



July 2019

© Crown Copyright, State of NSW through its Department of Planning, Industry and Environment 2019

Disclaimer

While every reasonable effort has been made to ensure this document is correct at time of printing, the State of NSW, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance or upon the whole or any part of this document.

Copyright notice

In keeping with the NSW Government's commitment to encourage the availability of information, you are welcome to reproduce the material that appears in SSD 5175 MOD 4 and SSD 8588 MOD 2 report. This material is licensed under the Creative Commons Attribution 4.0 International (CC BY 4.0). You are required to comply with the terms of CC BY 4.0 and the requirements of the Department of Planning, Industry and Environment. More information can be found at: <http://www.planning.nsw.gov.au/Copyright-and-Disclaimer>.



Glossary

Abbreviation	Definition
CIV	Capital Investment Value
Consent	Development Consent
Council	Blacktown City Council
Department	Department of Planning, Industry and Environment
ECBH	Eastern Creek Business Hub
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
GFA	Gross Floor Area
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
EESG	Environment, Energy and Science Group of the Department of Planning, Industry and Environment
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



Contents

Glossary	iii
1. Introduction	1
1.1 The Site	2
1.2 Approval History	3
2. Proposed Modification	6
3. Strategic Context	9
3.1 Greater Sydney Region Plan and Central City District Plan	9
3.2 Western Sydney Parklands Plan of Management 2020	9
4. Statutory Context	10
4.1 Scope of Modifications	10
4.2 Consent Authority	11
4.3 Environmental Planning Instruments	11
4.4 Objects of the EP&A Act	11
5. Engagement	12
5.1 Department's Engagement	12
5.2 Summary of Submissions	12
5.3 Key Issues – Government Agencies	12
5.4 Key Issues – Council	14
5.5 Response to Submissions	14
5.6 Additional information	15
6. Assessment	16
6.1 Concept Approval modification (SSD 5175 MOD 4)	16
6.2 Retail centre modification (SSD 8588 MOD 2)	18
6.3 Other Issues	20
7. Evaluation	22
8. Recommendation	23
9. Determination	24
Appendices	25
Appendix A – List of Documents	25
Appendix B – Notice of Modification	25
Appendix C – Consolidated consent	25



1. Introduction

This report provides a concurrent assessment of applications to modify the Eastern Creek Business Hub Concept Approval (SSD 5175 MOD 4) and the State significant development (SSD) consent (SSD 8588 MOD 2) for a new retail centre at Rooty Hill Road South, Eastern Creek.

The modification applications seek approval:

- to modify the concept approval, to amend the stormwater drainage system, construct a new roundabout on the internal access road between Lots 1 and 2, associated realignment of lot boundaries and update the design guidelines
- to modify the development consent for the retail centre, including changes to the layout of the southern part of the Lot 2 carpark and location of future building envelopes.

The applications were lodged on 15 November 2018 by Frasers Property Group (the Applicant) pursuant to section 4.55(2) for SSD 5175 Mod 4 and section 4.55(1A) for SSD 8588 Mod 2 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The site is owned by the Western Sydney Parkland Trust (the Trust). Frasers Property Group have entered a development management agreement with the Trust to develop the land for a retail centre.

The site is located within the City of Blacktown local government area (LGA).



Figure 1 | Location of Eastern Creek Business Hub (black outline) and Lot 2 (red outline)

1.1 The Site

The Eastern Creek Business Hub (ECBH) is located at the intersection of the Great Western Highway and the M7 Motorway, 7 km west of Blacktown City Centre and 2.5 km south of Rooty Hill Railway Station (**Figure 1**). The ECBH has an area of 34 hectares and is generally flat, with a gentle fall to the east and south and is mainly open grassland with some scattered trees and remnant vegetation.

The modification applications relate to Lot 2, comprising an area of approximately 4.19 hectares, which is the first lot to be developed (**Figures 1 and 2**).

The surrounding area is characterised by a mix of land uses including:

- a single dual occupancy residential lot adjoins the north-western corner of the site at the intersection of Beggs Road (an existing local, unsealed road) and Rooty Hill road south, which is not part of the development site
- the M7 Motorway and Western Sydney Parkland land to the east
- low density residential development mainly comprising single storey detached dwelling houses and the Eastern Creek Public School and Eastern Creek Rural Fire Brigade Station to the west of Rooty Hill road south
- the Morreau Sporting Reserve and The Rooty Hill reserve to the north of Church Street.

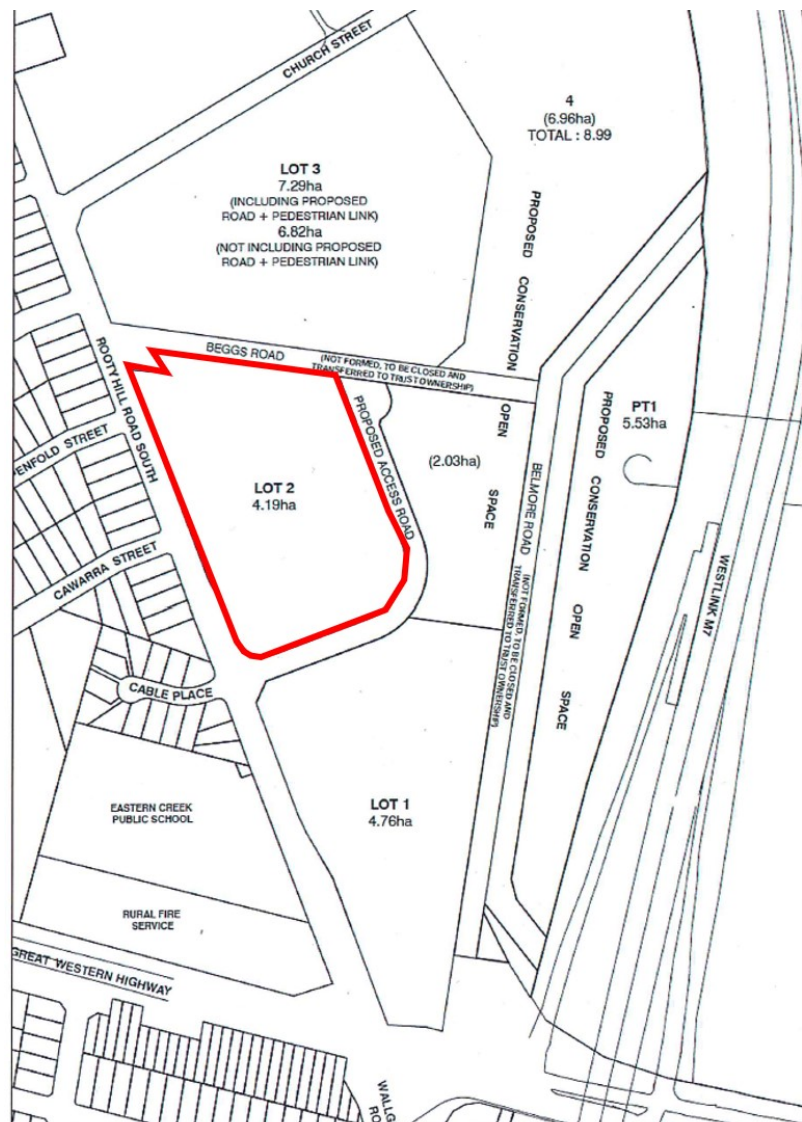


Figure 2 | Approved ECBH lot layout (Lot 2 in red)

1.2 Approval History

1.2.1 SSD 5175 Eastern Creek Business Hub Concept Plan

On 7 January 2015, the then Minister for Planning granted consent for the ECBH Staged Development Application, including (**Figure 3**):

- a concept proposal for a new retail centre comprising 52,800 m² of gross floor area (GFA) to accommodate retail premises, bulky goods premises and business premises uses and a development structure including site layout, land uses, 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 existing woodland areas identified for open space/conservation.

The development was approved to be constructed in two stages. The first stage includes two substages, being Lot 1 comprising bulky goods retail and Lot 2 comprising a convenience retail development with a maximum GFA of 9,500 m² including a supermarket and specialty shops. The second stage comprises the development of Lot 3 for bulky goods retail.

The concept approval has been modified on three occasions and three modifications are currently under assessment (**Table 1**).

Table 1 | Summary of Modifications to SSD 5175

Mod No.	Summary of Modifications	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 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 GFA by 2,338m ² to 55,838m ²	IPC	4.55(2)	20 July 2018
MOD 4	Modify the stage 1 concept approval, to amend the stormwater drainage system and construct a new roundabout on the internal access road between Lots 1 and 2.	Department	4.55(2)	Under assessment
MOD 5	Modification to the concept approval (as it relates to Lot 1), to relocate the bulky goods building envelope, amend the landscape masterplan and the Design Guidelines.	TBC	4.55(2)	Under assessment
MOD 6	Modification to the concept approval to transfer 500m ² of GFA from large format retail to the child care centre, resulting in a child care centre located in the south western corner of Lot 2 with a total GFA of 1,200m ² .	Department	4.55(1A)	Under assessment

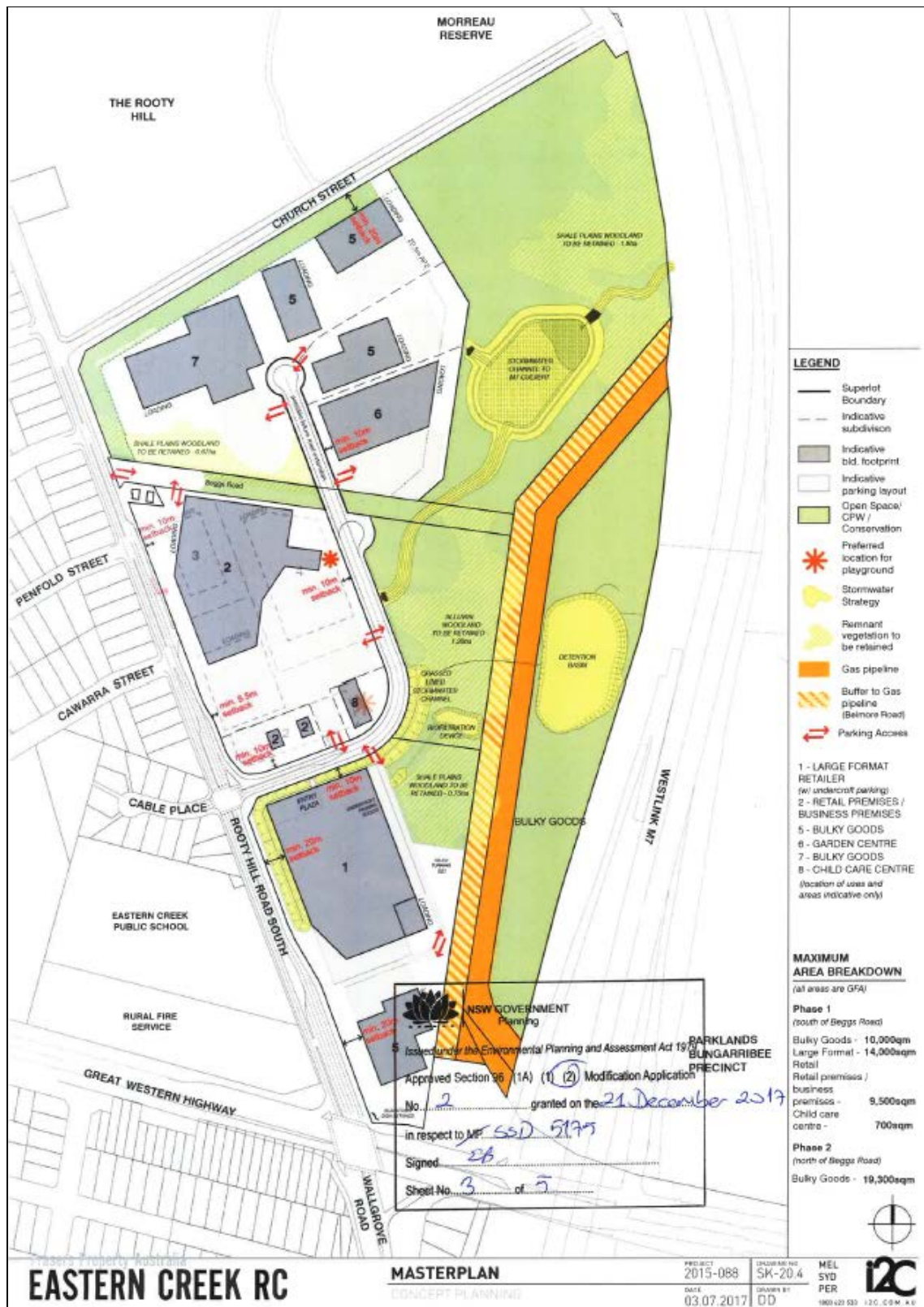


Figure 3 | Concept approval layout (as modified under MOD 2)

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 GFA of 11,438 m², including a supermarket, speciality shops, food and drink premises, medical centre, pharmacy, gymnasium, 433

car parking spaces, end of trip facilities, community garden, signage zones, loading dock facilities and associated landscaping and infrastructure.

The development consent has been modified on one occasion (**Table 2**).

Table 2 | Summary of Modifications to SSD 8588

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	Modify the detailed design of the retail centre building (in stage 1), 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



2. Proposed Modification

The modification applications comprise a section 4.55(2) modification to the concept approval to the Eastern Creek Business Hub (SSD 5175 MOD 4) and a section 4.55(1A) application to modify the development consent for the retail centre on Lot 2 (SSD 8588 MOD 2).

In summary the modification applications seek approval:

- to modify the concept approval, by amending the stormwater drainage system, constructing a new roundabout on the internal access road between Lots 1 and 2, associated realignment of lot boundaries and update the design guidelines
- to modify the development consent for the retail centre, including the layout of the southern part of the carpark and location of future development site building envelopes.

The key components and features of the proposals are provided in **Tables 3** and **4** and **Figure 4, 5** and **6**.

Table 3 | Description of changes under SSD 5175 MOD 4

SSD 5175 MOD 4 – modification to the concept approval

Component	Proposed modification
Stormwater drainage	<ul style="list-style-type: none">• move main overland flow channel further south to accommodate the proposed roundabout and access to lots 1 and 2• upstream urban catchment directed to existing creek downstream• removal of bio basin 1 and incorporated into design of OSD basin 1• OSD basins and outlet controls calculated in accordance with Council's requirements.
Roundabout	<ul style="list-style-type: none">• provide a roundabout on the internal access road between Lots 1 and 2 for entry access only to Lot 2 and entry/ exit access to Lot 1, replacing the separated entrances to Lots 1 and 2.
Boundary adjustment	<ul style="list-style-type: none">• realignment of the northern boundary of Lot 1 and southern boundary of Lot 2 to accommodate the new roundabout and stormwater design.
Future development sites	<ul style="list-style-type: none">• change the location of the future development sites in the south of Lot 2, as a result of the new roundabout and boundary adjustment.
Design Guidelines	<ul style="list-style-type: none">• amend the design guidelines to reflect proposed changes to the concept plan.

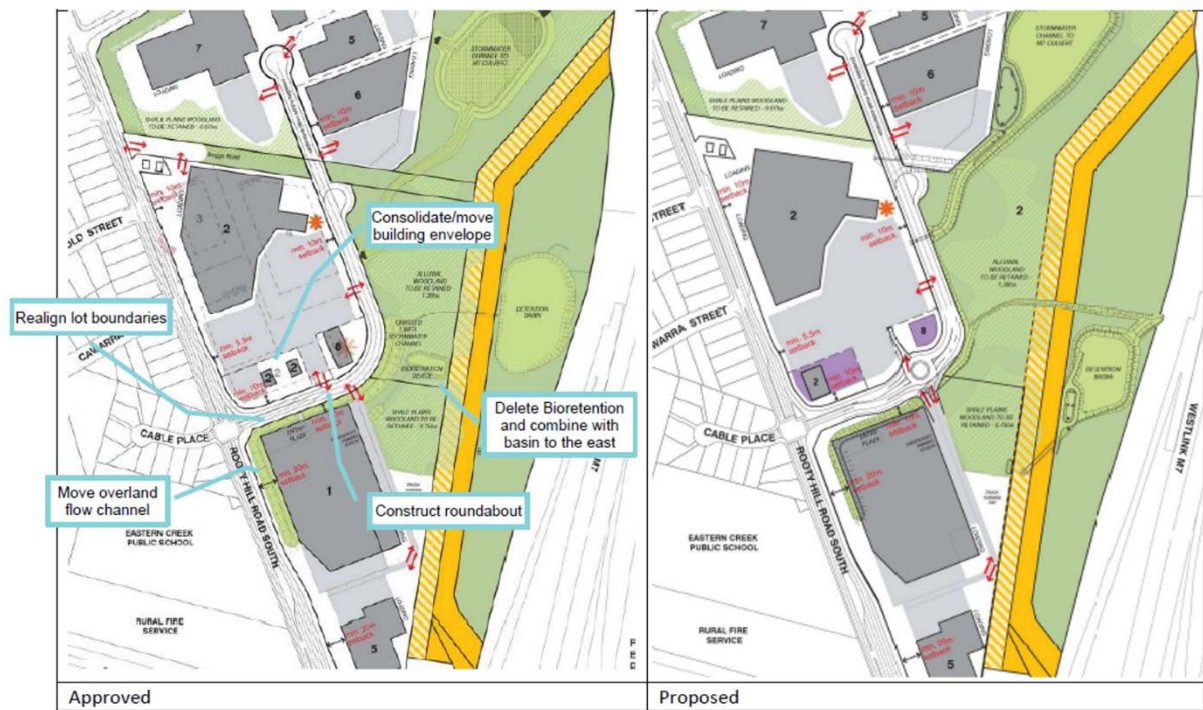


Figure 4 | Approved concept plan (left) and proposed (right) concept plan (SSD 5175)

Table 4 | Description of changes under SSD 8588 MOD 2

SSD 8588 MOD 2 – modification to the development consent for the retail centre

Component	Proposed modification
Car park	<p>Changes to the layout of Lot 2 car park, including:</p> <ul style="list-style-type: none"> reduce car parking spaces by one, from 433 to 432 spaces changes to location of pedestrian paths and tree planting.
Future development site	<ul style="list-style-type: none"> changes to the location of the future development sites in the south of the site (reflecting concurrent changes to the concept plan) no changes are sought the main retail centre building envelope and no additional GFA is proposed.

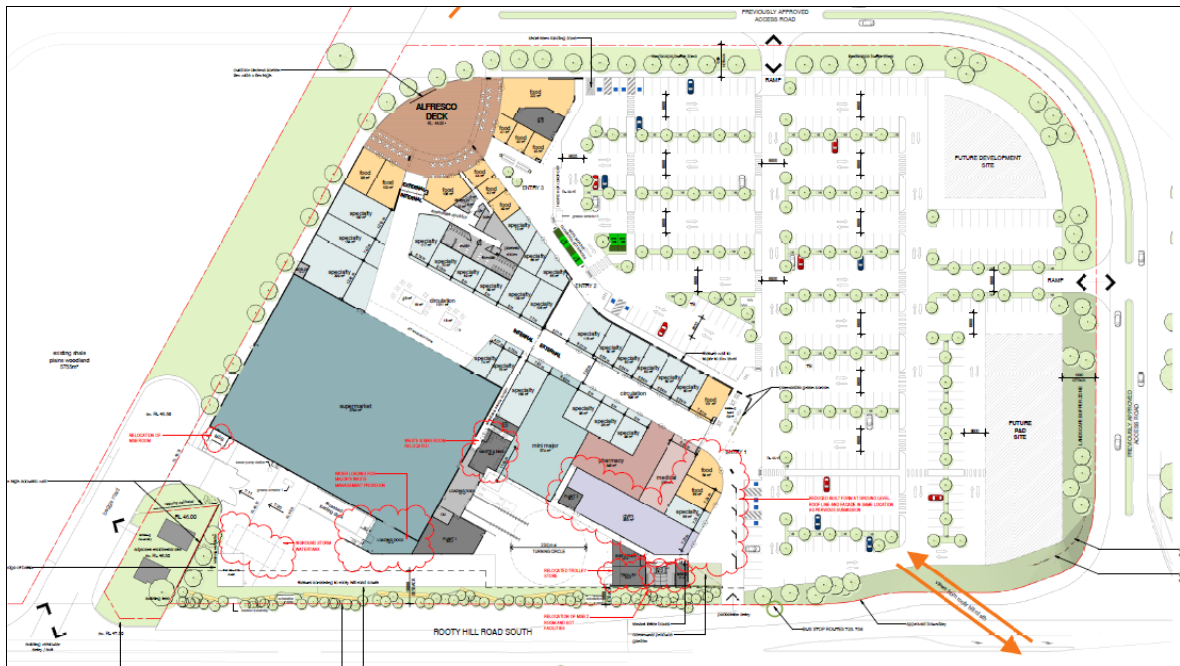


Figure 5 | Approved retail centre for Lot 2, convenience retail development (SSD 8588)

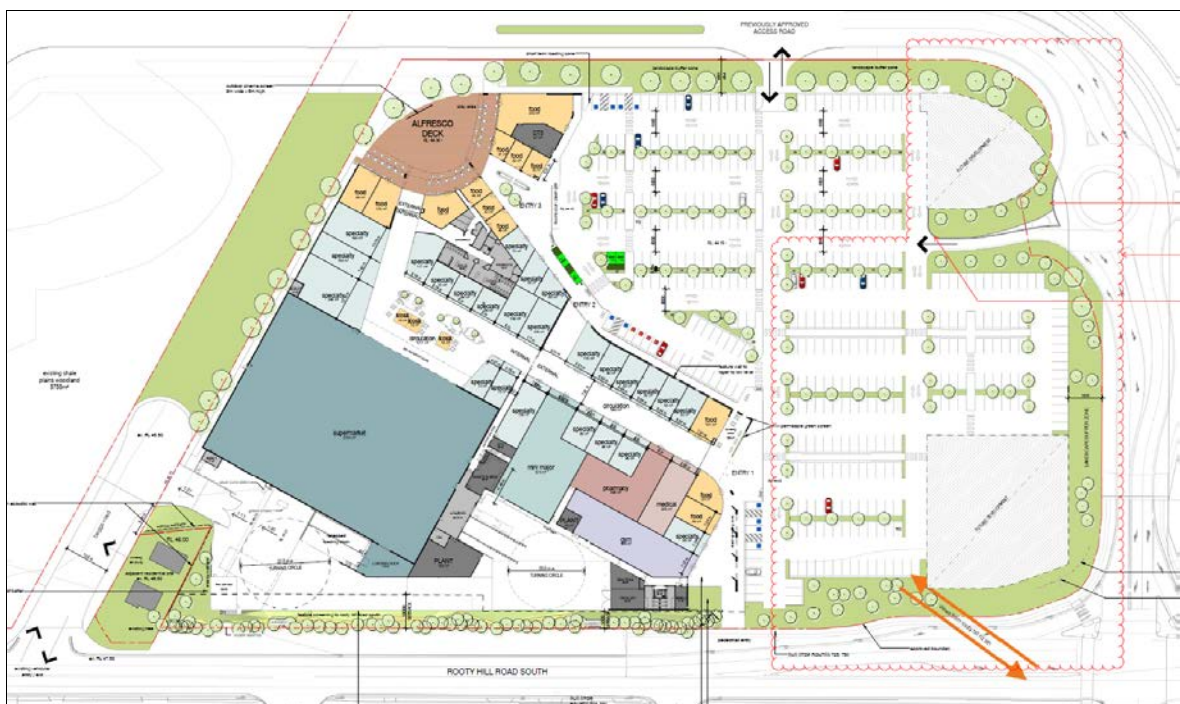


Figure 6 | Proposed changes to retail centre for Lot 2 (changes in red bubble) (SSD 8588 MOD 2)



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 original application was considered to be 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 original application and is 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) and 4.55(2) 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 application.

The matters for consideration under section 4.55(2) of the EP&A Act that apply to the modification to the concept approval to the Eastern Creek Business Hub (SSD 5175 MOD 4) have been considered in **Table 5**.

Table 5 | Section 4.55(2) Modification (SSD 5175 Mod 4)

Section 4.55(2) Evaluation	Consideration
a) satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)	<p>Section 6 of this report provides an assessment of the impacts associated with the modification to the concept plan.</p> <p>The Department is satisfied that the proposed modification is substantially the same development as the key components of the development remain, being a concept plan for a new business retail centre and stage 1 works.</p> <p>The proposal does not alter the approved land uses or overall GFA. The changes to the site layout are minor and consistent with the approval. The modifications improve stormwater drainage and internal access, following design development discussion with Council.</p>
b) that it has consulted with the relevant Minister, public authority or approval body) in respect of a condition imposed by the Minister, public authority or approval body, and	Not applicable.
c) the application has been notified in accordance with the regulations, and	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.
d) any submission made concerning the proposed modification has been considered.	The Department received a submission from Council and submissions from 11 government agencies. The issues raised in submissions have been considered in Section 5 and 6 of this report.

The matters for consideration under section 4.55(1A) of the EP&A Act that apply to the modification of the development consent for the retail centre on Lot 2 (SSD 8588 MOD 2) have been considered in **Table 6**.

Table 6 | Section 4.55(1A) Modification involving minimal environmental impact (SSD 8588 MOD 2)

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</p>

	GFA. As the modified proposal remains largely unchanged no additional significant impacts have been identified.
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	The modification application seeks minor changes to the layout of the carpark as a result of concurrent changes to the concept plan (SSD 5175 Mod 4), as well as the location of future building envelopes. Therefore, the development is considered to be substantially the same as the originally approved development.
c) the application has been notified in accordance with the regulations, and	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.
d) any submission made concerning the proposed modification has been considered.	The Department received a submission from Council and submissions from 11 government agencies. The issues raised in submissions have been considered in Section 5 and 6 of this report.

4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the applications 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
- Draft Remediation of Land State Environmental Planning Policy
- 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 does not result in any inconsistency 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

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation), the Department exhibited the applications from Thursday 22 November to Wednesday 5 December 2018 (14 days):

- on the Department's website
- at the offices of the Department and Service NSW (electronic copy)
- at Blacktown City Council's office.

The modification applications were advertised in the Blacktown Advocate on Wednesday 21 November 2018 and letters sent to surrounding landowners. The modification applications were also referred to Ausgrid, Blacktown City Council (Council), Department of Industry (DoI) – Lands and Water, Endeavour Energy, Environmental Protection Authority (EPA), Heritage Division of the Department of Premier and Cabinet (former Heritage Council of NSW), Jemena, Environment, Energy and Science Group (EESG) of the Department of Planning, Industry and Environment (former Office of Environment and Heritage), Transport for NSW (Roads and Maritime Services) (former RMS), Rural Fire Service (RFS), Sydney Trains, Sydney Water, TransGrid, Transport for NSW (TfNSW) and Water NSW.

5.2 Summary of Submissions

The Department received submissions from Council and 11 government agencies, being the DoI – Land and Water, Endeavour Energy, EPA, Heritage Division, Jemena, EESG, RFS, TfNSW (RMS), TfNSW, TransGrid and Water NSW.

No public submissions were received.

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

5.3 Key Issues – Government Agencies

Table 7 | Summary of Government Agency Submissions

EESG

EESG requested the following additional information to adequately assess the proposal:

- a clear plan showing the Native Grassland offset area approved under SSD 8588 BDAR waiver and any areas impacted as a result of the proposed modifications
- clarify if the overland flow channel around Lot 1 forms part of the on-site offset
- clarify the area of Shale Plains Woodland to be retained
- provide detail on the progress of the Biodiversity Offset Strategy, required by Condition B2 of SSD 5175
- recommend the quality of stormwater runoff from the proposed stormwater treatment system is able to meet the environmental targets of Part J of Blacktown City Council DCP 2015
- EESG also noted they have no flood concerns to raise and the modification should be consistent with Condition 13 of SSD 5175 (Aboriginal artefacts and ground disturbing works).

Transport for NSW (RMS)

Transport for NSW (RMS) reviewed the proposal and requested SIDRA modelling to ensure the proposed roundabout can accommodate the projected traffic volumes from the development and the signalised intersection can perform at an acceptable level.

Upon receipt of the SIDRA modelling Transport for NSW (RMS) raised concerns that as the roundabout is located only 100 m east of the signalised intersection on Rooty Hill Road South, queues from the roundabout will result in the roundabout functioning inefficiently and in turn negatively impact the signalised intersection at Rooty Hill Road South. Transport for NSW (RMS) requested:

- amended plans relocating the roundabout further east
- an updated SIDRA model for the roundabout.

Jemena

Jemena advised it does not object to the applications and provided comments that:

- no loadings are applied to the gas main, including all truck and excavator logistics (located within the easement to the east of the subject site)
- a pipeline patrol officer be present to supervise all works in the locality of interest to Jemena, with contact details provided.

Endeavour Energy

Endeavour Energy advised it does not object to the applications subject to recommendations relating to network capacity, connection, dial before you dig, public safety and emergency contact.

Dol – Land and Water

Dol - Land and Water advised it had no comments on the applications.

EPA

EPA advised it had no comments on the applications.

Heritage Division

The Heritage Division provided comments there are no State heritage concerns regarding the applications.

RFS

The RFS advises it raises no objections to the applications.

TfNSW

TfNSW has reviewed the applications and has no comment on the applications.

TransGrid

TransGrid advises it does not object to the applications as they do not affect TransGrid infrastructure.

Water NSW advises it has no comments of the applications.

5.4 Key Issues – Council

Council provided a response identifying numerous issues with the drainage plans and requested amended plans to resolve these issues. Council also requested the Applicant ensure the amended submission considers the provision of a child care centre in Lot 2.

5.5 Response to Submissions

Following exhibition of the applications, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions and provide updated concept plans, clarify changes to the design guidelines, stormwater information, car parking information, landscape plan detail and address the requirements of ISEPP.

The Applicant provided a combined Response to Submissions (RtS) (**Appendix A**) for SSD 5175 Mod 4 and SSD 8588 MOD 2 which contained updated concept plans and architectural plans, updated design guideline, revised stormwater plans, landscape plan, addendum biodiversity assessment and a traffic statement.

Key design amendments to SSD 5175 MOD 4 include:

- updated concept plans to reflect the proposed amendments
- stormwater changes including:
 - the main overland flow channel adjusted to accommodate the proposed widening of Rooty Hill Road South and internal lot changes
 - the 30-hectare upstream urban catchment will be directed to the existing creek that is located downstream of the proposed main overland flow channel
 - the procedure for calculating the OSD basin size and outlet controls has been undertaken using Council's latest deemed to comply calculation spreadsheet
 - stormwater channel batters redesigned to avoid impact to Shale Plain Woodlands and a decreased impact of 0.018 ha.

Key design amendments to SSD 8588 MOD 2 include:

- tree planting and pedestrian paths provided in the south wester corner of the site, as a result of the changes to the location of the future development sites
- further amendments to Condition B11 (SSD 8588 MOD 2) to specify the car parking rate applies to retail and ancillary uses.

The RtS was made publicly available on the Department's website and referred to Council, Transport for NSW (RMS) and EESG for further comments, who all provided a response. The key issues raised in these submissions are summarised in **Table 8**.

Table 8 | Summary of Government/ Agency Submissions to the RtS

Council

Council reviewed the RtS and provided recommended conditions of consent for SSD 5175 MOD 4 relating to the stormwater amendments.

Council advised they had no comments or concerns regarding SSD 8588 MOD 2.

Transport for NSW (RMS)

Transport for NSW (RMS) advised they reviewed the SIDRA files with regards to their concerns the roundabout may negatively impact the signalised intersection at Rooty Hill Road South and requested the following:

- update the PM and SAT model cycle times to the usual standards to improve the level of service (LOS)
- provide a dual right turn onto Rooty Hill Road South to improve LOS
- swept path plans to assess the dual right turn movement.

Updated modelling including electronic SIDRA files and output tables and swept path plans were requested to be submitted for review.

EESG

EESG advised the RtS addressed all comments and issues for clarification raised in their submission dated 29 November 2019 and they had no further comments.

5.6 Additional information

On **11 June** the Applicant submitted additional information in response to the Transport for NSW (RMS) comments, including:

- updated SIDRA modelling with changes to cycle times
- a dual right turn from the site to Rooty Hill Road, noting this results in lower queues between the intersection and proposed roundabout, but the Applicant suggests this is not required
- suggestion to change the intersection phasing and remove pedestrian crossing on northern side of Rooty Hill Road South
- overall the changes result in intersection delay reduced by 4 seconds in Saturday midday peak and a longer cycle time could be provided in PM peak.

The additional information was forwarded to the Transport for NSW (RMS) for comment.

The Applicant and Transport for NSW (RMS) met on **20 June 2019**, and further additional information was provided to Transport for NSW (RMS). This included two intersection options for Rooty Hill Road South and the site, comprising a minimum intersection cycle time of 120 seconds or reconfigure the site access approach to provide dual right turn lanes from the site to Rooty Hill Road South.

On **1 July** Transport for NSW (RMS) advised the Department they have no objection to the construction of a roundabout providing that access to lot 2 is modified from an entry/ exit to an entry only access arrangement.

The Department requested the Applicant respond to the comments from Transport for NSW (RMS) and provide amended plans.

On **3 July**, the Applicant submitted additional information responding to the Department and Transport for NSW (RMS), comprising:

- amended concept plans and stage 2 detailed design site plan showing entry only access from the proposed roundabout to Lot 2
- advice from the Applicant's traffic consultant that the entry only access to Lot 2 from the roundabout provides suitable access to Lot 2.

The amended plans did not require re-notification or referral, as it is considered there are no significant changes to the modification application. The Department notes Council provided no comment regarding the proposed roundabout.



6. Assessment

The Department has considered the modification applications, the issues raised in submissions, the Applicant's RtS and additional information in its assessment. The Department's considerations of the key issues associated with the proposals is discussed in the following sections of the report.

Other issues relating to the modification applications taken into consideration during the assessment are discussed at **Section 6.3**.

6.1 Concept Approval modification (SSD 5175 MOD 4)

The Department considers the key issues associated with the concept approval modifications are:

- traffic and access
- stormwater management
- biodiversity.

Each of these issues is discussed in the following sections of the report.

6.1.1 Traffic and access

The modification application proposes the construction of a new roundabout along the internal access road to service Lots 1 and 2 and replace the approved separated entrances to each lot. The Applicant states the roundabout will provide the following benefits:

- simplify the intersection and vehicular access
- allows vehicle access directly between Lots 1 and 2
- allows any vehicles that unintentionally entered the ECBH to turn around without having to enter individual sites.

It is noted as part of pre-development consultation between the Applicant and Council, Council recommended a roundabout be considered for access to Lots 1 and 2.

Transport for NSW (RMS) reviewed the modification application and raised concerns that as the roundabout is located only 100 m east of the signalised intersection on Rooty Hill Road South, queues from the roundabout will result in the roundabout functioning inefficiently and in turn negatively impact the signalised intersection at Rooty Hill Road South. Transport for NSW (RMS) requested the roundabout be located further east.

The Applicant's RtS includes an addendum Traffic Study in response to the issues raised by Transport for NSW (RMS). The Applicant advises it is not possible to move the roundabout further east due to environmental constraints and to provide dual access to Lots 1 and 2. The Applicant believes the roundabout in its current location and the signalised intersection can perform at an acceptable level and accommodate traffic generated by the approved and proposed development on the site.

Transport for NSW (RMS) reviewed the RtS and requested further information, including investigating changes to intersection cycle times, a dual right-hand turn lane and swept path plans. Upon receipt of this additional information and further consultation between the Applicant and Transport for NSW (RMS), Transport for NSW (RMS) advised they have no objection to the construction of a roundabout providing that access to Lot 2 from the roundabout is modified from an entry/ exit to an entry only access arrangement.

The Applicant has submitted amended concept plans and a detailed site plan for Lot 2 indicating entry only access to Lot 2 from the proposed roundabout, in accordance with the recommendation from Transport for NSW (RMS).

The Department notes the amended plans are supported by a statement from the Applicant's Traffic consultant advising the amended access arrangement to Lot 2 is suitable. Vehicle exit from Lot 2 is available via an existing driveway on the eastern side of the site which exits to the internal access road. This will enable vehicular movements in Lot 2 to function efficiently.

The Department is satisfied the proposed roundabout will improve vehicle access to the ECBH and facilitate access between Lots 1 and 2, without adversely impacting the operation of the signalised intersection at Rooty Hill Road South. The Department notes the plans have been amended in accordance with the recommendation from Transport for NSW (RMS).

The Department notes the revised access arrangement will require the Civil Works Plans to be amended and recommends a condition requiring these plans to be updated and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a construction certificate for the roundabout.

6.1.2 Stormwater management

The Applicant seeks to alter the overall design of the approved civil works for the ECBH site to address issues that were identified with the design, following discussions with Council. The Applicant provided a stormwater plan which included changes to the main overland flow channel to accommodate the proposed roundabout, directing upstream catchment to the existing creek downstream and calculations in accordance with Council's requirements.

Council reviewed the submitted stormwater plans and provided comments detailing a number of issues with the drainage plans relating to the basin layout and MUSIC modelling and requested amended plans to resolve these issues.

The Applicant's RtS included updated stormwater plans responding to Council's comments, including adjusting the main overland flow channel to accommodate the proposed widening of Rooty Hill Road South and internal lot configurations, and calculating the OSD basin size and outlet controls in accordance with Council's latest deemed to comply calculation spreadsheet.

Council reviewed the RtS and raised no additional concerns subject to recommended changes to the stormwater conditions of consent.

The Department notes the revised stormwater plans have been undertaken in accordance with Council's requirements, including on-site detention policy. The stormwater system includes:

- the access road drainage has been designed to accommodate up to 1:20 ARI storm event in the piped system
- to mitigate increased stormwater runoff and pollutants generated by the development, a water management basin for each of the two existing catchments, north and south, is proposed
- water treatment is to be managed by a water quality treatment train consisting of a bioretention filter system to reduce total suspended solids and nutrient loads.

The Department is satisfied the amended stormwater design improves the overall stormwater system and is in accordance with Council's requirements.

6.1.3 Biodiversity

The concept approval considered the impacts associated with the clearing of trees and required this to be offset through biobanking ecosystem credits. The concept approval included a condition of consent requiring the retirement of 46.3 biobank ecosystem credits of 'Grey Box – Forest Red Gum Woodland' at the Chandos West Biobank site.

EESG raised concerns the proposed modifications to the stormwater system would impact the sites proposed offset area, requested clarity around discrepancy in the amount of Shale Plain Woodland (SPW) to be retained, clearer mapping to be provided and sought an update on the progress of the Biodiversity Offset Strategy.

The Applicant's RtS has provided an additional report from Ecological Australia to respond to EESG comments, which states:

- the offset area for the site is located offsite (at the Chandos West Biobank site) and the proposed modifications to the stormwater system will not impact the sites offset area
- the impact to Alluvial Woodland from the stormwater system has been redesigned to remove any impact. The redesign also results in a decreased impact of 0.018 ha to SPW, which is a positive impact.
- the required 46.3 biobank ecosystem credits have been retired (as required by Condition B2)
- the retained SPW shown on the concept plans includes land identified as a buffer to the gas pipeline (Belmore Road) and is total of 0.75ha. In the amended subdivision plan, the area of SPW to be retained does not include the land around the gas pipeline and thus shows a smaller area of 6,950 m², which explains the discrepancy. The Applicant advises the amount of SPW to be removed is conditioned at 1.93 ha (as per Condition B2) and the modifications to the concept plan do not alter this.

EESG reviewed the RtS and advised their comments have been addressed and they have no further comments.

The Department notes EESG are satisfied with the clarifications provided in the Applicant's RtS. The Department is satisfied the proposed modifications to the concept plan will not have any additional biodiversity impacts beyond those considered as part of the original assessment of SSD 5175. Further, the changes to the stormwater system result in the impact to SPW to be reduced by 0.018ha, which is a positive biodiversity improvement to native vegetation.

6.2 Retail centre modification (SSD 8588 MOD 2)

The Department considers the key issues associated with the retail centre modification are:

- consistency with the concept approval
- site layout.

Each of these issues is discussed in the following sections of the report.

6.2.1 Consistency with the Concept Approval

The concept approval for the site establishes several parameters and requirements to be addressed in future applications. The Department has considered the modification application against the relevant requirements and is satisfied the proposal is consistent with the concept approval in that:

- the proposal does not result in any change to approved GFA
- the development complies with the design guidelines (as amended concurrently under SSD 5175 MOD 4) and achieves an acceptable design outcome
- an updated landscape strategy for the site has been provided and includes tree and plant species and maintains the parkland setting with landscape buffers at the interface with the public domain
- there will be no adverse impacts to surrounding road networks.

6.2.2 Site layout

The new roundabout (proposed concurrently under SSD 5175 Mod 4) requires changes to the location of the future development sites and the layout of the carpark within Lot 2 (**Figure 6**).

The Applicant states the amendments do not result in any additional GFA, the revised layout will result in no significant changes to the carpark and will facilitate a future development which will better address Rooty Hill Road South.

Council reviewed the proposed changes to the layout of Lot 2 and raised no concerns.

Future development site changes

Two future development sites are located in the southern part of the carpark. The future development site in the south-west corner of the lot is proposed to be consolidated and moved to address the intersection of Rooty Hill Road South and the internal access road, while the site in the south-east corner is proposed to be moved east to facilitate the new roundabout access to the site (**Figure 4**).

The Department notes the concept approval design guidelines establish design parameters for future development to achieve a high-quality built form and public domain. The design guidelines for Lot 2 seek to encourage a positive street address to Rooty Hill Road South and the internal access road, as well as building setback controls to ensure a landscape buffer is provided between the site and the public domain.

The indicative future development sites within Lot 2 will be subject to development applications which will be assessed against these guidelines. The Department considers the location of the future development sites is consistent with the intent of the guidelines and will enable quality-built forms to be achieved.

The Department is satisfied the location of the proposed future development sites are consistent with the concept plan design guidelines.

Carpark layout

The new roundabout requires changes to the approved carpark layout, including reduction of one car space, the location of pedestrian paths and tree planting changes.

The original development was approved with 433 car parking spaces (Condition B11) for the retail development and development of the future development sites (including a child care centre). The application proposes to reduce the total car parking spaces by one, to 432 spaces.

The design guidelines require parking to be provided at the rate of 1 space per 25 sqm for retail development (Part B, Section 3.6.6 Parking, control C9 of the design guidelines). The site has an approved retail GFA of 9747 m², which requires 389 car parking spaces. The loss of one car parking space does not alter the developments compliance with this control, as 432 spaces will be provided. The Department supports the proposed changes to the number of carparking spaces and Condition B11, as sufficient car parking is provided to service the retail development.

Tree canopy cover

As a result of changes to the carpark layout the location of pedestrian paths within the carpark and tree planting has also altered.

The Applicant advises the landscape design continues to provide greater than 35% tree canopy cover and in excess of 1 tree per 8 car spaces in accordance with the design guidelines.



Figure 7 | Proposed tree planting across carpark and site

The carpark includes 432 car parking spaces, requiring 54 trees. The landscape plan indicates at least 105 trees will be provided within the carpark, with an additional 59 across the site. This is approximately 4 trees per car space (**Figure 7**), which exceeds the design guidelines control, will provide shade and improve the amenity of the carpark.

The carpark layout has also been modified to clearly identify access routes for pedestrians to car parking areas and provides connections between the retail development and the future development sites.

The vehicle access arrangement has been modified to entry only to the site from the proposed roundabout, in accordance with Transport for NSW (RMS) recommendations. As discussed in **Section 6.1**, the Department is satisfied suitable vehicle access is provided for Lot 2.

The Department is satisfied the revised carpark layout is consistent with the design guidelines, provides sufficient car parking, suitable vehicle access, pedestrian connections and landscaping.

6.3 Other Issues

Other issues relating to the applications considered during the assessment are discussed in **Table 9**.

Table 9 | Summary of other issues

Issue	Findings	Recommended Condition
Design guidelines	<ul style="list-style-type: none"> The Applicant seeks to update the design guidelines (approved under the concept plan) to be consistent with the site layout changes resulting from the addition of the roundabout and subsequent changes to Lot 2 layout. No objections have been received from any agencies or Council. The Department considers the changes satisfactory as they mainly relate to updating 	<ul style="list-style-type: none"> It is recommended Condition A4 be updated to reflect the amended Design Guidelines

figures and maps and no content changes are proposed.

Lot boundary changes	<ul style="list-style-type: none"> • The Applicant seeks a realignment of the northern boundary of Lot 1 and the southern boundary of Lot 2 to accommodate the new roundabout and stormwater design. • A revised subdivision plan has been provided to support this change • The Department is satisfied the lot boundary adjustment supports improved stormwater system and traffic flows within the site and the small changes to the area of Lots 1 and 2 are consistent with the concept approval. 	<ul style="list-style-type: none"> • No additional conditions or amendments to existing conditions necessary.
Aboriginal cultural heritage	<ul style="list-style-type: none"> • EESG notes an Aboriginal Cultural Heritage Assessment Report (ACHAR) was provided with the original concept approval and that further sub-surface archaeological investigations will occur prior to commencement of ground disturbing works. EESG advised no further assessment was required, however requested any modification conditions to be consistent with the original approval. • The Department notes the Applicant does not seek any changes to the ACHAR and the proposed modification does not alter the requirements regarding this from the original assessment, which requires all works to halt if surface disturbance identifies a new Aboriginal object (Condition C13). 	<ul style="list-style-type: none"> • No additional conditions or amendments to existing conditions necessary
Jemena/gas	<ul style="list-style-type: none"> • The Applicant advises a Construction Management Plan (CMP) approved as part of the concept approval addressed the high-pressure gas line and required the preparation of a Safety Management Study (SMS). Jemena was consulted during the preparation of the CMP and it was advised the SMS was not needed for the original concept plan but should be prepared prior to carrying out any work in proximity to the gas line. As such the concept plan consent Condition B13 requires a SMS to be prepared prior to the commencement of any works on the site. • The Applicant advises works in proximity to the gas line have not commenced and the SMS has yet to be finalised. • The Department notes Jemena reviewed the proposal and advised it had no objections. • The Department notes the SMS will consider the final design as modified by this proposal prior to works commencing in proximity of the gas line. • The Department is satisfied in accordance with clause 66C of the Infrastructure SEPP that any potential safety risks or risks to the integrity of the pipeline associated with the development will be identified through finalisation of the SMS, however does not consider the proposal results in any new risks for the pipeline. 	<ul style="list-style-type: none"> • No additional conditions or amendments to existing conditions necessary



7. Evaluation

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

The Applicant has demonstrated the proposal 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 the modifications will continue to support growth in jobs close to residential areas, increased business activity and the ongoing use of the Western Sydney Parklands.

The changes to the stormwater design will ensure stormwater management occurs in accordance with Council's requirements, including on-site detention to manage water flows through the site. The proposed roundabout will improve vehicular access to and between Lots 1 and 2 and within the whole ECBH, without adversely impacting the signalised intersection at Rooty Hill Road South. The proposal does not impact vegetation areas to be retained and protected and result in a reduced impact to Shale Plain Woodland, which is a positive biodiversity outcome.

The Department notes Council supports the amended application and all concerns have been addressed through amended plans or recommended conditions. Similarly, concerns raised by Transport for NSW (RMS) and EESG have been addressed, as detailed in the assessment report.

The Department considers the proposal is in the public interest as it will continue to contribute to funding the Western Sydney Parklands, which provides recreation facilities for local and regional communities.

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 applications are 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:

- **considers** the findings and recommendations of this report
- **determines** that the application SSD 5175 MOD 4 falls within the scope of section 4.55(2) of the EP&A Act
- **determines** that the application SSD 8588 MOD 2 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
- **agrees** with the key reasons for approval listed in the draft notice of decision;
- **modifies** the consent SSD 5175 and SSD 8588
- **signs** the attached approval of the modification (**Appendix B**).

Recommended by:

Emily Dickson

A/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 and MOD 3)
- SSD 8588, being development consent for the detailed design, construction and operation of a convenience retail development on approved Lot 2 (stage 1), granted by the Independent Planning Commission, on 20 July 2018, together with submissions, Applicant's response to submissions and the Department's assessment report.
- Associated modifications (SSD 8588 MOD 1)
- Statement of Environmental Effects 5175 MOD 4, prepared by Ethos Urban, dated 8 November 2018
<https://www.planningportal.nsw.gov.au/major-projects/project/10936>
- Statement of Environmental Effects 8588 MOD 2, prepared by Ethos Urban, dated 13 November 2018
<https://www.planningportal.nsw.gov.au/major-projects/project/10941>
- Response to Submissions 5175 MOD 4 and 8588 MOD 2, prepared by Ethos Urban, dated 11 April 2019
<https://www.planningportal.nsw.gov.au/major-projects/project/10936>
<https://www.planningportal.nsw.gov.au/major-projects/project/10941>
- Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/10936>
<https://www.planningportal.nsw.gov.au/major-projects/project/10941>

Appendix B – Notice of Modification

- SSD 5175 MOD 4
<https://www.planningportal.nsw.gov.au/major-projects/project/10936>
- SSD 8588 MOD 2
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9733

Appendix C – Consolidated consent

- SSD 5175 MOD 4
<https://www.planningportal.nsw.gov.au/major-projects/project/10936>
- SSD 8588 MOD 2
<https://www.planningportal.nsw.gov.au/major-projects/project/10941>