



Eastern Creek Business Hub

*State Significant
Development
Modification Assessment
(SSD 5175 MOD 6)*

September 2019

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Blacktown City Council
Department	Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
EES Group	Environment, Energy and Science Group of the Department (former Office of Environment and Heritage)
Transport for NSW (RMS)	Transport for NSW (Roads and Maritime Services)
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development



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1. Introduction

This report provides an assessment of an application to modify State significant development (SSD) consent (SSD 5175) for the Eastern Creek Business Hub (ECBH) on Rooty Hill Road South, Eastern Creek.

The modification application seeks to re-locate the future building envelope for the child care centre to the south-west corner of Lot 2 and transfer 500 m² of gross floor area (GFA) from the large format retail cap to the child care centre cap. The child care centre building envelope will have a total GFA of 1,200 m².

The application has 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 The site

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 2.5km 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.

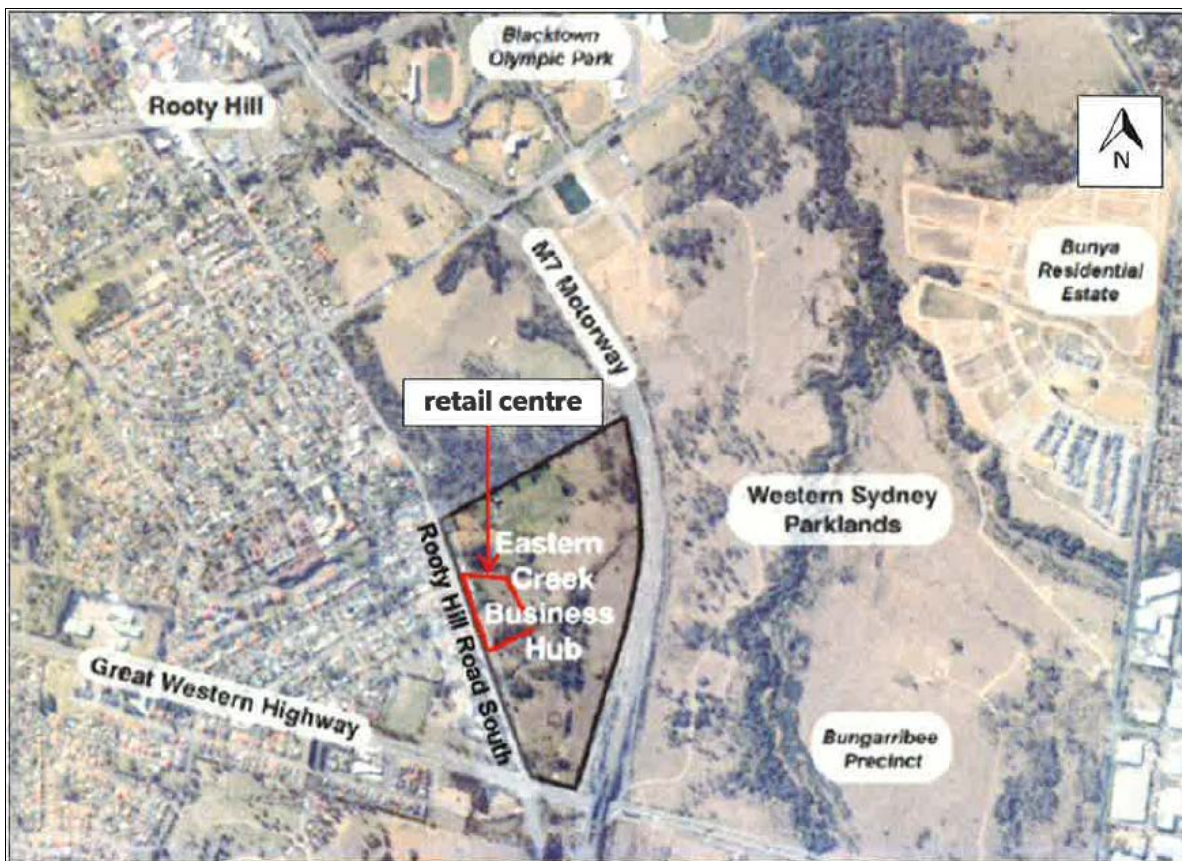


Figure 1 | Site Location

The application relates 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 and the Morreau Sporting Reserve and The Rooty Hill reserve to the north of Church Street.

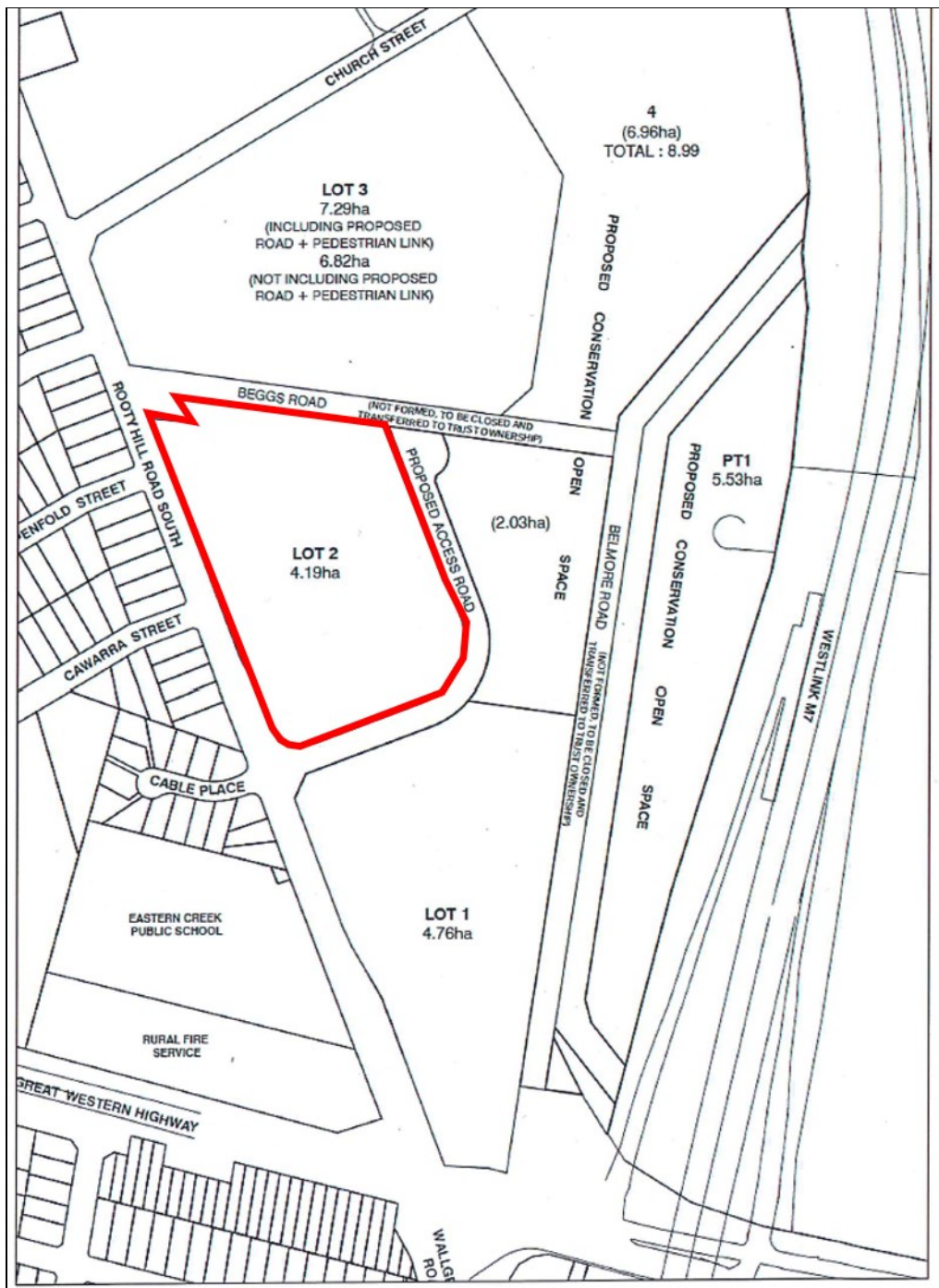


Figure 2 | Approved site layout (Lot 2 in red)

1.2 Approval History

1.2.1 SSD 5175 – Eastern Creek Business Hub

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, being Lot 1 comprising bulky goods retail and Lot 2 comprising a convenience retail development. The second stage comprises the development of Lot 3 for bulky goods retail.

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

Table 1 | Summary of SSD 5175 modifications

Mod No.	Summary	Approval Authority	Type	Approval Date
MOD 1	Modify the concept approval to change the timing of works, amend stormwater drainage system and allow residual large format retail GFA up to the approved maximum to be used as bulky goods GFA and modify Stage 1 subdivision works to undertake additional bulk earthworks.	Department	4.55(2)	28 April 2016
MOD 2	Modify the concept approval to reconfigure building envelopes and parking, add a child care centre, medical centre and indoor recreation facility to Lot 2 and new access road, and modify Stage 1 approval to reflect the access road changes	Department	4.55(2)	21 December 2017
MOD 3	Modification to increase the approved gross floor area by 2,338 m ² to 55,838 m ²	Independent Planning Commission	4.55(2)	20 July 2018
MOD 4	Modify the Stage 1 concept approval, to amend 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
MOD 5	Modification to the concept approval (as it relates to Lot 1), to relocate the bulky goods building envelope; include a recreation facility (indoor), café and future development site for a food and drinks premise; amend the landscape masterplan and the Urban Design Guidelines	TBC	4.55(2)	Under assessment

1.2.2 SSD 8588 – Eastern Creek Business Hub retail centre

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) with a gross floor area of 11,438 m², including a supermarket. The development consent has been modified on two occasions (see **Table 2**).

Table 2 | Summary of Modifications to SSD 8588

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Amendments including facade realignment, changes to plant and services, rainwater tank, loading dock, trolley bay, waste and recycle room and reconfiguration of the internal layout.	Department	4.55(1A)	21 November 2018

MOD 2 Amendments to the layout of the Lot 2 carpark and building envelope, to be consistent with the concept plan.

Department 4.55(1A) 18 July 2019



Figure 3 | Concept approval layout (as modified under MOD 4)



2. Proposed Modification

On 21 December 2018, the Applicant lodged a modification application (SSD 5175 MOD 6) to the approved concept plan. A link to the modification application documents is provided in **Appendix A**.

The proposal seeks approval to:

- re-locate the child care centre future building envelope to the south-west corner of Lot 2
- transfer 500 m² of GFA from the large format retail cap to the child care centre cap, increasing the child care centre GFA from 700 m² to a total of 1,200 m² (**Figure 4**).

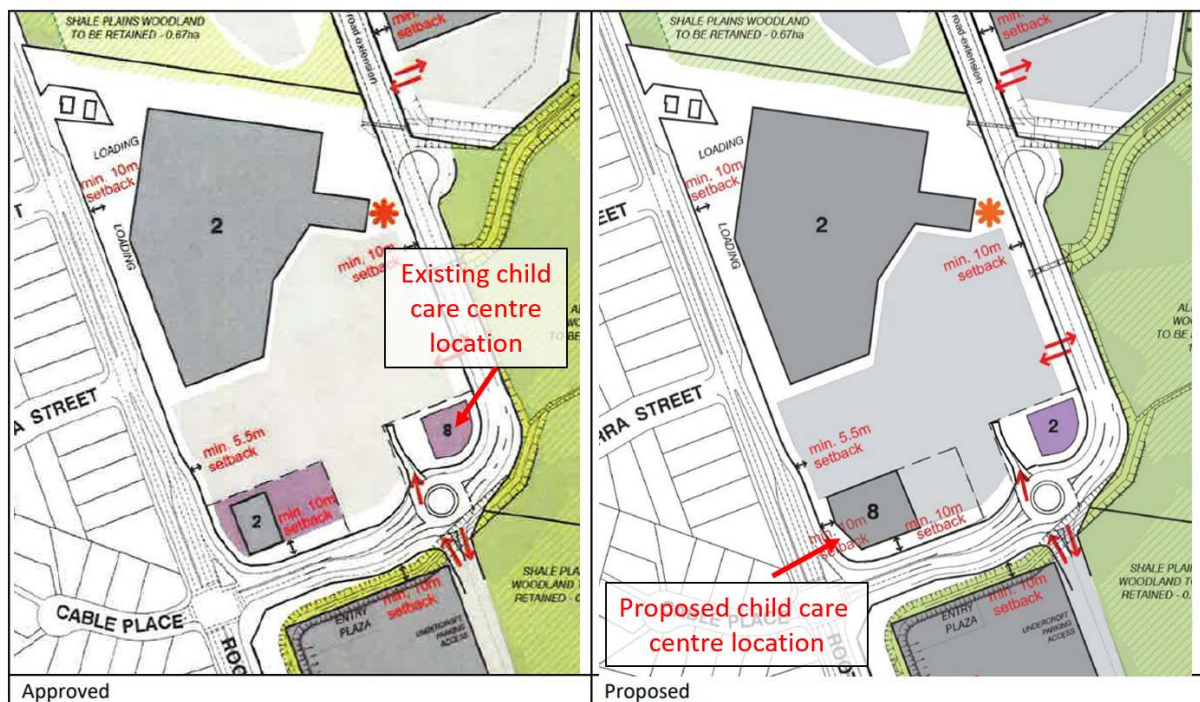


Figure 4 | Approved concept plan (left) and proposed (right) concept plan (Source: Applicant's SEE)



3. Strategic Context

3.1 Greater Sydney Region Plan and Central City District Plan

The Greater Sydney Commission (GSC) has prepared the Greater Sydney Region Plan (Region Plan) to provide a 40-year vision for a metropolis of three cities, the Eastern Harbour City, the Western Parkland City and the Central River City, that will balance growth and deliver its benefits more equally and equitably to residents across Greater Sydney.

The GSC also prepared District Plans to implement the Regional Plan through local planning and influence State agency decisions. The site is located within the Central City District area.

The previous applications were consistent with the Region Plan and Central City District Plan as it supports productivity through growth in jobs close to existing residential areas, increased investment and business activity and provided a source of funding for the Western Sydney Parklands. The proposal remains consistent with the Region Plan and Central City District Plan.

3.2 Western Sydney Parklands Plan of Management 2020

The Western Sydney Parklands Act 2006 established the Western Sydney Parklands Trust (the Trust) as a self-funded agency. The Trust has identified the development of business hubs as an opportunity to contribute to an income stream of \$10 million per annum, which is required to manage and develop the Parklands over the next ten years.

The original applications were consistent with the Plan of Management (PoM) and the proposal continues to be consistent with the PoM.



4. Statutory Context

4.1 Scope of Modifications

Section 4.55(1A) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD involving minor environmental impact.

The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the modification of the concept approval (SSD 5175 MOD 6) have been considered in **Table 3**.

Table 3 | Section 4.55(1A) Modification involving minimal environmental impact

Section 4.55(1A) Evaluation	Consideration
a) that the proposed modification is of minimal environmental impact, and	<p>Section 6 of this report provides an assessment of the impacts associated with the modification application.</p> <p>The Department is satisfied that the proposed modification will have minimal environmental impacts as there are no changes to approved land uses or overall GFA.</p> <p>As the modified proposal remains largely unchanged no additional significant impacts have been identified.</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 modification application seeks approval for the transfer of 500 m² GFA from large format retail to the child care centre. There is no overall change to the quantum of GFA across the site and therefore the Department is satisfied the proposal results 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>The modification application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in Section 5 of this report.</p>
d) any submission made concerning the proposed modification has been considered.	<p>The Department received a submission from Council and submissions from five government agencies. The issues raised in submissions have been considered in Section 5 and 6 of this report.</p>

4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, under the Minister's delegation dated 11 October 2017, the Director, Key Sites Assessments, may determine the applications as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no public submissions in the nature of objection.

4.3 Environmental Planning Instruments

The following environmental planning instruments (EPIs) are relevant to the applications:

- 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
- Blacktown Local Environmental Plan (BLEP) 2015.

The Department undertook a comprehensive assessment of the redevelopment against the above mentioned EPIs in its original assessment. The Department has considered the above EPIs and is satisfied the modification remains consistent with these EPIs.

4.4 Objects of the EP&A Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) specifies that the notification requirements of the EP&A Regulation do not apply to SSD modifications. Accordingly, the application was not advertised. However, it was made publicly available on the Department's website on 22 January 2019, and referred to government agencies, Blacktown City Council (Council) and surrounding landowners with a request for comments by 8 February 2019 (17 days).

5.2 Summary of Submissions

The Department received submissions from Council and six government agencies, being Environment, Energy and Science (EES) Group of the Department (formerly Office of Environment and Heritage), Endeavour Energy, Heritage, Community Engagement, Department of Premier and Cabinet (DPC) (formerly Heritage Council), Rural Fire Service (RFS), Transport for NSW (Roads and Maritime Services (RMS)) and Sydney Water.

The Department of Industry, Environment Protection Authority, Transport for NSW (TfNSW), Transgrid and Water NSW advised that no comments would be provided.

No public submissions were received.

A link to the submissions is provided in **Appendix A**.

5.3 Key Issues – Government Agencies

Table 4 | Summary of Government Agency Submissions

Agency	Comments
EES	Reviewed the proposal and notes the relocation of the child care centre does not have any biodiversity impacts. EES also recommends an emergency response plan be prepared as part of the detailed design and controls to building design to ensure safe refuge for occupants in the case of flooding.
Endeavour Energy	Did not object to the modification and provided comments regarding the location and type of electricity infrastructure in the vicinity of the site.
Heritage	Reviewed the proposal, noted no State heritage concerns and advised future modifications for this site do not need to be referred to Heritage.
RFS	Reviewed the proposal as an integrated development and provided general terms of approval.
Sydney Water	Did not object to the modification and advised approved plans must be submitted to the Sydney Water Tap in online service and a Section 73 Compliance Certificate under the <i>Sydney Water Act 1994</i> must be obtained from Sydney Water.
Transport for	Raised concerns about the location of the proposed roundabout in relation to the

NSW (RMS) signalised intersection at Rooty Hill Road South and requested amended plans and an updated SIDRA model.

5.4 Key Issues – Council

Council reviewed the modification application and advised it supports the proposal.

5.5 Response to Submissions

Following notification of the modification application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in submissions, clarify car parking details for the child care centre and ensure consistency in the amended concept plans and design guidelines.

The Department also advised as the modification relies on changes sought under SSD 5175 MOD 4, the Response to Submissions (RtS) should not be submitted until SSD 5175 MOD 4 has been determined.

Following the determination of SSD 5175 MOD 4, the Applicant provided a Response to Submissions (RtS) which contained a response to all submissions and issues raised by the Department, a Traffic and Parking Study, updated concept plans and design guidelines. The RtS did not make any design amendments.

The RtS was made publicly available on the Department's website and referred to Council and EES, with the following responses received:

- **EES** provided no further comments and requested it be consulted at the detail design stage for the child care centre to ensure flooding matters previously raised are addressed
- **Council** reviewed the further information and advised it supports the modification application.



6. Assessment

The Department has considered the modification application, the issues raised in submissions and the Applicant's RtS in its assessment. The Department considers the key issues relate to:

- increase to child care centre GFA
- building envelope changes
- parking, access and traffic generation.

Other issues relating to the modification application taken into consideration during the assessment are discussed at **Section 6.4**.

6.1 Increase to child care centre GFA

The proposed modification seeks to transfer 500 m² of GFA from the large format retail cap to the child care centre cap, increasing the child care centre GFA from 700 m² to a total of 1,200 m².

The Applicant advises the increased GFA will support demand for child care services in the area and will enable a larger child care centre with improved amenity.

The Applicant has provided a demographic study on the demand for child care places within a 2 kilometre (km) radius of the subject site (catchment area) using the data from the 2016 Australian Census. The catchment area is characterised by a high portion of younger age groups and family households with young children. In addition, the population is projected to increase by 10% to 2026, employment will rise by 39% over the period and the majority of existing child care centers in the catchment area are at capacity or have minimal vacancies.

The report advises, using Blacktown City Council's child care centre benchmarks, these trends generate demand for 452 child care places and 111 out of school hours (OOSH) places, by 2026, within the catchment area. Existing centres within the catchment area can accommodate up to 305 children, indicating a shortfall of 147 child care place and 111 OOSH places by 2026. The report concludes one large child care centre with capacity for approximately 100 to 110 children be provided to capture existing demand.

The Department notes the current 700 m² of GFA allocated to a child care centre within the site can accommodate up to 50 children. However, based on the demographic analysis undertaken, this will be insufficient to meet future demand. The Department is satisfied increasing the GFA cap of the child care centre to 1,200 m² will facilitate a child care centre with a capacity for 100-110 children and meet the future requirements of the area.

The Department is satisfied with the changes to the child care centre GFA cap as:

- the transfer of GFA from the large format retail cap to the child care centre cap results in there being no overall increase in GFA at the site
- the Department has previously concluded that a child care centre is appropriate on the site and would provide a net community benefit
- there is sufficient demand for child care services to ensure the proposal will not adversely impact other centres within the catchment
- the site is well located for a larger child care centre, with separation between neighbouring residential properties and the ability to manage traffic and parking impacts within the site as discussed in Section 6.3

- a full assessment of the environmental impacts associated with the child care centre use will be considered as part of the detailed design DA, including consideration against SEPP (Educational Establishments and Child Care Facilities) 2017.

6.2 Building envelope changes

The proposal also seeks to re-locate the child care centre future building envelope to the south-west corner of Lot 2 (**Figure 4**) and increase its size.

The Applicant states the revised building envelope will improve the built form by facilitating a more prominent building at the corner of Rooty Hill Road South and the internal access road.

The Department notes the Design Guidelines require the development of Lot 2 to be of high quality, provide an appropriate address to the internal access road and address the Cable Place intersection, to reflect it as the main entry to the business hub. The Design Guidelines also require a 10 m minimum front building setback to Rooty Hill Road South for the child care centre, which is provided for the revised future building envelope location.

The Department considers the revised building envelope for the child care centre is consistent with the Design Guidelines as it provides for a prominent building to be located at the Cable Place intersection, a better street address and activation. The detailed design of the child care centre will be subject to a separate DA which is considered capable of achieving a high quality built form.

6.3 Parking, access and traffic generation

The car parking requirements for a child care centre in the Design Guidelines are 1 space per 6 children and 1 space per employee.

The approved car park within Lot 2 (SSD 8588) provides a total of 432 car parking spaces. This includes 370 spaces for the retail uses, 19 spaces for the 50 place child care centre, and a surplus of 43 spaces.

The Applicant has provided a Traffic and Parking Study, which advises that as the size of the child care centre is proposed to increase to 100-110 places, a total of 37 spaces is required (18 for employees and 19 for set down/pick up). The total parking requirement for Lot 2, including the retail centre and the proposed 110 child care centre is 407 spaces.

The Department is therefore satisfied that the car parking demand for the increased child care centre can be accommodated within the approved 432 space carpark.

The Traffic and Parking Study advises parking for the child care centre will be located adjacent to the future building, in the southwest corner of the site and will be designated as follows:

- 19 set down/pick up spaces for child care use between 7am to 9am and 4pm to 6pm Monday Friday
- 18 staff parking spaces only from 6:30am to 6:30pm Monday to Friday.

The Department notes this and recommends a new condition requiring parking spaces for the child care centre be designated in the carpark as part of the future detail design DA.

The Traffic and Parking Study also considered traffic generation based on RMS guidelines indicating that child care centres generate 0.35 to 0.4 vehicles per hour, per child, two way during weekday morning and afternoon peak hours. An increase from 50 to 110 places would result in an increase in traffic generation of 15 to 20 vehicles per hour (two way) or less than one vehicle every four to six minutes at peak.

The Department considers this is a low traffic generation and is not likely to have a noticeable impact on the operation of the surrounding road network compared to the already approved development.

In summary the Department is satisfied that:

- the traffic impacts from the proposed increase to the child care centre would be similar to the already approved child care centre
- the revised location of the child care centre building has no impact on the existing vehicular access or circulation within the carpark, as there are no changes to the approved vehicle access to the site
- there is sufficient carparking spaces to meet demand from the proposed increase to the child care centre.

6.4 Other Issues

Table 5 | Summary of other issues raised

Issue	Findings	Recommended Condition
Design Guidelines	<ul style="list-style-type: none"> • The Applicant seeks to update the design guidelines to be consistent with the changes to the location of the child care centre future building envelope. • The Department considers the changes satisfactory as they mainly relate to updating figures and maps and no content changes are proposed. 	<ul style="list-style-type: none"> • No additional conditions or amendments to existing conditions necessary.
Flooding	<ul style="list-style-type: none"> • EES noted in their response the proposed child care centre site will be inundated in a probable maximum flood (PMF) and an emergency response plan should be prepared as part of the detailed design to ensure the safety of users in flood events up to PMF. • It is noted the location of the child care centre on the concept plan is indicative, however there is no difference in flood depth between the current child care centre location and the proposed new location. • The Applicant notes the detailed design DA for the child care centre will include an Emergency Response Plan and the design of the centre will ensure habitable floor levels will be above PMF. • The Department notes Condition B13 of the consent requires future development applications to consider minimum floor levels for buildings and flood evacuation strategies. 	<ul style="list-style-type: none"> • No additional conditions or amendments to existing conditions necessary.
Roundabout	<ul style="list-style-type: none"> • The RMS raised concerns about queuing through the roundabout negatively affecting the signalised intersection when reviewing SSD 5175 MOD 4, MOD 5 and MOD 6 to the Concept Plan. • The new roundabout was proposed as part of SSD 5175 MOD 4 and RMS concerns have been resolved through the assessment and approval of SSD 5175 MOD 4 on 18 July 2019. 	<ul style="list-style-type: none"> • No additional conditions or amendments to existing conditions necessary.
Rural Fire Service (RFS)	<ul style="list-style-type: none"> • The RFS in their response issued general terms of approval. This is noted; however the application is at concept stage only and bushfire risk will be further considered as part of the detailed design DA for the child care centre. 	<ul style="list-style-type: none"> • No additional conditions or amendments to existing conditions necessary.



7. Evaluation

The Department has reviewed the Modification Report, RtS and assessed the merits of the proposal, in consideration with the submissions received from government agencies and Council.

The Applicant has demonstrated the proposal is consistent with the objects of the EP&A Act and the State's strategic planning objectives for the site as set out in the Region Plan and Central City District Plan, as it will continue to support growth in jobs close to residential areas and increased business activity.

The proposal to increase the child care centre GFA to provide up to 110 child care places will respond to anticipated future demand for child care in the local area. The child care centre will be subject to a separate Development Application to be assessed by Council. The Applicant has demonstrated the modification is consistent with the Concept Plan and will not result in any significant additional environmental impacts.

The Department considers the proposal is in the public interest.

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 B**).



8. 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 application SSD 5175 MOD 6 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 grant approval to the application
- **modifies** the consent SSD 5175
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:

Emily Dickson

Senior Environmental Assessment Officer
Key Sites Assessments

Recommended by:

Amy Watson

Team Leader
Key Sites Assessments



9. *Determination*

The recommendation is: **Adopted by:**

David McNamara

Director

Key Sites Assessments



Appendices

Appendix A – List of Documents

- SSD 5175, being the development consent for the Eastern Creek Business Hub Staged Development, granted by the Minister for Planning, on 7 January 2015, together with submissions, Applicant's response to submissions and the Department's assessment report.
- Associated modifications (SSD 5175 MOD 1, MOD 2, MOD 3 and MOD 4)
- Statement of Environmental Effects SSD 5175 MOD 6, prepared by Ethos Urban, dated 20 December 2018
<https://www.planningportal.nsw.gov.au/major-projects/project/12111>
- Response to Submissions SSD 5175 MOD 6, prepared by Ethos Urban, dated 2 August 2019
<https://www.planningportal.nsw.gov.au/major-projects/project/12111>

Appendix B – Notice of Modification

- SSD 5175 MOD 6
<https://www.planningportal.nsw.gov.au/major-projects/project/12111>

Appendix C – Consolidated consent

- SSD 5175 MOD 6
<https://www.planningportal.nsw.gov.au/major-projects/project/12111>