

## Statement of Environmental Effects

MOD 6 Eastern Creek Business Hub  
Rooty Hill Road South, Eastern Creek  
Section 4.55 (1a) Modification Application to SSD  
5175

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

20 December 2018 | 218088



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## **Appendices**

- A** Amended Architectural Plans  
*I2C*
- B** Updated Design Guidelines
- C** Demand Analysis Report  
*Hill PDA*

## 1.0 Introduction

This Statement of Environmental Effects (SEE) is submitted to the Department of Planning & Environment (DPE) in support of a Section 4.55 (1A) modification application to the Eastern Creek Retail Centre at Rooty Hill Road South, Eastern Creek.

The application seeks minor amendments to the approved Concept Plan under SSD 5175 to transfer GFA from the large format retail cap to the child care centre cap for Stage 1 (Lot 2) of the Eastern Creek Business Hub site. The modifications will enable a larger child care centre to support identified demand within the catchment and enhance the amenity of the future centre by providing additional floor space.

This SEE has been prepared by Ethos Urban on behalf of Frasers Property Australia, and is based on the Amended Architectural Plans provided by i2c (see **Appendix A**) and other supporting technical information appended to the report (see Table of Contents).

## 2.0 Site Location and Context

The 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 grasslands 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 has entered a development management agreement with the Trust to develop the land for a business hub in accordance with Concept Plan Approval SSD 5175.

## 3.0 Background

### 3.1 Approval History and Consent to be Modified

This s4.55 (1A) application relates to the Eastern Creek Business Hub Concept Plan (SSD 5175). 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
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> </ul>	Approved 21 December 2017

Reference	Description	Status
	<ul style="list-style-type: none"> <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>	
SSD 5175 MOD 3	<ul style="list-style-type: none"> <li>Increase to the Concept Approval GFA to accommodate the 'suburban shopping centre' model of development approved under MOD 2 above.</li> </ul>	Approved 20 July 2018
SSD 8588	<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 revised built form as approved under MOD 2.</li> </ul>	Approved 20 July 2018
SSD 8588 MOD 1	<ul style="list-style-type: none"> <li>S4.55(1A) application involving minor design changes to the detailed design of the retail centre approved under SSD 8588.</li> </ul>	Lodged 3 August 2018
SSD 5175 MOD 5	<ul style="list-style-type: none"> <li>Reconfiguration of the built form of Lot 1;</li> <li>The inclusion of a café and indoor play centre at Lot 1; and</li> <li>The inclusion of a pad site at Lot 1 at the corner of Rooty Hill Road South and the access road.</li> </ul>	Lodged 1 November 2018
SSD 8588 MOD 2	<ul style="list-style-type: none"> <li>Amendments to site plan to ensure consistency with proposed changes to Concept Plan under SSD 5175 MOD 4.</li> </ul>	Lodged 1 November 2018
SSD 5175 MOD 4	<ul style="list-style-type: none"> <li>Modifications to Concept Plan early works in relation to the stormwater management design and the introduction of a new roundabout.</li> </ul>	Lodged 8 November 2018
SSD 8858	<ul style="list-style-type: none"> <li>Detailed design of Stage 2 (Lot 1) of the Eastern Creek Business Hub that is consistent with the revised built form as proposed under MOD 5.</li> </ul>	Lodged 8 November 2018
<b>SSD 5175 MOD 6</b>	<ul style="list-style-type: none"> <li><b>Subject of this s4.55 application</b></li> </ul>	



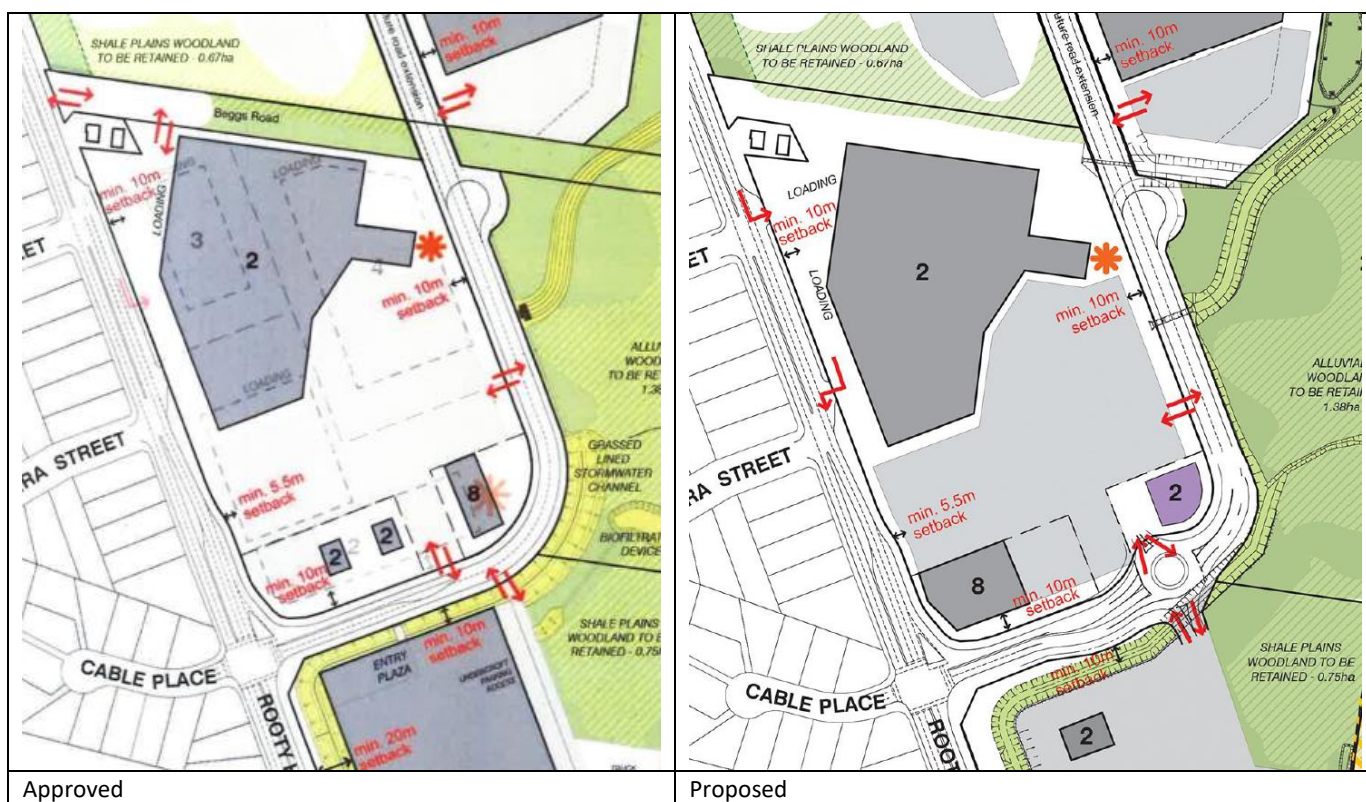
## 4.0 Proposed Modifications to Consent

The proposed modification seeks to transfer 500m<sup>2</sup> of GFA from the large format retail cap to the child care centre cap in order to increase the allowable GFA of the approved child care centre use of Stage 1 (Lot 2) from 700m<sup>2</sup> to 1,200m<sup>2</sup>.

The increased GFA will support identified demand for child care services in the catchment and will enable the development of a more spacious child care centre with improved amenity. The location of the child care centre within Lot 2 has now been selected and it is therefore also proposed to update the Concept Plan to move the indicative location of the child care centre to the south western corner of the site.

A comparison of the indicative built form approved under the existing Concept Plan and the modified built form as proposed under this application is included at **Figure 2**. Revised indicative Concept Plans, prepared by i2C, reflecting the modified scheme are included at **Appendix A** and within the Updated Design Guidelines at **Appendix B**. No other changes are proposed to the Design Guidelines.

It is noted that the proposed plan at **Figure 2** and **Appendix A** includes the site layout as proposed under the concurrent MOD 4 (Infrastructure Mod) to provide a holistic view of the latest design for Stage 1 (Lot 2).



**Figure 2 Comparison of approved and proposed Concept Plan**

Source: i2c



## 5.0 Modifications to Conditions

The proposed modifications described above necessitate amendments to the consent conditions of the Concept Plan SSD 5175, as identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

### Maximum Gross Floor Area (GFA)

*A7 The maximum GFA for the total development shall not exceed 55,838sqm and the individual land use components shall have a maximum GFA as follows:*

Land Use	Maximum GFA (sqm)	
bulky goods	29,300	<i>Any residual large format retail GFA may be transferrable to bulky goods GFA provided the combined maximum GFA for bulky goods and large format retail does not exceed 43,300m<sup>2</sup>.</i>
large format retail	<del>14,000</del> <b><i>13,500</i></b>	
convenience retail - supermarket - specialty shops/small business	10,154 (3,794) (6,360)	
<del>Future Development Site</del> <b><i>Child care centre</i></b>	<del>700</del> <b><i>1,200</i></b>	
Circulation	1,684	
TOTAL	<b><i>55,838</i></b>	

*The above GFA is a maximum control and it may not be possible to achieve the maximum GFA within the approved building envelopes. Future applications must demonstrate compliance with both the maximum GFA and the approved building envelopes.*

### Reason

To reflect the proposed transfer of GFA and clarify that this GFA is for the purposes of a child care centre as approved under Mod 2.

### Schedule 2 Part B

#### 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 ~~12-4 July 2017~~ ***10 December 2018 accompanying the Response to Submissions***.*

#### 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~~ ***10 December 2018***.*

## 6.0 Substantially the Same Development

Section 4.55 (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 that originally approved in that it predominantly relates to a minor transfer of GFA between approved uses. The transfer of GFA will facilitate an expanded child care centre at the site which will not alter the retail floor area or cause any significant additional environmental impacts. As demonstrated below, whilst the child care centre building footprint will be amended, the key features of the development are consistent with the approved Concept Plan.

In addition, the proposal remains substantially the same development in that:

- Approval is for a Concept Plan only, with the detailed design of the development to be subject to a future DA;
- The fundamental use of the site is not changing;
- The Design Guidelines will continue to ensure the built form achieves a high level of design quality and meet the original objectives of the development;
- The proposed street network and access arrangements are consistent with the approved Concept Plan and will not impact the proposed introduction of a roundabout under the concurrent MOD 4 application;
- 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
- The proposed modifications will not result in any significant additional environmental impacts in relation to adjoining and surrounding properties (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 Planning Assessment

### 7.1 Compliance with Statutory Plans

The proposed modifications to the child care centre development site do not affect the developments compliance with the relevant environmental planning instruments. An assessment against the primary instruments is summarised in **Table 2** below.

**Table 2 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 has previously been remediated and a Site Audit Statement issued. A copy of the SAS will be provided at part of the detailed design DA.
State Environmental Planning Policy (Infrastructure) 2007	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP.

Instrument	Comment
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	The design requirements of the SEPP will be considered as part of the subsequent detailed design DA.
Blacktown Local Environmental Plan 2015 and Development Control Plan 2015	Clause 6 (1) of the Western Sydney Parklands SEPP excludes the provisions of the Blacktown LEP 2015 for development within the Western Parklands and Development Control Plans do not apply to SSD.

## 7.2 Environmental Impacts

Section 4.55 (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 4.55 (3), the consent Authority must also take into consideration the relevant matters to the application referred to in Section 4.15 (1) of the EP&A Act. The following assessment considers the relevant matters under Section 4.15 (1) and demonstrates that the development, as proposed to be modified, will be of minimal environmental impact.

**Table 3** considers the cumulative environmental impacts of MOD 6 and the previous MODs against the key environmental impacts identified during the Department’s assessment of the original Concept Plan. The environmental considerations have been drawn from the Secretary’s Environmental Assessment Report (dated November 2014), MOD 2 (dated 21 December 2017) and MOD 3 (dated 15 June 2018).

It is noted that MOD 2 approved the general child care centre use for Lot 2 (Stage 1) of the site. A full assessment of the environmental impacts associated with the child care centre will be provided as part of the subsequent detailed design DA and as such this application concentrates on the impacts associated with the GFA increase.

**Table 3 Assessment of environmental impacts**

Identified Environmental Impacts of SSD 5175	Comment	Additional Environmental Impact?
Strategic Justification	The strategic need for a new Business Hub at the site was assessed as part of the original Concept Plan in accordance with the Western Sydney Parklands Plan of Management. The Plan of Management established the principle of utilising a maximum of 2% of the Parklands for business uses in order to generate a secure source of funding to support the Western Sydney Parkland Trust in maintaining and improving the remainder of the Western Sydney Parklands. The proposed modifications will not impact on the strategic merits of the Concept Plan and will not result in an increase to the amount of parklands being utilised for business purposes.	No additional impact
Land Use and Economic/Demand Impacts	<p>The Department’s assessment of MOD 2 concluded that the introduction of the child care centre at Lot 2, along with other ancillary uses, ‘would provide additional beneficial services to the community and would be appropriate on the site’. Specifically, the child care centre was deemed appropriate as the additional floor space is minor, would not affect the total retail GFA and would be offset by reduced bulky goods floor space. The Department were also satisfied that there is sufficient demand for child care services at the site.</p> <p>The current modification proposal seeks to increase the GFA of the child care centre to provide additional capacity and enable a design that provides a high quality environment for the children. This will be offset by a reduction in large format retail GFA so that there will be no net increase to the overall GFA of the site.</p>	Improved environmental impact

Identified Environmental Impacts of SSD 5175	Comment	Additional Environmental Impact?
	It is noted that MOD 2 only provided consent for the child care centre land use at the site. The approved Concept Plan (SK-20.4) notes that the location of the approved land uses (including child care) is indicative only, with the final design subject to a subsequent detailed DA.	
Traffic, parking and access	<p>SSD 8588 approved the detailed design of the car park for Lot 2 (Stage 1). This included the provision of parking for the future child care centre based on the rates contained within the Design Guidelines and the Blacktown DCP. A total of 432 car parking spaces are approved which is 43 spaces more than the minimum required for the site based on the approved GFA and land uses. Accordingly, there is sufficient available parking approved at the site to accommodate the larger child care centre.</p> <p>Similarly, traffic modelling was based on the provision of 432 parking spaces and will therefore not be significantly affected by the proposed modifications.</p> <p>Traffic and parking will be further assessed as part of the DA for the detailed design which will be submitted to Blacktown Council.</p>	No additional impact
Design and built form	<p>MOD 6 seeks to consolidate and increase the size of the building envelope at the south western corner of Lot 2.</p> <p>The revised building envelope will improve the built form of the site by facilitating a more prominent building at the corner of Rooty Hill Road South and the Access Road which will provide better street address and activation. It is noted that Council originally raised the lack of activation to street frontages as a concern of MOD 2 and the Design Guidelines were updated to strengthen this requirement.</p>	Improved environmental impact
Flooding and stormwater	<p>MOD 6 does not propose any changes to the approved stormwater management system for the site.</p> <p>The Department's assessment of MOD 2 concluded that the modification does not give rise to a specific need to increase alternate water sources, however the environmental outcomes could be improved by referring to the DCP for the detailed design. As such MOD 2 was assessed as having no additional impact. A current MOD is currently under assessment which seeks to improve the approved stormwater system.</p>	No additional impact
Biodiversity	<p>MOD 6 does not affect land outside of Lot 2 and therefore will not result in any additional biodiversity impacts.</p> <p>The Department's assessment of MOD's 2 and 3 did not raise any additional issues in relation to biodiversity.</p>	No additional impact
Contamination	<p>MOD 6 does not affect the approved remediation works.</p> <p>The Department's assessment of MOD's 2 and 3 did not raise any additional issues in relation to contamination.</p>	No additional impact

Identified Environmental Impacts of SSD 5175	Comment	Additional Environmental Impact?
Heritage	<p>MOD 6 does not affect any matters relating to Aboriginal or European heritage.</p> <p>The Department's assessment of MOD's 2 and 3 did not raise any additional issues in relation to heritage</p>	No additional impact
Acoustic impact	<p>MOD 6 does not affect the acoustic impacts of the development.</p> <p>The Department's assessment of MOD 2 concluded that the acoustic impacts of the proposal would be appropriate subject to detailed design. Accordingly, this matter will be further assessed as part of the detailed design DA to Council.</p>	No additional impact
Bushfire	<p>MOD 6 does not affect the assessment of bushfire risk. The proposed location of the child care centre is further away from bushfire prone land than the indicative location of the approved Concept Plan.</p> <p>The Department's assessment of MOD 2 did not raise any additional issues in relation to bushfire risk.</p>	No additional impact

As demonstrated by the above table, the planning assessment of the proposed modified development remains largely unchanged with respect to the environmental impacts assessed as part of the original application.

### 7.2.1 Child Care Centre Demand

The proposed increase in area of the child care centre is a result of the findings of a demographic study undertaken by Hill PDA (refer to **Appendix C**) on the projected demand for childcare places in the community. The key trends uncovered include:

- The catchment area is currently characterised by a high portion of younger age groups and family households with young children;
- The population is projected to increase by 10% to 2026 and employment will significantly rise by 39% over the period; and
- The majority of existing child care centres in the catchment are at capacity.

Based on Blacktown City Council's benchmarks for child care centres, these trends would generate demand for approximately 452 child care places by 2026 and 111 out of school hours places. A child care audit of the catchment determined that existing centres can accommodate up to 265 child care places, indicating a shortfall of 187 child care places and 111 out of school hours places by 2026.

In light of this analysis, Hill PDA recommend that one large childcare centre with capacity for approximately 100 to 110 children be located within the Eastern Creek Business Hub development to capture existing demand. The proposed child care centre envelope, incorporating up to 1,200m<sup>2</sup> of GFA, will facilitate the future development of a child care centre of this scale.

### 7.2.2 Child Care Centre Amenity

The proposed increase to GFA will provide greater flexibility in the design of the centre which will facilitate a better quality child care centre with improved amenity in terms of indoor play space and larger operational areas. The detailed design of the centre (subject to future DA with Council) will ensure the centre meets the requirements of *Child Care Planning Guidelines 2017* in terms of air quality, ventilation, natural lighting, thermal comfort and acoustic performance.

## 8.0 Conclusion

This application seeks minor amendments to the approved Concept Plan under SSD 5175 to facilitate a transfer of GFA from large format retail to child care centre for Stage 1 (Lot 2) of the Eastern Creek Business Hub site. The modifications proposed seek to facilitate a larger child care centre to support identified demand within the catchment and enhance the potential amenity of the future centre by providing additional floor space.

In accordance with Section 4.55 (1A) of the EP&A Act, the Minister may modify the consent for SSD 5175 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 the site, adjoining and surrounding properties; and
- The proposed modifications do not alter the developments compliance with the relevant statutory planning instruments.

The assessment of the environmental impacts of the proposed modifications has determined that no unacceptable impacts will result from the proposed modifications. Accordingly, we have no hesitation in recommending that the Minister for Planning and Environment approve this s4.55 (1A) modification application as submitted.