

Blacktown City Council

Report to Sydney West Joint Regional Planning Panel

JRPP No.	Item (2011SWY109)
DA No:	JRPP-11-1987
Proposed Development:	Staged Retail Centre and subdivision into 2 commercial lots and a drainage lot
Development Type:	"Regional Development" – Capital Investment Value >\$20 million
Lodgement Date:	14 September 2011
Land/Address:	Lot 1, DP26987 Railway Terrace, Schofields
Land Zoning:	Part B2 Local Centre, Part R3 Medium Density Residential and Part SP2 Drainage pursuant to State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006
Value Of Development:	\$30,550,797
Applicant:	Coles Group Limited c/ Urbis Pty Limited
Report Author:	Rebecca Gordon, Town Planner
Instructing Officers:	Judith Portelli, Manager Development Services & Administration and Glennys James, Director City Strategy and Development



Figure 1. Main entry to the proposed development (Source: Leffler Simes Architects)

ASSESSMENT REPORT

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1 Executive summary

- 1.1 Blacktown City Council is in receipt of a Development Application (DA) from Urbis on behalf of Coles Group Limited for the construction of a staged retail development including a supermarket, specialty stores and car parking at Lot 1, DP26987 Railway Terrace, Schofields. In addition a 2 lot Torrens title subdivision is proposed to facilitate the subject proposal and the construction of a McDonald's Fast Food Restaurant under a separate Development Application (DA-11-1988). The proposed development has a Capital Investment Value of approximately \$30.5M.
- 1.2 The DA seeks approval for the construction of Stage 1 of the development only and includes a 4,200sq.m Coles supermarket, a café, liquor shop and 2 retail tenancies, including one which will be further subdivided into 3 smaller tenancies. 205 on-site car parking spaces and loading/unloading areas are proposed on the site. As part of the development the applicant is required to construct/upgrade the existing and proposed DCP roads adjoining the site. The proposal also seeks approval for the erection of Coles business identification signage and 2 pylon signs. The proposed hours of operation are 6am to midnight, 7 days a week. The applicant seeks to have all deliveries to the site undertaken during the same hours of operation. The proposed delivery hours, however, are considered excessive when considered in its future built residential setting with an R3 Zone for Residential Flat Buildings immediately to the south of the proposed loading dock. To protect the amenity of the future residents it is therefore recommended that all deliveries cease at 7pm, 7 days a week. Stage 2 of the development will be the subject of a separate Development Application in accordance with Section 83B(3)(a) of the Act.
- 1.3 In relation to the 2 pylon signs, it is noted that no details of the pylon sign located in the north-eastern corner of the site have been provided. It is recommended that any signage proposed in this location should be subject to a separate DA. In terms of the pylon sign proposed at the Railway Terrace/Pelican Road intersection, the Stage 2 DA plans indicate that the pylon sign will have an overall height of approximately 18m. The site plan also shows the pylon sign located over the property boundary within the footway. As the pylon sign is considered excessive in height and is inappropriately located, it is recommended that consent not be granted for this sign. Any new DA for a pylon sign should carefully consider the issue of height and location. As the future McDonald's restaurant is also likely to propose a pylon sign on the Railway Terrace frontage, the co-location of signage on one single structure should also be further investigated.
- 1.4 The site is located within the Alex Avenue Precinct forming part of the North West Growth Centre. The site was previously zoned for rural purposes under Blacktown Local Environmental Plan (BLEP) 1988 prior to it being rezoned to B2 Local Centre, R3 Medium Density Residential and SP2 Infrastructure – Drainage pursuant to the provisions of State Environmental Planning Policy (Sydney Region Growth Centres) 2006. As the development footprint is contained within the area zoned B2 Local Centre, the proposed 'retail premises' is permissible in the zone with development consent. The future new roads are proposed over the portions of the site zoned R3 Medium Density Residential and SP2 Infrastructure – Drainage. A small residue area, located in the far eastern corner of the site, will eventually be developed for road and drainage purposes.
- 1.5 Following a detailed assessment against the relevant development control guidelines within the Growth Centre Precincts Development Control Plan (DCP) 2010 and consultation with the relevant internal and external authorities, a number of significant issues were identified. These issues related mainly to the staging of the development, displacement of parking during construction of Stage 2, potential fragmentation of the commercial centre due to the retention of Pelican Road, and insufficient width of the adjoining DCP roads.

- 1.6 Council officers' initial assessment suggested that staging of the DA may not achieve the intent of the DCP if the future stage/s were never constructed. Although it is Council officers' preference that the development not be staged, and that the ultimate carpark design and retail tenancies proposed along Railway Terrace and Pelican Road be constructed upfront, it is recognised that the staging of the DA is consistent with the approach applied to the nearby Woolworths development. This approach was considered acceptable to the Land & Environment Court which approved the Woolworths development in February 2012. Given this precedence and that the layout and design of the Coles development is consistent with the approved Woolworths complex, Council has agreed that the McDonald's fast food restaurant (proposed under DA-11-1988) will satisfy the requirement for an active street frontage along Railway Terrace until Stage 2 is progressed.
- 1.7 Council officers consistently advised throughout the assessment process that it would not support the retention of Pelican Road at its intersection with Railway Terrace. Pelican Road, however, has now been formally closed and, as a result, the applicant has amended the DA plans to ensure that no access is provided to/from Pelican Road. The plans have also been revised to comply with the required minimum DCP road widths and provide two-way vehicular/truck access to Council's satisfaction.
- 1.8 The development proposal seeks to replace the proposed roundabout at the intersection of Railway Terrace and the unnamed road adjacent to the southern boundary with traffic signals. Council's Traffic Management Section and the Roads & Maritime Services (RMS) have raised no objection to this proposal. As the Section 94 Contributions Plan for the area makes provision for a future roundabout in this location, a notation should be included on any consent advising the applicant that they may enter into a Works-in-Kind agreement to offset their monetary contributions by the value of construction of the traffic signals.
- 1.9 The subject DA was notified in accordance with Blacktown Development Control Plan 2006 between 18 October and 1 November 2011. As part of this process all property owners and occupiers located within a 500m radius of the subject site (i.e. approximately 60 properties) were notified of the proposal. The DA was also advertised in the local newspapers for a period of 14 days. Following the submission of amended plans, the revised proposal, amended traffic report and other supporting information were re-exhibited between 4 and 18 April 2013.
- 1.10 In response to the original notification, 1 letter of objection was received from Woolworths Limited. Two letters in support of the proposal and a letter from the Department of Defence raising no objection to the proposal were also received during this period. Two objections were received to the amended plans, including a further submission from Woolworths and a submission from a private property owner.
- 1.11 The objections received during the notification process were in relation to the use of Pelican Road. The submissions contained mixed opinions when it came to the use of the road. While Woolworths (located 75m to the north of the subject site) strongly objected to the retention of Pelican Road and requested that the development be amended to fully comply with the Growth Centre Precincts Development Control Plan, a private property owner objected to its closure. As Pelican Road has now been formally closed in accordance with the DCP and the Alex Avenue Indicative Layout Plan (ILP), it is considered that the grounds for objection are no longer relevant and cannot warrant the refusal of the Application.
- 1.12 The proposed development has 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, and is considered to be satisfactory. Subject to appropriate management practices and the imposition of suitable conditions as highlighted in the body of this report, it is considered that the proposed Coles shopping complex will not have

any significant environmental, social or economic impacts on the town centre or surrounding locality.

- 1.13 In light of the above, it is recommended that the Sydney West Joint Regional Planning Panel (JRPP) approve the DA subject to the imposition of suitable conditions of consent. Recommended conditions are included at Attachment 1 to this report.

2 Location

- 2.1 The subject site is located on the eastern side of Railway Terrace directly opposite the new Schofields Railway Station. A location plan is provided below.
- 2.2 The site falls within the Alex Avenue Precinct and forms part of the North West Growth Centre. The Alex Avenue Precinct covers an area of 420 hectares and has been identified to deliver 6,300 new dwellings and 18,000 residents. 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 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 in the Alex Avenue Precinct.
- 2.4 Looking at the site in a regional context, other significant developments within the surrounding district include the Norwest Business Park (4kms south-east), Rouse Hill Regional Centre (3kms east), new residential subdivision (The Ponds 2.5kms east and Colebee 2.5kms south-west) and Blacktown Central Business District (CBD) (5km south-east).

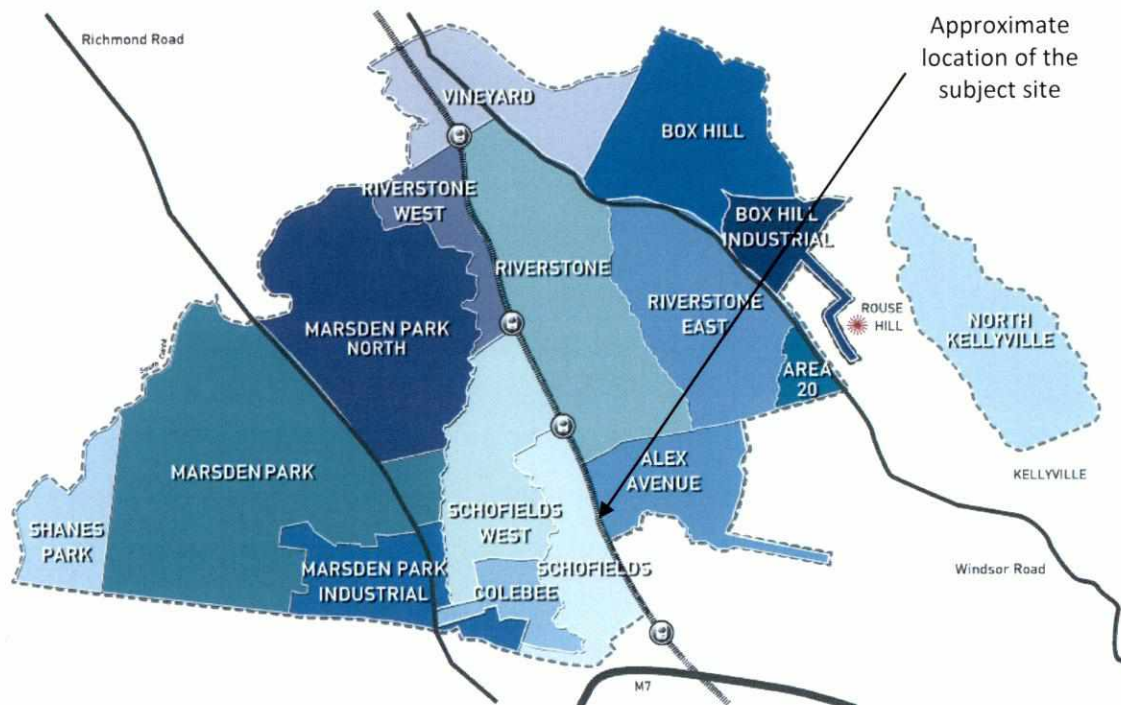


Figure 2: Location Context - North West Growth Centre Precincts
(Source: NSW Department of Planning and Infrastructure)

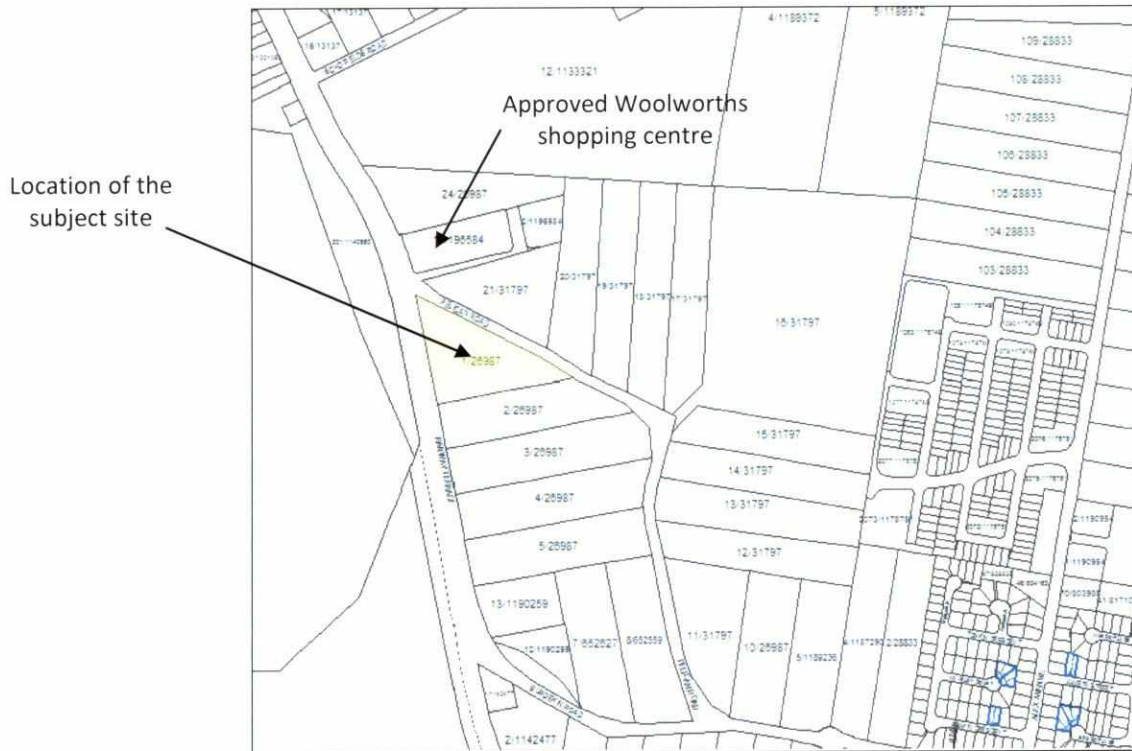


Figure 3: Location plan (Source: Blacktown City Council, 2014)

3 Site description and locality

- 3.1 The subject site is known as Lot 1, DP26987 Railway Terrace, Schofields. The site is triangular in shape and has a frontage of 183m to Railway Terrace, a frontage of 227m to the unnamed Development Control Plan (DCP) road located along the southern property boundary and a frontage of 240m to Pelican Road. The site is currently vacant and has an area of 2.136 hectares.
- 3.2 The subject site and surrounding properties were previously used for farming purposes. The site is generally cleared of vegetation, with a few scattered trees predominantly located over the SP2 Infrastructure – Drainage zoned land located in the far eastern corner of the site.
- 3.3 The triangular parcel of land immediately to the north contains a single storey dwelling. The site further to the north (approximately 75m away) contains the recently constructed Woolworths supermarket complex. These properties form part of the town centre for the new Alex Avenue Precinct.
- 3.4 To the south are a number of vacant properties. These properties have been rezoned for medium to high density residential purposes. The surrounding properties are currently rural in nature, however it is anticipated that there will be substantial growth of these sites within the foreseeable future.
- 3.5 The eastern end of the subject site is zoned SP2 Infrastructure – Drainage. This area forms part of a designated drainage basin which has been designed to minimise the potential for flooding impacts on development and manage the flow of stormwater.
- 3.6 Immediately to the west of the site, on the opposite side of Railway Terrace, is the Schofields railway station. The station includes a limited number of commuter car parking spaces which are accessed via the roundabout situated at the intersection of Railway Terrace and Pelican Road.

- 3.7 The subject site was rezoned on 17 May 2010 from a rural zoning under Blacktown Local Environmental Plan (BLEP) 1988 to part B2 Local Centre, part R3 Medium Density and part SP2 Infrastructure – Drainage pursuant to State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006. A zoning plan is provided at Figure 5 below.

Location of the
subject site



Figure 4: Aerial photo (Source: Blacktown City Council)

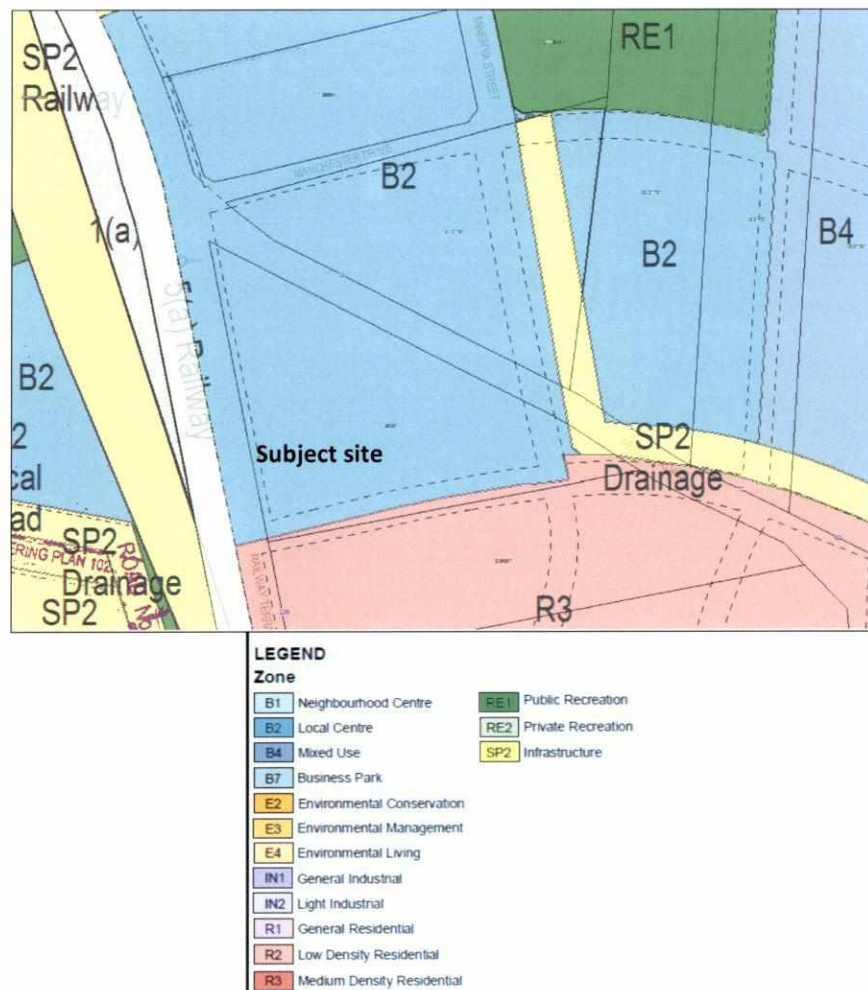


Figure 5: Zoning plan (Source: Sydney Region Growth Centres SEPP)

4 Background

- 4.1 A previous Development Application (JRPP-11-1775) for the construction of a supermarket, specialty shops and associated works was submitted over the subject site in August 2011. This application was subsequently withdrawn due to 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. The impacts of this error meant that, when JRPP-11-1775 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 development was not a permissible use pursuant to BLEP 1988.
- 4.2 The error was subsequently corrected and a new DA was submitted on 14 September 2011. The CIV of the proposed development is \$30,550,797 and therefore triggers referral to the JRPP as regional development. As such, while Council is responsible for the assessment of the DA, determination of the Application is to be made by the Sydney West JRPP.
- 4.3 To date, only one approval has been granted in the B2 Local Centre area. Woolworths lodged a DA for a staged retail development back in March 2011. A Class 1 Application to the Land and Environment (L & E) Court of NSW was lodged by the applicant on 14 September 2011 against the deemed refusal of the DA by the JRPP (Proceeding No. 10830 of 2011). Despite a number of non-compliances with the Blacktown City Council (BCC) Growth Centre Precincts DCP 2010, including the failure to provide an active retail street frontage particularly to Railway Terrace and Main Street and non-compliance with the required 'Town Centre' road widths, the L & E Court of NSW subsequently approved the DA on 2 February 2012. Construction of the Woolworths shopping centre was completed in April 2014 and the centre is now in operation.

5 The proposal

- 5.1 Blacktown City Council is in receipt of a Development Application (DA) from Urbis on behalf of the Coles Group Property Development Pty Ltd for the construction of a staged retail development, including a Coles supermarket, café, liquor store, specialty shops and car parking, at the subject site. In addition a 2 lot Torrens title subdivision is proposed to facilitate the subject proposal, and the construction of a McDonald's fast food restaurant under a separate Development Application (DA-11-1988). The proposed new 2,680sq.m McDonald's allotment is to be located in the south-west corner of the subject site.
- 5.2 The proposed McDonald's Fast Food Restaurant has a gross floor area (GFA) of 384sq.m and a seating capacity for 112 persons (71 seats internally, 35 seats externally and 6 seats within the playground). In addition to providing 22 on-site car parking spaces, McDonald's relies on 14 additional car parking spaces located within the adjoining Coles site. Access to McDonald's is proposed through the Coles carpark via a right-of-way, with access points proposed from both the northern and eastern boundaries of the proposed new allotment. A final assessment and determination of the McDonald's DA cannot be made until the subject application for Coles has been finalised.
- 5.3 Stage 1 of the subject DA proposes:
 - (a) Construction of a 4,200sq.m Coles supermarket. The Gross Floor Area (GFA) of the supermarket (i.e. excluding storage areas etc.) is 3,716sq.m. The associated plant room is located at the second level.
 - (b) 4 specialty shop tenancies along the western elevation of the building, including a 162sq.m café, a 200sq.m liquor shop, and 2 tenancies for lease (one being 82sq.m in area

and the other being 220sq.m). The applicant has indicated that the 220sq.m tenancy will later be split into 3 smaller tenancies.

- (c) Operating hours are proposed to be from 6am to midnight, 7 days a week. The applicant seeks to have all deliveries undertaken during the same hours of operation.
- (d) Coles business identification signage and 2 pylon signs.
- (e) 205 on-site car parking spaces. A pedestrian pathway is proposed through the middle of the carpark to provide access from Railway Terrace to the shopping centre entrance. Shade sails are proposed over the pathway area.
- (f) 2-way vehicular access from Railway Terrace and from the new unnamed road located along the southern boundary of the site (i.e. "South Road").
- (g) A loading dock in the eastern corner of the site with truck access off "South Road" and the new unnamed road located along the eastern boundary of the site.
- (h) Construction of associated DCP roads. The land zoned R3 Medium Density falls over the DCP road pattern and will be dedicated free of cost to Council as public road.
- (i) Torrens title subdivision into 2 commercial lots, creating one separate lot in the south-western corner of the site measuring 2,680sqm for the proposed McDonald's Restaurant (details subject to DA-11-1988) and one lot for the subject retail development having an area of 1.868ha.
- (j) The land zoned SP2 Infrastructure – Drainage will be excised into a separate lot for future dedication to Council.

5.4 Stage 2 of the DA, but subject to a future separate DA, proposes:

- (a) Construction of an additional 1,212sqm of specialty shop floor space along the Railway Terrace and Pelican Road frontages.
- (b) Relocation of car parking and the provision of additional parking at a basement level to cater for the increase in floor space, resulting in the provision of a total of 268 on-site car parking spaces.

5.5 Details of the internal fit-out of the Coles supermarket will be required prior to the release of any Construction Certificate. The separate consent of Council will be needed for the fit-out of the specialty stores, liquor store and café, or for any change of use of a premises which is not 'exempt development' pursuant to State Environmental Planning Policy (Exempt and Complying Development) 2008.

5.6 For further details regarding the proposal refer to Section 7 below and to the Stage 1 and Stage 2 development plans included at **Attachment 2**.

6 Planning controls

6.1 The planning controls that relate to the proposed development are as follows:

(a) Environmental Planning and Assessment (EP&A) Act 1979

For an assessment against the Section 79C 'Heads of Consideration' refer to Section 11 of this report.

Schedule 4A of the Environmental Planning & Assessment (EP&A) Act 1979 (the Act) sets out new classes of regional development. This schedule replaces the former classes of

regional development set out in Part 3 of State Environmental Planning Policy (Major Development) 2005.

Pursuant to Clause 3 of Schedule 4A of the Act, development that has a capital investment value (CIV) of more than \$20 million constitutes 'Regional Development' and therefore must be referred to a Joint Regional Planning Panel (JRPP) for determination. As the CIV for the proposed development is substantially over \$20 million, it triggers referral to the JRPP as Regional Development. While Council is responsible for the assessment of DAs classified as 'Regional Development', determination of the DA will be made by the JRPP.

(b) State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 (ISEPP) commenced on 1 January 2008. ISEPP ensures that the RMS (formally the RTA) 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 2,000sq.m, 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 8 below. In accordance with Clause 104(4) of the SEPP, a copy of the determination will be forwarded to the RMS within 7 days of the determination being made.

(c) State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy (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 has submitted a Phase 1 Contamination Report prepared by Douglas Partners, which identifies that no specific contamination is present on the site. The proposed development is therefore considered to comply with the provisions of SEPP 55. However, a standard **condition** will be imposed on any consent issued requiring that all work stop should any unexpected contamination be identified during construction. Remediation of the site will be required prior to any works recommencing. A final validation would then be required prior to the issue of any Occupation Certificate. **(Condition 12.21)**

(d) State Environmental Planning Policy No. 64 – Advertising and Signage

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied that the signage is consistent with the objectives of SEPP 64 as set out in Clause 3(1)(a) of the Policy, and that the proposed signage satisfies the assessment criteria specified in Schedule 1.

The following signage is proposed as part of the development:

(i) North (Pelican Road) elevation

- An internally illuminated wall mounted building identification sign measuring 5m x 2m.

(ii) South (unnamed DCP road) elevation

- An internally illuminated wall mounted building identification sign measuring 8m x 2.4m.

(iii) East (opposite drainage reserve) elevation

- Internally illuminated business identification signage on a freestanding wall measuring 5m x 3m.

(iv) West (carpark) elevation

- An internally illuminated building identification sign mounted above the main entry to the building measuring 4m x 2m.

Building identification sign means a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services. It is believed that the proposed wall mounted signs and proposed signage wall satisfy the stated objectives under the SEPP. The table at **Attachment 3** demonstrates that the above signage also satisfies the assessment criteria specified under Schedule 1 of the SEPP.

In addition to the above signage, the site plan also proposes the construction of 2 pylon signs. One sign is located in the north-west corner of the site at the intersection of Railway Terrace and Pelican Road. The other pylon sign is proposed in the north-east corner of the site at the intersection of Pelican Road with the unnamed DCP road. The DA plans do not include any details of the pylon sign in the north-east corner of the site and it is recommended that any signage proposed in this location should be subject to a separate DA. It is recommended that an appropriate **condition** be included to address this matter. **(Condition 2.2)**

In terms of the **pylon sign** proposed at the Railway Terrace/Pelican Road intersection, very few details have been included within the Stage 1 DA plans. In this regard only the upper part of the pylon sign is shown on the eastern elevation plan. An overall elevation plan, however, has been provided with the Stage 2 plans. From the details provided it is estimated that the pylon sign will have an overall height of approximately 18m (i.e. RL of 51.3m). As part of the assessment process, the applicant was requested to reduce the height of the pylon sign and relocate the sign off the active street frontage. The current DA plans still nominate the construction of the pylon sign in the same location and there are no details to suggest that the sign has been reduced in height. The site plan also shows the pylon sign located over the property boundary within the footway. As the pylon sign is considered **excessive in height** and is inappropriately located, it is **recommended that consent not be granted for this sign** and that an appropriate **condition** be included to address this matter. **(Condition 2.2)** Any new DA for a pylon sign should therefore carefully consider the issue of height and location. As the future McDonald's restaurant is also likely to propose a pylon sign on the Railway Terrace frontage, the colocation of signage on one single structure should be investigated.

At this stage tenants have not been nominated for the proposed small retail tenancies located at the entrance to the supermarket. Details of any business identification signage associated with the café, liquor store and small shops has not been included with the application. Any additional signage erected around the site or on the building façade may therefore require separate development consent. A standard **condition** has therefore been imposed drawing the applicant's attention to the need to obtain Council's separate approval for any additional building/business identification or advertising signage not being 'Exempt Development' under State Environmental Planning Policy (Exempt and Complying Development) 2008. A **condition** has been included in the draft consent to ensure that no signage on site contains any flashing or moving parts, and that any

proposed methods of illumination do not overspill onto adjoining or nearby properties.
(Condition 4.6)

(e) **State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and Appendix 4 - Alex Avenue and Riverstone Precinct Plan 2010**

The subject site is located within the Alex Avenue precinct of the North West Growth Centre and is zoned B2 Local Centre, R3 Medium Density and SP2 Infrastructure – Drainage pursuant to the provisions of State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) (SRGC) 2006. As the development footprint is contained within the area zoned B2 Local Centre, the proposed 'retail premises' is permissible in the zone with development consent. The future new roads are proposed over the portions of the site zoned R3 Medium Density Residential and SP2 Infrastructure – Drainage. A small residue area, located in the far eastern corner of the site, will eventually be developed for road widening and drainage purposes.

Parts 4 to 7 of SEPP SRGC 2006 contain a number of development controls to be considered as part of any DA assessment. These are discussed as follows:

(i) Part 4 Development controls - general:

- Clause 16: As a precinct plan has been adopted for the Alex Avenue area this clause does not apply.
- Clause 17 requires that the consent authority refer the DA to the Director-General of the Department of Planning for comment. For further details please refer to Section 8 below.
- Clause 18 states that a consent authority must be satisfied that recycled water will be provided to the development. This matter will be addressed as a **condition** of any consent (**Condition 14.12**)

(ii) Part 5 Development controls – flood prone and major creeks land:

- This part of the SEPP does not apply to the subject site as it only applies to development that is carried out on flood prone and major creeks land.

(iii) Part 6 Development controls - vegetation:

- This part of the SEPP does not apply to the land to which the *Alex Avenue and Riverstone Precinct Plan 2010* applies. Furthermore, the site is generally cleared of vegetation, with only a few scattered trees located predominantly over the SP2 Infrastructure – Drainage zoned land located in the far eastern corner of the site. Two trees are located in the building footprint and will require removal as part of the DA. The required road works will also require the removal of some additional trees. Replacement on-site landscaping and street tree planting will be required as part of any development consent granted. These matters will be address as **conditions** of consent. (**Condition 4.6**)

(iv) Part 7 Development control – cultural heritage:

- This part applies to development carried out on the cultural heritage landscape area, being the land in the vicinity of the Rouse Hill House Estate and therefore does not apply to the subject site.

In addition to the development controls contained within the body of SEPP SRGC 2006, specific precinct controls for the Alex Avenue area are found at Appendix 4 of the SEPP. The relevant parts of Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2010 are discussed below:

- (i) Part 2.3 of the Precinct Plan states that the consent authority must have regard to the zone objectives when determining any DA. The proposed retail premises is considered to meet the following objectives in relation to the B2 Local Centre zone:
 - *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
 - *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.*
- (ii) The proposed development is considered to encourage employment opportunities by virtue of the new jobs that the development will create. Due to the site being located directly opposite the new Schofields Railway Station and bus interchange, the location is considered to achieve the second objective listed.
- (iii) Council officers, however, raised concerns that the proposed Stage 1 development may 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.*
- (iv) The provision of an active street frontage is considered an important design element contributing to a positive public domain outcome, as it enables retail business to open out to the street resulting in increased pedestrian activity and better linkages within the local centre and to Schofields Railway Station. It also improves security and passive surveillance opportunities and results in a high quality design outcome, with buildings being orientated out to the street, encouraging more articulation along these elevations. As Stage 2 of the development proposal will achieve these outcomes, it is considered that refusal of the DA on these grounds is unwarranted. This matter is discussed in further detail in Section 7 below.
- (v) Part 4 of the Precinct Plan includes a range of ‘principal development standards’ and associated maps. A summary of these development controls are provided below:
 - The ‘development control map’ indicates that the subject site is not flood prone.
 - The maximum FSR permitted on the subject site is 3.5:1. The proposed development does not exceed this requirement.
 - The maximum permitted height over the subject site is 18.5m. The proposed development is approximately 10.3m in height and therefore does not exceed the maximum requirement.
 - The ‘heritage map’ indicates that the site is located outside the heritage significant areas.

- The 'lot size map' does not apply to the commercial properties located in the town centre.
- The 'native vegetation protection map' indicates that the subject site is located outside any significant vegetation area.

(vi) A copy of the Appendix 4 Alex Avenue Precinct Plan 2010 maps are included at **Attachment 4** to this report.

(f) Blacktown City Council Growth Centre Precincts Development Control Plan (DCP) 2010 and Schedule 1 Alex Avenue Precinct

The subject development site is located within the Alex Avenue Precinct of the North West Growth Centre. The development control guidelines for development within the North West Growth Centre are contained within Council's Growth Centre Precincts Development Control Plan (DCP) 2010, while the specific Alex Avenue precinct controls and the Indicative Layout Plan (ILP) for the precinct are contained within Schedule 1.

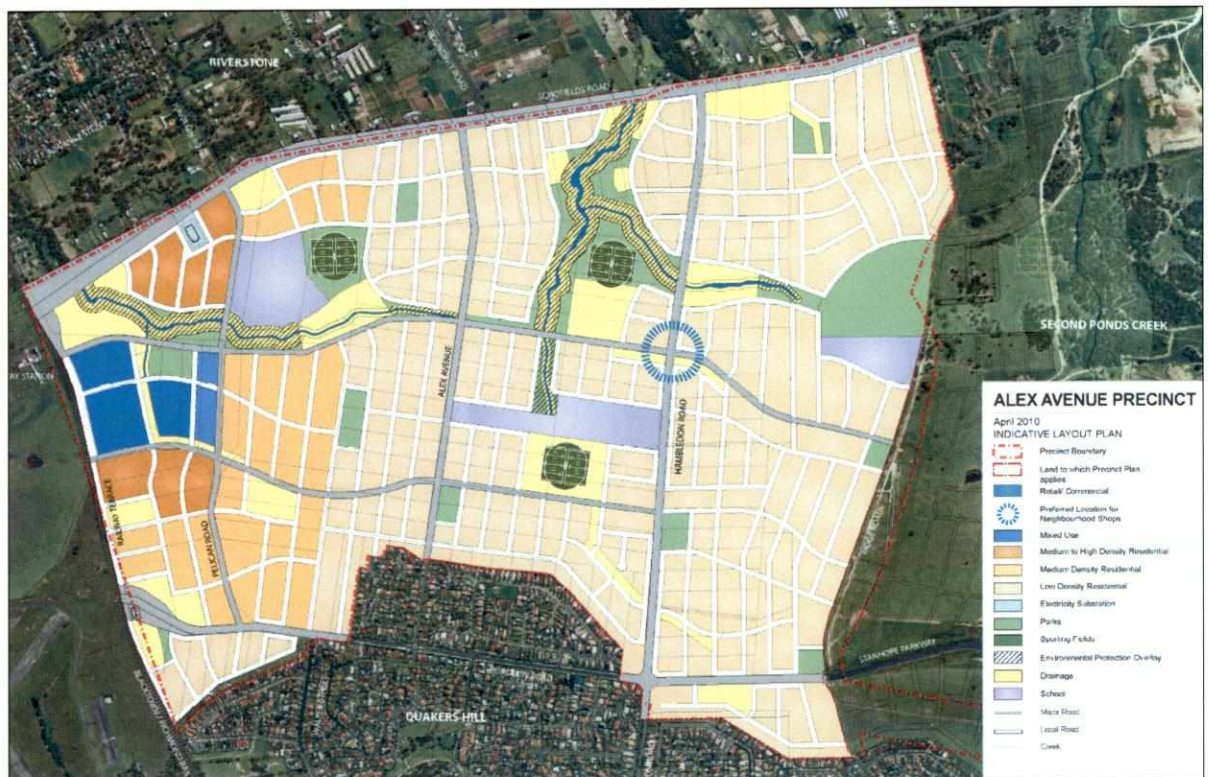


Figure 6: Alex Avenue Precinct Indicative Layout Plan (Source: Department of Planning and Infrastructure)

An assessment against the general requirements contained within the main body of the DCP (i.e. Section 5 'Centre Development Controls') is included at **Attachment 5**, while an assessment under Schedule 1 of the DCP is provided at **Attachment 6**. In the event of an inconsistency between the development control guidelines contained within the Schedule and those contained within the main body of the DCP, it should be noted that the Schedule takes precedence.

A review of the assessments at Attachments 5 and 6 indicates that, overall, the application satisfies the intent of the Growth Centre Precincts DCP 2010. In the event of any non-compliance, either justification for the non-compliance has been provided or a condition has been recommended to ensure that the development criteria is satisfied. In many

cases the applicant is relying upon the proposed staging of the DA to address any non-compliances.

(g) Blacktown Local Environmental Plan (BLEP) 1988 and draft BLEP 2013

As the subject site is located in the Alex Avenue precinct of the North West Growth Centre and is zoned under State Environmental Planning Policy (SEPP) Sydney Region Growth Centres (SRGC) 2006, the provisions of BLEP 1988 and draft BLEP 2013 do not apply to this site.

7 Council Assessment

- 7.1 Detailed assessment of the application against the planning controls listed under Section 5 of Blacktown City Council Growth Centre Precincts Development Control Plan (GCP DCP) 2010 and within Schedule 1 of the DCP have been undertaken, and are included at Attachments 5 and 6 respectively of this report. Where a non-compliance with the DCP has been identified, either justification for the variation has been provided or a suitable **condition** has been recommended to ensure compliance with the development requirement.
- 7.2 During the assessment process, Council made several requests for additional information and held many meetings with the applicant. Council officers advised the applicant that the proposal could not be reported to the JRPP for determination until issues relating to road pattern variations, vehicular access arrangements, parking provision, activation of street frontages and stormwater drainage had been satisfactorily addressed.
- 7.3 Amended plans which satisfactorily address these main areas of concern have now been submitted. Details of these key issues and the outcome of the long negotiation process are discussed in detail below.

STAGING OF THE DEVELOPMENT

- 7.4 The DA is seeking approval for the construction of a staged retail development. The development submission includes detailed Stage 1 plans for consideration as part of this DA, and an overall concept plan showing the indicative layout for Stage 2 works.
- 7.5 The staging of the proposal is permitted under Section 83B of the Environmental Planning and Assessment Act 1979 (the Act) and is consistent with the Court issued approval for the nearby Woolworths supermarket (i.e. JRPP-11-605 approved by the Land & Environment Court of NSW on 2 February 2012). However, as the submitted documentation proposes the construction of Stage 1 only, Council officers have only been able to undertake an assessment of this stage of the proposal. Stage 2 of the development will be subject to separate development approval in accordance with Section 83B(3)(a) of the Act. An appropriate **condition** will be included on any consent to address this matter. **(Condition 2.1.1)**
- 7.6 Council officers' initial assessment suggested that staging of DA may not achieve the intent of the DCP if the future stage/s were never constructed. As such, it was requested that each stage of the proposal comply with the DCP controls independently. In particular, significant concerns were raised in relation to how the active street frontage requirements could be achieved. Council officers also requested that the ultimate carpark design be provided as part of Stage 1, as the proposed staging of the development would lead to the inadequate provision of parking during the future construction phases. Coles has acknowledged that this is a potential problem and has advised that adequate car parking will be provided at all times. In this regard, they have suggested that the centre will be closed during the construction of Stage 2 if alternate car parking arrangements cannot be made. This matter will be addressed as a **condition** of any consent granted. **(Condition 2.1.1)**

TOWN PLAZA

- 7.7 Schedule 1 of the Growth Centres DCP 2010 includes a series of controls specific to the Alex Avenue precinct. Figure 3.3 of Schedule 1 outlines the desired future layout of the local centre and nominates a “town plaza” in the north-west corner of the subject site. The “town plaza” is not to be confused with the town park which is located immediately to the east (i.e. rear) of the Woolworths complex. Unlike the town park, Schedule 1 does not include any specific requirements or design guidelines for the ‘town plaza’. The area is described, however, as “an entry and meeting point for visitors to the centre given its location immediately opposite the railway station”.
- 7.8 Only part of the proposed ‘town plaza’ is located on the subject site. Pelican Road currently dissects the plaza area in half. The remaining section of the plaza is located over Pelican Road and on the adjoining site which currently has no plans to develop in the immediate future. It is therefore recommended that suitable **conditions** be imposed on any development consent to ensure that appropriate landscaping and street furniture are provided over the portion of the plaza in Coles ownership and that this area is appropriately maintained until the remaining portion of the plaza is available for development. A design for the plaza area will need to be submitted to Council for approval. **(Condition 4.5)**
- 7.9 As the town plaza is located over land zoned B2 Local Centre, there are no specific requirements for Council to acquire this portion of land. The plaza will therefore remain in private ownership and is to be maintained by the owner of the site at all times.

ACTIVE STREET FRONTAGES

- 7.10 As part of the assessment process it was requested that each stage of the development comply with the DCP controls independently. In particular, the applicant was advised that the requirement for an active street frontage along Railway Terrace and adjacent to the ‘town plaza’ must be achieved as part of Stage 1.
- 7.11 The Stage 1 proposal, however, includes the provision of at-grade parking within a visually dominant location and active shop frontages that have all been designed internally to face the at-grade parking. To strictly comply with the DCP requirements, the applicant was requested to relocate the building and specialty shops to the western edge of the site so that the shop frontages opened out to Railway Terrace.
- 7.12 The applicant failed to comply with this request and instead is relying on the Stage 2 concept plans submitted with the DA. In this regard, Stage 2 of the DA proposes a series of retail tenancies along the Railway Terrace and Pelican Road frontages. These are shown in the plans at **Attachment 2** and demonstrate that, when constructed, the development will comply with the urban design controls and vision for the commercial centre. The additional tenancies and activity in this area will also ensure that the ‘town plaza’ in the north-west corner of the site is a focal point for the commercial centre. The submitted Stage 2 plans are a masterplan concept only and will be subject to a future separate DA.
- 7.13 Although it is Council officers’ preference that the development not be staged, and that the ultimate carpark design and retail tenancies proposed along Railway Terrace and Pelican Road be constructed upfront, it is recognised that the staging of this DA is consistent with the approach applied by the nearby Woolworths development. This approach was considered acceptable to the Land & Environment Court which subsequently approved the Woolworths development in February 2012. Given this precedent and that the layout and design of the Coles development is consistent with the approved Woolworths complex, Council has agreed that the McDonald’s fast food restaurant (proposed under DA-11-1988) will satisfy the requirement for an active street frontage along Railway Terrace until Stage 2 is progressed.

- 7.14 As part of the supermarket development, a large loading dock has been proposed at the rear of the building in the eastern corner of the site. The applicant seeks to have all deliveries undertaken from 6am to midnight, 7 days a week. Given that the loading dock is located immediately opposite an R3 Zone for Residential Flat development, the proposed delivery hours are considered excessive. To protect the amenity of the future residents in the area it is recommended that all deliveries cease at 7pm, 7 days a week and that a **condition** be imposed on any consent granted to address this matter. **(Condition 14.4)**
- 7.15 Loading dock areas typically do not present well to the street and are areas where limited pedestrian activity will occur. To address this concern and provide a satisfactory streetscape, the applicant will screen the loading dock with a series of vertical landscaped panels and aluminium/timber panels. Bench seating has also been provided to encourage pedestrian activity along these streets. The loading dock driveways have also been provided with sliding gates and internally illuminated business identification signs have been proposed to add interest and variation to the streetscape. The mix of building materials and finishes, together with the soft landscaping, will ensure that the southern and eastern elevations present well to the street. A **condition** will also be imposed to ensure the substations along the southern elevation are also screened by the vertical landscaping and timber panels. **(Condition 4.3)**
- 7.16 The northern elevation also proposes a mix of building materials and finishes, and the café located on the north-west corner of the building will provide opportunities for outdoor seating and activity on Pelican Road. To further enhance this façade it is recommended that the blank cement panels fronting Pelican Road be provided with decorative features to provide interest to those elements. The applicant should consider providing an artwork panel to the northern façade of the building adjacent to the café. Any decorative panel must be attached at a suitable height to deter vandalism and graffiti of the design feature. It is recommended that this matter be addressed as a **condition** of any consent. A similar condition was also imposed on the nearby Woolworths development. **(Condition 4.4.1(d))**

PARKING AND LOADING/UNLOADING

- 7.17 The proposed development provides a two-way access driveway to the carpark from both the Railway Terrace and 'South Road' frontages. A separate entry/exit driveway has been provided off 'South Road' to a small staff parking area and loading/unloading bay for the specialty shops. In addition, an entry driveway has been provided off 'South Road' into the designated supermarket loading/unloading dock. The loading dock exit driveway is located on 'East Road'.
- 7.18 In accordance with Section 5.2.7 of Council's Growth Centres DCP, the supermarket component of the development requires that on-site parking be provided at the rate of 1 space per 22sq.m gross floor area (GFA), while the small retail tenancies are to be provided with 1 space per 30sq.m GFA. The café is to be provided with 1 space per 10sq.m of dining area plus 1 space for every 3 employees. GFA is defined as the total floor area of the development, but excludes any areas used for storage, vehicular access, loading/unloading, garbage, services, plant rooms and the like.
- 7.19 Application of these parking rates to the various components of the development proposal yields an off-street parking requirement of 199 car parking spaces.
- 7.20 The development plans nominate a total of 205 car parking spaces and therefore exceed the minimum requirement by 6 spaces. Of the 205 spaces provided, 4 spaces have been nominated for persons with a disability. The required 'share zones' for wheelchair unloading have also been provided. As part of any consent granted, it is recommended that the car parking space located adjacent to the 'South Road' main vehicular entry/exit be deleted to prevent potential traffic conflicts occurring from vehicles reversing from this parking bay. Additional bike racks could be

provided within the enlarged kerb area. It is recommended that these matters be addressed as a **condition** of consent. **(Condition 4.7.5)**

- 7.21 A standard **condition** will also be imposed on any consent granted to ensure that the design of the on-site car parking facilities (i.e. driveway and aisle widths, parking bay dimensions, etc.) comply with the requirements specified under the Australian Standard (AS). It is noted from the architectural plans that each space can be easily accessed and that all vehicles can enter and leave the site in a forward direction. A **condition** will also be imposed to ensure that the carpark is provided with suitable landscaping and shade trees. **(Condition 4.4.1(f)(v))** A swept path analysis has been submitted demonstrating that trucks can satisfactorily access the loading dock area. The driveways to the loading dock have also been adjusted to comply with the engineering requirement that the driveways be located 6m from the tangent of the intersection.
- 7.22 It is noted that the carpark is located directly opposite the Schofields train station and there may be future issues relating to the availability of parking for patrons. Any future proposal by the applicant to create a time restricted carpark to ensure that the on-site parking spaces remain available for the Coles patrons, and that train commuters are discouraged from parking on site, however, will require the separate consent of Council. A **condition** will be imposed on any consent granted advising that a separate DA must be lodged for any proposed ticketing system. It should be noted that any future DA will require details of the queuing lanes at the entry and exit points, location and operation of the ticketing system and details of the associated signage, and will need to demonstrate full compliance with the DCP on-site parking requirements. **(Condition 2.3)**

RETENTION OF PELICAN ROAD

- 7.23 Figure 3.3 within Schedule 1 of the Growth Centre Precincts DCP 2010 outlines the desired future layout of the commercial centre (see Figure 7 below). This plan nominates the section of Pelican Road adjacent to the subject site that is to be closed and incorporated into the commercial/retail developable area. In this regard, the road pattern in the area is based on a block layout with major traffic routes generally surrounding the borders of the commercial area. Pelican Road currently cuts diagonally across this layout.

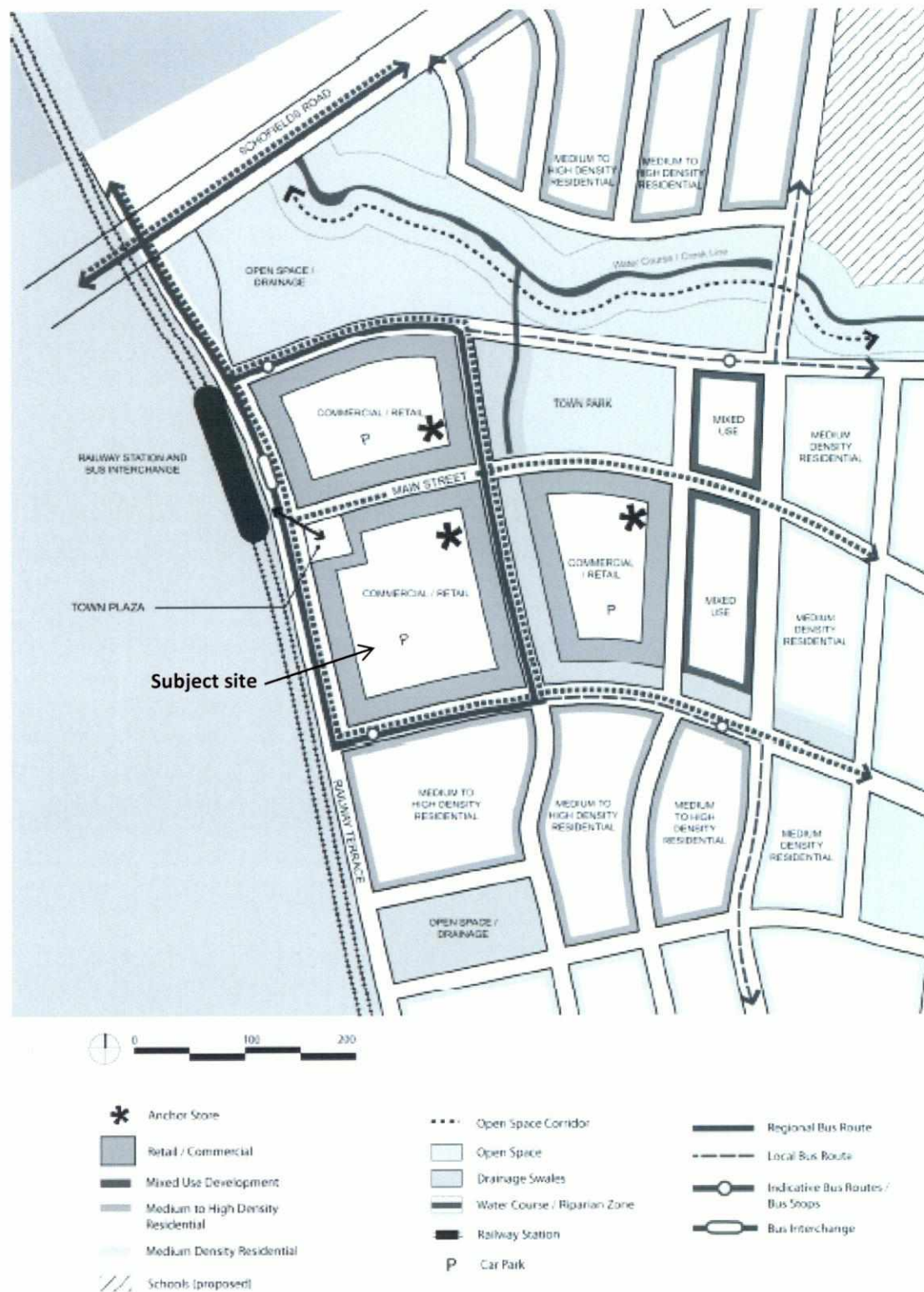


Figure 7: Desired future layout of the local centre (Source: Department of Planning and Infrastructure)

- 7.24 The retention of Pelican Road would result in the fragmentation of the commercial area. Council therefore consistently advised throughout the assessment process that it would not support the retention of Pelican Road at its intersection with Railway Terrace. Not only would its retention be inconsistent with the DCP and Alex Avenue Indicative Layout Plan (ILP), but it would also result in a 5 way roundabout. An assessment also revealed that heavy vehicles would be unable to safely undertake a left-turn from Pelican Road into Railway Terrace. The applicant was therefore requested to submit an updated plan which complied with the ultimate road pattern and an updated traffic report which did not rely on the Railway Terrace/Pelican Road intersection for traffic movements. However, despite Council's requests, the proposal continued to rely on vehicular access being available from Pelican Road to Railway Terrace and nominated a driveway access point from Pelican Road into the on-site parking area.
- 7.25 On 2 February 2012 staged development consent (JRPP-11-605) was granted by the Land & Environment Court (LEC) for the adjoining Woolworths development. Stage 1B of the approval required the closure of Pelican Road at Railway Terrace in accordance with the ILP. The applicant's submitted traffic report, however, dealt with the adjoining Woolworths development in the Court approved Stage 1A arrangement only (i.e. being a private driveway off Railway Terrace). Given that the LEC made provision for the Woolworths development to proceed to a Stage 1B arrangement (i.e. involving the construction and dedication of Main Street instead of a driveway), the applicant was advised that the submitted traffic report was required to consider Coles access arrangements under the Woolworths Stage 1B arrangement. Furthermore, the applicant was advised that Council, at its meeting of 29 November 2012, had formally resolved that, subject to the sign-off of the Transport Management Plan by the Roads & Maritime Services (RMS), the closure of the Pelican Road/Railway Terrace intersection would occur following the construction and dedication of Main Street.
- 7.26 Despite this advice, the applicant still sought to retain Pelican Road, stating that it was crucial to the operation of the proposed Coles retail development. In this regard, an amended traffic report was submitted arguing that the egress from the unnamed 'South Road' onto Railway Terrace had inadequate right-turn capacity and, as such, an alternate route for cars to exit the site and travel north was crucial. The amended traffic report also argued that the roundabout would continue to operate satisfactorily with the 5th arm, even when the Woolworths development was operating in the Stage 1B arrangement. The applicant therefore considered that termination of Pelican Road was not warranted and therefore did not submit the amended plans as requested by Council.
- 7.27 Pelican Road has now been formally closed. As a result, the applicant has finally amended the plans to provide no access from Pelican Road. Vehicular access to the on-site parking area will be obtained from Railway Terrace and the unnamed southern road only. The bus and taxi layback, previously located in Pelican Road, have also been deleted from the revised plan. The DCP identifies that the bus/taxi bay is to be provided along the unnamed southern road and a **condition** has been imposed to address this matter. **(Condition 6.11.1.2)**

DCP ROAD PATTERNS & ROAD WIDTHS

- 7.28 Figure 2.8 within Schedule 1 of the Growth Centres DCP 2010 details the required road hierarchy within the precinct. This figure nominates the roads surrounding the subject site as 'Town Centre roads' which are required to have a minimum road reserve width of 24.9m. Following further discussions, however, it was agreed that some of the Town Centre roads could be reduced to 21.5m (i.e. a 12m wide carriageway and 4.75m combined footway/cycleway on each side of their road).
- 7.29 The major issue throughout the assessment process, however, was that the submitted plans provided insufficient survey details to clearly show the property boundaries relative to the agreed road widths. Council officers were concerned that the DCP road pattern had not been

complied with and that, as a result, the proposed development would not fit on the site. Until this matter had been satisfactorily addressed, Council officers could not finalise their assessment of the DA.

7.30 Satisfactory plans have now been submitted. An outline of each of the roads adjoining the subject site is provided below.

(a) Pelican Road

- (i) As Pelican Road is now closed, no upgrade works are proposed to this road.
- (ii) All traffic circulation around the site has been designed around Pelican Road being closed. No access is proposed from Pelican Road to the on-site parking area.
- (iii) The bus and taxi pick-up zones have been deleted from the Pelican Road frontage.

(b) Railway Terrace

- (i) Railway Terrace has been increased to provide a total road reservation of 24.9m in accordance with the DCP. To achieve the required road width, widening of approximately 4.8m was required into the subject site. As a result, only limited landscaping can be provided at the front of the site between the property boundary and the car parking spaces. A detailed landscape plan will be required prior to the release of any Construction Certificate. A **condition** has been imposed to address this matter. **(Condition 4.4.1(f))**
- (ii) A raised concrete median will be provided at the centreline of Railway Terrace. The median will extend between the Railway Terrace/Main Street intersection and the intersection of Railway Terrace with the unnamed road adjacent to the site's southern boundary. The median is to be provided at full cost to the developer. A **condition** will be included on any consent to address this requirement. **(Condition 6.11.1.3)**
- (iii) This results in left-in and left-out vehicle movements only for customers (not trucks) to and from Railway Terrace. Appropriate signage and line-marking will be required at the Railway Terrace access driveway to highlight this requirement. A **condition** has been imposed to address this matter. **(Condition 6.11.1.3)**
- (iv) A pedestrian crossing is provided at Railway Terrace to ensure the safe movement of pedestrians from the train station to the commercial centre.

(c) Eastern Road

- (i) The unnamed road adjacent to the eastern boundary of the site ('Eastern Road') has been increased in width from 19.15m to 21.65m, consistent with the required road widths for a Town Centre road fronting a drainage reserve.
- (ii) 'Eastern Road' is to be constructed by the applicant and dedicated free of cost to Council on completion. **(Condition 12.9.1)**
- (iii) A **condition** will be included on any consent requiring that the small section of SP2 zoned land in the eastern corner of the site is dedicated to Council for future drainage purposes. **(Condition 12.9.2)**

(d) Southern Road

- (i) The DCP road is required to have a road reservation width of 21.5m. Despite Council's advice and the DCP showing that the majority of the proposed road (70%-

80%) was located on the subject site, the applicant's plans consistently nominated half width road construction only on their site (i.e. 50%).

- (ii) The proposed half width road construction included a 7m carriageway and 3.75m footpath. The applicant argued that the 7m carriageway was sufficient to accommodate 2-way vehicular traffic exiting and entering the site. Council's assessment indicated, however, that the proposed 7m carriageway would not adequately cater for truck movements. While trucks could turn right onto Railway Terrace to travel north without interfering with other turning paths at this intersection, it was noted that trucks would be unable to enter the unnamed southern road from Railway Terrace without using the full width of the South Road. It is also noted that any left-turn out of South Road to travel south along Railway Terrace would need to be restricted to medium rigid vehicles (MRV) only, due to the property boundary condition. Council officers therefore did not support the half width road construction.
- (iii) Due to discrepancies between the Alex Avenue Precinct Indicative Layout Plan (ILP) and actual survey information on site, Council's registered surveyor undertook a boundary identification survey and, in conjunction with Council's Design Engineers, established a detailed plan showing actual surveyed boundaries, proposed road reserves and the ILP boundaries (see plan at **Attachment 7**). This information was forwarded to the applicant and it was requested that the proposed road reserves be consistent with the boundaries shown on this plan.
- (iv) Following significant negotiations, the applicant has now submitted amended plans. The revised DA plans have been prepared generally in accordance with the provided boundary identification survey and are in a form that is now acceptable to Council. In this regard, the unnamed 'South Road' will have a minimum road reserve of 21.5m (i.e. 12m carriageway and 4.75m footpath on each side) and will cater for all two-way traffic/truck movements. While 'South Road' will be constructed to its final carriageway width, the footway on the southern side of the road will be the responsibility of the landowners to the south when that land is developed.

TRAFFIC LIGHTS

- 7.31 The DCP identifies roundabouts within the south-western and south-eastern corners of the site (i.e. at the intersection of 'South Road' with Railway Terrace and at the intersection of 'South Road' and 'East Road'). Following lodgement of the DA, the applicant was requested to show the required roundabouts on the plans including the provision of all splay corners.
- 7.32 The applicant has designed the development, however, on the basis that the intersection of the new 'South Road' and Railway Terrace will be controlled by traffic lights. The applicant indicated that the overall design of the project and proposed subdivision of the land could not work unless traffic signals are provided at this location. The submitted traffic report also concludes that a signal controlled intersection would better serve the traffic and pedestrian movements at this intersection when the southern road has been fully constructed. Council's Town Planning, Engineering and Traffic Management Sections support the provision of traffic lights at this intersection, especially given that the land to the south is zoned for medium/high density development and that appropriate measures will need to be in place to control future pedestrian movements to and from the retail centre.
- 7.33 As traffic signals in NSW are operated and maintained by Roads & Maritime Services (RMS), the applicant was advised that Council could not progress the application until written confirmation was obtained from RMS confirming their agreement to traffic signals being installed. As RMS approval is subject to meeting the warrants for new traffic signals, the applicant was advised to

check the warrant requirements and submit a concept signal plan to RMS in support of the traffic signals at this location.

- 7.34 Following receipt of any in principle approval from the RMS and submission of the concept traffic signal design to Council, an estimate of the proposed works would be prepared by Council to determine if any changes to the Section 94 Contributions Plan would be required in order to fund the traffic signals.
- 7.35 On 27 November 2013 the applicant approached RMS regarding the installation of the traffic lights. On 25 March 2014, written advice was received from RMS advising that they will agree to traffic signals at the intersection of Railway Terrace and the new southern road when the development in the area warrants signals at the site. All works associated with the proposed intersection, however, must be at no cost to RMS.
- 7.36 To demonstrate that traffic lights are warranted in this location, a revised traffic analysis was undertaken with Pelican Road closed. This directs all right-turn entry and right-turn exit traffic onto 'South Road' to access Railway Terrace, given that the mid-block driveway on Railway Terrace is left-turn in/left-turn out only. The traffic analysis indicates that there will be additional growth in traffic after opening, with both Coles and Woolworths building up their trading from an assumed 65% level at opening. The Sydney Strategic Model predicts significant growth in traffic in Railway Terrace as the Town Centre and surrounding area develops. This traffic growth will trigger the warrant for traffic signals at this location, particularly given the high right-turn volumes that will result.
- 7.37 While Council's Traffic Management Section (TMS) raised no objections to the revised traffic analysis, it was noted that the traffic projection data was insufficient. The applicant was required to provide a warrants check for the traffic signals for a period of 10 years starting at 2014. By applying the assumptions (i.e. background growth rate, future developments, strategic modelling outputs, etc.) Council could then determine the year in which the warrants for a traffic signal would be met (if at all).
- 7.38 Based on additional information provided, Council's TMS has advised that traffic signals will be warranted at this intersection by the year 2020. On this basis, Council's TMS raises no objection to replacing the roundabout at the intersection of Railway Terrace and the new southern DCP road with traffic signals.
- 7.39 The applicant has also submitted a concept design for the traffic signals to demonstrate how they can be installed within the proposed road carriageway. Initial investigations by Council's traffic design section have estimated that the cost of installing traffic signals at this location will be in the order of \$250,000. This matter is discussed in the section below.

SECTION 94 CONTRIBUTIONS PLAN

- 7.40 In accordance with the Riverstone and Alex Avenue Precincts Contributions Plan (CP) No. 20, Section 94 contributions apply to this development. Within the Alex Avenue Precinct, Section 94 contributions are levied for the following amenities and services and will be included as a condition of any consent granted:
 - Water Cycle Management Facilities
 - Traffic and Transport Management Facilities
 - Open Space and Recreation Facilities
 - Community Facilities (land only) and Combined Precinct Facilities.

- 7.41 CP 20 makes provision for a future roundabout at the intersection of Railway Terrace and the new southern DCP road. As indicated above, both RMS and Council's TMS now supports the replacement of this roundabout with traffic lights. Council's Section 94 Coordinator has also reviewed the plans and agrees that there is sufficient engineering justification to swap the roundabout for the traffic signals. This CP infrastructure in this location will therefore be updated to traffic signals in accordance with the documentation submitted by the applicant.
- 7.42 A review of CP 20 has determined that the estimated cost of providing a roundabout at this location (i.e. item R1.2 of CP 20) is \$200,000. This is on the basis that the works would be constructed in conjunction with the associated roadworks in Railway Terrace. The indexed value would be in the vicinity of \$217,000 .
- 7.43 Council's TMS has advised that, based on the applicant's submitted concept signal design, the estimated cost of providing traffic lights at this intersection will be in the order of \$250,000.
- 7.44 Notwithstanding this advice, it should be noted that the CP will only nominate a value for the traffic signals for the intersection, once the matter is further reviewed and formally adopted. While the initial calculations indicate that the new traffic signals will be approximately \$33,000 more expensive than the nominated roundabout, this figure could increase following the review.
- 7.45 Should the applicant choose to construct the traffic signals, they will be credited the final value for the traffic signals adopted in the CP. If construction of the signals ends up costing the developer more than the adopted figure, no further compensation will be given. If the signals cost less, however, the developer will still be entitled to claim the full amount nominated in the CP.
- 7.46 Council's Section 94 Coordinator has agreed that, to progress this matter further, as part of any development consent a notation should be included under the levied Section 94 Contributions advising that Council raises no objection to the applicant entering into a Works-in-Kind deed to offset the monetary contributions by the value of constructing the traffic signals. This matter will be address as a Pre-Construction Certificate **condition** of any consent. **(Condition 4.1.1)**

8 External referrals

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

Agency	Comments
Department of Planning and Infrastructure (DPI)	<p>Following lodgement of the DA, the proposal was referred to the DPI on 21 September 2011 for comment. On 7 November 2011 the DPI provided the following response:</p> <p><i>"The proposed retention of Pelican Road is an issue for Council to consider in its assessment of the Development Application. Blacktown City Council should undertake a merit assessment of the proposal to determine whether the development meets the objectives of the Alex Avenue and Riverstone Precinct Plan in the Growth Centres SEPP, and the Blacktown City Council Growth Centre Precincts Development Control Plan 2010. Of particular importance is the impact of the proposed development on adjoining landowners and their ability to develop their land consistent with the SEPP and DCP should Pelican Road be retained, and the ability of the new road network to manage traffic effectively. Council should ensure that potentially affected landowners have an opportunity to review and comment on the proposed development."</i></p> <p>The closure of Pelican Road will deliver a Town Centre that is consistent with the</p>

	DCP and will ensure that there will be no negative impacts on any adjoining landowner.
Roads and Maritime Services (RMS)	<p>The DA was referred to the RMS on 20 September 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 5 October 2011. In response, the RMS provided the following comments:</p> <ul style="list-style-type: none"> (a) Staged development is not supported as it would lead to inadequate provision of parking due to the extensive excavation. The ultimate carpark design should be constructed upfront. (b) The proposed access onto Railway Terrace should align with the station carpark exit. Alternatively, a raised concrete median is to be provided at the centreline of Railway Terrace. (c) The use of Pelican Road should only be as an interim measure. The RMS does not support the proposed extensive roadworks on Pelican Road, as ultimately this road will be closed once the Alex Avenue Precinct roads are constructed. (d) The location of the taxi/bus stop should be relocated as it does not provide for any passive surveillance. (e) The road along the eastern elevation should be constructed as part of Stage 1 in accordance with the Alex Avenue road pattern. (f) Heavy vehicles cannot safely undertake a left-turn from Pelican Road into Railway Terrace. No left-turns should be allowed on Pelican Road by heavy vehicles with appropriate signage to indicate this. (g) The necessary road and transport infrastructure improvements required in the short and long term as a direct result of the proposed development should be fully funded by the developer or alternatively through Council's developer Contributions Plan. <p>To address these concerns, it is recommended that the following conditions be imposed on any consent granted:</p> <ul style="list-style-type: none"> • In the event that alternate car parking arrangements cannot be made, the shopping centre complex is to be closed during the construction of Stage 2 of the proposal. • A raised concrete median is to be provided at the centreline of Railway Terrace at full cost to the developer. The median is to extend between the Railway Terrace/Main Street intersection and the intersection of Railway Terrace with the unnamed road adjacent to the site's southern boundary. • No vehicular access is to be provided from the site to Pelican Road. • No vehicular access is to be provided from Pelican Road to Railway Terrace. • The bus and taxi pick-up zones are to be relocated to the 'South Road' frontage. Details are to be submitted for the separate approval of Council's Traffic Management Section and Local Traffic Committee prior to release of any Construction Certificate. • 'Eastern Road' is to be constructed by the applicant and dedicated to Council on completion. • Contributions are to be levied in accordance with Council's Section 94 Contributions Plan. (Condition 4.1.1). <p>In addition to the issues raised above, the RMS also provided a number of standard conditions which will be included on any consent granted by the JRPP. These conditions include such things as the submission of a Construction Management Plan and compliance with AS 2890.1-2004 and AS 2890.2-2002. (Condition 6.2.2).</p> <p>On 27 November 2013 the applicant also approached RMS regarding the installation</p>

	of traffic lights at the intersection of Railway Terrace with the unnamed road adjacent to the southern boundary of the site ('South Road'). This matter has been discussed in detail in Section 7 above.
Department of Transport (DOT)	The DOT supports the provision of at-grade bicycle parking and within the basement levels of the development. End-of-trip facilities should also be provided within the development in accordance with the Premier's <i>Development & Active Living: Developer's Checklist</i> . These matters will be addressed as a condition of any consent granted. (Condition 4.7.5)
NSW Transport (RailCorp)	<p>RailCorp has raised no objection to the proposal provided conditions to address noise and vibration, potential stray currents and electrolysis from rail operations, construction activities and drainage are included within any consent granted. The recommended conditions are as follows:</p> <ul style="list-style-type: none"> • 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". • 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. • Prior to the issuing of a Construction Certificate the applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied. • Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp. <p>The above conditions will be included as part of any development consent. A copy of the determination will be forwarded to RailCorp to enable RailCorp to monitor the applicant's compliance with the above rail related conditions. (Condition 4.13)</p>
NSW Transport Construction Authority (TCA)	As a result of the new Schofields Railway Station works under construction at the time the DA was lodged, including the new roundabout at the intersection of Pelican Road and Railway Terrace, the application was referred to TCA for comment. TCA did not provide a response and it is assumed they have no objections or development requirements.
NSW Police – Quakers Hill Local Area Command	<p>Quakers Hill Local Area Command conducted a Safer by Design Crime Risk Evaluation and identified the proposal as having a 'low' crime risk rating. The proposed development, however, will introduce crime opportunities to the site and its surroundings and Police have recommended that Crime Prevention Through Environmental Design (CPTED) treatment options be adopted to reduce opportunities for crime.</p> <p>In this regard, Police have recommended that appropriate measures including installation of signage, vandal resistant lighting, CCTV, 'help' points, ATM security, gates to the loading dock and vandal resistant street furniture be provided. They have also recommended that an appropriate Security Management Plan, Landscape</p>

	<p>Strategy and Graffiti Removal Plan be devised and implemented for the site.</p> <p>As part of the assessment process, the applicant was requested to provide additional details to address these concerns. At the request of the applicant, it was agreed that these matters would be addressed as conditions of any consent granted. Details will therefore be required to be submitted for the separate approval of Council and the Quakers Hill Police prior to the release of any Construction Certificate. If no response is received from the Quakers Hill Police within 21 days, it will be assumed that they raise no objections to the details submitted. (Conditions 4.9 and 4.10)</p>
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9 Internal Referrals

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

Section	Comments
Engineering & Drainage Section	<p>Following a review of the submitted drainage plans and Integrated Water Cycle Management report prepared by Storm Consulting, Council's Flooding and Drainage Engineers requested that various amendments and additional information be submitted for Council's assessment.</p> <p>A revised drainage catchment plan, temporary detention systems, additional information in relation to overland flow paths, a DRAINS electronic model or similar, MUSIC modelling and a revised Water Quality Assessment Report were requested. The applicant was also advised that the water quality and rainwater reuse provisions were required to meet the requirements of Part R of Blacktown DCP 2006.</p> <p>Following a lengthy assessment process, Council's Engineers have raised no objection to the proposal subject to appropriate conditions being imposed on any consent. These conditions have been included in the draft consent at Attachment 1. (Conditions 6.5 and 6.11.2)</p> <p>Council's Development Services Engineers also raised significant concerns in relation to the proposed DCP roads adjoining the eastern and southern boundaries of the site and the retention of Pelican Road. The key issues are discussed in detail in Section 7. The Development Services Engineers also requested that the driveway crossings to the loading dock at the eastern end of the site be located 6m from the tangent point and that turning templates be submitted to demonstrate that trucks could manoeuvre in and out of the loading dock without impacting on the road network.</p> <p>Due to discrepancies between the Alex Avenue Precinct Indicative Layout Plan (ILP) and actual survey information on site, Council's registered surveyor undertook a boundary identification survey and, in conjunction with Council's Design Engineers, established a detailed plan showing actual surveyed boundaries, proposed road reserves, and the ILP boundaries. Council's Development Services Engineers requested that this information be forwarded to the applicant and that the proposed road reserves be consistent with the boundaries shown on this plan.</p> <p>Revised plans have now been submitted in a form that is now acceptable to Council. The proposed roads will now adequately cater for two way traffic/truck movements and the driveway crossings have been relocated. Council's Development Services Engineers therefore now raise no objections to approval of the application subject to the appropriate conditions being imposed on any consent granted. (Condition 6.2 and 6.11.1)</p>

Building Services	<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 an appropriate condition of consent. (Condition 5.1)</p>
Traffic Management Services	<p>Upon receipt of the SRDAC recommendations (see comments under Section 8 above), Council's Traffic Management Services (TMS) undertook a review of the proposal. In response, Council's TMS acknowledged and supported the comments provided by the SRDAC. The following additional comments, however, were also provided:</p> <ul style="list-style-type: none"> • The basement carpark as part of Stage 2 is not supported and should be constructed upfront. • Concern is raised with the retention of Pelican Road as it is not in accordance with the DCP road pattern. • The fifth leg intersection of Pelican Road into the roundabout on Railway Terrace is not supported, with the submitted traffic report relying heavily on this intersection. • Left-in and left-out driveway for ingress and egress of cars <u>only</u> is supported off Railway Terrace. This requires a median island along Railway Terrace for the full frontage of the site to the southern DCP road. • All delivery vehicles are to enter and leave the site through the southern access road. • The proposed full width eastern DCP road pattern shall be constructed. • The applicant should modify the submitted traffic report to reflect the Precinct Plan road network. <p>Issues relating to the staging of the proposal, retention of Pelican Road, construction of the median in Railway Terrace and construction of the unnamed DCP roads adjoining the eastern and southern boundaries of the site have been discussed in detail in Section 7.</p> <p>Given that Pelican Road has now been formally closed and the applicant has designed the proposal to comply with the DCP road pattern, Council's TMS now raises no objection to the proposal. Council's TMS also supports the provision of traffic signals at the intersection of Railway Terrace with the unnamed south road. This matter is also discussed in Section 7. Standard conditions will be imposed on any consent to address traffic related issues, including on-site parking provision and vehicular access. (Conditions 4.7, 6.12 and 10.7)</p>
Waste Services	<p>Council's Waste Services Section has raised no objection to the proposed development or the submitted Waste Management Plan (WMP). Standard conditions of consent will be included on any approval to ensure that:</p> <ol style="list-style-type: none"> Arrangements are made for a commercial refuse removal service. All waste collection activities are to be undertaken in the designated loading/unloading dock areas. No goods, materials, or trade waste shall be stored at any time outside the building other than in approved garbage receptacles. The submitted WMP is implemented.
Strategic Planning	<p>Council's Strategic Planners and Commercial Centres Planner reviewed the DA and advised that the plans show a reasonable level of articulation of the façade, which is reinforced by a variety of building materials.</p> <p>In regard to the future town plaza, it is expected that the part of the plaza in Coles ownership will be finished to a high quality standard including paving, street furniture and landscaping. As indicated in Section 7, suitable conditions will be imposed to address this matter. (Conditions 4.5 and 14.8)</p> <p>As the town plaza is located over land zoned B2 Local Centre, there are no specific</p>

	requirements for Council to acquire this portion of land. The plaza will therefore remain in private ownership.
Economic Development Strategist	<p>Council's Economic Development Strategist has reviewed the DA and advised that the proposal is generally consistent with the anticipated retail demand needed to support the growing Alex Avenue area. It is acknowledged that there may be impediments to the establishment of a Discount Department Store (DDS) at this time. However, it would be ideal to make provision for this kind of development in the future. A suggestion is that the roof design be such that it would allow an additional storey to be constructed at a later stage.</p> <p>It should be noted that additional retail development is proposed as part of Stage 2 of the development. As Stage 2, including the provision of basement parking, would be subject to a separate DA, it is considered that the retail needs of the locality could be assessed at this time. In this regard, the undeveloped portion of the site (i.e. open carpark) provides sufficient land area for a DDS and other retail activities.</p>
Environmental Health Unit (EHU)	<p>The EHU originally commented on the proposal on 6 October 2011. At this time EHU reviewed the Geotechnical Report and Phase 1 Contamination Assessment prepared by Douglas Partners, dated 1 May 2011.</p> <p>EHU advised that the Geotechnical Report makes reference to groundwater found in Bore 5. Although the report indicates that "it is anticipated that the water table will not impact, or be impacted, by the works", EHU recommended that further investigations be made to confirm this. It is therefore recommended that this matter be addressed as a condition of any consent granted. (Condition 4.14.2)</p> <p>Prior to construction of the Coles complex a Post Earthworks Salinity Assessment must also be submitted in accordance with the recommendations of the geotechnical investigation. When undertaking this assessment, soil condition "A" is to be used in accordance with the document <i>Site Investigation for Urban Salinity</i>. This matter will be addressed as a condition of any consent granted. (Condition 4.14)</p> <p>It is further recommended that conditions be imposed to address the requirements of the Food Act 2003 and Regulations thereunder, Australian Standards for the design, construction and fit-out of food premises, and the Protection of the Environment Operations Act 1997 which covers issues such as air pollution, offensive noise, pollution of land and/or water. (Conditions 15.2 and 15.3)</p>
Section 94 Coordinator	Council's Section 94 Coordinator's comments are included in Section 7.
Land Projects Committee	Council's Land Projects Committee raised no objection to the proposal. A separate application, however, was lodged with Council's Property Section for the closure of Pelican Road. Pelican Road was physically closed at Railway Terrace following the construction and dedication of Main Street.

10 Public comment

- 10.1 Following receipt of the Development Application, the plans and supporting reports were publicly exhibited between 18 October and 1 November 2011. As part of this process all property owners and occupiers located within a 500m radius of the subject site (i.e. approximately 60 properties) were notified of the proposal. The DA was also advertised in the local newspapers for a period of 14 days. Following the submission of amended plans, the revised proposal, amended traffic report and other supporting information were re-exhibited between 4 and 18 April 2013.

10.2 The notification process was undertaken in accordance with Blacktown Development Control Plan 2006: Part K – *Notification of Development Applications*. As a result of the **original notification process**, 1 letter of objection was received from Woolworths Limited. Two letters in support of the proposal and a letter from the Department of Defence raising no objection to the proposal were also received during this period. Two objections were received to the **amended plans**, being a further submission from Woolworths and a submission from a private property owner. The location of the objectors' properties are highlighted on the map at Figure 8. The objector's main concerns are summarised below, together with Town Planning comments thereon.

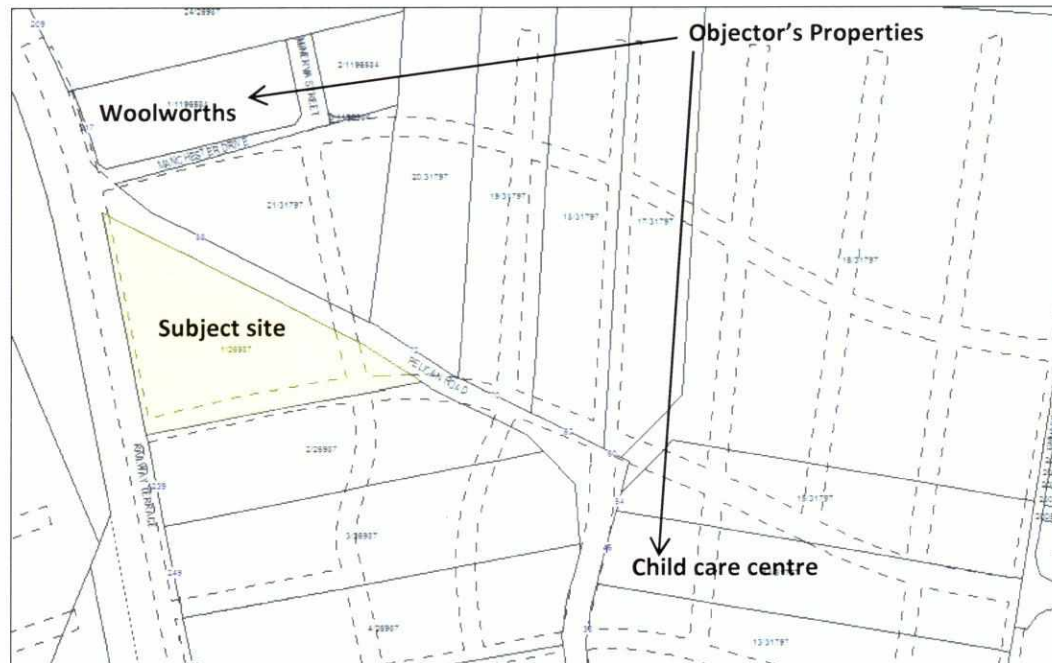


Figure 8: Location of objectors' properties (Source: Blacktown City Council)

10.3 **Objector 1 – Woolworths** (submissions dated 14 November 2011 and 3 May 2013)

(a) Pelican Road should be closed

The Indicative Layout Plan (ILP) indicates that Pelican Road will be closed. The ILP is consistent with the various studies that formed part of the precinct planning process, was subject to extensive public consultation and forms the basis of the road layout in the Blacktown DCP for the Alex Avenue Precinct. Woolworths is not aware of any information that indicates Council's or DPI's intention to amend the DCP so that Pelican Road remain open and therefore considers that the DA should be amended to comply with the DCP. Woolworths notes that the applicant obtained a letter from DPI stating that to progress this matter Coles should address various matters, including consult and obtain written agreement from the owner of the adjoining properties. Coles has failed to obtain written agreement of the adjoining landowners to the alternate proposal for Pelican Road and it is unclear whether the other criteria have also been satisfied.

Town Planning comment:

- Issues relating to the retention and closure of Pelican Road are discussed in detail in Section 7.
- Council consistently advised throughout the assessment process that it would not support the retention of Pelican Road at its intersection with Railway Terrace. The retention of Pelican Road would be inconsistent with Schedule 1 of the Growth

Centres DCP 2010 and the Alex Avenue ILP, and would result in the fragmentation of the commercial area.

- Pelican Road has now been formally closed. Coles has amended the DA to fully comply with the DCP. As the proposal no longer gains access to Pelican Road, the written agreement of the adjoining landowners is no longer required.

10.4 **Objector 2 - G Morelli, Kings Langley** (owner of the child care centre site located at 46 Pelican Road) (submission received 13 November 2012)

(a) Pelican Road should remain open

Pelican Road should be retained as it services private properties including a child care centre. Pelican Road should not be closed at any point in time.

Town Planning comment:

- See response to the objection above. The retention of Pelican Road was not supported due to the requirements within Schedule 1 of the Growth Centres DCP 2010 and the Alex Avenue ILP. The retention of Pelican Road would result in the fragmentation of the commercial area and a dangerous 5-way roundabout.
- As part of the current DA, the applicant will be required to construct the new DCP road located adjacent to the southern boundary of the site. The new 'South Road' will cater for two-way traffic movements and will provide an alternate route for vehicles travelling from the east to the commercial centre and Schofields railway station. In the interim, alternative access is available via Pelican Road out to Burdekin Road to the south-east.

11 Section 79C consideration

11.1 Consideration of the matters prescribed under Section 79C of the Environmental Planning and Assessment Act 1979 is summarised below:

Heads of Consideration 79C	Comment	Complies
<p>a. the provisions of:</p> <p>(i) any environmental planning instrument (EPI)</p> <p>(ii) any development control plan</p> <p>(iii) the regulations</p>	<p>The provisions of the relevant EPIs relating to the proposed development are summarised under Section 6. The proposal is considered to be consistent with the relevant SEPPs, including SEPP (Infrastructure) 2007, SEPP 64 Advertising and Signage, and SEPP (Sydney Region Growth Centres) (SRGC) 2006.</p> <p>The proposed development is also a permissible land use within the B2 Local Centre Zone and satisfies the zone objectives outlined within SEPP (SRGC) 2006.</p> <p>The Blacktown City Council Growth Centres Precincts Development Control Plan (DCP) 2010 applies to the site. An assessment of the proposal against the relevant requirements of the DCP are provided at Attachments 5 & 6, while a discussion of the key issues relating to the proposal is provided in Section 7 of this report. Overall, the design of the development is considered to meet the intent of the Growth Centre Precincts DCP 2010. In the event of any non-compliance, a condition has been recommended to ensure the development criteria is satisfied. Alternatively, the applicant has demonstrated that the matter will be</p>	Yes

	<p>satisfied once Stage 2 of the proposal is constructed.</p> <p>The requirements of the regulations have been satisfied through the lodgement of the DA, the provision of information for public exhibition in the prescribed manner and the notification of the proposal.</p>	
<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>A discussion of the key issues is provided in Section 7. It is considered that the likely impacts of the development, including staging, design, height, car parking layout, road design and drainage, have now been satisfactorily addressed.</p> <p>The development, in its amended form, will have minimal impacts on future surrounding properties. The height and design of the development is consistent with the approved Woolworths complex, and will not cause any overshadowing or privacy impacts on the future residential properties to the south. Appropriate security measures (including CCTV, lighting and signage) will also ensure that security and safety is maximised on and around the site.</p> <p>The staging of the development will ensure that the Town Centre will perform economically. The first stage will secure its prosperity through the introduction of anchor uses such as a supermarket and select retail tenancies. The second stage will then increase retail density and activity in the centre as the demand increases. The development will result in new employment opportunities in the area and will act as a catalyst for further development in the area.</p> <p>It is not believed that the proposed redevelopment will have any unfavourable social, economic or environmental impacts.</p>	Yes
<p><i>c. the suitability of the site for the development</i></p>	<p>The subject site is zoned B2 Local Centre and permits retail premises with development consent.</p> <p>The shopping centre responds positively to the surrounding future land uses and is appropriately located 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. The site is therefore considered suitable for the proposed development.</p>	Yes
<p><i>d. any submissions made in accordance with this Act or the regulations</i></p>	<p>Objections to the development have been addressed in Section 10. The objections relate to the proposed retention/closure of Pelican Road. The objections do not warrant refusal of the application.</p>	Yes
<p><i>e. the public interest</i></p>	<p>The objections received do not contain any valid grounds to refuse the Application. Section 7 discusses in detail how concerns relating to staging, layout, design, appearance, parking layout and road construction have been addressed or can be controlled via suitable conditions of any consent.</p> <p>The shopping centre will provide a range of goods and</p>	Yes

	services beyond those already provided in the Alex Avenue Precinct, which in turn will benefit the future population. Approval of the proposed development is considered to be in the public interest.	
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12 Concluding comments

- 12.1 The proposed development has 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, and is considered to be satisfactory. Subject to appropriate management practices and the imposition of suitable conditions as highlighted in this report, it is considered that the proposed Coles shopping complex will not have any significant environmental, social or economic impacts on the Town Centre or surrounding locality.
- 12.2 Although it is Council officers' preference that the development not be staged, and that the ultimate carpark design and retail tenancies proposed along Railway Terrace and Pelican Road be constructed upfront, it is recognised that the staging of the DA is consistent with the approach applied by the nearby Woolworths development and that this approach has been accepted by the Land & Environment Court. Given this precedent, it is considered that refusal of the application on these grounds cannot be sustained.

13 Recommendation

- 13.1 The Development Application for a staged retail development at Lot 1, DP26987 Railway Terrace, Schofields be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at Attachment 1.
- 13.2 The applicant and objectors be advised of the Panel's decision.



REBECCA GORDON
TOWN PLANNER



JUDITH PORTELLI
MANAGER DEVELOPMENT SERVICES AND ADMINISTRATION



GLENNYS JAMES
DIRECTOR CITY STRATEGY AND DEVELOPMENT