

## Statement of Environmental Effects

MOD 2 Eastern Creek Business Hub  
Rooty Hill Road South, Eastern Creek  
Section 4.55 (1a) Modification Application to SSD  
8588

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

13 November 2018 | 218088



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## **Appendices**

- A** Amended Architectural Plans  
*I2C*
- B** Development Consent SSD 5175 (as amended) and SSD 8588
- C** Updated Design Guidelines

## 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 to modify the detailed design of the Stage 1 retail centre (SSD 8588) to be consistent with the changes proposed concurrently to the early works approved under Concept Plan (SSD 5175).

The proposed modifications to the Concept Plan involve amendments to the approved stormwater drainage system to resolve issues with the original conditions of consent of SSD 5175 MOD 1 (refer to Section 3) that were uncovered during the detailed design process. It is also proposed to construct a new roundabout along the internal access road to service Lots 1 and 2 which will also require realignment of these lot boundaries. These changes result in minor amendments to the car park layout approved under SSD 8588.

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 Stage 1 Detailed Design DA (SSD 8588) and seeks to reflect the concurrent proposed changes of SSD 5175. A history of the relevant development applications and modifications relating to the Concept Plan is summarised in Table 1 below. A copy of the latest amended Concept Plan consent (SSD 5175) and Stage 1 detailed design (SSD 8588) are provided at **Appendix B**.

**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> </ul>	Approved 21 December 2017

Reference	Description	Status
	<ul style="list-style-type: none"> <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>	
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 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 concurrently with this application.
SSD 8588 MOD 2	<ul style="list-style-type: none"> <li>Subject of this s4.55 application</li> </ul>	Lodged concurrently with SSD 5175 MOD 4

Following approval of the original Concept Plan (SSD 5175) and MOD 1, Frasers entered into an agreement with the WSPT to develop the site. Through their design review process, and consultation with Council, the project team has identified a number of changes to the approved stormwater drainage design that need to be made prior to the construction of the civil works. These modifications are described under the concurrent s4.55 (2) application to SSD 5175.

### 3.2 Relationship Between SSD 8588 MOD 1, MOD 2 and SSD 5175 MOD 4

The proposed modifications to the early works under SSD 5175 will result in the need for minor changes to the southern car park area of the approved Stage 1 development lot (SSD 8588) but will not impact the main Stage 1 building design. It is noted that a concurrent modification application to SSD 8588 (MOD 1) which seeks changes to the design of the Stage 1 building only is nearing determination. The determination of SSD 8588 (MOD 1) will not impact the assessment of the MOD 2 application as SSD 8588 (MOD 1) does not relate to the southern car park area.

### **3.3 Stakeholder Consultation**

A meeting with Frasers and Blacktown City Council was held on 3 November 2017 in relation to the detailed design of Stage 2 (Lot 1) of the Eastern Creek Business Hub. At this meeting, Council's traffic engineers and planners stated that they did not support the proposed vehicular access arrangements and that a roundabout should be considered instead. This is addressed at Section 4.2 below.

A further meeting was then held with Frasers, Henry & Hymas and Blacktown City Council's civil engineers in November/December 2017 to discuss critical issues that were identified with the overall design of the approved civil works for the wider Eastern Creek Business Hub site approved under SSD 5175. At this meeting and through subsequent follow up discussions, it was agreed that a revised stormwater concept was required to address the identified issues and Council also requested that the revised design reflect their current requirements and methodology in terms of stormwater calculations and standards. This is discussed further at Section 4.1 below

A meeting was held with the Department of Planning & Environment on 27 April 2018 to discuss the proposed modifications arising from Blacktown City Council. The Department advised the modification application should be deferred until determination of the Stage 1 detailed DA (SSD 8588) as the modification would impact components of the Stage 1 application that were under assessment and nearing completion at the time. SSD 8588 was determined by the Independent Planning Commission (IPC) on 20 July 2018 and as such this application can now be assessed.





## 5.0 Modifications to Conditions

The proposed modifications described above necessitate amendments to the consent conditions of the early works under Concept Plan SSD 5175 and the approved detailed design of the Stage 1 car park (SSD 8588), as identified below. Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

The application seeks to modify as shown below.

### Modifications to SSD 8588

#### Condition A2

*The development may only be carried out:*

- (a) in compliance with the conditions of this consent*
- (b) in accordance with all written directions of the Planning Secretary*
- (c) in accordance with the EIS and Response to Submissions*
- (d) in accordance with the management and mitigation measures*
- (e) in accordance with the following drawings*

Architectural Drawing prepared by i2C			
Drawing No.	Revision	Name of Plan	Date
<b>DA-05</b>	<b>A</b>	<del>Proposed Site Plan — Stage 1</del>	<b>24.01.18</b>
<b>DA38</b>		<b>Stage 1 Proposed Plan</b>	<b>16.08.18</b>

#### Reason

The plans have been amended to reflect the various design changes to the car park required as a result of the concurrent s4.55 (2) modification application to SSD 5175.

### Car Parking

#### B11

*The development shall provide car parking in accordance with the following ***minimum*** requirements.*

- a) a total of ~~433~~ **432** on-site car parking spaces comprising:*
  - i. ~~418~~ **417** retail car parking spaces*
  - ii. 10 accessible car spaces*
  - iii. 4 pick-up spaces for the supermarket tenancy*
  - iv. 1 pick-up/drop-off space*

#### Reason

To clarify that these are minimum rates in accordance with the Design Guidelines and applicable planning controls and to update to reflect the latest proposal.

## 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 does not propose any modifications to the approved land use, overall quantum of gross floor area, site layout, building envelopes and design parameters. The modifications are to ensure consistency between the approved detailed design of the Stage 1 retail centre (SSD 8588) and the proposed modifications to the Concept Plan (5175).

The consequential changes to Stage 1 (SSD 8588) will only involve minor changes to the layout of the car park at the southern end of the site and will not impact the overall built form or character of the development.

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 approved stormwater drainage design 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 have been prepared and submitted as part of the Stage 1 DA.
State Environmental Planning Policy (Infrastructure) 2007	The proposed modifications do not alter the developments consistency with the relevant provisions of the SEPP.
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 Matters for Consideration under S 4.15 of the EP&A Act

Section 4.55 (3) of the EP&A Act requires a consent authority to take into consideration such of the matters referred to in Section 4.15 as are of relevance to the development the subject of the application. The Environmental Impact Statement and Response to Submissions submitted as part of the SSD 8588 addressed the following environmental impacts:

- Built form, urban structure and design;
- Economic impacts;
- Ecologically sustainable development;
- Acoustic amenity;
- Social impacts;
- Transport and accessibility;
- Visual impacts;
- Indigenous and European heritage and archaeology;
- Safety and security;
- Stormwater management;
- Site contamination;
- Biodiversity; and
- Bushfire management.

The planning assessment of the proposed modified development remains largely unchanged with respect to those matters addressed in the EIS's for the Stage 1 development and the modifications proposed under this application are a result of the proposed changes to the Concept Plan (SSD 5175). Accordingly, the environmental impacts are assessed as part of the concurrent s4.55(2) application to SSD 5175.

## 8.0 Conclusion

This application seeks minor amendments to the approved plan under SSD 8588 to ensure consistency with the changes proposed under the concurrent s4.55(2) application to SSD 5175. The modifications proposed to the Concept Plan (SSD 5175) result from further detailed consideration of the site's development strategy post development approval and following consultation with Blacktown City Council.

In accordance with Section 4.55 (1A) of the EP&A Act, the Minister may modify the consent for SSD 8588 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 revised site plan. Accordingly, we have no hesitation in recommending that the Minister for Planning and Environment approve this s4.55(1A) modification application as submitted and in accordance with the changes proposed under the concurrent 4.55(2) application to SSD 5175.