

Blacktown City Council Report to Sydney West Joint Regional Planning Panel

JRPP No.	Item (2011SWY043)
DA No:	JRPP-11-605
Proposed Development:	Staged Retail Development
Development Type:	"Regional Development" – Capital Investment Value >\$10 million
Lodgement Date:	30 March 2011
Land/Address:	Lot 23, DP26987, H/N 217 Railway Terrace, Schofields
Land Zoning:	B2 Local Centre, RE1 Public Recreation and SP2 Drainage pursuant to State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006
Value Of Development:	\$19,915,000
Applicant:	FABCOT Pty Ltd, C/o The Planning Group (TPG)
Report Author:	Pip Sanders, Town Planner
Instructing Officers:	Judith Portelli, Manager Development Services & Administration and Glennys James, Director City Strategy and Development



Figure 1. Western elevation of the proposed development (Source: The Planning Group)

ASSESSMENT REPORT

CONTENTS

1. Executive Summary	Page 3
2. Location	Page 5
3. Site Description and Locality	Page 6
4. History and Current Use	Page 8
5. The Proposal	Page 9
6. Planning Controls	Page 12
7. External Referrals	Page 17
8. Internal Referrals	Page 20
9. Public Comment	Page 22
10. Section 79C Consideration	Page 24
11. Council Assessment	Page 25
12. General Comments	Page 29
13. Recommendation	Page 30

ATTACHMENTS

- Attachment 1 Development Plans
- Attachment 2 Compliance Table
- Attachment 3 Road Acquisition Plan
- Attachment 4 Figure 3-3 of GCP DCP 2010 - Desired Future Layout of the Local Centre

1 Executive Summary

- 1.1 Blacktown City Council is in receipt of a Development Application (DA) from FABCOT Pty Ltd for the construction of a Staged Retail Development at Lot 23, DP26987, H/N 217 Railway Terrace, Schofields. The proposed development has a Capital Investment Value of \$19,915,000.
- 1.2 The DA covers Stage 1 of a retail development which includes demolition of existing structures, bulk earthworks, construction of a supermarket (4,120sqm), a liquor shop (180sqm), 2 specialty shops (195sqm), parking and signage. Future stages include provision of a basement carpark, shops fronting Main Street and Railway Terrace (1,610sqm) and a lobby for potential shop top housing in the future. A total of 216 at-grade car parking spaces are proposed within Stage 1 with vehicular access located off Railway Terrace and Main Street. Loading facilities have been provided at the rear of the development with access provided via the street abutting the eastern boundary of the site.
- 1.3 The site is situated within the Alex Avenue Precinct forming part of the North West Growth Centre. The site was previously zoned for rural use under Blacktown Local Environmental Plan (BLEP) 1988 prior to it being rezoned for urban development on 17 May 2010 pursuant to State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006. The existing Schofields Neighbourhood Centre is situated approximately 1km north of the subject site.
- 1.4 The site presently contains a rural dwelling with various large rural outbuildings and sheds situated on the property. The surrounding area remains predominantly rural in nature comprising rural dwellings and a variety of rural industries.
- 1.5 The proposed development was submitted prior to the changes to the Joint Regional Planning Panel (JRPP) process on 1 October 2011 which reduced the number of classes of Regional Development. In this regard the minimum Capital Investment Value (CIV) triggered to be referred to the JRPP was increased from \$10 million to \$20 million, however under the savings and transitional provisions the JRPP will continue to assess all Applications submitted prior to 1 October 2011 between \$10 million and \$20 million. As such, at the time of submission the Application was classified as 'Regional Development' requiring referral to a Joint Regional Planning Panel (JRPP) as it had a Capital Investment Value of more than \$10M. Therefore, while Council is responsible for the assessment of the DA, determination of the Application will now be made by the Sydney West JRPP. This report is forwarded to the Panel accordingly.
- 1.6 As part of the assessment process the DA was referred to various internal sections of Council, the Sydney Regional Development Advisory Committee (SRDAC), RailCorp and the NSW Transport Construction Authority for consideration. Following consideration at the SRDAC meeting and review by Council's Traffic Management Section, a number of issues with the proposal were raised. These issues relate to the staging of the development, the required road reservations and road widths, location of car parking, displacement of parking as a result of Stage 2, vehicle access, swept paths and the design of the loading dock.
- 1.7 Council's Building Surveyors and Environmental Health Unit (EHU) have raised no objection to the proposed development subject to appropriate conditions being imposed on any consent. A number of concerns have been raised by other Sections of Council including the Development & Drainage Engineers, Traffic Management and Waste Services.
- 1.8 Following receipt of the DA the proposal was notified to all property owners and occupiers within 500m of the subject site, and was advertised in the local newspapers for a period of 21 days from 20 April to 11 May 2011. As a result of this process 2 submissions objecting to the proposal were received.

- 1.9 The objections raised are mainly on the grounds of vehicular access, retaining walls, raised ground levels, impacts on the adjoining property to the north as a result of the zero lot line setback and the proposed closure of Pelican Road (which is a parallel process in conjunction with this Development Application) and associated impacts on vehicle access to the development. The issues raised are considered valid, of which the Applicant has not satisfactorily addressed.
- 1.10 The subject site is zoned B2 Local Centre, RE1 Public Recreation and SP2 Drainage pursuant to State Environmental Planning Policy (SEPP) Sydney Region Growth Centres (SRGC) 2006. The proposed 'retail premises' is only proposed to be constructed over the B2 Local Centre zoning and as such is permissible with development consent.
- 1.11 It should also be noted that the site was subject to a mapping error by the Department of Planning and Infrastructure (DPI) in relation to the Land Application Map for the Alex Avenue Precinct under SEPP (SRGC) 2006. This error meant, that at the time the Application was lodged, the zonings and related controls under SEPP (SRGC) 2006 did not apply to the land and instead the original BLEP 1988 rural zoning applied. Therefore, at the date of lodgement, the proposed Application for a Staged Retail Development was not a permissible use pursuant to BLEP 1988. This issue has now been resolved with an erratum signed by the Minister for Planning and Infrastructure on 23 August 2011 relating to the Land Application Map pursuant to SEPP (SRGC) Amendment (Marsden Park Industrial) 2010.
- 1.12 Despite varying case law relating to whether the Application can still be considered due to the mapping (and therefore applicable zoning) error highlighted above, the Applicant has decided to proceed with this Application. At the same time the Applicant, on 16 September 2011, lodged another identical Development Application (JRPP-11-2005) after the mapping error was resolved, as a precautionary measure.
- 1.13 The proposed development has a number of non-compliances with the Blacktown City Council (BCC) Growth Centre Precincts Development Control Plan (DCP) 2010. The most significant issues include the failure to provide an active retail street frontage particularly to Railway Terrace and Main Street and non-compliance with regard to the required 'Town Centre' road widths. There are various other traffic and engineering related issues pertaining to the Application which were also raised as a result of the referral process and recommendations coming from the SRDAC meeting.
- 1.14 As a result of the issues identified above, the Applicant was advised to submit additional plans and information to address the matters raised. In this regard Council requested this information in correspondence dated 18 May 2011, 28 June 2011 and 28 July 2011. To date the Applicant has not responded to any of Council's letters in order to enable further assessment of the Application.
- 1.15 The proposed development has also been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979, including suitability of the site and the public interest. In this regard, while the site is considered a suitable location for the proposed retail development, the proposal as submitted is not considered to be in the public interest.
- 1.16 Overall, it is considered that the proposed development does not meet the objectives of the DCP, which result in undesirable precedents being set that impact on the visual amenity, public domain and functionality of the site within the Local Centre of the Alex Avenue Precinct. In light of the above, it is recommended that the proposed Staged Retail Development be refused.

- 1.17 It should also be noted that this Application (JRPP-11-605) is now the subject of a Class 1 Application to the Land and Environment Court of NSW against the deemed refusal of the Development Application by the Joint Regional Planning Panel (Proceeding No.10830 of 2011).

2 Location

- 2.1 The subject site is located within the Alex Avenue Precinct and forms part of the North West Growth Centre which was rezoned for urban development pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) (SEPP (SRGC)) 2006 on 17 May 2010. The property is situated on the eastern side of Railway Terrace directly opposite the new Schofields Railway Station and approximately 200m south of the intersection with Schofields Road.
- 2.2 The Alex Avenue Precinct as a whole totals 420ha and has been identified as delivering 6,300 new dwellings and 18,000 residents, and this development forms part of the proposed Commercial Centre for the Precinct.
- 2.3 The existing Schofields Neighbourhood Centre is situated approximately 1km north of the subject development site and is zoned B1 Neighbourhood Centre pursuant to SEPP (SRGC) 2006. The SEPP identifies that the existing Schofields Neighbourhood Centre is to be retained and has been identified to take on a village-type character providing a range of both retail and commercial activities that have the potential to capture more specialised niche markets which are less likely to be provided in larger centres such as the B2 Local Centre.
- 2.4 Looking at the site in a regional context, other significant developments within the vicinity include the Norwest Business Park (4kms to the south-east), Rouse Hill Town Centre (3kms to the east), new residential subdivision (The Ponds 2.5kms to the east and Colebee 2.5kms to the south-west) and the Blacktown CBD (5km to the south-east).

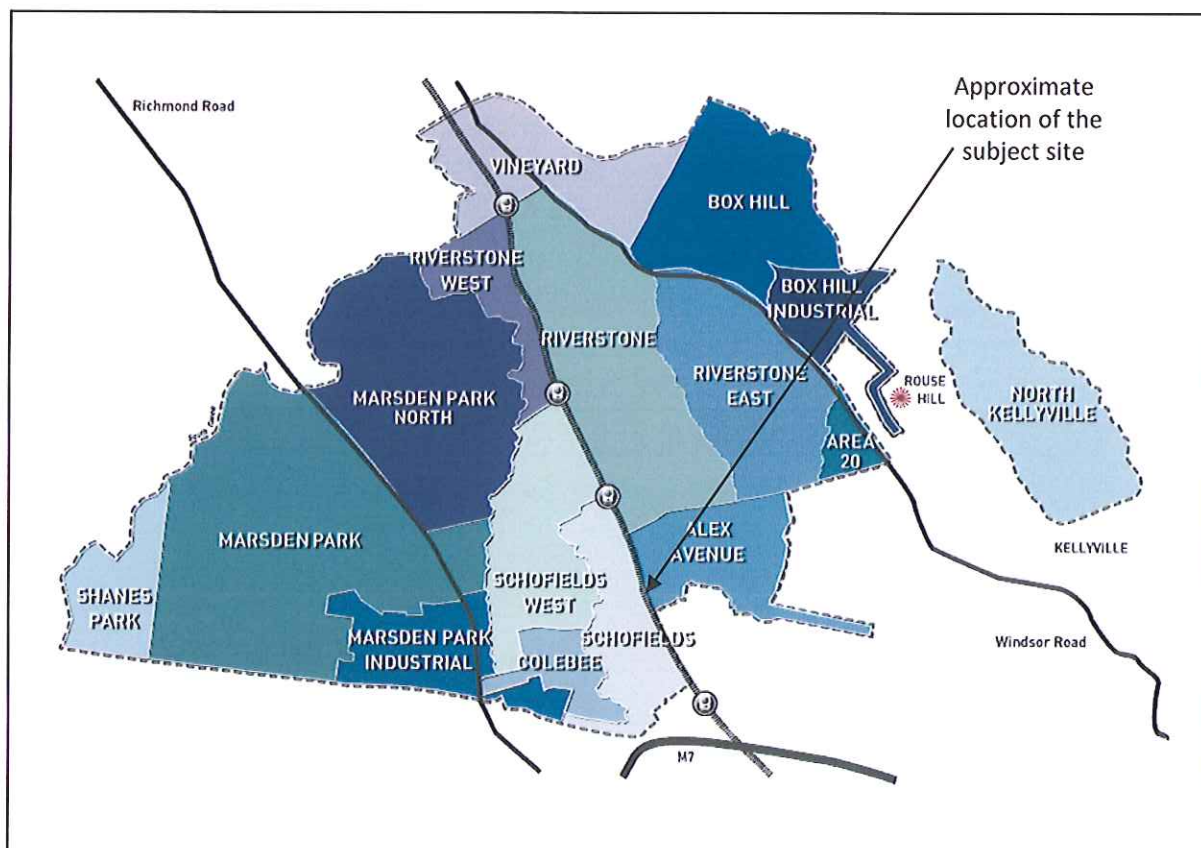


Figure 2 North West Growth Centre Precincts (Source: NSW Department of Planning and Infrastructure)

3 Site Description and Locality

- 2.5 The subject site is comprised of a regular shaped lot, known as Lot 23, DP26987, H/N 217 Railway Terrace, Schofields. The site measures 2.051ha in area and has a street frontage of 61m to Railway Terrace, 240m to the Development Control Plan (DCP) road pattern (being proposed Main Street along the southern property boundary) and approximately 60m to the proposed unnamed road along the eastern property boundary which is also part of the DCP road pattern.
- 3.1 The existing rural dwelling currently benefits from vehicular access at the intersection of Pelican Road and Railway Terrace, with a secondary access existing off Railway Terrace. There is a considerable level difference on the site which slopes from the west of the site at Railway Terrace down to the east where the proposed DCP Town Park is earmarked. The level difference between the west of the site and the east is approximately 4m, which enables stormwater to be directed to the future Town Park which has been designed to serve a dual function being for a recreational area and a drainage basin.
- 3.2 Immediately opposite the subject site to the west is the newly constructed Schofields Railway Station which was built by the Transport Construction Authority (TCA). The Station includes the provision of limited commuter car parking which is accessed via the new roundabout situated in the south-west corner of the site presently at the intersection of Railway Terrace and Pelican Road.
- 3.3 Abutting the site to the north and on the other side of proposed 'Main Street' to the south are existing rural properties. These properties have also been rezoned pursuant to SEPP (SRGC) 2006 to B2 Local Centre and form part of the Town Centre for the Alex Avenue Precinct. The eastern end of the subject site is zoned for RE1 Public Recreation and SP2 Infrastructure. This area forms part of the future Town Park and connects in with the designated drainage basins which have been designed to minimise the potential for flooding impact on development and manage the flow of stormwater.
- 3.4 The site was recently made subject to RMS land acquisition in order to facilitate the Schofields Road underpass which is proposed approximately 200m to the north. In this respect a strip of land having a length of around 62.8m along Railway Terrace and totalling 212sqm has been identified by the RMS to be acquired along the front of the site abutting Railway Terrace.
- 3.5 Whilst the immediate area is predominantly rural in nature at this stage, as a result of the rezoning pursuant to SEPP (SRGC) 2006, there is anticipated to be substantial residential growth within the foreseeable future, with this Application being the first one submitted within the Alex Avenue Precinct.



Figure 3. Aerial Photo of Subject Site and its Surrounds (Source: Blacktown City Council)

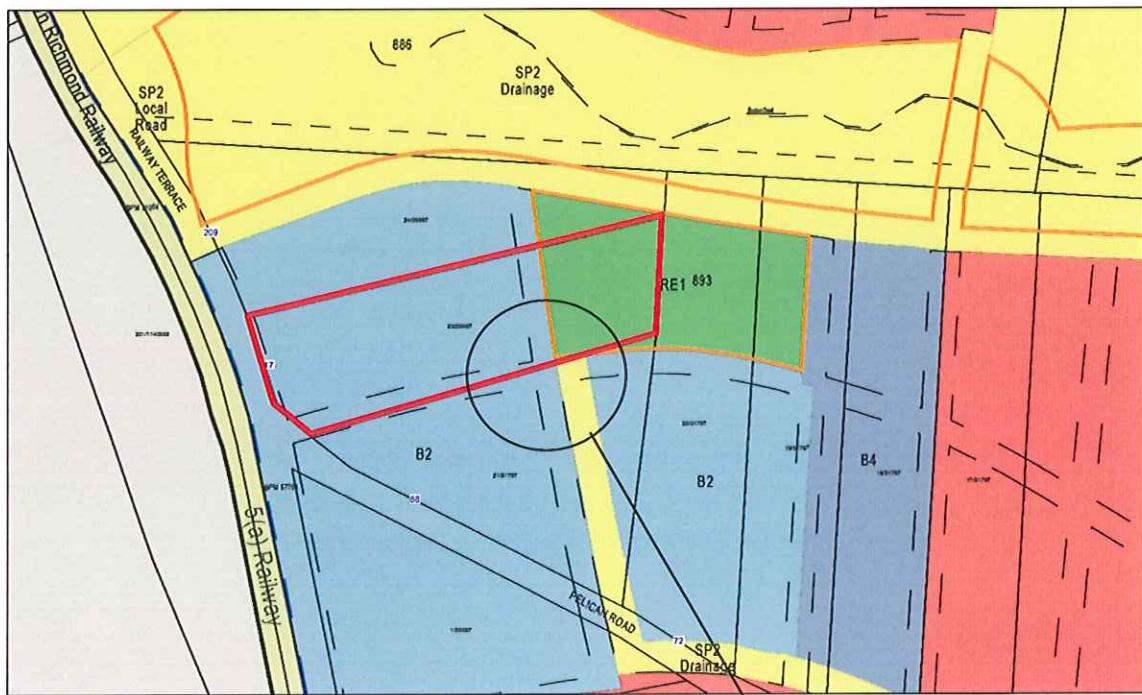
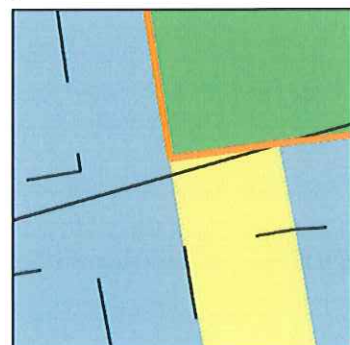


Figure 4. Zoning Plan (Source: Blacktown City Council)



4 History and Current Use

- 4.1 The subject site falls within the Alex Avenue Precinct and forms part of the North West Growth Centre. The site was rezoned on 17 May 2010 from a rural zoning under Blacktown Local Environmental Plan 1988 to B2 Local Centre, RE1 Public Recreation and SP2 Drainage pursuant to State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006.
- 4.2 Presently on site there is an existing dwelling with large outbuildings and sheds situated along the southern property boundary, with the site previously being used for farming purposes.
- 4.3 A previous Development Application (DA-10-2374) was submitted on 29 October 2010 for the demolition of existing structures, construction of a supermarket, specialty shops and associated works. This Application was subsequently withdrawn on 30 March 2011 as recommended by Council due to non-compliance with the provisions of the Blacktown City Council Growth Centre Precincts Development Control Plan (DCP) 2010.
- 4.4 This current Application in its re-submitted form, having a Capital Investment Value (CIV) of \$19,915,000, proposes a Staged Retail Development which was submitted prior to the changes to the Joint Regional Planning Panel (JRPP) process on 1 October 2011. These changes reduced the number of classes of Regional Development, which included increasing the minimum CIV triggered to be referred to the JRPP from \$10 million up to \$20 million. The savings and transitional provisions brought in with the changes identified that the JRPP would continue to assess all Applications submitted prior to 1 October 2011 between \$10 million and \$20 million, and therefore including the subject Application. As such, at the time of submission the Application was classified as 'Regional Development' requiring referral to a Joint Regional Planning Panel (JRPP) as it had a CIV of more than \$10M.
- 4.5 A Class 1 Application to the Land and Environment Court of NSW was lodged by the Applicant on 14 September 2011 against the deemed refusal of the Development Application by the Joint Regional Planning Panel (Proceeding No.10830 of 2011).
- 4.6 Further to this Class 1 Application, the Applicant has lodged a subsequent identical Development Application over the site (JRPP-11-2005). This was lodged as a precautionary measure as a result of a mapping error by the Department of Planning and Infrastructure in relation to the Land Application Map for the Alex Avenue Precinct under State Environmental Planning Policy (*Sydney Region Growth Centres*) 2006. Whilst the error has now been corrected, the impacts of this error mean that when the Development Application (JRPP-11-605) was lodged, the zonings and related controls under SEPP (SRGC) 2006 did not apply to the land and instead the original BLEP 1988 rural zoning applied. Therefore, at the date of lodgement, the proposed Application for a Staged Retail Development (JRPP-11-605) would not have been a permissible use pursuant to BLEP 1988.
- 4.7 Legal advice was sought on this matter by Council which indicated that the Development Application could still have been considered provided the zonings and planning controls pursuant to SEPP (SRGC) 2006 were in place at the time any development approval was issued. However, the Applicant has erred on the side of caution and submitted a subsequent safeguard Application (JRPP-11-2005).

5 The Proposal

5.1 Blacktown City Council is in receipt of a Development Application (DA) from FABCOT Pty Ltd (Woolworths) on behalf of The Planning Group (TPG) for the construction of a Staged Retail Development including a supermarket, liquor shop, specialty retail shops, car parking and signage. The proposed development has a CIV of \$19,915,000.

5.2 The Development Application includes the staging of the works as follows:

Stage 1:

- Demolition of existing structures.
- Bulk earthworks for provision of access driveway and future road infrastructure.
- Construction of a retail building containing a supermarket (4,120sqm), a liquor shop (180sqm), specialty shops (195sqm) and loading docks.
- Construction of access driveways.
- Parking for 219 vehicles.
- Signage.
- Partial construction of DCP road patterns including Main Street to the south and the un-named road to the east of the site.

Future Stage(s):

- Specialty shops fronting Main Street and Railway Terrace (1,610sqm).
- Specialty loading dock.
- At-grade parking for 98 vehicles.
- Basement parking for 159 vehicles.
- Travelator and lift between ground level and basement level.
- Potential lobby should residential development such as shop top housing be proposed in the future.

STAGE 1

5.3 Stage 1 of the development includes the provision of 219 at-grade vehicle car parking spaces at the western end of the site opposite the new Schofields Railway Station, having 2 vehicle access points. The main access point into the carpark is via Railway Terrace which includes the provision of a two lane exit and single lane entrance to the site. This driveway is located approximately 50m from the current intersection with Pelican Road. The secondary access point is located off Main Street along the southern elevation, being setback 75m from the intersection of Railway Terrace and Pelican Road. This driveway is two lanes and includes one lane for entry and one lane for exit. Access to the loading dock facilities are via the un-named road proposed along the eastern elevation of the site opposite the future Town Park.

5.4 The supermarket, liquor shop and two specialty shops proposed within Stage 1 are setback approximately 92m from Railway Terrace, being westward facing and orientated internally onto the carpark. The supermarket has been positioned at the eastern end of the area zoned B2 Local

Centre, with the building being set along the northern property boundary line and having a limited setback to the southern boundary which varies due to the proposed temporary access road along this elevation which cuts into the site as a result of the new road pattern. The loading dock facilities are located along the eastern elevation of the supermarket facing the un-named road along the eastern property boundary and situated opposite the future Town Park.

- 5.5 The carpark has a front setback of 1m to its boundary to Railway Terrace, however this does not take into account the final road realignment as a result of the RMS road widening in relation to the Schofields Road intersection which will impact on this setback. A 2m setback has been provided along the northern boundary of the carpark up to the liquor shop and supermarket where the building then extends out to the property boundary. The southern setback to Main Street then varies as a result of the road pattern which ranges from 3m in the west down to under 1m in front of the supermarket. No setback has been provided within the southern end of the loading dock fronting the un-named road to the east of the site, with a small setback of less than 1m being provided to the northern end of the loading dock area fronting the un-named road to the east of the site.
- 5.6 The main entrance for the supermarket, liquor shop and one specialty shop is via 2 central doors situated centrally along the western elevation of the building. The second specialty shop is accessed independently from the main building entrance, with this access being provided directly from the carpark at the south-western end of the building.
- 5.7 The building is proposed to be constructed primarily from painted precast concrete panels and ranging in height to a maximum of 10.6m. The western elevation facing the carpark is the dominant facade and includes the entrance to the building which has been designed as the focus point. The ground level includes an awning measuring approximately 3m in depth along the full width of the building, with metal louvers along the underside of the awning for sun protection and to add articulation to the building. Glazing has been incorporated along the full length of the ground floor with split face block work above.
- 5.8 Centrally located along the western elevation of the building is a focal point stretching 27m in width to accentuate the entrance to the building. This feature incorporates additional glazing which stretches the full height of the building and is provided with a skillion roof above giving the building a modern appearance which breaks up the otherwise box-like design. Illuminated signage has also been proposed within this central area along the western elevation to define the entry point. The glazing along the ground floor then wraps around to the southern elevation fronting Main Street for a length of 24m with a mix of painted pre-cast concrete panels and metal louvers above. The southern elevation from this point back to the rear (eastern end) of the development is proposed to be constructed using a mix of painted pre-cast concrete panels in a light brown colour, squares painted in different colours including light brown, dark brown and green, along with large graphics that are proposed to be stuck to the wall being of fruit and vegetables. Red feature columns have also been incorporated which are spaced intermittently along this elevation.
- 5.9 Along the eastern elevation of the development is the loading dock which has been designed using painted pre-cast concrete panels in a light brown colour with red feature columns also incorporated along this elevation. Above the loading dock area is a proposed mezzanine level and plant room being situated centrally along this elevation. This design of the mezzanine level includes both glazing and metal louvers which are outlined using red feature columns.
- 5.10 The northern elevation of the building, which is situated along the property boundary abutting 209 Railway Terrace, has been designed using painted pre-cast concrete panels in a dark brown colour.

- 5.11 The Applicant indicates that the proposed Stage 1 will provide employment for some 200 persons inclusive of permanent full-time, part-time and casual staff.
- 5.12 The hours of operation sought as part of the Development Application are proposed to be 6am to midnight, 7 days a week. All deliveries to the site are also proposed to be undertaken during the same hours of operation.
- 5.13 The proposed new road pattern identified within the Growth Centre Precincts Development Control Plan (GCP DCP) (2010) provides for 2 new roads around this site. This includes Main Street along the southern elevation of the property and the un-named road along the eastern elevation which are both classified as 'Town Centre' roads pursuant to GCP DCP 2010. The Applicant has designed these roads each having different widths. Proposed Main Street has been designed having a total width of 15.5m, which includes an 8.5m carriageway and 3.5m pedestrian footpaths on each side. The un-named road along the eastern property boundary has been designed having a total width of 19.5m, which includes an 11m carriageway, a 4.5m footpath along the eastern boundary and 4m footpath along the western boundary in front of the proposed development.

FUTURE STAGE(S)

- 5.14 The Applicant states that the details submitted as part of this Development Application (DA) for a Staged Retail Development provide an overall concept plan for the site, with the DA being staged pursuant to Section 83B of the Environmental Planning and Assessment Act 1979. This includes the submission of detailed Stage 1 plans for consideration as part of this Application as highlighted above and plans showing the indicative 'future development' to achieve the overall concept plan and to demonstrate how the proposal can comply with GCP DCP 2010 which would be subject to future Development Application(s).
- 5.15 The indicative future development includes the provision of additional specialty shops along Railway Terrace and Main Street having a total floor space of 1,610sqm. These specialty shops have been located and designed to activate both the Main Street and Railway Terrace street frontages in accordance with the Growth Centre Precincts Development Control Plan (GCP DCP) 2010. In order to address the loss of at-grade parking as a result of the new specialty shops, a basement carpark has also been proposed within the future development which results in a total of 257 car parking spaces on-site. However, as identified in correspondence from Council to the Applicant, the Applicant has not satisfactorily addressed how the impacts of constructing a basement carpark as part of 'future works' would be mitigated. It is noted that this approach would result in the loss of all at-grade parking on the site while the basement is constructed, therefore creating significant traffic-related impacts affecting both adjoining and nearby property owners.
- 5.16 The vehicle access points within Stage 1 along the southern boundary to Main Street are not proposed to change as a result of the future staging, however the access point off Railway Terrace is proposed to reduce down from three lanes into two lanes including one entry lane and one exit lane. Internally, the entrance and exit points to the basement level parking are both located in close proximity to the Railway terrace access point.
- 5.17 A specialised loading dock for the Stage 2 specialty shops is also proposed which is located along the eastern elevation of the specialty shops opposite the supermarket building. This loading dock would be accessed off Main Street where trucks would then reverse into the dock and drive out onto Main Street in a forward direction. No changes are proposed to the Stage 1 loading facilities situated at the eastern end of the site.

- 5.18 The design of the future staging includes glazing along the ground level to both Railway Terrace and Main Street with the provision of an awning. A second floor has also been included within the elevation plans, however no details of the first floor plans or proposed materials have been submitted as part of this Application.
- 5.19 A number of issues were raised in relation to the proposed future stage(s) within correspondence from Council. This included the practicality of building future stage(s), in particular the basement carpark once Stage 1 is constructed, non-compliance with the GCP DCP 2010 if the future staging does not proceed, traffic safety issues regarding the location of the basement entrance/exit and lack of details submitted in order to undertake a detailed assessment to be considered as part of this Application. As no response was received from the Applicant and due to the documentation submitted as part of this Application only addressing Stage 1, with notations on the submitted plans and reports stating that all 'future development' will be subject to future Development Application(s), **an assessment against Stage 1 only has been undertaken.**
- 5.20 The Development Application plans are included at **Attachment 1.**

6 Planning Controls

- 6.1 The planning controls that relate to the proposed development are detailed below:
- 6.2 State Environmental Planning Policy (Major Development) 2005**
- 6.2.1 This Application (JRPP-11-605) was lodged on 30 March 2011 prior to the changes to the Joint Regional Planning Panel (JRPP) process which were implemented on 1 October 2011. These changes related to the reduction in classes of Regional Development and changes to the Joint Regional Planning Panel (JRPP) process and procedures. In this regard the minimum Capital Investment Value (CIV) triggered to be referred to the JRPP was increased from \$10 million to \$20 million, however under the savings and transitional provisions all Applications submitted prior to 1 October 2011 between \$10 million and \$20 million will still continue to be assessed by the JRPP.
- 6.2.2 As such, at the time the Application was lodged, the proposed development was classified under SEPP (Major Development) 2005 as 'regional development', requiring referral to a Joint Regional Planning Panel (JRPP) for determination on the basis of the criteria listed within Clause 13B. Therefore, while Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney West JRPP.
- 6.3 State Environmental Planning Policy (Infrastructure) 2007**
- 6.3.1 SEPP (Infrastructure) 2007 aims to ensure that the RMS is made aware of and allowed to comment on development nominated as 'traffic generating development' listed under Schedule 3 of the SEPP. The proposed development includes the provision of shops over 2,000sqm, being listed within Column 2 of Schedule 3 of the SEPP. As such, the DA was required to be referred to the Sydney Regional Development Advisory Committee (SRDAC) for comment. The SRDAC comments are discussed under Section 7 "External Referrals" below. In accordance with Clause 104(4) of the SEPP, a copy of the JRPP determination will be forwarded to the RMS within 7 days after the determination is made.
- 6.4 State Environmental Planning Policy No. 55 – Remediation of Land**
- 6.4.1 SEPP No. 55 relates to the remediation of contaminated lands. This policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If land is considered to be unsuitable, remediation must take place before the land is developed. The

Applicant submitted a Phase 1 Contamination Report in this regard which identified that no specific contamination was present on-site and the proposed development was therefore considered to comply with the provisions of SEPP No. 55.

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

6.5.1 The subject site is zoned B2 Local Centre, RE1 Public Recreation and SP2 Drainage pursuant to State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006. The proposed development, being for a 'retail premises', is permissible under the SEPP (SRGC) 2006 with development consent.

6.5.2 Clause 7 of the SEPP identifies the controls applying to a Precinct after the finalisation of the precinct planning process. In this regard Appendix 4 of the SEPP identifies the Alex Avenue and Riverstone Precincts.

6.5.3 Appendix 4 of the SEPP provides specific planning controls in relation to the Alex Avenue and Riverstone Precincts which are discussed in more detail below.

6.5.4 Clause 19 identifies additional Heads of Consideration for 'Development on flood prone and major creeks land'. The subject site is classified as flood affected (Figure 5) pursuant to the SEPP, which states that consent shall not be granted to the carrying out of development to which this clause applies unless the consent authority has taken into consideration the following:

- (a) whether or not the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,
- (b) whether or not the development will alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,
- (c) whether the development will enable safe occupation of the flood prone and major creeks land,
- (d) whether or not the development will detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/watercourse,
- (e) whether or not the development will be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding,
- (f) whether or not the development is compatible with the flow conveyance function of the floodway,
- (g) whether or not the development is compatible with the flood hazard,
- (h) in the case of development consisting of the excavation or filling of land, whether or not the development:
 - i. will detrimentally affect the existing drainage patterns and soil stability in the locality, and
 - ii. will significantly impact on the likely future use or redevelopment of the land, and
 - iii. will adversely impact on the existing and likely amenity of adjoining properties, and

- iv. will minimise the disturbance of relics, and
- v. will adversely impact on any watercourse, drinking water catchment or environmentally sensitive area.

6.5.5 The Applicant states that they are not affected by Clause 19 of the SEPP (SRGC), however, due to the proposed un-named DCP road along the eastern elevation of the building being located within the flood affected area, the Heads of Consideration listed above are required to be considered. Council's Drainage Engineers have reviewed the submitted information and confirmed that the Applicant has not submitted a Flood Impact Assessment to address this issue.

6.5.6 The drainage issues with the development are discussed in more detail within Section 11 of this report.

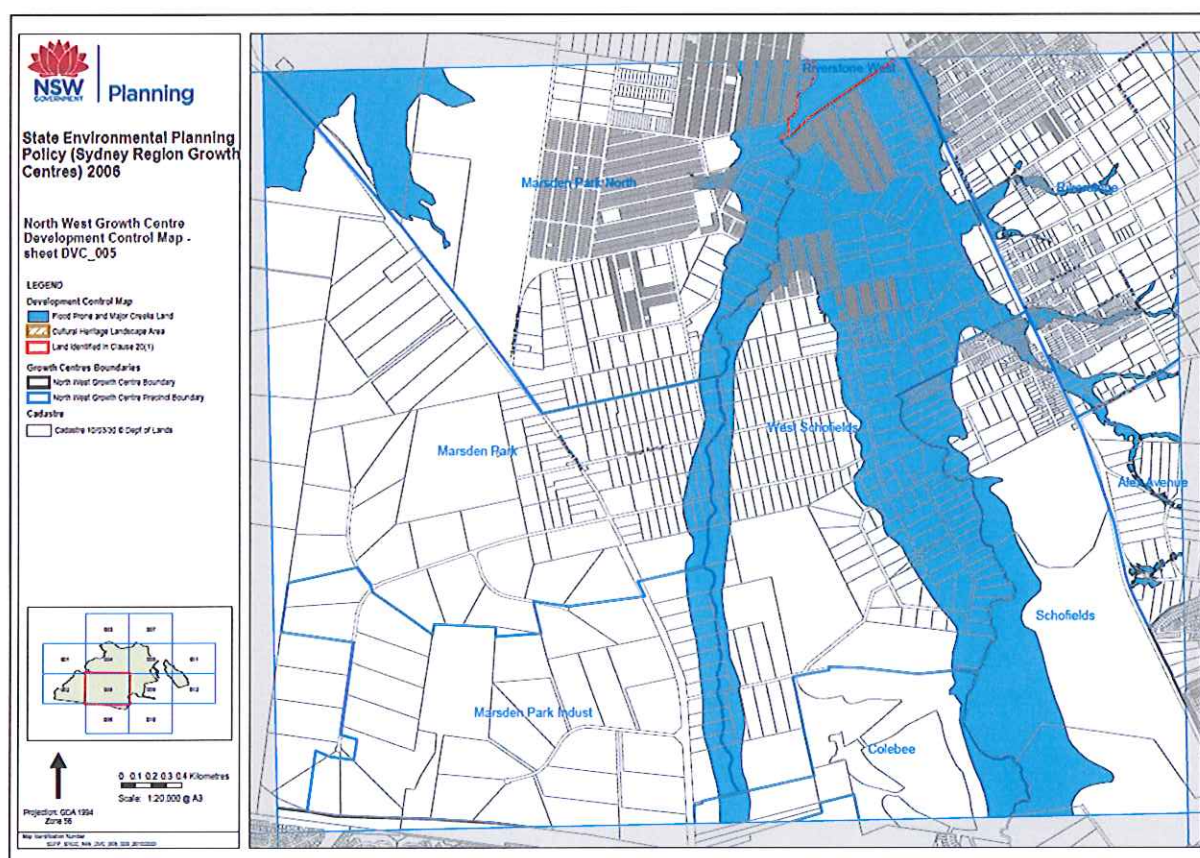


Figure 5. North West Growth Centre Development Control Map (No.DVC_005). (Source: Department of Planning and Infrastructure)

6.6 SEPP (SRGC) 2006, Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2010

6.6.1 Appendix 4, Part 2.3 of the SEPP (SRGC) 2006 states that the consent authority must have regard to the objectives for development in a zone when determining any Development Application. The proposed retail premises is considered to meet the following objectives detailed in relation to the B2 Local Centre Zone:

- To encourage employment opportunities in accessible locations.
- To encourage development which will contribute to the economic growth of, and creation of employment opportunities within, the City of Blacktown.

- 6.6.2 The proposed development is considered to encourage employment opportunities by virtue of the new jobs that the development would create. Due to the site being located directly opposite the new Schofields Railway Station and bus interchange, the location is considered to achieve the first objective listed with the employment opportunities being located within an accessible area.
- 6.6.3 Notwithstanding the above, the proposal as detailed within Stage 1 is considered to not meet the following objective in relation to the B2 Local Centre Zone which states:
- *To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.*
- 6.6.4 It therefore follows that the proposed development is not considered to be consistent with the objectives of the B2 Local Centre zoning pursuant to SEPP (SRGC) 2006 due to the Application failing to provide for an active street frontage at ground floor level. The provision of an active street frontage is considered an important design element contributing to a positive public domain outcome as it enables retail businesses to open out to the street resulting in increased pedestrian activity and better linkages within the Local Centre and to Schofields Railway Station, improved security and passive surveillance opportunities and results in a higher quality design outcome with buildings being orientated out to the street encouraging more articulation along these elevations.

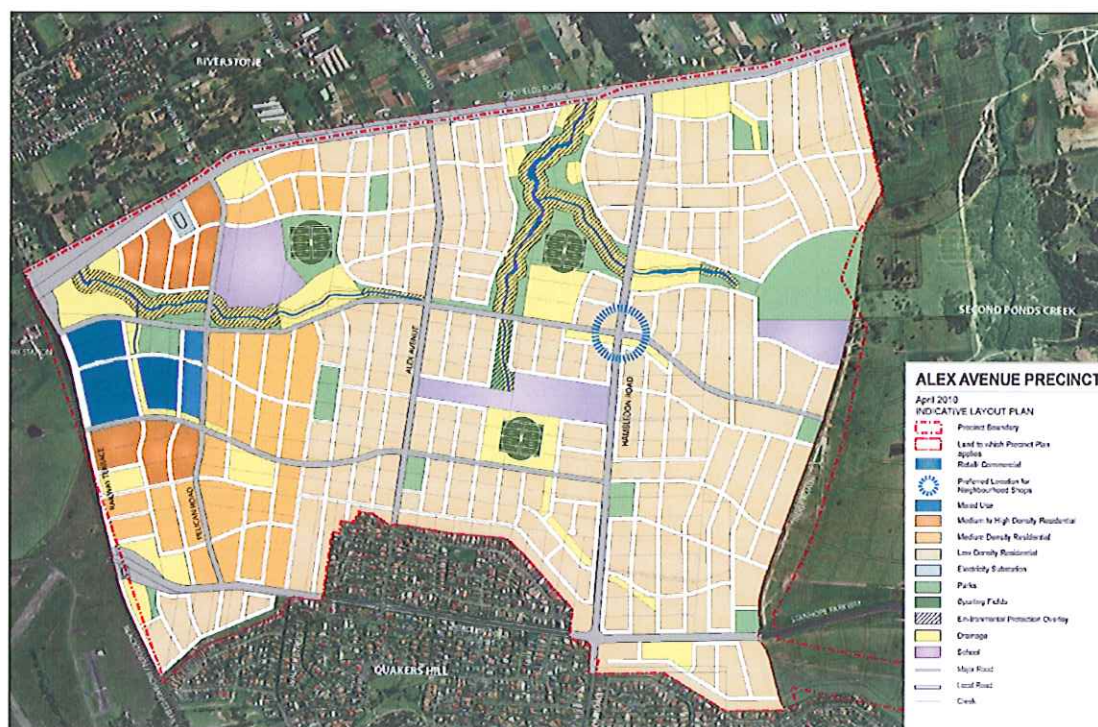


Figure 6. Alex Avenue Precinct Plan (Source: Department of Planning and Infrastructure)

6.7 Blacktown City Council Growth Centre Precincts Development Control Plan 2010

- 6.7.1 The proposed development is subject to the requirements contained in the Blacktown City Council Growth Centre Precincts Development Control Plan (GCP DCP) 2010. In this regard the GCP DCP 2010 provides specific information in relation to Commercial Centres (Chapter 5) and for development within the Alex Avenue Precinct (Schedule 1) which were used to assess this proposal.

6.7.2 A detailed assessment of the Application against the GCP DCP 2010 has been undertaken and is included within the table held at **Attachment 2** of this report. This table highlights where the Application complies with the planning controls and also identifies the non-compliances in relation to the proposal. In summary, the significant non-compliance matters with respect to this Application include:

- Failure to provide any active street frontage to both Railway Terrace and Main Street. Both streets are considered to be crucial locations where this control should be achieved, which was detailed in correspondence from Council to the Applicant. The Applicant has had no regard for this requirement, which is a central theme detailed within the DCP and highlighted within **Attachment 4 – ‘Desired Future Layout of the Local Centre’** which results in a number of related non-compliances as a direct result of this issue. This includes the failure to comply with linked controls such as the provision of awnings along active street frontages, and achieving public domain and specific architectural design controls which subsequently result in detrimental impacts to the Alex Avenue Local Centre and the future development of surrounding and nearby properties within the Local Centre.
- Non-compliance with the identified precinct road hierarchy (Figure 2.8, Schedule 1) for ‘Town Centre’ road widths. The nominated ‘Town Centre’ road widths are specified within the Growth Centres Development Code (GCDC) 2006. The Applicant has proposed a road width of 15.5m along Main Street and 19.5m along the proposed unnamed DCP road to the east. Both proposed road widths therefore fall short of the agreed road width identified for nominated ‘Town Centre’ roads being 21.5m.
- The proposed location of accessways are not in accordance with the traffic circulation and parking identified for the Alex Avenue Local Centre and in their present location are considered to impact upon traffic circulation within the Precinct.
- The positioning of the at-grade carpark at the western end of the site opposite the new Schofields Railway Station along the identified active street frontages is not in accordance with the DCP. Further, the DCP identifies that parking should be in the form of basement parking as opposed to large expanses of at-grade car parking.
- The Applicant has failed to provide any sleeving (or articulation) of the proposed large format retail building and/or any architectural merit along the building elevation addressing the street frontages.
- Non-compliance with signage controls.
- Non-compliance with landscaping design controls.

6.7.3 As a result of the issues highlighted above, the Application is considered to not meet the intent of the Growth Centre Precincts DCP 2010. This is due to the proposed staging of the Development Application as the Applicant proposes to address the non-compliances within the future stage(s). However, the Applicant's intention to stage the proposal means that **there is no guarantee that any future development stage will eventuate**, therefore failing to meet the requirements of the GCP DCP 2010. Any staging of the Application would need to demonstrate how Stage 1 complies independently with the provisions of the GCP DCP 2010 without relying on future stages, which may never eventuate.

7 External Referrals

7.1 The subject Development Application was referred to the following public agencies as summarised in the table below.

Agency	Comments
Roads and Maritime Services (RMS)	<p>The DA was referred to the Roads and Maritime Services (RMS) on 7 April 2011 in accordance with Clause 104 of SEPP (Infrastructure) 2007. Following this, the traffic impact of the proposed development was considered by the Sydney Regional Development Advisory Committee (SRDAC) on 4 May 2011. In response, the RMS has provided the following comments:</p> <p>(a) Staged Development</p> <p>Concerns have been raised in relation to the provision of basement parking within future staging which would lead to the inadequate provision of parking during development of the future stage/s.</p> <p>(b) Commuter Car Parking</p> <p>The Committee advise that the carpark would need to be checked on a regular basis to ensure commuters using the Schofields Railway Station are not parking within the development, to ensure adequate parking is provided for customers of the supermarket and specialty shops.</p> <p>(c) Road Reservation Requirements</p> <p>As a result of the RMS approved plans for Schofields Road, the subject site is affected by road acquisition. In this regard there is a strip of land totalling 212sqm to be acquired along the street frontage of the subject site fronting Railway Terrace (plan held at Attachment 3). In addition to this, the Committee has requested that the Applicant demonstrate the proposed setbacks to the development taking into account the ultimate road widening of Railway Terrace to 4 lanes and any additional road geometry requirements. These are to be identified by simulation traffic modelling for:</p> <ol style="list-style-type: none"> i. The Railway Terrace and Main Street intersection. ii. The secondary entrance point (if still proposed) being left in only on Railway Terrace. iii. The proposed left in/left out intersection located immediately to the north of the development which is identified in the Alex Avenue Precinct Plan. iv. The proposed re-aligned intersection of Railway Terrace and Schofields Road. <p>The required simulation traffic modelling is to take into account the RMS network traffic model for the ultimate development scenario for the North West Growth Centre.</p> <p>(d) Secondary Access on Railway Terrace</p>

	<p>To minimise potential traffic conflicts, the proposed secondary access on Railway Terrace is recommended to be limited to left in, left out only for Stage 1 and future stages. Land dedication may be required for the provision of a deceleration lane and entry to the development in addition to the road widening proposal identified above.</p> <p>(e) Loading Dock</p> <p>The plans indicate that there is a structural column located within the swept path of the heavy vehicles accessing the loading dock, which is not supported. This access shall be designed to remove the structural column to ensure the loading dock is free and unimpeded.</p> <p>(f) Swept Paths in Main Street</p> <p>Plans should be submitted demonstrating that the design of swept paths of heavy vehicles do not cross to the other side of the local road on Main Street and the road along the eastern side of the development for both the interim arrangement of the single lane access to the loading dock and the ultimate road configuration as identified in the Alex Avenue Precinct Indicative Layout Plan.</p> <p>Loading dock management plans shall also be prepared by the Applicant to address the single lane circulation of two way traffic to and from the loading dock to the local street at the southern side of the development for the interim arrangement and for the operation of the loading dock once the local street network has been completed and operational.</p> <p>(g) Section 94 Contributions</p> <p>The necessary road and transport infrastructure improvements required in the short and long term, and as a direct result of the proposed development, should be fully funded by the developer or alternatively through Council's Development Contributions Plan.</p> <p>In addition to the issues raised above, the RMS provided a number of conditions of consent to be included within any approval granted by the JRPP.</p>
NSW Transport (RailCorp)	<p>Following referral of the Application to RailCorp due to the proximity of the new Schofields Railway Station to the subject site, RailCorp responded on 10 May 2011 and advised that they had carried out an assessment over Stage 1 of the proposal only. In this regard the following comments were provided:</p> <p>(a) Noise and Vibration</p> <p>RailCorp advised that as rail noise and vibration can affect residential amenity and comfort along with jeopardising the structural safety of buildings, the Application should comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines". In this respect the following condition of consent was requested by RailCorp to be included within any consent:</p>

	<p><i>"An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines".</i></p> <p>(b) Stray Currents and Electrolysis from Rail Operations</p> <p>RailCorp advised that stray currents as a result of rail operations may impact on the structure of the development. In this respect occasionally these currents may stray from the tracks and into the ground. Depending on the type and condition of the ground, these may be passed to the nearest conductive material (concrete reinforcement, piling, conduits, pipework and earthing rods), accelerating corrosion of metals and leading to concrete cancer. Therefore RailCorp have requested the following condition of consent, be included within any consent which shall be undertaken by a qualified consultant:</p> <p><i>"Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate."</i></p> <p>A copy of the JRPP determination will be forwarded to RailCorp to monitor the Applicant's compliance with any rail related conditions of consent, should the Application be approved.</p>
NSW Transport Construction Authority (TCA)	<p>As a result of the new Schofields Railway Station works, including the new roundabout proposed at the intersection of Pelican Road and Railway Terrace, the Application was referred to the TCA for comment. TCA provided the following response:</p> <p>(a) Intersection of Railway Terrace and Pelican Road</p> <p>TCA advised that the intersection design for Railway Terrace and Pelican Road and the bus interchange were provided to the Applicant for inclusion within their design.</p> <p>(b) Carpark Entrance</p> <p>Safety concerns were raised by TCA in relation to the proposed carpark access point off Railway Terrace, which they state has potential traffic safety concerns particularly relating to northbound bus movements on the western side of Railway Terrace and due to the proximity of the access to the intersection of Railway Terrace and Pelican Road. They requested that the Applicant investigate this safety concern and explore the potential for a left in/left out restriction.</p>

	<p>(c) Railway Terrace Lighting</p> <p>As part of the Schofields Station bus interchange works, street lights are required to provide for the safety of vehicle and pedestrian movements. TCA advised that there are existing light poles along the eastern side of Railway Terrace, being the Applicant's street frontage, and TCA advised that any development should not impact upon these lights.</p> <p>(d) Construction Interface</p> <p>An advisory note was provided in relation to construction timeframes. TCA advised that their works were scheduled for completion by December 2011 and should the Applicant's site works begin prior to January 2012 TCA requested that all measures be taken to ensure that the proposed works do not conflict during any potential overlap period.</p>
--	--

8 Internal Referrals

8.1 The subject Development Application was referred to the following internal sections of Council as summarised in the table below:

Section	Comments
Engineering & Drainage	<p>Council's Development and Drainage Engineers have identified a number of significant issues with the proposed development. Due to these issues being unresolved this has prevented Council from being able to undertake a detailed assessment of the proposal. These issues include:</p> <ol style="list-style-type: none"> 1. Determining the proposed intersection treatment of the new "Main Street" and Railway Terrace. 2. Resolving the future of Pelican Road, and the details of the Town Plaza identified within the GCP DCP 2010. 3. The proposed interim and permanent access points to the development cannot be determined, due to the issues highlighted in Points 1 and 2 being unresolved. 4. The proposed road widths are inconsistent with the requirements of the GCP DCP 2010. 5. Substantial drainage issues have been identified and remain unresolved. These issues relate to flooding, on-site detention, water sensitive urban design (WSUD), water re-use and non-compliance with design standards which are discussed in more detail within Section 11. 6. The proposed development does not take into account the proposed road widening required by the RMS for roadworks associated with the intersection at Schofields Road and Railway Terrace.
Building	<p>Council's Building Surveyors have reviewed the Development Application and have raised no objection to approval of the Application subject to the imposition of appropriate conditions of consent (Enclosure 33A on Council File JRPP-11-605).</p>
Traffic	<p>The proposed development and supporting 'Traffic Report' was considered by the SRDAC on 4 May 2011. On receipt of the SRDAC recommendations,</p>

	<p>Council's Traffic Management Section (TMS) undertook a review of these comments. In response, Council's TMS acknowledged and supported the comments provided by the Committee as detailed in Section 7 of this report, with the exception of the issue relating to secondary access off Railway Terrace. In this regard TMS note that the Committee recommend a left in/left out arrangement which requires land dedication from 209 Railway Terrace so as to minimise potential traffic conflicts. However, as this arrangement would necessitate land dedication from the adjoining owner to provide the necessary deceleration lane length, TMS rightly indicate that the Applicant has no control beyond their boundary and therefore if the neighbour is not willing to enter into this arrangement then without the standard length of deceleration lane access from Railway Terrace is not supported.</p> <p>In addition to the SRDAC recommendations, Council's TMS do not support the internal traffic movements which are considered to create potential traffic conflicts from vehicles entering and exiting the future basement carpark, particularly noting the close proximity with the access situated off the Railway Terrace access.</p>
Waste	<p>Council's Waste Services Section has reviewed the development and advised that the estimated quantities for waste and recycling do not appear to be satisfactorily accommodated within the waste skip bins proposed on-site within the building. In this regard the Applicant was requested to review this issue to ensure that waste generated from the activity could be appropriately managed. Notwithstanding this issue, the following conditions of consent should be included within any approval issued:</p> <ul style="list-style-type: none"> (a) Arrangements shall be made for a commercial refuse removal service. (b) No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles. (c) An approved Waste Management Plan shall be implemented.
Strategic Planning	<p>As part of the assessment process the DA was referred to Council's Strategic Planning and Commercial Centres Planner for comment. In response objection was raised to the proposal due to its non-compliance in relation to the GCP Development Control Plan 2010, as identified earlier in this report.</p>
Environmental Health	<p>The DA was referred to Council's Environmental Health Unit (EHU) for comment given that the Application involved the sale of food in addition to the site-related issues to be considered. Council's EHU advised that the information submitted relating to noise and vibration matters were not sufficient and a condition would be included within any approval to address this including the submission of an Acoustic Report to address potential noise impacts associated with the development on the housing surrounding the site.</p> <p>Further conditions of consent were also identified to address matters relating to the Food Act 2003 and Regulations thereunder, Australian Standards for the design, construction and fit-out of food premises, and</p>

ventilation and operational matters relating to the Protection of the Environment Operations Act 1997 (POEO Act) which covers issues such as air pollution, offensive noise, pollution of land and/or water.
--

9 Public Comment

- 9.1 Following receipt of the Development Application the proposal was notified to over 300 adjoining and nearby property owners and occupiers, and was advertised in the local newspapers for a period of 22 days from 19 April to 11 May 2011. The notification process was undertaken in accordance with Blacktown Development Control Plan 2006: Part K – Notification of Development Applications. As a result of this process **2 submissions objecting** to the proposal were received. The locations of the objectors' properties are highlighted on the map at Figure 7 below. The objectors' main concerns are also summarised below, together with Town Planning comments thereon.

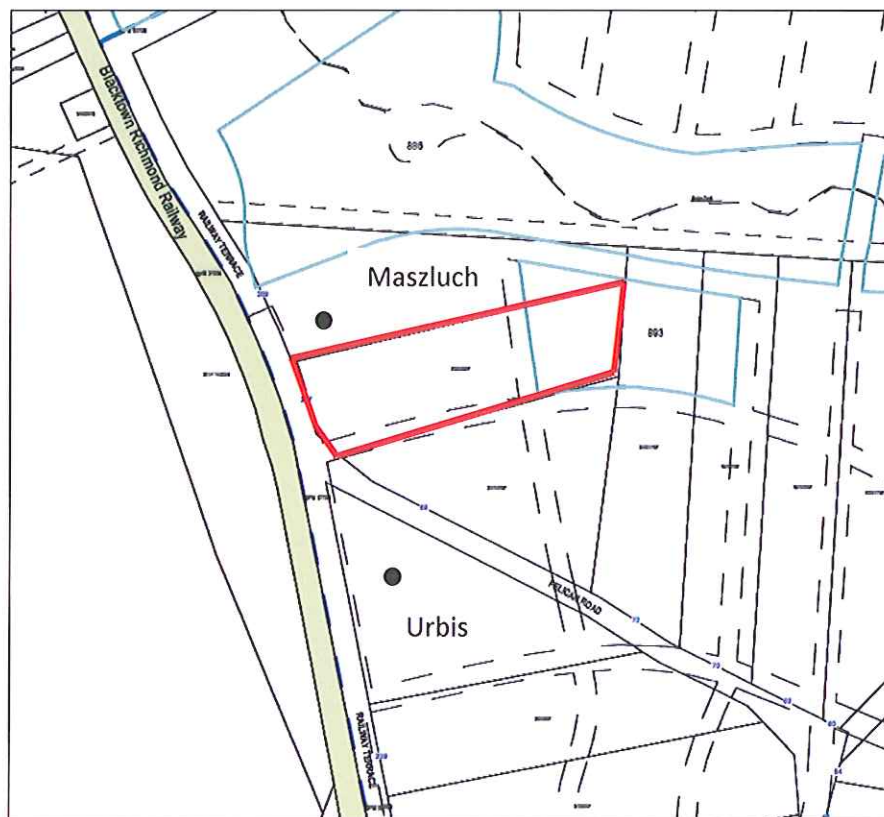


Figure 7. Location of objectors ● (Source: Blacktown City Council)

9.2 Submission 1 – E & M Maszluch - Lot 24, DP 26987, H/N 209 Railway Terrace, Schofields

- (i) *Concerns are raised in relation to the proposed retaining walls along the northern property boundary of the subject site and the subsequent increase in site levels proposed.*

Town Planning Comment

- The objector's concern is considered valid with a proposed height difference of approximately 2.5m at its highest point along the northern boundary.
- The site naturally slopes from the western elevation (having an approximate Reduced Level (RL) of 32) sloping down to the eastern elevation towards the future

Town Park (which has an approximate RL of 28 at the proposed location of the unnamed DCP road). The carpark situated to the west of the site has been designed having an RL of between 31.60 and 31.40. This then leads into the supermarket building which has a footprint set at RL 31.55 and eventually being stepped down within the loading dock area to RL 30.00. This results in a substantial amount of fill to build the building platform up in some areas 2.5m above the natural ground level. This issue was raised with the Applicant in correspondence from Council, where it was advised that the building platform should be reduced in level to decrease the amount of filling required, be more sympathetic with the existing ground levels and to reduce the impact on the neighbour to the north at H/N 209 Railway Terrace.

- (j) *The objector questioned whether there would be any impacts as a result of the proposed building being set on the property boundary from underpinning, excavation, height etc.*

Town Planning Comment

- The Applicant has proposed to underpin the northern elevation being situated on the shared property boundary, which appears to impact on the neighbouring property at H/N 209 Railway Terrace, Schofields. In this regard no owner's consent was provided giving authorisation to encroach upon the adjoining property at H/N 209 Railway Terrace, with the owner of this site raising concern in this respect. In addition, while the proposed basement parking identified within the 'future staging' of the site has been setback 1m, no details have been provided to demonstrate whether any underpinning will impact upon this adjoining owner.

9.3 Submission 2 – URBIS on behalf of Coles Group Ltd – owners of Lot 1, DP 26987, Railway Terrace, Schofields

- (a) *Objection is raised to the Application submitted by Woolworths which proposes the closure of Pelican Road being a parallel process to the Development Application.*

Town Planning Comment

- The GCP DCP 2010 shows Pelican Road as a closed road with the intention that, once Main Street is constructed and dedicated to Council, Pelican Road would be closed to ensure traffic movements into and out of the existing roundabout built by the TCA are safe. Refer to **Attachment 4** for the ultimate road layout of the Local Centre.
- The Road Closure Application lodged by FABOT Pty Ltd (Woolworths) with Council's Property Section to close Pelican Road has been submitted to facilitate the construction of Main Street in accordance with the Growth Centre Precincts Development Control Plan (DCP) 2010 road pattern which identifies that Pelican Road will ultimately be closed.
- This Road Closure Application would therefore allow the existing roundabout at the intersection of Railway Terrace and Pelican Road to be closed at Pelican Road, which enables the new access for Main Street to connect in with the roundabout.
- Coles have now lodged their own DA for nearby land which fronts Pelican Road and have sought a DCP road pattern variation to retain Pelican Road as a fifth arm into the existing roundabout as part of their Application for consideration.

- Council and the RMS both do not support a fifth arm into the roundabout for traffic safety reasons and as such the closure of Pelican Road with a gate at the roundabout when Main Street is dedicated and operational would be the likely outcome. This however would not prevent Coles from seeking Council's separate consideration to retaining Pelican Road for frontage and access beyond the intersection.
- Therefore Council is likely to have supported compliance with the DCP to close Pelican Road at the intersection with Railway Terrace due to traffic safety reasons, had the Woolworths proposal been fully compliant.

10 Section 79C Consideration

10.1 Consideration of the matters prescribed under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended) are summarised below:

Heads of Consideration 79C	Comment	Complies
<p><i>a. the provisions of:</i></p> <p><i>(i) any environmental planning instruments (EPI)</i></p> <p><i>(ii) any development control plan</i></p> <p><i>(iii) the regulations</i></p>	<p>The provisions of relevant EPIs relating to the proposed development are summarised under Section 6 of this Report.</p> <p>While the proposal is permissible in the B2 Local Centre zone, the development does not satisfy the zone objectives outlined within State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006. Further, the design of the development is not considered to meet the intent of the Growth Centre Precincts DCP 2010 and any approval with such non-compliance would set an undesirable precedent within this new Greenfield area and particularly for other Town Centre Development.</p> <p>A detailed assessment of the Application against the GCP DCP 2010 has been provided within Attachment 1 of this Report.</p>	No
<p><i>b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i></p>	<p>An assessment of key issues relating to the proposed development is provided under Section 11 of this Report. It is considered that there are a number of likely adverse impacts as a result of the development because it has not been designed satisfactorily, including traffic, access, location and design of parking, engineering and drainage issues, stormwater, waste management, fill and the failure of the development to provide active street frontages.</p> <p>In view of the above the proposed development is considered to result in harmful impacts on the natural and built environments and would set an undesirable precedent for future development</p>	No

	within the area if it was approved.	
<i>c. the suitability of the site for the development</i>	<p>The subject site is zoned B2 Local Centre and permits retail premises. The site is situated directly opposite the new Schofields Railway Station and bus interchange which provide good transportation links.</p> <p>Following a review of the submitted documents, the site is not considered to be contaminated and will not impact upon any threatened species, aboriginal archaeology, or the like. As such, the site is therefore considered suitable for the proposed development.</p>	Yes
<i>d. any submissions made in accordance with this Act or the regulations</i>	As noted in Section 9 of this Report, 2 submissions raising concerns with the proposal were received. The issues raised in relation to access and site levels are considered to be valid concerns which the Applicant has not satisfactorily addressed.	No
<i>e. the public interest</i>	The proposal is not considered to be in the public interest. Issues raised as a result of the public notification process have not been satisfactorily addressed. Further, the overall design of the proposal is not considered to meet the intent and design principles of the Growth Centre Precincts DCP 2010, setting an undesirable precedent and potentially detrimentally impacting on the future Town Centre, its amenity and functionality.	No

11 Council Assessment

11.1 A detailed Compliance Table (**Attachment 2**) has been prepared which assesses the development against the planning controls listed within the Blacktown City Council Growth Centre Precincts Development Control Plan (GCP DCP) 2010. This Table identifies that there are a number of non-compliances with the DCP, with the more significant ones including:

- Failure to provide any active street frontage to both Railway Terrace and Main Street. Both streets are considered to be crucial locations where this control should be achieved which was detailed in correspondence from Council to the Applicant. The provision of an active street frontage is considered an important design element contributing to a positive public domain outcome as it enables retail businesses to open out to the street resulting in increased pedestrian activity and better linkages within the Local Centre and to Schofields Railway Station, improved security and passive surveillance opportunities and results in a

higher quality design outcome with buildings being orientated out to the street encouraging more articulation along these elevations. The Applicant has had no regard for this requirement which is a central theme detailed within the DCP and results in a number of related non-compliances as a direct result of this issue. This includes the failure to comply with linked controls, such as the provision of awnings along active street frontages and achieving public domain and specific architectural design controls, which subsequently result in detrimental impacts to the Alex Avenue Local Centre and the future development of surrounding and nearby properties within the Local Centre.

- Non-compliance with the identified precinct road hierarchy (Figure 2.8, Schedule 1) for 'Town Centre' road widths. The nominated 'Town Centre' road widths are then specified within the Growth Centres Development Code (GCDC) 2006. The Applicant has proposed a road width of 15.5m along Main Street and 19.5m along the proposed un-named DCP road to the east. Both proposed road widths therefore fall short of the agreed road width identified for nominated 'Town Centre' roads being 21.5m.
- The proposed location of accessways are not in accordance with the traffic circulation and parking identified for the Alex Avenue Local Centre and, in their present location, are considered to impact upon traffic circulation within the Precinct.
- The positioning of the at-grade carpark at the western end of the site opposite the new Schofields Railway Station along the identified active street frontages is not in accordance with the DCP. Further, the DCP identifies that parking should be in the form of basement parking as opposed to large expanses of at-grade car parking.
- The Applicant has failed to provide any sleeving of the proposed large format retail building and/or any architectural merit along the building elevation addressing the street frontages.
- Non-compliance with signage controls.
- Non-compliance with landscaping design controls.

11.2 An assessment of the other key issues relating to the proposed development is presented below:

11.3 Fill

11.3.1 Following a review of the natural ground level in comparison with the proposed finished floor levels, concern was raised by Council in correspondence to the Applicant regarding the amount of fill proposed to be imported on-site. In particular, the supermarket is proposed to be elevated by approximately 2.5m along the northern boundary, requiring a substantial amount of fill material to be imported on-site. Council recommended that the level of the supermarket building be stepped down more sympathetically with the natural ground level by approximately 1m, however no response was ever received from the Applicant to this issue.

11.4 Engineering

11.4.1 The eastern elevation of the subject site contains a portion of the 'Town Park' which has a dual purpose in acting as a drainage basin for both the development and the surrounding area. Following a review of the submitted Engineering Plans and documentation, Council's Drainage Engineers have identified a number of significant issues with the proposal. These issues relate to the Stormwater Concept Plan, design of the drainage basin and water quality issues as detailed below which have yet to be resolved:

- (a) A catchment plan is required to show the extent of areas draining to the proposed road drainage system and the site. The road drainage system is to be configured to allow for possible development scenarios generally based on the existing topography and to minimise outlets to the trunk drainage channel proposed in Council's Section 94 Contributions Plan No. 20.
- (b) There shall only be one point of discharge for stormwater from the development into the existing watercourse, not 2 as shown on the submitted plans.
- (c) The supplied information sheet of the Envisi Pit does not meet the Council requirements to determine if the device is suitable and as such an alternative device may be preferred. In addition, the size and number of units is required to be specified on the plans. Details are required as to how the device will operate effectively in relation to storage depths in the proposed location. The units have relatively low treatable flow rates and details need to be provided to show how the overflows from these devices are captured and conveyed to the Council road drainage system. The proposed location of these devices is at the driveway where there will be high traffic and heavy vehicle movements. Certification is required from the manufacturer that the devices will be structurally suitable and not impact the treatment effectiveness.
- (d) Details of the bioretention basins must include dimensions, sections and requirements in relation to lining and tanking for the proposed basement carpark. The key design criteria and filter media requirement has not been shown.
- (e) The reuse of roof water is supported and details of the water demand and mass balance calculations were not provided within the details submitted to Council. The location and size of the proposed tank are to be shown on the plans. A maximum of 80% of non-potable uses is to be met through rainwater.
- (f) The Upflo Filters have not been approved for use in Blacktown and are therefore not supported.

11.5 Drainage Issues

- 11.5.1 Details of the temporary basin have not been submitted, which include storage capacity, cross-sections and orifice diameter. Calculations are required for the performance of the basin from 1 in 1 year to 1 in 100 year ARI events. The submitted DRAINS model shows that this basin is to be located in the proposed trunk drainage at the rear of the proposed building. This is not supported and the basin is to be located on-site. Provision is to be made for all the new roads, verges and front dedication to be considered as bypass. The swale and conservation area behind can be excluded from the calculations.
- 11.5.2 The location of the detention tank has not been shown on the drainage plan.
- 11.5.3 The pit pressure loss coefficients are inconsistent in the DRAINS model. The model is to be revised with appropriate k_v factors, e.g. the pits located in the bioretention basin must have k_v factors of 4.
- 11.5.4 Only one point of discharge for stormwater from the development into the existing watercourse is supported, not 2 as shown on the submitted plans.

11.6 Water Quality Issues

- 11.6.1 The MUSIC file has not used Blacktown Council's accepted source node and Liverpool rainfall data set from 1967 to 1976.

- 11.6.2 Rainwater tanks have not been marked on the plans, and details of the tank such as above or below ground, levels and the location. The rainwater tank is currently located and discharging to 2 different locations in the submitted MUSIC and DRAINS model, with the area draining to the tank not clearly shown on the plans to be approved by Council. The area draining to the tank is to be clearly shown.
- 11.6.3 Operation and maintenance plans are required for Bioretention, Rainwater Tank, Detention Basin and any other approved devices. The plans shall include inspection and cleaning frequencies and cleaning and disposal methods.
- 11.6.4 Updated drainage, MUSIC and DRAINS models need to be further assessed.

11.7 Noise and Vibration Impact

- 11.7.1 As a result of the referral process, issues were raised in relation to noise and vibration impacts from both RailCorp as a result of the Railway Station opposite the site and from Council's Environmental Health Unit due to the proximity of the proposed development in relation to the existing low density housing situated within the area particularly to the south of the subject site (H/N 88 Pelican Road, Schofields).
- 11.7.2 While no Acoustic Report was submitted, the Applicant's Statement of Environmental Effects identified that noise would be managed by the restriction of hours during construction, with an acoustic fence to be provided along the southern property boundary to mitigate noise from the existing dwelling at 88 Pelican Road which is located 5.5m from the new road to be constructed (Main Street). This fence is identified on the submitted 'Site Plan and Ground Floor Plan', drawing No.08060 DA1.03 S as being a timber lapped and capped fence.
- 11.7.3 The Applicant was asked to address this noise issue through the submission of the relevant Acoustic Report which identified the mitigation measures to be incorporated including the acoustic fence along the southern boundary, however no response was received from the Applicant. As such, this issue has not been satisfactorily addressed.
- 11.7.4 RailCorp has provided conditions of consent to include within any approval to address noise and vibration as a result of the location of the development being situated directly opposite the new Schofields Railway Station. These **conditions** include:
- *"An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads – Interim Guidelines".*
 - **Stray Currents and Electrolysis from Rail Operations**
"Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate."
- 11.7.5 In conclusion, it is considered that the noise and vibration measures have not been satisfactorily addressed. In this regard further investigation is required including the submission of an Acoustic Report to address noise and identify mitigation measures necessary to control noise.

11.8 Waste Management

11.8.1 Council's Waste Management Section raised concerns with the details provided within the submitted Waste Management Plan (Appendix H of the Statement of Environmental Effects). The Applicant states that the supermarket will generate 49,000 litres of food waste, glass and paper/cardboard, with the specialty shops generating 10,000 litres of food waste, glass and paper/cardboard. Following an assessment of the plans Council's Waste Management Section identified that the proposed waste storage facilities on-site did not appear to be satisfactory in relation to the volumes of waste generated from the development.

11.9 Section 94 Contributions

11.9.1 In accordance with the Riverstone and Alex Avenue Precincts Contributions Plan No.20, which came into force on 1 December 2010, Section 94 contributions apply to this development. Within the Alex Avenue Precinct, Section 94 contributions are levied for the following amenities and services and would be included as a **condition** of consent in any approval:

- Water Cycle Management Facilities;
- Traffic & Transport Management Facilities;
- Open Space and Recreation Facilities; and
- Community Facilities & Combined Precinct Facilities.

12 General Comments

12.1 Council Officers have assessed the proposed development under the relevant Heads of Consideration listed under Section 79C of the Environmental Planning and Assessment Act 1979. Overall, it is considered that the proposed development will have significant impacts on the natural and built environments, with the proposal not being in the public interest.

12.2 While the development is permissible in the B2 Local Centre Zone with consent, the proposed development is considered to be inconsistent with one of the relevant objectives of the B2 Zone pursuant to State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006. The proposed development is also considered to be inconsistent with the Growth Centre Precincts Development Control Plan (GCP DCP) 2010 in relation to a number of issues. In this regard the proposal fails to comply with a number of significant controls including the provision of active street frontages which therefore results in other related non-compliances, location of parking and access points, along with a lack of building articulation to address the various street frontages around the site.

12.3 As the development was classified as 'traffic generating' development pursuant to Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007, the Application was referred to the Sydney Regional Development Advisory Committee (SRDAC) for comment. As a result of this a number of traffic issues were raised which included impacts as a result of the proposed staging, failure to provide the required road reservation and road widths, location of car parking, displacement of parking as a result of Stage 2, and vehicle access, swept paths and design of the loading dock. In this respect the Applicant has failed to address the issues raised by both the RMS and Council's Traffic Management Section and therefore is not supported in its current form.

12.4 Given the number of variations proposed to the DCP as a result of the submitted plans, and noting this is the first Application within the Alex Avenue Precinct Local Centre, it is considered that any approval of this Application would set an undesirable precedent for future developments to follow. Due to the proposed staging of the Application it is considered that each individual stage should comply with the requirements of the DCP independently of each other, without relying on the future development of the site which may not eventuate.

- 12.5 As a result of the exhibition process 2 submissions were received: one from the adjoining property to the north and the second on behalf of the Coles Group who own a nearby site within the B2 Local Centre. The main issues raised include the potential impacts of the building line, fill and subsequent retaining walls proposed along the northern property boundary and how it will impact the adjoining property at H/N 209 Railway Terrace. In addition, issues were raised by the Coles Group in relation to the Road Closure Application to close Pelican Road, being a parallel process to this Development Application, to facilitate the eventual GCP DCP road pattern including the construction of Main Street along the southern elevation of the subject site. It is noted that the issues relating to the Road Closure Application will be considered within a separate process to be conducted by Council. Having said that, this issue would not constitute a grounds for refusal of any compliant Development Application. Further, the issues relating to fill and increased site levels are considered valid and have not been satisfactorily addressed by the Applicant, which result in detrimental impacts along the northern boundary.
- 12.6 Overall, the non-compliance with the Growth Centre Precincts Development Control Plan 2010, together with traffic related issues raised by both the RMS and Council and engineering/drainage deficiencies are considered significant enough to warrant refusal of the Application. As such, it is recommended that the proposed Staged Retail Development be refused.

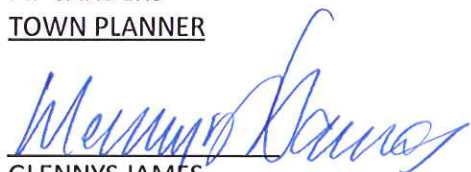
13 Recommendation

1. The Development Application for a Staged Retail Development at Lot 23, DP26987, H/N 217 Railway Terrace, Schofields, be refused by the Sydney West Joint Regional Planning Panel subject to the following reasons:
 - (a) Insufficient information has been submitted under Section 78A of the Environmental Planning and Assessment Act 1979 (as amended) for Council to give proper consideration to the subject application. In this regard, Council was unable to determine the suitability of the proposed development to the site pursuant to Section 79C(1c) of the Environmental Planning and Assessment Act 1979 (as amended).
 - (b) The proposed development is inconsistent with the objectives of State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006, Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2010, by virtue of the proposal not providing an active street frontage along the ground floor which is required within the B2 Local Centre Zone. [Section 79(1)(a)(i) EP&A Act 1979].
 - (c) Amended plans and further details requested in Council's correspondence of 18 May 2011, 28 June 2011 and 28 July 2011 were not submitted for Council's further consideration of the proposed development. In this regard, details complying with the Growth Centre Precincts Development Control Plan 2010 were not lodged for Council's consideration. To this end, Council was unable to determine the likely economic, social and environmental impacts of the proposed development pursuant to Section 79C(1b) of the Environmental Planning and Assessment Act 1979 (as amended).
 - (d) It is considered that the proposed development will have detrimental effect on the amenity of the Alex Avenue Local Centre and surrounding properties by reason of its non-compliance with the Growth Centre Precincts Development Control Plan 2010 (active street frontage, identified road widths, public domain, vehicle access, architectural design, signage and landscaping design controls). On this basis approval of the application is not considered to be in the public interest pursuant to Section 79C(1e) of the Environmental Planning and Assessment Act 1979 (as amended).

- (e) The Applicant has not fully considered the engineering design requirements for the proposed road and drainage infrastructure in accordance with Council's Engineering Guide for Development 2005 and Council's Stormwater Quality Control Policy. [Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments].
 - (f) The Applicant has not fully considered and resolved the traffic related issues in relation to the proposed vehicle access, surrounding road widths, future road acquisition and truck swept paths within the new roadways as raised by Council and the RMS. [Section 79C(1)(b) the likely impacts of that development, including environmental impacts on both the natural and built environments].
 - (g) The proposal is not considered to be in the public interest. [Section 79C(1)(e) the public interest]
 - (h) Approval of the proposal would set an undesirable precedent. [Section 79C(1)(e) the public interest]
- 2. The Applicant and objectors be advised of the Sydney West Joint Regional Planning Panel's decision.
 - 3. The decision of the Panel be advised to the NSW Roads and Maritime Services.



PIP SANDERS
TOWN PLANNER



GLENNYS JAMES
DIRECTOR CITY STRATEGY & DEVELOPMENT

Attachments

ATTACHMENT 1 – Development Plans

ATTACHMENT 2 – Compliance Table

ATTACHMENT 3 – Road Reservation Map

ATTACHMENT 4 – Figure 3-3 of GCP DCP 2010 - Desired Future Layout of the Local Centre