



# Eastern Creek Business Hub

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Modification to allow vehicles to exit Lot 2 via the  
roundabout

State Significant Development Modification Assessment  
(SSD 5175 MOD 7 and SSD 8588 MOD 4)

July 2020

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# Glossary

Abbreviation	Definition
<b>BCA</b>	Building Code of Australia
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Blacktown City Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>ECBH</b>	Eastern Creek Business Hub
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>RHRS</b>	Rooty Hill Road South
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>SEPP</b>	State Environmental Planning Policy
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>TfNSW</b>	Transport for NSW

# 1 Introduction

This report provides a concurrent assessment of an application to modify the Eastern Creek Business Hub (ECBH) Concept Approval (SSD 5175) and the State significant development (SSD) consent (SSD 8588) for a new retail centre at Rooty Hill Road South, Eastern Creek.

The modification applications seek to allow vehicles to exit from the retail centre car park via the roundabout on the internal access road, which is currently not permitted in accordance with Condition B33 (Roundabout) of the concept approval and the approved retail centre plans.

The applications have been lodged by Frasers Property Australia (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

The site is located at the intersection of the Great Western Highway and the M7 Motorway, which is 7 km west of the Blacktown City Centre and 2.5 km south of Rooty Hill Railway Station. The site location is shown in **Figure 1**. The subject site has an area of 34 hectares and is generally flat, with a gentle fall to the east and south boundaries. The site is mainly open grassland with some scattered trees and remnant vegetation.



**Figure 1 | Site location**

The applications relate to Lot 2, comprising an area of approximately 4.19 hectares and is the first lot to be developed (**Figure 2**).

The surrounding area is characterised by a mix of land uses including the M7 Motorway and other Western Sydney Parkland land to the east, low density residential development, the Eastern Creek Public School and Eastern Creek Rural Fire Brigade Station to the west of Rooty Hill Road South (RHRS) and the Morreau Sporting Reserve and The Rooty Hill reserve to the north of Church Street.

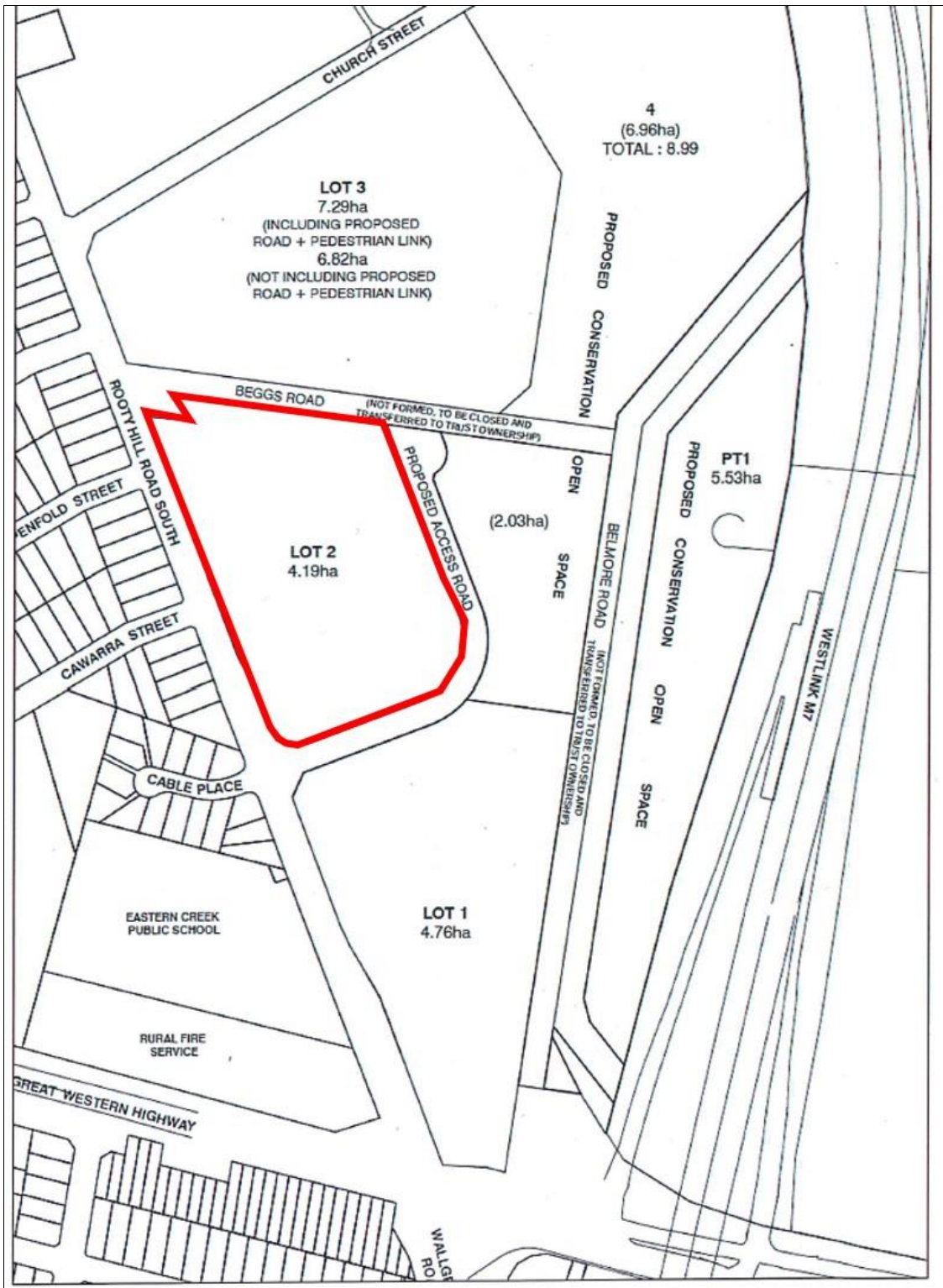


Figure 2 | Approved site layout

## 1.2 Approval history

### 1.2.1 SSD 5175 Eastern Creek Business Hub Concept Plan

On 7 January 2015, the then Minister for Planning granted consent for the ECBH Staged Development Application, including a new retail centre to accommodate retail premises, bulky goods premises and business premises uses and Stage 1 subdivision and early works (**Figure 3**).

The development was approved to be constructed in two stages. The first stage comprises two substages, including specialised retail on Lot 1 and a convenience retail development on Lot 2. The second stage comprises the development of Lot 3 for specialised retail.

The development consent (as modified) includes the following condition relevant to the application:

#### **B33 (Roundabout)**

*Prior to the issue of a Construction Certificate relevant to the construction of the roundabout, the Applicant shall submit amended civil works plans showing entry only access arrangement to Lot 2 from the roundabout, to the satisfaction of the Principal Certifying Authority.*

The development consent has been modified on seven occasions (see **Table 1**)

**Table 1** | Summary of Modifications

<b>Mod No.</b>	<b>Summary of Modifications</b>	<b>Approval Authority</b>	<b>Type</b>	<b>Approval Date</b>
<b>MOD 1</b>	Modify the concept approval to change the timing of works, amend stormwater drainage system, allow residual large format retail GFA up to the approved maximum to be used as bulky goods GFA and additional bulk earthworks.	Department	4.55(2)	28 April 2016
<b>MOD 2</b>	Modify the concept approval to reconfigure building envelopes and parking, add a child care centre, medical centre and indoor recreation facility to Lot 2, new access road, and modify Stage 1 approval to reflect the access road changes	Department	4.55(2)	21 December 2017
<b>MOD 3</b>	Increase the approved gross floor area by 2,338 m <sup>2</sup> to 55,838 m <sup>2</sup>	Independent Planning Commission	4.55(2)	20 July 2018
<b>MOD 4</b>	Modify the stormwater drainage system, construct a new roundabout on the internal access road between Lots 1 and 2 and associated realignment of lot boundaries	Department	4.55(2)	18 July 2019

<b>MOD 5</b>	Modify the concept approval (Lot 1), to amend the specialised retail building envelopes, additional land uses, the landscape masterplan and the Urban Design Guidelines	Independent Planning Commission	4.55(2)	15 June 2020
<b>MOD 6</b>	Modify the concept approval to transfer 500m <sup>2</sup> of GFA from large format retail to the child care centre.	Department	4.55(1A)	6 September 2019
<b>MOD 8</b>	Delete Condition D8 (internal roads) to clarify the WSPT retains ownership of the internal access road	Department	4.55(1A)	17 February 2020



**Figure 3 | Concept Approval layout (as modified)**

### 1.2.2 SSD 8588 – Eastern Creek retail centre (Lot 2)

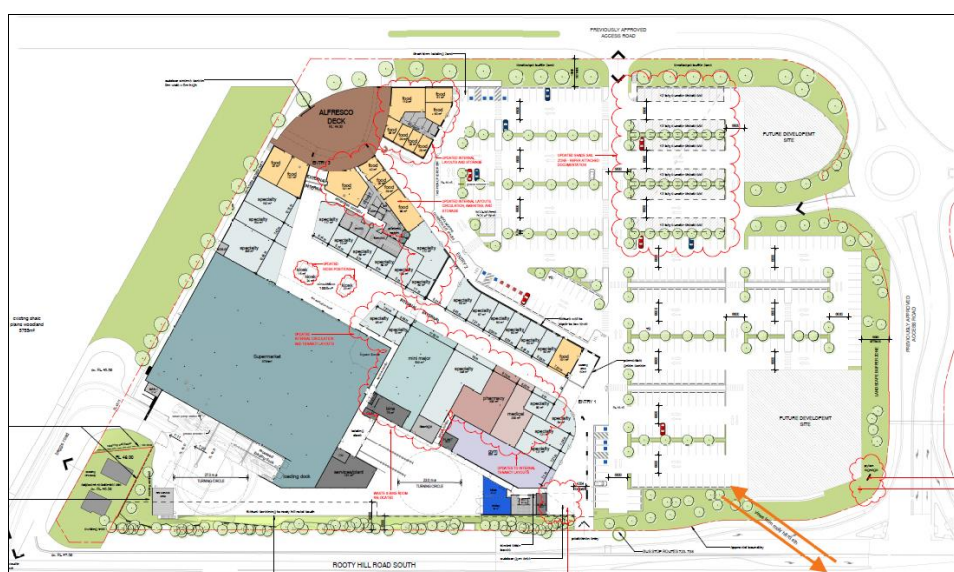
On 20 July 2018, the Independent Planning Commission granted consent for the detailed design, construction and operation of a convenience retail development on approved Lot 2 (stage 1). The development has a GFA of 11,438 m<sup>2</sup>, including a supermarket, speciality shops, food and drink premises, medical centre, pharmacy, gymnasium, 433 car parking spaces, loading dock facilities and associated landscaping (**Figure 4**). The development consent has been modified on three occasions (**Table 2**).

The development consent includes the following condition relevant to the application:

- Condition A2 includes approved plan 'DA38, Stage 1 Proposed Plan, issue P5, dated 1/10/2019' showing entry only access from the roundabout to Lot 2.

**Table 2 | Summary of Modifications**

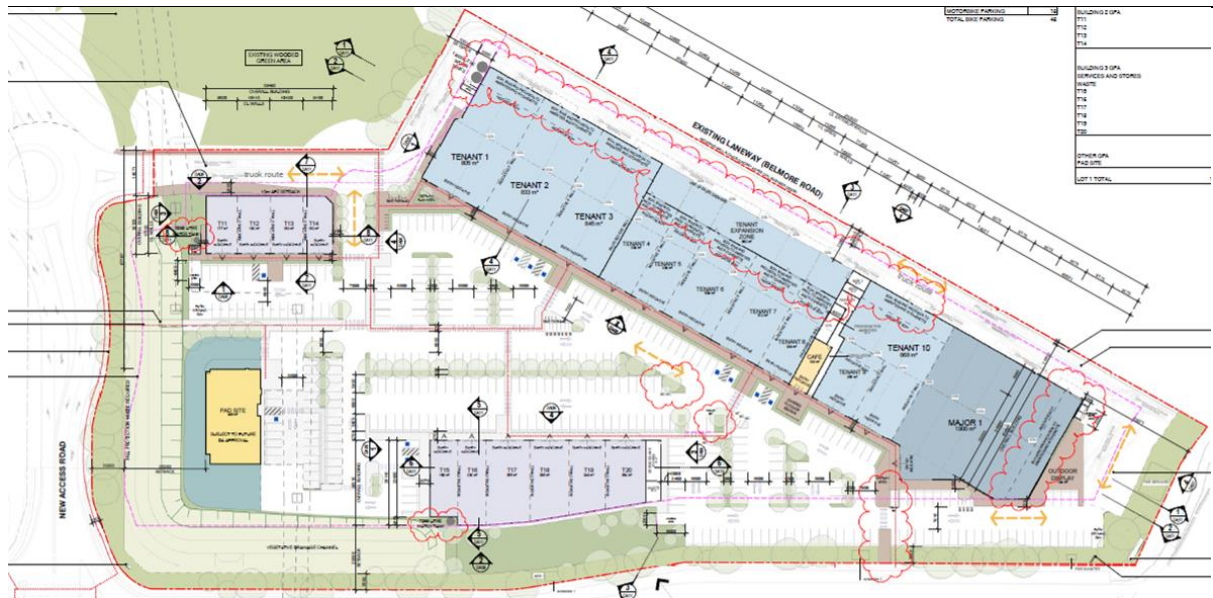
Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
<b>MOD 1</b>	Modify the detailed design of the retail centre building, including the facade, changes to plant and services, rainwater tank, loading dock, trolley bay, waste room and reconfigure the internal layout.	Department	4.55(1A)	21 November 2018
<b>MOD 2</b>	Modify the retail centre, including changes to the layout of the southern part of the Lot 2 car park and location of future building envelopes.	Department	4.55(1A)	18 July 2019
<b>MOD 3</b>	Design refinements to the retail centre including shade sails, signage and solar panels.	Department	4.55(1A)	29 November 2019



**Figure 4 | Approved retail centre (Lot 2) site plan**

### 1.2.3 SSD 8858 – Eastern Creek Specialised Retail Centre (Lot 1)

On 15 June 2020, the Independent Planning Commission granted consent for the construction of a specialised retail centre on Lot 1 with a GFA of 11,398 m<sup>2</sup>, three specialised retail buildings, ancillary uses (recreation facility (indoor), vehicle repair station and café), a future development site, 355 car spaces, signage and landscaping (**Figure 5**).



**Figure 5** | Approved specialised retail centre (Lot 1) site plan

### 1.2.4 SSD-10457 – Eastern Creek Retail Outlet Centre (Lot 3)

The concept approval provides for specialised retail development on Lot 3. The Applicant however seeks to provide an outlet retail centre on this site, and on this basis has not submitted an SSD application pursuant to the concept approval

On 28 May 2020, the Department issued Secretary's Environmental Assessment Requirements (SEARs) for a new concept proposal, SSD-10457, on Lot 3 comprising an outlet retail centre with ancillary uses including food and drink and indoor recreation (**Figure 6**).

Development consent cannot be granted to the new concept proposal, to the extent that it is inconsistent with the existing concept approval under section 4.24(2) of the EP&A Act). The Applicant will therefore need to surrender the existing concept approval (SSD 5175) to allow the determination of the new concept proposal.

## 2 Proposed modification

On 6 November 2019, the Applicant lodged a modification to the concept approval for the Eastern Creek Business Hub (ECBH) (SSD 5175 MOD 7) and on 2 February 2020, the Applicant lodged a modification to the development consent for the retail centre on Lot 2 (SSD 8588 MOD 4).

The applications have been made under section 4.55(1A) of the EP&A Act. A link to the modification application documents is provided in **Appendix A**.

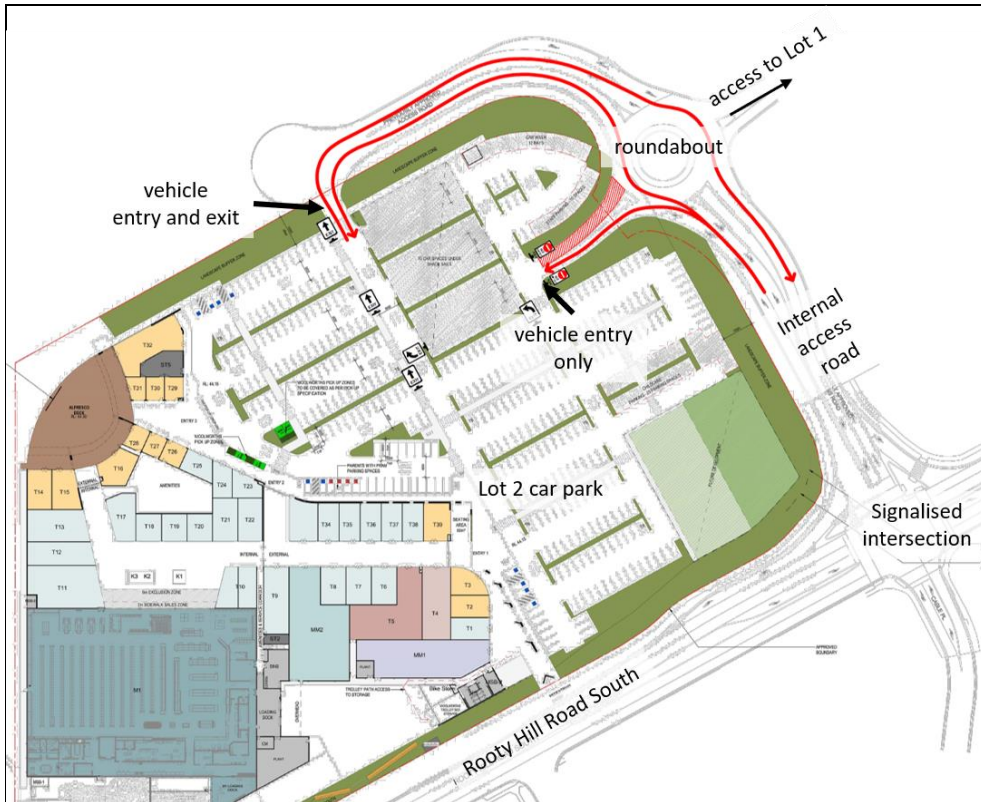
The applications have been revised three times by the:

- Response to Submissions dated 17 January 2020
- Additional Information 1, dated 19 March 2020
- Additional Information 2, dated 20 May 2020.

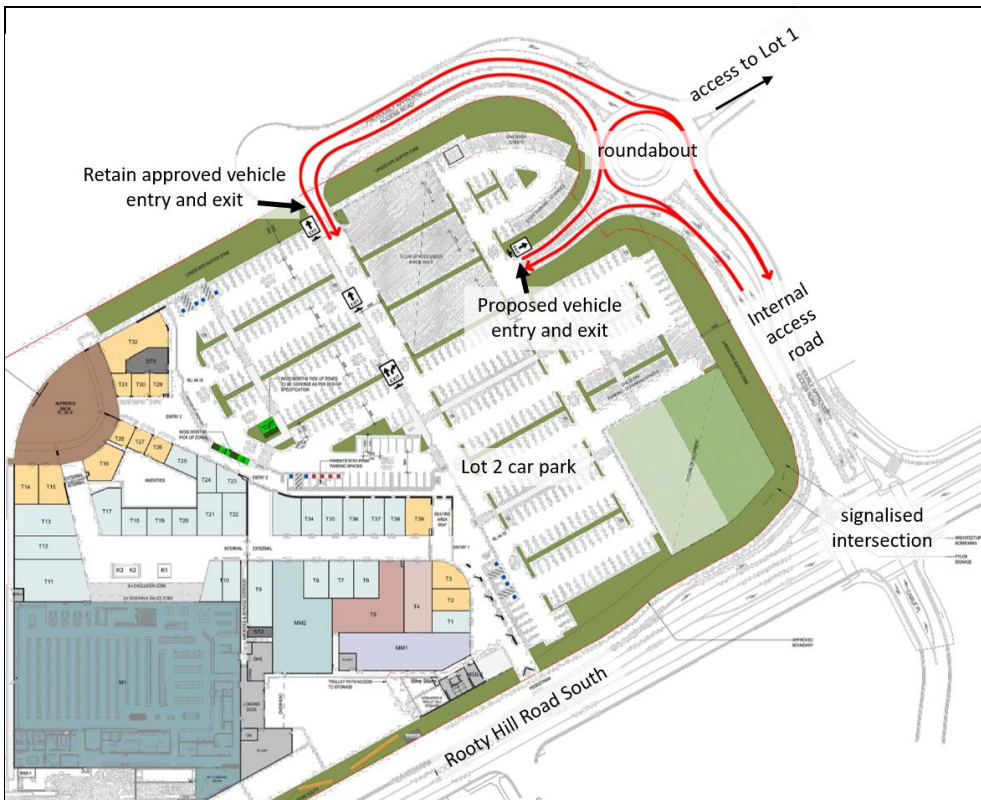
The applications (as amended) seek approval to:

- amend the concept approval to:
  - enable vehicles to exit the retail centre (Lot 2) via the roundabout on the internal access road (**Figures 6 and 7**)
  - amend Condition B7 to require an upgrade of the internal access road from two lanes to three lanes, to increase the queuing area between RHRS and the roundabout prior to the operation of any development on Lot 3 (**Figure 8**)
  - delete Condition B33 which prohibits vehicles exiting the retail centre via the roundabout.
- amend SSD 8588 to:
  - replace the site plan for Lot 2 to allow vehicles to exit via the roundabout.

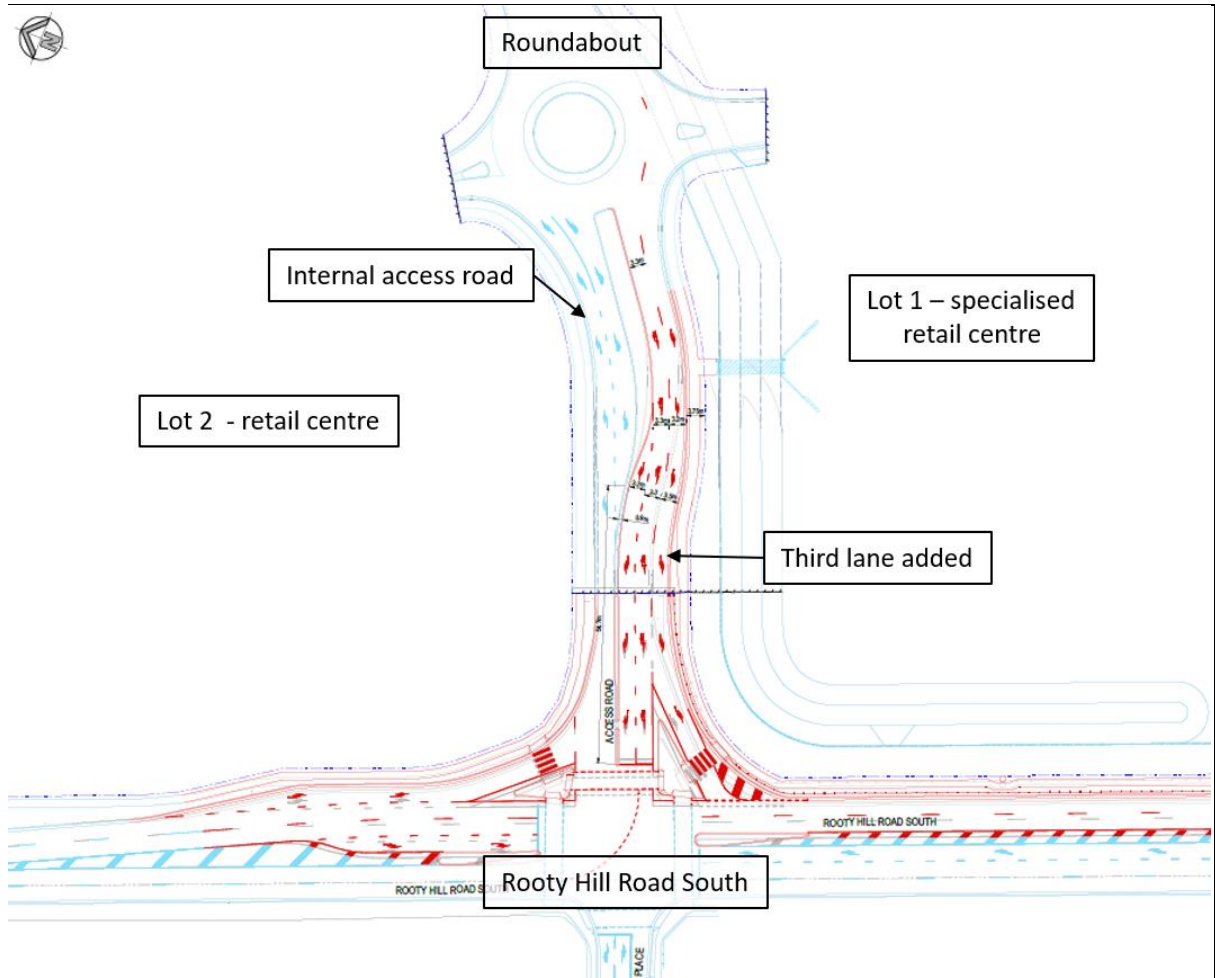
The Applicant seeks to allow vehicles to exit the retail centre via the roundabout to simplify the intersection, provide direct vehicular access between lots 1 and 2 and improve the customer experience.



**Figure 6 | Current vehicle access to Lot 2, entry only from the roundabout**



**Figure 7 | Proposed vehicle access to Lot 2, entry and exit from the roundabout to Lot 2**



**Figure 8 |** Proposed three lanes on the internal access road

## 3 Statutory context

### 3.1 Scope of modifications

The Department has reviewed the scope of the modification applications and considers the applications can be characterised as modifications involving minimal environmental impact as the proposals:

- would not increase the environmental impacts of the project as approved
- are substantially the same development as originally approved; and
- would not involve any further disturbance outside the already approved disturbance areas for the project.

Therefore, the Department is satisfied the proposed modifications are within the scope of section 4.55(1A) of the EP&A Act and do not constitute a new development application. An assessment of the proposed modification applications against the requirements of section 4.55(1A) of the EP&A Act is provided in **Appendix B**.

Accordingly, the Department considers that the applications should be assessed and determined under section 4.55(1A) of the EP&A Act rather than requiring a new development application to be lodged.

### 3.2 Consent authority

The Minister for Planning and Public Spaces is the consent authority for the applications under section 4.5(a) of the EP&A Act. However, the Director, Key Sites Assessments, may determine the applications as:

- a political disclosure statement has not been made
- there are 10 or less public submissions in the nature of objection.

### 3.3 Mandatory matters for consideration

The following are mandatory matters for consideration:

- environmental planning instruments or proposed instruments
- any planning agreements
- EP&A regulation
- likely impacts of the modification application, including environmental impacts on both the natural and built environments, and social and economic impacts
- suitability of the site
- any submissions
- the public interest
- the reasons for granting approval for the original application.

The Department conducted a comprehensive assessment of the project against the mandatory matters for consideration as part of the original assessment of SSD 5175 and SSD 8588. The Department considers the modification applications do not result in significant changes that would

alter the mandatory matters for consideration under section 4.15 of the EP&A Act and conclusions made as part of the original assessment. Refer to **Appendix B**.

### **3.4 Consistency with Concept Approval**

The Department has considered the proposed modification to SSD 8588 and is of the opinion it remains consistent with the concept approval SSD 5175 (concurrently being amended) as the proposed changes relate solely to the exit from Lot 2 via the roundabout and there are no changes sought to the retail premises, built form or landscaping. The consideration of the roundabout is discussed in further detail in **Section 5**.

## 4 Engagement

### 4.1 Department's engagement

The Department made the applications publicly available as follows:

- SSD 5175 MOD 7 was publicly available on the Department's website on 13 November 2019
- SSD 8588 MOD 4 was publicly available on the Department's website on 12 February 2020.

The applications were referred to Transport for NSW (TfNSW) and Blacktown City Council.

### 4.2 Summary of submissions

TfNSW provided advice on the modification applications. TfNSW initially did not support the proposed exit from Lot 2 via the roundabout, however following review of the additional information submitted by the Applicant, to increase the queuing capacity of the internal road, TfNSW raise no objections, subject to conditions.

Council advised it did not raise any objection to both applications.

No submissions were received from the public. A link to the submissions is provided in **Appendix A**.

### 4.3 Key issues - TfNSW

The key issues raised by TfNSW are summarised in **Table 3**.

**Table 3** | Summary of issues raised by TfNSW

Transport for NSW (TfNSW)	
Modification Report	<ul style="list-style-type: none"><li>• On 21 November 2019, TfNSW advised it does not support the proposed modification to allow entry and exit to Lot 2 from the roundabout until Lot 3 is operational as it is concerned the design of the roundabout may impact the functioning of the RHRS/ Cable Place intersection</li><li>• On 4 December 2019, TfNSW provided further advice identifying their key concerns relating to driver behaviour and enforcement of a condition for future work.</li></ul>
RtS	<ul style="list-style-type: none"><li>• On 24 January 2020, TfNSW advised that it maintained its previous position and does not support the proposed modification</li><li>• On 17 March 2020, following a meeting between the Department and TfNSW, TfNSW further advised:<ul style="list-style-type: none"><li>○ the Applicant has not demonstrated that there is a need for the exit at the roundabout</li><li>○ the traffic modelling shows that the proposed access at the roundabout will ultimately have an impact on the signalised intersection due to queuing</li></ul></li></ul>

	<ul style="list-style-type: none"> <li>○ it will be difficult to remove the exit at the roundabout once the tenant moves in because they will be used to this exit</li> <li>○ it would prefer the tenant to operate for a 12 month period to allow observation of how the approved entry/ exit points operate to determine whether there is a need for the proposed exit at the roundabout.</li> </ul>
<p>Additional Information 1</p>	<ul style="list-style-type: none"> <li>● On 31 March 2020, TfNSW reviewed the additional information submitted by the Applicant and provided the following comments: <ul style="list-style-type: none"> <li>○ adequate justification for the proposed egress at the roundabout has not been provided</li> <li>○ it is unclear if there is land available to upgrade the internal access road from two lanes to three lanes</li> <li>○ a concept civil plan, concept Traffic Signal Plan and swept plan path are requested for review.</li> </ul> </li> </ul>
<p>Additional Information 2</p>	<ul style="list-style-type: none"> <li>● On 16 June 2020, TfNSW advised that it raises no objections to vehicles exiting Lot 2 via the roundabout subject to the proposed third lane on the internal access road and the following requirements: <ul style="list-style-type: none"> <li>○ the third lane on the internal access road is to be constructed prior to any occupation certificate being issued for Lot 3</li> <li>○ the Applicant will need to enter into a Works Authorisation Deed with TfNSW, prior to any construction works commencing on Lot 3</li> <li>○ the Lot 3 application will need to seek approval for the construction of the third lane from TfNSW, in accordance with section 87 of the Roads Act 1993 (and include the submitted traffic control signal (TCS) plan, civil plans swept paths and updated SIDRA traffic modelling)</li> <li>○ the land required to accommodate the third lane on the internal access road will need to be preserved as part of the modification application.</li> </ul> </li> <li>● TfNSW also provided design comments on the TCS plan submitted, to be addressed as part of the Lot 3 application.</li> </ul>

## 5 Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification applications and associated documents
- the Environmental Impact Assessment and conditions of consent for the original application (as modified)
- all submissions received on the proposal
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The Department considers the key assessment issues associated with the proposal are:

- traffic impacts
- relationship with SSD-10457

Other issues relating to the applications were taken into consideration during the assessment and are discussed in **Section 5.3**.

### 5.1 Traffic impacts

Condition D33 of the Concept Approval prohibits vehicles exiting the retail centre via the roundabout. The approved retail centre on Lot 2 (SSD 8588) provides entry only via the roundabout, with all vehicles required to exit via the internal road to the east of the centre (**Figure 6**).

The Department notes exit movements were prohibited in response to concerns raised by TfNSW, that the exiting vehicles would cause queuing back to the signalised intersection at RHRS, and adversely impact the operation of the intersection.

The Applicant has considered the previous concerns raised by TfNSW and proposes to upgrade the internal access road between RHR and the roundabout from two lanes to three lanes. It contends this update would increase the capacity of the internal access road and allow vehicles to exit Lot 2 without causing adverse queuing impacts. The Applicant has provided a traffic statement from CBRK which demonstrates:

- traffic generated by the approved retail centres on Lots 1 and 2 can be accommodated on the existing internal access road (two lanes) without unacceptable queuing or impacts to the roundabout or RHRS intersection
- the addition of a third lane ensures queuing would not extend back to the roundabout with traffic from lots 1, 2 and 3, noting the following:
  - the RHRS intersection would operate with average delays of 26 seconds (weekday PM) and 29 seconds (Saturday), which is a good to satisfactory level of service
  - the roundabout would operate with average delays of 11 seconds (weekday PM) and 12 seconds (Saturday), which is a good level of service.

TfNSW has reviewed the amended proposal and raise no objections to allowing vehicles to exit Lot 2 via the roundabout, subject to construction of the third lane prior to the operation of any development on Lot 3.

The Department has considered the Applicant's traffic statement and the comments from TfNSW.

The Department is satisfied the Applicant has addressed TfNSW's initial concerns about queuing on the internal access road and roundabout. The Department concludes the proposal is acceptable for the following reasons:

- the existing internal access road (two lanes) can accommodate the traffic generated by Lots 1 and 2 without any adverse impacts to the RHRS intersection
- with the introduction of third lane, the internal access road can accommodate the traffic generated by Lots 1, 2 and 3 without any adverse impacts to the RHRS intersection
- the exit via the roundabout as it will facilitate improved access to the retail centre, direct access between Lots 1 and 2 and efficient access for the ECBH.

The Department recommends a new condition be imposed on the Concept Approval to ensure that the future development application for Lot 3 includes details of the upgrade of the internal access road to three lanes, and that the upgrade is constructed prior to issue of any Occupation Certificate for the future development on Lot 3.

## **5.2 Relationship to SSD-10457**

As outlined in **Section 1.2.4**, the Department has recently issued SEARs for a new concept proposal for an outlet retail centre on Lot 3 of the ECBH (SSD-10457).

The Department notes that development consent cannot be granted to the new concept proposal, to the extent that it is inconsistent with the existing concept approval under section 4.24(2) of the EP&A Act). The Applicant will therefore need to surrender the existing concept approval (SSD 5175) to allow the determination of the new concept proposal.

Noting that the concept approval will be surrendered, the Department has ensured that the SEARs for the new concept proposal:

- address the requirements of the existing concept approval in relation to Lot 3, specifically including the requirement to upgrade the internal access road
- require a Traffic and Transport Impact Assessment
- require consultation with TfNSW during the preparation of the EIS.

The Department is satisfied these SEARs requirements would ensure the upgrades to the internal access road as outlined in new Condition B7D will be captured in any future concept or development application for Lot 3.

### 5.3 Other issues

Table 4 | Summary of other issues

Issue	Findings	Recommend Condition
<b>Land for third lane</b>	<ul style="list-style-type: none"><li>TfNSW commented that the land required to accommodate the third lane on the internal access road will need to be preserved as part of this modification application.</li><li>The Department notes the concept intersection layout plans demonstrate that there is space available for a third lane within the road reserve.</li><li>The Department recommends the concept intersection layout showing the third lane be referenced in Condition B7.</li></ul>	The Department recommends Condition B7 reference the concept intersection layout supported by TfNSW.

## 6 Evaluation

The Department has reviewed the proposed modification and supporting information in accordance with the relevant requirements of the EP&A Act. The Department's assessment concludes that the proposals are appropriate as:

- they comply with the relevant statutory provisions and the proposal remains consistent with relevant EPIs and the strategic planning context
- they are substantially the same development as originally approved and do not result in any adverse environmental impacts
- allowing vehicles to exit the retail centre via the roundabout provides for efficient traffic movements and the traffic generated by the approved retail centres on Lots 1 and 2 will not result in queuing extending back to the RHRS intersection
- conditions are recommended to ensure the internal access road between the roundabout and RHRS intersection is upgraded from two to three lanes, to accommodate additional traffic generated by the future development on Lot 3, prior to issue of any Occupation Certificate for any development on Lot 3.

The Department concludes the impacts of the proposal are acceptable and can be appropriately mitigated through the implementation of the recommended conditions of consent.

Consequently, the Department considers the modification application is in the public interest and should be approved, subject to the recommended changes to the existing conditions of consent (**Appendix C**).

## 7 Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the applications SSD 5175 MOD 7 and SSD 8588 MOD 4 falls within the scope of section 4.55(1A) of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modifications
- **modifies** the consents SSD 5175 and SSD 8588
- **signs** the attached approval of the modification (**Appendix C**).

**Recommended by:**



**Emily Dickson**  
A/Principal Planning Officer  
Key Sites Assessments

**Recommended by:**



**Amy Watson**  
Team Leader  
Key Sites Assessments

## 8 Determination

The recommendation is **Adopted** by:

 2/7/2020

**Anthony Witherdin**

Director

Key Sites Assessments

as delegate of the Minister for Planning and Public Spaces

# Appendices

**Appendix A – List of referenced documents**

**Appendix B – Statutory Considerations**

**Appendix C – Notice of modification**

**Appendix D – Consolidated Consent**

## Appendix A – List of referenced documents

The following supporting documents and information to this assessment report can be found on the Major Project's website as follows:

### SSD 5175 MOD 7

- SSD 5175 MOD 7 Modification Report, dated 6 November 2019, prepared by Ethos Urban
- Response to Request for Information SSD 5175 MOD 7, dated 17 January 2020, prepared by Ethos Urban
- Additional Information dated 19 March 2020, prepared by CBRK Pty Ltd
- Additional Information in email from Chris Forrester, Ethos Urban and attachments, dated 20 May 2020
- Submissions
- <https://www.planningportal.nsw.gov.au/major-projects/project/25781>

### SSD 8588 MOD 4

- SSD 8588 MOD 4 Modification Report, dated 12 February 2020, prepared by Ethos Urban
- Additional Information dated 19 March 2020, prepared by CBRK Pty Ltd
- Additional Information in email from Chris Forrester, Ethos Urban and attachments, dated 20 May 2020
- Submissions
- <https://www.planningportal.nsw.gov.au/major-projects/project/25786>

## Appendix B – Statutory Considerations

To satisfy the requirements of the EP&A Act, the Department’s assessment of the proposal has given detailed assessment to a number of statutory requirements. These include:

- the requirements of section 4.55(1A) of the EP&A Act
- the matters listed under Section 4.15(1) of the EP&A Act, including applicable EPIs and regulations.

The Department has considered these matters in its assessment of the proposal in **Table 1** and **Table 2**.

**Table 1** | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	<p><b>Section 5</b> of this report provides an assessment of the impacts associated with the modification applications.</p> <p>The Department is satisfied the proposed changes to allow vehicles to exit the retail centre via the roundabout will have minimal environmental impact as traffic analysis shows the RHRS intersection will continue to operate at a good level of service.</p>
b) 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), and	<p>The applications seek to allow vehicles to exit the retail centre via the roundabout. This is consistent with the concept plan (as modified) and the approved layout of Lot 2.</p> <p>The applications are considered to result in development that is substantially the same as the originally approved development.</p>
c) the application has been notified in accordance with the regulations, and	<p>Both modification applications have been notified in accordance with the EP&amp;A Regulations. Details of the notification are provided in <b>Section 4</b> of this report.</p>
d) any submission made concerning the proposed modification has been considered.	<p>The Department received submissions from TfNSW. The issues raised in these submissions have been considered in <b>Section 4</b> and <b>5</b> of this report.</p>

**Table 2 |** Consideration of the matters listed under Section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	The Department’s assessment
(a)(i) any environmental planning instrument	The proposed modifications are consistent with the relevant Environmental Planning Instruments (EPIs) as addressed below.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> , including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA).
(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,	The Department considers the likely impacts of the proposed modifications acceptable and have been appropriately addressed (refer to <b>Section 5</b> of this report).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in <b>Section 5</b> .
(d) any submissions	The Department has considered the submissions received (refer to <b>Section 4</b> and <b>5</b> of this report).
(e) the public interest	The Department considers the proposed modification to be in the public interest.
Reasons given by the consent authority for the grant of consent that is sought to be modified	The Department has considered the reasons given by the consent authority for the grant of the consent in its assessment in <b>Section 5</b> .

### Environmental Planning Instruments

To satisfy the requirements of section 4.15(1)(a)(i) of the EP&A Act, the following EPIs, were considered as part of the assessment of this proposal:

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Western Sydney Parklands) 2009
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 – Remediation of Land
- Draft Remediation of Land State Environmental Planning Policy

- Blacktown Local Environmental Plan (BLEP) 2015

The Department undertook a comprehensive assessment of the applications against the above-mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modifications do not result in any inconsistency with these EPIs.

## Appendix C – Notice of modification

- SSD 5175 MOD 7 - <https://www.planningportal.nsw.gov.au/major-projects/project/25781>
- SSD 8588 MOD 4 - <https://www.planningportal.nsw.gov.au/major-projects/project/25786>

## Appendix D – Consolidated Consent