

SSD 5175 Eastern Creek Business Hub Section 96(2) Modification Application



Rooty Hill Road South, Eastern Creek

Submitted to Department of Planning & Environment
On Behalf of Frasers Property Australia

March 2017 ■ 16258

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iC2
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1.0 Introduction

On behalf of Frasers Property Australia (the Proponent), we hereby submit an application pursuant to section 96(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify State Significant Development (SSD) 5175 relating to the Eastern Creek Business Hub located at Rooty Hill Road South, Eastern Creek.

The proposed modifications involve:

- Reconfiguration of the approved indicative Concept Plan of Lot 2. Key design changes include;
 - consolidation of built form and shopping centre;
 - the provision of a consolidated loading dock at the Rooty Hill Road South side of the site;
 - the provision of pad sites in place of the large retail building foot print at the intersection of Cable Place and Rooty Hill Road South;
 - relocation of the children's playground to the eastern side of the retail centre;
- Amendments to landscape masterplan as it relates to Lot 2;
- Approval for 'child care centre', 'medical centre' and 'indoor recreation facility' (gymnasium) as ancillary uses within Lot 2 of the site; and
- Updated Urban Design Guidelines to reflect the proposed built form modifications.

This application identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 96(2) and 79C(1) of the EP&A Act. It should be read in conjunction with the original Environmental Impact Statement prepared by Architectus dated September 2012 and the supporting documentation appended to this report.

2.0 Background

2.1 Site Location and Context

The 34ha Eastern Creek Business Hub site is situated to the north of the Great Western Highway between Rooty Hill Road South and the M7 Motorway. Church Street marks the site's northern boundary. The site forms part of the Western Sydney Parklands and is located within the Blacktown Local Government Area. It is located approximately 1.5km south east of Rooty Hill Station.

Open space comprising part of the broader Western Sydney Parklands is located to the north, east and south of the site. To the west of the site, on the opposite side of Rooty Hill Road South, is the Eastern Creek Public School, Rural Fire Services site and low density residential development.

The site's locational context is shown at **Figure 1**.



Figure 1 – Site Location

Source: Architectus

The site predominantly consists of open grass lands and clustered vegetation consistent with its position within the Western Sydney Parklands. A single dual occupancy lot (Lot 2 of DP31130) is located at the Beggs Road (an existing local, unsealed road) and Rooty Hill Road South intersection. This lot does not form part of the development site.

The site is owned by the Western Sydney Parkland Trust (the Trust) and Frasers have entered a development management agreement with the Trust to develop the land for a business hub.

This application relates to Lot 2 of the approved Eastern Creek Business Hub which is the first lot that will be developed. It is situated in the middle of Lots 1 and 3 (Stages 2 and 3) and has an area of approximately 4.19ha (refer to **Figure 2** below). The lot is proposed to be developed for retail uses and parking.

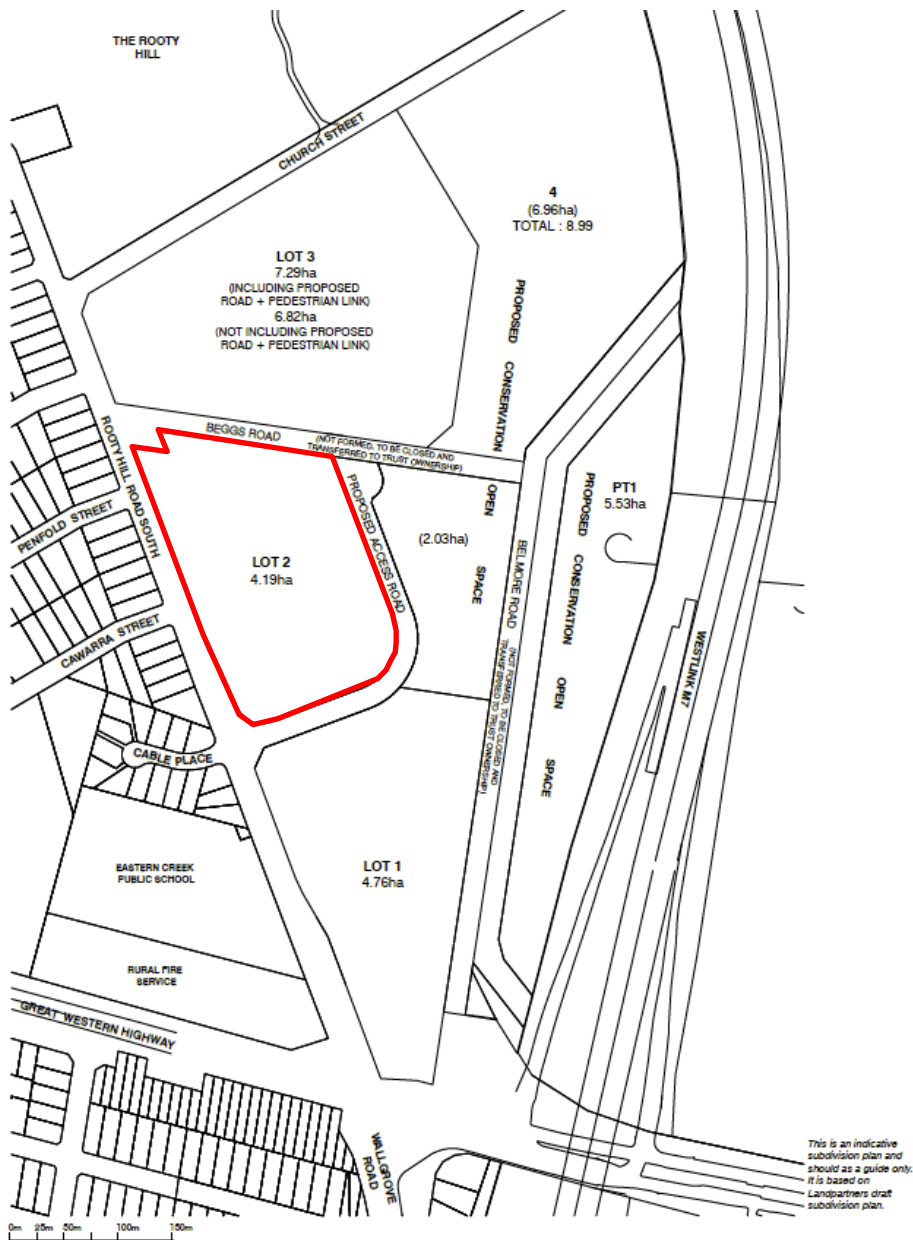


Figure 2 – Approved Lot Layout
Source: Architectus

2.2 Consent Proposed to be Modified

Development consent SSD 5175 was granted by the NSW Minister for Planning on 7 January 2015 for the Eastern Creek Business Hub Staged Development Application. The development consent approved the following:

- 'A concept proposal for a new retail centre comprising 52,800m² gross floor area to accommodate 'retail premises', 'bulky goods premises' and 'business premises' uses and a development structure including:
 - Land uses;
 - Site layout;

- Building envelopes; and
- Design parameters.
- Stage 1 subdivision and early works including:
 - Super lot subdivision to create three developable allotments and one residual allotment;
 - Construction of an access road;
 - Bulk and detailed earthworks;
 - Stormwater management;
 - Civil engineering works;
 - Landscaping; and
 - Rehabilitation of the existing woodland areas identified for open space / conservation

2.2.1 SSD 5175 MOD 1

A s96(2) modification (SSD 5175 MOD 1) was previously lodged by the WSPT to make a number of changes to the approved development. Consent was granted by the DPE on 28 April 2016 and included:

- Provisions to allow gross floor area for large format retail and supermarket that is residual to the approved maximum gross floor area to be utilised by bulky goods and convenience retail tenants respectively;
- Amendments to the Structure Plan to enable the transfer of the Beggs Road easement and the Church Street pedestrian connection into the primary business hub land;
- Reconfigurations to the Stage 1 stormwater drainage system and the incorporation of a second on-site detention basin;
- Additional bulk earthworks as part of the Stage 1 early works to establish the pad sites, reduce the amount of retaining walls and accommodate the amended stormwater modifications; and
- Amending the Stage 1 consent to reflect the updated Stage 1 site remediation work that has been undertaken post determination.

A copy of the Notice of Determination for SSD 5175 (as modified) is included at **Appendix A**.

2.3 Stakeholder Consultation

2.3.1 Department of Planning & Environment

A meeting was held between Frasers and representatives of the DPE on 20 December 2016. At the meeting, a revised indicative Concept Plan was presented for discussion. The DPE provided the following comments listed at **Table 1**.

Table 1 – Summary of DPE comments

DPE Comment	Response
The design of the Rooty Hill Road South interface would need to be resolved in relation to visual and potential amenity impacts arising from the relocated loading dock. Section Plans and a Visual Impact Assessment should be undertaken to demonstrate this issue and proposed design solution	The relocation of the loading dock will not result in an adverse visual impact due to the change in topography and proposed landscaping between Rooty Hill Road South and the site. This will help hide the loading dock and mitigate amenity impacts as detailed at Section 3.1 below. Section Plans are included at Appendix B .
Any new uses would need to be adequately justified.	The proposed new uses are typical of a contemporary retail shopping centre. Justification for each of the uses is included at Section 3.1 below.
The Design Guidelines should be revised to reflect the proposal.	The Design Guidelines have been revised and are included at Appendix D .

2.3.2 Blacktown City Council

Subsequent to the meeting with DPE, Frasers met with representatives of Blacktown City Council on 11 January 2017 to seek their feedback on the proposed modifications. Council provided the following key comments listed at **Table 2**.

Table 2 – Summary of Blacktown Council comments

Blacktown City Council Comment	Response
Access to the site for trucks from the proposed loading dock entry would need to be reviewed in light of the site's proposed reconfiguration.	The proposed modifications seek to utilise the level change of the site to hide the loading dock and the reconfigured vehicle access will separate customer and service vehicles. The loading dock will also be consolidated resulting in an improved outcome to that approved (refer to the Traffic Report at Appendix G).
Activation of Rooty Hill Road South is difficult due to the existing site levels. A Visual Impact Assessment and updated Design Guidelines should be undertaken to demonstrate this issue and the proposed design solution.	A Visual Impact Assessment (refer to Appendix F) has been undertaken and the Design Guidelines (refer to Appendix E) have been updated to protect visual amenity along Rooty Hill Road South.
If a fast food use is proposed at the pad sites, careful consideration of potential amenity impacts to adjacent residential areas would be required at DA stage.	Noted. This matter will be addressed at DA stage if a fast food use is proposed. The Design Guidelines require screening/architectural features to be provided at the corner of Rooty Hill Road South and the Access Road to mitigate potential impacts.

Feedback from the meetings with both the DPE and Council has been considered by the project team and addressed within the modified concept scheme where appropriate.

3.0 Proposed Modifications to Consent

Since the previous modification, Frasers have entered into an agreement with the WSPT to develop the site. Whilst the intent of the approved Concept Plan to create an 'urban neighbourhood' shopping centre is acknowledged, there are fundamental issues with the current concept and layout. For the retail component of the development to be successful, Frasers have identified the need for the following modifications described at **Table 3**.

An extract of the revised built form massing is shown at **Figure 3** and revised indicative Concept Plans, prepared by i2C, reflecting these proposed modifications are included at **Appendix B**. Amended Landscape Plans and Landscape Design Statement prepared by Group GSA are included at **Attachment C**.

Table 3 – Summary of proposed modifications and reasons

Proposed Modification	Reason
Reconfiguration of the built form and the provision of a landscaped setback rather than the activation of Rooty Hill Road South.	▪ The steep change in topography along Rooty Hill Road South (from RL 46.5 down to RL 43) does not permit building frontages to this road. ▪ To better address the site context and constraints, such as the level change, the revised design seeks to place the development in a landscaped setting with a new village centre on the Western Sydney Parklands side of the site. ▪ The low density context of the surrounding area and the approved bulky goods uses are more suited to the proposed suburban, landscape setting rather than the 'inner city' urban character of the approved Concept Plan. ▪ The modified Concept Plan also seeks to consolidate the built form to facilitate a more efficient and functional layout. The revised design promotes visibility throughout the site to assist customers with wayfinding and provides a more convenient car parking layout.
Provision of a consolidated loading dock at the Rooty Hill Road South side of the site.	▪ The loading dock has been reconfigured and consolidated to improve functionality and mitigate conflict between customers and loading/servicing of the centre. ▪ The loading dock is now facing Rooty Hill Road South, however does not result in visual or amenity impacts as the change in topography and landscaped setback hides the loading dock from the road (Figure 4). This is addressed at Sections 5.4 and 5.5 below, as well as the Urban Design Statement at Appendix D.
Access from Rooty Hill Road South is limited to heavy vehicles only and a second left only out is provided.	▪ Vehicular access/egress along Rooty Hill Road South is proposed to be separated and limited to heavy vehicles only. This provides a more efficient and functional loading dock design and significantly reduces the number of vehicles entering the site from Rooty Road South. ▪ Public vehicular access is relocated to the main proposed access road due to the modified design rationale of the village centre. ▪ The separation of the service vehicle and customer access ways improves traffic circulation and safety on the site by removing truck traffic from the car park and playground areas.
Provision of pad sites in place of the large retail building foot print at the intersection of Cable Place and Rooty Hill Road South.	The provision of pad sites suits the modified concept design of the site and will support the envisioned uses for these tenancies.
The inclusion of pylon signage	The site's location adjacent a busy road requires pylon signage to provide drivers approaching the site with adequate warning of its location and the appropriate entrance points.



Figure 3 – Revised Built Form Layout
Source: GSA

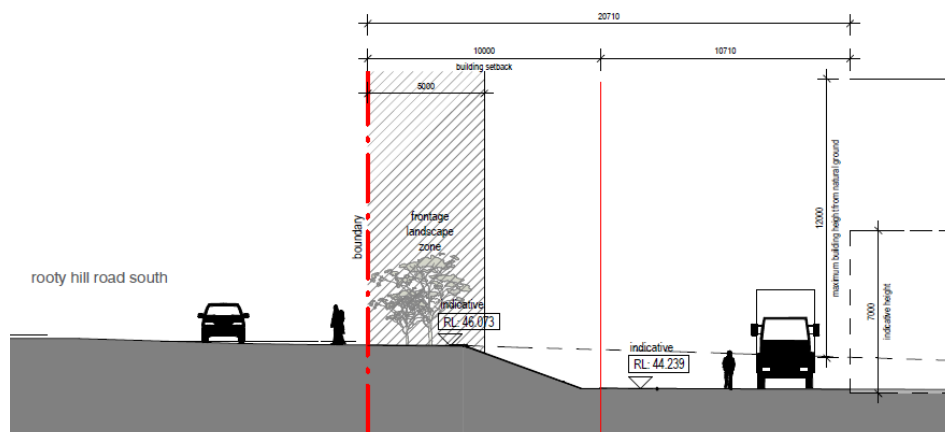


Figure 4 – Loading Dock Interface
Source: i2C

If the Concept Plan is not modified to facilitate a more typical suburban shopping centre layout at Lot 2, Frasers have concerns regarding its future success. Accordingly, it is proposed to modify SSD 5175 in line with the revised indicative Concept Plan at **Appendix B** to facilitate a workable retail centre design that is consistent with the existing site context and the desired future character of the site.

Notwithstanding the changes proposed, the modified development retains the key features of the scheme that were approved and maintains a development that is substantially the same as that originally approved.

3.1.1 Update Urban Design Guidelines

The above changes require the Urban Design Guidelines to be updated to reflect the proposed built form of the indicative Concept Scheme. The Guidelines have been updated and are included at **Appendix D**, along with a summary table showing highlighting the modifications. The revised Guidelines will be used to guide the detailed design of future development at the site which will be subject to future development applications.

3.1.2 Approval for ancillary land uses

It is proposed to include ‘medical centre’, ‘indoor recreation facility’ (gymnasium) and ‘child care centre’ as ancillary uses within Lot 2 of the site. These uses do not fit within the Standard Instrument LEP definition of ‘retail’ use as approved under the Concept Plan and are considered to be ancillary to the approved retail use of the centre. The inclusion of these uses on the consent is to provide clarity in relation to the future use of the site.

Table 4 – Additional proposed uses

Proposed Use	Standard LEP Definition	Reason
Medical centre	<i>Medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.</i>	Medical centres are a common feature of modern shopping centres and are important to support a chemist use. These uses combined will provide a one-stop convenient medical centre for surrounding residents.
Gym	<i>Recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club</i>	A gym at the shopping centre would offer a convenient recreation facility that benefits from the ease of accessibility and car parking on site. Gyms are increasingly popular tenants at supermarket shopping centres and are compatible with the approved uses.
Child care centre	<i>Child care centre means a building or place used for the supervision and care of children that:</i> <i>(a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and</i> <i>(b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre, but does not include:</i> <i>(c) a building or place used for home-based child care, or</i> <i>(d) an out-of-home care service provided by an agency or organisation accredited by the Children’s Guardian, or</i> <i>(e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or</i> <i>(f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or</i>	There is strong demand for new child care centres in the area and this use would also support the future workers at the site. A new child centre at the site would offer additional child care places within a highly accessible and convenient location. Refer to Section 5.3 for further analysis.

Proposed Use	Standard LEP Definition	Reason
	(g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or (h) a service that is concerned primarily with the provision of: (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or (ii) private tutoring, or (i) a school, or (j) a service provided at exempt premises (within the meaning of Chapter 12 of the Children and Young Persons (Care and Protection) Act 1998), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.	

It is proposed to include a medical centre and gymnasium within the existing retail floor space cap of 9,500m² of GFA as these uses are complementary to the specialty retail use of the site and are typical services that are demanded in modern shopping centres. The medical centre will support the chemist/pharmacy use and allow a one-stop convenient medical centre for surrounding residents. The proposed gymnasium will be a smaller format of approximately 350-400m² and will contribute to the amenity and health lifestyle of the precinct. The provision of a gym at the site will also contribute to the activation of the site outside of standard retail hours.

A child care centre is proposed to be included in addition to the retail GFA because this use will not result in the provision of retail floor space and will provide a range of social and economic benefits for the local and surrounding population. The child care centre is proposed to include approximately 700m² of internal GFA and 700m² of external play area to accommodate around 50 children. As discussed at Section 5 below, there is a demonstrated demand for child care services in the locality with a significant shortfall projected by 2019. A child care centre within the centre would also provide synergies between the adjacent Eastern Creek Public School, providing convenience for families.

The addition of these uses will not result in the proposed Eastern Creek Retail Centre being substantially different to the approved development in size, use or impacts on other shopping centres. Further details regarding the economic and social impact of the additional uses is provided at Section 5 below.

3.2 Modifications to Conditions

The proposed modifications described above necessitate amendments to the consent conditions which are identified below. Words proposed to be deleted are shown in **~~bold-strike through~~** and words to be inserted are shown in ***bold italics***.

SCHEDULE 1

Key development details	
Application No	SSD 5175 MOD 4 <i>2</i>
Applicant	Western Sydney Parklands Trust
Consent Authority	Minister for Planning
Land	Eastern Park Business Hub, Rooty Hill (Western Sydney Parklands)
Project	Eastern Creek Business Hub Staged Development Application, including:

Key development details

- A concept proposal for a new retail centre comprising **53,500** sqm gross floor area to accommodate 'retail premises', 'bulky goods premises' and 'business premises', '**medical centre**', '**gymnasium**', and '**child care centre**' uses and a development structure including land uses; site layout; building envelopes; and design parameters.
- Stage 1 subdivision and early works including super lot subdivision to create three developable allotments and one residual allotment; construction of an access road; bulk and detailed earthworks; stormwater management; civil engineering works; landscaping; and rehabilitation of the existing woodland areas identified for open space/conservation.

SCHEDULE 2 – TERMS OF APPROVAL FOR CONCEPT PROPOSAL**Development Description**

A1 Consent is granted to the 'concept proposal' as described in Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions, associated documents submitted with Modification 1, and the conditions contained in this development consent.

Development in Accordance with Plans and Documents

A4 The applicant shall carry out the development generally in accordance with the:

- a) Eastern Creek Business Hub State Significant Development SSD 5175 Environmental Impact Statement prepared by Architectus JBA dated September 2012 February 2017, as amended by the
- b) Eastern Creek Business Hub State Significant Development SSD 5175 Response to Submissions prepared by Architectus dated April 2014; and
- c) Eastern Creek Business Hub Design Guidelines prepared by Architectus dated 12 February 2014; and
- d) S.96(2) SSD Modification 5175 Eastern Creek Business Hub prepared by JBA Urban Planning Consultants Pty Ltd dated August 2015; and
- e) State Significant Development (SSD 5175) MOD 1 Rooty Hill Road South, Eastern Creek Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd dated January 2016; and
- f) S.96(2) SSD Modification 5175 Eastern Creek Business Hub prepared by JBA Urban Planning Consultants Pty Ltd dated February 2017; and
- g) Updated Eastern Creek Business Hub Design Guidelines February 2017; and
- h) following drawings, except for:
 - i) any modifications which are 'Exempt' or 'Complying Development'; and
 - ii) otherwise provided by the conditions of this consent.

Concept Proposal**Concept Plans**

Drawing No.	Revision	Name of Plan	Date
EIS-04 (G) SK-19.1	A	Structure Plan Masterplan	19 August 2015 1 March 2017
EIS-04 (5)	D	Stage 1 Early Works – Phasing Plan	19 August 2015
EIS-05 (H)	C	Preferred Indicative Plan	19 August 2015
EIS-03 (G)	B	Enabling Infrastructure Works	19 August 2015
Landscape Plans prepared by Urbis			
LA01 GLA01	06	Illustrative Landscape Masterplan	27 August 2012 28 February 2017

Maximum Gross Floor Area (GFA)

A7 The maximum GFA for the total development shall not exceed ~~52,800~~ **53,500** sqm and the individual land use components shall have a maximum GFA as follows:

Land Use	Maximum GFA (sqm)	
Bulky goods	29,300	Any residual large format retail GFA may be transferable to bulky goods GFA provided the combined maximum GFA for bulky goods and large format retail does not exceed 43,300m ² .
Large format retail	14,000	
Convenience retail and ancillary uses	9,500	A maximum of 500m ² of residual supermarket GFA may be transferable to specialty shops/small business/ ancillary uses GFA provided the maximum GFA for convenience retail does not exceed 9,500m ² .
Supermarket	(4,000)	
Specialty shops/small business	(5,500)	
Child care centre	700	
TOTAL	53,500	

4.0 Substantially the Same Development

Section 96(2) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The onus is on the applicant to satisfy the consent authority that the modified development will be substantially the same (*Seaforth Services Pty Limited v Byron Shire Council (No.2)* (1991) 72 LGRA 44). The following principles apply when determining whether a development as modified will be “substantially the same development”:

1. The meaning of “modify” is to alter without radical transformation;
2. The term “substantially” in this context means “essentially or materially or having the same essence”;
3. The assessment involves a comparison between the development as approved originally and the development as proposed to be modified. One does not compare the development as modified with what exists currently on the site, or the development as last modified (if applicable);
4. To assess whether a consent as modified will be substantially the same requires a comparison of before and after situations. Differences may involve differences of the result or outcome, as well as differences of the process of implementation (i.e., the way in which the development is carried out);
5. The consent authority is required to undertake both a qualitative and quantitative comparison of the whole development as consented to and the whole development to which the consent as modified relates. In other words, the consent authority must compare the physical features or components of the development as currently approved and modified, **and** appreciate the **qualitative** differences between the approved and modified developments, including the context in which the original application was approved;
6. The consent authority also needs to consider whether the proposed modifications will generate any additional impacts, and whether the proposed modifications relate to “material or essential features” of the development as originally approved.

4.1 Consideration of the principles as they relate to SSD 5175

The table below sets out the essential elements of the approved development and the modifications that are currently being considered. The minor numeric variations proposed are to facilitate the inclusion of a child care centre at the site which will not alter the retail floor area or cause any significant additional environmental impacts, as discussed in Section 4 below. The medical centre and gymnasium will also not alter the retail floor area as these uses will be subject to the existing retail cap. As demonstrated below, whilst the building footprints will be modified, the key numeric features of the development are consistent, or involve only an insignificant modification.

Table 5 – Comparison of Quantitative Elements of the development as approved and proposed to be modified

Element	As Approved	As Proposed	Variation
Site area (Lot 2)	4.29ha	4.29ha	nil
Maximum GFA			
▪ Bulky goods	▪ 29,300	▪ 29,300	
▪ Large format retail	▪ 14,000	▪ 14,000	
▪ Convenience retail	▪ 9,500	▪ 9,500	
– Supermarket	▪ (4,000)	▪ (4,000)	
– Specialty shops / small business	▪ (5,500)	▪ (5,500) (including medical centre / gymnasium)	
▪ Child care centre	▪ nil	▪ 700	▪ +700 (1.3% increase)
TOTAL	52,800m ²	53,500m ²	
Maximum Building Height	12m	12m	
Setbacks to Rooty Hill Road South			
▪ Bulky good / large format retail	▪ 20m ▪ 10m	▪ 20m ▪ 10m	
▪ Retail			

The development as proposed to be modified is “substantially the same development” for the following reasons:

- Approval is for a Concept Plan only, with the detailed design of the development to be subject to future DA(s);
- The fundamental use of the site is not changing and the proposed new uses are complimentary / ancillary to the approved retail centre uses and are typical of uses commonly found in modern shopping centre;
- Design guidelines will ensure the built form achieves a high level of design quality and meet the original objectives of the development;
- Development will continue to provide visual interest to Rooty Hill Road South through the revised landscape treatment;
- Proposed street network is largely consistent with the approved scheme, with only the access arrangements being varied;
- Modifications will not result in any changes to Lots 1 or 3 of the Concept Plan and will not alter the approved subdivision pattern; and
- The proposed modifications will not result in any significant additional environmental impacts in relation to adjoining and surrounding properties (refer to Section 5).

The proposed changes considered in their totality, and in the context of the scale of the overall development, are reflective of normal development processes, as well as a desire to achieve the best outcome for the site. For the above reasons, the consent authority may be satisfied that the modified proposal represents substantially the same development for which consent was originally granted. Further, the changes proposed improve the functionality of the site and will not cause any additional environmental impacts.

5.0 Planning Assessment

5.1 Compliance with Statutory Plans

The proposed modifications to the approved Concept Plan do not affect the developments compliance with the relevant environmental planning instruments. An assessment against the primary instruments is summarised in **Table 5** below:

Table 6 – Compliance with the relevant statutory planning instruments

Instrument	Comment
State Environmental Planning Policy (State and Regional Development) 2011	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP.
State Environmental Planning Policy (Western Sydney Parklands) 2009	The proposed modifications do not alter the approved development's compliance with the key matters for consideration under Clauses 2 and 12 of the SEPP.
State Environmental Planning Policy 55 (Remediation of Land)	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP. The site will continue to be remediated in accordance with the RAP.
State Environmental Planning Policy 64 – Advertising and Signage	This SEPP has been considered at Section 5.5 below.
State Environmental Planning Policy (Infrastructure) 2007	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP.

5.2 Matters for Consideration under S79(c) of the EP&A Act

Section 96(3) of the EP&A Act requires a consent authority to take into consideration such of the matters referred to in Section 79C(1) as are of relevance to the development the subject of the application. The Environmental Impact Statement and Response to Submissions submitted as part of the SSD 5175 addressed the following environmental impacts:

- Compliance with statutory and strategic plans;
- Built form, urban structure and design;
- Economic impacts;
- Ecologically sustainable development;
- Acoustic amenity;
- Social impacts;
- Transport and accessibility;
- Visual impacts;
- Indigenous and European heritage and archaeology;
- Safety and security;
- Stormwater management;
- Site contamination;
- Biodiversity; and
- Bushfire management.

The following discussion demonstrates that the proposed modifications do not compromise the merits of the indicative Concept Plan or Stage 1 approval or provide any significant additional environmental impacts.

5.3 Economic Impacts

Location IQ were engaged to provide an independent economic assessment of the proposed additional uses at the site, including a review of the market potential and economic benefits of the proposed child care centre, medical centre and gym. A report based on the findings of the review is included at **Appendix E** which demonstrates that the proposed additional uses will have a substantial net community benefit and will not substantially change the Concept Plan approval. The key findings are summarised below.

Child Care Centre

There is a significant shortfall of child care places within the trade area which is projected to worsen by time the centre is operational. Based on government data and discussion with local child care centre operators, Location IQ estimate that there is currently a demand for 745 child care places in the area which represents a under supply of 200%. On current projections, this would result in an undersupply of approximately 230% by 2019.

In addition, the larger nearby worker population would also increase demand for childcare places as it is often the case that parents are more easily able to drop off and pick up their children near their place of work given childcare centre operator hours and traffic considerations. A child care centre within the centre would also provide synergies between the adjacent Eastern Creek Public School, providing additional convenience for families.

The inclusion of a child care centre at the site will therefore have a positive social and economic impact on the local community by contributing to the supply of child care places. The centre will also result in additional long-term jobs at the site and provide an essential service to the surrounding workers.

Given that the use will not result in any additional retail floor space at the site, and it will result in substantial social and economic benefits, the child centre use should not be subject to the existing retail cap. Further, the use is ancillary to the approved specialty retail use and will not substantially alter the approved Concept Plan.

Medical Centre

Compared to the Australian benchmark of 1 GP per 874 persons, there is a significant undersupply of GP's in the main trade area which currently has 1 GP per 944 persons. Improving the supply of local medical centre facilities within the local catchment would improve the well-being of the surrounding residents by improving local level choice and minimising the need to travel to medical centres or doctors outside the catchment area.

The medical centre is also necessary to support the chemist/pharmacy use. The colocation of these uses is very common for modern medical centres built as part of shopping centres and promotes convenience for users.

Gymnasium

The Eastern Creek Retail Centre is proposed to contain a smaller gymnasium format of 350 – 400m² which will contribute to the amenities offered at the centre and promote healthy lifestyles for workers and surrounding residents. The gym would offer a convenient and well known location and would also benefit from the ease of accessibility and car parking on site. Gyms are also increasingly popular tenants at supermarket shopping centres with a number of examples across Sydney.

Based on the projected population of the main trade area of approximately 30,000 by 2019 with a primary sector population of some 15,500, there is sufficient demand for a new gymnasium of the proposed size in this location.

Summary

Shopping centres are continuing to evolve to include a diverse range of clustered uses at one location which attracts more than just retail customers on a regular basis. This is a positive planning outcome and delivers real economic and social benefits for the local residents and workers.

5.4 Built Form and Urban Design

JBA have reviewed the modified built form and the original Design Guidelines for the development. An assessment of the proposed changes is included within the Design Statement at **Appendix D** and the Design Guidelines have been updated to reflect the revised Concept Plan.

Overall, JBA are satisfied that the proposed modifications to the building envelope, and the addition of pylon signage, will be fitting for its setting in the outer urban area and in the context of the Western Sydney Parklands.

5.5 Visual Impacts

A revised Visual Impact Assessment based on the modified Concept Plan and the inclusion of pylon signage locations has been undertaken by JBA and is included at **Appendix F**. The assessment concludes that the proposed modifications will not increase the visual impact of the development when viewed from the locations considered during the assessment of the original application.

State Environmental Planning Policy No 64—Advertising and Signage has been considered in the positioning of the pylon signage zones and the revised Urban Design Guidelines will ensure future DA's meet the aims and objectives of the SEPP. It is noted that a future application including the detailed design of the signage will require full assessment against the provisions of SEPP 64 and the assessment criteria at Schedule 1.

5.6 Traffic, Parking and Accessibility

The traffic, parking and accessibility impacts of the modified Concept Plan have been reviewed by Colston Budd Rogers & Kafes (CBRK) and a report on the findings is included at **Appendix G**. The key findings of the study are summarised below.

Traffic

The approved scale of retail development is not proposed to change and therefore the proposed modifications will result in only a minor impact on traffic due to the proposed child care centre use.

The RMS guidelines indicate that child care centres generate 0.35 to 0.4 vehicles per hour, per child two-way during weekday morning and afternoon peak hours. With 50 children proposed, the child care centre would have a generation of some 15 to 20 vehicles per hour two-way. However, the proposed centre will likely result in less than 15 vehicles per hour two-way due to a proportion of places at the centre being occupied by children of employees in the retail development.

Parking

The Eastern Creek Business Hub Design Guidelines requires a car parking rate of 1 space per 25m² GFA for retail development. The traffic report also includes the medical centre and gym parking at this rate.

The Guidelines do not include a parking rate for the proposed child care centre use and the parking rate within the Blacktown DCP 2015 has been adopted. Accordingly, the child care centre use will require 1 parking space per employee and 1 parking space per 6 children at the centre. The centre will accommodate approximately 50 children and 10 employees, resulting in a need for 19 spaces.

Based on the indicative concept, the development will require a minimum of 399 parking spaces on Lot 2. Adequate parking has been provided to accommodate the proposed uses, including accessible spaces and bicycle parking as required.

5.7 Acoustic Amenity

A revised Acoustic Assessment based on the proposed modified Concept Plan has been undertaken by Acoustic Logic. A copy of the report is included at **Appendix H** and it concludes that the findings and recommendations of the previous acoustic study (prepared by PKA Consulting, August 2012) remain applicable. It is considered that the proposed loading dock can comply with the relevant noise level criteria.

Recommended treatments for the proposed childcare centre use are included in the report which will be considered during the detailed design and development application phase.

5.8 Public Benefit

The approved development provides a significant public benefit to the community by securing funding for the ongoing management and improvement of the recreation and sporting facilities of the Parklands. It also improves infrastructure to maintain the efficiency of the surrounding road network.

In addition to the above benefits relating to the Parklands, the development is projected to create approximately 120-150 construction jobs and 285 ongoing jobs related to the future business hub at the site.

Whilst the intent of the approved Concept Plan to create an 'urban neighbourhood' shopping centre is acknowledged, there are fundamental issues that may result in the centre remaining undeveloped or unworkable for the end tenants and users.

The modified Concept Plan addresses the commercial and design concerns of the approved Concept Plan and facilitates a functional design based on the specific commercial and practical requirements of the intended end uses. This will ensure the above public benefits can be achieved by enabling a commercially viable centre that is attractive to prospective tenants and users.

6.0 Conclusion

The proposed modifications to Lot 2 of the Concept Approval are required to provide a structure plan that is compatible with the design requirements of modern suburban retail centres.

In accordance with section 96(2) of the EP&A Act, the Minister may modify the consent as:

- the consent, as proposed to be modified, is substantially the same development as that originally approved;
- the proposed modifications will not result in any significant additional environmental impacts in relation to adjoining and surrounding properties;
- the proposed modifications do not alter the developments compliance with the relevant statutory planning instruments;
- the development will continue to deliver a built form that is of a high design standard, and will continue to accommodate a business hub within a landscape setting that is compatible with the surrounding parklands; and
- the modified development will continue to deliver the same objectives of reusing part of the Western Sydney Parklands for commercial activities to securing funding for the long term economic and environmental sustainability of the Parklands.

The assessment of the environmental impacts of the proposed modifications has determined that no unacceptable impacts will result from the revised indicative Concept Plan. Accordingly, we have no hesitation in recommending that the Minister for Planning and Environment approve this s96 modification application as submitted.