



## STATE SIGNIFICANT DEVELOPMENT ASSESSMENT REPORT:

**Fifteenth Avenue Commercial Precinct  
185 and 195 Fifteenth Avenue, West Hoxton**

**SSD 6407**



Environmental Assessment Report  
Section 89H of the *Environmental Planning and  
Assessment Act 1979*

October 2016

## ABBREVIATIONS

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Applicant	Western Sydney Parklands Trust
CIV	Capital Investment Value
Local Government Area	Liverpool City Council
Department	Department of Planning and Environment
EIS	Environmental Impact Statement – SSD 6407, dated October 2015
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	Environmental Planning Instrument
Minister	Minister for Planning
NOW	NSW Office of Water
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions – SSD 6407, dated July 2016
SEARs	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
Secretary	Secretary of the Department of Planning and Environment
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State significant development
TfNSW	Transport for New South Wales

Cover Image – Proposed Concept Plan (Source: Applicant's RtS)

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## EXECUTIVE SUMMARY

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This report assesses a State significant development (SSD) application submitted by the Western Sydney Parklands Trust (the applicant). The application seeks approval for a concept proposal and Stage 1 early works and subdivision for the Fifteenth Avenue Commercial Precinct, which is a new retail centre in the Western Sydney Parklands (the Parklands) at 185 and 195 Fifteenth Avenue, West Hoxton (the site).

The proposal is classified as SSD because it is development with a capital investment value in excess of \$10 million on land within the Parklands pursuant to Schedule 2 Clause 5 of *State Environmental Planning Policy (State and Regional Development) 2011*. The Minister for Planning is the consent authority.

The Department publicly exhibited the application from 29 October 2015 to 27 November 2015, and received eight submissions from public authorities and six submissions from the general public. None of the public authorities, including Liverpool City Council (Council) objected to the proposal. Key issues raised in the submissions relate to traffic and access, infrastructure upgrades, economic impacts and environmental issues.

The Department has assessed the merits of the proposal and considers the key issues associated with the project to be the strategic justification for a new retail centre within the Parklands; the economic impact on nearby retail centres; traffic and access and built form.

The subject site is one of nine business hubs identified to provide a revenue base to fund the on-going management and improvement of the recreation and sporting facilities in the Parklands as set out in the *Western Sydney Parklands Plan of Management 2020*. This outcome is supported by the Department of Planning and Environment's key metropolitan policies in a *Plan for Growing Sydney*. The proposed development forms an extension to an existing neighbourhood centre and is strategically positioned between two significant residential growth areas within the South West Growth Centre (SWGC) and the Liverpool LGA. Fifteenth Avenue is also identified as a future transport corridor in the SWGC, and will be investigated for a Bus Rapid Transit route as residential development establishes in the surrounding precincts. The proposal would cater for the convenience retail needs of the growing local population and also include retail service uses to complement the function of the future transport corridor along Fifteenth Avenue. The Department therefore considers there is sufficient strategic justification for the proposal.

The proposal is also adequately justified based on forecast population growth and the demand for retail floor space. The comparable existing centres in the locality lack sufficient available land to accommodate the proposal and are accessed by local roads making them unsuitable due to a lack of passing trade required to support a retail service centre. The initial trading impacts on nearby local centres would reduce over time as the population and retail expenditure increases in the main trade area surrounding the site. The Department is satisfied that the introduction of a new retail centre would not impact on nearby local centres to an extent that threatens their viability.

The Department has considered the traffic, infrastructure upgrades, pedestrian connectivity, built form and environmental aspects of the proposal and is satisfied that impacts have been addressed within the application and the Department's recommended conditions of consent.

The Department is satisfied that the proposal would contribute to the long term economic and environmental sustainability of the Parklands to meet the recreational needs of the growing population and provide valuable regional open space for new communities expected in Western Sydney.

The Department concludes the proposal would be in the public interest and recommends that the SSD application be approved, subject to conditions.

# 1. BACKGROUND

## 1.1 Introduction

This report assesses a State significant development application (SSD 6407) submitted by the Western Sydney Parklands Trust (the applicant). The application seeks concept approval and Stage 1 early works and subdivision for the Fifteenth Avenue Commercial Precinct, which is a new retail precinct in the Western Sydney Parklands (the Parklands) at 185 and 195 Fifteenth Avenue, West Hoxton (the site).

The concept proposal includes seven building envelopes, for a range of new retail and commercial uses including a supermarket, retail outlets, large format retail, fast food outlet, service station and childcare centre.

## 1.2 Western Sydney Parklands

The Parklands is one of the largest urban parkland systems in Australia, covering approximately 5,500 hectares. It comprises a 27 km open space corridor, extending from Quakers Hill in the north to Leppington in the south. It provides an important open space link between Sydney's North West Growth Centre (NWGC) and South West Growth Centres (SWGC).

## 1.3 The Site and Context

The site (known as 185 and 195 Fifteenth Avenue) is located in the southern section of the Parklands in the suburb of West Hoxton in the Liverpool LGA. It is strategically positioned between two residential growth areas, being Austral within the SWGC and Middleton Grange in the Liverpool LGA (refer to **Figure 1**).

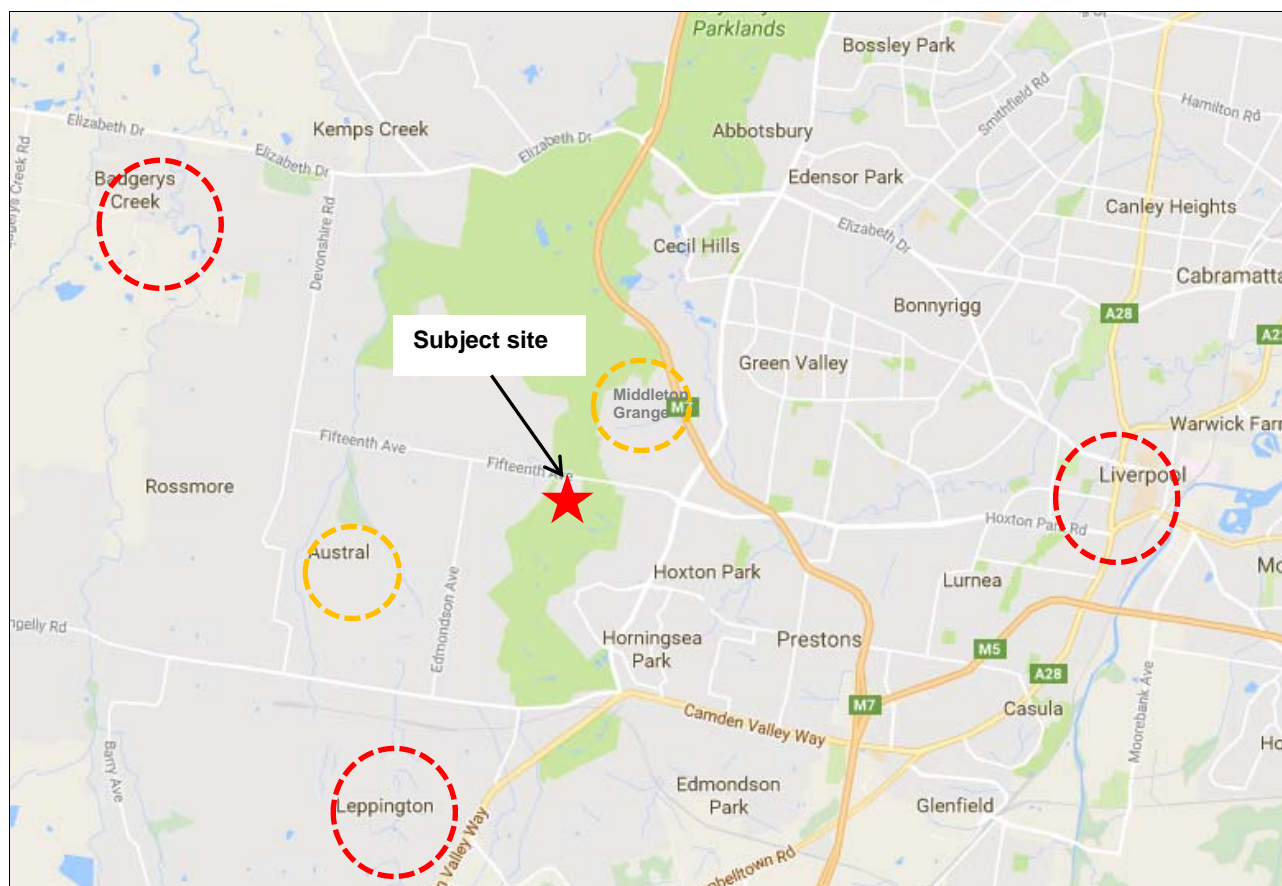


Figure 1: Location Plan

(source: Google Maps)



The site is 4 km north of the Leppington town centre and 8 km west of the Liverpool regional city centre. The new Western Sydney Airport is likely to be located at Badgerys Creek, which is approximately 7 km west of the site. The site also has good access to the M7 Motorway located approximately 3 km to the east.

The site has a total area of approximately nine hectares (ha) and is an amalgamation of six individual lots (Lot 345 DP 2475, Lot 346 DP 2475, Lot 2 DP 307334, Lot 304 DP 2485, Lot 305 DP 2485 and Lot 306 DP 2485). It has a primary frontage of 260 m to Fifteenth Avenue and is bounded by Twenty-Seventh Avenue to the west and Flynn Avenue to the north.

The site slopes from the north-east corner to the western boundary, representing a gradual change in level of approximately 12 m.

The land is generally cleared except for some isolated stands of Forest Red Gum - Grey Box trees in the north-western part of the site. The site is currently used for grazing livestock and includes a large rural dam and informal parking area in the lower south-western portion of the site. The eastern portion of the site fronting Fifteenth Avenue contains a dwelling house, a disused bus depot and associated maintenance buildings.

The land is owned by the Western Sydney Parklands Trust, except for the bus depot at 185 Fifteenth Avenue, which is owned by the NSW Office of Strategic Lands.

The concept proposal relates to the three lots (Lot 345 DP 2475, Lot 346 DP 2475, Lot 2 DP 307334) in the southern portion of the site fronting Fifteenth Avenue (referred to as the 'development site'). This has an area of approximately 4.5 hectares. Apart from the subdivision, no development is proposed on the northern residue lot, which makes up the balance of the site (refer to **Figure 2**).



**Figure 2: Site Context**

(Source: Applicant's EIS)

The site is currently served by a limited weekday bus service operating between Austral, Leppington and Liverpool via Fifteenth Avenue with bus stops on either side of Fifteenth Avenue adjacent to the site.

Fifteenth Avenue is identified as a major future east-west transport corridor in the SWGC. Transport for New South Wales (TfNSW) is investigating a Bus Rapid Transit (BRT) route along Fifteenth Avenue between Liverpool and Campbelltown via Leppington, in accordance with the long term bus strategy in *Sydney's Bus Futures*. Roads and Maritime Services (RMS) is also currently investigating the widening of Fifteenth Avenue to cater for the expected increase in traffic and public transport in the region. No timeline has been identified for these upgrades.

## 1.4 Surrounding Land Uses

The area surrounding the site comprises the following land uses:

- a neighbourhood retail centre on the southern side of Fifteenth Avenue containing a butcher/deli, liquor store, general store, hairdresser, Australia Post, real estate, service station/auto repair and garden equipment retailer;
- a small residential suburb of West Hoxton characterised by one and two storey dwellings to the south of the neighbourhood centre;
- Kirkpatrick and Boyland Park located to the north-east of the intersection of Fifteenth Avenue and Twenty Seventh Avenue;
- the rural and semi-rural landholdings adjoining to the north and east within the Parklands used for small scale agricultural and residential purposes; and
- the State heritage listed Upper Canal Corridor and associated landscape corridor adjacent to the site's western boundary.

The site and local context is illustrated in **Figures 3 to 10**.



**Figure 3** - View northeast from the informal parking area in the southwestern corner of the site



**Figure 4** – View southeast at intersection of Flynns Avenue and Twenty Seventh Avenue



**Figure 5** – View northeast from Kirkpatrick Boyland Park



**Figure 6** –Existing centre at Fifteenth Avenue





**Figure 7** – View east from Fifteenth Avenue showing the existing bus stop and the intersection with Twenty Second Avenue



**Figure 8** – View south showing the pedestrian refuge at western end of the site across Fifteenth Avenue



**Figure 9** – View north showing the Sydney Water Canal located on the western side of Twenty Seventh Avenue



**Figure 10** – View east showing the intersection at Twenty Seventh Avenue and Fifteenth Avenue

## 2. PROPOSED DEVELOPMENT

### 2.1 Project Description

The applicant proposes to develop the site to accommodate the Fifteenth Avenue Commercial Precinct. The proposed development would comprise a mix of retail and business uses, including retail / commercial tenancies, supermarket, fast food, large format retail, service station and child care centre.

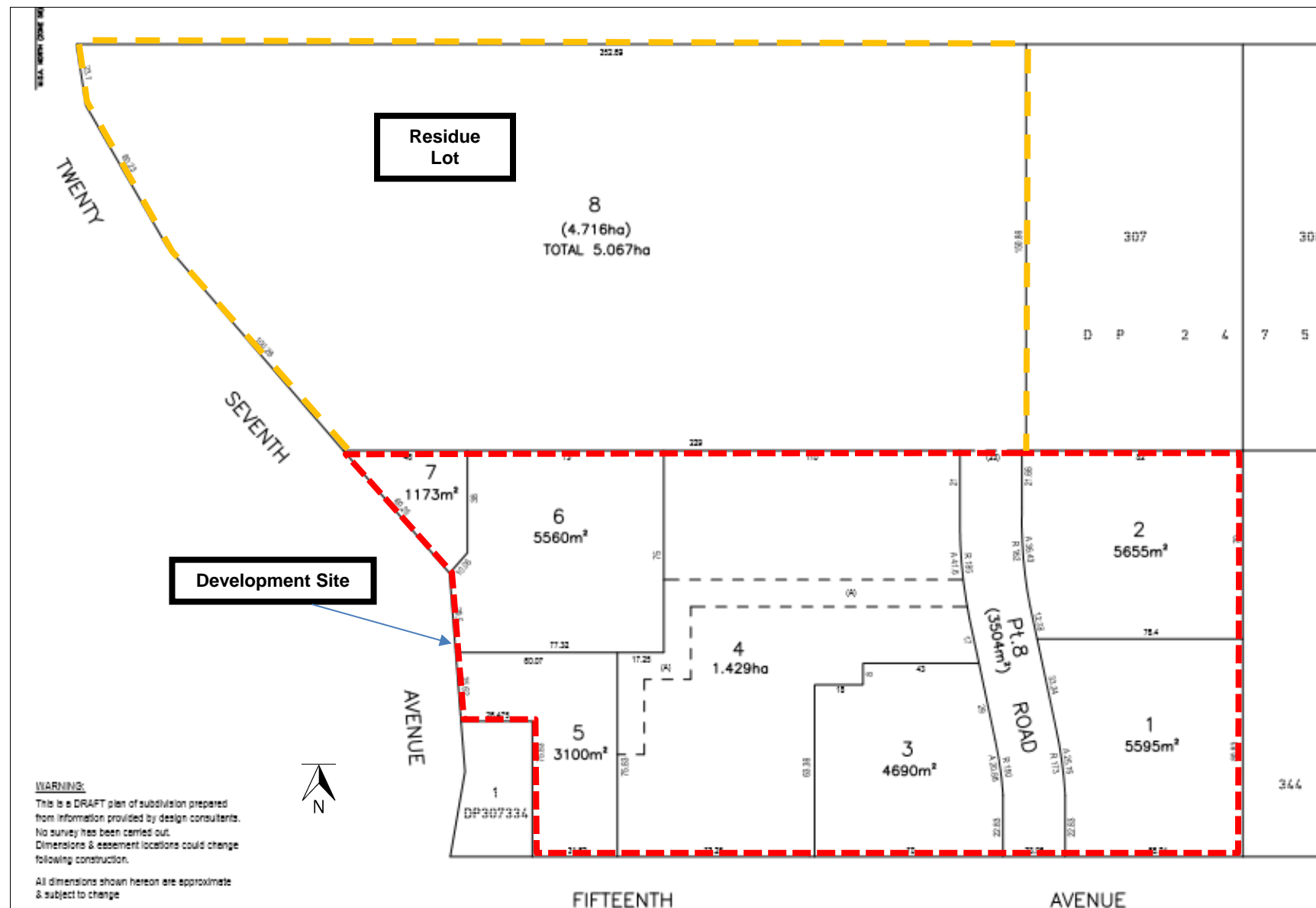
Key components of the proposed development (as outlined in the RtS) are summarised in **Table 1** and illustrated in **Figures 11** to **13**.

**Table 1:** Key components of the development

Aspect	Description
<b>Development summary</b>	The staged SSD application seeks approval for: <ul style="list-style-type: none"> <li>a concept proposal for a new retail precinct, comprising seven building envelopes; and</li> <li>Stage 1 early works and subdivision.</li> </ul>



<b>Concept proposal – land use</b>	<p>Concept proposal for the development, including site layout, land uses, building envelopes and design parameters to accommodate the following uses:</p> <ul style="list-style-type: none"><li>• retail/commercial: 1,200 m<sup>2</sup></li><li>• supermarket: 1,500 m<sup>2</sup></li><li>• retail pad site (fast food): 400 m<sup>2</sup></li><li>• large format retail: 1,500 m<sup>2</sup></li><li>• service station: 250 m<sup>2</sup></li><li>• child care centre: 500 m<sup>2</sup></li><li><b>Total: 5,350 m<sup>2</sup></b></li></ul> <p>Medical centre and indoor recreation (gym) uses have also been identified but no GFA has been nominated.</p>																														
<b>Concept proposal – building envelope height and setbacks</b>	<ul style="list-style-type: none"><li>• Maximum building envelope height of 8.5 m (or 2 storeys).</li><li>• Minimum building envelope setback of 10 m to the future road reservation.</li><li>• Minimum building envelope setback of 3 m to the side and rear boundaries.</li></ul>																														
<b>Vehicular access arrangements</b>	<ul style="list-style-type: none"><li>• New roundabout at the intersection of Fifteenth Avenue and Twenty Second Avenue.</li><li>• Deceleration lane and left-turn access from Fifteenth Avenue into the proposed service station site.</li><li>• Private internal access road in the eastern portion of the site; and</li><li>• Internal pedestrian footpaths.</li></ul>																														
<b>Public Domain</b>	<ul style="list-style-type: none"><li>• A 20 m wide reservation for future road widening along the southern portion of the site.</li><li>• Relocation and upgrade of the northern bus stop on Fifteenth Avenue.</li><li>• Pedestrian footpath along the Fifteenth Avenue frontage of the site.</li><li>• Pedestrian crossing (subject to RMS warrants) across Fifteenth Avenue.</li></ul>																														
<b>Subdivision</b>	<ul style="list-style-type: none"><li>• The proposed subdivision creates seven leasehold lots and a road reserve, as follows:<table><tr><th>Lot</th><th>Site Area (sqm)</th><th>Land Use</th></tr><tr><td>1</td><td>5,595</td><td>fast food</td></tr><tr><td>2</td><td>5,655</td><td>large format retail</td></tr><tr><td>3</td><td>4,690</td><td>service station</td></tr><tr><td>4</td><td>14,260</td><td>retail/business/supermarket</td></tr><tr><td>5</td><td>4,550</td><td>childcare centre</td></tr><tr><td>6</td><td>5,590</td><td>(subject to future application)</td></tr><tr><td>7</td><td>1,173</td><td>stormwater detention</td></tr><tr><td>8 (part)</td><td>3,504</td><td>road reserve</td></tr><tr><td>8 (part)</td><td>47,160</td><td>residue lot</td></tr></table></li></ul>	Lot	Site Area (sqm)	Land Use	1	5,595	fast food	2	5,655	large format retail	3	4,690	service station	4	14,260	retail/business/supermarket	5	4,550	childcare centre	6	5,590	(subject to future application)	7	1,173	stormwater detention	8 (part)	3,504	road reserve	8 (part)	47,160	residue lot
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<b>Early Works and Estate Infrastructure</b>	<ul style="list-style-type: none"><li>• Demolition of existing structures.</li><li>• Dewatering existing dams.</li><li>• Bulk and detailed earthworks and some retaining structures to create level building pads for development and infrastructure.</li><li>• Combined bio-retention and stormwater detention basin in the north-western part of the development site.</li><li>• Infrastructure connections for electricity, water, sewer, gas services and telecommunications.</li></ul>																														
<b>Capital Investment value (CIV) and jobs</b>	<ul style="list-style-type: none"><li>• CIV of \$14.7m; and</li><li>• 120 construction jobs and 130 operational jobs.</li></ul>																														
<b>Future applications</b>	<ul style="list-style-type: none"><li>• The detailed proposals for specific land uses and buildings would be subject to subsequent development applications.</li></ul>																														



**Figure 11: Draft Subdivision Plan**

(Source: Applicant's EIS)

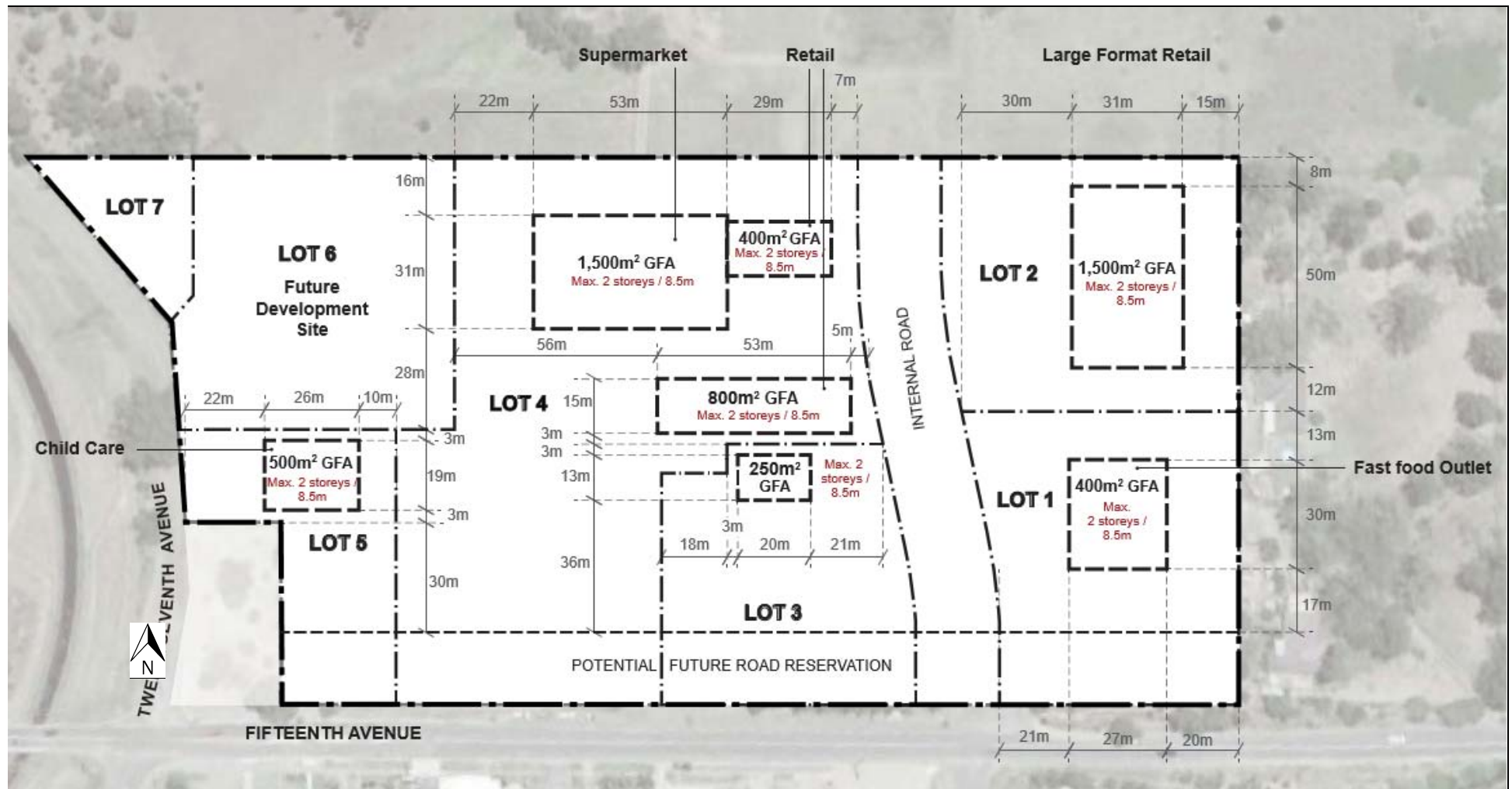
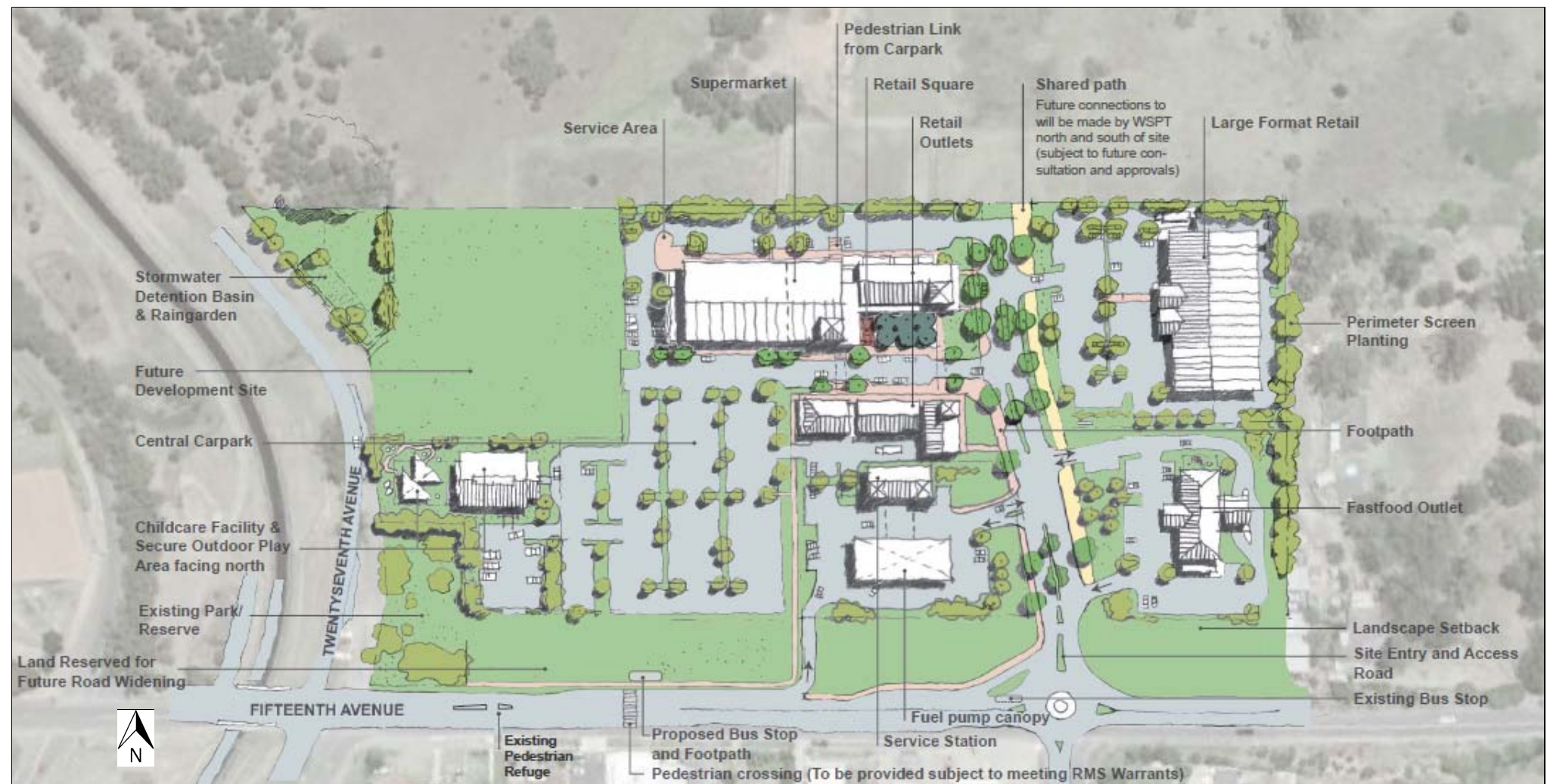


Figure 12: Development Site - Lot Layout and Indicative Building Envelopes

(Source: Applicant's RtS)





**Figure 13: Development Site - Indicative Site Layout and Landscape Design**

(Source: Applicant's RtS)

## 2.2. Project need and justification

### Western Sydney Parklands Plan of Management 2020

The *Western Sydney Parklands Act 2006* established the Western Sydney Parklands Trust (the Trust) as a self-funded agency. The Trust has identified the development of several business hubs within the Parklands as an opportunity to contribute to an income stream of \$10 million per annum, which is required to manage and develop the Parklands over the next ten years.

A supplement to the Plan of Management 2020 (POM) identified nine business hub sites, which equate to two per cent of the total Parklands. The subject site is one of the sites identified as suitable for a business hub due to its low environmental and recreational value relative to other areas of the Parklands. The site is also located on the periphery of the Parklands adjacent to the future transport corridor. The Trust has identified the site for this proposal as suitable for retail uses to complement existing and future businesses in the area, and to assist in meeting the retail needs of the growing populations of Austral, Middleton Grange and West Hoxton.

The income generated by the proposed development would contribute to the revenue that is required to manage and improve facilities in the Parklands. The proposed development is integral to funding of the long-term maintenance and development works within the Parklands, which will directly benefit residents within Western Sydney.

The Department of Planning and Environment (the Department) has undertaken a detailed assessment of the strategic justification for the proposal in **Section 5.1**.

## 3. STATUTORY CONTEXT

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### 3.1 State significant development

The proposal is SSD under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it is development with a capital investment value (CIV) of more than \$10 million and located within the Parklands pursuant to Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The Minister for Planning is the consent authority.

### 3.2 Delegations

In accordance with the Minister's delegations of 16 February 2015, the application can be determined under delegation by the Executive Director, Key Sites and Industry Assessments because:

- Council did not object;
- a political disclosure statement has not been received; and
- there were less than 25 public submissions in the nature of objection.

### 3.3 Permissibility

Land in the Parklands is excluded from the provisions of the *Liverpool Local Environmental Plan 2008* (LEP 2008). *State Environmental Planning Policy Western Sydney Parklands (2009)* establishes the planning controls and uses that can be carried out with consent. The proposed development is permitted within the Parklands, subject to the consideration of its environmental impacts.

### 3.4 Environmental planning instruments

The Environmental Planning Instruments that apply to the site include:

- *State Environmental Planning Policy (Western Sydney Parklands) 2009*;
- *State Environmental Planning Policy (State and Regional Development) 2011*;
- *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy 55 - Remediation of Land*; and

- *State Environmental Planning Policy 64 - Advertising and Signage.*

The Department's consideration of the proposal against these EPIs is provided in **Appendix B**. In summary, the Department is satisfied the application complies with the relevant provisions of these EPIs.

### 3.5 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects set out in section 5 of that Act. The Department has considered the objects of the EP&A Act in **Table 2** and is satisfied that the proposal complies with all objects.

**Table 2 – Compliance with EP&A Act objects**

Objects	Consideration	Complies
(a) <i>to encourage:</i>		
(i) <i>the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,</i>	The proposal would not have an adverse impact on natural or artificial resources as it involves development of land which has already been cleared and used extensively for livestock grazing. It will ensure the proper management and development of land for the purposes of a business hub in the Parklands.	Yes
(ii) <i>the promotion and co-ordination of the orderly and economic use and development of land,</i>	The proposal is consistent with the planning framework established under the Western Sydney Parklands Plan of Management 2020, which aims to achieve a sustainable revenue base for the Parklands.	Yes
(iii) <i>the protection, provision and co-ordination of communication and utility services,</i>	The EIS includes a civil engineering report, which considers the utility infrastructure requirements of the proposal.	Yes
(iv) <i>the provision of land for public purposes,</i>	The proposal would maintain the Parklands as a key public asset for Western Sydney.	Yes
(v) <i>the provision and co-ordination of community services and facilities, and</i>	The proposal would contribute to a long term revenue base to fund the maintenance, infrastructure and improvements to the Parklands.	Yes
(vi) <i>the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and</i>	The Department's assessment in Section 5 of this report demonstrates that with the implementation of recommended conditions of consent, the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance.	Yes
(vii) <i>ecologically sustainable development, and</i>	Refer to <b>Section 3.6</b> below.	Yes
(viii) <i>the provision and maintenance of affordable housing, and</i>	The proposal does not include the provision or maintenance of affordable housing.	N/A
(b) <i>to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and</i>	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by Council and other government authorities. This is consistent with the object of sharing the responsibility for environmental planning between the different levels of government in the State.	Yes



(c) <i>to provide increased opportunity for public involvement and participation in environmental planning and assessment.</i>	<b>Section 4</b> sets out details of the Department's public exhibition of the proposal.	Yes
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### 3.6 Ecologically sustainable development (ESD)

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The Applicant has considered ESD principles as they relate to the proposal in Appendix 20 of the applicant's Response to Submissions. The proposal incorporates ESD principles in the design, construction and ongoing operation of the development. The Department has assessed the proposed development in relation to the ESD principles and has made the following conclusions:

- **Precautionary Principle** - the site has been appropriately planned for development and will not result in any serious or irreversible environmental damage because it:
  - is cleared of vegetation and used extensively for livestock grazing;
  - has a low ecological value; and
  - has frontage to a key road connecting nearby existing and future planned centres; and
  - is adjacent to an existing neighbourhood retail centre and therefore is suitable for retail purposes.
- **Inter-Generational Equity** - the proposal will not result in adverse impacts on the health, diversity and productivity of the environment for the benefit of future generations, as it would:
  - not result in any serious or irreversible environmental damage, as detailed above; and
  - provide a new retail centre and general site improvements for the benefit of future generations.
- **Biodiversity Principle** - the development site is largely cleared of vegetation and retains little conservation value, and is not likely to impact on biodiversity.
- **Valuation Principle** – the design of future buildings will include a range of sustainability measures that will reduce the ongoing operating costs of the development.

Having considered the objects of the EP&A Act, including the encouragement of ESD in its assessment of the application, the Department is satisfied that the proposal encourages ESD.

### 3.7 Secretary's Environmental assessment requirements

In accordance with section 78A (8A) of the EP&A Act, the Secretary notified the applicant of the Secretary's environmental assessment requirements (SEARs) for the SSD application. The Department is satisfied the Applicant's EIS adequately addresses compliance with the SEARs to enable the assessment of the application for determination purposes.

### 3.8 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) cited in this report, the requirements for notification (Part 6, Division 6 of the EP&A Regulation) and fees (Part 15, Division 1AA of the EP&A Regulation) have been complied with.

## 4. CONSULTATION

### 4.1 Exhibition

In accordance with Section 89F(1)(a) of the EP&A act, the Secretary is required to exhibit the EIS for at least 30 days. The Department publicly exhibited the EIS from 29 October 2015 until 27 November 2015 (30 days) on its website, at its office in Bridge Street and at the Liverpool City Council's office. The Department also advertised the public exhibition in the Sydney Morning Herald and The Daily Telegraph on 28 October 2015 and The Champion and Liverpool Leader on 27 October 2015 and notified surrounding landholders and relevant State and local government authorities in writing.

### 4.2 Submissions received during exhibition

The Department received eight public authority submissions and six public submissions during the exhibition of the application. A link to these submissions is available at **Appendix A**.

The issues raised by public authorities are summarised in **Table 3** and the key issues raised by the public are also summarised below. The submissions are considered in **Section 5** and/or by way of conditions in the recommended development consent at **Appendix D**.

**Table 3: Summary of public authority submissions on the EIS**

#### **Liverpool Council (Council)**

Council support the proposed development, but requested that the child care be relocated further north to minimise the impact on the setting of the adjoining heritage listed park. Council also advised that:

- it preferred for the proposed roundabout be a signalised intersection until the road was upgraded;
- future cost for upgrading the intersection to signals should be borne by the applicant;
- the size of the centre should be limited to minimise impacts on the existing centres in the locality;
- conditions should be attached to address ecological impacts, flooding and stormwater, Aboriginal and European heritage and site contamination.

#### **Transport for NSW (TfNSW)**

TfNSW does not object to the proposal, but requested a corridor to accommodate a future rapid bus transit route. It also requested a pedestrian crossing to link the bus stops on either side of Fifteenth Avenue and an upgrade of the bus stop on the southern side of Fifteenth Avenue. Concern was raised with the traffic generation rates adopted in the applicant's Traffic Report. Conditions were recommended in relation to the proposed roundabout intersection and management of construction traffic.

#### **Roads and Maritime Services (RMS)**

RMS does not object to the proposal, but noted that Fifteenth Avenue is an east-west road corridor likely to accommodate a BRT route between West Hoxton and Leppington and is under investigation for road widening. RMS recommended there be limited vehicular access from Fifteenth Avenue to the site. It also requested consideration be given to the upgrading of the proposed roundabout with traffic signals, and a road reservation on the site to allow for the future road upgrade. Conditions were recommended in relation to the design of the bus stop and vehicular access.

#### **NSW Environment Protection Authority (EPA)**

The EPA does not object to the propose but does not support the development of the site until adequate wastewater services are available or guaranteed to be available prior to commencement of Stage 1. EPA recommended conditions in relation to site contamination (including the presence of any asbestos), noise and vibration, dust control, erosion and sediment control, classification of waste, Water Sensitive Urban Design and underground petroleum storage.

#### **Office of Environment and Heritage (OEH)**

OEH did not object to the proposal, but requested additional information in relation to overland flooding for the full range of floods for existing and post development conditions. It also recommended the childcare centre be located in area where evacuation is readily available.

#### **Sydney Water (SW)**

Sydney Water advises that existing wastewater infrastructure has capacity to service the development but the existing water supply network would need to be augmented. Augmentation of the water supply system servicing this area is intended to be undertaken in 2018, which would facilitate the servicing of the proposed development.

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#### Water New South Wales (WNSW)

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WNSW does not object to the proposal and advises the site is adjacent to the Upper Canal Corridor, which is critical water supply infrastructure for the Greater Sydney Region owned and managed by WNSW. In that regard WNSW recommended conditions in relation to stormwater management; erosion and sedimentation; protection of the canal corridor; security fencing and access; and incident reporting.

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#### Department of Primary Industries (DPI)

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The DPI does not object to the proposal and requested additional information in relation to dewatering of the existing two dams and impacts on flora and fauna. It also recommended a monitoring plan for surface and ground water and consultation at detailed design stage of future buildings in relation to groundwater requirements.

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Six submissions objecting to the proposal were received from the general public during the exhibition. Five of these submissions were from nearby business operators/owners at the Fifteenth Avenue Neighbourhood Centre, which included one principal objection and four letters in support of this objection. The sixth submission was received from a local resident.

The key issues raised in public submissions are:

- redirection of turnover from existing nearby centres;
- impact on the viability existing nearby centres;
- site constraints, particularly in relation to drainage issues and localised overland flows;
- traffic safety due to sight distance limitations and the proposed roundabout intersection;
- traffic congestion and vehicle queuing in the vicinity of the proposed roundabout;
- it fails to meet the aims of the *State Environmental Planning Policy Western Sydney Parklands (2009)*; and
- it is not in the public interest.

### 4.3 Response to Submissions

The applicant submitted a Response to Submissions (RtS) on 11 August 2016 to address and clarify the matters raised during public exhibition (**Appendix A**). The only change to the proposal involved relocating the proposed childcare building further north to address the heritage issues raised by Council. The indicative site plan was subsequently amended and also updated to include additional landscaping measures and indicate pedestrian connections.

The RtS also included additional information in relation to the following matters:

- sustainability measures;
- the proposed roundabout intersection;
- operational noise impacts on surrounding area;
- updated indicative staging plan;
- updated draft subdivision plan;
- traffic impact assessment;
- flora and fauna assessment;
- aboriginal archaeological assessment;
- future land uses; and
- contamination assessment to include a remedial action plan (RAP) and Site Audit Statement.

### 4.4 Submissions received on the Response to Submissions

The applicant's RtS was made publicly available on the Department's website. The RtS was also referred to the public authorities for further comment. The Department received six public authority submissions in response to the RtS (**Appendix A**).

The issues raised by the public authorities are summarised in **Table 4**.



**Table 4: Summary of public authority submissions on the RtS**

<b>Liverpool Council (Council)</b>
Council raised no additional issues regarding the proposal. It confirmed that it has no objection to the proposed roundabout as an interim treatment of the intersection, but recommended a condition requiring the intersection be upgraded to signals when RMS requires it (which is based on specific criteria such as traffic flows, traffic conflicts and pedestrian requirements). Council also reiterated its recommendations in relation to the environmental aspects of the proposal including stormwater management, Aboriginal and European heritage matters and site contamination.
<b>Transport for NSW (TfNSW)</b>
TfNSW raised no additional issues regarding the proposal. It also recommended a condition requiring the future traffic generation of individual uses on the site be assessed at the future DA stage.
<b>Roads and Maritime Services (RMS)</b>
RMS advised that its recommendations have been addressed and raised no additional issues.
<b>NSW Environment Protection Authority (EPA)</b>
EPA made no further comment about the provision of sewerage services to the site and recommended a Site Audit Statement to confirm the remedial works are implemented and the site is suitable for its intended use.
<b>Sydney Water</b>
Sydney Water advised it had no further comments in relation to the proposal.
<b>Water New South Wales (WNSW)</b>
WNSW raised no additional issues but reaffirmed its request for conditions to protect the Upper Canal Corridor and undertake consultation at the detailed design and construction stage of the project.

## 5. ASSESSMENT

The Department considers the key environmental and planning issues of the proposal to be:

- strategic justification;
- economic impact;
- traffic and access; and
- built form.

### 5.1 Strategic Justification

The proposed development would introduce a new retail centre within the Parklands adjacent to the existing Fifteenth Avenue Neighbourhood Centre. The public submissions received during the exhibition period object to the proposal on the basis that it is not adequately justified in terms of the key metropolitan planning strategies, and that the additional retail floorspace could be accommodated in existing retail centres in the locality. The strategic implications have therefore been carefully considered by the Department in its assessment of the application and are addressed below.

#### *A Plan for Growing Sydney*

A Plan for Growing Sydney sets priorities and provides a direction for metropolitan planning in Sydney. It specifically identifies where to focus new housing and jobs, and how to target growth in strategic centres and transport corridors. The site has frontage to a future transport corridor identified as a Transit Investigation area in the Plan. The proposed retail service uses would complement the function of the future transport corridor. The site is strategically positioned between two significant residential growth areas at Austral within the SWGC and Middleton Grange (refer to **Figure 14**). The proposal would also cater for the convenience retail needs of the existing residents in West Hoxton adjacent to the site.

The proposal is also consistent with key metropolitan planning priorities, which support growth and investment in Western Sydney, and the activation initiatives in the Parklands POM 2020 to improve its facilities and meet the recreation needs of the growing population for Western Sydney.

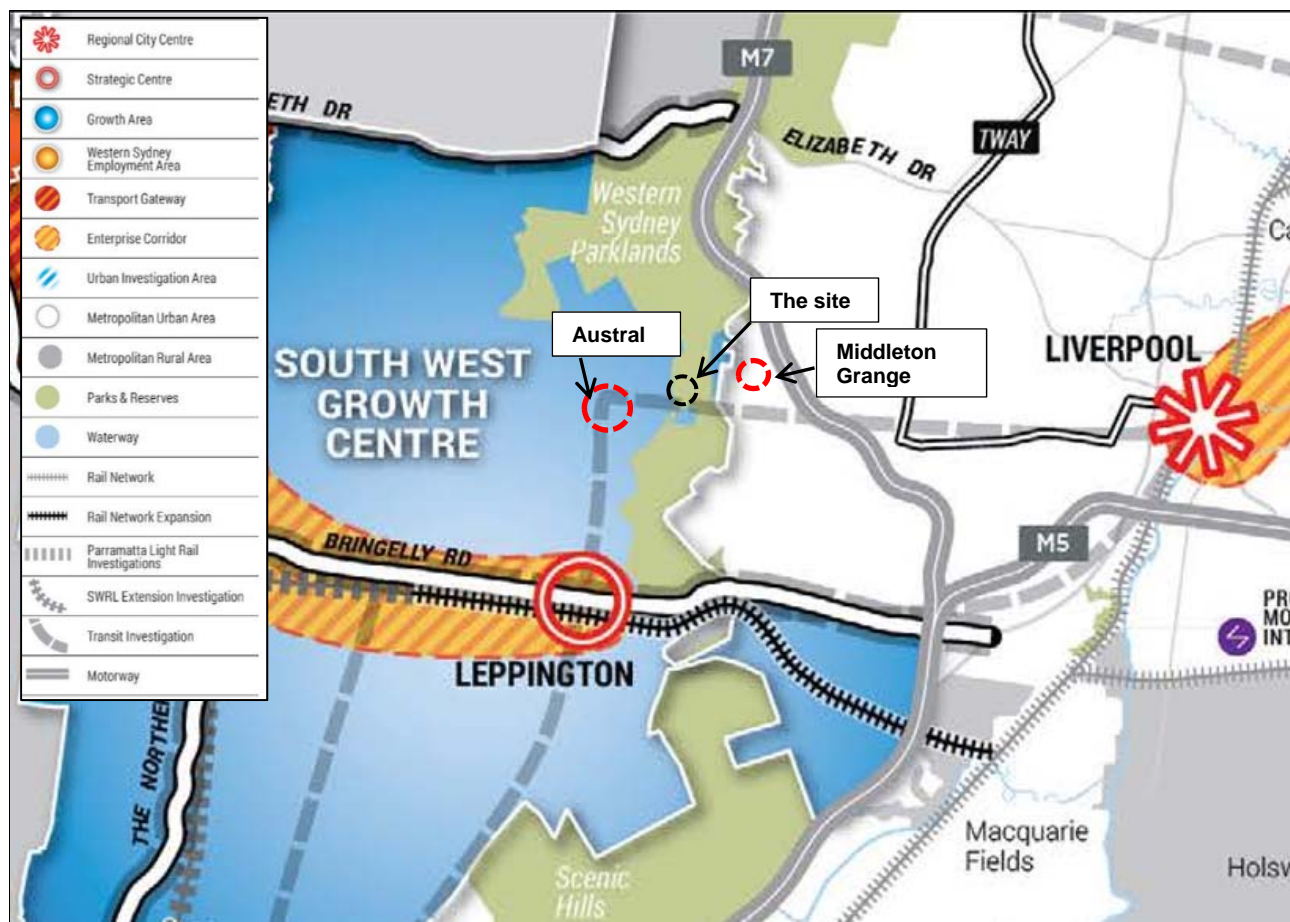


Figure 14: Metropolitan Hierarchy

(Source: A Plan for Growing Sydney)

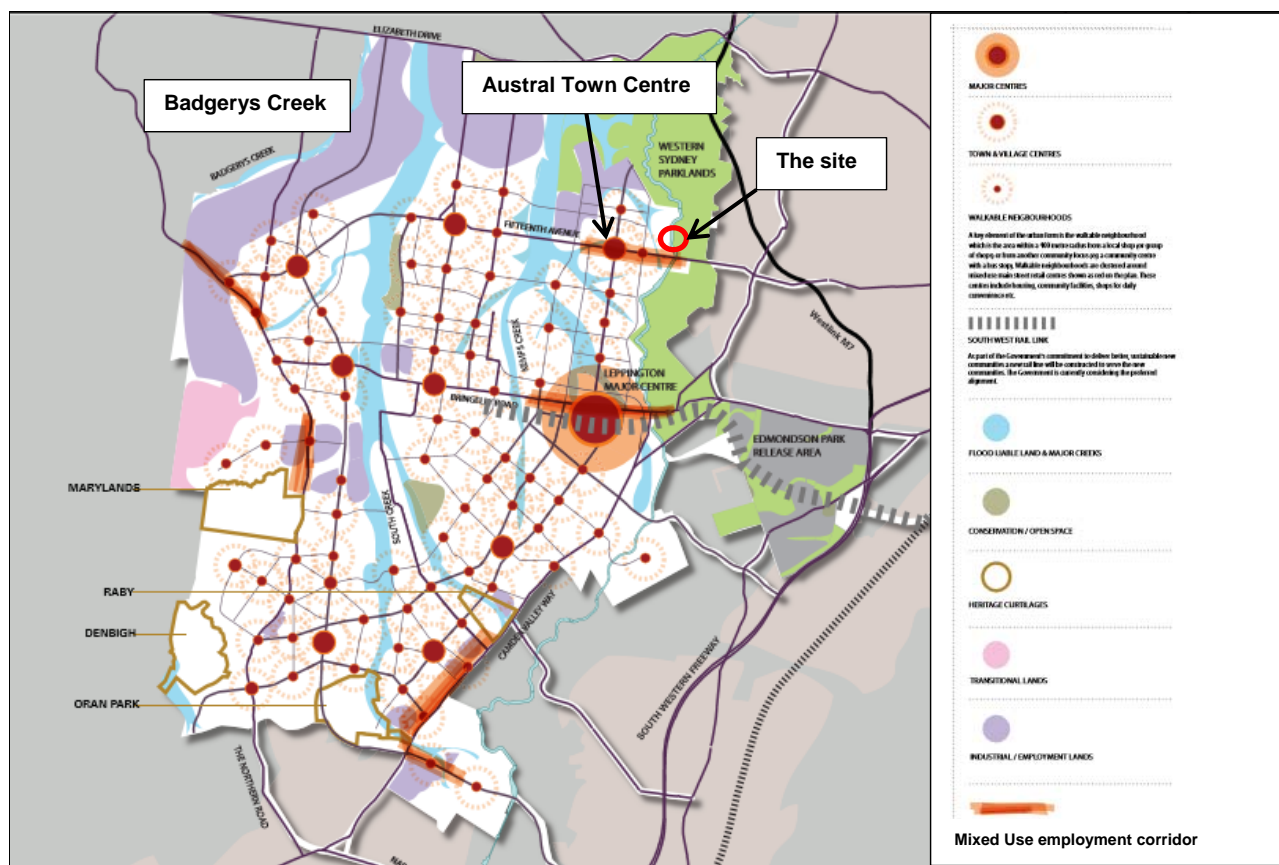


Figure 15: SWGC Structure Plan

(Source: SWGC Structure Plan)

### *South-West Growth Centre*

The NSW Government established the NWGC and SWGC to manage Sydney's population growth over the next 25 to 30 years. The site is identified adjacent to a major east-west mixed use employment corridor in the SWGC Structure Plan (refer to **Figure 15**). The Structure Plan identifies a mixed use employment corridor as suitable for a variety of commercial uses to take advantage of passing trade.

The future development of the West Sydney Airport at Badgerys Creek and the planned upgrade to Fifteenth Avenue would result in large volumes of passing traffic. The proposed development would complement the function of the mixed use employment corridor by providing retail uses and services that are well suited to a key road location such as service station, fast food outlet and large format retail.

### *Draft Centres Policy: Planning for Retail and Commercial Development*

The Department's Draft Centres Policy is a retail and commercial planning policy released in 2009, which aims to create vibrant centres. It provides for the establishment of new centres, but requires a sequential test to determine whether there are other suitable retail sites available in existing centres to accommodate the proposed retail floorspace. The key considerations for the assessment of the proposal relate to:

- the level of demand for a new or expanded centre;
- the ability of existing centres to meet this demand; and
- the suitability of the site for the proposed centre.

The applicant submitted a Retail Demand Assessment (RDA), prepared by Hill PDA to assess the market demand for a range of retail uses that would be considered suitable for the subject site. The demand forecast is identified by an analysis of:

- the catchment area;
- population growth forecasts; and
- retail expenditure forecasts.

These aspects are discussed below.

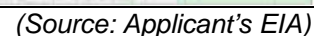
### Demand for a new or expanded centre

The main trade area (MTA) was defined in the RDA by examining the locational and accessibility factors and establishes two primary sectors and two secondary sectors. The MTA includes all or part of the surrounding suburbs of Middleton Grange, West Hoxton, Austral and Rossmore based on the provision of a neighbourhood centre. It considers the improved accessibility from the future upgrade of Fifteenth Avenue, and the potential retail mix, including large format retail, supermarket and service station uses that have a wider draw than a local catchment (refer to **Figure 16**).

The applicant's Economic Impact Assessment (EIA) prepared by MacroPlan Dimasi relies on a range of sources to establish the current and projected population levels in the MTA. The MTA population is estimated at 15,750 persons in 2014. The MTA population is estimated to grow at an average annual rate of 4.3 per cent reaching 26,120 by 2026 and exceeding 32,000 by 2031. The applicant's EIA considers the future development of residential precincts at Middleton Grange and SWGC Austral precinct would be the primary drivers of population growth in the MTA.

Based on information sourced from Market Data Systems (a model of household expenditure), the retail expenditure capacity of the MTA population is estimated to grow from \$167.5 million in 2014 to \$401.1 million by 2031, at an average rate of 5.3 per cent.





The applicant's EIA also concludes that the significant increase in population growth in the MTA would generally lead to increased demand for localised services and non-retail uses including a gymnasium, medical centre and childcare centre.

- take-home food, packaged liquor and groceries (FLG) spend per capita of \$4,877;
- 70% of FLG spend to supermarkets and 30% to speciality and general retail; and
- retail turnover density (RTD) (average turnover per sqm of GLA) of \$9,250 per sqm.

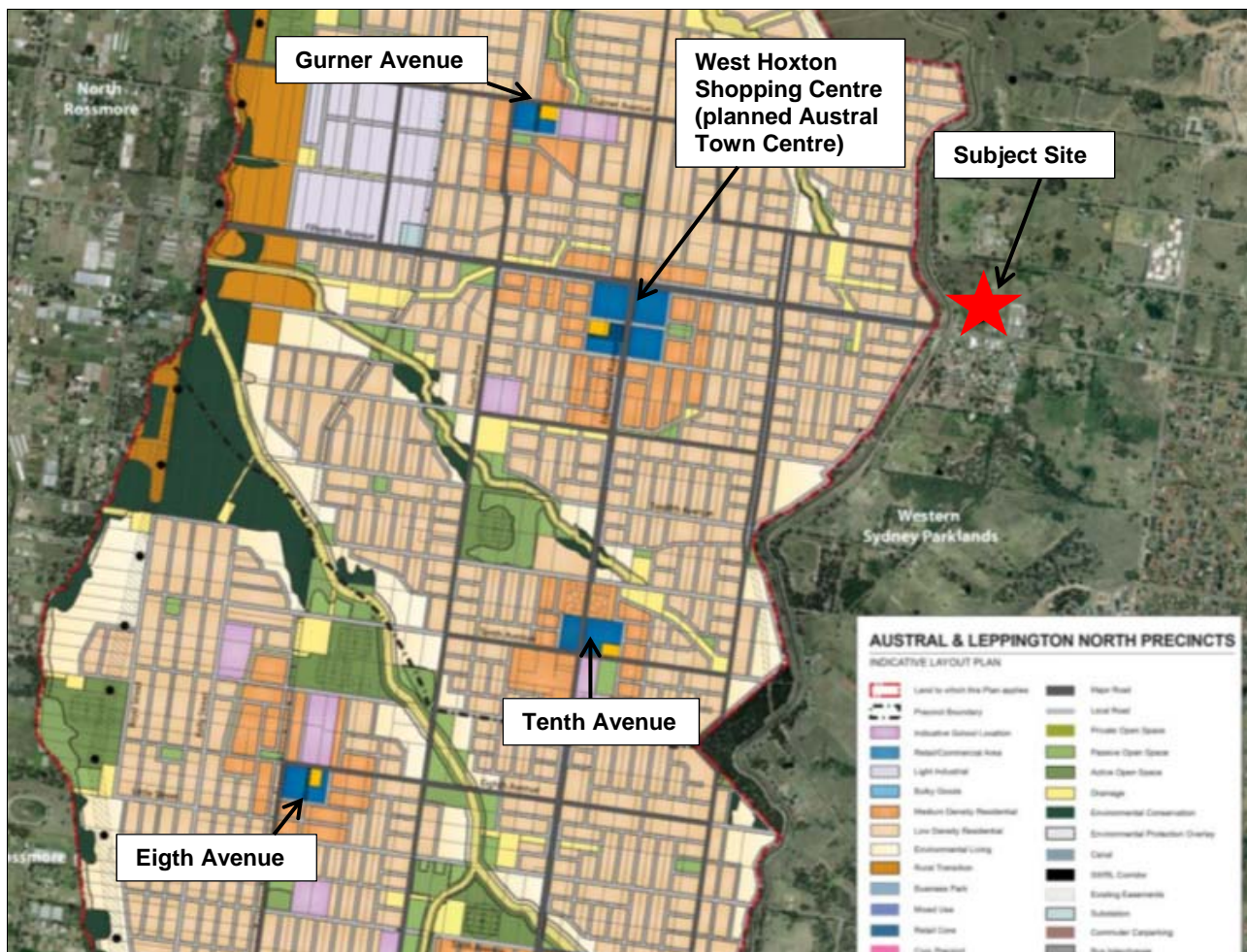
Based on these assumptions (in 2014) the local catchment is able to support supermarket floorspace of approximately 6,200 sqm, which is projected to increase to approximately 10,900 sqm by 2026. The existing supply of the supermarket floorspace is 1,490 sqm creating a demand of 4,700 sqm. The analysis shows that even with the inclusion of a new full line supermarket of 3,500 sqm at Middleton Grange plus a supermarket on the subject site of 1,500 sqm, a further demand of 1,900 sqm would still exist in 2020.

### Capacity of existing centres to meet the retail demand

The Draft Centres Policy requires a sequential test to be undertaken when considering new centres or out-of-centre proposals. The intent of this test is to determine whether there is a capacity within the existing centres to meet the established demand for new retail floorspace. The sequential test undertaken in the applicant's EIA is consistent with the Draft Centres Policy. It examines all the existing B1 and B2 zoned centres in the locality and proposed retail centres, including future B1 and B2 zoned precincts in the SWGC, in order to identify potential sites that could accommodate the proposed development. The proposed development covers an area of about 3.5 hectares including car parking, setbacks and landscaping. The sequential test adopts a conservative view and investigates the potential for sites with an area of two hectares.

The nearby existing centres identified in the applicant's sequential test are shown in **Figures 17** and **18** and detailed consideration of each of the existing centres in the sequential test is provided at **Appendix C**.

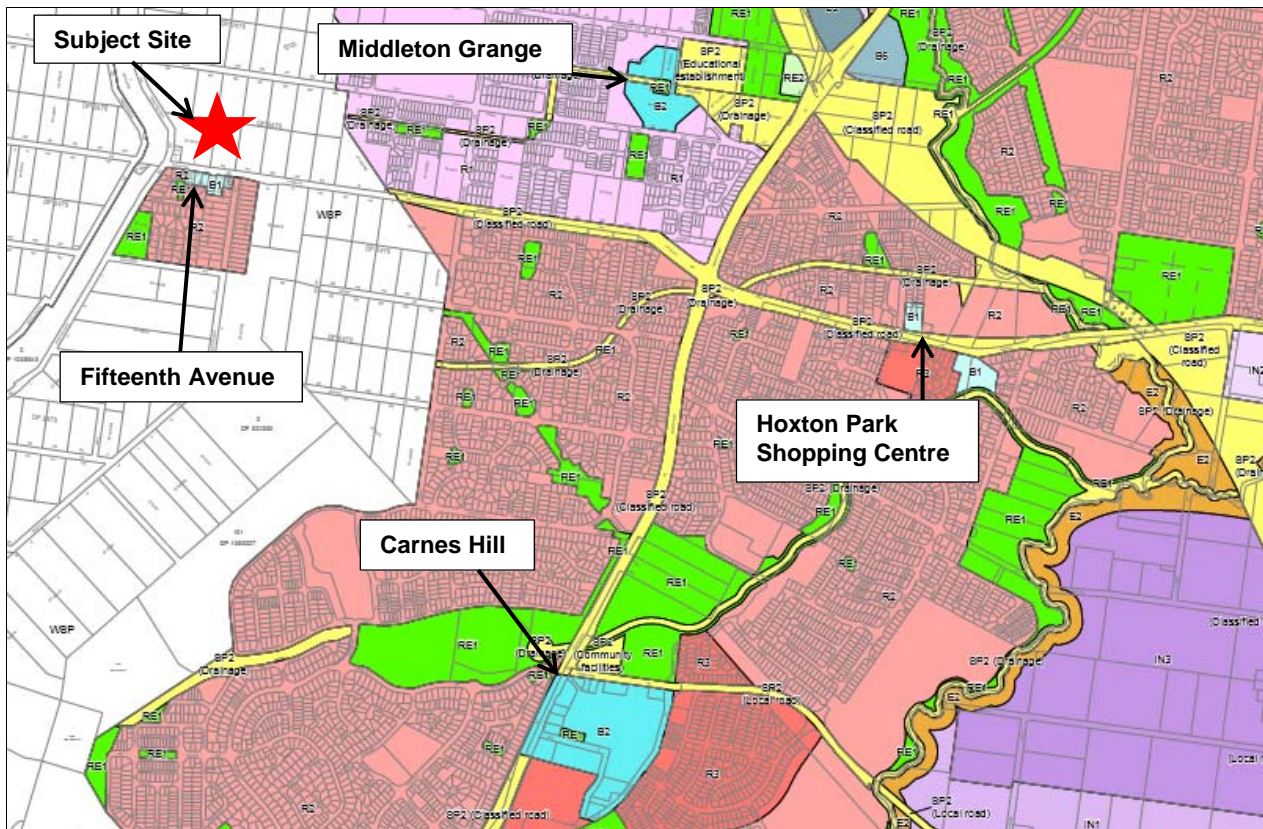
The applicant's sequential test concludes that the existing nearby centres are already occupied by functional uses and do not have available vacant or underutilised land of a sufficient size to accommodate the proposal. Furthermore, the comparable smaller centres are located off the main road network and are not suitable for retail services uses due to the lack of main road exposure and passing trade. The existing centres planned to expand into larger town centres, such as the West Hoxton Shopping Centre, would provide higher order shopping and services serving a sub-regional trade area. Having regard to this role and function these centres are not considered to be a practical alternative to the site.



**Figure 17: Existing Centres - SWGC**

(Source: SWGC Structure Plan)





**Figure 18: Existing Centres – Liverpool LGA**

(Source: Liverpool LEP)

#### Suitability of the site to accommodate a new centre

The Department has considered the site against the key locational attributes in the Draft Centres Policy. The suitability of the site is justified on the basis that:

- it forms an extension to the Fifteenth Avenue Neighbourhood Centre;
- distance separation and intervening development minimise the potential amenity impacts on nearby residences at West Hoxton;
- it is located within walking distance to the nearby residential suburb of West Hoxton;
- it is serviced by public bus transport and will be investigated for a BRT route;
- it has high visibility to capture passing trade;
- it has good access to the wider road network including the M5 and M7 Motorways;
- it has low ecological value; and
- there are no significant impediments to servicing the site with utility infrastructure, including sewer and water.

The Draft Centres Policy also provides for a Net Community Benefit Test (NCBT) as a measure to assess the impacts of a proposal. The applicant's EIA considers the proposal against the NCBT evaluation criteria. The net community benefits when compared against a base case scenario are:

- revenue generated by the proposal would fund improvements to the Parklands for the benefit of the growing population of Sydney;
- increase choice and convenience shopping opportunities for the residents in the main trade area;
- address the demand for supermarket floorspace in the main trade area;
- provide savings in terms of time and fuel costs for residents in the main trade area;
- support future population growth in the Austral precinct; and
- provide employment for population in the main trade area.

#### *Liverpool Retail Centres Hierarchy Review (2012)*

Hill PDA completed the Retail Hierarchy Review for Council in July 2012. The review assessed future demand and supply for retail floorspace within the Liverpool LGA. The review excluded that part of the Liverpool LGA which forms part of the SWGC. The review identified that demand for retail

floorspace would grow significantly and is expected to increase by approximately 110,000-115,000 sqm between 2011 and 2031. The growth in retail floorspace accounts for future centres being developed in the SWGC such as the Leppington Major Centre and the Austral Town Centre. The Department notes that despite the future growth of centres in the SWGC, there will still be a significant additional demand for retail floorspace in the Liverpool LGA in the future.

#### Department's Conclusion

The Department has considered the strategic implications in the context of the key metropolitan and local policies, and considers the proposal is reasonable and acceptable in terms of strategic justification.

The proposal would contribute to funding ongoing management and improvement of recreation and sporting facilities in the Parklands to directly benefit local and regional communities in Western Sydney.

The proposed retail centre is strategically positioned on a future transport corridor between two significant growth areas within SWGC and the Liverpool LGA. The proposal would cater for the convenience retail needs of the growing local population and also include retail service uses to complement the function of the future transport corridor along Fifteenth Avenue.

The applicant's sequential test provides a reasonable assessment of alternative locations for the proposed centre (see **Figures 17 and 18**). The Department notes that the larger centres (existing and planned) provide higher order shopping and services serving a sub-regional trade area and are not suitable for the retail service uses proposed on the site. The Department also notes the future planned centres in the locality are a significantly larger scale when compared to the relatively small scale of the proposal. The smaller existing centres in the locality lack sufficient available land and are accessed by local roads making them unsuitable due to a lack of passing trade required to support a retail service centre.

The proposed retail floorspace forms an extension to the existing Fifteenth Avenue Neighbourhood Centre to create a new retail centre, which meets a number of key locational requirements in terms of transport and accessibility desirable for new centres.

The proposed development is also adequately justified based on the demand for retail floor space and the significant population growth expected in the surrounding area.

The Department therefore considers there is sufficient strategic justification for the proposal.

## **5.2 Economic Impact**

The proposal is for a new retail centre including commercial, retail, service station and child care uses comprising a total of 5,350 sqm GFA (refer to **Table 5**).

**Table 5 – Proposed Retail Floorspace**

Land use	GFA(sqm)
retail/commercial	1,200
supermarket	1,500
retail pad site (fast food)	400
large format retail	1,500
service station	250
childcare centre	500
<b>TOTAL</b>	<b>5,350</b>

The introduction of retail floorspace has the potential to redirect turnover from existing centres in the locality. The majority of the public submissions received by the Department were from local business operators and owners objecting on the grounds that the proposal would have an adverse trading impact on the Fifteenth Avenue Neighbourhood Centre. Council supports the proposed centre on



the basis that significant population growth in the surrounding area, particularly the population growth at Austral, which is likely to increase the demand for retail floorspace in the locality.

The applicant submitted an Economic Impact Assessment (EIA), prepared by MacroPlan Dimasi to assess the economic impacts of the proposal. The retail impact is based on estimating turnover of the proposed centre and assessing the redirection of these turnovers from competing centres. The applicant's EIA estimates the proposed supermarket and retail specialty component would achieve a turnover of \$19.9 million in its first full year of trade in 2019 based on an average retail turnover demand (RTD) of \$7,400 per sqm. The trading impact on the existing centres in the main trade area (i.e. the retail turnover re-directed from competing centres) is outlined in **Table 6**.

**Table 6: Trading Impact**

Existing Centre (main trade area)	Estimated impact
Fifteenth Avenue Neighbourhood Centre	0%
West Hoxton Shopping Centre (future Austral Town Centre)	-10.2 %
Middleton Grange	- 7 %
Tenth Avenue (future Austral Village)	-7.7%

The applicant's EIA estimates there would be no trading impact on the Fifteenth Avenue Neighbourhood Centre when the proposed development is expected to commence operation in 2019. The applicant's EIA also states the existing centre would benefit from significant additional visitation and retention of expenditure to the locality.

The estimated impact on the West Hoxton Shopping Centre, Tenth Avenue and Middleton Grange Shopping Centre is expected to range between seven and ten per cent reduction in sales in 2020 that would otherwise be achieved without the proposed development. However, the applicant's EIA makes the point that population growth in the MTA is expected to increase the estimated future trading levels of these centres by five to ten per cent above current trading levels in 2020. The applicant's EIA therefore justifies the economic impact on the basis that these centres would benefit from significant population growth in the surrounding area providing a large increase in the demand for retail in the locality.

The applicant's EIA also states the proposed large format retail, fast food outlet and service station uses generally located on main road locations and retail centres are not anchored by such uses. The non-retail commercial uses proposed such as a gymnasium, medical centre and commercial shops for a real estate agent, solicitor and bank are generally considered ancillary uses that are co-located with key retail anchors in retail/commercial centres. The demand for such uses is expected to double over the next 15 years as the population expands. The potential trading impacts of these uses are generally commercial in nature and would not likely threaten the viability of existing and future centres in the MTA.

The greatest shift in turnover would be 10.2 per cent at the West Hoxton Shopping Centre. However, the Department notes the West Hoxton Shopping Centre is planned to expand into a larger town centre serving a sub-regional trade area and would benefit from significant population growth expected in Austral. Council recommends that the gross leasable area (GLA) of the proposed centre be limited to 6,000 sqm, and the size of the supermarket limited to no more than 1,600 sqm (GLA) in order to minimise the trading impact on the West Hoxton Shopping Centre. A condition to this effect is included in the recommended development consent.

The Department accepts the applicant's arguments for neutral economic impacts to the existing Fifteenth Avenue Neighbourhood Centre from increased visitation and retention of expenditure to the locality as a result of the proposal. However, it considers this outcome to partly depend on suitable pedestrian access across Fifteenth Avenue. This aspect is addressed separately in **Section 5.3** under 'Pedestrian Connectivity'.

Overall, the Department considers the forecast growth in population and expenditure in the main trade area would reduce the trading impact on the nearby retail centres over time. The Department is satisfied that the introduction of a new retail centre would not impact on nearby local centres to an extent that threatens their viability.

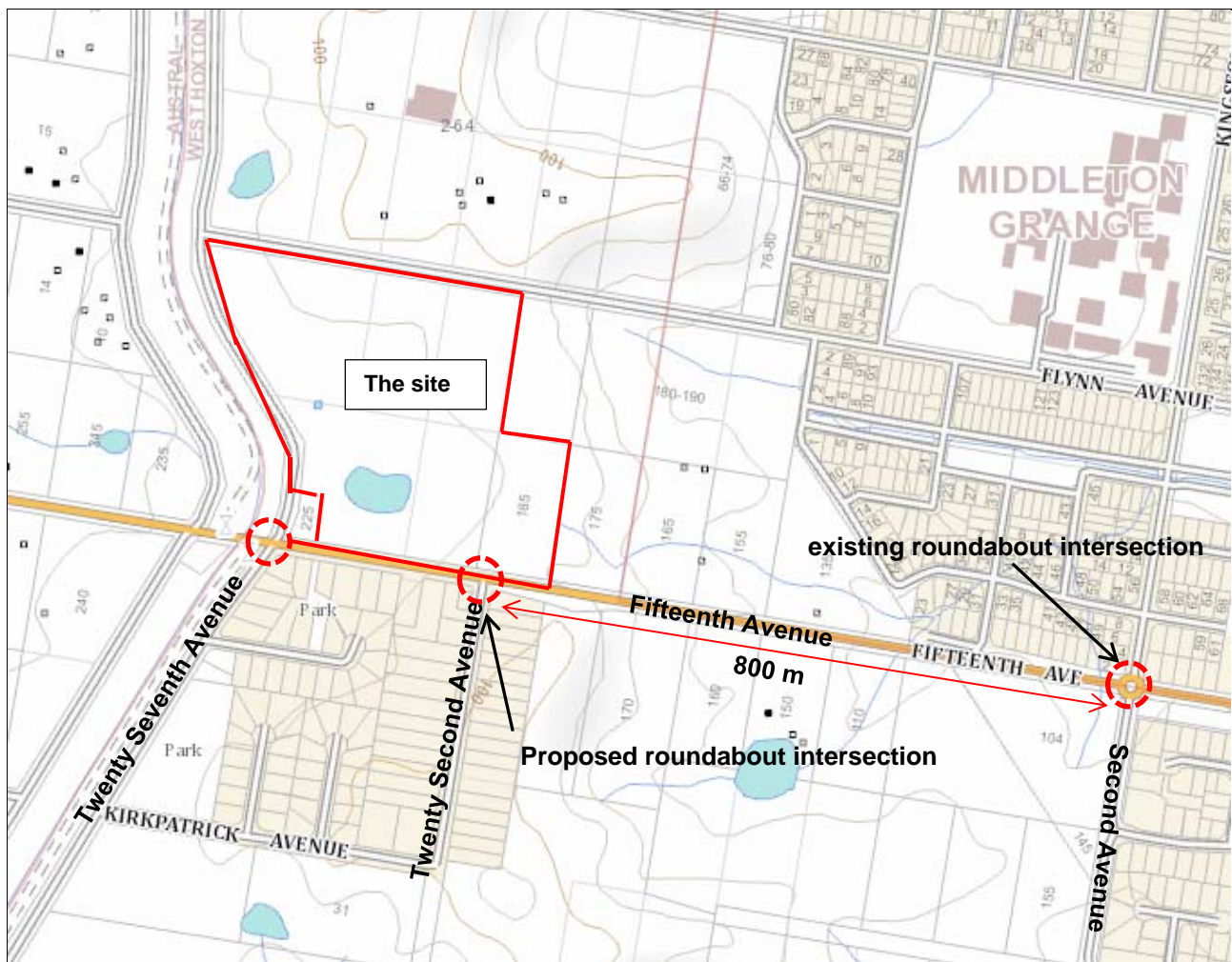
The Department considers the economic impacts to be acceptable.

### 5.3 Traffic and Transport

The applicant submitted a Traffic Impact Assessment (TIA) with the application, which addresses the relevant traffic and access considerations. The key traffic issues raised by RMS and Council relate to the proposed intersection and the future upgrade of Fifteenth Avenue. The public submission raised concerns with traffic safety and congestion in Fifteenth Avenue as a result of the proposal. These aspects are addressed below.

#### *Traffic and Access*

The proposed development would generate additional traffic along the section of Fifteenth Avenue fronting the site. The applicant's TIA estimates the proposal would generate 282 vehicle trips per hour (vtp) in the morning peak and 421 vtp in the evening peak on a weekday and 443 vtp at midday on a weekend.



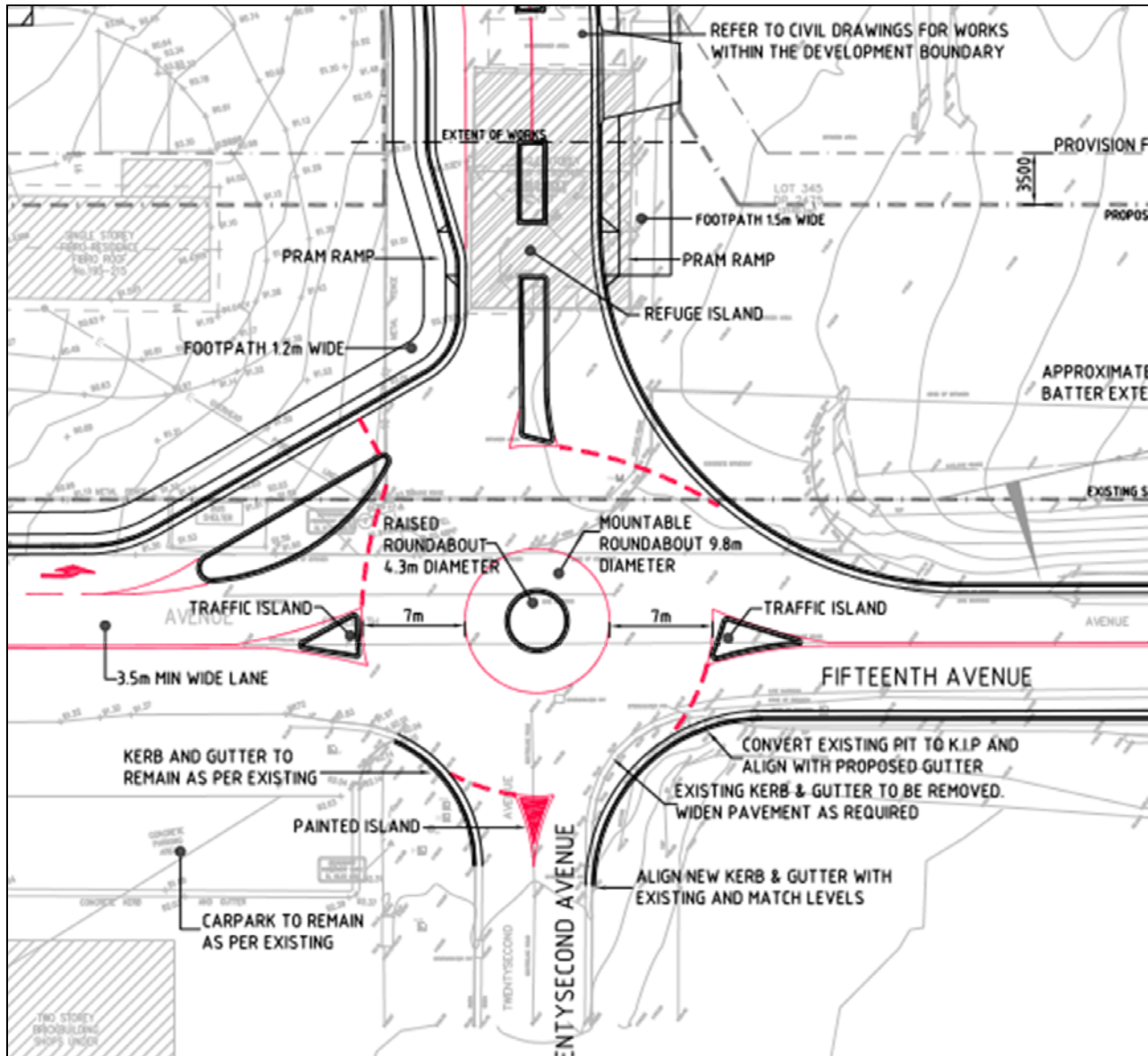
**Figure 19:** Existing intersections in the locality

(source: Six Viewer)

The intersections of Fifteenth Avenue along the site's frontage at Twenty-Second Avenue and Twenty-Seventh Avenue connect to local roads. The nearest intersection beyond the site frontage is located 800 m to the east at Second Avenue (refer to **Figure 19**). The applicant's TIA notes the

performance of intersections in the vicinity of the site is currently satisfactory in the morning and evening peak period, except for some queuing at the intersection to the east.

The proposal includes the construction of a roundabout to control traffic movements to and from the site at the intersection of Fifteenth Avenue/Twenty Second Avenue. The proposed roundabout design is illustrated in **Figure 20**.



**Figure 20:** Proposed roundabout intersection at Twenty Second Avenue and Fifteenth Avenue (source: Applicant's Rts)

The applicant's TIA adopts an annual traffic growth rate of 2.5 per cent along Fifteenth Avenue over a projected ten year design horizon to model the performance of the roundabout intersection. The applicant's traffic modelling indicates that the operational performance of the roundabout intersection would be good with Levels of Service (LOS) A and B, during the morning and evening peak periods. The Department is therefore satisfied the proposal would not result in any significant adverse traffic impacts on the surrounding road network.

One public submissions raised concern with the sight distance limitations to the east due to the crest on Fifteenth Avenue, and the potential traffic safety hazards at the roundabout intersection for vehicles accessing the site, particularly large delivery trucks. The applicant's TIA considers the roundabout intersection would improve safety for right turning vehicles at the Twenty-Second Avenue intersection. The Department notes that no traffic safety concerns were raised by RMS or NSW Government Department of Planning and Environment

Council in relation to the proposed roundabout intersection. The Department recommends the detailed design of any road infrastructure to comply with RMS and Council's requirements. A condition to this effect is included in the recommended development consent.

The proposed development includes the construction of an internal access road providing vehicular access to the various retail uses within the site. The internal access road would be maintained as a private road under the ownership of the WSPT. A dedicated left-turn deceleration lane would provide access to the proposed service station from Fifteenth Avenue. RMS has indicated that access to the site should be limited to the roundabout and the dedicated deceleration lane to the service station should be restricted to ingress only. Conditions are recommended accordingly.

#### *Fifteenth Avenue Infrastructure Upgrade*

Fifteenth Avenue is identified as a major transport corridor with a Transit Boulevard for rapid public transport access in the *SWGC Structure Road Hierarchy (2011)*. TfNSW advises that a BRT route along Fifteenth Avenue between Liverpool and Campbelltown via Leppington will be investigated in accordance with long term transport planning in *Sydney's Bus Futures*. There is also expected to be a significant increase in traffic in Fifteenth Avenue to accommodate the urban expansion in the region.

RMS advises that a 43.2 m wide corridor is required for the Transit Boulevard upgrade of Fifteenth Avenue. The proposal incorporates a 20 m wide reservation along the Fifteenth Avenue frontage of the site for future road widening (refer to **Figure 12**), which could be used to extend the width of the road reservation on the site following consultation with RMS. A condition to this effect is included in the recommended development consent.

RMS has also advised that the proposed roundabout intersection is likely to be replaced with traffic signals when the road is upgraded. Council raised no objection to the proposed roundabout intersection as an interim treatment of the intersection. It also recommends that the applicant liaise with RMS when the warrants exist for a signalised intersection.

The Department notes that timing of the future upgrade works to Fifteenth Avenue is contingent on funding by the State Government and only then would it be transferred from a Council owned road to the jurisdiction of the RMS. The Department recommends consultation with RMS and Council in relation to the detailed design on the proposed roundabout intersection and the future upgrade works. Conditions to this effect are included in the recommended development consent.

#### *Pedestrian Connectivity*

The proposal includes relocating the existing bus stop on the northern side of Fifteenth Avenue further west to make way for the new roundabout intersection and deceleration lane. The proposed footpath along the site's frontage would connect the relocated northern bus stop with the existing pedestrian refuge at the western end of the site across Fifteenth Avenue (refer to **Figure 21**). A condition requiring the new northern bus stop comply with RMS standards is included in the recommended development consent.

TfNSW recommends the existing bus stop on the southern kerb of Fifteenth Avenue be upgraded to improve safety and access. However, the Department considers the upgrade of the bus stop on the southern side of Fifteenth Avenue is outside the scope of the application.

TfNSW requests a pedestrian crossing to facilitate safe pedestrian access between the bus stops on both sides of Fifteenth Avenue. The applicant advises that a pedestrian crossing would be provided, subject to satisfying the RMS pedestrian warrants (which is based on specific criteria such as traffic flows, traffic conflicts and pedestrian requirements). The Department considers the proposed roundabout intersection should incorporate a pedestrian refuge to integrate the proposal with the existing centre and provide safe access between the bus stops on both sides of the street. Subject to a condition to this effect being included in the recommended development consent, the



Department is satisfied there would be adequate integration between the proposal and the existing centre until such time as the proposed roundabout intersection is signalised.

The Department is satisfied that the proposal incorporates adequate connections for pedestrians across Fifteenth Avenue to facilitate access between the bus stops and integrate the proposal with the existing centre.

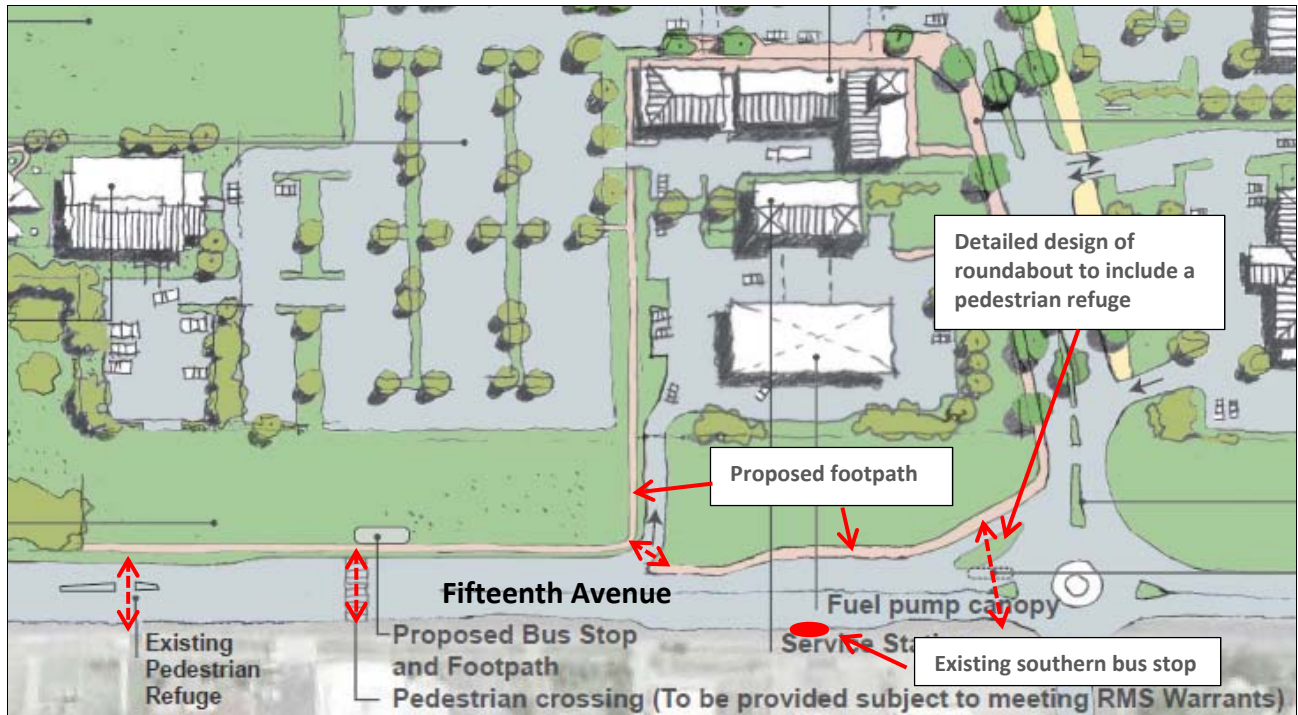


Figure 21: Proposed pedestrian connections

(source: Applicant's RtS)

## 5.4 Built Form

The application seeks approval for seven building envelopes on the development site. The applicant has provided urban design guidelines, which include design parameters and principles to guide the detailed design of buildings in future stages.

The footprint of each building envelope varies to accommodate the intended retail use, such as a supermarket, large format retail or other smaller retail and service uses. The proposed building envelopes each have a maximum building height of 8.5 m. The principal planning instrument that applies to the site is the WSP SEPP 2009. However, there are no specific numerical controls in terms of built form applicable to land within the Parklands.

No issues were raised by Council or the general public regarding the height, bulk and scale of future development.

The proposed retail floorspace would alter the undeveloped and rural character of the site when viewed from the public domain and neighbouring properties. The future buildings would be prominent from Fifteenth Avenue to the southwest due to the elevated nature of the site, which rises to the north. The visual impact of the proposed building envelopes is illustrated in **Figures 22 and 23**.

The Department notes that the maximum building height would be comparable to the existing retail buildings opposite the site, which are a maximum of two storeys. The proposed building envelope represents a maximum building form, and the detailed design would need to demonstrate sufficient articulation in design, and use an appropriate mix of materials and other treatments such as landscaping to reduce the perceived mass of the development when viewed from the public domain. A condition to this effect is included in the recommended development consent.



**Figure 22** – View north-east from Fifteenth Avenue/Twenty-Seventh Avenue (source: Applicant's RtS)



**Figure 23:** View north-east from Fifteenth Avenue/Twenty-Seventh Avenue (source: Applicant's RtS)

Subject to adherence to the applicant's urban design guidelines at the detailed design stage, the Department is satisfied the proposed development would achieve a good standard of design for individual buildings in future stages. A condition to this effect is included in the recommended development consent.

The proposal would not result in any adverse amenity impacts in terms of solar access, privacy impacts (visual and acoustic) or view loss to the neighbouring residential properties due to the 40 m distance separation afforded by the proposed car park and the road reservation on the site and intervening commercial development. In accordance with the applicant's design parameters all future buildings on the site would have a minimum setback of 10 m to the northern alignment of the road reservation within the site.

The Department's assessment concludes that the massing of the proposed building envelopes is appropriate for the site.

## 5.5 Other Issues

<p><i>Stormwater Management</i></p>	<p>The site is upslope and adjacent to the eastern boundary of the Upper Canal Corridor, which is critical infrastructure owned and managed by Water NSW supplying water to the Greater Sydney Region. Water NSW raises concerns with the management of stormwater from the proposed development during construction and ongoing operation of the proposed development. The public submissions also raised concerns with overland stormwater flows from the site to surrounding properties.</p> <p>The proposal incorporates a combined above-ground detention basin and bio-retention system in the north-western lot on the development site to receive stormwater run-off conveyed from the site. The stormwater will be treated prior to being discharged to the existing culvert on Twenty Seventh Avenue adjacent</p>
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	<p>to the canal. The stormwater management measures have been designed to limit post development discharge to less or equal to pre-development discharge from the site.</p> <p>Water NSW does not object to the proposed stormwater management measures and recommends a series of conditions to minimise flooding and associated water quality risks and protect the canal infrastructure. These conditions have been included in the recommended development consent.</p> <p>The Department is satisfied that the stormwater measures would adequately manage overland flooding and the associated water quality risks to surrounding properties, including the Upper Canal Corridor. The Department has included stormwater management conditions, including erosion and sedimentation controls in the recommended development consent to appropriately manage stormwater run-off from the site during the construction period and ongoing operation of the proposed development.</p> <p>OEH also requested additional information in relation to overland flooding, particularly in relation to the requirements in the NSW Floodplain Development Manual 2005 and Council's flooding provisions. The applicant considers that the layout of the site has been designed to safely convey overland flow from the external catchments and no further assessment is warranted because the site is not flood prone land. Council considers that the applicant's assessment in terms of overland flooding is acceptable. The Department is satisfied that overland flood risk has been adequately addressed by the applicant and no further flooding assessment is warranted.</p>
Acoustic Impacts	<p>The EPA has advised that proposed development has the potential to generate significant noise impacts on surrounding residences during the construction and operational phases of the development. The nearest residence to the site is located approximately 20 m to the south within the existing Fifteenth Avenue Neighbourhood Centre on the southern side of Fifteenth Avenue.</p> <p>The applicant's Noise Report established demolition and construction noise management levels for surrounding sensitive residential receivers based on the <i>Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009)</i> (ICN Guideline), and the <i>NSW Industrial Noise Policy (INP)</i>. The EPA recommends conditions regarding intra-day respite periods and truck use in accordance with the ICN Guideline. The Department is satisfied that any noise impacts associated with the early works (demolition and earthworks) can be adequately mitigated and managed. To ensure the amenity of the surrounding residential receivers is protected during the Stage 1 works, the Department recommends a condition requiring the applicant to prepare a Construction Noise and Vibration Management Plan, which would need to address all relevant requirements contained in the ICN Guideline, including noise sources, residential receivers, mitigation measures and monitoring and reporting procedures. The noise impacts associated with the construction of buildings would be subject to assessment at the relevant future development application stage. A condition to this effect is included in the recommended development consent.</p> <p>There are a range of potential noise sources associated with the future operation of the site including mechanical plant, car park noise (vehicle movements), loading/unloading activities, truck movements, child care centre and the operation of a service station. EPA raises concern with the potential 24 hour operation of some of the retail uses such as the service station and the impact on surrounding residences at night time.</p>

	<p>The applicant's Noise Report established operational noise goals based on the INP. The noise assessment included a semi-trailer leaving the site between 10:00 pm and 7:00 am that creates a momentary noise level inside the bedroom of the nearest residence (assuming the window is left open) of 50 dB(A). This is consistent with EPA sleep disturbance guidelines, which state that internal noise levels of 50-55 dB(A) are unlikely to awaken people from sleep.</p> <p>The Department is satisfied the analysis of the typical operational noise criteria indicates the site is capable of complying with the relevant noise emission criteria. The noise impacts associated with the operation of the site including plant and equipment would also be subject to assessment at the relevant future development application stage. A condition to this effect is included in the recommended development consent.</p>
<i>Ecological Impacts</i>	<p>The subject land is generally cleared and is predominately used for cattle grazing. There are isolated stands of native trees in the north-western portion of the site (on the residue lot outside the development site), and a large rural dam in the south-western portion (refer to <b>Figure 24</b>).</p> <p>The applicant's Aboricultural Assessment identified 86 trees within the development site, including five trees located in the future road reserve and five trees located on the adjoining allotments. Of these 86 trees, two trees are proposed to be retained. The applicant's urban design guidelines include landscape design measures, including the planting of additional CPW species on the site.</p> <p>The applicant submitted a Flora and Fauna Assessment (FFA) with the application to determine the presence of any species or plant communities listed under the <i>Commonwealth Environment Protection and Biodiversity Act 1999</i> (EPBC Act 1999) and/or <i>NSW Threatened Species Conservation Act 1995</i> (TSC Act 1995). The residue lot (where no development is proposed under this application) contains Cumberland Plain Woodland (CPW), which is listed as critically endangered under the TSC Act 1995. There is also potential habitat for the endangered Spiked Rice-Flower recorded in the vicinity of the development site. Potential habitat was also identified on the site for the Cattle Egret, Grey Headed Flying Fox, Eastern Betwing Bat and the Little Eagle, which are species listed under the EPBC Act 1999 and/or TSC Act 1995.</p> <p>The FFA includes an assessment in accordance with the guidelines provided under Part 1, Section 5A of the EP&amp;A Act to determine whether there is likely to be a significant effect on these threatened species and their habitats. The FFA concludes that the proposal would not result in any significant impact on long term viability of the threatened species or their habitats. The existing dams have limited habitat value as they have been disturbed by cattle. The drainage line traversing the site in a westerly direction (north of the larger dam) consists of native grasses and some native emergent reeds. The FFA includes specific measures in relation to landscape works and a dewatering strategy. The Department has included requirements for works in these conditions in the recommended development consent.</p> <p>OEH raises no concerns in relation to the applicant's FFA. The Department is satisfied that the proposal would not result in any adverse ecological impacts on the surrounding area.</p>





**Figure 24** – Existing vegetation on the site (note orange shadowing is Low Dense Shrubland including noxious weeds)  
(source: Applicant's EIS)

<p><i>Bushfire Protection</i></p>	<p>The subject site is not identified as bushfire prone under Council's bushfire prone land map. However, nearby land within the Parklands to the north and northeast is identified as possible future bushland corridor due to the presence of Shale Plains Woodland that may be regenerated either naturally or assisted. The applicant submitted a Bushfire Hazard Assessment Report (BHAR) with the application to assess the bushfire risk associated with the future development of the site in accordance with <i>NSW Planning for Bushfire Protection 2006</i> (NSW PBP 2006)</p> <p>The BHAR notes the proposed service station site is located more than 100 m from the bushland corridor and therefore is not listed as 'bushfire prone' under NSW PBP 2006. However, the proposed childcare centre is identified as a 'special fire protection purpose' requiring asset protection zones (APZ). The minimum required APZ for the proposed childcare centre in accordance with the requirements in NSW PBP 2006 is 70 m to the east and northeast of the building. The Department notes that these setback zones could be achieved given the distance between the proposed childcare centre and the northern and eastern boundaries is in excess of 100 m.</p> <p>The Department is satisfied that the bushfire protection measures including any recommended APZ for individual buildings can be addressed at the future DA stage. A condition to this effect is included in the recommended development consent.</p>
<p><i>Site Contamination</i></p>	<p>The applicant's Detailed Site Contamination Investigation submitted with the EIS did not find any areas of significant soil or groundwater contamination on the site, although hydrocarbon odours were detected at two sampling locations associated with the disused bus depot site and asbestos was found in fill on a 180m<sup>2</sup> area of the site. Remedial works are recommended, particularly on the disused bus depot site around the areas containing former storage tanks, to ensure it is suitable for the proposed development.</p>

	<p>The applicant submitted a remedial action plan (RAP) with the RtS identifying areas of the site requiring remediation, including the disused bus depot area, and the preferred remedial options including, additional sampling once buildings and structures are removed, excavation and either offsite disposal to a licenced landfill facility or relocation of soil below roadways. The RAP has been endorsed by an accredited independent site auditor verifying that remediation of the site is appropriate given the intended land use. The Department considers that the application has been assessed in accordance with <i>State Environmental Planning Policy No.55 – Remediation of Land</i> (refer to <b>Appendix B</b>).</p> <p>Subject to conditions, the Department is satisfied the site can be safely and successfully remediated and validated in accordance with the relevant legislation.</p>
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## 6. CONCLUSION

The proposed new retail centre would contribute to the long term economic and environmental sustainability of the Parklands, which will directly benefit local and regional communities in Western Sydney. This outcome is supported by the Department's key metropolitan policies in a *Plan for Growing Sydney*.

The proposal also forms an extension to an existing neighbourhood retail centre and is strategically positioned on a future transport corridor between two significant residential growth areas within the SWGC and the Liverpool LGA. The proposal would cater for the convenience retail needs of the growing local population and also include retail service uses to complement the function of the future transport corridor along Fifteenth Avenue.

The Department is satisfied that the new retail centre is adequately justified based on the demand for retail floorspace and future population growth in the surrounding area. The future planned centres in the retail hierarchy are significantly larger scale when compared to the relatively small scale of the proposal. The Department is satisfied there is sufficient strategic justification for the proposal.

The Department considers the initial trading impacts on nearby local centres would reduce over time as the population and retail expenditure increases in the MTA surrounding the site.

The Department is satisfied the development envisaged under the concept proposal would not result in any significant adverse traffic impacts on the surrounding road network or the planned upgrade of Fifteenth Avenue. The Department is also satisfied that the proposal includes adequate interim measures to facilitate pedestrian access and integrate the existing centre until such time as the road is upgraded and the intersection is signalised.

The proposed building envelopes are generally consistent with the existing centre in terms of building height. Conditions have been included in the recommended development consent to ensure the design of buildings in future DA stages achieve a good standard of design.

The site is generally cleared land with low ecological value and there are no major impediments to development. The site also exhibits a number of locational attributes desirable for a new centre being on a key road location currently serviced by public transport with good visibility for passing trade and accessibility to the wider road network.

The Department is satisfied that the impacts have been satisfactorily addressed within the application and the Department's recommended conditions to ensure an acceptable level of environmental performance.

Subject to recommended conditions, the Department considers the proposal is in the public interest and recommends the application be approved.

## 7. RECOMMENDATION

In accordance with section 89E of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- a) **notes** the findings and recommendations of this report;
- b) **approves** the SSD application subject to conditions; and
- c) **signs** the attached development approval (see **Appendix B**).

Prepared by: Thomas Mithen  
Consultant Planner

Endorsed by



Ben Lusher  
**Director**  
**Key Sites Assessments**

Approved by:

Anthea Sargeant  
**Executive Director**  
**Key Sites and Industry Assessments**

## APPENDIX A SUPPORTING INFORMATION

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

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6407](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6407)

In particular:

1. The Secretary's Environmental Assessment Requirements (SEARs)
2. Environmental Impact Statement
3. Submissions
4. Applicant's Response to Submissions



## APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

### State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The site is subject to the Growth Centres SEPP, which is the legal instrument that establishes the planning rules and objectives for the Growth Centres. The SWGC comprises 18 separate precincts to be released for development in stages. The precincts which are located wholly or partially in Liverpool LGA are: Kemps Creek, North Rossmore, Austral, East Leppington, Rossmore, Bringelly, North Bringelly and Edmondson Park.

However, the subject site is unzoned and is not subject to a Precinct Plan under the SWGC because it is located within the Parklands. Notwithstanding, the proposal would complement the function of the employment corridor identified along Fifteenth Avenue in the SWGC Structure Plan.

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

The aims of this SEPP are to identify SSD and State significant infrastructure.

The proposal is considered SSD as it is development with a capital investment value (CIV) in excess of \$10 million located at Western Sydney Parklands under clause 5 of Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011.

### State Environmental Planning Policy (Western Sydney Parklands) 2009

The principal aim of the SEPP is to put into place planning controls that will enable the applicant to develop the Parklands into a multi-use urban parkland for Western Sydney

Clause 11(1) of the SEPP identifies a range of land uses that can be carried out without consent including but not limited to cafes, community facilities and entertainment facilities. Clause 11(2) allows for the consideration of any other type of development (except residential development) with development consent. The matters for consideration in the determination of applications for development in the Parklands are addressed as follows:

Aims in clause 2 of the policy	Department's Comment	Complies
<p><i>The aim of this Policy 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:</i></p> <ul style="list-style-type: none"> <li><i>a) allowing for a diverse range of recreational, entertainment and tourist facilities in the Western Parklands, and</i></li> <li><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></li> </ul>	<p>The proposal is consistent with the relevant Aims of the policy in that it:</p> <ul style="list-style-type: none"> <li>• would be consistent with <i>A Plan for Growing Sydney</i>, which supports activation precincts in the Parklands; and</li> <li>• contribute to a sustainable revenue base to fund the Parklands ongoing recreational, environmental and community programs.</li> </ul>	Yes

<p>c) continuing to allow for and facilitate the location of government infrastructure and service facilities in the Western Parklands, and</p> <p>d) protecting and enhancing the natural systems of the Western Parklands, including flora and fauna species and communities and riparian corridors, and</p> <p>e) protecting and enhancing the cultural and historical heritage of the Western Parklands, and</p> <p>f) maintaining the rural character of parts of the Western Parklands by allowing sustainable extensive agriculture, horticulture, forestry and the like, and</p> <p>g) facilitating public access to, and use and enjoyment of, the Western Parklands, and</p> <p>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</p> <p>i) encouraging the use of the Western Parklands for education and research purposes, including accommodation and other facilities to support those purposes, and</p> <p>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 <a href="#">Western Sydney Parklands Act 2006</a>, and</p> <p>k) ensuring that development of the Western Parklands is undertaken in an ecologically sustainable way.</p>		
<p>Impact on drinking water</p>	<ul style="list-style-type: none"> <li>• A Stormwater Management Plan was submitted with the application which details measures to improve water quality from stormwater discharged from the site and minimise impacts to</li> </ul>	<p>Yes</p>

	the Upper Canal Corridor. Refer to 'Stormwater Management' in <b>Section 5.5</b> of the report.	
<i>Impact on utilities/services</i>	<ul style="list-style-type: none"> <li>The applicant submitted a Civil Engineering Report which examines the utility services available to the site.</li> </ul>	Yes

<b>Matters for consideration</b>	<b>Department's Comment</b>	
<i>Impact on conservation areas and EEC</i>	<ul style="list-style-type: none"> <li>The development site consists of cleared areas that are grazed by cattle and isolated native trees and two dams.</li> <li>The applicant submitted a Flora and Fauna Assessment with the application to determine the presence of any species or plant communities listed under the <i>Commonwealth Environment Protection and Biodiversity Act 1999</i> (EPBC Act 1999) and/or <i>NSW Threatened Species Conservation Act 1995</i> (TSC Act 1995).</li> <li>OEH has raised no concerns in relation to the applicant's ecological assessment.</li> <li>The Department is satisfied the proposal would not result in any adverse ecological impacts on the surrounding area.</li> </ul> <p>Refer to 'Ecological Impacts' in <b>Section 5.5</b> of the report.</p>	
<i>Impact on continuity of bushland corridors</i>	Refer to discussion above	Yes
<i>Impact on access to recreational uses</i>	<ul style="list-style-type: none"> <li>The revenue generated by the proposed development will facilitate the improvement of the recreational programs and activities in the Parklands.</li> </ul>	Yes
<i>Impact on physical and visual continuity</i>	<ul style="list-style-type: none"> <li>The proposed development would not result in any adverse impact on the physical or visual continuity of the Parklands because it forms an extension to an existing centre and is located on cleared land at the periphery of the Parklands.</li> </ul> <p>Refer to <b>Section 5.4</b> of the report.</p>	Yes

<i>Impact on public access</i>	<ul style="list-style-type: none"> <li>The proposed development will not reduce public access to the Parklands. The revenue generated by business hubs in the Parklands contributes to funding ongoing management and improvement of facilities and access for the general public</li> </ul>	Yes
<i>Consistency with WSP POM</i>	<ul style="list-style-type: none"> <li>The proposed development is consistent with the POM which identifies nine business hubs for commercial development within the Parklands.</li> </ul> <p>Refer to <b>Section 2.2</b> of the report.</p>	Yes
<i>Impact surrounding residential amenity</i>	<ul style="list-style-type: none"> <li>The proposal would not result in any adverse amenity impacts in terms of solar access, privacy impacts (visual and acoustic) or view loss to the neighbouring residential properties due to the 40 m distance separation afforded by the proposed car park and the road reservation on the site and intervening commercial development.</li> <li>The potential noise impacts during construction and operation have been addressed and the proposed development is considered acceptable subject to detailed noise assessment for future development applications.</li> </ul>	Yes
<i>Significant Views</i>	<ul style="list-style-type: none"> <li>The proposed development will not impact any significant views.</li> </ul> <p>Refer to <b>Section 5.4</b> of the report.</p>	Yes
<i>Drainage patterns and groundwater</i>	<ul style="list-style-type: none"> <li>The Stormwater Management Plan submitted with the application details the proposed drainage measures. Groundwater is not expected to be impacted due to minimal excavation. The recommended development consent includes conditions in relation to stormwater management and groundwater.</li> </ul>	Yes
<i>Heritage items</i>	<ul style="list-style-type: none"> <li>The nearby Upper Corridor Canal is situated to the west of the Twenty Seventh Avenue and is listed on the NSW State Heritage Register.</li> <li>The Boyland-Kirkpatrick Park also adjoins the south-western boundary of the site and contains two World War One memorial stones and is an item of</li> </ul>	Yes



	<p>local heritage significance listed on Liverpool LEP.</p> <ul style="list-style-type: none"> <li>• In the RtS submitted with the application the applicant modified the site layout by relocating the proposed childcare facility to the north and incorporating a landscape buffer to minimise the heritage impacts on the setting of the adjoining heritage listed park.</li> <li>• The adjoining Boyland-Kirkpatrick Park would also be affected by any future road widening.</li> <li>• Given the separation afforded by Twenty Seventh Avenue along the western boundary, the proposal is not likely to result in any adverse impact on the heritage significance of the Upper Water Canal.</li> <li>• The potential heritage impacts have been addressed and the proposed development is considered acceptable subject to detailed heritage assessment for future development applications.</li> <li>• The Archaeological Assessment submitted with the application did not find any Aboriginal relics/sites as part of the field investigations.</li> <li>• The site has been extensively modified and there is a low likelihood for intact Aboriginal cultural heritage deposits on the site.</li> </ul>	
<i>Traffic and parking</i>	<ul style="list-style-type: none"> <li>• The traffic impacts have been addressed in the assessment and found to be acceptable.</li> <li>• The recommended development consent includes conditions in relation to parking for future development applications.</li> </ul> <p>Refer to <b>Section 5.3</b> of the report.</p>	Yes

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

SEPP 55 aims to provide a state wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying under what circumstances consent is required, specifying certain considerations for consent to carry out remediation work and requiring that remediation works undertaken meet certain standards.

The majority of the site has been used for market gardening and rural activities, particularly the northern lots and the southern lots also include a former bus depot and workshop and wash bay and several underground storage tanks which have been removed and above ground diesel tanks. The

southern part of the site also contains a dwelling house and three farming sheds which include manure bagging and distribution. The south-western part of the site also includes a large dam covering about 2,500 sqm and an informal parking area of about 2,000 sqm.

The applicant submitted a Detailed Site Contamination Investigation and compared the results from soil and groundwater sampling across the site to the National Environmental Protection (Assessment of Site Contamination) Measure 2013 (NEPM 2013) criteria for residential with garden/accessible soils (including child care centres) and commercial/industrial activities.

Based on the field investigations there were no areas of gross soil or groundwater contamination identified on the total site, however localised remedial works were considered to be required to ensure the site is made suitable for the proposed development. The applicant submitted a remedial action plan (RAP) with the RtS identifying requirements for areas of the site requiring remediation. The preferred remedial options are for excavation and offsite disposal to a licenced landfill facility or relocation of soil below roadways. The RAP also includes scope for additional sampling to address the data gaps including beneath buildings and across the former bus depot site.

The Department notes the RAP was prepared in accordance with NSW OEH (2011) Consultants reporting on Contaminated Sites and the NEPM 2013 Site Contamination and the requirements under SEPP 55.

The RAP has been reviewed and endorsed by an accredited Environment Protection Authority (EPA) independent site auditor (Mr. Andrew Lau of JBS&G). The site auditor has issued a 'Section B' SAS verifying that the RAP is appropriate to remediate the site for the intended land use. The site auditor has recommended a validation report prepared by a suitably qualified and experienced contaminated land consultant to demonstrate the remedial works and data gap verification works were appropriately undertaken, and a site auditor should review the remediation and validation works to confirm the suitability of the site prior to occupation for the proposed uses.

As the RAP has been endorsed by an accredited EPA site auditor, the Department is satisfied it can be relied upon to ensure the land will be remediated using appropriate methodologies, consistent with the requirements of SEPP 55.

The Department has recommended conditions requiring that remediation works be carried out in accordance with the RAP and SAS. Importantly, the recommended conditions include a requirement for the site auditor to complete a further SAS and a validation report to ensure the site has been appropriately remediated on completion of the works. The Department also recommends that a waste management plan be submitted to ensure the appropriate classification, handling and, if required, treatment and disposal of contaminated materials at suitably licensed facility

With these conditions in place, the Department is satisfied the site can be safely and successfully remediated and validated in accordance with the relevant legislation.

### **State Environmental Planning Policy (Infrastructure)**

The proposed new centre would have total retail GFA of 5,350 sqm. A commercial premise with more than 2,500 sqm with access to a classified road or within 90 m of a classified road requires referral to the RMS. The proposal therefore exceeds the retail floor space threshold referred to in Clause 104 and Schedule 3 of the Infrastructure SEPP. However, Fifteenth Avenue is a local road but identified as a future classified road by RMS. Nevertheless, the proposal was referred to the RMS who raised no objection to the proposal subject to conditions.

### **State Environmental Planning Policy No. 64 - Advertising and Signage**

SEPP 64 establishes controls for signage including along key road locations. The Stage 1 application does not proposed any signage. The advertising signage for the proposed new centre would be subject to assessment at the future DA stage for individual buildings.

## **Draft State Environmental Planning Policy (Competition) 2010**

The Draft Competition SEPP outlines that commercial viability of a proposal and the impact of a proposal on the commercial viability of another commercial development are not relevant planning considerations. However, consideration must be given to the overall impact on facilities available to the community.

The Department considers the proposal is unlikely to result in an unacceptable impact on existing local centres because the economic analysis indicates that the impact would be minor and would reduce over time due to the forecast growth in population and expenditure as discussed in **Section 5.2**.

## DRAFT CENTRES POLICY - SEQUENTIAL TEST

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**Table 7** provides an outline of the applicant's sequential test.



**Table 7 – Summary of the Applicant's Sequential Test**

Site	Zoning	Area	Distance from site	Vacant land	Consideration
<b>South West Growth Centre</b>					
West Hoxton Shopping centre (planned Austral Town Centre)	B2	9.7 hectares	1.5 km west	Land outside the existing shopping centre is currently operational used for low density residential purposes	<ul style="list-style-type: none"> <li>The centre comprises eight allotments of about 1.2 hectares each.</li> <li>The north-west portion supports the existing 2,800 sqm West Hoxton Shopping Centre, anchored by a 1,000 sqm IGA supermarket and a Home Hardware store with frontage to Fifteenth Avenue.</li> <li>The balance of the centre is currently low intensity residential and agriculture uses.</li> <li>There is already an existing small supermarket and convenience retail offer in this location plus a medical centre with a range of services and the proposal is more suited to the subject site rather than duplicated at the Austral Town Centre, which is planned to accommodate larger and wider serving retail and commercial facilities.</li> <li>It is likely to support one additional full line supermarket and sub-regional orientated retail and commercial uses.</li> </ul>
Eighth Avenue	B1	3.1 Ha	4.8 km	Low density residential	<ul style="list-style-type: none"> <li>The site is a planned future neighbourhood centre that currently accommodates several low density residential dwellings surrounded by an area designated as R3 medium Density adjacent to the school.</li> <li>The site is located off the main road network in locations with lower traffic volumes and therefore would not be suitable for local convenience retail suited to main road locations.</li> </ul>
Gurner Avenue	B1		3.6 Ha	Relatively undeveloped with one low density residential	<ul style="list-style-type: none"> <li>The site is a planned future neighbourhood centre that currently accommodates one dwelling and surrounded by an area designated as R3 Medium Density adjacent to the school.</li> <li>The centres are located off the main road network in locations with lower traffic volumes and therefore would not be suitable for local convenience retail suited to main road locations.</li> </ul>
Tenth Avenue	B1	3.6 ha	2.9 km	1 ha	<ul style="list-style-type: none"> <li>The centre currently accommodates 2,500 sqm of retail floorspace generally on the eastern side of Edmondson Road, anchored by an 800 sqm IGA supermarket and convenience stores.</li> <li>The western side of Edmonson Road also contains some retail offerings however it is too small to accommodate the proposal.</li> </ul>

<b>Liverpool LGA</b>					
Fifteenth Avenue	B1	7,722 sqm	adjacent	Nil	<ul style="list-style-type: none"> <li>Currently accommodates a liquor store, hairdresser, real estate agent, Australia Post and garden equipment supplier</li> <li>There is no rear lane access to the shops and in some instances servicing occurs on the street.</li> <li>The B1 zoned land is too small to accommodate the proposal.</li> </ul>
Middleton Grange Village Centre	B2	3.7 ha	2.5 km	3.7 ha	<ul style="list-style-type: none"> <li>The centre is currently vacant and is planned for a local convenience centre for residents in Middleton Grange.</li> <li>Council's Liverpool Centre Hierarchy Review identifies a concept plan approval for around 5,000 sqm of retail floorspace which includes a full line supermarket of 3,500 sqm.</li> <li>The site has limited main road exposure and is expected to trade to a localised catchment. The site is not suitable for the proposed mix of uses on the site which rely on main road exposure to serve a broad trade area.</li> </ul>
Hoxton Park Shopping Centre	B1	1.3 Ha	2.9 km east	1.3 ha	<ul style="list-style-type: none"> <li>It includes the Hoxton Park Shopping Centre which includes a grocer, liquor store, newsagent, baker, small scale business and restaurant.</li> <li>The centre including a small parcel of land located to the north of Hoxton park Road of 0.5 ha is too small to accommodate the proposed development.</li> </ul>
Carnes Hill Market Place	B2	105,000 sqm	3.9 km south-west	1 ha	<ul style="list-style-type: none"> <li>The centre accommodates the Carnes Hill Marketplace of 17,208 sqm which provides almost 1,000 car spaces.</li> <li>The centre is anchored by Big W discount department store and a Woolworths supermarket and include a large format liquor store.</li> <li>The centre is surrounded by relatively undeveloped residential land to the south and east and established residential neighbourhood to the west.</li> <li>To the north the land is zoned for community and recreation purposes.</li> <li>There is currently an area of about 1 ha that is currently not being used for buildings or car parking. The site therefore could only accommodate the proposal if it occurred on land currently used for car parking. However, this would require additional parking to be provided in alternative locations either underground or rooftop which are expensive options.</li> <li>In any event the centre is located beyond the main trade area and the provision of small scale retail and commercial facilities would not contribute to the local market gap identified in the main trade area.</li> </ul>

