

# ETHOS URBAN

## SSD 5175 Eastern Creek Business Hub

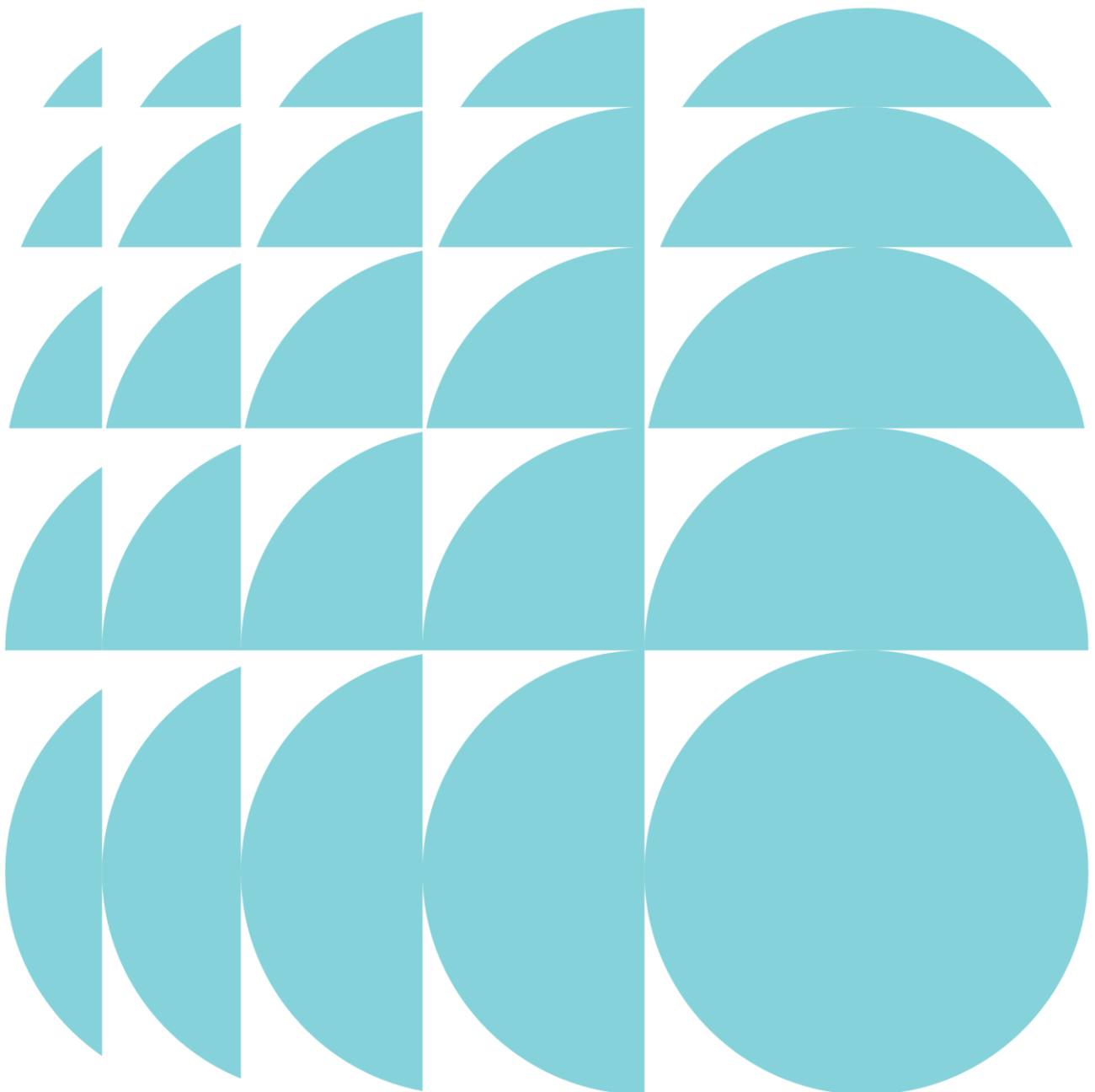
Section 96(1a) Modification Application

Rooty Hill Road South, Eastern Creek

Submitted to Department of Planning &  
Environment

On behalf of Frasers Property Australia

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<b>A</b>	Economic Impact Assessment
	<i>Hill PDA</i>

## 1.0 Introduction

This application has been prepared by Ethos Urban on behalf of Fraser's Property Australia, pursuant to section 96(1A) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify Development Consent SSD 5175 relating to the Eastern Creek Business Hub.

The modification seeks to increase the approved maximum GFA at Lot 2 of the site to accommodate the revised 'suburban shopping centre' model of development that is proposed under MOD 2 of the Concept Plan (which is currently under assessment) and the identified increase in retail demand since the original Concept Plan approval.

This application identifies the consent, describes the proposed modifications and provides an assessment of the relevant matters contained in Section 96(1A) of the EP&A Act. This application is accompanied by an Economic Impact Assessment prepared by Hill PDA (Appendix A).

## 2.0 Site Location and Context

The wider 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.



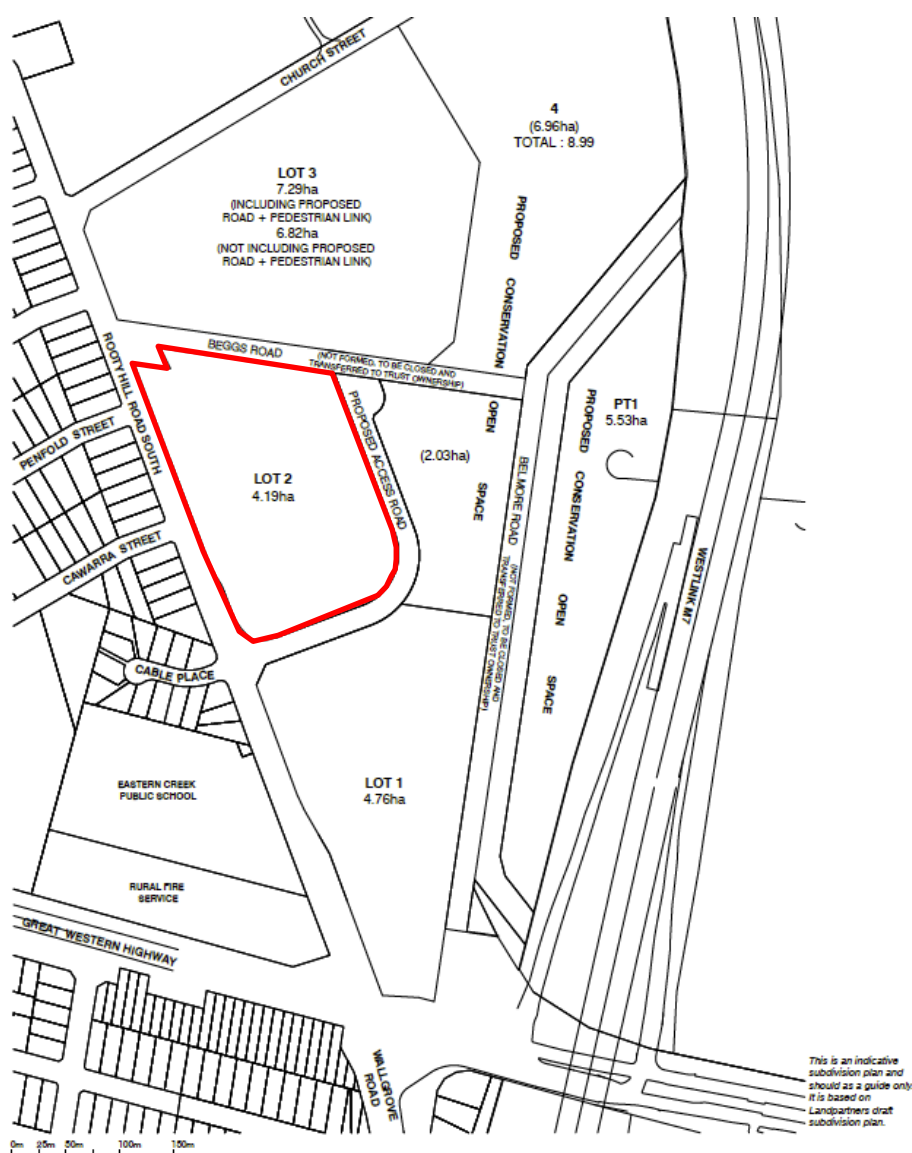
**Figure 1 – Site Location**

Source: i2c

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 Fraser's have entered a development management agreement with the Trust to develop the land for a business hub in accordance with Concept Plan Approval SSD 5175.

This application relates to Lot 2 of the approved Eastern Creek Business Hub which is the first lot that will be developed under the Concept Plan. It is situated in the middle of Lots 1 and 3 (Stages 2 and 3 respectively) 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: Eastern Creek Business Hub Design Guidelines

## 3.0 Background

### 3.1 Approval History and Consent to be Modified

The s96 application relates to Lot 2 (Stage 1) of the Eastern Creek Business Hub Concept Plan. A history of the relevant development applications and modifications relating to the Concept Plan is summarised in Table 1 below.

**Table 1 – Site Approval History**

Reference	Description	Status
SSD 5175	<ul style="list-style-type: none"> <li>• Concept Plan for a new retail centre comprising 52,800m<sup>2</sup> GFA to accommodate 'retail premises', 'bulky goods premises' and 'business premises' uses, building envelopes and design guidelines.</li> <li>• Stage 1 subdivision and early works including:               <ul style="list-style-type: none"> <li>- Super lot subdivision to create three developable allotments and one residual allotment;</li> <li>- Construction of an access road;</li> <li>- Bulk and detailed earthworks;</li> <li>- Stormwater management;</li> <li>- Civil engineering works;</li> <li>- Landscaping; and</li> <li>- Rehabilitation of the existing woodland areas identified for open space / conservation.</li> </ul> </li> </ul>	Approved – 7 January 2015
SSD 5175 MOD 1	<ul style="list-style-type: none"> <li>• Provisions to allow GFA for large format retail and supermarket that is residual to the approved maximum GFA to be utilised by bulky goods and convenience retail tenants respectively;</li> <li>• 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;</li> <li>• Reconfigurations to the Stage 1 stormwater drainage system and the incorporation of a second on-site detention basin;</li> <li>• 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</li> <li>• Amending the Stage 1 consent to reflect the updated Stage 1 site remediation work that has been undertaken post determination.</li> </ul>	Approved 28 April 2016

Reference	Description	Status
SSD 5175 MOD 2	<ul style="list-style-type: none"> <li>• Reconfiguration of the Lot 2 building envelopes to make them compatible with the design requirements of a modern suburban retail centre;</li> <li>• Provision of a consolidated loading dock at the Rooty Hill Road South side of the site, accessed from Beggs Road;</li> <li>• Provision of pad sites in place of the large retail building footprint at the intersection of Cable Place and Rooty Hill Road South;</li> <li>• The inclusion of pylon signage; and</li> <li>• The inclusion of 'child care centre', 'medical centre' and 'indoor recreation facility' (gymnasium) as ancillary uses.</li> </ul>	Nearing completion – not yet determined
SSD 5175 MOD 3	<ul style="list-style-type: none"> <li>• Subject of this s96 application</li> </ul>	-
SSD8588	<ul style="list-style-type: none"> <li>• Detailed design of Stage 1 (Lot 2) of the Eastern Creek Business Hub that is consistent with the proposed built form modifications sought under MOD 2</li> </ul>	Lodged concurrently with MOD 3

## 3.2 Stakeholder Consultation

A meeting was held between Frasers and representatives of the DPE on 20 July 2017 and Blacktown City Council on 18 July 2017 to discuss the proposed detailed design of Stage 1 and MOD 3. The Department advised at the meeting that the two applications should be lodged concurrently.

## 4.0 Proposed Modifications to Consent

### MOD 2 Context

As outlined above, MOD 2 (which is currently under assessment) proposes to reconfigure the built form layout of Lot 2 to facilitate the development of a modern suburban shopping centre. This involves the consolidation of four standalone building envelopes into a single shopping mall built form, as shown at Figure 3 below. The change to the built form is proposed to be undertaken because:

- The steep change in topography along Rooty Hill Road South which does not permit building frontages to this road.
- The revised design better addresses the site context and constraints. The revised building envelopes seek 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 previously approved Concept Plan.

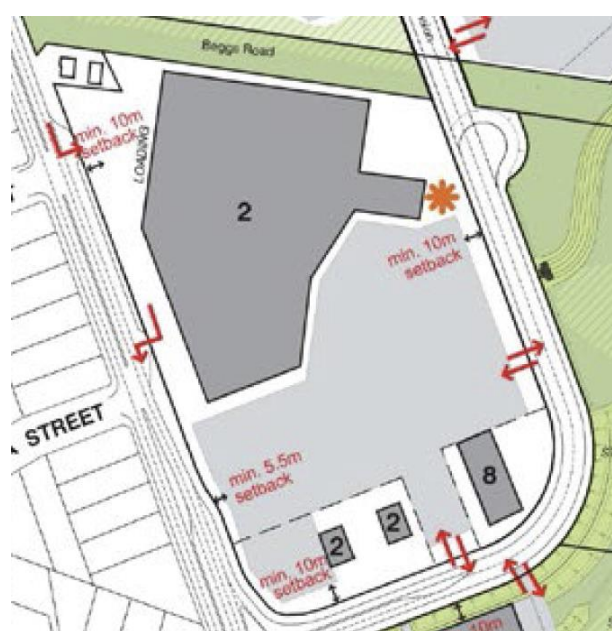


- The modified Concept Plan consolidates the built form to facilitate a more efficient and functional layout.
- The revised design promotes visibility throughout the site to assist customers with wayfinding and provides a more convenient car parking layout.
- The consolidation of the loading dock improves functionality and mitigates potential conflict between customers and loading/servicing operations.

As a result, pedestrian circulation is internalised and is therefore calculated as GFA in accordance with the Standard Template definition. This has resulted in an amount of additional circulation GFA equalling approximately 1,684m<sup>2</sup> for the Lot.



Originally Approved Concept Plan



Modified Concept Plan

**Figure 3 – Internalisation of built form**

Source: i2c

### Proposed Modification

This modification therefore proposes to modify the consent to allow for the GFA resulting from the internalisation of the pedestrian mall. Further to this, the detailed design of Lot 2 includes an additional 254m<sup>2</sup> of specialty shop GFA to meet an increased demand for retail in the area, which has increased since the time of the original Concept Plan. This is outlined further at Section 7.2 below.

It is proposed to update the maximum GFA table at condition A7 of the consent to permit the additional circulation and specialty shop GFA at Lot 2. As the detailed design of this lot has now been resolved (as proposed by the concurrent SSD 8588), it is also proposed to simplify the GFA table to reflect the detailed design. Table 2 outlines how the proposed GFA has been calculated for MOD 3, noting the following:

- It is proposed to delete the provision allowing for up to 500m<sup>2</sup> of the supermarket GFA to be transferred to the specialty retail as the final GFA of the supermarket and specialty retail is now known and can be shown;



- 1,684m<sup>2</sup> of 'circulation GFA' and an additional 254m<sup>2</sup> of specialty shop GFA is included as explained above; and
- The proposed GFA for Stage 1 detailed DA (SSD 8588) does not include the detailed design of the pad site and therefore the total specialty shop GFA is less 400m<sup>2</sup>.

Note that the discrepancies between the GFA calculations of MOD 3 and the Stage 1 SSD (8588) reflect that, whilst the modification is seeking to accommodate the overall GFA of Lot 2, the concurrent SSD (8588) for the detailed design of Lot 2 does not include the child care centre and pad site. These items will be subject to separate approval at a future date.

**Table 2 – Evolution of GFA**

Component	MOD 2 GFA*	Stage 1 SSD 8588 GFA	Proposed MOD 3 GFA
Supermarket	4,000m <sup>2**</sup>	3,794m <sup>2</sup>	3,794m <sup>2</sup>
Specialty shops/small business/medical centre/indoor recreation facility	5,500m <sup>2</sup>	5,960m <sup>2</sup> (plus 400m <sup>2</sup> for future pad site)	6,360m <sup>2</sup> (including 400m <sup>2</sup> for future pad site)
<b>Sub-total</b>	<b>9,500m<sup>2</sup></b>	<b>9,754m<sup>2</sup></b>	<b>10,154m<sup>2</sup></b>
Child care	700m <sup>2</sup>	-	700m <sup>2</sup>
Circulation area	-	1,684m <sup>2</sup>	1,684m <sup>2</sup>
<b>Total</b>	<b>9,500m<sup>2</sup></b>	<b>11,438m<sup>2</sup></b>	<b>12,538m<sup>2</sup></b>

\* Assumes approval of MOD 2

\*\* Note: maximum of 500m<sup>2</sup> of residual supermarket GFA may be transferable to specialty shops/small business/ medical centre, indoor recreation facility GFA provided the maximum GFA for convenience retail does not exceed 9,500m<sup>2</sup>.

## 5.0 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 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 2, and the conditions contained in this development consent.

#### Maximum Gross Floor Area

A7 The maximum GFA for the total development shall not exceed ~~53,500~~ **55,838** 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 <sup>2</sup> .
Large format retail	14,000	
Convenience retail <sup>1</sup> , comprising a maximum GFA for:	<del>9,500</del> 10,154	A maximum of 500m <sup>2</sup> 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 <sup>2</sup> .
– Supermarket	<del>(4,000)</del> (3,794)	
– Specialty shops/small business	<del>(5,500)</del> (6,360)	
Child care centre	700	
<b>Circulation GFA</b>	<b>1,684</b>	
<b>TOTAL</b>	<del><b>53,500</b></del> <b>55,838</b>	

## 6.0 Substantially the Same Development

Section 96(1a) 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 development as proposed to be modified is “substantially the same development” as it predominantly relates to only a technical increase in GFA resulting from the internal circulation areas now falling within the standard template definition. The modification does not seek any significant change to the allowable building mass or lettable area.

Further, the modified development is substantially the same for the following reasons:

- approval is sought for a minor modification to a portion of a Concept Plan only, with the detailed design of the development subject to future applications;
- the use of the site is not changing;
- no discernible changes to the built form, landscaping, parking or access arrangements are proposed;
- the 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

<sup>1</sup> Note that Mod 2 proposes additional uses specialty uses including medical centre, and indoor recreation facility.

- the proposed modifications will not result in any additional environmental impacts at and around the site, or in relation to the regional catchment (refer to Section 7).

For these reasons, the consent authority may be satisfied that the modified proposal represents substantially the same development for which consent was originally granted. It is apparent from the nature and scale of the proposed modifications that there will be no adverse environmental impacts, as discussed in Section 7 of this report.

## 7.0 Environmental Assessment

Section 96(1A) of the EP&A Act states that a consent authority may modify a development consent if *"it is satisfied that the proposed modification is of minimal environmental impact"*. Under Section 96(3) the consent Authority must also take into consideration the relevant matters to the application referred to in Section 79C(1) of the EP&A Act.

The following assessment considers the relevant matters under Section 79C(1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

### 7.1 Section 79C(1)(a) Planning Instruments

The EIS submitted with the original SSD addressed the proposed development's level of compliance against relevant planning instruments, including:

- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *State Environmental Planning Policy (Western Sydney Parklands) 2009;*
- *State Environmental Planning Policy 55 (Remediation of Land);*
- *State Environmental Planning Policy (Infrastructure) 2007;* and
- *Eastern Creek Business Hub Design Guidelines.*

The planning assessment of the proposed modified development remains generally unchanged with respect to the above planning instruments and assessment matters. The following matters, however, warrant further assessment.

### 7.2 Economic Impact

The maximum GFA (9,500m<sup>2</sup>) approved as part of the original Concept Plan for the Lot 2 retail centre assumed a Net Leasable Area (NLA) of 7,750m<sup>2</sup>. The detailed design of Lot 2 now proposes 11,438m<sup>2</sup> of GFA with the increase attributed to the internalisation of pedestrian circulation space and additional floor space to meet the increased retail demand identified in the area. The proposed new GFA calculation accommodated approximately 750m<sup>2</sup> additional NLA which represents an 9.7% increase to the assumed NLA of the Concept Plan.

Hill PDA have prepared an Economic Impact Assessment that addresses the proposed additional NLA and a copy of the letter is included at Appendix A. The assessment concludes that the additional GFA/NLA is justified because the proposed increase is insignificant given the large volume of retail space within proximity to the site.

Further, the Economic Assessment accompanying the original Concept Plan assumed a 2016 opening date for the centre which is now not likely to occur for another 3 to 4 years. The Local Government Area (LGA) has experienced significant growth since this time and is expected to continue to grow in the near future which will further increase the local demand for retail. It is noted that this growth has translated to significant improvements in retail sales in the locality and the LGA will need to provide almost 20,000m<sup>2</sup> of additional retail space every year to keep up with this demand.

For these reasons, Hill PDA conclude that the overall proposed increase to GFA for Stage 1 is inconsequential in the context of the development and that the trading impacts on existing centres would be no higher (or even marginally lower) than originally forecast for the Concept Plan. Accordingly, the proposed modification is supported on economic grounds.

## 8.0 Conclusion

The proposed modification to Lot 2 of the Concept Plan Approval is required to allow a technical increase to GFA that accommodates the internalised pedestrian mall of the modified Concept Plan. A minor increase to the net lettable area is also proposed to cater to increased retail demand.

In accordance with section 96(1a) 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 modification will not result in any additional environmental impacts;
- the minor increase to GFA will not have any discernible impacts on the viability of surrounding centres;
- the proposed modification does not alter the development's compliance with the relevant statutory planning instruments;
- the development will continue to deliver a built form that is consistent with the approved Concept Plan; 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 minor increase to GFA. Accordingly, we have no hesitation in recommending that the Minister for Planning and Environment approve this s96 modification application as submitted.