sydney Parklands.

The location of the site within the locality is shown in **Figure 4**.

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Figure 3 – Western Sydney Parklands Extent (Source: WSP POM, 2010)

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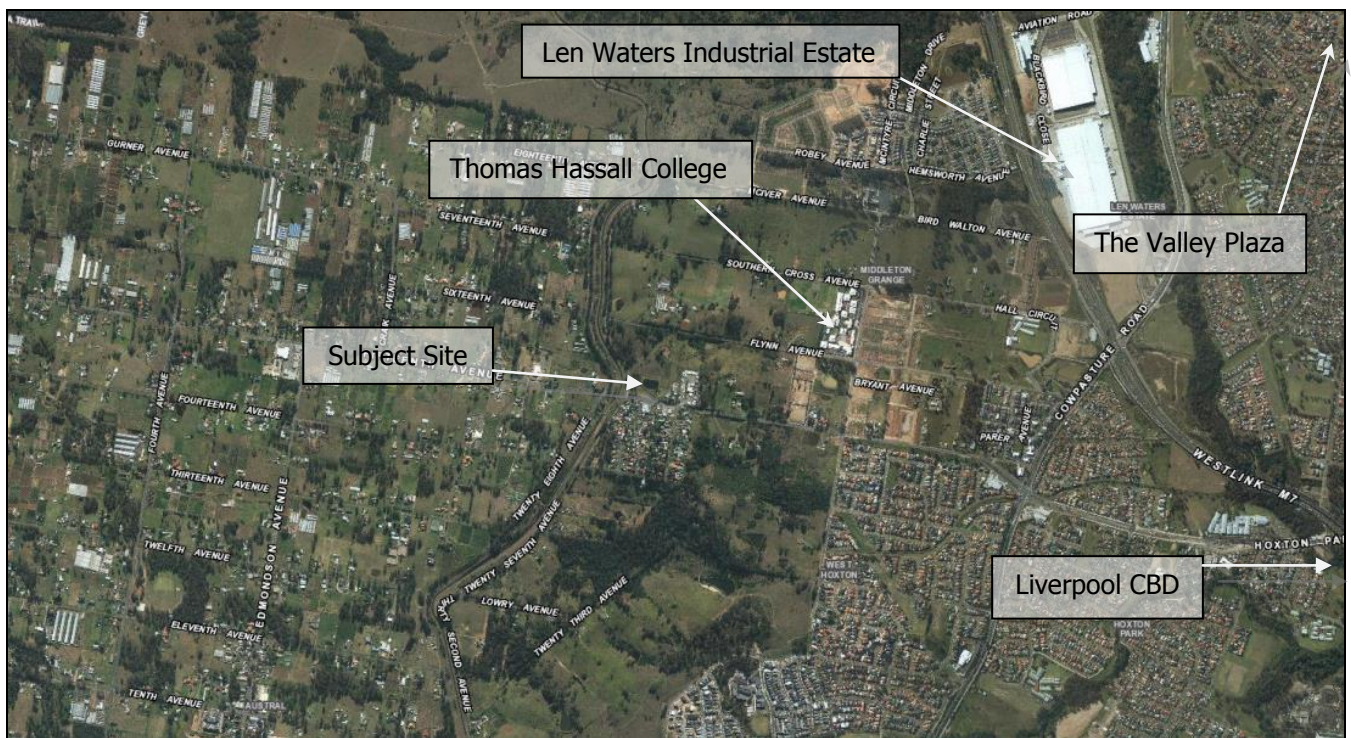


Figure 4 – Local Context (Source: Google Maps, 2015)

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2.6 REGIONAL CONTEXT

West Hoxton is located approximately 48km west of Sydney Central Business District within the Local Government Area of Liverpool, part of the Greater Western Sydney Region. Greater Western Sydney is currently home to approximately 1.8 million people and is one of Australia's fastest growing regions. It is Australia's third largest economic region. The area has undergone significant development since the 1990s and comprises a range of uses with prominent growth in industry, commercial, community and residential land uses.

In addition to existing extensive commercial development in the areas across the Liverpool LGA, new employment areas have been identified along the interface lands close to the Parklands. These growth areas take advantage of the high level of connectivity within and beyond the Region, offered by the significant road and rail infrastructure including the M7 and M4 Motorways, as well as the M5 Motorway further south.

However, it is also recognised that the region retains important sites for future growth, agricultural and resource land, Defence Land as well as significant natural assets including numerous watercourses, bushland and riparian corridors.

The Liverpool LGA forms a part of the Cumberland Plain, which is a relatively shallow basin, and dissected by a network of creeks (and some rivers) in the local landscape which flow to the southeast and drain into the Georges River. There are two principal creek rivers which flow through the LGA. These include the Georges River, which forms an upside down "U" shape in the eastern third of the Liverpool LGA and enters from the south near Holsworthy and flows north meeting with Glenfield Creek and Casula. The other is the Hawkesbury River, which forms the western boundary of the Liverpool LGA and enters from the south past the suburb of Greendale and flows north past the suburb of Wallacia and out of the Liverpool LGA.

The Parklands are specifically identified as having a significant regional employment role under A Plan for Growing Sydney. The regional context of the site is shown in **Figure 5**.

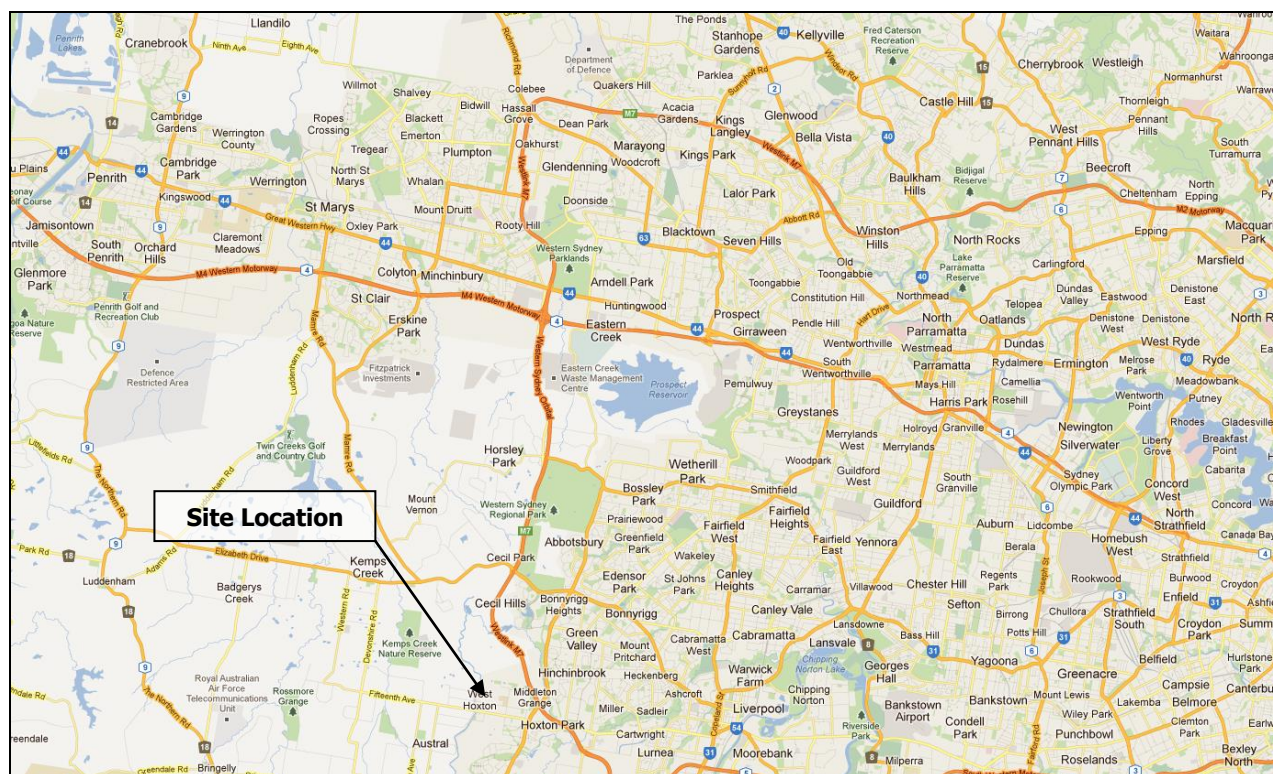


Figure 5 – Regional Context (Source: Google Maps, 2015)

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2.7 SUB REGIONAL CONTEXT

Under the State Government's Draft South West Subregional Strategy (2031), the site is recognised as a significant employment centre. The Strategy indicates that the Liverpool Local Government Area is the largest and most populated LGA within the South West Subregion comprising 41% of the subregion's population.

Due to West Hoxton's location in Sydney's South West Subregion, the demand for commercial space is projected to continue to grow in the subregion. With the development of many urban release areas in the region the use of a portion of the Parklands adjacent to existing urban areas will assist in meeting the employment needs of the region well into the future whilst providing funding to maintain the Western Sydney Parklands open space network.

The site's position within the South West Subregion is shown in **Figure 6**.



Figure 6 – South West Subregion (Source: Draft South West Subregional Strategy, NSW Department of Planning, 2007)

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2.8 SITE SUITABILITY

The subject site is appropriately located to permit the proposed development and intended future uses which will be compatible with the established and future context of the surrounding site. The site is also located close to major roads making it a convenient location with good accessibility to and within the region.

Excluding the residential and retail precinct to the south the locality has little development to date. Opportunities presented by the subject land relate to its location and accessibility. This precinct is believed to be commercially viable for commercial and retail operators. Notwithstanding this, future retail uses on this site should not detract from planned retail provisions within the South West Growth Precinct (SWGC).

The subject site is considered suitable for the proposed development for the following reasons:

- The site is serviced by public buses and services are expected to be improved as Austral precinct evolves.
- The site has sufficient pedestrian and bike access, and any deficiencies or additional linkages to the site required can be address in subsequent development applications.
- The site is located on Fifteenth Avenue, a key access road in the region linking to Cowpasture Road and Hoxton Park Road, which provide access to the M5 and M7.
- The site, being situated nearby an area that is predominately residential, with strong population growth, is therefore proximate to an existing labour market and growing potential future labour market.
- Proposed development of the site will not impact the supply of housing, as residential development is not allowed at the subject site, according to the SEPP (Western Sydney Parklands) 2009.
- A new modern convenience oriented retail and commercial centre, which meets relevant urban design standards, would be sympathetic to the surrounding visual amenity of the local area and returns from the development would be reinvested into the upkeep of the WSP.
- The relevant ecological matters and potential constraints have been considered in the preparation of this application. The Flora & Fauna Assessment (**Appendix 12**) prepared by Lesryk Environmental Pty Ltd finds the subject site as being suitable for the proposed development in consideration of potential ecological impacts.

The site is located within close proximity to other existing and future town centres as shown in **Figure 7** including:

Fifteenth Avenue

Located immediately south of the subject site the Fifteenth Avenue centre is zoned B1 on land totalling 7,722m². The centre currently accommodated functional neighbourhood centre type uses including liquor store, hairdresser, real estate agent, Australia Post and a garden equipment retailer. The site is too small to accommodate the proposed development concept as it is less than 2ha in size.

Middleton Grange

Located north-west of the site, Middleton Grange incorporates a village centre approximately 3.7ha and zoned B2. The centre is currently vacant however a concept plan approval exists for the centre including a full-scale supermarket (approximately 3,500m²) and supporting convenience orientated specialty retail. The Middleton Grange site is inward facing and expected to trade as a localised catchment with limited main road exposure.

As outlined in MacroPlan Dimasi's assessment (**Appendix 7**) the proposed mix of uses being considered at the subject site rely on main road exposure and will serve a broad trade area. MacroPlan Dimassi conclude *that both development could so-exist and could be developed in the short-term, i.e. over the next 5 years or so.*

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Austral Town Centre

The Austral Town Centre is zoned B2 and located approximately 1.5km west of the subject site along Fifteenth Avenue at the intersection of Edmondson Road. The site supports the existing West Hoxton Shopping Village (2,800m²) which includes an IGA supermarket and a Home Hardware store. The current site uses are low intensity however the centre is planned to accommodate higher order retail and supporting ancillary non-retail uses.

MacroPlan Dimasi (**Appendix 7**) expects that *the site will initially accommodate one or more full-scale supermarkets as it evolves in the future, potential discount department stores and a range of other subregionally orientated retail and commercial uses.*

Gurner Avenue Centre

The Gurner Avenue Centre is zoned B1, totals 2.2ha in size and is located approximately 2.8km north-west of the subject site. The site is planned for future neighbourhood centre. While the site is technically large enough to support the proposed development concept, MacroPlan Dimasi (**Appendix 7**) concludes that this centre is located off the main road network and does not present a practical alternative to the proposed Fifteenth Avenue site.

Whilst existing and future planned commercial centres exist in close proximity of the subject site, none of these sites offer the types of land uses along the main road network (i.e. Fifteenth Avenue / Edmondson Avenue) which can be provided at the Fifteenth Avenue site. As such the subject site is considered to present a unique opportunity to cater to the demand of easily accessible commercial land uses such as those presented in this proposal.

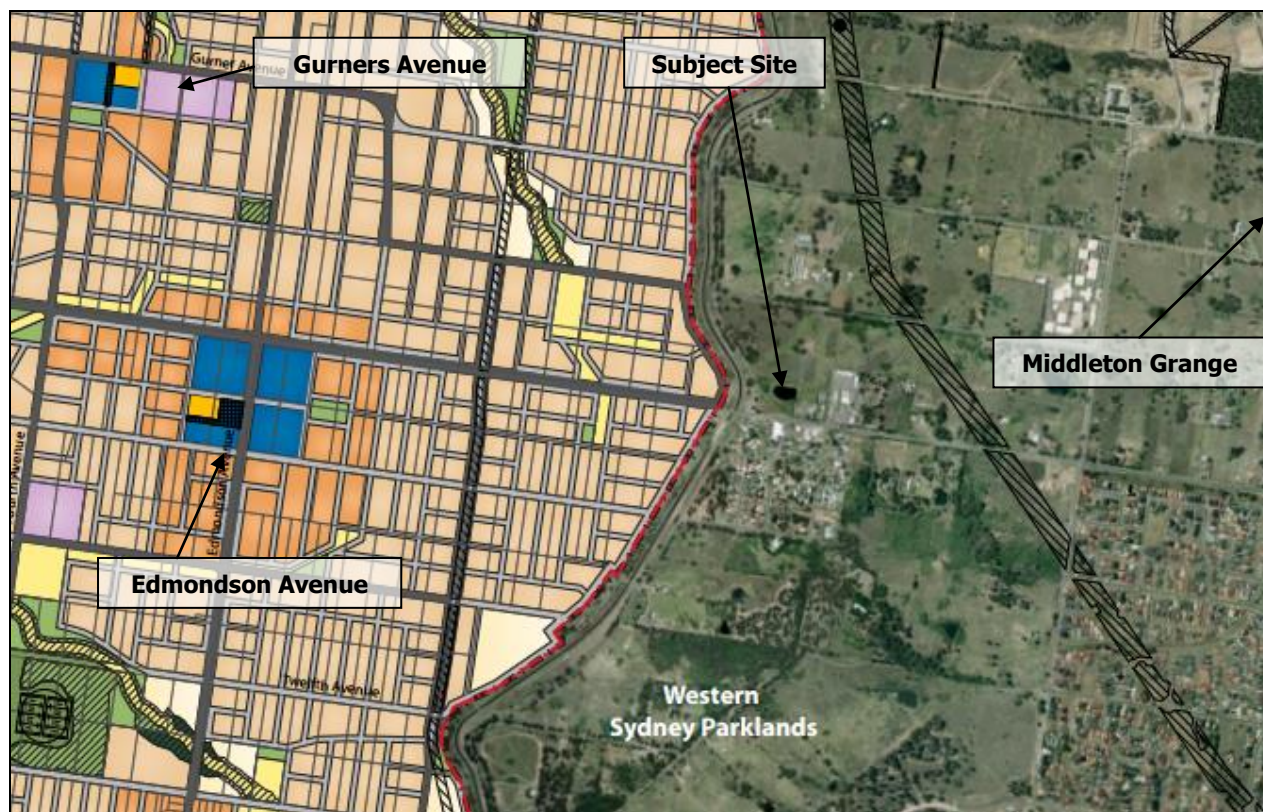


Figure 7 – Indicative Layout Plan for Austral and Leppington North (Source: Liverpool City Council)

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The desired future character of the locality is a conservation focused, passive recreation precinct which protects and enhances bushland areas while meeting local community and recreational needs as the surrounding areas are further developed. This is anticipated to include similar commercial, retail and employment land uses. This is evidenced by the transition currently being undertaken throughout the wider locality where a large number of estates have been developed under the NSW Government's employment lands policy *State Environmental Planning Policy (Western Sydney Employment Area) 2009*. The subject site itself is not located within the Western Sydney Employment Area.

Potential future land use opportunities within the area may include private schools, childcare facilities or other community uses which capitalise on the accessibility nature of the site, its visibility to passing traffic, its proximity to existing residents in West Hoxton and its location as a transport hub.

PART C PROPOSED DEVELOPMENT

3.1 AIM AND OBJECTIVES OF THE PROPOSAL

The aim of the proposal is to create a commercial precinct within a small portion of the Western Sydney Parklands to enable viable return on investment that can be used to fund Western Sydney Parkland programs, initiatives and maintenance as provided by the *Western Sydney Parklands Plan of Management*.

To achieve the aim, the following objectives have been identified as forming the basis of the proposed development:

- Design the site to achieve viable economic return;
- Develop the site into a high quality, employment-generating business park;
- Ensure minimal environmental and amenity impact;
- Ensure the site selected is already under the ownership of the Western Sydney Parklands Trust is of low conservation value; and
- Ensure development is compatible with surrounding development and the local context.

The site and proposed design/layout of the precinct are considered to meet the objectives of the project as it allows for the creation of a commercial precinct on land that has been previously disturbed and used for agricultural purposes.

3.2 DESCRIPTION OF THE PROPOSAL

This application seeks approval to create a commercial precinct at within the Site.

The 4.5 hectare precinct is planned to cater for commercial and retail land uses that will provide high quality jobs in an area with high unemployment and ensure that the community can live and work locally.

The use of the site will capitalise on the clear strengths of the location such as being: a public transport hub; gateway to the northern SWGC and on a future major vehicular route; and within Western Sydney Parklands.

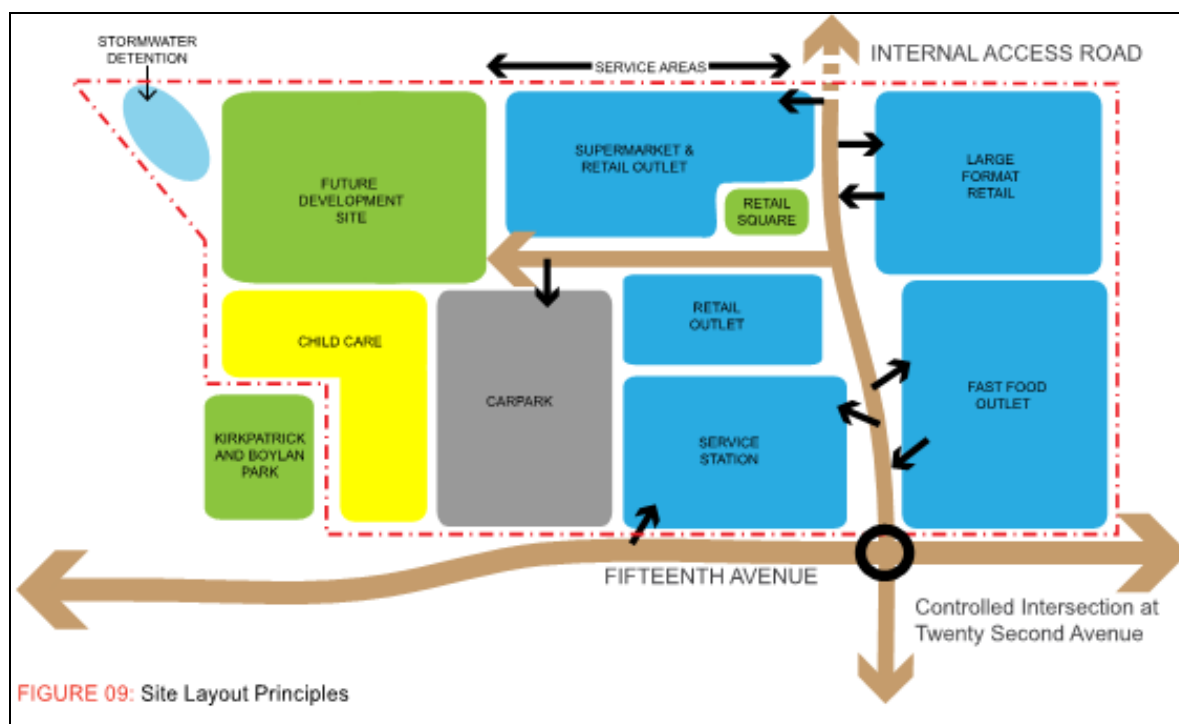


Figure 8 – Site Layout Plan (Source: LFA, 2016)

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The concept proposal and works specified under Stages 1 and 2 below (excluding subdivision) apply only to Lots 345, 346 and 2 (outlined in green below). Lots 304, 305 and 306 (outlined in orange below) are subject to subdivision only under Stage 1 of this SSD Application as illustrated in **Figure 9** below.

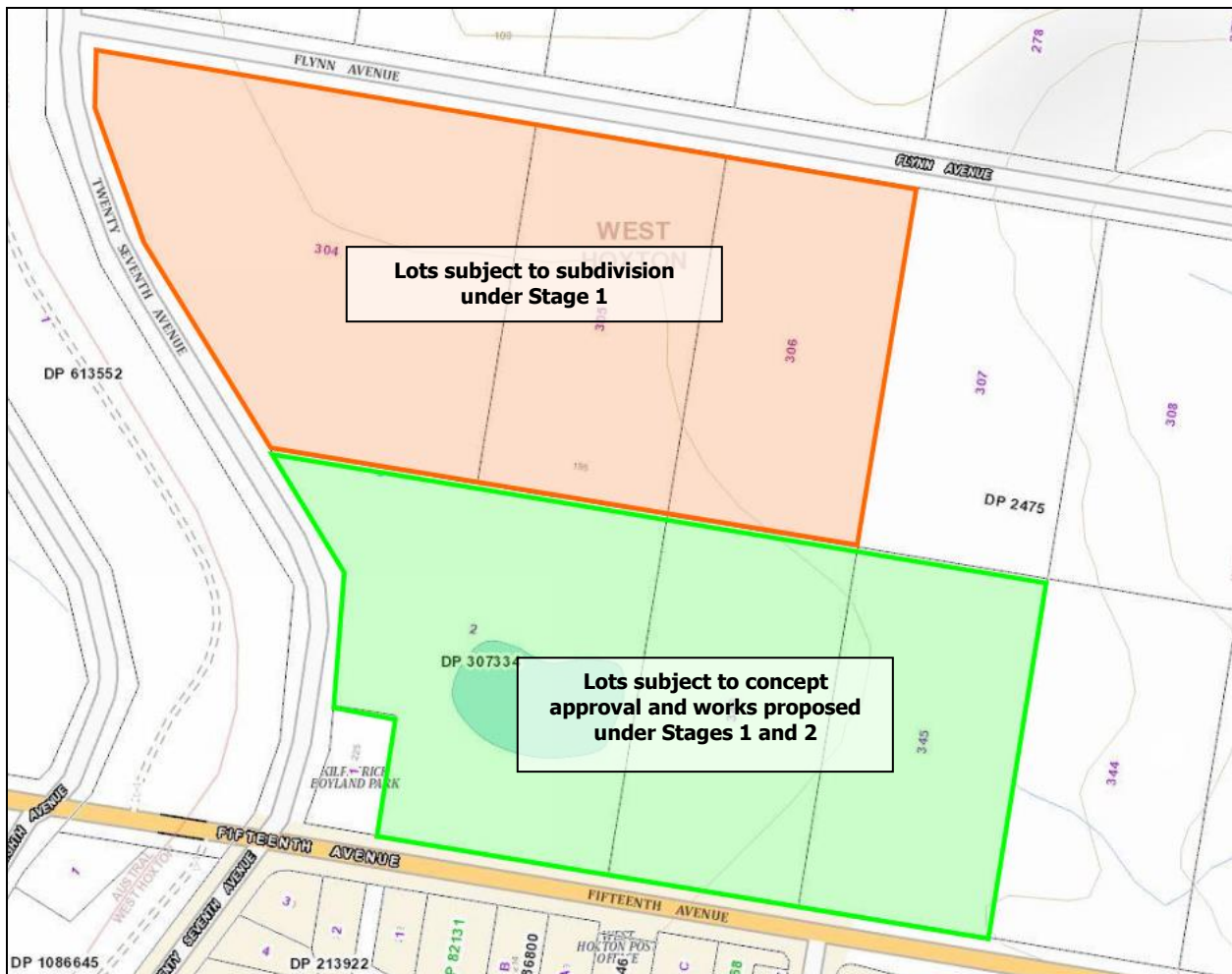


Figure 9 – Proposed Concept Approval and Works

The proposed development will be undertaken in two (2) stages as outlined below:

Stage 1 (this application seeks consent for the following)

- Demolition of existing structures
- Subdivision of the Site into eight (8) lots including a private road reserve
- Bulk and detailed earthworks
- Estate Infrastructure works
- Concept approval of nominated land uses, gross floor areas and building envelopes
- Provision and construction of a Private Road Reserve

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Stage 2 (subject to separate Development Applications)

- Specific land use and designed built form approval (subject to future Development Applications. Future Development Applications are to conform with the controls and objectives of the Stage 1 concept approval).
- Public domain treatment
- Estate Landscaping
- Provision of car parking to reflect final GFA

Details of these stages of the proposal are further provided in sections 3.2.1 to 3.2.3 below.

The Indicative Site Plan prepared by LFA Architects provided at **Appendix 4** outlined the precinct layout.

Separate development applications will be made in respect of development on individual lots created as part of the proposal. Development of these lots will be carried out in accordance with the nominated land uses, gross floor areas and building envelopes in which this application seeks approval for.

Each component and stage of the proposal is outlined in detail below.

3.2.1 Stage 1

This application seeks consent for all works and subdivision detailed below including: demolition of existing structures; subdivision into eight (8) lots including construction of public road reserve; bulk and detailed earthworks; and estate infrastructure works.

The Stage 1 proposal also seeks concept approval for concept site design and layout; and nominated land uses, gross floor areas, and building envelopes.

1. Demolition of Existing Structures

There is one (1) existing dwelling; numerous existing farm buildings; and an unused bus depot located within the boundaries of the site, within the south-east corner of the site adjoining Fifteenth Avenue. These are all proposed to be removed as part of this application.

The proposal will also involve the removal of some vegetation upon the site which will be carried out in accordance with the Arboricultural Assessment (**Appendix 13**). A Construction Management Plan (**Appendix 11**) has been prepared by the WSPT which addresses demolition and remediation on site and includes a Demolition Plan.

No significant impact upon neighbours is expected as the site is green field and surrounding roads work act as buffers to the residential sites. The land to the North and East is also owned by WSPT. Despite this, measures will be undertaken (as outlined in the Construction Management Plan) to ensure that any impact on traffic or nearby residences are minimised.

Prior to demolition works an assessment will be undertaken to investigate the existence of asbestos and other hazards which may have been used as building materials. In the event such materials are identified, an inventory will be recorded and a qualified professional will be engaged to remedy the issues.

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2. Subdivision of the Site into eight (8) lots including part road reserve

The proposal will result in the subdivision of the site to create seven (7) lease-hold lots and internal estate private road as detailed below and in **Figure 10**:

Proposed Lots

TABLE 4 – Lot Details

| Lot | Conceptual Land Use | Site Area | Conceptual GFA |
|--------------|---|----------------------|-----------------------|
| 1 | Fast Food | 5,595m ² | 400m ² |
| 2 | Large Format Retail | 5,655m ² | 1,500m ² |
| 3 | Service Station | 4,690m ² | 250m ² |
| 4 | Retail/Business/Supermarket | 14,290m ² | 2,700m ² |
| 5 | Child Care Centre | 3,100m ² | 500m ² |
| 6 | N/A (Subject to future development application) | 5,560m ² | - |
| 7 | Detention | 1,173m ² | - |
| 8 (Part Lot) | Private Road Reserve | 3,504m ² | - |
| 8 (Part Lot) | Residue | 4.716ha | - |

The proposed lots detailed in **Figure 8** above are illustrated in the Draft Plan of Subdivision (**Appendix 3**) prepared by Land Partners Pty Ltd. The proposed lot sizes are typical of those provided to cater for the specific land uses as detailed in the table.

Proposed lots 1, 3, 4, 5 and part 8 are subject to future road widening of the Fifteenth Avenue road reserve. In consideration of this the draft Plan of Subdivision has accounted for this future road widening and these lots have been designed to cater to specific land uses following the construction of the road widening. The RMS has no plans or program for the upgrading of the road however they have advised that it is envisaged that a 40m wide road reserve will be required.

Proposed Lot 8 forms as the internal private road reserve which is part of the residue lot to the north. Details of the road reserve are provided below.

Private Road Reserve

Approval is sought under this Stage 1 application for the construction of the private road reserve and is to be constructed in accordance with the cross sections, as outlined in **Table 5**, and have been discussed and agreed upon with Liverpool City Council. These cross sections are further detailed in part 4 of Costin Roe's Civil Engineering Report (**Appendix 10**). The extent of the road reserve and further road and roundabout design has been provided in the Civil Works Plans (**Appendix 9**).

TABLE 5 – Access Road Specifications

| Road Type | Carriageway | Verge (Pedestrian) Footpath | Total Road Reserve | Number of Lanes |
|----------------------|-----------------------------|------------------------------------|---------------------------|-------------------------|
| Spine Road (Private) | 11.5m (7m west & 4.5m east) | 3m west 5.5m east | 20m | 2 travel/1 parking lane |

All roads will have concrete kerb and gutter and carriageway surface finished with asphaltic concrete. Integration with the broader transport strategy for the area will be required. This includes the provision of a roundabout at the Fifteenth Avenue and Twenty Second Avenue intersection.

Access to the proposed lots will be provided off the private road (proposed Lot 8) except for the left turn only ingresses of Fifteenth Avenue for the service station and the fast food lots. The design of these accesses will accommodate all vehicles requiring access to the lots including fuel tanker and delivery/service vehicles as detailed in Transport and Traffic Planning Associates assessment (**Appendix 21**).

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The design for the proposed pavement for internal roads is to be based on Austroads Pavement Design – A Guide to the Structural Design of Road Pavements. The pavement makeup will be subject to detail design. The expected makeup of the pavement will be for a flexible pavement with unbound granular base and bituminous wearing coarse layer.

A pedestrian path will be located on the western side of the access road and a shared footpath on the east. Allowance for the relocation of the existing bus stop has been made in the intersection functional layout to allow for safe and efficient pedestrian movements in and around the precinct. A paved footpath is proposed to be constructed along the Fifteenth Avenue frontage including linking the existing pedestrian refuge island, the relocated bus stop and the crossing of the proposed access road.

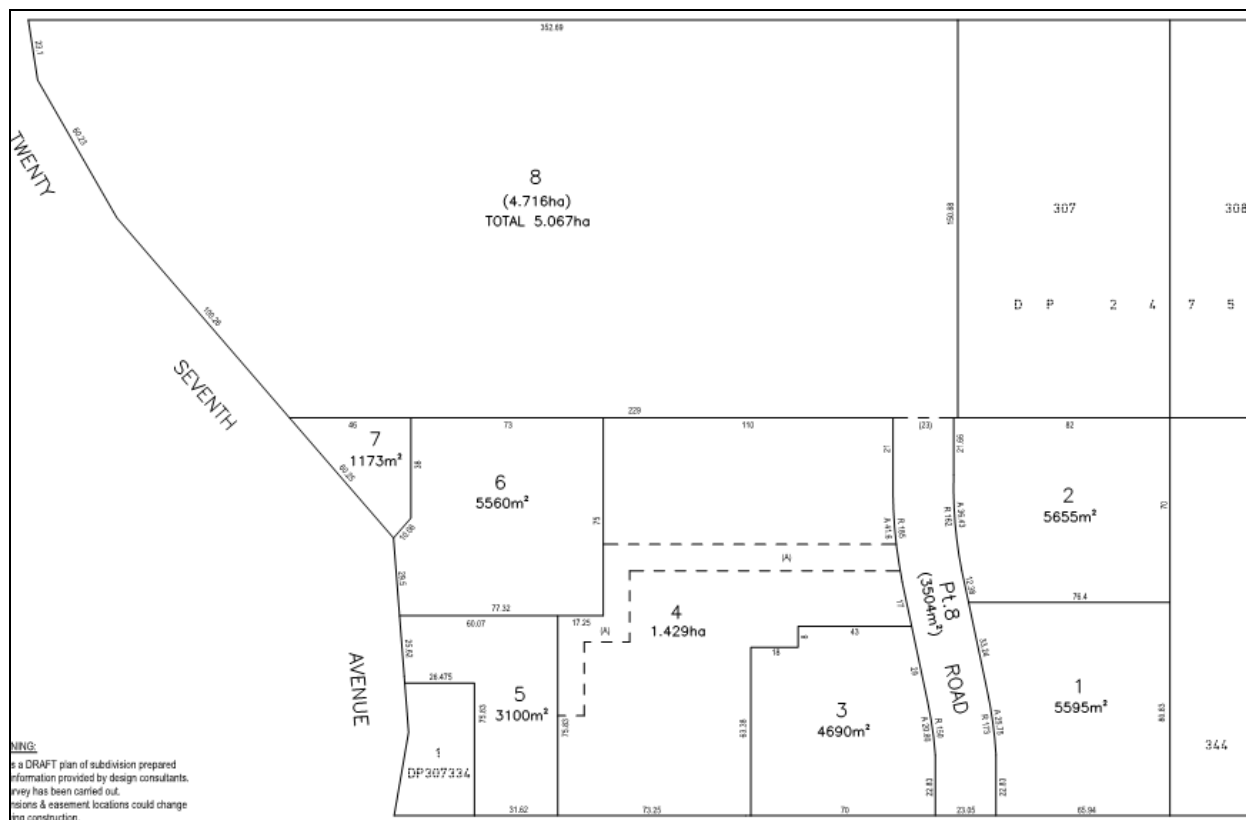


Figure 10 – Draft Plan of Subdivision (extract) (Source: Land Partners, 2016)

3. Bulk and Detailed Earthworks

Smoothing of contours to provide a transition across the site and to facilitate access through the proposed internal estate layout will be undertaken. However, given that the differences between existing and future levels and the falls over the existing site, a cut and fill exercise will be required across the development site.

As such, bulk and detailed earthworks across the site, and some retaining structures, to create level building pads for development and for estate infrastructure and services will be undertaken. The earthworks volume estimates as provided by Costin Roe Consulting (**Appendix 10**) are as follows:

- Cut - 30,800m³
- Detailed Ex./Services - 4,300m³
- Fill + 53,500m³
- Balance + 18,400m³ (Import)

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Soil erosion and sediment control measures including sedimentation basins will also be provided for the development. A Soil and Water Management Plans has been prepared by Costin Roe Consulting in **Appendix 10**. Costin Roe outlined that *earthworks over the site will be minor and no impact on groundwater is expected as a result of these works.*

4. Estate Infrastructure works

Costin Roe Consulting's Engineering Report (**Appendix 10**) considers the future infrastructure upgrades and connections required for the development site. These are summarised below.

Power

Endeavour Energy (EE) is the servicing authority for power adjacent to the site. There is existing High Voltage electrical infrastructure in Fifteenth Avenue. A formal application will need to be made once the specific loads and building requirements have been confirmed. Connect Infrastructure (Electrical Design Consultant) has made an informal supply application to EE to understand the likely servicing options. Informal advice (Appendix B of report) from Endeavour Energy has determined that the existing 11kV feeder 48196 "Fifteenth Avenue" ex Hinchinbrook ZS has sufficient capacity to cater for the proposed development. A formal Method of Supply application would need to be submitted and designs certified prior to Endeavour Energy reserving the capacity of the network.

Potable Water

Sydney Water is the servicing authority for the potable water in the suburb of West Hoxton. There is an existing potable water main adjacent to the site in Fifteenth Avenue. A 200mm diameter Cast Iron Cement Lined (CICL) water main runs along the entire length of the site on the southern side of Fifteenth Avenue. Costin Roe's report includes a Feasibility Letter (Appendix E of report) from Sydney Water in 2013 which confirmed that the existing main would be suitable for connection.

Sewer

Sydney Water is the servicing authority for sewage disposal in the suburb of West Hoxton. There is existing sewer infrastructure adjoining the site in Fifteenth Avenue. A 225mm PVC main and 280 PE main are available within the Fifteenth Avenue road reserve however Sydney Water have confirmed that these mains would not likely have capacity to service the proposed development, This was further confirmed within Sydney Water's Feasibility Letter (Appendix E of report). WSPT has met with Sydney Water representatives over the course of their Due Diligence and they provided concept plans for the Austral Precinct Gravity Wastewater. During these discussions it was noted that a 225mm gravity wastewater main will be constructed to Fifteenth Avenue (due for completion in June 2016) – approximately 500m to the west of the proposed development. The proposed main will have sufficient capacity for the proposed development.

Telecommunications

Telstra is the responsible authority to provide phone services to the proposed development area. The adjoining urban area is presently serviced with overhead telecommunication cable; the extension of this to any proposed development is a relatively simple matter. In this respect the proposed development can be adequately serviced with telecommunications. NBN is currently available at the intersection of Fifteenth Avenue and Kingsford Smith Avenue (east) and at the intersection of Flynn Avenue and De Garis Avenue (north east). Installation of NBN broadband will be by negotiation at the time of service provisioning for the site. While a basic phone service will be provided by Telstra, broadband services may be provided through the extension of the existing network by Telstra with the service dependent on exchange based infrastructure. This will be dependent on commercial arrangements between end users and service suppliers.

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Natural Gas

Jemena is the servicing authority for gas supply adjacent the site. Existing underground natural gas reticulation is available to the site via an existing 210kPa network main located within Flynn Avenue north east of the development. Under standard provisioning for gas in subdivisions a joint trench arrangement will be adopted should Jemena agree to provide gas to this commercial development. Servicing of commercial and industrial development by Jemena with reticulated gas is only done by direct agreement with Jemena based on demand for the gas.

Stormwater

The property is currently undeveloped with no formal drainage located on site. A natural gully conveys stormwater through the northern portion of the site in a south-westerly direction to an existing 750mm RCP culvert in Twenty Seventh Avenue. The 750mm RCP culvert conveys stormwater from the site to an existing low point and drainage channel between the Sydney Water Catchment Channel and Twenty Seventh Avenue. Stormwater flows from the residential catchment on the southern side of Fifteenth Avenue are conveyed via a small open channel around the southern flank of a large dam, also located in the southern portion of the site. Stormwater flows in this open channel are also conveyed to the 750mm RCP culvert discussed above.

The proposed stormwater system consists of a major/ minor system which conveys surface water from the proposed development lots to in-ground drainage connection points to the estate infrastructure and combined water quality/ detention basin on the western boundary. Ultimate discharge from the development site is via the existing 750mm culvert system. Water quality and quantity will be managed by a combined bio-retention and detention basin located adjacent to the site discharge point. Costin Roe's report provides further discussion of the Stormwater Management Strategy (Section 7 and 8 of report).

5. Nominated land uses, gross floor areas and building envelopes

The proposal seeks concept approval for a number of commercial land uses as well as building envelopes and gross floor area. As previously discussed the development and land use of these lots will be carried out in accordance with the nominated land uses, gross floor areas and building envelopes specified in this proposal.

It must be noted that the proposed nominated land uses, gross floor area and building envelopes do not apply to Proposed Part Lot 8 which encompasses the northern section of the site.

Separate future development applications however will be required for the development of individual buildings. The nominated land uses proposed for the site will include those further described below and defined under the Liverpool Local Environmental Plan 2008 as:

Commercial Premises: *means any of the following:*

- (a) Business premises,*
- (b) Office premises,*
- (c) Retail premises.*

Child Car Centre: *means building or place used for the supervision and care of children that:*

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and*
- (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,*
- (c) but does not include:*
 - (d) a building or place used for home-based child care, or*
 - (e) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or*
 - (f) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*

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- (g) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or*
- (h) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or*
- (i) a service that is concerned primarily with the provision of:*
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or*
 - (ii) private tutoring, or*
 - (iii) a school, or*
- (j) a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.*

Medical Centre: *means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.*

Recreation Facility (indoor): *means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.*

Service Station: *means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:*

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,*
- (b) the cleaning of motor vehicles,*
- (c) installation of accessories,*
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),*
- (e) the ancillary retail selling or hiring of general merchandise or services or both.*

The proposal seeks approval for the land uses contained within the above definitions. The proposed location and building footprint of these land uses on site have been demonstrated in **Appendix 4**.

Given its locality within the Western Sydney Parklands the site would be ideally suited towards commercial land uses which complement the Parklands. These facilities would support the financial viability of retail uses elsewhere in the precinct and provide active separation between retail facilities and the Parklands.

An Economic & Community Impact Report (**Appendix 7**) has been prepared by MacroPlan Dimasi for the proposal which considers retail trading impacts of all nominated land uses including:

- Fast Food
- Large Format Retail
- Service Station
- Supermarket
- Child Care Centre
- Large Format Retail

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MacroPlan Dimasi considers the proposed development concept to be *of an appropriate scale and composition in the context of the existing and planned centres hierarchy in the surrounding area*. In consideration of potential growth and demand, *there is significant population growth in the trade area and broader surrounds which means that any potential impacts are likely to result in businesses still trading well above their current trading levels, no future centres being impacted in terms of staging/scale and any impacts dissipating very quickly*.

MacroPlan Dimasi concludes that *the proposed development would enhance the centres hierarchy and proposed future hierarchy, as it would result in an additional centre in the network without compromising the hierarchy*.

Nominated gross floor areas (GFA) and building envelopes have been proposed for each lot in correlation with the nominated land uses. The purpose of this is to lock in these 'maximum' GFA's and envelopes in anticipation of future development applications for each lot. The purpose of the proposed nominated GFA and building envelopes are to provide guidelines for future development within the site.

There are no nominated land uses proposed within Proposed Lot 8 within the northern section of the site.

The concept land uses are proposed as per the Site Layout Plan (**Figure 8**) and the concept GFA proposed for each land uses is as per **Table 6** below which total a GFA of 5,350m².

| TABLE 6 – Nominated Gross Floor Areas | |
|--|-----------------------------|
| <i>Conceptual Land Use</i> | <i>Nominated GFA</i> |
| Fast Food | 400m ² |
| Large Format Retail | 1,500m ² |
| Service Station | 250m ² |
| Retail/Business/Supermarket | 2,700m ² |
| Child Care Centre | 500m ² |
| TOTAL | 5,350m² |

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6. Concept Site Design and Layout

The Site Plan (**Appendix 4**) shown in **Figure 11** below demonstrates the proposed conceptual layout, design and landscaping for the site. The plan shows the location of intended built form and associated land uses including ancillary landscape design, car parking and street network. All items illustrated in the Site Plan are conceptual and subject to further detailed design under Stage 2.

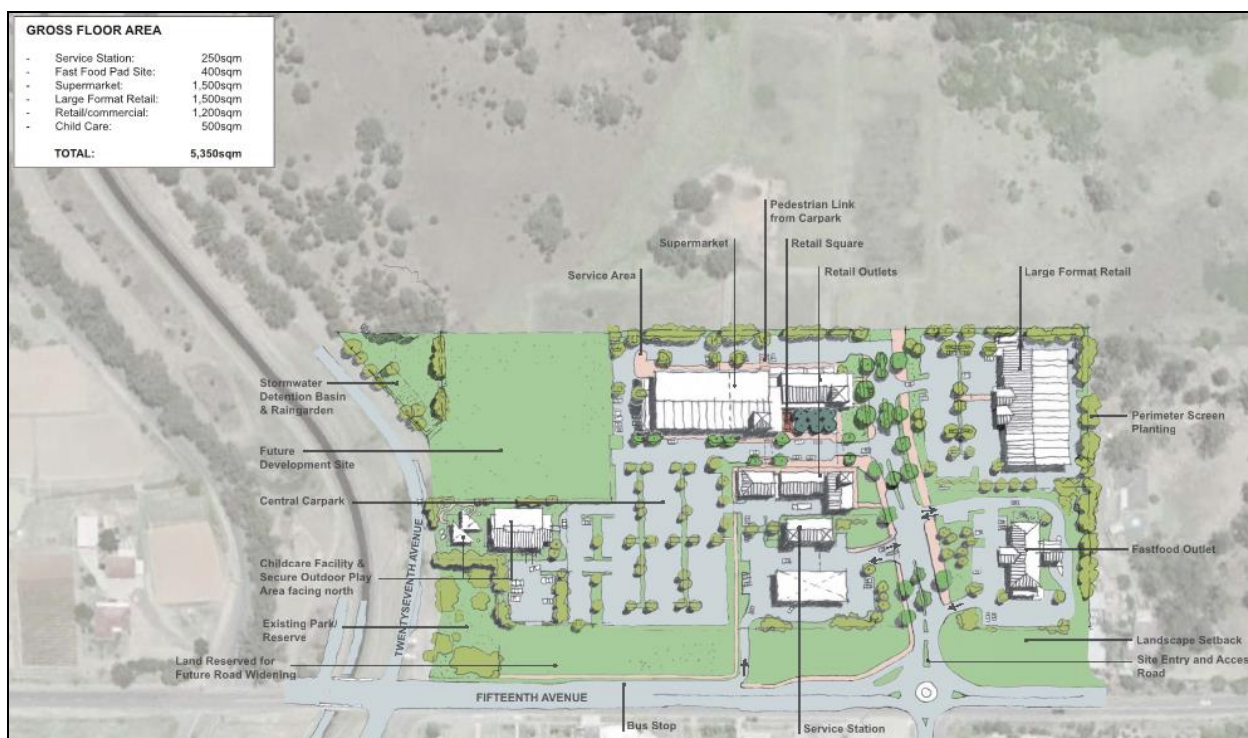


Figure 11 –Site Plan (Source: LFA, 2016)

3.2.2 Stage 2

Stage 2 of the project includes the construction of buildings on proposed lots 1 – 7 including proposed land uses, landscaping, and built form. The development of each lot will be subject to separate development applications.

Future development applications will be lodged for the development of Stage 2 following approval of this SSD Application and subject to market demand for the various uses.

3.3 SUPPORTING INFORMATION

Documents and Drawings for the proposal are outlined in **Table 6**.

| TABLE 7 – Documents and Drawing Schedule | | | |
|--|------------------|--------------------------------|--------------|
| Description | Date/Revision | Author | Appendix No. |
| SEARs | 21 March 2014 | NSW DoPE | 1 |
| Survey Plan | 9 February 2015 | Total Surveying Solutions | 2 |
| Draft Plan of Subdivision | 8 March 2016 | Land Partners | 3 |
| Site Plan | 2 March 2016 | LFA | 4 |
| Urban Design Report | 3 March 2016 | LFA | 5 |
| Quantity Surveyors Report | 27 July 2015 | Northcroft | 6 |
| Economic & Community Impact Report | May 2015 | MacroPlan Dimasi | 7 |
| Retail Demand Assessment | February 2015 | Hill PDA | 8 |
| Civil Engineering Plans | 25 February 2014 | Costin Roe Consulting | 9 |
| Civil Engineering Report | 19 June 2015 | Costin Roe Consulting | 10 |
| Construction Management Plan | October 2015 | Western Sydney Parklands Trust | 11 |

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| | | | |
|---|-----------------|---|----|
| Flora & Fauna Assessment | February 2016 | Lersyk Environmental | 12 |
| Arboriculture Assessment | 29 May 2015 | Footprint Green | 13 |
| Aboriginal & Archaeological Assessment | 8 May 2015 | Dominic Steele Consulting | 14 |
| Bushfire Hazard Assessment Report | 29 July 2015 | Building Code & Bushfire Hazard Solutions | 15 |
| Preliminary Environmental Site Assessment – No. 185 | March 2015 | Golder Associates | 16 |
| Preliminary Environmental Site Assessment – No. 195 | May 2015 | Golder Associates | 17 |
| Detailed Site Investigation – No. 185 | July 2015 | Douglas Partners | 18 |
| Geotechnical Investigation – No. 185 | 23 April 2015 | Golder Associates | 19 |
| Geotechnical Investigation – No. 195 | 15 May 2015 | Golder Associates | 20 |
| Traffic Impact Assessment | July 2015 | Traffic Impact Assessment | 21 |
| Operational Noise Impact Assessment | 3 February 2016 | Acoustic Logic | 22 |
| Consultation Report | Various | N/A | 23 |
| Community Consultation Report | 3 March 2015 | KJA Engaging Solutions | 24 |

3.4 PROJECT NEED

Long term trends, including population growth and the popularity of larger dwellings relative to lot size, will continue to diminish the amount of private open space available. This reinforces the importance of the Parklands as a regional open space destination and recreation resource.

The places, activities, services and programs within the Parklands need to reflect the fast-growing, young and culturally diverse population of Western Sydney. Significant factors to be considered include the following:

- The need to provide educational opportunities in environmental management and conservation, as well as agriculture, recreation, hospitality and other areas.
- The importance of access to outdoor physical activity to address community health issues.
- The need to cater to families including parking and public transport requirements.
- The need to take into account the area's cultural diversity, and to encourage greater understanding between cultural groups.
- The need to cater to a significant range of income groups.

As the Trust has been established as a self-funded agency, income-generating activities will be derived from developing long term leases for business purposes on 2 percent of the Parklands. It is envisaged that these activities will provide an income stream of \$10 million per annum within the 10 year life of the WSP POM and will enable the Trust to deliver its mandate to create the largest parkland in Australia and fully implement facilities, programs and environmental initiatives.

3.5 CONSIDERATION OF ALTERNATIVES

The options considered, and subsequently dismissed, in arriving to the current proposal included:

'Do Nothing' Scenario

The option to 'Do Nothing' was dismissed as the need to have a self-sustaining Trust to acquire, operate and maintain the Parklands to achieve the vision and identified outcomes would remain unachievable.

There is no immediate or long-term plan to have alternative funding provision for the Trust. Should favourable determination be granted to the proposal, The Trust will continue to fund its own operational costs.

There is also the additional disadvantage of not providing the employment opportunities that would otherwise be made available to Western Sydney.

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Development on an Alternative Site

Development of an alternative site both within and outside the existing Western Sydney Parklands boundaries were considered as part of the feasibility and project conceptualisation stages. Both options were dismissed for the following reasons:

Alternative Site Outside Parklands

The option of acquiring additional land beyond the existing boundaries of the Parklands is not an economically viable option and does not correlate to the adopted Plan of Management which specifically allows for 2% of the current Parkland holdings to be utilised for income-generating activities. Additional land acquisition would simply add to the outgoings already incurred by the Trust and is in opposition to the objectives of creating income for the improvement of the Parklands facilities and initiatives.

Alternative Site Within Parklands

The subject site has been strategically selected to fulfil the income-generating objectives of the Trust due to its unique attributes that will result in minimal environmental and recreation impact and support the intended future development. In particular, the site:

- is already owned by the Trust
- has been assessed as being of low ecological significance compared to other land within the Parklands
- has been disturbed with parts previously used for agricultural activities
- is impacted by adjacent agricultural and transport depot uses and does not have high recreational value
- has appropriate proximity from sensitive land activities
- can easily be serviced with all essential infrastructure required to support intended future development
- has close proximity to the regional road network
- provides increased economic benefits to the Western Sydney Region
- can be undertaken without significant impact on heritage or archaeological qualities, and

Consideration of the above-listed attributes against other sites within the Parklands has confirmed the preference of the selected option.

To help identify suitable locations for commercial hubs, the Trust committed to establishing a consultative working group with each of the three Parklands' Councils. The purpose of the working groups was to identify issues and opportunities, and to gain feedback on potential sites and appropriate land uses for business hubs in each Council's LGA.

From the beginning of the process the Trust made a commitment that it would only consider potential sites that were of low environmental and recreational value. The principles behind the Trust's investigation were to:

- achieve the Government's goals for the Parklands, by continuing to grow private business investment that creates a sustainable ongoing funding base for the Parklands for the future;
- work with Blacktown, Liverpool and Fairfield City Councils to identify suitable locations and land use opportunities for business hubs;
- consider the impact on existing land uses and commercial centres in each Council's LGA and deliver additional employment and training opportunities for regional communities;
- undertake development in a manner that minimises negative environmental impacts.

Prior to a follow-up round of consultation with each Council, the Trust completed a more detailed assessment of potential sites. This phase of investigation included assessing the potential of each site with respect to financial return and economic viability, expected demand, competition and anticipated demographic change, together with access to services infrastructure, roads and other utilities.

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Ongoing consultation with Liverpool City Council has been carried out for a preferred commercial precinct location situated at the corner of Fifteenth Avenue and Twenty-Seventh Avenue, West Hoxton.

Consultation regarding the development of the site has included briefings and contact with a wide range of stakeholders including Liverpool Council officers, numerous business groups and industry associations, relevant state and federal MPs, government agencies and local community groups.

There are three nearby existing and future town centres including Middleton Grange; Austral Town Centre; Gurners Avenue. Given the location of these town centres the subject site is suitably positioned so as to not conflict with the operation of these centres and the businesses located within them. Locating the proposed development elsewhere may cause adverse impact on these nearby town centres.

PART D LEGISLATIVE AND POLICY FRAMEWORK

This Part of the EIS assesses and responds to the legislative and policy requirements for the project in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the DGRs.

The following current and draft Commonwealth, State, Regional and Local planning controls and policies have been considered in the preparation of this application:

Commonwealth Planning Context

- *Environment Protection and Biodiversity Conservation Act 1999*
- *Native Title Act 1999*

State Planning Context

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Western Sydney Parklands Act 2006*
- *National Parks and Wildlife Act 1974*
- *Heritage Act 1977*
- *Protection of the Environment Operations Act 1979*
- *Threatened Species Conservation Act 1995*
- *NSW 2021: A Plan to Make NSW Number One*
- *State Environmental Planning Policy (Western Sydney Parklands) 2009*
- *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy No. 19 — Bushland in Urban Areas*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No. 55 – Remediation of Land*
- *State Environmental Planning Policy No. 64 – Advertising Structures and Signage*
- *Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River*

Regional Planning Context

- *A Plan for Growing Sydney*
- *Draft West Central Subregional Strategy*

Local Planning Context

- *Liverpool Local Environmental Plan 2008*
- *Liverpool City Wide Development Control Plan 2008*
- *Liverpool Section 94 Contributions Plan 2009 (March 2011)*
- *Liverpool Community Strategic Plan 2021*
- *Western Sydney Parklands Plan of Management 2010*

This planning framework is considered in detail in the following sections.

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4.1 COMMONWEALTH PLANNING CONTEXT

4.1.1 Environment Protection and Biodiversity Conservation Act 1999

The Flora & Fauna Assessment prepared by Lesryk Environmental (**Appendix 12**) indicates The *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act) requires consideration as field investigations recorded two species listed under the Act being:

- Cattle Egret (*Ardea ibis*) - listed as migratory
- Grey-headed Flying-fox – vulnerable.

In addition, whilst targeted but not recorded, potential habitat for the threatened Spiked Rice-flower was also recorded.

No ecological communities or plant species listed under the Act were recorded within the subject site. No other species, nor any ecological communities, listed on this Act are known or likely to occur.

Lesryk Environmental have carried out their assessment against the relevant guidelines under the Act (DE 2013a) which have been used to determine whether the proposed development has will have, or is likely to have significant impact on these matters of national environmental significance.

Based on the assessment carried out and detailed in the Flora & Fauna Assessment, Lesryk concludes that *the proposed development of the subject site would not have a significant impact on the Cattle Egret, Grey-headed Flying-fox or the Spiked Rice-flower. As such, it is not considered necessary that the proposal be referred to the Federal Minister for the Environment for further consideration or approval.*

The Aboriginal & Historical Archaeological Assessment prepared by Dominic Steele Consulting Archaeology (**Appendix 14**) notes that the EPBC Act defines 'environment' as both natural and cultural environments, and therefore includes the consideration of Aboriginal and historic cultural heritage sites and items. As such, a consideration of the potential heritage impacts as they relate to the EPBC Act has been undertaken.

Under the Act, protected heritage items are listed on the National Heritage List (items of significance to the nation) or the Commonwealth Heritage List (items belonging to the Commonwealth or its agencies). These two lists have replaced the Register of the National Estate (RNE). While the RNE has been suspended and is no longer a statutory instrument, Section 391A of the Act requires the Minister to consider RNE listing if a referral is made. This requirement expires in 2012, by which time all RNE listings are to be transferred to a relevant heritage register. Items on the RNE can have a variety of statuses, including Registered (if it is inscribed on the Register) and Indicative (if it is on the database, but no formal nomination has been received or an assessment has not been completed).

Dominic Steele Consulting Archaeology concludes that *there are no Aboriginal or European heritage sites or items identified within the Study Area under this Act.*

4.1.2 Native Title Act 1999

The *Native Title Act 1993* establishes the principles and mechanisms for the preservation of Native Title for Aboriginal people. Native title claimants can negotiate about some proposed developments over land and waters (known as 'Future Acts'), if they have the right to negotiate. Claimants gain the right to negotiate if their native title claimant application satisfies the registration test conditions.

A search of the National Native Title Register, the Register of Native Title Claims, and the Register of Indigenous Land Use Agreements has been completed by Dominic Steele Consulting Archaeology as part of the Aboriginal & Historical Archaeological Assessment (**Appendix 14**). The investigations identified that *there are no lands determined to have native title, no registered native title claims, or indigenous land use agreements that apply to the subject site or its immediate vicinity.*

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4.2 STATE PLANNING CONTEXT

4.2.1 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the overarching governing document for all development in NSW. Sections of the EP&A Act of particular relevance to the proposal are considered below.

Section 5A - Significant effect on threatened species, populations or ecological communities, or their habitats

Section 5A of the EP&A Act includes a requirement to determine whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats. The relevant factors of Section 5A of the EP&A Act must be taken into account by a consent or determining authority when considering a Development Application.

In addition to the seven (7) factors which must be taken into account (where relevant) pursuant to Section 5A(2) of the EP&A Act (see below), Section 5A(1)(b) of the EP&A Act requires that any assessment guidelines prepared by the relevant authorities (particularly in this instance the OEH) must also be taken into account in deciding whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats.

In undertaking the formal Section 5A Assessments of Significance, Lesryk Environmental have taken into account the *Threatened Species Assessment Guidelines: the Assessment of Significance* prepared by the then Department of Environment & Climate Change (now OEH), dated August 2007.

Lesryk Environmental notes that given the lack of relevance of the subject land for those threatened species which could potentially occur, detailed Assessments of Significance pursuant to Section 5A of the EP&A Act are not necessary. Nevertheless, to fulfil the requirements of Section 5A, an Assessment of Significance for threatened species has been undertaken for precautionary purposes.

The Assessment concludes the proposed development on the subject land at is not likely to impose a significant effect upon any threatened species, populations or ecological communities, or their habitats, pursuant to Section 5A of the EP&A Act. Additionally, the Assessment finds that there is no requirement for the preparation of a *Species Impact Statement* (SIS) for the proposed development.

Section 77 – Designated Development

The EPA&A Act defines 'Designated Development' under Section 77A as:

development that is declared to be designated development by an environmental planning instrument or the regulations.

Additionally, Section 89C of the EP&A Act outlines that State Significant Development (SSD) is development that is declared under this section to be State significant development. Section 89C(2) states:

A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.

The proposal is declared State Significant Development under Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* – see **Section 4.2.9** below.

Section 89C – State Significant Development

Section 89C provides that a State environmental planning policy may declare any development, or any class or description of development, to be State significant development. The proposal is declared to be State Significant Development pursuant to *State Environmental Planning Policy (State and Regional Development) 2011* – see **Section 4.2.9** below.

4.2.2 Environmental Planning and Assessment Regulation 2000

Section 4(1) – Designated Development

Section 4(1) of the *Environmental Planning and Assessment Regulation 2000* (the Regulations) states that development described in Part 1 of Schedule 3 is declared to be Designated Development for the purposes of the Act.

The proposal being for subdivision and concept approval for a business hub does not trigger the designated development thresholds.

Schedule 2 Clause 7(4) – Ecologically Sustainable Development

The principles of ecologically sustainable development contained in Schedule 2 Clause 7(4) of the *Environmental Planning and Assessment Regulation 2000* are listed below.

- (a) the **precautionary principle**, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and*
 - (ii) an assessment of the risk-weighted consequences of various options;*
- (b) **inter-generational equity**, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations;*
- (c) **conservation of biological diversity and ecological integrity**, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration;*
- (d) **improved valuation, pricing and incentive mechanisms**, namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement;*
 - (ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste;*
 - (iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The proposed commercial precinct has been designed in the context of the Western Sydney Parklands environmental resources. A detailed site analysis was undertaken to understand the land and its resources including topography and drainage, geotechnical conditions, landscape and heritage resources and environmental resources.

The complex interrelationships among factors in the landscape with the intent that the development of the precinct will 'fit with the land' informed the planning and design of the proposed development.

Key considerations for the design and construction of the site are:

- letting the landscape inform the design to reduce earthworks and inform road and lot layout
- appropriate and economical stormwater management system including best practice water sensitive urban design principles, including:
 - on-site water detention basins to increase water quality of stormwater and reducing pollutant loads;
 - stormwater harvesting and re-use for non-potable applications such as irrigation;

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- water efficient landscaping;
 - water efficient fixtures/ equipment where possible during construction;
 - metering of water usage.
- a well-connected transport network accommodating alternative transport choices such as bus, rail, cycleways and walking paths;
- new landscaping comprising native trees and permeable areas throughout the site;
- erosion and sediment control measures during construction/operation;
- waste management procedures and practices during demolition and construction to reduce the amount of waste and facilitate recycling.

The precautionary principle outlines the need to prevent environmental degradation and risk to the environment. Various specialist studies have been undertaken to assess the impact of the new commercial precinct, and have been included in this EIS. Through these studies, a determination of potential environmental impacts and appropriate management protocols have been developed to ensure adverse environmental impacts associated with the proposal are avoided.

The principle of inter-generational equity is to ensure the health, diversity and productivity of the environment are maintained or enhanced for future generations.

The precautionary principle has been addressed in the Flora & Fauna Assessment attached at **Appendix 12**. The report identifies only minor impacts and outlines specific measures for implementation as part of the development of the land. As such, the proposal is consistent with the precautionary principle.

The improved valuation, pricing and incentive mechanisms principle requires environmental assets to be included in the valuation of assets and services. Environmental impacts have been minimised through implementation of appropriate safeguards. The minor nature and costs of any potential impacts on environmental assets is considered to be outweighed by the social, economic and environmental benefits of the proposed development.

A more detailed description of Ecologically Sustainable Development measures are outlined in **Section 6.7** of this Report.

4.2.3 Western Sydney Parklands Act 2006

The *Western Sydney Parklands Act 2006* (WSP Act) was passed in late 2006 to guide the establishment of Western Sydney Parklands Trust (the Trust) and the Trust's management of the Parklands. The establishment of the Trust and nominated members is currently being undertaken.

Clause 12 of the WSP Act identifies the key functions of the Trust. While the principal function of the Trust is to develop the Parklands into a multi-use urban parkland for the region of Western Sydney and to maintain and improve the Parklands on an ongoing basis, Clause 12(2) outlines additional functions, including:

- (j) to undertake or provide, or facilitate the undertaking or provision of, commercial, retail and transport activities and facilities in or in relation to the Parklands with the object of supporting the viability of the management of the Parkland*

Clause 12 also states the following actions of relevance to the proposed development are permitted by the Trust:

- (5) In carrying out its functions, the Trust is to have regard to the principles of sustainable development, including ecologically sustainable development.*
- (6) The Trust may, with the consent of the Minister, exercise functions on or in relation to land outside the Parklands (including, for example, acquiring any such land). The consent of the Minister is to be given only if the Minister is satisfied that the exercise of the Trust's functions*

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in relation to that land is consistent with the exercise of its functions in relation to the Parklands.

The Trust is also required to prepare a Plan of Management for the Parklands to identify how the Park and its resources will be managed. The basis of the proposed commercial precinct is a key inclusion of the adopted Plan of Management (see **Section 4.4.3**).

Nothing in the *Western Sydney Parklands Act 2006* prevents or restricts the development as proposed.

4.2.4 National Parks and Wildlife Act 1994

There are three (3) sites within the Parklands gazetted and reserved under the *National Parks and Wildlife Act 1994* (NPW Act), being:

1. Kemps Creek Nature Preserve,
2. Western Sydney Regional Park, and
3. Prospect Nature Reserve.

Separate Plans of Management will be prepared for each site and adopted by the Minister for the Environment. The proposal is not located within one of the gazetted reserves; however, the Trust will use funds recovered from the operation of the proposal commercial precinct to continually improve the quality of the biodiversity in the Parklands.

The NPW Act also provides statutory protection for Aboriginal heritage and the requirements for its management in New South Wales. The Aboriginal & Archaeological Assessment (**Appendix 14**) indicates that the processes and consultations required under the NPW Act have been satisfied and that an acceptable level of heritage due diligence and performance has been achieved. This includes both the recognition and application of the principal Aboriginal heritage management objectives and protection provisions of the NPW Act.

Detailed discussion of the heritage assessment is provided in **Sections 6.17, 6.18 and 6.19**.

4.2.5 Heritage Act 1977

The *NSW Heritage Act 1977* is the principal legislation that provides statutory protection for non-Indigenous (European) heritage and the requirements for its management in NSW. The administration of the Act is overseen by the NSW Heritage Branch and is guided by the NSW Heritage Council in their regulatory role as part of the NSW Department of Planning and Infrastructure.

The primary purpose of the Act is to protect, conserve and manage the environmental heritage of the State. Environmental heritage is broadly defined under Section 4 of the Act as:

"those places, buildings, works, relics, moveable objects, and precincts, of State or Local heritage significance".

To ensure the objectives of the Heritage Act are satisfied in respect environmental heritage, an Aboriginal & Archaeological Assessment (Heritage Assessment) has been prepared by Dominic Steele Consulting Archaeology and annexed as **Appendix 14**. Detailed discussion of the heritage assessment is provided in **Sections 6.17, 6.18 and 6.19**.

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4.2.6 Protection of the Environment Operations Act 1979

Schedule 1 of the *Protection of the Environment Operations Act 1979* (POEO Act) contains a core list of activities that require a licence before they may be undertaken or carried out. The definition of an 'activity' for the purposes of the POEO Act is:

"an industrial, agricultural or commercial activity or an activity of any other nature whatever (including the keeping of a substance or an animal)."

The proposal involves nominated land uses, gross floor areas and building envelopes. All future development of individual allotments created as part of this proposal will be subject to separate future development applications.

Additionally, the proposal will be used for commercial activities and not include any industrial uses. The ethos and role of the Trust is not compatible with any storage of substances that may be harmful to the environment. In this regard it is not envisaged that future use of the precinct will involve any activity that would require the issue of an Environmental Protection Licence in order to operate.

4.2.7 Threatened Species Conservation Act 1995

A Flora & Fauna Assessment prepared by Lesryk (**Appendix 12**) has considered the proposal against the *Threatened Species Conservation Act 1995* (TSC Act). The findings are summarised as follows:

One critically endangered ecological community, Cumberland Plain Woodland, and three vulnerable animals, the Greyheaded Flying-fox, Eastern Bentwing Bat and Little Eagle, listed under this Act had been recorded.

Whilst targeted, but not recorded, potential habitat was recorded for four state listed vulnerable microchiropterans, these being Eastern Falsistrelle, Large-footed Myotis, Greater Broad-nosed Bat, East-coast Freetail Bat.

Whilst no plants listed under the Schedules to either of the Acts were recorded during the field survey, potential habitat for the state and national listed plant, the endangered Spiked Riceflower, was recorded.

Lesryk conclude that *the proposed development of the subject site is not considered to have a significant impact on the long-term viability of the Cattle Egret, Greyheaded Flying-fox, Cumberland Plain Woodland community, Eastern Bentwing Bat, Little Eagle, or any potentially occurring Spiked Rice-flower or hollow dependent microchiropteran individuals or populations.*

As a result of these findings by Lesryk, referral to the Federal Minister for the Environment for further consideration or approval in relation to the proposal would not be necessary. Similarly, the preparation of a Species Impact Statement is not required.

4.2.8 NSW 2021: A Plan to Make NSW Number One

NSW 2021 was developed by the NSW State Government to set economic, social and environmental directions for NSW. It sets targets, priorities and actions for delivery of services across the State. The strategies outlined in the Plan include:

- *Rebuild the economy*
- *Return quality services*
- *Renovate infrastructure*
- *Strengthen our local environment and communities*
- *Restore accountability to government*

The Parklands is a major contribution to the *NSW State Plan's* priority, *E8: More people using parks and reserves, participating in sport, recreation and cultural facilities* and *E4: Better environmental outcomes for native vegetation, biodiversity of lands and rivers.*

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The proposed development will contribute to the ongoing development of the Parklands for a range of functions in accordance with the State Plan and will strengthen the ability of the Trust to maintain environmental quality for the long-term. *NSW 2021* provides the policy context for the State Government to support and assist the Trust in achieving significant benefits for NSW through such ventures whilst providing jobs within the Sydney Metropolitan Region.

4.2.9 State Environmental Planning Policy (State and Regional Development) 2011

Proposals involving development on sites that are listed in Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* are declared to be State Significant Development (SSD) under the new framework introduced in October 2011.

Schedule 2 includes:

5 Development in the Western Parklands

Development that has a capital investment value of more than \$10 million on land identified as being within the Western Parklands on the Western Sydney Parklands Map within the meaning of State Environmental Planning Policy (Western Sydney Parklands) 2009.

As the site is land to which this Clause relates, SEARs (then DGRs) were initially obtained on 21 March 2014 for the preparation of an EIS and SSD Application. Given the significant amendments to the development scheme an application seeking updated SEARs was lodged with DoP&E in 29 January 2015. This EIS has subsequently been prepared in accordance with the SEARs issued and the State and Regional Development SEPP.

4.2.10 State Environmental Planning Policy (Western Sydney Parklands) 2009

State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP) applies to land identified on the Western Sydney Parklands Map (**Figure 12**) and includes the subject site. The relevant provisions of the Policy are address below.

Aims

The aim of the WSP SEPP is:

to put in place planning controls that will enable the Western Sydney Parklands Trust to develop the Western Parklands into a multi-use urban parkland for the region of western Sydney by:

- (a) allowing for a diverse range of recreational, entertainment and tourist facilities in the Western Parklands, and*
- (b) allowing for a range of commercial, retail, infrastructure and other uses consistent with the Metropolitan Strategy, which will deliver beneficial social and economic outcomes to western Sydney, and*
- (c) continuing to allow for and facilitate the location of government infrastructure and service facilities in the Western Parklands, and*
- (d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and*
- (e) protecting and enhancing the cultural and historical heritage of the Western Parklands, and*
- (f) maintaining the rural character of parts of the Western Parklands by allowing sustainable extensive agriculture, horticulture, forestry and the like, and*
- (g) facilitating public access to, and use and enjoyment of, the Western Parklands, and*
- (h) facilitating use of the Western Parklands to meet a range of community needs and interests, including those that promote health and well-being in the community, and*
- (i) encouraging the use of the Western Parklands for education and research purposes, including accommodation and other facilities to support those purposes, and*

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- (j) allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the Western Sydney Parklands Act 2006, and
- (k) ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.

The proposal is consistent with this aim as it provides for development within the Parklands that will financially support the functions of the Trust. The proposal will also provide employment opportunities for the Western Sydney Region in a location that will minimise environmental impact and relate to its contextual setting. These aims have been addressed in the table below.

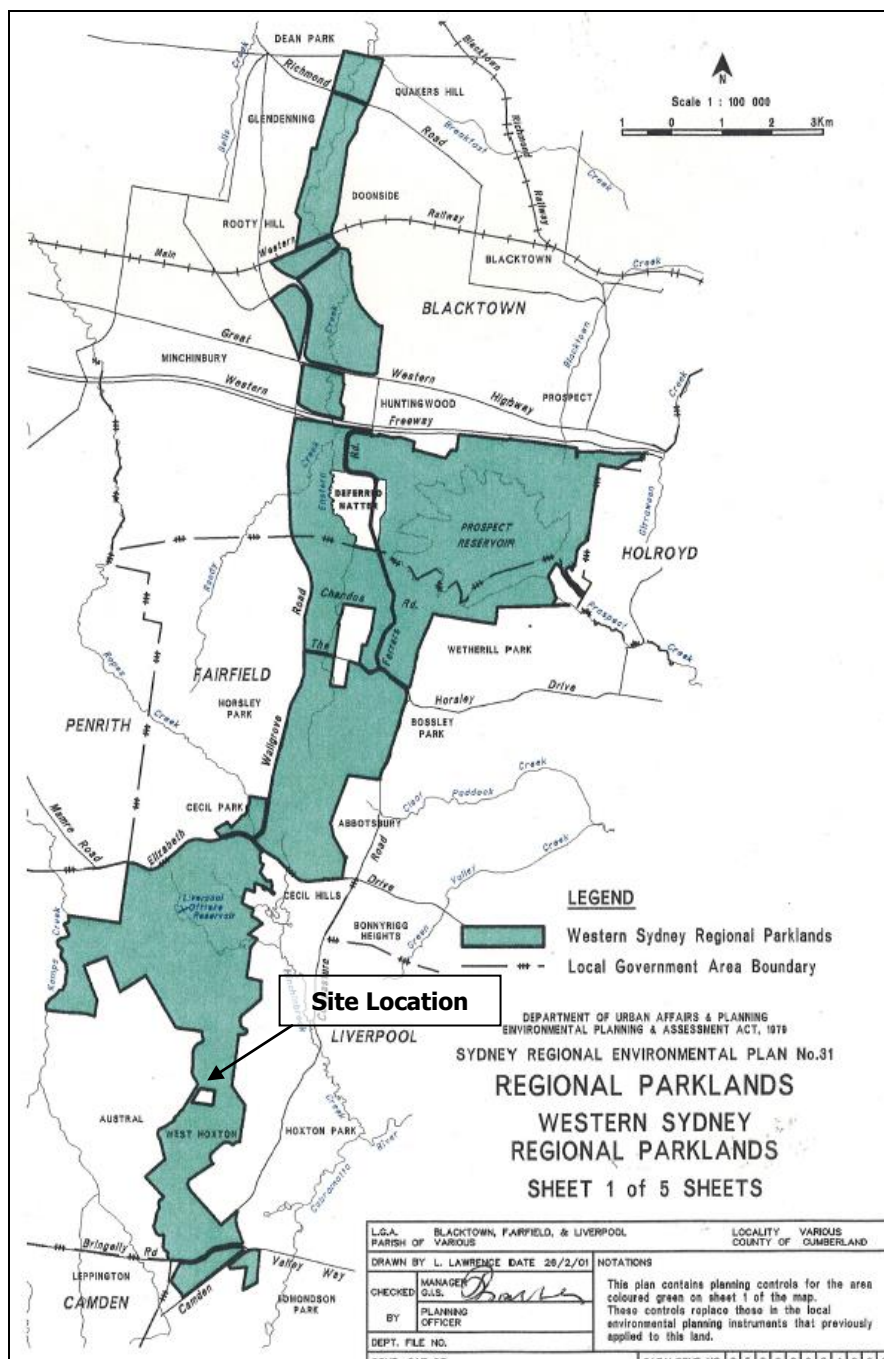


Figure 12 – Western Sydney Parklands Map (Source: Department of Planning, 2009)

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| Western Sydney Parklands SEPP aims | |
|---|--|
| SEPP aim | Comment |
| <i>(a) allowing for a diverse range of recreational, entertainment and tourist facilities in the Western Parklands, and</i> | Whilst the Western Sydney Parklands Trust are mindful of supporting and providing future recreational, entertainment and tourist facilities, this proposal is geared towards providing commercial and employment benefits. The proposal does not hinder the provision of recreational, entertainment and tourist facilities in more suitable locations throughout the parklands in the future. |
| <i>(b) allowing for a range of commercial, retail, infrastructure and other uses consistent with the Metropolitan Strategy, which will deliver beneficial social and economic outcomes to western Sydney, and</i> | As discussed above, the proposal includes the provision of several nominated commercial and retail uses within the majority of the proposed lots which are considered to provide significant social and economic benefits to western Sydney in accordance with <i>A Plan for Growing Sydney</i> . As outlined in MacroPlan Disami's Economic & Community Impact Report, the estimated employment impacts include a potential 130 jobs on site as well as an estimated 120 constructions jobs per year the construction of the development. |
| <i>(c) continuing to allow for and facilitate the location of government infrastructure and service facilities in the Western Parklands, and</i> | The proposal has carefully considered a number of existing and forecasted government infrastructure upgrades including the widening of Fifteenth Avenue and the protection of the Upper Canal corridor and associated infrastructure. |
| <i>(d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and</i> | As outlined in Lesryk's Flora & Fauna Report, the proposal will not result in any significant impact on the long term viability of the identified species populations within the site. |
| <i>(e) protecting and enhancing the cultural and historical heritage of the Western Parklands, and</i> | Dominic Steele Consulting has addressed existing cultural and historical heritage of the site and its surrounds in their Aboriginal & Archaeological Assessment. Dominic Steele Consulting considers the potential impact on the Kirkpatrick-Boyland Park and Sydney Water Canal and concludes that the proposal is unlikely to have an adverse impact on these heritage items. |
| <i>(f) maintaining the rural character of parts of the Western Parklands by allowing sustainable extensive agriculture, horticulture, forestry and the like, and</i> | Although the subject site is proposed to be development for commercial purposes, the Western Sydney Parklands Trust has nominated large portions of land throughout the parklands for agriculture, horticulture and forestry purposes. The subject site has been nominated for commercial development due to its location and accessibility. |
| <i>(g) facilitating public access to, and use and enjoyment of, the Western Parklands, and</i> | The subject site is highly accessible via Fifteenth Avenue and the surrounding road hierarchy. The proposal does not restrict the on-going use and enjoyment of the surrounding areas of the parklands. |
| <i>(h) facilitating use of the Western Parklands to meet a range of community needs and interests, including those that promote health and well-being in the community, and</i> | The proposal is considered to meet the existing and future community needs through facilitating additional commercial land uses which will accommodate employment growth and retail demand. |
| <i>(i) encouraging the use of the Western Parklands for education and research purposes, including accommodation and other facilities to support those purposes, and</i> | Whilst the Western Sydney Parklands Trust are mindful of supporting and providing future educational and research facilities, this proposal is geared towards providing commercial and employment benefits. The proposal does not hinder the provision of educational and research facilities in more suitable locations throughout the |

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| | |
|--|---|
| | parklands in the future. |
| (j) <i>allowing for interim uses on private land in the Western Parklands if such uses do not adversely affect the establishment of the Western Parklands or the ability of the Trust to carry out its functions as set out in section 12 of the <u>Western Sydney Parklands Act 2006</u>, and</i> | All lots contained within the subject site are owned by the Western Sydney Parklands Trust except for Lot 345 (185 Fifteenth Avenue) which is owned by the NSW Office of Strategic Lands. The use of this site does not affect the Trust's ability to carry out its functions as per section 12 of the <u>Western Sydney Parklands Act 2006</u> . |
| (k) <i>ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.</i> | The EIS has addressed the principles of ecologically sustainable development (ESD) as outlined in Clause 7(4) of the EPA Regulations. Furthermore Costin Roe have adopted the appropriate ESD measure for development as specified in their Civil Engineering Report. |

Land Use and Permissibility

All land within the Western Sydney Parklands is unzoned under the provisions of the WSP SEPP. Pursuant to Clause 11(2), the proposal represents an 'innominate development' and is therefore permissible with consent.

Nothing in the WSP SEPP prohibits or restricts the permissibility of any type of commercial development.

Matters to be considered by the consent authority—generally

Clause 12 of the WSP SEPP identifies a number of general matters that must be taken into account by the consent authority during determining of a development application on land within the Parklands. These matters are addressed in **Table 8**.

| TABLE 8 – WSP SEPP General Matters for Consideration | | |
|---|-------------------|--|
| Matters | Compliance | Comments |
| (a) <i>the aim of this Policy, as set out in clause 2</i> | Yes | The proposal is consistent with this aim as it provides for development within the Parklands that will financially support the functions of the Trust. The proposal will also provide employment opportunities for the Western Sydney Region in a location that will minimise environmental impact and relate to its contextual setting. |
| (b) <i>the impact on drinking water catchments and associated infrastructure,</i> | Yes | See Sections 6.10 and 6.12 |
| (c) <i>the impact on utility services and easements,</i> | Yes | See Section 6.10 . |
| (d) <i>the impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities,</i> | Yes | See Section 6.15 |
| (e) <i>the impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland,</i> | Yes | See Section 6.15 . |
| (f) <i>the impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use,</i> | Yes | No impact on the circulation of the Parklands will result from the development given the position of the development area. |
| (g) <i>the impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of western Sydney,</i> | Yes | As above. See Urban Design Report at Appendix 5 also. |
| (h) <i>the impact on public access to the Western Parklands,</i> | Yes | No impact on the circulation of the Parklands will result from the development given the position of the development area |

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| | | |
|---|-----|---|
| <p>(i) consistency with:</p> <p>(i) any plan of management for the parklands, that includes the Western Parklands, prepared and adopted under Part 4 of the Western Sydney Parklands Act 2006, or</p> <p>(ii) any precinct plan for a precinct of the parklands, that includes the Western Parklands, prepared and adopted under that Part,</p> | Yes | The development has been undertaken in accordance with the adopted Plan of Management as outlined in Section 4.4.5 . |
| (j) the impact on surrounding residential amenity, | Yes | The site does not adjoin any residential areas. Some residential lands are located to the south of the site, adjoining Fifteenth Avenue. These properties are unlikely to be impact upon and will benefit from additional commercial facilities within close proximity. The site is also adjacent an existing retail centre to the south. |
| (k) the impact on significant views, | Yes | No significant views will be impacted by the proposal. |
| (l) the effect on drainage patterns, ground water, flood patterns and wetland viability, | Yes | See Section 6.12 . |
| (m) the impact on heritage items, | Yes | See Sections 6.16 and 6.17 |
| (n) the impact on traffic and parking. | Yes | See Section 6.7 . |

Bulk Water Supply

The proposal will be adjacent to land containing parts of the Bulk Water Supply Infrastructure (**Figure 13**).

The Civil Engineering Report (**Appendix 10**) and supporting Plans (**Appendix 9**) prepared by Costin Roe Consulting detail the intended civil engineering and infrastructure arrangement for the proposed estate, including stormwater quality and management controls.

Access to the Bulk Water Supply Infrastructure for maintenance and operation activities by the Sydney Catchment Authority and Sydney Water Corporation will not be impeded by the development.

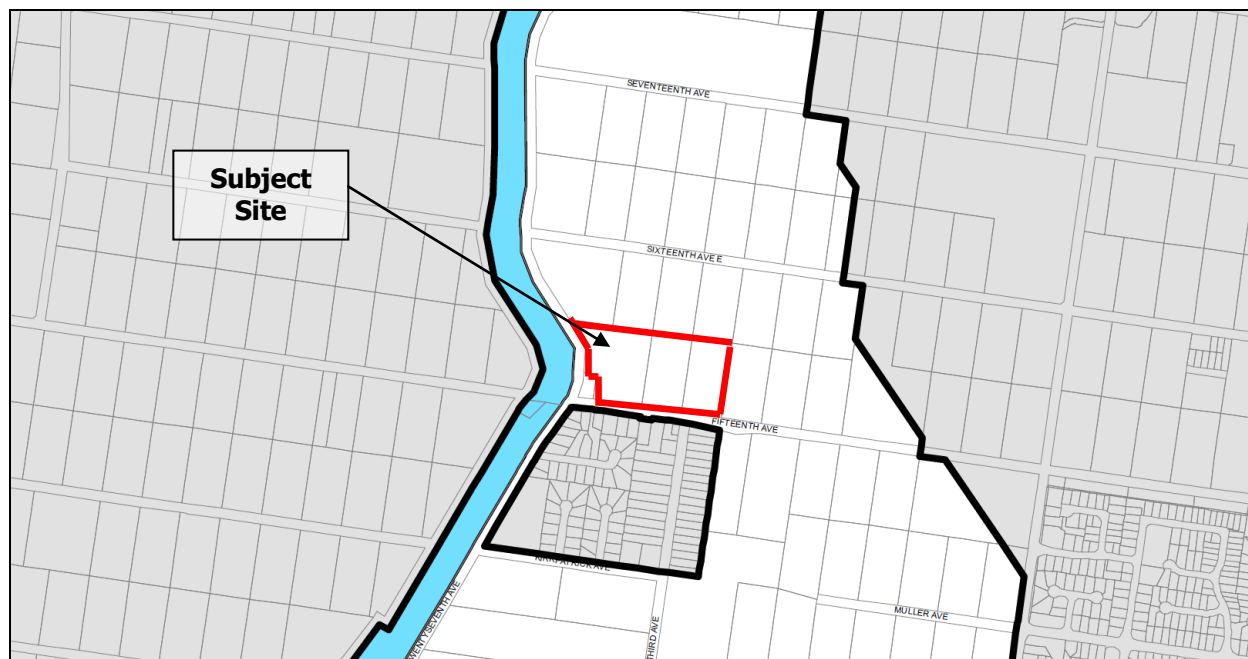


Figure 13 – Western Sydney Parklands Bulk Water Infrastructure Map (Source: Department of Planning, 2009)

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Nature Reserves and Environmental Conservation Areas

The site contains a small portion of Environmental Conservation Area along the eastern boundary of the site as identified under the WSP SEPP (**Figure 14**). This area has been identified as containing Shale Hills Woodland by Lesryk Environmental.

In reference to the Nature Reserves and Environmental Conservation Areas Map and the conservation area identified in the bus depot site, Lesryk Environmental highlights that *this portion of the subject site has been cleared of native vegetation and now consists of hardstand areas, building infrastructure and weeds. No areas of environmental importance occur within this portion of the subject site.*

In light of the above the, it is considered reasonable to conclude that the location of conservation land identified in this map is incorrect and requires updating. This notion has been supporting by the Department of Planning & Environment (Haley Rich) who advised that these maps will be updated with other necessary amendments in time and that the map is not reflective of the condition of vegetation within this area.

Whilst it is not identified on WSP Map, Lesryk Environmental also identifies some areas of Shale Hills Woodland (being Forest Red Gum – Grey Box) in the north and north-west sections of the site. Lesryk Environmental explain that with reference to the guidelines prepared by DEWHA (2010), *the Forest Red Gum - Grey Box open forest within the subject site is not considered to represent a viable, intact example of this critically endangered ecological community. As such, an assessment that refers to the Significant Impact Guidelines prepared by DE (2013a) for a critically endangered ecological community is not considered necessary.*

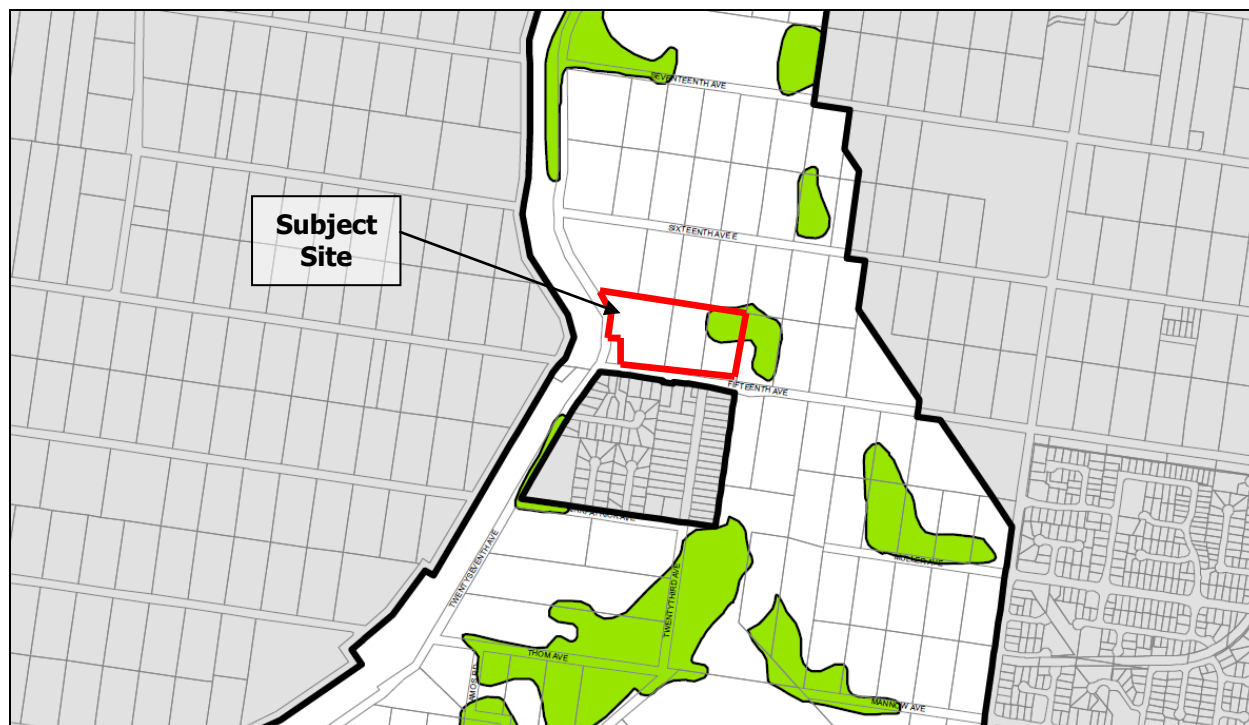


Figure 14 – Nature Reserves and Environmental Conservation Areas Map (Source: Department of Planning, 2009)

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Heritage Conservation

The site is not identified by the SEPP WSP as being a heritage item or as being within a heritage conservation area. It is noted that Browns Reserve adjoining the site (Lot 1 DP307334) has historical associations and is a local heritage listed item. The site is also adjacent to the state heritage listed Sydney Water Supply Upper Canal (Bulk Water Supply) (**Figure 15**).

As identified by Dominic Steele Consulting Archaeology (**Appendix 14**) the SHR listed 1880s Sydney Water Supply Canal situated to the west of the Twenty-seventh Avenue site boundary, and the Boyland-Kirkpatrick Park which contains two WW1 memorial stones and adjoins the FABH site immediately to the west and is an item of local heritage significance listed on Liverpool LEP.

A small weatherboard cottage that possibly dates to the 1940s occurs within the former bus depot and garage at 185 Fifteenth Avenue (south west corner) and the building warrants photographic recording for local archival heritage purposes (interior and exterior) prior to demolition. A second building in the southeast corner of the block which may also date to the 1940s is in a far more dilapidated condition and is unlikely to retain features of significant heritage value.

Dominic Steele Consulting Archaeology conclude that *overall the site redevelopment proposal is unlikely to have an adverse impact upon the European archaeological heritage values of the place.*

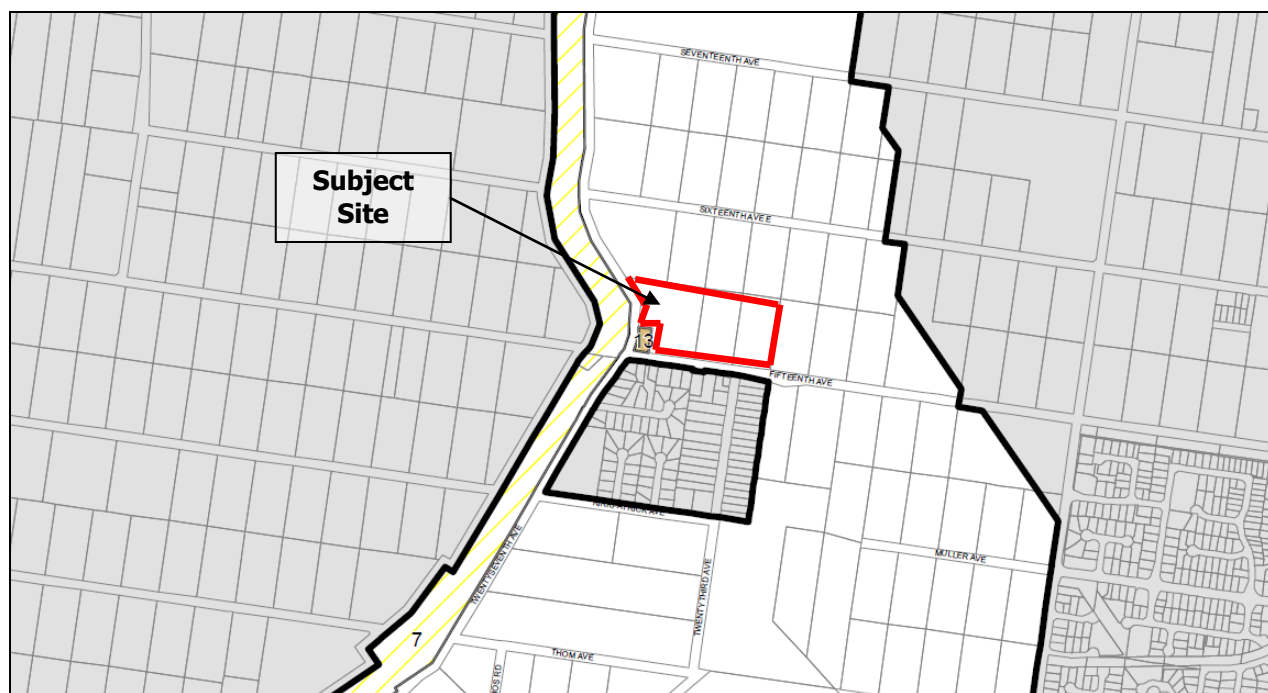


Figure 15 – Heritage Conservation Map (Source: Department of Planning, 2009)

Commercial Signage

The proposal does not include any building works or signage. Future separate development applications will be made for commercial signage.

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4.2.11 State Environmental Planning Policy (Infrastructure) 2007

Traffic Generating Development

Among other functions, State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure) repeals the former *State Environmental Planning Policy No. 11 – Traffic Generating Development* and provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) (formally the Roads and Traffic Authority) for concurrence.

Referral may be required for the erection of new premises, or the enlargement or extension of existing premises where their size or capacity satisfy certain thresholds. Schedule 3 lists the types of development that are defined as Traffic Generating Development.

The referral thresholds for 'Commercial Premise' development are:

- *10,000m² or more in area with site access to any road; or*
- *2,500m² or more in area where the site has access to a classified road or to a road that connects to a classified road (if access is within 90 metres of connection, measured along the alignment of the connecting road).*

Stage 1 of the development proposes a nominated commercial gross floor area of 5,350m² and therefore is considered development that requires automatic referral to RMS under this trigger.

Development Controls

Part 3 (other than the excluded provisions) of the *State Environmental Planning Policy (Infrastructure) 2007* applies as if the Western Sydney Parklands were in a prescribed zone. The relevant development control provisions are addressed as follows:

Parks and Other Public Reserves

Division 12 outlines the development controls relating to Parks and Other Public Reserves. 'Excluded provisions' means clauses 65 (3) and 66 (1) under this Division.

No works in relation to the proposal are to be carried out as either 'Development Without Consent' or 'Exempt' development under this Division.

Soil Conservation Works

Division 19 outlines the development controls relating to *soil conservation works* meaning:

development necessary:

- (a) to avoid, manage or mitigate the effects of salinity, acid sulfate soils, acid soils or sodic soils,*
or
- (b) to avoid, manage or mitigate the effects of erosion.*

Development for the purpose of soil conservation works may be carried out by or on behalf of a public authority without consent on any land.

No works in relation to the proposal are to be carried out as either 'Development Without Consent' or 'Exempt' development under this Division.

Stormwater Management

Division 20 outlines the development controls relating to *stormwater management systems* meaning:

- (a) works for the collection, detention, distribution or discharge of stormwater (such as channels, aqueducts, pipes, drainage works, embankments, detention basins and pumping stations), and*
- (b) stormwater quality control devices (such as waste entrapment facilities, artificial wetlands, sediment ponds and riparian management), and*

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(c) stormwater reuse schemes.

No works in relation to the proposal are to be carried out as either 'Development Without Consent' or 'Exempt' development under this Division.

Development in or adjacent to road corridors and road reservations

The Infrastructure SEPP refers to guidelines which must be taken into account where development is proposed in, or adjacent to, specific roads and railway corridors under Clauses 85, 86, 87, 102 and 103. The document entitled *Development Near Rail Corridors and Busy Roads – Interim Guideline* fulfils that purpose.

The Guideline itself outlines when the considerations of the Guidelines must be taken into account. As the site is not adjacent to any rail corridor, only the road corridors provisions are relevant. These guidelines must be taken into account for development under the following clauses:

Clause 102*: *development for any of the following purposes that is on land in or adjacent to a road corridor for a freeway, a tollway or a transit way or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data available on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:*

- *building for residential use*
- *a place of public worship*
- *a hospital*
- *an educational establishment or childcare centre*

Clause 103: *any development which involves penetration of the ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of roads or road projects as specified in schedule 2 of the SEPP.*

*** For Clause 102:**

If the development is for the purpose of a building for residential use, the consent authority must be satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- *in any bedroom in the building: 35dB(A) at any time 10pm–7am*
- *anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time.*

The proposal does not involve development that triggers Clause 102 or that would be affected by road noise or vibration.

In terms of Clause 103, the road corridors or road projects referred to include:

- (a) the Eastern Distributor,*
- (b) the Cross City Tunnel,*
- (c) the Lane Cove Tunnel,*
- (d) the Tugun Bypass,*
- (e) the Liverpool—Parramatta Transitway,*
- (f) the North-West Sydney Transitway Network.*

Schedule 2 of the Infrastructure SEPP provides clarification on the location and extent of the road corridors. No corridor exists in vicinity of the site except the Liverpool – Parramatta Transitway, described as:

"A passenger transport system between Liverpool and Parramatta via Bonnyrigg, Wetherill Park, Smithfield and Wentworthville."

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The Liverpool-Parramatta Transitway (LPT) was the first link in the network that opened in February 2003. It is operated by Western Sydney Buses, a subsidiary of State Transit, as Route T80. The 31km T-way, connects the major regional centres of Liverpool and Parramatta, and traverses residential areas, education facilities, the industrial areas of Wetherill Park and Smithfield, and the commercial areas of Prairiewood and Bonnyrigg.

While the route includes passes through suburbs within the Liverpool LGA, the subject site is not adjacent to the road corridor of the T-Way as indicated by the Route Map (**Figure 16**). Given the separation of the subject site from the T-Way corridor, the matters for consideration under the Interim Guidelines do apply to the proposal.

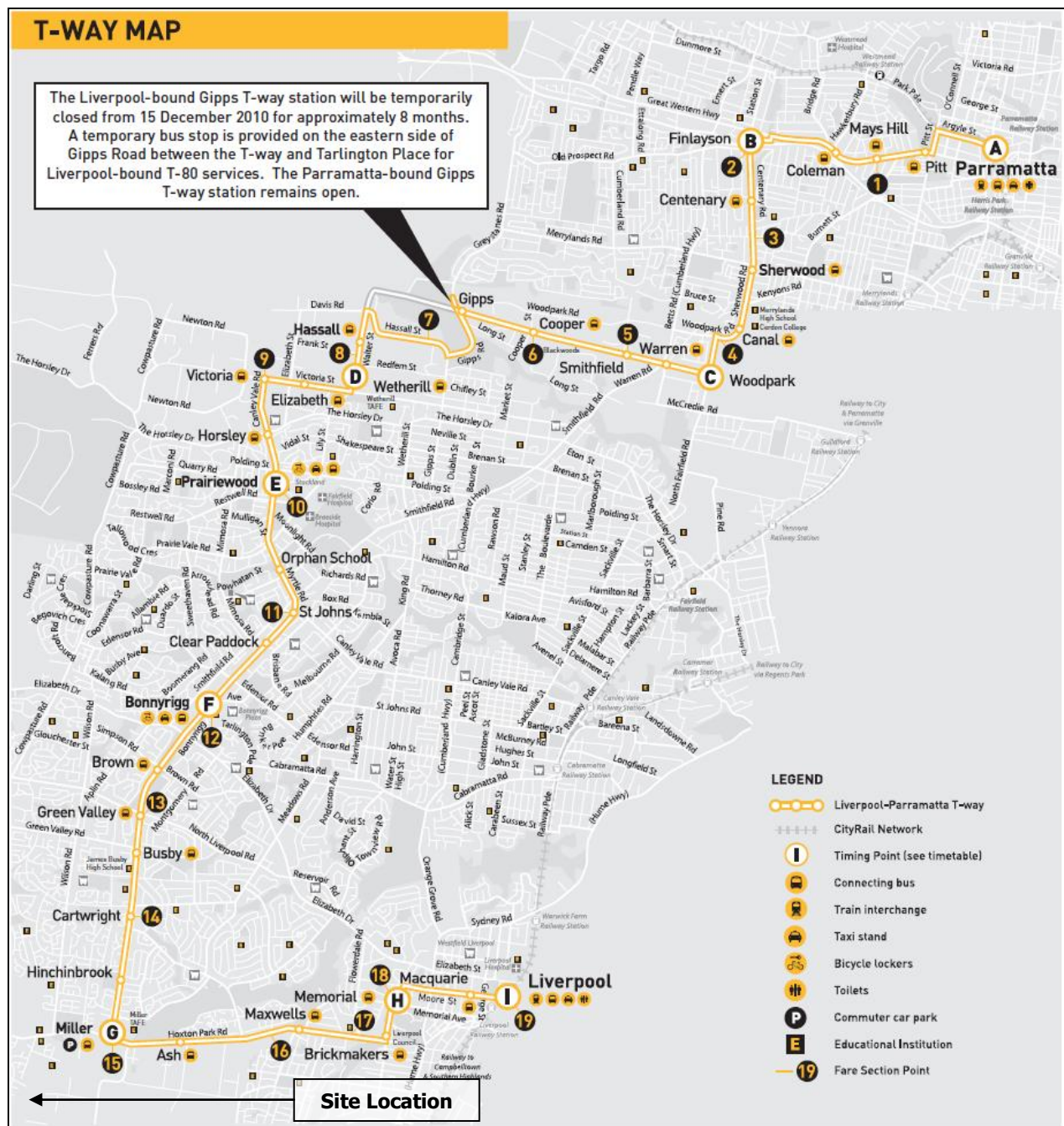


Figure 16 – Liverpool – Parramatta Transitway Route Map (Source: Sydney Buses, 2014)

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4.2.12 State Environmental Planning Policy No 19 — Bushland in Urban Areas

The provisions of *State Environmental Planning Policy No 19 — Bushland in Urban Areas* do not apply to land to which the Western Sydney Parklands SEPP applies.

4.2.13 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

No concept commercial building work or use which forms part of the proposed development will include any hazardous or offensive activities. A nominated location for a future service station has been proposed within this application. Although the proposal includes the use of a service station, the ethos and role of the Trust is not compatible with any storage of substances that may be harmful to the environment. In this regard it is not envisaged that future use within the precinct will not involve any activity that would require the issue of an Environmental Protection Licence in order to operate.

4.2.14 State Environmental Planning Policy No. 55 – Remediation of Land

Under the provisions of *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55), where a development application is made concerning land that is contaminated, the consent authority must not grant consent unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Contamination

Preliminary Environmental Site Assessments (PESA) were carried out by Golder Associates across both 185 and 195 Fifteenth Avenue (March and May 2015 respectively) (**Appendix 16 and 17**). The findings of which are detailed below:

185 Fifteenth Avenue (PESA): The desktop review and site inspection indicated that the site has been used as a bus depot since 1957, and possibly since 1940. Review of site records indicated that the site was licensed for one 5,000L capacity underground storage tank in the 1990s.

Natural soils on the site are expected to be podzolic soils or earthy clays of the Luddenham soil landscape. Areas of the site have been filled, and there is the potential for cut and fill activities to have taken place. There is no known occurrence of acid sulfate soil on the site. Groundwater was not reported to have been encountered during the geotechnical investigations, which comprised drilling to a maximum depth of 5.5m below ground level.

The site inspection identified a number of areas with the potential to contaminate surface and subsurface soil and groundwater. These areas included the location of the former USTs, the bus service bays, the bus wash bay, the workshops and storage sheds, the location of the existing diesel ASTs, the storage of waste materials across the site and the presence of fill material. Numerous areas of assumed surficial hydrocarbon staining were observed in locations where buses and vehicles have been parked.

Soil analysis results from preliminary environmental sampling performed as part of geotechnical investigations were generally below soil investigation levels presented in the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPC 2013) for commercial/industrial land use.

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There is the potential for contamination arising from site activities at locations not investigated during the geotechnical investigations.

Golder Associates recommends the carrying out of a *Detailed Environmental Site Assessment (ESA)* in accordance with guidance issued or endorsed by the EPA under Section 105 of the Contaminated Land Management Act 1997 including the *Sampling Design Guidelines (EPA 1995)*, the *Guidelines for the Assessment and Management of Groundwater Contamination (DEC 2007)* and the *Technical Note: Investigation of Service Station Sites (EPA 2014)*.

195 Fifteenth Avenue (PESA): The desktop review and walkover inspection indicated that the study area was historically used for market gardening purposes, and parts of the study area are currently used for a manure bagging operation and as a builder's storage yard.

A former bus depot, located up gradient of the study area to the east and assessed under the PESA for 185 Fifteenth Avenue (**Appendix 16**), has the potential for underground storage tanks (USTs) to be present. Observations made from the property boundary during the walkover inspection did not identify bowsters or breather vents indicating the presence of USTs and it is considered there is a low potential for the bus depot to be a potential source of impact to the study area. A service station, located on the southern side of Fifteenth Avenue, is inferred to be cross gradient of the study area and is not considered to be a likely source of impact to the study area.

The use of the study area for the bagging of manure is considered to have a low potential to significantly contaminate the study area as no additives were reported to be mixed into the manure during handling.

Asbestos cement debris has been identified in fill material located in the south eastern corner of the study area which is in use as a builder's yard. In addition, fragments of asbestos cement sheet were observed in the crushed concrete gravel used as a surface layer in this area of the study area. Samples of fill collected from below the crushed concrete layer did not contain asbestos fibres. In addition, there is the potential for asbestos cement debris in the vicinity of existing structures on study area (e.g. the cottage in south east corner of study area) and at the location of former structures or in stockpiles of demolition material.

Sampling of sediment and water from the large dam located in the south western corner of the study area indicated that market gardening operations on the study area have not significantly impacted upon the sediment or water quality. The potential for broad acre impact of the study area from application of pesticides or herbicides from market gardening is considered to be low, however there is greater potential for localised impact at agricultural chemical storage or mixing areas.

Screening analysis did not indicate the presence of acid sulfate soils (ASS), which is consistent with ASS mapping of the area of the study area.

Golder Associates conclude that based off the findings of the assessment, *it is considered the study area could be made suitable for the proposed use, subject to the following conditions/actions being imposed as "Prior to Commencement" conditions of the development consent.*

Golder Associates recommends several actions to be undertaken prior to commencement of works including soil/ground water assessment in accordance with SEPP 55; and management of existing asbestos in accordance with *Managing asbestos in or on soil*, WorkCover NSW, 2014; and *National Environmental Protection (Assessment of Site Contamination) Measure 1999*, National Protection Council.

As recommended in the PESA for 185 Fifteenth Avenue, Douglas Partners carried out a Detailed Site (Contamination) Investigation (**Appendix 18**) (July 2015). The findings of which are detailed below:

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185 Fifteenth Avenue (DSI): Douglas Partners recommend the following in designing and constructing the future development of the site:

- *A hazardous building materials survey of existing buildings should be completed prior to demolition, with any hazardous materials removed by a licensed contractor in accordance with WorkCover guidelines;*
- *Upon completion of demolition, a qualified occupational hygienist should inspect the property, particularly the surface soils, and prepare a clearance report demonstrating that no hazardous materials (particularly asbestos) exist on the site surface after demolition;*
- *Hydrocarbon odours and staining are likely to be encountered on site during future civil works, particularly at the surface and in the area of the former USTs, workshops and inspection pit. Where encountered they should be excavated and waste classified for off-site disposal (if surplus) or land farmed for re-use on site;*
- *Any surplus soils requiring removal from the site must be initially assessed against the waste classification guidelines and/or for compliance with a Resource Recovery Exemption prior to lawful disposal;*
- *An unexpected finds protocol should be prepared and implemented during civil and construction works to outlined procedures for managing unexpected finds of contamination or contamination sources such as USTs, asbestos fragments etc; and*
- *Should 185 Fifteenth Avenue be proposed for a child care centre (noted as part of the planned Fifteenth Avenue Commercial Precinct) the applicable analytical data will require re-assessment against more stringent HILs and HSL.*

Notwithstanding the above recommendation, Douglas Partners concludes that *based on the field and analytical results presented in this report it is considered the site is suitable for commercial or industrial uses.*

In light of the above the proposal is considered to have achieved the objectives and assessment requirements of SEPP No. 55. Subject to the abovementioned recommendation prior to works commencing on site the proposal has been assessed as being suitable for proposed works and land uses.

Geotechnical

Geotechnical Investigations were carried out by Golder Associates across both 185 and 195 Fifteenth Avenue (April and May 2015 respectively) (**Appendix 19 and 20**). The findings of which are detailed below:

185 Fifteenth Avenue: The subsurface conditions revealed by the boreholes are consistent with the previous investigation for the neighbouring site. Rock quality in the Bringelly Shale, is relatively variable and significant depths of poor quality rock were observed in the boreholes. The presence of extremely low to very low strength Class V and IV Shale could impact on support requirements for excavations and foundation design parameters.

Golder Associates conclude that *no cored boreholes were completed during this stage of investigation, and additional site specific investigations will be required to further assess the soil and rock conditions once building layouts and excavation depths are known.*

Building layouts and excavation depths will be determined and assessed subject to future development applications for each proposed lot. As such the proposal is considered to achieve the relevant requirements under SEPP No. 55 for favourable consideration.

195 Fifteenth Avenue: The subsurface conditions revealed by the boreholes are consistent with the published geological information in the area. Rock quality in the Bringelly Shale, is relatively variable and

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significant depths of poor quality rock were observed in the boreholes. The presence of very low strength Class V and IV Shale could impact on support requirements for excavations and foundation design parameters.

Golder Associates conclude that *parameters for excavation support and foundation design are provided below for preliminary design. Only one cored borehole was completed during this investigation and additional site specific investigations will be required to further assess the soil and rock conditions, once building layouts and excavation depths are known.*

Building layouts and excavation depths will be determined and assessed subject to future development applications for each proposed lot. As such the proposal is considered to achieve the relevant requirements under SEPP No. 55 for favourable consideration.

4.2.15 State Environmental Planning Policy No. 64 – Advertising Structures and Signage

No signage or advertising structures are proposed as part of the development. Any signage proposed under future development applications will be subject to SEPP No. 64.

4.3 REGIONAL PLANNING CONTEXT

4.3.1 A Plan for Growing Sydney

A Plan for Growing Sydney was introduced by the NSW Department of Planning and the Environment (DOPE) in December 2014 and replaced the Metropolitan Plan for Sydney 2036. A Plan for Growing Sydney supports and implements the NSW 2021 State Plan, which identifies restoring economic growth is its number one priority.

Liverpool has been identified in the new Metropolitan Strategy as a Regional City Centre. It needs to attract investment that delivers jobs and houses and develop better connectivity between the Georges River and the city centre.

A Plan for Growing Sydney provides a framework for strengthening the global competitiveness of Sydney, in order to facilitate strong investment and jobs growth. Specifically, the Liverpool LGA is located within the South West subregion, earmarked for significant infrastructure investment and intensive growth over the next 20 years. In relation to the South West Subregion the Metropolitan Strategy seeks to '*identify suitable locations for housing, employment and urban renewal, particularly around established and new centres and along key public transport corridors*'.

The plan also presents a strategy for accommodating Sydney's future population growth. It balances the need for more housing, but also cultivates the creation of strong and resilient communities within a highly-liveable city whilst protecting the natural environment and biodiversity. In response to this the LGA will require increase employment opportunities which are easily accessible for major transport networks.

A Plan for Growing Sydney emphasises the need to implement The Western Sydney Parklands Plan of Management. The Plan of Management identifies places for people of all backgrounds to meet, celebrate, learn, play and appreciate the environment. Future parklands have been identified and communities will be able to create and manage these lands. The parklands are part of building a sustainable future on the Cumberland Plain and these will form part of the Sydney Green Grid. As outlined in section 4.4.5 of this EIS, the proposal is consistent with the objectives and intended outcomes of the Western Sydney Parkland Plan of Management.

The following outlines a number of key directions identified in the Plan or Growing Sydney that the proposed development can demonstrate alignment to.

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Table 9 – A Plan for Growing Sydney – Strategies

| Strategic Direction | Strategic Justification of the proposal |
|--|---|
| 1.4 Transform the productivity of Western Sydney Through Growth and Investment | <p>The proposal contributes to the growth of Western Sydney through the provision of jobs close to housing.</p> <p>As part of this direction the Plan identifies that Western Sydney will require new jobs which are located close to existing centres and transport nodes with improved access to knowledge jobs. The direction also highlights the need to provide improved scale and mixture of job opportunities in order help people work closer to home.</p> <p>It is therefore considered the proposal is capable of meeting this directive either in part on the subject site, and in newly identified employment areas within Western Sydney.</p> |
| 1.6 Grow Strategic Centres – providing more jobs closer to home | <p>The proposal will provide a commercial development in close proximity to a designated regional centre and that is, connected directly to Liverpool.</p> <p>The direction focuses on the need to invest in strategic centres to facilitate growth in jobs. To achieve this removal of barriers to investment economic activity is encouraged.</p> <p>5,350m² (NLA) of commercial floor space that will contribute to employment on the site, which is forecasted to have the potential to accommodate up to 182 jobs.</p> |
| 3.1 Revitalise Sydney's existing suburbs | <p>The proposal will contribute to revitalising the Liverpool LGA, and will provide supply of commercial development in an area of high accessibility, contributing to desirable residential and employment outcomes.</p> <p>The provisions of increased employment uses would deliver greater housing diversity and increased housing supply within the City of Liverpool.</p> |
| South West Subregion | <p>The Plan identifies the South West Subregion as comprising the LGAs of Camden, Campbelltown, Fairfield, Liverpool and Wollondilly.</p> <p>The proposal will not detract from Liverpool as Sydney's future regional CBD, and will in fact play a supporting role to the development of the Liverpool CBD.</p> <p>The proposal will also contribute to the growth and prosperity of Liverpool as a key independent town centre that will also provide for future workers and residents planned for the area and will contribute to trade and investment in the area, and contribute to household expenditure on local goods and services in these centres.</p> |

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| | |
|--|--|
| | Introducing new employment generating land uses will allow for the potential creation of both construction jobs, and jobs associated with the operation of the retail/commercial businesses, cleaning and maintenance of the precinct. |
|--|--|

4.3.2 Draft South West Subregional Strategy

A key action of a Plan for Growing Sydney is to provide subregional specific strategies to guide the specific regions future development and planning. Liverpool is identified within the South West subregion, and whilst the new strategy for this subregion is not completed in detail as yet, the current South West Strategy which was aligned to the Sydney Metropolitan Plan 2036, is relevant to Liverpool and the future development of the site.

The South West Subregional Strategy sets out broad directions for economic growth in the South West Subregion over the next 25 years and identifies a series of objectives and actions to support employment growth and prosperity.

These directions include:

- The Strategy identifies that in Liverpool, the number and scale of health and education facilities are expanding with an 'Ed-Med' (Education and Medical) precinct near the station. Liverpool Hospital is the principal referral hospital for the Sydney South West Area Health Service and a major teaching and research hospital for the University of NSW. The services offered at Liverpool Hospital have increased in number and complexity over the last 15 years. The South West Sydney Institute of TAFE has major campuses in Liverpool CBD and Miller.
- There is also substantial existing knowledge infrastructure in the South West, including medical hubs at Campbelltown and Liverpool, education institutions at University of Western Sydney and the TAFE colleges at Liverpool. Medical and education services can be expected to expand as the population in the subregion increases. Expansion of Liverpool Hospital should encourage diagnostic and specialist services to locate nearby.
- The South West Strategy identifies Liverpool as a Regional City and a Strategic Centre within the South West subregion. As a regional city, the Strategy aims at providing a full range of business, government, retail, cultural, entertainment and recreational activities. The regional cities identified in the Strategy are a focal point where large, growing regions can access good jobs, shopping, health, education, recreation and other services and not have to travel more than one hour per day.
- The Strategy identifies that health and community services are the largest industry in the CBD of Liverpool, followed by retail and property and business services. Business services information technology, property, legal, accountancy, management and finance are also important locally.
- A direct policy action of the Strategy is to plan for housing in centres consistent with their employment role. Increasing residential development in and around the Regional City of Liverpool will help to revitalise these centres. Furthermore policy within the Strategy identifies the need for the NSW Government and local Councils to plan for the expansion of medical and educational investment in Liverpool.
- The metropolitan strategy targets 60–70 per cent of new housing will be accommodated in existing urban areas, especially focused around centres and corridors which takes advantage of existing services such as shops and public transport while reducing development pressures in other parts of Sydney.

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The proposal will not detract from Liverpool as Sydney's future regional CBD, and will in fact play a supporting role to the development of the Liverpool CBD.

The proposal will also contribute to the growth and prosperity of Liverpool as a key independent commercial centre that will also provide jobs for future workers and residents planned for the area and will contribute to trade and investment in the area, and contribute to household expenditure on local goods and services in these centres.

Through introducing new employment generating land uses on site the proposal will allow for the potential creation of both construction jobs, and jobs associated with the operation of the retail/commercial businesses, cleaning and maintenance of the precinct.

4.4 LOCAL PLANNING CONTEXT

4.4.1 Liverpool Local Environmental Plan 2008

It is noted that *Liverpool Local Environmental Plan 2008* (LLEP 2008) applies to all land within City of Liverpool excluding land to which the following instruments apply:

- *Sydney Regional Environmental Plan No. 31 – Regional Parklands*
- *State Environmental Planning Policy (Major Projects) 2005*
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009*

As noted in **Section 4.2.10** above, *State Environmental Planning Policy (Western Sydney Parklands) 2009* repealed SREP 31. Additionally, *State Environmental Planning Policy (State and Regional Development) 2011* repealed the Major Projects SEPP.

Notwithstanding the provisions of LLEP 2008 not applying to the site, the provisions of LLEP 2008 are considered below in response to the DGRs issued.

Aims and Objectives

The aims and objectives of LLEP 2008 are:

- (a) *to encourage a range of housing, employment, recreation and services to meet the needs of existing and future residents of Liverpool,*
- (b) *to foster economic, environmental and social well-being so that Liverpool continues to develop as a sustainable and prosperous place to live, work and visit,*
- (c) *to provide community and recreation facilities, maintain suitable amenity and offer a variety of quality lifestyle opportunities to a diverse population,*
- (d) *to strengthen the regional position of the Liverpool city centre as the service and employment centre for Sydney's south west region,*
- (e) *to concentrate intensive land uses and trip-generating activities in locations most accessible to transport and centres,*
- (f) *to promote the efficient and equitable provision of public services, infrastructure and amenities,*
- (g) *to conserve, protect and enhance the environmental and cultural heritage of Liverpool,*
- (h) *to protect and enhance the natural environment in Liverpool, incorporating ecologically sustainable development,*
- (i) *to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires,*
- (j) *to promote a high standard of urban design that responds appropriately to the existing or desired future character of areas.*

The proposal is consistent with the stated aims and objectives as it provides for economic and employment opportunities that will act as a catalyst for ongoing environmental management and provision of open space.

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Zoning and Permissibility

The site is not zoned under LLEP 2008 (**Figure 17**). Refer to **Section 4.2.10** for zoning and permissibility under *State Environmental Planning Policy (Western Sydney Parklands) 2009*.

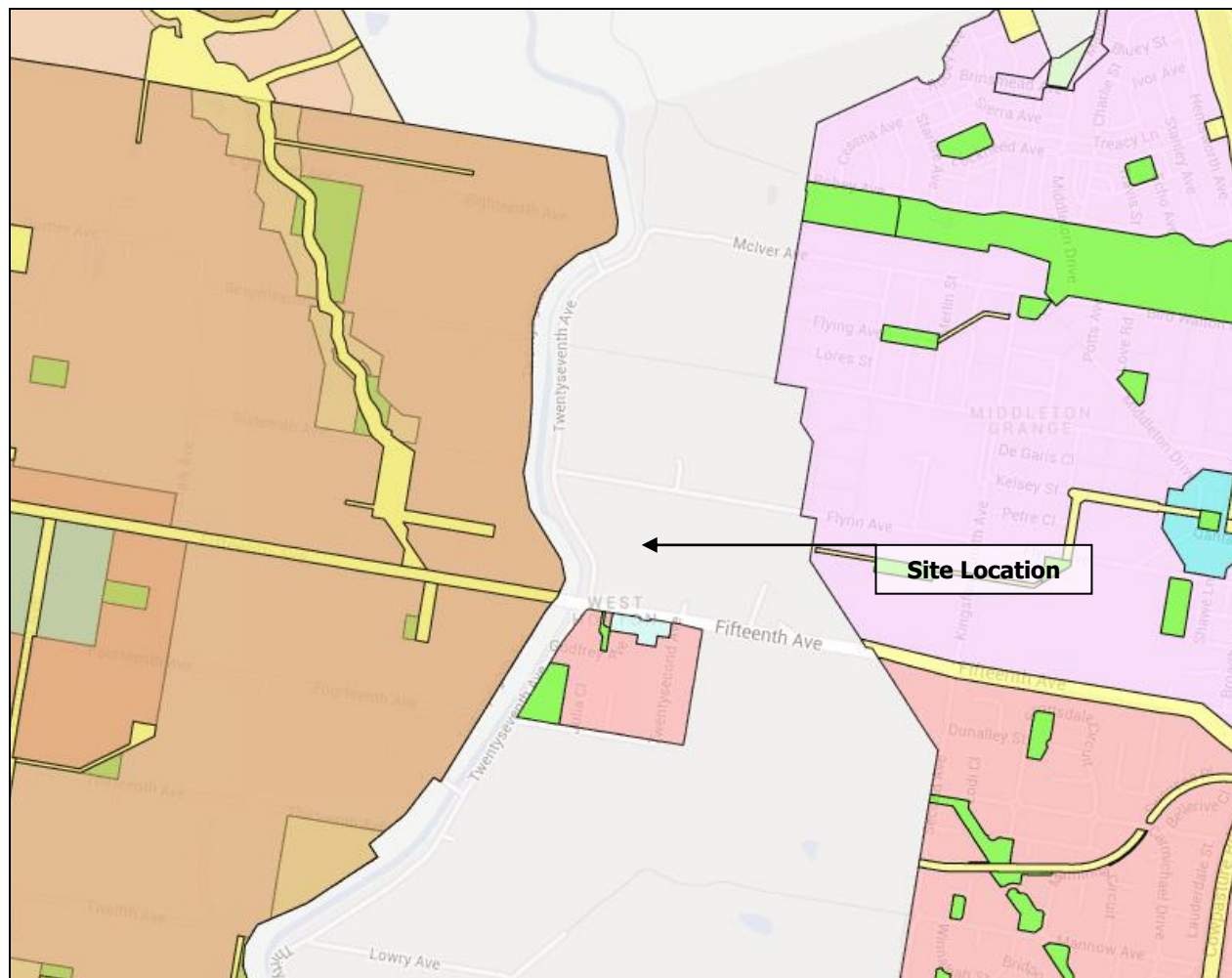


Figure 17 – Liverpool Local Environmental Plan 2008 Zoning Map (Source: Liverpool City Council, 2008)

Tree Preservation Order

A Flora & Fauna Assessment has been prepared by Lesryk Environmental (**Appendix 12**) to consider the impact of vegetation removal as a result of the development. The assessment notes that much of the land at the site is already largely cleared and contains large areas of noxious exotic weeds, either as a result of the past agricultural and rural residential land uses.

Whilst the proposal will result in the loss of trees across the site, the benefits to result from the development will enable more than adequate offsets in more valuable parts of the Western Sydney Parklands.

An Arboricultural Assessment (**Appendix 13**) has been carried out by Footprint Green which has considered 86 trees, 76 of which are located on site, 5 within the road reserve and 5 located on adjoining properties. Of these trees, 2 are to be retained, and 84 are to be removed. As found in the Arboricultural Assessment the majority of the trees to be removed are considered Low – Moderation significance (75 trees); while only 9 trees are considered High – Very High significance.

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Landfill and Clearing

The Bulk Earthwork Levels have been selected based on the proposed estate lot layout and site access while attempting to follow the surrounding levels and to allow for access and minimise retaining walls.

The earthwork cut to fill balance allows for a calculated shortfall of fill to allow for material bulking, detail excavation and services excavation. Detailed assessment of the earthworks level will be completed during detailed design stage.

Soil erosion and sediment control measures including sedimentation basins will also be provided for the development in accordance with the Soil and Water Management Plan (**Appendix 9**). Earthworks over the site will be minor and no impact on groundwater is expected as a result of these works.

Services

The Civil Engineering Report prepared by Costin Roe Consulting (**Appendix 10**) notes that given the site's location in most cases the services have existing capacity readily available, the servicing strategy is less onerous than many other State Significant Developments.

The provision of services is detailed in **Section 12** and summarised below:

Power – Endeavour Energy (EE) is the servicing authority for power adjacent to the site. There is existing High Voltage electrical infrastructure in Fifteenth Avenue.

Potable Water – Sydney Water is the servicing authority for the potable water in the suburb of West Hoxton. There is an existing potable water main adjacent to the site in Fifteenth Avenue. Costin Roe's report includes a Feasibility Letter (Appendix E of report) from Sydney Water in 2013 which confirmed that the existing main would be suitable for connection.

Sewer – Sydney Water is the servicing authority for sewage disposal in the suburb of West Hoxton. There is existing sewer infrastructure adjoining the site in Fifteenth Avenue. During discussions with Sydney Water it was noted that a proposed main (2016) will have sufficient capacity for the proposed development.

Telecommunications – Telstra is the responsible authority to provide phone services to the proposed development area. In this respect the proposed development can be adequately serviced with telecommunications. NBN is currently available at the intersection of Fifteenth Avenue and Kingsford Smith Avenue (east) and at the intersection of Flynn Avenue and De Garis Avenue (north east).

Natural Gas – Jemena is the servicing authority for gas supply adjacent the site. Existing underground natural gas reticulation is available to the site via an existing 210kPa network main located within Flynn Avenue north east of the development.

Stormwater – The property is currently undeveloped with no formal drainage located on site. The proposed stormwater system consists of a major/minor system which conveys surface water from the proposed development lots to in-ground drainage connection points to the estate infrastructure and combined water quality/ detention basin on the western boundary. Ultimate discharge from the development site is via the existing 750mm culvert system. Water quality and quantity will be managed by a combined bio-retention and detention basin located adjacent to the site discharge point. Costin Roe's report provides further discussion of the Stormwater Management Strategy (Section 7 and 8 of report).

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Subdivision

The proposed development is for a seven (7) lot commercial lease-hold estate, as well as one (1) residue lot which includes the private road reserve. The lot layout has been designed to enable flexible future development that is able to respond to environmentally sustainable development objectives in terms of:

- Building siting and orientation;
- Landscaping provision;
- On-site water stormwater harvesting;
- Access to internal road network.

The Draft Plan of Subdivision is attached as **Appendix 3**.

Acid Sulfate Soils

The Phase 1 and 2 Site Investigations prepared by Golder Associates and Douglas Partners (**Appendix 16, 17 and 18**) note that there are no published Acid Sulphate Soil (ASS) Risk Maps covering the site.

Heritage

The site is not identified by the SEPP WSP as being a heritage item or as being within a heritage conservation area. It is noted however that Browns Reserve adjoining the site (Lot 1 DP307334) has historical associations and is a local heritage listed item. The site is also adjacent to the state heritage listed Sydney Water Supply Upper Canal (Bulk Water Supply).

An Aboriginal & Archaeological Assessment (Heritage Assessment) has been prepared by Dominic Steele Consulting Archaeology and annexed as **Appendix 14**. Detailed discussion of the heritage assessment is provided in **Sections 6.17, 6.18 and 6.19**.

4.4.2 Liverpool Development Control Plan 2008

It is noted that Clause 11 of State Environmental Planning Policy (State and Regional Development) 2011 states:

Development control plans (whether made before or after the commencement of this Policy) do not apply to:

(a) State significant development

...

However, the DGRs issued by the Department of Planning and Environment require consideration of the Liverpool DCP 2008. As such, the objectives and relevant controls applicable to the proposed development have been considered.

Objectives

The objectives of this DCP is:

- a) *To provide more detailed provisions for regulating the carrying out of development.*
- b) *To protect and improve the natural environment in the City of Liverpool.*
- c) *To protect and improve the amenity of the City of Liverpool.*
- d) *To protect personal safety and to minimise the risk of damage to areas subject to environmental hazards, particularly flooding.*
- e) *To promote a high standard of urban and environmental design.*
- f) *To conserve, protect and enhance the environmental heritage of the City of Liverpool.*
- g) *To encourage a diversity of housing to meet the needs of the residents of the City of Liverpool.*
- h) *To facilitate development that is environmentally sustainable.*

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The proposed concept is considered to be consistent with the objectives of the DCP as it will not result in development which adversely impacts the natural environment, environmental heritage, or amenity of the LGA. Furthermore the proposed subdivision and early works have been designed and sited to ensure high quality and standard of urban and environmental design.

The purpose of the proposal is to provide and seek nominated building envelopes and gross floor areas for each lot. These will provide parameters for future development of the lots which will be subject to separate development applications. As such comprehensive DCP assessments will be carried out against future development applications for the site. Notwithstanding this a high level assessment/analysis of the DCP has been provided below to demonstrate the proposals ability to achieve the objectives and controls of the DCP under Stage 2 of the development.

The relevant sections (but not limited to) of the DCP which will require consideration for future development applications and development on site are as follows:

- **Part 1 – General Controls for all Development**

- 2. Landscaping and Incorporation of Existing Trees
- 4. Bushfire Risk
- 20. Carparking and Access
- 26. Outdoor Advertising and Signage

- **Part 6 – Development in Business Area**

- 4. Setbacks
- 5. Landscaped Areas and Pedestrian Areas
- 6. Building Form, Streetscape and Layout
- 7. Landscaping and Fencing
- 8. Car Parking and Access
- 9. Amenity and Environmental Impact
- 10. Site Services
- 13. Restaurants/Outdoor Cafes
- 14. Child Care Centres
- 17. Service Stations

Although application of the DCPs controls is not required under this SSD Applications, a preliminary assessment against the DCP, based off Stage 1 documentation, finds the proposed indicative site layout and future development of the site to be capable of compliance with the relevant controls and objectives of the DCP.

4.4.3 Section 94 Development Contributions Plan 2009

The purpose of the proposed works under this application is to undertake site preparation works including infrastructure provision for the future development and use of the site. Furthermore the proposal seeks concept approval and nominates gross floor areas and building envelopes for each proposed lot as shown on the indicative layout. The formal approval and construction of these buildings will be subject to future development applications for each proposed lot.

Development of the site in the future may attract Section 94 contributions which if required will be payable subject to details of future development applications. Subsequent development applications for development will generate gross floor area, through which s94 contributions may be calculated under the Liverpool City Council Development Contributions Plan 2009.

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4.4.4 Liverpool Community Strategic Plan 2021

Growing Liverpool 2021 is Liverpool Council's Community Strategic Plan, an overarching framework for the direction of the community and operations of the Council. The plan addresses seven strategic directions, being a Vibrant Prosperous City; a Liveable Safe City; a Healthy Inclusive City; a Proud Engaged City; a Natural Sustainable City; an Accessible Connected City; and a Leading Proactive Council.

One of the *Guiding Principles* of the plan is to *achieve long term economic and social security*. This includes an emphasis of the long term economic security and reliance of natural assets. The plan recognises that the financial sustainability of Council is a necessary part of economic and social security of the community. This principle is supporting by one of the plan's 10 year strategies for the city which focuses on Liverpool's business and employment opportunities and includes the following:

- *Encourage further development of a variety of employment opportunities, which provide for a range of skill levels and employment categories*
- *Facilitate economic development*
- *Support access to employment and training particularly for young people, older people, migrants and those experiencing long term unemployment*
- *Facilitate development of new tourist businesses based on local attractions and culture-in-tourism, as well as other creative industries*

The proposal is considered to be consistent with the 10 year strategy for the LGA as it will facilitate the provision of a variety of employment opportunities and economic development.

As such the proposal is believed to support the objectives and initiatives of the Liverpool Community Strategic Plan 2021 and assist in achieving these outcomes for the Liverpool LGA.

4.4.5 Western Sydney Parklands Plan of Management 2010

The Plan of Management for the Western Sydney Parklands (WSP POM) was adopted by the Minister for Western Sydney on 25 January 2011.

The development of the WSP POM has involved a broad range of consultation activities designed to gain stakeholder feedback and suggestions on the future management of the Parklands.

The initial consultation process was conducted in two stages between June and November 2010. The second stage of the consultation process coincided with public exhibition of the draft Plan between 11 October and 22 November 2010.

The POM establishes the Vision for the Western Sydney Parklands as follows:

"Western Sydney Parklands is a place for people of all backgrounds to meet, celebrate, learn, play and appreciate the environment. The Parklands will be a venue for communities to create and manage a new sustainable future on the Cumberland Plain."

The principles that underline the WSP POM are to ensure the Parklands will be:

- **enjoyable** for people of all ages, cultural groups and backgrounds;
- **sustainable** in its management, development and promotion;
- **identifiable** as Western Sydney's 'backyard', welcoming and inclusive for all;
- **educational** and provide information about sustainable park management, agriculture, recreation and a range of other activities;
- **accessible to all** — physically, economically, in terms of safety, transport and other factors;
- **viable** economically for the Trust and for those using the land; and
- **in partnership** — the above can only be achieved by working together with stakeholders and the broader community.

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The Vision and Principles have established the basis on which the proposal has been developed which will, in turn, enable the Trust to carry out its specific objectives for the 5 Key Strategic Directions as outlined in the adopted POM including:

In respect of Recreation and Parkland Infrastructure:

1. Improve access to the Parklands.
2. Create varied park spaces that encourage passive recreation.
3. Create venues and spaces that promote sport and active recreation.
4. Develop a cohesive and identifiable landscape character for the Parklands.
5. Promote the Parklands as a visitor and tourist destination.

In respect of Environment and Conservation:

1. Secure a bushland corridor along the entire length of the Parklands to improve biodiversity.
2. Maximise environment and conservation research and education opportunities.
3. Trust operations to achieve carbon neutral status.
4. Improve water quality and sustainable water use in the Parklands.
5. Encourage community involvement in the environmental restoration of the Parklands.
6. Protect and enhance the Parklands' Indigenous and Non-Indigenous cultural heritage.

In respect of Culture and Participation:

1. Maximise community awareness of the Parklands.
2. Increase community use of the Parklands.
3. Create a sense of community ownership of the Parklands.
4. Encourage children and young people to use the Parklands.
5. Reflect and respond to culturally diverse communities.
6. Promote the Parklands as a cultural venue.

In respect of Urban Farming:

1. Establish sustainable urban farming in the Parklands.
2. Promote urban farming as integral to urban futures.
3. Utilise underdeveloped land for farming in the interim prior to long term parkland development.

In respect of Parklands Development and Management:

1. Deliver sustainable management of the Parklands Trust's assets.
2. Maximise the use and community benefits of existing and new leased assets in the Parklands.
3. Develop new business opportunities to support the management and further development of the Parklands.
4. Allow for new infrastructure/utilities and achieve a balance between the recreation and aesthetic values of the Parklands and the infrastructure needs of external agencies.

The WSP POM, acknowledges that the Trust has been established as a self funded agency. To fully implement this Plan including developing facilities, programs and environmental initiatives, the Trust is developing an income stream of \$10 million per annum within the 10 year life of this Plan.

In order to achieve this goal a significant portion of income will be derived from developing long term leases for business purposes on 2 percent of its land over the long term to be able to deliver its mandate to create the largest parkland in Australia. This application is one step in achieving a business park referred to under this action.

The Trust will also supplement its income through recreation activities such as tourism, and venue and bike hire.

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Creating a sustainable business model for large scale and diverse parklands is a challenge recognised under the POM. As such, Outcomes to achieve the five Strategic Directions have been developed to guide the Trust.

The specific Outcomes giving formal basis to the proposed development are identified under the Parklands Development and Management Strategic Direction as:

"Lease up to 2 percent of the Parklands over a number of sites for business uses to generate income to manage the Parklands."

To achieve this Outcome, the WSP POM enables the Trust to undertake the following Actions:

- *Develop Business Hubs in appropriate locations in the Parklands.*
- *Establish consultative committees with Blacktown, Fairfield and Liverpool City Councils to explore locations and land uses for Business Hubs, and consult with relevant State Government agencies and others as required.*
- *Improve the Parklands income base by moving from small, short term lease assets to longer term, high-yield lease assets.*
- *Develop partnerships with government and non-government entities to encourage investment in environmental, recreational, cultural or agricultural programs.*
- *Work with lessees to increase their business opportunities and marketing profile to attract a broader range of users and enhance community reach.*

The Plan focuses on what will be delivered over the next 10 years as well as the interim land uses. Under this forecast, business hubs are nominated as having a maximum 2% land area within the Parklands in the long-term. It is important to note that the proposed commercial precinct represents only a small percentage of the total 2% available for business hub development.

The POM provides the criteria against which the Trust can select business hubs, being:

1. *Land uses should generate an appropriate commercial return and 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.*

The relatively minor area of the business hubs is demonstrated when compared against other land uses within the Parklands (**Figure 18**).

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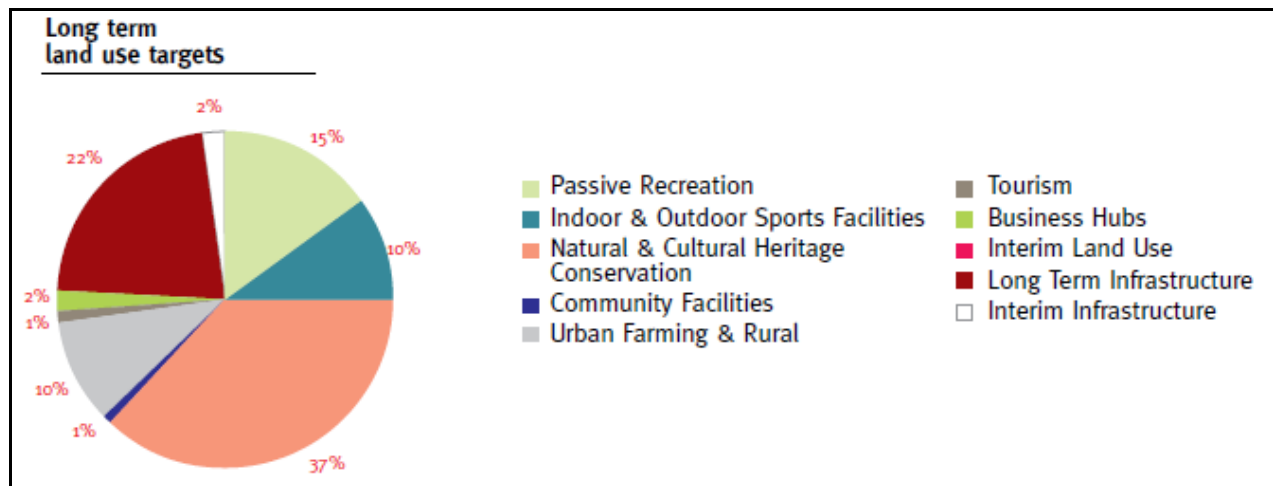


Figure 18 – Western Sydney Parklands Long-Term Land Use Breakup (Source: WSP POM, 2010)

The POM also establishes management priorities for individual precincts across the Parklands. The proposed business park will be located in Precinct 15 – West Hoxton, as shown in **Figure 19**.

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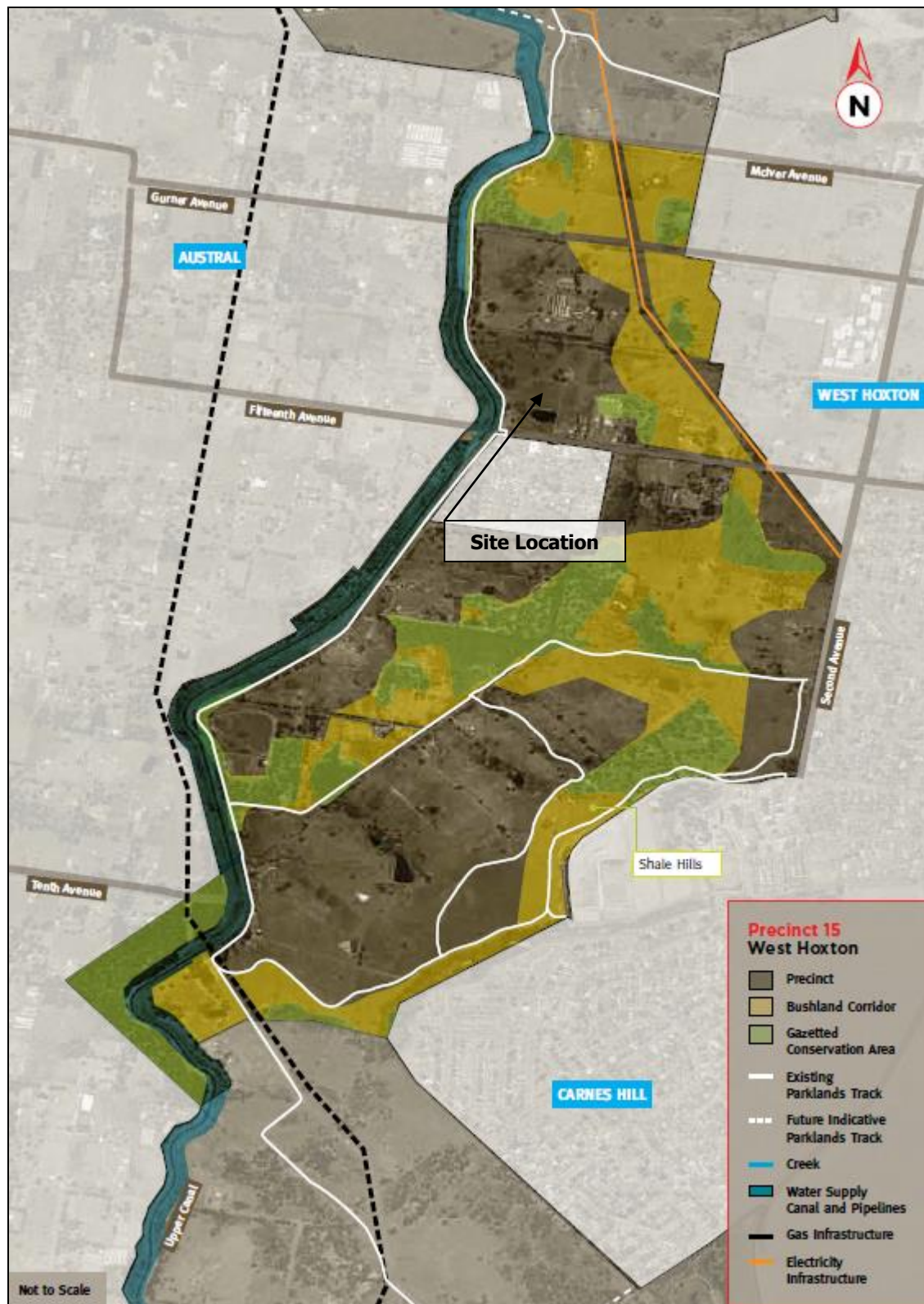


Figure 19 – Western Sydney Parklands Precinct 15 Priorities (Source: WSP POM, 2010)

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PART E CONSULTATION

In preparation of this application, the following agencies were sent project briefs:

- NSW Department of Planning and Environment
- NSW Office of Environment and Heritage
- NSW Office of Water
- Endeavour Energy
- NSW Department of Primary Industries
- NSW Environment Protection Authority
- NSW Rural Fire Service
- NSW Road and Maritime Services
- Telstra
- Transport for NSW
- Water NSW
- Sydney Water
- Liverpool City Council
- Ned Mannoun (Liverpool City Council Mayor)

A copy of these letters are provided in **Appendix 23**.

The Project Team has consulted with the following:

- NSW Department of Planning and Environment
- NSW Road and Maritime Services
- Transport for NSW
- Sydney Water
- Liverpool City Council
- Water NSW

The outcomes of these consultations is summarised below. Minutes and notes from the meeting/discussions are provided in **Appendix 23**. A number of post lodgement consultation meetings were also held with the relevant government agencies as detailed below.

Community Consultation was also carried out for the project through KJA Engagement Solutions. The actions carried out and outcomes of this process are detailed in KJA's Community Consultation Report in **Appendix 24**.

5.1 NSW DEPARTMENT OF PLANNING AND ENVIRONMENT

A meeting was held with the NSW Department of Planning and Environmental (DOP&E) on 1 June 2015. Attendees at this meeting included Ben Lusher (DOP&E); Amy Watson (DOP&E); Tim Ireson (WSPT); Suellen Fitzgerald (WSPT); Kerry Jahangir (WSPT); Matthew O'Donnell (Willowtree Planning); Thomas Cook (Willowtree Planning).

The meeting included discussion around the following:

- Details of the Project and update on the Western Sydney Parklands activities in general
- Informing the DOP&E that WSPT is in ownership of bus land;
- Anticipated lodgement dates;
- Potential for future development of the site to the north for aged care facility.
- Consultation undertaken for the Project
- Status of Technical Assessments
- Outcome of Economic Assessments

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5.2 ROADS AND MARITIME SERVICES

A meeting was held with Roads and Maritime Services on 4 March 2015. Attendees at this meeting included Gordon Trotter (RMS); Tim Ireson (WSPT); Mark Wilson (Costin Roe); Ross Nettle (TTPA).

Gordon Trotter requested that a "Pre-DA" review request is to be submitted to RMS outlining the following:

- i. Volumes at the intersection;
- ii. Mitigation factors;
- iii. Concept design detailing the intersection and future road reserve allowance setback.

Further to this meeting correspondence from Gordon Trotter confirming the *road reserve width is 40m except for near intersections where additional turning lanes increase the width.*

Post Lodgement: Following comments provided by the RMS, a meeting was held on 17 February 2016 with the RMS to discuss the matters raised post lodgement. The matters raised included: the provision of a deceleration lane; provision of traffic signals once warrants are met; and provision of 43.2m road reservation for future road widening of Fifteenth Avenue. These matters have been resolved with the RMS.

5.3 TRANSPORT FOR NSW

A meeting with Transport for NSW was held on 17 June 2014. Attendees at this meeting included Mark Ozinga (TfNSW); Vijey Susindran (TfNSW); Grant Knoetze (TfNSW); Tim Colless (WSPT); and Tim Ireson (WSPT).

TfNSW advised that the RMS would drive the planning and strategy of the Fifteenth Avenue upgrade if the road is classified as a state road. TfNSW stated that due to the uncertainty of planning and status of the classification of Fifteenth Avenue, information surrounding the project is uncertain.

5.4 WATER NSW

A meeting was held on 2 July 2015 by Water NSW. The key issues discussed at the meeting were as follows:

- Stormwater Management
- Erosion and Sediment Control
- Security Fencing
- Potential Closure of Twenty Seventh Avenue
- Heritage

5.5 SYDNEY WATER

A meeting was held with Sydney Water on 1 April 2014. Attendees at this meeting included David Demer (Sydney Water); George Leicht (Sydney Water); Julie Horne (Sydney Water); Robert Wickham (Sydney Water); and Tim Colless (WSPT).

Sydney Water advised that there appeared to be two options for waste water servicing of FABH:

- Austral System: Natural catchment to the north-west. The ridge line is on the eastern side of the FABH which may allow gravity approach into this system however requires crossing the canal. Infrastructure is yet to be constructed (target June 2016) but is proposed prior to commencement of works at FABH. A lead-in main D225 or larger from the proposed carrier to the development would be required.
- Liverpool System: Requires boring under the ridge and draining to the east. Servicing via a new D225 could be immediate but may require extension of 1km to the trunk sewer (D450) at Cowpasture Road.

Sydney Water advised that an existing D250 water main is in Fifteenth Avenue (minimum D150 is required for non-residential).

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A subsequent meeting was held with Sydney Water on 24 July 2014. Attendees at this meeting included David Demer (Sydney Water); Isabel Copeman (Sydney Water); Tim Ireson (WSPT) and Tim Colless (WSPT).

At this meeting Sydney Water advised that the Austral Precinct Pumping Station and Transfer Main were scheduled for completion in June 2016 and if WSPT's development advanced ahead of this, the lead-in main could be constructed prior to / concurrency to the transfer main. Furthermore Sydney Water advised that the lead-in main is covered within Sydney Water's Growth Servicing Plan and Sydney Water would fund 100% of lead-in and lead-out mains as per the funding policy.

Post Lodgement: Following the comments provided, a meeting was held with Sydney Water on 10 February 2016 to discuss the matters raised. These matters included the availability of water services for future growth and required upgrades past 2018. Following this meeting these matters were resolved as it was confirmed that the drinking water main augmentation on Fifteenth Avenue is due for completion this year and would allow the appropriate water servicing for the development.

5.6 LIVERPOOL CITY COUNCIL

Meetings were held with Liverpool City Council on 5 February 2014; 13 November 2014; 3 March 2015; and 28 May 2015. The main items discussed at these meetings were as follows:

- Demand studies prepared as part of the SWGC.
- Land uses that correspond with the Parklands Objectives.
- Consider the impact of retail floor space to existing / planned floor space.
- Road widening and treatment of intersection.
- Location of bus stop.
- Sewer/water infrastructure available in proximity of the site.
- Water Supply Canel being Heritage listed.
- Control of GFA, specifically for supermarkets.
- Bulk Earthworks.
- Stormwater Management and consideration of Council's Water Sensitive Urban Design policies.
- Urban Design Guidelines.
- Car parking provisions.
- Surrounding commercial centres.
- Meeting with Water NSW.

Further to these meetings, correspondence was received by Graham Matthews (Strategic Planning) on 1 June 2015, confirming acceptance of the proposed Economic Modelling provided by Hill PDA and that *there is sufficient unmet demand to justify the development of a 1,500m² supermarket at the site.*

Post Lodgement: Following comments being provided, further consultation was carried out with Liverpool City Council in relation to the location of the nominated child care centre in proximity of the heritage items to the west. Email confirming was provided on 1 March 2016 by Graham Matthews who agreed to the positioning of the nominated child care centre.

5.7 COMMUNITY CONSULTATION

KJA Engaging Solutions have been engaged to assist in developing a program of communication and consultation to fulfil the SEARs for consulting with community groups and affected landowners. As outlined in KJA's Community Consultation Report (**Appendix 24**) the following actions were carried out during this process:

- **Consultation with residents, neighbours and community groups:**
 - Doorknock and letter drop of residents and businesses within a 500m radius of the site on 5 November 2014. The aim was to engage directly with neighbours to raise awareness of the Trust's plans. (Refer attachment 1 for map of doorknock and distribution area).

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- Two community drop in sessions held at West Hoxton Community Church Hall located at 31-35 Twenty Second Avenue, West Hoxton.

Drop in session 1

Date: Thursday 13 November

Time: 5:00pm -7:00pm

Drop in session 2

Date: Saturday 15 November

Time: 10am –2:00pm

▪ **Correspondence/briefing with stakeholders including:**

- Adjacent businesses owners and landlords to explain the Trust's plans:
 - Campisi fine food and deli
 - J&C Mower Service
 - Avati Auto Repairs
 - Kids Korner Childcare - West Hoxton
 - LJ Hooker
 - West Hoxton General Store
 - West Hoxton Liquor
 - West Hoxton Post Office
 - Shine Hair

▪ **Regional business groups and peak bodies to outline economic benefits for the region:**

- Western Sydney Business Connection
- Liverpool Chamber of Commerce
- NSW Business Chamber Sydney South West region

▪ **Local Members of Parliament to provide an overview of the proposal and to outline the program of community consultation being undertaken:**

- (Federal) Member for Fowler, Chris Hayes
- (State) Member for Mulgoa, Tanya Davies
- (State) Member for Macquarie Fields Dr Andrew McDonald
- (State) Member for Liverpool, Paul Lynch

- Furthermore, KJA also engaged with those local and state government agencies as listed above.

As outlined by KJA, overall feedback received from direct engagement with the community and local businesses has been positive and indicates there is a broad level of support for the Trust's Fifteenth Avenue Business Hub proposal. The majority of people who participated in the consultation commented that the provision of local retail services in the Fifteenth Avenue Business Hub would make a positive contribution to the local area.

Further detail of the outcomes of the Community Consultation process is provided in the Community Consultation Report in **Appendix 24**.

PART F ENVIRONMENTAL ASSESSMENT

6.1 SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS

The Secretary's Environmental Assessment Requirements were received on 11 February 2015. The Key Issues include:

- Relevant EPI's, Policies and Guidelines
- Strategic Justification;
- Economic Impact
- Site Layout and Urban Design;
- Ecologically Sustainable Development;
- Traffic and Transport;
- Noise and Vibration;
- Staging;
- Utilities;
- Contributions;
- Stormwater, Flooding and Management;
- Bulk Earthworks and Waste;
- Contamination;
- Flora and Fauna;
- Heritage;
- Archaeological Impacts;

The above matters are addressed in the following sections.

6.2 RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

The relevant Environmental Planning Instruments are addressed in Part D of this EIS.

6.3 STRATEGIC JUSTIFICATION

The strategic context of the proposal is addressed in Part B and D of this EIS. Further analysis of the future commercial/retail development for the site has been provided in the Economic & Community Impact Report (**Appendix 7**) and the Retail Demand Assessment (**Appendix 8**).

6.4 ECONOMIC IMPACT

The proposed business hub will include such land uses as fast food outlets, large format retail, service station, supermarket, general retail, business, and child care centre. In the Economic & Community Impact Report (**Appendix 7**) carried out by MacroPlan Dimasi it is stated that *the main trade area population is expected to more than double by 2031, increasing from around 15,800 persons in 2014 to 32,200 persons by 2031. In particular, the primary sector population is expected to increase from 4,900 persons to 19,300 persons over this timeframe.*

MacroPlan Dimasi identifies a market demand for the proposed concept land uses as follows:

- Supermarkets: The current main trade area population generates demand for 6,200m² of supermarket floor space as at 2014, which is projected to increase to around 10,900m² by 2026. A current market gap of approximately 4,700m² is identified. In the event the proposed 1,500m² floor space supermarket and a supermarket at Middleton Grange is provided, a gap of 1,900m² would still exist in the main trade area by 2021.
- General Practitioners: Demand is expected to increase from 15-20 GPs to approximately 30-35 GPs by 2031. This would be equivalent to several additional medical centres.

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- Gym facilities: Demand is expected to more than double in the main trade area by 2031, increasing by at least two facilities.
- Service Station: The main trade area population supports approximately four facilities and population growth will drive demand for a further four facilities.
- Child Care Centres: Demand is expected to more than double over the period to 2031, increasing from 174 places to approximately 378 places over this period.

As discussed in section 2.8 of this EIS a Sequential Test has been carried out by MacroPlan Dimasi (**Appendix 7**) which examines the B1 and B2 zones precincts in the region surrounding the subject site in West Hoxton in order to identify sites that could potentially accommodate the proposed development concept. MacroPlan Dimasi have also examined future B1 and B2 zoned precincts, such as those identified in the Austral and Leppington North SWGC precincts. In summary the test finds that the subject site is most suitable for the proposed development due to its size and location being easily accessible on a major road network.

MacroPlan Dimasi acknowledges that the subject site forms a natural extension to an existing 0.8ha neighbourhood centre directly south. The proposed development would enhance the provision of retail, business and community services in this locality for surrounding residents. Estimated impacts on nearby existing centres in the main trade area i.e. Austral Town Centre, Tenth Avenue Village Centre, and Middleton Grange Town Centre are expected to be between 5 and 10%, relative to sales that would otherwise be achieved without the proposed development. However MacroPlan Dimasi states that *these centres will also benefit from the significant additional population growth in the trade area*. MacroPlan Dimasi conclude that *there is significant population growth projected in the trade area and broader surrounds which means that any potential impacts are likely to result in businesses continuing to trade well above their current trading levels, no future centres being impacted in terms of staging/scale and any impacts being dissipated very quickly*.

6.5 SITE LAYOUT AND URBAN DESIGN

The proposed concept layout and design of the business hub has been planned with consideration of the site context, physical constraints and proposed subdivision layout. The proposed siting of the conceptual land uses are considered to be located appropriately with consideration of traffic/pedestrian movements, car parking, noise impacts, open space, public domain and visual impacts.

The Indicative Site Layout Plan (**Appendix 4**) shows a roundabout intersection entry off Fifteenth Avenue and Twentysecond Avenue. This intersection will provide the main vehicular and service access to the site. The proposed commercial development will be clustered around a north/south private road stemming from the roundabout. The internal access road will provide access to the fast food and large retail to the east, to the service station, supermarket and specialty retail in the central part of the site, and the child care centre to the west, adjacent to the Kirkpatrick and Boylan Park, and associated parking.

Retail development and the main car park are located to the flatter, southern portion of the in the vicinity of the existing dam, which is to be filled. The fast food and large format retail uses are to be located on higher ground to the east of the Precinct. Stormwater detention and raingarden requirement are accommodated in the north-west corner of the site.

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Design Guidelines

LFA have prepared an Urban Design Report (**Appendix 5**) which provides a set of Design Guidelines to inform the site planning, built form and landscaping for the proposed commercial centre. The following items have been addressed in the Design Guidelines provided by LFA:

- Land Use and Floor Space;
- Architectural Character;
- Building Height;
- Sustainability;
- Service Areas & Plant;
- Setbacks;
- Building Orientation;
- Retail Square;
- Signage;
- Parking & Access;
- Landscaping;
- Hard Landscaping;
- Soft Landscaping; and
- Service Station Operation, Design and Layout.

Future Road Widening

Fifteenth Avenue has been identified as a major east-west thoroughfare (Transit Boulevard) in the Austral/Leppington North Precinct. Following consultation with Liverpool City Council and the RMS, provision has been made for the anticipated future road widening of potentially 20m of Fifteenth Avenue. The Indicative Site Plan (**Appendix 4**) provides a 20m road reservation along the southern boundary to allow for future widening.

Topography and Earthworks

The site falls generally from east to west and towards Fifteenth Avenue. The entry road from Fifteenth Avenue is set at the existing level of the intersection and Fifteenth Avenue and Twentysecond Avenue. The entry road moves across the site in a northerly direction broadly along the contours (from 90.8m at the entry to 90.2m at the northern boundary with a central low point of 89.8m).

Lots 1 and 2 to the east are both set at 90.2 - being 1.5 to 2m or more above the entry road requiring ramped access. They are also benched into the site with a retaining wall or batter to the eastern boundary.

Lot 3 and 4 are to the west of the entry road. Lot 3 is set at 90.2m, being 2.2m above Lot 5 in the west at 88.0m. Lot 4 is set at two levels of 89.80m (north part) and 90.2m (adjacent to Lot 3) and is graded uniformly down to Lot 5.

Western Retaining walls (approximately 1.5m in height but varying up to 3m) proposed to the stormwater basin and batters are used to transition to existing surrounding ground levels.

The earthworks drawings prepared by Costin Roe (**Appendix 9**), are based on a balanced approach to cut and fill with the objective to ensure suitable access for a functionality of a commercial centre. Costin Roe confirm that the site presents no geotechnical and/or topographical limitations for the proposed development and have provided an earthworks analysis (**Appendix 10**) to a level of detail to enable general pad levels to be set and to obtain an order of magnitude cut and fill volume estimate.

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Crime Prevention Through Environmental Design

Crime Prevention through Environmental Design (CPTED) aims to reduce crime and change perceptions of crime through changing the physical environment. There are four principles that need to be used in the assessment of development proposals to minimise the opportunity for crime. LFA provides an analysis of the CPTED principles (**Appendix 5**) as summarised below:

Surveillance

Surveillance opportunities for Pedestrians on Route to the site

The primary pedestrian entry point will be from along Fifteenth Avenue (from bus stops / adjacent housing areas) at Twentysecond Avenue via the main access road. Fifteenth Avenue will be the major east-west link road in the future to Austral from Liverpool and will provide high levels of surveillance due to passing traffic.

There should be a generous pedestrian pathway particularly to the west side of the entry road into the commercial uses, clear sight lines and quality lighting.

Surveillance opportunities for site visitors within the site

The main car parking area within the site is open and a good natural surveillance opportunity should be available which should be reinforced with lighting. Roof mounted CC TV could be positioned to cover 100% of the carpark. Where feasible open facades of individual premises should overlook the carpark and provide levels of natural surveillance.

Building Entry Points & Loading Areas

Main entry points to buildings should be provided with good surveillance opportunity including clear views from the carpark and from approaching pedestrian areas / walkways. Loading areas will necessarily be somewhat screened due to the nature of their use and should be well lit to discourage after hours unauthorised access.

Infrequently used Areas of the site

Any secondary carpark areas or areas of open space not actively used should be carefully considered to discourage anti-social behaviour. This could include areas to the north of development abutting the vegetated areas and broader, less intensively developed land.

Access Control

Effective access control can be achieved by creating:

- Landscapes and physical locations that channel and group pedestrians into specific areas;
- Public spaces which attract, rather than discourage people from gathering;
- Restricted access to internal areas or high risk areas (like car parks or other rarely visited areas). This is often achieved through the use of physical barriers.

Access control should be well managed and effective.

Clearly defined entries to the car park and individual premises should be achieved by the use of distinctive pavement landscaping and spatial arrangement.

Afterhours access control could be achieved by lockable gates on the vehicular access to the central car park. Access to the service station and fast food sites is likely to be 24/7.

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Terrestrial Reinforcement

Territorial reinforcement can be achieved through:

- Design that encourages people to enjoy specific access;
- Design with clear transitions and boundaries between public and private space; and
- Clear design cues on who is to use space and what it is to be used for.

The proposed development is essentially public / semi-public as a commercial centre. A hierarchy of spaces should be explored with appropriate landscaping and pavement detail.

Space Management

In the context of commercial centre development, space management is expected to be carried out in a professional manner by third party specialist shopping centre management businesses, and poor space management would not be expected to be a contributing factor to crime opportunity arising from the proposed development.

6.6 ECOLOGICAL SUSTAINABLE DEVELOPMENT

Ecologically Sustainable Development

The principles of ecologically sustainable development (ESD) as outlined in Clause 7(4) of the EPA Regulations are addressed as follows:

- *Precautionary Principle*
No unmanageable threat or irreversible damage to the environment has been identified in relation to the proposal.
- *Inter-generational Equity*
No unreasonable use of resources, affectation of environmental processes or prevention of the use of land for future generations will occur from the proposal.
- *Conservation of Biological Diversity and Ecological Integrity*
The site has been previously disturbed and does not present any significant ecological integrity. No processes, habitats or species outside the site are likely to be significantly affected by the development.
- *Improved Valuation, Pricing and Incentive Mechanisms*
The proposal seeks to implement measures to avoid, contain and address any associated waste or pollution through appropriate design and management.

Costin Roe have adopted appropriate ESD measures for the development as specified in their Civil Engineering Report in **Appendix 10**. ESD measures will comprise of the following items:

- Water Quantity Management is provided in the form of a detention basin located in the north western corner of the development site. The basin will be closely aligned with the existing 750mm RCP culvert beneath Twenty Seventh Avenue. The basin will attenuate stormwater from the 4.3 Ha development site only with upstream catchments being diverted around the basin. Sizing of the basin has been completed using DRAINS modelling software in accordance with the Liverpool City Council Policy for the 1 in 2 to 1 in 100 year ARI storm for various durations.

Costin Roe's Detention Basin Hydraulics analysis provides details for the pre and post development flows and storage for the basin. The critical storm duration for the 1 in 2 year, 1 in 20 year and 1 in 100 year ARI storms is 30 minutes and flows and storages are provided for this storm. The modelling has shown that, with the provision of a storage volume of 800m³ that stormwater flows from the development will be attenuated to predevelopment flows. Detention storage will fully

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active and will be provided as above ground basins in open space and conservation areas. The proposed detention basin meets the policy requirements of Liverpool City Council.

- Water Quality Management is provided in the form of a water quality treatment train comprising proprietary treatment via a gross pollutant trap which will remove sediments, litter, hydrocarbons and some nutrients. Final polishing of stormwater including coarse and fine sediments, nutrients and hydrocarbons will be made within the proposed bio-retention basin (rain-garden). Refer to Costin Roe's Stormwater Quality Controls.
- The future developments are proposed to implement rainwater reuse to reduce the demand on non-potable water supply for such uses as irrigation and toilet flushing. Refer to Costin Roe's Stormwater Harvesting.
- Further to the above, future Development Applications for detailed design of building will be required to incorporate building specific ESD controls as per authority requirements.

6.7 TRAFFIC AND TRANSPORT

Transport and Traffic Planning Associates (TTPA) have prepared a Traffic Impact Statement (**Appendix 21**) which addresses the relevant traffic, access and parking considerations for the site and proposal. These are outlined in the following sections.

Existing Traffic Conditions

TTPA have recognised the following existing traffic conditions at the site and its immediate surrounds:

Road Network: The existing road network servicing the site comprises:

- Westlink M7 Motorway – a State Road and privately operated Motorway.
- Hoxton Park Road – a State Road and arterial route which connects between Liverpool and West Hoxton.
- Cowpasture Road – a State Road and arterial route which connects between the Horsley Drive at Bossley Park and Camden Valley Way at Horningsea Park.
- Fifteenth Avenue – a collector route which connects between Cowpasture Road and The Northern Road at Bringelly.
- Second Avenue, Flynn Avenue and Mannow Avenue – collector roads which serve Cowpasture Road at West Hoxton and Middleton Grange.
- Twenty second Avenue, Twenty seventh Avenue and Twenty eight Avenue – local access roads, connecting to Fifteenth Avenue.

Fifteenth Avenue is currently a two lane 2 way sealed road generally with gravel shoulders and sections of kerb/gutter in the vicinity of the site particularly along the southern side where there is a section of indented parking.

Traffic Controls: The limited existing traffic controls on the road network comprise:

- the 60kmph speed restriction on Fifteenth Avenue at the site frontage and 80kmph to the west.
- the traffic signals on Cowpasture Road at the Fifteenth Avenue / Hoxton Park Road, Flynn Avenue, Mannow Avenue and M7 ramp intersections.
- the pedestrian refuge island in Fifteenth Avenue in the western part of the site frontage.
- the roundabout at the Fifteenth Avenue and Second Avenue intersection.

Traffic Conditions: The existing 2 way traffic volumes along Fifteenth Avenue at the site frontage are as follows:

- AADT: 14,000
- AM Peak: 1,300

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- PM Peak: 1,450

The operational performance of intersections in the vicinity of the site during the morning and afternoon peak periods is relative satisfactory at the present time although there is some queuing at intersections to the east. There are also significant sight distance limitations at the Twenty Second Avenue and Twenty Seventh Avenue intersections due to the crests on Fifteenth Avenue.

Transport Services: There is currently only limited public transport provision in the vicinity of Fifteenth Avenue and there is no rail link to the suburbs immediately north or south. The nearest existing train stations are at Leppington, Glenfield and Liverpool, which are serviced by the Southwest and East Hills and the Cumberland Lines.

There is an Interline Bus Services route currently operating along section of Fifteenth Avenue. This Route 855 operates between Austral, Leppington and Liverpool, via Fifteenth Avenue, Cowpasture Road and the Hume Highway with weekday services operating hourly between 06:00-10:00.

Traffic Impacts

TTPA have provided a breakdown of the anticipated traffic generation for each of the proposed nominated land uses. The total of these for Lots 1 – 5 and 7 are as follows:

- AM: 302 vtp
- PM: 362 vtp
- WEMD: 316 vtp

With the potential 7,000m² of future development on proposed Lot 6 and the residue to the north (with bulky goods retail use would indicate:

- AM: 282 vtp
- PM: 421 vtp
- WEMD: 443 vtp

TTPA conclude that *the projected traffic generation of the proposed development will be quite minor. There will also be a large component of "passing trade" (i.e. vehicles already driving along Fifteenth Avenue) particularly for the service station, fast food and convenience shopping elements and this factor could be some 60 to 70% of generation traffic.*

Fifteenth Avenue and Twentyseventh Avenue Intersection

The Costin Roe concept for a roundabout (**Appendix 9**) represents a very suitable arrangement albeit constrained by the position of the existing roadway against the southern side of the road reserve. There is no ability to achieve splays on the south-east and south-west corners and as such a larger roundabout would result in a substantial deviation for eastbound traffic. The proposal:

- maintains one through traffic lane in each direction
- incorporates left turn deceleration lanes for the turns at the roundabout and at the service station and fast food ingresses

The operational performance of the intersection with the proposed development under the projected 10 year design horizon traffic demands has been modelled using SIDRA for the "with" and "without" roundabout scenarios.

TTPA conclude that *the results indicate that the provision of a roundabout will be necessary to achieve an acceptable Level of Service irrespective of the road safety consideration and the potential development of the land to the north.*

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Future Road Widening

There are no funds available or program for the upgrading of the Fifteenth Avenue route and it could be some 10 years until this upgrade eventuates. At the same time, there is likely to be a 2 – 3 year period before the FABH development comes to fruition and the annual growth rate along Fifteenth Avenue could be 2.5% p.a. The projected traffic outcome at the Fifteenth Avenue/Twentysecond Avenue/FABH intersection in 10 years' time would be as shown on Figure 5.

The concept road plan prepared by Costin Roe identifies the future road boundary along the northern side of Fifteenth Avenue based on:

- the RMS requirements for a 40m wide reservation; and
- the set-backs and cut-offs to maintain the requirements of the future FABH access (with RMS widening).

It is envisaged that WSP will bear the costs of the provision of a roundabout control at the access intersection. It should be acknowledged that the proposed upgrade would not only be of benefit to the subject development but also to traffic movements associated with the adjoining communities to the south of the development who currently have access/sight impediments at the current intersections with Fifteenth Avenue.

Access

The accesses for the development lots will be located along the access road except for the left turn only ingresses of Fifteenth Avenue for the service station and the fast food lots. The design of these accesses will comply with the requirements of AS2890.1 and 2 and they will accommodate all vehicles requiring access to the lots including fuel tanker and delivery/service vehicles. Details of the development accesses will be subject to resolution with separate Development Applications.

Parking

TTPA have provided details of the parking provision for each lot will be subject to resolution with the individual Development Applications although these will have regard for the relevant Development Standards as follows:

| Land Use | RMS | Council |
|-----------------|---|--|
| Bulky Goods | Not Specified | 1 space per 90m ² |
| Supermarket | 1.3 spaces per 100m ² | 1 space per 20m ² |
| Child Care | 1.0 space per 300m ² | 1 space per staff members and 1 space per 10 children |
| Fast Food | 1 space per 3 seats external and internal | 1 space per 6 seats + queuing for 10 cars |
| Service Station | 5 spaces per 100m ² convenience store 6 spaces per work bay | 1 space per 20m ² convenience store + 1 space per staff + 3 spaces per work bay |

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The design provisions for car parking, accessible parking, motorcycle parking and bicycle parking will be in accordance with Council's DCP requirements and/or other relevant standards and guidelines (e.g. AS2890.1 and 6). The envisaged development outcome would indicate the following parking provision:

| Land Use | Requirement | Spaces |
|-----------------------|--|-------------------|
| Retail | 4,200m ² @ 1 per 20m ² | 210 spaces |
| Child Care (80 kids) | | 15 spaces |
| Fast Food | 90 seats @ 1 per 3 seats | 30 spaces |
| Service Station | 250m ² @ 1 per 20m ² | 13 spaces |
| Large Format Hardware | 7,000m ² @ 1 per 90m ² | 78 spaces |
| Total | | 346 spaces |

TTPA conclude that *it is apparent that this quantum of car parking can be readily provided with the envisaged development.*

Public Transport and Pedestrian Movements

A pedestrian pathway will be provided along the site frontage linking with the pedestrian refuge on Fifteenth Avenue, the bus stop, the pedestrian refuge on the access road and the development elements. There will be a network of pedestrian paths through the hub linking the various elements and providing access for the parklands to the north.

A bus bay will be provided near the existing pedestrian refuge and this will be supplemented with a bus shelter seating and lighting. Bicycle facilities will be provided in each development element in compliance with the requirements of Council's DCP.

Travel Plan

A Draft Travel Plan is provided in Appendix B and an example Transport Access Guide is provided in Appendix C of **Appendix 21**.

6.8 NOISE AND VIBRATION

A Noise Impact Assessment (**Appendix 22**) has been carried out by Acoustic Logic which considers the following noise and vibration generating sources during construction and on-going operation:

Car Park Noise

Operational noise levels are predicted at the nearest residences (to the south of the site, on the far side of Fifteenth Street). The vehicle noise impact assessment finds the following:

- Noise Source: Vehicles manoeuvring, driving to/from the site.
- Noise Receiver Location: Fifteenth Avenue residents/
- Predicted Noise Level: 45dB(A)_{Leq}.
- Complies with day time and evening goals (59dB(A) and 45dB(A) respectively.

Operational noise levels are predicted at the nearest residences (to the south of the site, on the far side of Fifteenth Street). Acoustic Logic concludes that *noise emissions from the car park are compliant with Industrial Noise Policy requirements.*

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Loading Docks

The loading docks are proposed to be located as follows:

- A loading dock serving the supermarket is proposed to be located towards the northern boundary of the site (the Northern Loading Dock).
- A loading dock serving the large format retail is proposed to be located towards the eastern boundary of the site (the Eastern Loading Dock).

The loading dock noise impact assessment finds the following:

- Noise Source: Truck driving to Northern Loading Dock.
- Noise Receiver Location: Fifteenth Avenue residents.
- Predicted Noise Level: 43dB(A)_{L_{eq}}.
- Complies with day time and evening goals (50dB(A) and 45dB(A) respectively).
- Noise Source: Truck driving to Northern Loading Dock and manual handling noise.
- Noise Receiver Location: Residents to the north.
- Predicted Noise Level: 35dB(A)_{L_{eq}}.
- Complies with day time and evening goals (50dB(A) and 45dB(A) respectively).
- Noise Source: Driving to Eastern Loading Dock and manual handling noise.
- Noise Receiver Location: Residents to the north.
- Predicted Noise Level: 42dB(A)_{L_{eq}}.
- Complies with day time and evening goals (50dB(A) and 45dB(A) respectively).

Noise from both manual handling in the loading dock, and the noise created by the truck as it enters/leaves the site are assessed. Acoustic Logic concludes that *operational noise levels are predicted at the nearest residences (to the south of the site).*

Noise Generated by Additional Traffic on Public Roads

Predicted noise levels are as follows:

- Noise Receiver Location: Fifteenth Avenue residents.
- Predicted Noise Level: 59dB(A)_{L_{eq}}.
- Complies with (60dB(A) criteria).

Noise emissions are predicted at the building facade of the residences on Fifteenth Ave and compared against the acoustic criteria set out in section 5.4 of the Noise Impact Assessment. Acoustic Logic concludes that *noise as a result of additional traffic generation is compliant with the EPA Road Noise Policy.*

Transient Noise Events

The sleep arousal assessment find the following:

- Noise Source: Car engine at Fifteenth Avenue.
- Noise Receiver Location: Window of residential properties on Fifteenth Avenue.
- Predicted Noise Level: 42dB(A)_{L₁}.
- Emergence Test Level: 47dB(A)₁.
- Complies.
- Noise Source: Car door close/car start.
- Noise Receiver Location: Window of residential properties on Fifteenth Avenue.
- Predicted Noise Level: 52dB(A)_{L₁}.

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- Emergence Test Level: 47dB(A)_{L1}.
- Exceed BG+15 test.

Noise emissions as from a car door slam at the southernmost parking space is predicted to be more than 15dB(A) above the background noise level. A more detailed analysis of the probability of sleep disturbance is therefore warranted, as discussed below.

- Although the external noise level of 52dB(A)_{L1} exceeds the “background+15dB(A)” emergence test, EPA Sleep disturbance guidelines allow for a second stage of the sleep disturbance test to be undertaken, in which the actual noise level in the bedroom/living room is analysed.
- In this case, assuming that the bedroom/living room window is left open, the noise level within the residence during door slam noise event is predicted to be 42dB(A)_{L1}.
- In this regard we note that the EPA Road Noise Policy states that “maximum internal noise levels below 50-55dB(A) are unlikely to awaken people from sleep”. The predicted noise level is well below this 50-55dB(A) target for the noise level inside the residence.

Acoustic Logic concludes that *on this basis, use of the car park and vehicle movements to and from the site after 10pm is capable of being complaint with EPA sleep disturbance guidelines.*

Child Care Centre

Predicted noise levels are as follows:

- Noise Source: Outdoor play area.
- Noise Receiver Residents to the west of the play area.
- Predicted Noise Level: <40dB(A)_{L1}.
- Noise Emission Objectives: 55dB(A).
- Complies with daytime criteria.
- Noise Source: Outdoor play area.
- Noise Receiver Residents to the south of the play area.
- Predicted Noise Level: 47dB(A)_{L1}.
- Noise Emission Objectives: 55dB(A).
- Complies with daytime criteria.

Acoustic Logic concludes that *noise emissions for a child care centre are capable of meeting typically adopted noise emission requirements.*

Construction Noise

With respect to general construction noise, the impacts on nearby development will be dependent on the activity in question and where on the site the activity is undertaken. Excavation and piling works tend to be the loudest typical construction activity. Work close to the southern and eastern boundaries will have greatest potential impact on residential dwellings. However, a highly detailed acoustic assessment of individual activities cannot be undertaken prior to knowing the activities/construction methods proposed, and their duration and location.

Based on initial analysis Acoustic Logic has provided an overview of potential impacts from the construction stage of the development and associated recommendations (section 6.7).

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Construction Vibration

Excavation, earth retention and civil works are the primary vibration generating activities. Given the distance between the site and the nearest residential buildings, it is unlikely that construction vibration will exceed EPA guidelines (for amenity) and highly unlikely to approach vibration levels with the potential to cause building damage.

Notwithstanding the above Acoustic Logic has provided an overview of potential impacts from the construction stage of the development and associated recommendations (section 6.7).

Mitigation Measures

Acoustic Logic recommends the following to ensure ongoing compliance with EPA requirements:

- In the event that any building (food, retail outlet or the service station) is proposed to be used before 7am or after 10pm, an acoustic report should be included in any development application for use of the tenancy. The acoustic report should address, at a minimum, the acoustic impact associated with late night truck movements and (if relevant) use of any drive through food service if located near the site boundary.
- Loading docks (including waste removal) not to be used before 7am or after 10pm.
- Detailed acoustic review of all external plant items should be undertaken following equipment selection and duct layout design.
- Following a development of a construction program for the site (when equipment selections and activity duration is known) a detailed assessment of construction noise is to be undertaken to determine whether any further management of construction activities is warranted in order to mitigate acoustic impacts to nearby residences.

Following analysis of typical operational noise (vehicle, loading dock, equipment, child care centre) Acoustic Logic concludes that *the site is capable of complying with relevant noise emission criteria*.

Acoustic Logic recommends that at construction certificate state, detailed acoustic review of mechanical plant should be undertaken once design is further progressed. Furthermore it is advised that detailed noise management practices should be implemented for the control of construction noise

6.9 STAGING

The proposed staging of the development is detailed in Part C of this EIS.

Due to the size and layout of the site, staging is essentially not applicable and it is likely the site may be developed in one line. Should the development be constructed in piecemeal fashion, the future Development Applications will need to provide details on any staging and access considerations.

6.10 UTILITIES

The required utilities and infrastructure for the proposal and consultation with relevant agencies is detailed in Part C of this EIS.

Costin Roe's Civil Engineering Report (**Appendix 10**) outlines their engagement with the relevant agencies as well as applicable management plans to be incorporated for the development.

6.11 CONTRIBUTIONS

Development Contributions for the proposal have been addressed in Part D (section 4.4.3) of this EIS. As outlined previously given the proposal is for conceptual approval only, Section 94 contributions do not apply under this SSD Application (Stage 1) and will be subject to future development applications (under Stage 2) which generate formal gross floor area which will be used for the calculation of the contributions.

6.12 STORMWATER, FLOODING AND MANAGEMENT

Costin Roe's Civil Engineering Report (**Appendix 10**) provides a detailed analysis of stormwater runoff for the site and all adjacent areas as well as external catchments and flooding. Detailed Stormwater Management Plans have also been prepared by Costin Roe and provided in **Appendix 10**.

The report provides a stormwater quantity and quality management strategy to reduce both peak flows and pollutant loads in stormwater leaving this site. The stormwater management for the development has been designed in accordance with Liverpool City Council's Part 1 of DCP2008.

The hydrological assessment proves local post development flows from the site will be less than pre-development flows and demonstrates that the site discharge would not adversely affect any land, drainage system or watercourse as a result of the development. A stormwater detention basin comprising active storage of 800m³ is proposed to attenuate developed stormwater flows to pre-developed flows.

During the construction phase, a Sediment and Erosion Control Plan will be in place to ensure the downstream drainage system and receiving waters are protected from sediment laden runoff.

During the operational phase of the development, a treatment train incorporating the use Stormwater Treatment Measures (STM's) comprising a proprietary vortech style gross pollutant trap and a bio-retention basin system have been proposed to mitigate the increase in stormwater pollutant loads generated by the development. MUSIC modelling results indicate that the proposed STM are effective in reducing pollutant loads from the stormwater discharging from the site and that the provided treatment meet the requirements of Council's pollution reduction targets. Best management practices have been applied to the development to ensure that the quality of stormwater runoff is not detrimental to the receiving environment.

Costin Roe outline components of the treatment train for the development are as follows:

- Primary treatment to the development is to be performed via the provision of a proprietary vortech style GPT. Acceptable solutions for this would be Rocla CDS, Humeceptor or Stormwater360 Vortech. Pre-treatment of stormwater will assist in mitigating the potential for early onset sedimentation of the bio-retention system;
- Tertiary treatment is to be performed via a 300 m² bio-retention system. The proposed bio-retention system;
- It is noted that stormwater from the upstream catchments will bypass treatment systems and undeveloped areas are not included in the modelling; and
- A portion of the future building roof will also provide a level of treatment via rainwater reuse and settlement within the rainwater tank. Given however that building layouts are not yet defined, allowance for rainwater tank within the model has not been made.

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6.13 BULK EARTHWORKS AND WASTE

Bulk and detailed earthworks across the site, and some retaining structures, to create level building pads for development and for estate infrastructure and services will be undertaken. The earthworks volume estimates as provided by Costin Roe Consulting (**Appendix 10**) are as follows:

| | |
|-------------------------|--|
| ▪ Cut | - 30,800m ³ |
| ▪ Detailed Ex./Services | - 4,300m ³ |
| ▪ <u>Fill</u> | <u>+ 53,500m³</u> |
| ▪ Balance | + 18,400m ³ (<i>Import</i>) |

Soil erosion and sediment control measures including sedimentation basins will also be provided for the development. A Soil and Water Management Plans has been prepared by Costin Roe Consulting in **Appendix 10**. Costin Roe outlined that *earthworks over the site will be minor and no impact on groundwater is expected as a result of these works.*

The appropriate waste management procedures will also be carried out. Costin Roe outline that *acceptable bind will be provided for any concrete and mortar slurries, paints, acid washings, lightweight waste materials and litter. Clearance services are to be provided by the respective contractors at least weekly.*

6.14 CONTAMINATION

Potential contamination within the site and applicable mitigations measures have been addressed in Part D of this EIS (section 4.2.14) in accordance with SEPP No. 55. These requirements have been addressed in the Preliminary Environmental Assessment (**Appendix 16 and 17**) carried out by Golder Associates and the Detailed Site Investigation (**Appendix 18**) carried out by Douglas Partners.

6.15 FLORA AND FAUNA

Potential ecological impacts resulting from the proposal have been addressed in Part D of this EIS (sections 4.1.1 and 4.2.7) in accordance with the Environment Protection and Biodiversity Conservation Act 1999 and Threatened Species Conservation Act 1995.

A full assessment of the existing ecological species and potential impacts of the proposal is provided in the Flora and Fauna Assessment (**Appendix 12**) provided by Lesryk Environmental. Lesryk Environmental have carried out their assessment against the relevant guidelines under the Act (DE 2013a) which have been used to determine whether the proposed development has will have, or is likely to have significant impact on these matters of national environmental significance.

One critically endangered ecological community, Cumberland Plain Woodland, and three vulnerable animals, the Greyheaded Flying-fox, Eastern Bentwing Bat and Little Eagle, listed under this Act had been recorded.

Whilst targeted, but not recorded, potential habitat was recorded for four state listed vulnerable microchiropterans, these being Eastern Falsistrelle, Large-footed Myotis, Greater Broad-nosed Bat, East-coast Freetail Bat.

Whilst no plants listed under the Schedules to either of the Acts were recorded during the field survey, potential habitat for the state and national listed plant, the endangered Spiked Riceflower, was recorded.

Lesryk conclude that *the proposed development of the subject site is not considered to have a significant impact on the long-term viability of the Cattle Egret, Greyheaded Flying-fox, Cumberland Plain Woodland community, Eastern Bentwing Bat, Little Eagle, or any potentially occurring Spiked Rice-flower or hollow dependent microchiropteran individuals or populations.*

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Lesryk Environmental have carried out their assessment against the relevant guidelines under the Act (DE 2013a) which have been used to determine whether the proposed development has will have, or is likely to have significant impact on these matters of national environmental significance.

An Arboricultural Assessment (**Appendix 13**) has been carried out by Footprint Green which has considered 86 trees, 76 of which are located on site, 5 within the road reserve and 5 located on adjoining properties. Of these trees, 2 are to be retained, and 84 are to be removed. As found in the Arboricultural Assessment the majority of the trees to be removed are considered Low – Moderation significance (75 trees); while only 9 trees are considered High – Very High significance.

6.16 HERTIAGE

An Aboriginal & Archaeological Assessment (**Appendix 14**) has been prepared by Dominic Steele Consulting which assesses the potential impact of the development on surrounding heritage significant items including the Kirkpatrick-Boyland Park and Sydney Water Channel. This assessment has been carried out in accordance with the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (2005)* and *Aboriginal Cultural Heritage Consultation Requirements for proponents (DECCW, 2010)*.

Aboriginal Heritage Items

As detailed in Dominic Steele Consulting assessment, the proposal's potential Aboriginal archaeological resource has limited opportunities to contribute important information other than that useful to increasing our general understanding of broad patterns in the past Aboriginal use and occupation of the local landscape. The site is however in an area where potential archaeological survival has been significantly impacted by a long land use history of clearing, farming, building, and land improvement including dam excavation and drainage provision, and the potential for in situ archaeological features or deposits would appear to be limited due to the extensive levels of disturbances that are presently evident across virtually all areas of the property. This factor, combined with the shallow and reworked soils, would suggest that the potential subsurface profiles with any archaeology on the site will have minimal or no stratigraphic integrity with as a result limited archaeological research value and as such no perceivable (archaeological) conservation value.

European Heritage Items

The first of two of the closest heritage item(s) is the Sydney Water Supply Canal that is situated to the west of the Twentyseventh Avenue site boundary and listed on the SHR, and the second is Boyland-Kirkpatrick Park which contains two memorial stones commemorating the WW1 deaths of Harry Boyland and Samuel Kirkpatrick that were erected by local families in the small reserve which adjoins the FABH site immediately to the west and is an item of local heritage significance listed on Liverpool LEP.

There is no historic evidence to suggest construction and maintenance workers that were for a time housed in cottages in various other spots along the Canal were likewise housed by the Water Board in the 1880s within the vicinity of Fifteenth Avenue. The commemorative headstones and their setting in Boyland-Kirkpatrick Park will not be directly affected by the proposal.

Dominic Steele Consulting conclude that *the site redevelopment proposal overall is unlikely to have an adverse impact upon the European archaeological heritage values of the place and that no European archaeological constraints are apparent that would restrict the proposal proceeding as planned.*

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6.17 ARCHAEOLOGICAL IMPACTS

The Aboriginal & Archaeological Assessment (**Appendix 14**) prepared by Dominic Steele Consulting identifies the potential Aboriginal and European archaeological impacts associated with the development and provides appropriate management recommendations. These recommendations are as follows:

The FABH proposal should proceed as planned but with caution and appropriate heritage due diligence should Aboriginal objects or 'relics' be exposed during future site works that will require works in the vicinity to cease while arrangements are made with the OEH, project RAP's and Heritage Branch to record and manage the find(s) subject to what they comprise.

A photographic record of the (interior and exterior) weatherboard house within the former bus depot and garage at 185 Fifteenth Avenue should be undertaken prior to demolition.

One copy of this report should be forwarded to:

Ms Miranda Firman
Manager Planning & Heritage Section
Metropolitan Branch
NSW Office of Environment and Heritage
PO Box 668
PARRAMATTA, NSW, 2124

One copy of this report should be forwarded to:

Ms Katrina Stankowski
NSW Heritage Branch
Office of Environment and Heritage
Department of Premier and Cabinet
Locked Bag 5020
PARRAMATTA, NSW, 2124

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PART G STATEMENT OF COMMITMENTS

by Western Sydney Parklands Trust
in relation to West Hoxton Commercial Precinct
at 185 & 195 Fifteenth Avenue, West Hoxton

The Western Sydney Parklands Trust (the Trust) will undertake the proposed West Hoxton Commercial Precinct development in accordance with the following commitments:

The following defines some of the terms and abbreviations used in the Statement of Commitments:

| | |
|------------------|---|
| Approval | The Minister's approval to the Project |
| BCA | Building Code of Australia |
| Council | Liverpool City Council |
| Department | Department of Planning and Environment |
| Director-General | Director-General of the Department (or delegate) |
| EIS | Environmental Impact Statement |
| EP&A Act | <i>Environmental Planning and Assessment Act 1979</i> |
| OEH | Office of Environment and Heritage |
| Project | The development as described in the EIS |
| Site | Land to which the project application applies |
| WorkCover | NSW WorkCover |

ADMINISTRATIVE COMMITMENTS

Commitment to Minimise Harm to the Environment

1. WSPT will implement all reasonable and feasible measures to prevent and/or minimise any harm to the environment that may result from the construction or operation of the project. These include (but are not limited to) mitigation measures recommended by Lesryk Environmental including:
 - Any hollow-bearing trees to be retained should be identified and clearly marked by a qualified independent ecologist prior to the undertaking of any clearing works.
 - Sewer and powerline easements should be sighted to ensure that root damage to any of the retained trees does not occur.
 - Should any hollow-bearing trees be removed, with Council's approval, to offset the loss of these plants, specifically designed nesting (roosting) boxes should be erected on either those retained trees within the subject site, or purpose built poles.
 - The hollows within the lowered trees, or sections of trees, shall be searched by an ecologist. Any roosting bats shall be removed and, if uninjured, released in to a roosting box upon dusk. Injured bats should be transferred to a wildlife carer and released on site when re-habilitated.
 - Any other sheltering animals should be released in the stand of Cumberland Plain Woodland present within the retained conservation area. Any injured wildlife should be transferred to a wildlife carer.
 - Landscape works undertaken post-development should include a suite of locally occurring native species commensurate with the Cumberland Plain Woodland ecological community.
 - To enhance the potential habitat for the endangered Spiked Rice-flower, the retained conservation area should be managed for weeds and perennial grasses by a qualified Bush Regeneration firm. In addition, any open spaces within this area that are not showing signs of natural regeneration should be revegetated.

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- The roadside verges of Twentyseventh Avenue and Flynn Avenue that border the proposed conservation area should also be continually managed for weeds.
- Due to the potential for both native (e.g. eels) and exotic fish to be present in the two dams, these should be drained appropriately in accordance with Lesryk's recommendations.

Occupation Certificate

2. WSPT will ensure a staged Interim and Final Occupation Certificate is obtained prior to the occupation of both Stage 1 and Stage 2 development.

Terms of Approval

3. WSPT will carry out the project generally in accordance with the:
 - a) Environmental Impact Statement;
 - b) Drawings prepared by LFA and Costin Roe
 - c) Management and Mitigation Measures;
 - d) Any Conditions of Approval.
4. If there is any inconsistency between the above, the Conditions of Approval shall prevail to the extent of the inconsistency.
5. WSPT will ensure compliance with any reasonable requirement/s of the Secretary-General of the Department of Planning and Environment arising from the Department's assessment of:
 - a) Any reports, plans, programs, strategies or correspondence that are submitted in accordance with this Approval; and
 - b) The implementation of any recommended actions or measures contained in reports, plans, programs, strategies or correspondence submitted by the Project Team as part of the application for Approval.

Structural Adequacy

6. WSPT will ensure that all new buildings and structures on the site are constructed in accordance with the relevant requirements of the BCA. This commitment is applicable for all future Development Applications which include the construction of buildings on site.

Operation of Plant and Equipment

7. WSPT will ensure that all plant and equipment used on site is maintained and operated in proper and efficient manner, and in accordance with relevant Australian Standards.

SPECIFIC ENVIRONMENTAL COMMITMENTS

Noise

8. Construction on the site will only be undertaken in accordance with EPA requirements between 7am and 6pm Monday to Friday, and 7am and 1pm on Saturdays. No construction will be allowed on site on Sundays or public holidays. Furthermore the following recommendations were provided by Acoustic Logic:
 - In the event that any building (food, retail outlet or the service station) is proposed to be used before 7am or after 10pm, an acoustic report should be included in any development application for use of the tenancy. The acoustic report should address, at a minimum,

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the acoustic impact associated with late night truck movements and (if relevant) use of any drive through food service if located near the site boundary.

- Loading docks (including waste removal) not to be used before 7am or after 10pm.
- Detailed acoustic review of all external plant items should be undertaken following equipment selection and duct layout design.
- Following a development of a construction program for the site (when equipment selections and activity duration is known) a detailed assessment of construction noise is to be undertaken to determine whether any further management of construction activities is warranted in order to mitigate acoustic impacts to nearby residences.

Air

Construction Traffic

9. During construction:

- a) all trucks entering or leaving the site with loads have their loads covered;
- b) trucks associated with the project do not track dirt onto the public road network; and
- c) the public roads used by these trucks are kept clean.

Dust Management

- 10. During the construction phase of the project, all reasonable and feasible measures to minimise the dust generated by the project.
- 11. To reduce the environmental nuisance of dust generation, the Trade Contractor's and site staff should implement the following measures:
 - In the event of dust levels on site becoming a nuisance or unacceptable, introduce controls such as ground watering.
 - Cover trucks transporting material from the site immediately after loading to prevent wind-blown dust
 - Where or whenever necessary, erect appropriate barriers to control dust generated as a result of construction-associated works.

Waste Management

- 12. To increase the environmental benefits of reducing waste, the following measures should be undertaken by the Contractor and site staff:
 - Separate waste generated during the construction process into the appropriate recycling containers / bins provided.
 - Return unnecessary and/or unwanted packaging back to the supplier so as they become aware that such packaging is not required.
 - Promote participation in local and state authority waste reduction policies.
- 13. WSPT will ensure that all waste generated on site during operation is classified in accordance with the Office of Environmental and Heritage's *Waste Classification Guidelines: Part 1 Classifying Waste* and disposed of to a facility that may lawfully accept the waste.

PART H PROJECT JUSTIFICATION

The proposal is considered to be justified in the context of environmental, social and economic terms and is compatible with the locality in which it is proposed.

This application is lodged on the basis of:

Supporting State, Regional and Local planning objectives

The proposal is consistent with the objectives, provisions and strategies outlined within the *A Plan for Growing Sydney*, the *Draft South West Subregional Strategy*, and *State Environmental Planning Policy (Western Sydney Parklands) 2009*.

Appropriate use of an approved site

The proposal will contribute to the growth of important commercial land uses for the region. The strengthening of this sector is important strategy for the economic welfare of Western Sydney as a region as well as NSW. The development complements significant government investment in infrastructure and results in employment generating development.

Environmental impacts have been minimised

Specialist consultants have assessed the risks and determined that the development can be undertaken with minimal environmental impacts. No significant risk to the locality is to result from the proposal.

Compatibility with surrounding development

The proposed use is compatible with existing uses on the subject site and surrounding lands. The investigations undertaken as part of this application conclude that no significant cumulative impact is to occur from the proposed use of commercial purposes.

Ecologically Sustainable Development

The principles of ecologically sustainable development as outlined in Clause 7(4) of the EP&A Regulations are addressed as follows:

- *Precautionary Principle*
No unmanageable threat or irreversible damage to the environment has been identified in relation to the proposal.
- *Inter-generational Equity*
No unreasonable use of resources, affectation of environmental processes or prevention of the use of land for future generations will occur from the proposal.
- *Conservation of Biological Diversity and Ecological Integrity*
The site has been previously disturbed and does not present any significant ecological integrity.

No processes, habitats or species outside the site are likely to be significantly affected by the development.
- *Improved Valuation, Pricing and Incentive Mechanisms*
The proposal seeks to implement measures to avoid, contain and address any associated waste or pollution through appropriate design and management.

Environmental Impact Statement

SSD 6407 – Staged Commercial Precinct
185 & 195 Fifteenth Avenue, West Hoxton

PART I CONCLUSION

The proposed business hub is defined as State Significant Development pursuant to Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011*.

The provisions *State Environmental Planning Policy (Western Sydney Parklands) 2009* permit the proposed development as 'innominate development' pursuant to clause 11(2).

No unacceptable impacts are anticipated to result from the construction or operational phases of the proposal given its context in a developing area that has been identified for the intended activities. The proposal is also suitably separated from residential areas and is serviced by adequate infrastructure, including a capable road network.

The proposal is consistent with the document entitled *NSW 2021: A Plan to Make NSW Number One* as well as *A Plan for Growing Sydney* by allowing an existing business to develop and expand (within NSW) and creating employment opportunities in a site earmarked for such development. The proposed development is also consistent with the legislative and policy framework for the local and regional area.

Based on the findings of this EIS, the proposal supports the continued development of jobs in Western Sydney and contributes to the retention and growth of commercial land uses. The proposal is suitable for the local context and is appropriate based on social, cultural, economic and environmental considerations.

As such, it is recommended that the proposal be supported by the Department of Planning and Environment.