Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.

David McNamara
Director
Key Sites Assessments

Sydney 18 July 2019

SCHEDULE 1

Development consent:	**SSD 5175** granted by the Minister for Planning and Environment on 7 January 2015
For the following:	Eastern Creek Business Hub Staged Development Application, including: • A concept proposal for a new retail centre comprising 52,800 sqm 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.
Applicant:	Frasers Property Australia
Consent Authority:	Minister for Planning and Public Spaces
The Land:	Eastern Creek Business Hub, Rooty Hill Road South, Rooty Hill (Western Sydney Parklands)
Modification:	**SSD 5175 MOD 4:** Modification to the concept approval to amend the stormwater drainage system, construct a new roundabout on the internal access road between Lots 1 and 2, with associated realignment of the lot boundaries and updated design guidelines.

SCHEDULE 2

The consent is modified as follows:

SCHEDULE 2 - PART A - TERMS OF APPROVAL FOR CONCEPT PROPOSAL

(a) Schedule 2 Part A – Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

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~~ Modification 2, ~~and~~ Modification 3 **and Modification 4** and the conditions contained in this development consent.

(b) Schedule 2 Part A – Condition A4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

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 dated September 2012, 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) ~~Updated~~ Eastern Creek Business Hub Design Guidelines dated ~~4 July 2017~~ **11 April 2019**; 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) SSD 5175 Eastern Creek Business Hub Section 96(2) Modification Application prepared by JBA Urban Planning Consultants, dated March 2017 as amended by the Response to Submissions prepared by JBA Urban Planning Consultants, dated 4 July 2017 and additional information submitted on 26 September 2017 and 5 and 14 December 2017
g) SSD 5175 Eastern Creek Business Hub Section 96(2) Modification Application prepared by Ethos Urban Pty Ltd, dated 2 September 2017
h) Statement of Environmental Effects SSD 5175 MOD 4, dated 8 November 2018, Response to Submissions SSD 5175 MOD 4 and SSD 8588 MOD 2, dated 11 April 2019 and Additional Information SSD 5175 MOD 4 and SSD 8588 MOD 2, dated 3 July 2019, all prepared by Ethos Urban
i) 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**
SK-26.1	~~A~~	Structure Plan	~~30 June 2017~~

			01.03.2019
SK-26.2	~~D~~	~~Stage 1 Early Works~~ - Phasing Plan	~~30 June 2017~~ **01.03 2019**
SK-20.4**6**		Masterplan	~~3 July 2017~~ **09.04.2015**
SK-26.3	~~B~~	Enabling Infrastructure Works	~~30 June 2017~~ **01.03.2019**
SK-26.4		**Landscape Plan**	**01.032019**
Landscape Plans prepared by ARCADIA Landscape Architecture			
~~GLA01~~	~~G~~	~~Illustrative Landscape Masterplan~~ **ECQ Stage 1 Landscape Plan**	~~28 February 2017~~ **March 2019**

(c) Schedule 2 Part B – Condition B1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Building Design

B1. To ensure a high quality urban design and architectural response is achieved, the site layout and architectural design of the ECBH shall have regard to, and be generally consistent with, the Design Guidelines dated ~~4 July 2017~~ **11 April 2019** ~~accompanying the Response to Submissions~~.

(d) Schedule 2 Part B – Condition B5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Landscaping

B5. Future development applications for the construction of buildings shall include detailed landscape plans identifying the vegetation to be removed and the location of any additional landscaping, and must be generally in accordance with the landscape and public domain principles and development guidelines in the Design Guidelines dated ~~4 July 2017~~ **11 April 2019**.

(e) Schedule 2 Part B – Condition B12 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Stormwater

B12. Future development applications for the construction of buildings shall include a stormwater management plan in accordance with the ~~Water Cycle Management Strategy Report Incorporating Water Sensitive Urban Design Techniques prepared by J. Wyndham Prince dated March 2013 and as amended by Civil Engineering Report: Amendment to State Significant Development 5175-2012 prepared by Costin Roe dated 4 August 2015 and Response Letter dated 23 December 2015~~ **Stormwater and Road Design Report, prepared by Henry & Hyams, dated 21 March 2019** and Council's *Engineering Guide for Development 2005* and part J of DCP 2015

SCHEDULE 3 - CONDITIONS OF CONSENT FOR STAGE 1 SUBDIVISION AND EARLY WORKS

(a) Schedule 3 Part A – Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Development in Accordance with Plans and Documents

A1. The applicant shall carry out the 'Stage 1 subdivision and early works' generally in accordance with the:

a) *Eastern Creek Business Hub State Significant Development SSD 5175 Environmental Impact Statement* prepared by Architectus dated September 2012, 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) ~~Updated~~ Eastern Creek Business Hub Design Guidelines ~~4 July 2017~~ **11 April 2019**; 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) SSD 5175 Eastern Creek Business Hub Section 96(2) Modification Application prepared by JBA Urban Planning Consultants, dated March 2017 as amended by the Response to Submissions prepared by JBA Urban Planning Consultants, dated 4 July 2017 and additional information submitted on 26 September 2017 and 5 and 14 December 2017

g) **Statement of Environmental Effects SSD 5175 MOD 4, prepared by Ethos Urban, dated 8 November 2018, Response to Submissions SSD 5175 MOD 4 and SSD 8588 MOD 2, prepared by Ethos Urban, dated 11 April 2019 and Additional Information SSD 5175 MOD 4 and SSD 8588 MOD 2 prepared Ethos Urban, dated 3 July 2019**

h) following drawings, except for:

i) any modifications which are 'Exempt' or 'Complying Development'; and

ii) otherwise provided by the conditions of this consent.

Stage 1 Subdivision			
Subdivision drawing prepared by Land partners			
Drawing No.	**Revision**	**Name of Plan**	**Date**
~~S~~073106.**004 Ver 4**	~~AMD 7b~~ **C**	Proposed Subdivision of Eastern Creek Business Hub Rooty Hill Road South, Eastern Creek	~~24 May 2013~~ **11 July 2018**
Early works drawings			
	D	Stage 1 Early Works Phasing Plan	30 June 2017
	B	Enabling Infrastructure Works	30 June 2017
Civil Works Plan prepared by ~~Costin Roe Consulting~~ Henry & Hyams			
~~C012693.00-DA10~~	~~B~~	~~Drawing List & General Notes~~	~~21 July 2015~~
~~C012693.00-DA15~~	~~B~~	~~Overall Site Plan~~	~~21 July 2015~~
~~C012693.00-DA20~~	~~B~~	~~Erosion & Sediment Control Plan~~	~~21 July 2015~~
~~C012693.00-~~	~~B~~	~~Erosion & Sediment Control Details~~	~~21 July 2015~~

~~DA25~~			
~~C012693.00-DA30~~	~~C~~	~~Bulk Earthworks Plan~~	~~4 August 2015~~
~~C012693.00-DA31~~	~~A~~	~~Retaining Wall Plan~~	~~4 August 2015~~
~~C012693.00-DA32~~	~~A~~	~~Retaining Wall Details~~	~~4 August 2015~~
~~C012693.00-DA35~~	~~C~~	~~Bulk Earthworks Sections Sheet 1~~	~~4 August 2015~~
~~C012693.00-DA40~~	~~C~~	~~Stormwater Drainage Plan~~	~~4 August 2015~~
~~C012693.00-DA41~~	~~B~~	~~Stormwater Catchment Plan~~	~~21 July 2015~~
~~C012693.00-DA42~~	~~B~~	~~Stormwater Drainage Longsections – Sheet 1~~	~~21 July 2015~~
~~C012693.00-DA45~~	~~B~~	~~Stormwater Drainage Details – Sheet 1~~	~~21 July 2015~~
~~C012693.00-DA46~~	~~B~~	~~Stormwater Drainage Details – Sheet 2~~	~~21 July 2015~~
~~C012693.00-DA50~~	~~B~~	~~Road 1 Finished Levels Plan~~	~~21 July 2015~~
~~C012693.00-DA55~~	~~B~~	~~Road Typical Cross Sections~~	~~21 July 2015~~
17D83_S96_BE01	**02**	**Cut and Fill Plan**	**13 April 2018**
17D83_S96_C000	**04**	**Cover Sheet, Drawings Schedule, notes and locality plan**	**20 March 2019**
17D83_S96_C100	**03**	**General arrangement plan**	**20 March 2019**
17D83_S96_C101	**03**	**Detail civil plan, sheet 1 of 7**	**20 March 2019**
17D83_S96_C102	**03**	**Detail civil plan, sheet 2 of 7**	**20 March 2019**
17D83_S96_C103	**03**	**Detail civil plan, sheet 3 of 7**	**20 March 2019**
17D83_S96_C104	**03**	**Detail civil plan, sheet 4 of 7**	**20 March 2019**
17D83_S96_C105	**03**	**Detail civil plan, sheet 5 of 7**	**20 March 2019**
17D83_S96_C106	**03**	**Detail civil plan, sheet 6 of 7**	**20 March 2019**
17D83_S96_C107	**03**	**Detail civil plan, sheet 7 of 7**	**20 March 2019**
17D83_S96_C110	**03**	**Typical site sections, sheet 1 of 2**	**20 March 2019**

17D83 S96 C111	**03**	**Typical site sections, sheet 2 of 2**	**20 March 2019**
17D83 S96 C115	**03**	**Stormwater channels typical sections**	**20 March 2019**
17D83 S96 C130	**03**	**Access road CL 1 long section and chainages plan**	**20 March 2019**
17D83 S96 C131	**02**	**Access road CL 2 long section and chainages plan**	**20 March 2019**
17D83 S96 C200	**03**	**Stormwater miscellaneous details and pit lid schedule**	**20 March 2019**
17D83 S96 C220	**03**	**Stormwater longitudinal sections sheet 1 of 2**	**20 March 2019**
17D83 S96 C221	**03**	**Stormwater longitudinal sections sheet 2 of 2**	**20 March 2019**
17D83 S96 C230	**03**	**North basin plan and sections**	**20 March 2019**
17D83 S96 C231	**03**	**North basin details**	**20 March 2019**
17D83 S96 C240	**03**	**South basin plan and sections**	**20 March 2019**
17D83 S96 C241	**03**	**South basin details**	**20 March 2019**
17D83 S96 C250	**03**	**Catchment plan – water quantity**	**20 March 2019**
17D83 S96 C251	**03**	**Catchment plan – water quality**	**20 March 2019**
17D83 S96 C255	**03**	**Access road catchment plan**	**20 March 2019**
17D83 S96 C300	**03**	**Retaining wall overall plan**	**20 March 2019**
17D83 S96 C301	**03**	**Retaining wall long sections**	**20 March 2019**
17D83 S96 C302	**02**	**Retaining wall sections**	**20 March 2019**
17D83 S96 SE01	**03**	**Sediment and erosion control plan**	**20 March 2019**
17D83 S96 SE02	**03**	**Sediment and erosion control details**	**20 March 2019**
Road Improvement Works Sketch prepared by J. Wyndham Prince			
8801/SK04	H	Proposed Works Sketch	22 May 2013
Landscape Plans prepared by Urbis			
LA06	00	Phase 1 – Recommended Plant Species	27 August 2012
LA07	00	Phase 1 – Landscape furniture Palette	24 August 2012
LA08	02	Phase 1 – Street Tree Planting Works	10 September 2012

LA09	02	Phase 1 – Street Tree Planting Works	10 September 2012
LA10	00	Phase 1 – Street Tree Planting Works	30 August 2012

(b) Schedule 3 Part B – Condition B27 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Stormwater Drainage

B27. Amended drainage plans by a suitably qualified Civil Engineer, are to be provided to meet the requirements under Councils DCP Part ~~R 2006~~ **J 2015** and Councils Engineering Guide for Development 2005. **The plans are to be in accordance with the Civil Engineering Works plans by Henry and Hymas, series 17D83 S96 C, dated 20/03/19 except where amended by this consent.** The amended plans must address the following:

~~a) Provide additional detailed sections through each of the channels clearly identifying batter slopes and finishes.~~

~~b) Redesign the culvert crossing of channel 01 to Pad 1 to assume a 50% blockage in the culvert. Where no blockage was previously assumed it is acceptable to double the culvert size to compensate. Details are to be provided.~~

c) ~~The channelization of the 100 year flows through Channel 01 to the existing creek will lead to increased scour and deterioration of the existing creek as previous high flows would have spread over a much wider area. A review of the geomorphology of the existing creek to cope with the increased flow is to be undertaken with recommended improvements detailed such as ponds and riffles, bank armouring of bends, scour protection, etc. as required.~~ **Amend Sections 18 and 19 on drawing C111(03) to have a minimum berm width of 1 m while reducing the external batters to 1V:3H or flatter.**

d) The rainwater tanks are required to all the developments and are to be designed to achieve a minimum 80% of non-potable demand to be met through rainwater. When sizing the rainwater tank increase the calculated volume by 20 % to account for anaerobic zones, mains water top up levels and overflow levels. **Where the 80% demand cannot be met through rainwater alone waterless urinals are to be installed, unless otherwise agreed with Council. Provide a hydraulic plan to detail how the rainwater is distributed throughout the site including water meters on pump flow and mains bypass to determine actual non-potable percentage water use**.

e) To protect the bioretention systems from harmful sediments and pollutants a Gross Pollutant Trap (GPT) is required for any discharge from future developments in Pads **1,** 2, 3, or 4 to the external drainage system, including discharges direct to basin 2. The GPTs are to remove a minimum 50% TSS and have an oil baffle able to trap and contain oil or hydrocarbons and sized to treat a minimum six month ARI flow. **On drawing C251(03) amend the wording for each of the four notes for the Pad Treatments to say "....GPT TO PREVENT SEDIMENT AND HYDROCARBONS ENTERING .....".**

~~f) To provide a water source to ensure ongoing viability of the bioretention plants a saturated zone is required comprising a 300 mm transition layer and a gravel layer sized as the larger of 200 mm, or 50 mm above the largest subsoil pipe. The saturated zone is set to the underside of the filter media and standard pit details are available from Council. On Costin Roe Plan CD12693.00-DA45(C) under "TYPICAL BIO-RETENTION DETAIL" amend the detail to match this requirement.~~

~~g) The un-socked subsoil drains within the saturated bioretention filter bed can be laid flat, however any non-slotted collection pipes discharging the subsoil flows away from the basin are to have a minimum grade of 0.5 %. Where subsoil lines connect with a larger subsoil collection pipe, the subsoil pipes are to connect via two 45 degree bends with a minimum 300 mm straight section between to allow for rodding. The collection pipe is to have its own rodding point. Provide details of~~

~~sizing to ensure a minimum of twice the capacity based on both pipe capacity and flow through the slots.~~

h) On ~~Costin Roe Plan CD12693.00-DA45(C) under~~ **drawings C231(03) and C241(03) provide a** 'TEMPORARY BIO-RETENTION PROTECTION DETAIL' ~~set the geotextile immediately above the transition layer (i.e. no filter media at all) with "COARSE SAND & TURF, NOM 100 - 150" above plus previous amendments as above. The bioretention notes are to be adjusted to match~~ **in accordance with the Stage 2 requirements on Council WSUD Drawings A(BS)175M. The temporary details are to be constructed prior to occupation of the first upstream stage of pads 2, 3, or 4**;

~~i) Provide a detail of a subsoil riser for flushing and maintenance of the subsoil collection pipe. The riser is to include two 450 bends with a short section of un-slotted straight (minimum 300 mm) in between. The vertical riser is to stop 50 mm above the filter media and sealed with a removable screw cap.~~

~~j) Provide an intermediate riser detail for long subsoil lines, or subsoil collection pipes at maximum 20 m intervals.~~

~~k) Provide a separate pit for the collection of flows from the bioretention subsoil drainage from Basin 2 that is independent of the overflow pit or discharge control pit for on-site detention. The top of the pit is to be either sealed or set a minimum of 100 mm above the top of the 1 in 100 year detention storage. The subsoil drainage is to discharge downstream of the discharge control pit. Provide a separate subsoil collection pit for bio basin 1.~~

~~l) Provide minimum 3.5 m maintenance access tracks into bio basin 1, basin 1 and Basin 2. Tracks greater than 5% must be concreted, but must not exceed 10%. A minimum 3 m wide access track must be provided at the base of the embankment for the basin 2 bioretention system to allow for future bioretention maintenance set to 100 mm above the extended detention depth. Provide a general vehicular maintenance access plan.~~

~~m) The existing outlet control for basin 2 is incorrect. Electronic hydrologic models are to be provided for the detention basin design to ensure that the predevelopment flows do not exceed the post development flows for all storm durations and for all ARIs from 1 year to 100 year. Allow for an initial pervious loss of 15 mm for the pre development case and the post development losses (5 mm) as per the Engineering Guide for Development. RAFTS itself or the RAFTS hydrological model in DRAINS is preferred to allow for the 15 mm initial loss. There are currently no modelled pre development nodes for this catchment to compare to. Review storages which is not to be less than 5600 m3 that excludes the bioretention extended storage.~~

n) Both detention basins are to install a concrete cutoff wall under the full extent of the spillways to minimise risk of seepage flows and failure. **Amend drawings C230(03) and C240(03) by extending the cutoff wall a minimum of 400 mm below the bottom of the scour protection**.

~~o) Provide a stilling basin at the base of the downstream spillway of both detention basins.~~

(c) Schedule 3 Part B – Condition B28 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Stormwater Drainage

B28. Maintenance schedule requirements are to be provided for each of the Stormwater Quality Improvement Devices including the rainwater tank. For bioretention systems these are to include the temporary bio-retention system and ultimate bioretention system replacement. Where these devices are located in roadway/parking areas these are to include traffic management requirements. **The existing Henry and Hymas Stormwater Maintenance Manuals are to be amended to include the requirements of Council's "WSUD Inspection and Maintenance Guidelines" available on the Council website. Where there is any conflict the Council provisions shall prevail**. The designer of the stormwater treatment

system must prepare the Maintenance schedule and this schedule must show the designer's name, signature and date on it.

(d) Schedule 3 Part B – Insert new Condition B33 as follows:

Roundabout

B33. 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.

End of modification

(SSD 5175 MOD 4)