



# Eastern Creek Retail Centre Lot 1 Modification 3

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Inclusion of ancillary vehicle sales premises  
State Significant Development Modification Assessment  
(SSD 8858 MOD 3)

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Title: Eastern Creek Retail Centre Lot 1

Subtitle: Inclusion of ancillary vehicle sales premises

*Cover image: View looking north over existing development on Lots 1 and 2 of the Eastern Creek Business Hub*

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# Glossary

Abbreviation	Definition
<b>Applicant</b>	Frasers Property Retail Holdings Pty Ltd
<b>Council</b>	Blacktown City Council
<b>Department</b>	Department of Planning 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>	<i>Environmental Planning and Assessment Regulation 2021</i>
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>IPC</b>	Independent Planning Commission
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>SSD</b>	State Significant Development

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# 1 Introduction

This report provides the NSW Department of Planning and Environment's (the Department's) assessment of an application to modify the State significant development (SSD) consent for a specialised retail centre on Lot 1 at Rooty Hill Road South, Eastern Creek (SSD 8858).

The modification application seeks approval to include the sale of camper trailers (a 'vehicle sales or hire premises' use) as an ancillary component of the existing specialised retail use of Tenancy 5.

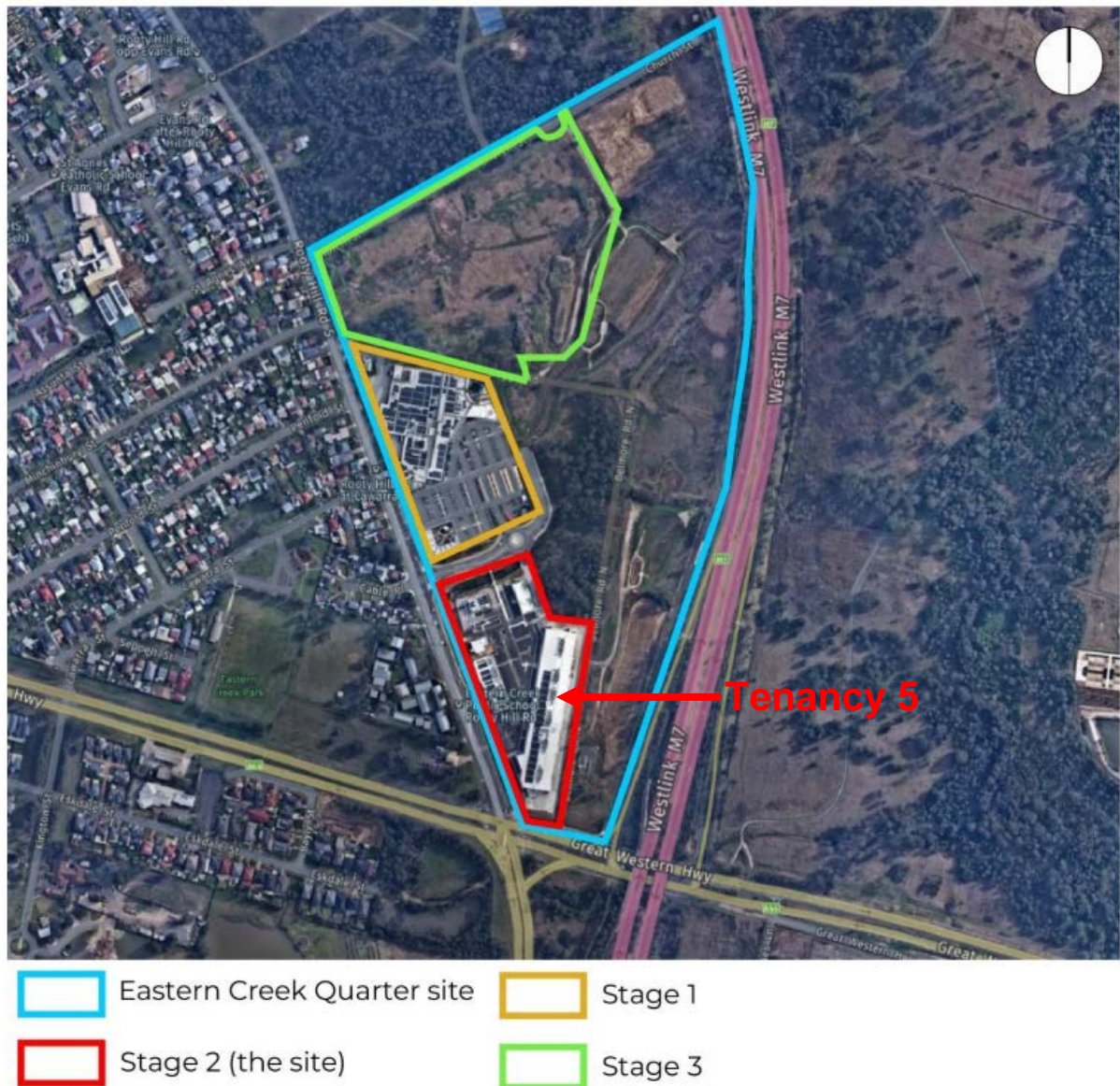
The modification application was lodged by Frasers Property Retail Holdings Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.1 Background

The Eastern Creek Business Hub (ECBH) is located to the north of the Great Western Highway between Rooty Hill Road South and the M7 Motorway in the Blacktown Local Government Area. It is approximately 8 km southwest of the Blacktown City Centre and 2 km southeast of Rooty Hill Railway Station.

The modification application relates to Tenancy 5 Lot 1, which consists of Stage 2 of the development in accordance with the ECBH Concept Approval (**Figure 1**). The site is generally flat, with a gentle fall to the east and south boundaries and has an area of approximately 4 ha. The site is currently occupied by the approved specialised retail centre.

The surrounding area is characterised by low density residential buildings to the west, recreational and conservation land to the north and east and retail and commercial uses to the south associated with existing development of the ECBH.



**Figure 1 | Site Location Plan** (Source: Applicant's Modification Report)

## 1.2 Approval history

### Eastern Creek Business Hub Concept Plan (SSD 5175)

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.

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 Concept Plan has been modified nine times to facilitate GFA transfers, changes of use, changes to envelopes and site access.



**Figure 2 | Concept Plan (Source: Major Project website)**

### Eastern Creek specialised retail centre (Lot 1) (SSD 8858)

On 15 June 2020, the Independent Planning Commission (IPC) granted consent for the construction of a specialised retail centre on Lot 1. The development consent has been modified twice. The development, as modified comprises a total GFA of 11,487 m<sup>2</sup> with three specialised retail buildings,

ancillary uses (recreation facility (indoor), vehicle repair station and café), two pad sites, 340 car spaces, signage and landscaping.

#### **Eastern Creek retail centre (Lot 2) (SSD 8588)**

On 20 July 2018, the IPC granted consent for the detailed design, construction and operation of a convenience retail development on approved Lot 2 (Stage 1). The development consent has been modified on four occasions, and comprises a GFA of 11,438 m<sup>2</sup>, with a supermarket, specialty shops, food and drink premises, a medical centre, pharmacy, gymnasium, 432 car spaces, end-of-trip facilities, loading dock facilities, signage and landscape.

#### **Eastern Creek Retail Outlet Centre (Lot 3) (SSD 10457)**

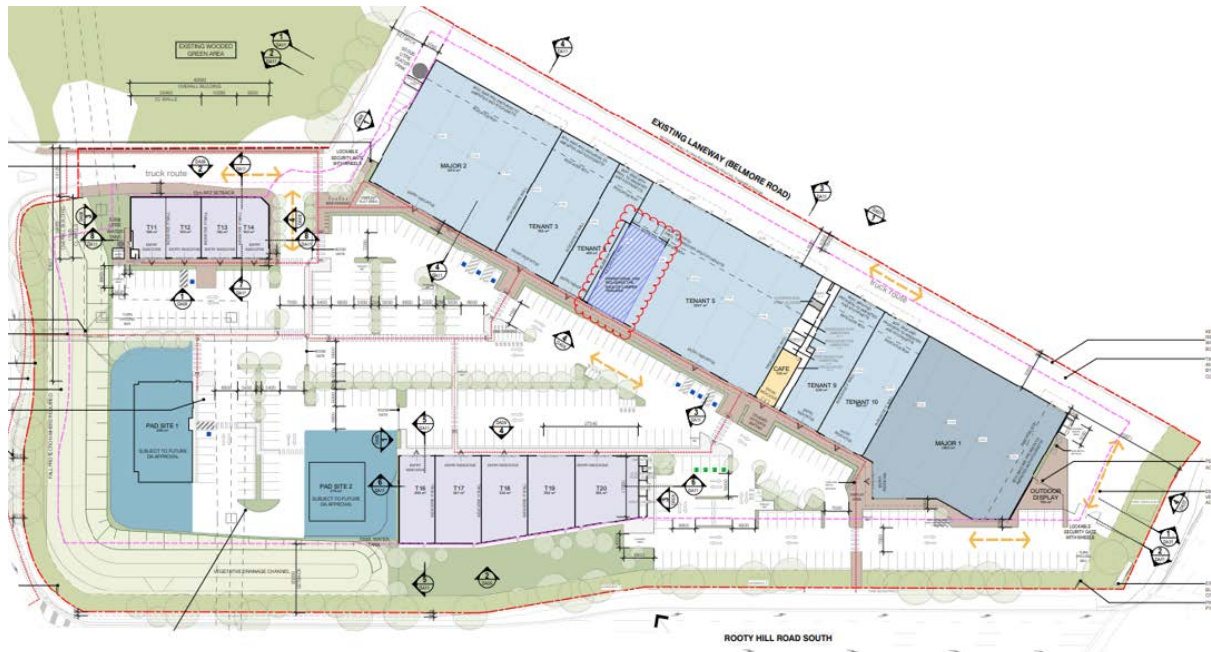
The Department is currently assessing an SSD application for a Concept Plan proposal for a retail outlet centre on Lot 3 at the ECBH, including food and drink premises, an indoor recreation facility and Stage 1 early works. The Department exhibited the application from 11 February 2021 to 11 March 2021.

## 2 Proposed modification

The modification application seeks approval to include the sale of camper trailers (a 'vehicle sales or hire premises' use) as an ancillary component of the existing specialised retail use of Tenancy 5.

The application involves amending the approved plans to include a floor plan which identifies the extent of floor area to be used as a vehicle sale or hire premises (**Figure 3**).

No physical changes to the existing built form are proposed or any operational arrangements such as operating hours or parking and servicing requirements.



**Figure 3 |** Proposed updated floor plan (Source: Applicant's Modification Application)

## 3 Statutory Context

### 3.1 Scope of modifications

The Department has reviewed the scope of the modification application and considers that the application can be characterised as a modification involving minimal environmental impacts as the proposal:

- would not increase the environmental impacts of the project as approved
- is 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 modification is within the scope of section 4.55(1A) of the EP&A Act and does not constitute a new development application. Accordingly, the Department considers that the application 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 IPC is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the IPC's delegation, the Team Leader, Key Sites Assessments, may determine the modification application as:

- a political disclosure statement has not been made
- there are no public submissions by way of objection
- Council does not object to the proposal.

### 3.3 Permissibility

Pursuant to clause 7.9 of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021, a vehicle sales or hire premises is permissible with consent.

### 3.4 Mandatory matters for consideration

The following are relevant matters for consideration:

- Section 4.15(1A) of the EP&A Act, including any 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 8858. The Department considers this modification application does 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.

## 4 Engagement

Section 105(4) of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to section 4.55(1A) modifications with minimal environmental impact applications. Accordingly, the application was not notified or advertised. However, it was made publicly available on the Department's website on 7 December 2022 and referred to Blacktown City Council for comment.

Council supports the proposed modifications and provides recommended additional conditions.

No public submissions were received.

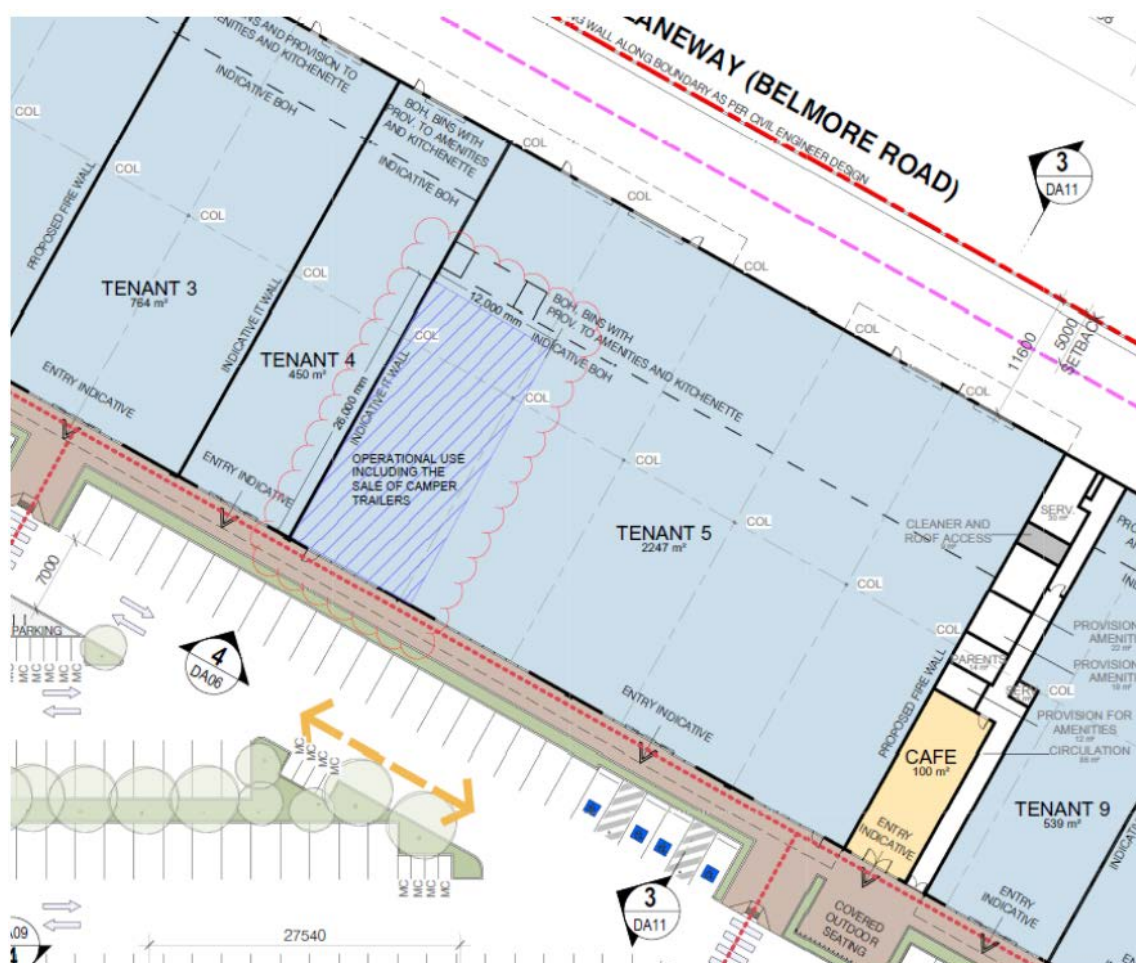
## 5 Assessment

The modification application proposes to amend the approved development consent (SSD 8858) to include the sale of camper trailers (a 'vehicle sales or hire premises' use) as an ancillary component of the existing specialised retail use of Tenancy 5.

The Applicant states the display of camper trailers will occupy approximately 312 m<sup>2</sup> (14%) of the tenancy's 2,247 m<sup>2</sup> total footprint and will be ancillary to the dominant specialised retail use.

The existing specialised retail use is 4WD Supacentre which is for the sale of outdoor adventure and related products.

The Applicant states that the sale of camper trailers in the tenancy requires 4WD Supacentre to submit a Motor Dealer Licence Application Form to NSW Fair Trading and supported by written confirmation from Council that the sale of camper trailers and caravans is permitted. The Applicant consequently seeks approval for amended floor plan to identify the floor area within the approved Tenancy 5 to be used for the purposes of a vehicle sales or hire premises as an ancillary use (**Figure 4**). No physical change to the approved tenancy or any changes to operating hours, parking or servicing requirements.



**Figure 4 – Hatched area proposed to be used for Camper Van sale.**

The Department consulted with Council. Council supports the proposed modification and recommends the following additional conditions:

- The vehicle sales or hire premises is limited strictly to Tenancy 5 in the footprint identified on Proposed Site Plan- Stage 2 Dwg No. DA04 Issue N. No additional floor area is permitted to be used for this use.
- No encroachment of vehicle sales and hire is to occur into parking areas or landscaped areas at any time.
- All vehicles purchased are to be collected off site and not on the subject site.
- Should the current tenant leave the existing premises, the site plan is to be amended by DPE to remove the vehicles sales and hire premises component.

Based on the submitted information and floor plan, the Department acknowledges that the dominant use of the tenancy will remain as specialised retail, being the sale of outdoor adventure and 4WD products, including camping equipment and accessories, automotive accessories, fridges, kayaks, and other related items.

The Department also considers the proposed ancillary use is acceptable because:

- the display and sale of camper trailers is similar and compatible with the approved use being a specialised retail that sells outdoor adventure items
- hours of operation, parking and servicing requirements would remain the same.

The Department therefore supports the proposed modifications, because the proposed ancillary use can operate in conjunction with the approved use and is unlikely to generate any additional impacts.

The Department notes that the approved plans should be amended to nominate the area within Tenancy 5 for the ancillary sale of camper trailers, defined as a vehicle sale or hire premises.

The Department also accepts Council's advice and recommends additional conditions be imposed to ensure the proposed vehicle sales and hire is limited as an ancillary use only.

## 6 Evaluation

The Department has assessed the modification application and supporting information in accordance with the relevant requirements of the EP&A Act.

The Department's assessment concludes that the proposed modifications are appropriate as:

- the proposal seeks to include an ancillary use, being a vehicle sales and hire premises in association with the approved specialty retail premises
- the proposal will result in substantially the same development as originally approved
- the proposal will not result in any additional environmental impacts
- it complies with the relevant statutory provisions and remains consistent with relevant EPIs.

Consequently, the Department concludes the proposal is in the public interest and should be approved, subject to the recommended changes to existing conditions of consent as outlined in **Appendix B**.

## 7 Recommendation

It is recommended that the Team Leader, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **determines** that the application 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 modification
- **agrees** with the key reasons for approval listed in the draft notice of decision
- **modify** the consent SSD 8858
- **signs** the attached approval of the modification (**Appendix B**).

**Recommended by:**



**James Groundwater**  
Senior Planning Officer  
Key Sites Assessments

## 8 Determination

The recommendation is **Adopted** by:

A handwritten signature in black ink, appearing to read 'Annie Leung', with a stylized, cursive script.

**Annie Leung**

Team Leader

Key Sites Assessments

as delegate of the Minister for Planning

# Appendices

## Appendix A – List of Referenced Documents

List of key documents relied on by the Department in its assessment:

- Modification Application

The above document and relevant supporting information to this assessment report can be found on the Department's website:

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-3-inclusion-ancillary-vehicle-sales-premises>

## Appendix B – Notice of modification

A copy of the Notice of Modification can be found on the Department's website:

<https://www.planningportal.nsw.gov.au/major-projects/projects/modification-3-inclusion-ancillary-vehicle-sales-premises>