

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

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



Anthony Witherdin
Director
Key Sites Assessments

Sydney

29 November 2019

SCHEDULE 1

Development consent: **SSD 8588** granted by the Independent Planning Commission on 20 July 2018

For the following: Detailed design, construction and operation of a convenience retail development on approved Lot 2 (Stage 1) with a gross floor area of 11,438 sqm comprising:

- a supermarket
- specialty shops, food and drink premises
- a medical centre
- pharmacy
- gymnasium
- car parking for 433 car spaces
- end-of-trip facilities
- community garden
- signage zones
- loading dock facilities
- associated landscaping and infrastructure

Applicant: Frasers Property Australia

Consent Authority: Minister for Planning and Public Spaces

The Land: Lot 2, Eastern Creek Business Hub, Rooty Hill Road South, Rooty Hill

Modification: SSD 8588 MOD 3: Design refinements including updated solar panel layout, internal tenancy layout changes, provision of car park shade sails and signage content.

SCHEDULE 2

- (a) Amend the development description by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Detailed design, construction and operation of a convenience retail development on approved Lot 2 (Stage 1) with a gross floor area of 11,438 sqm comprising:

- a supermarket
- specialty shops, food and drink premises
- a medical centre
- pharmacy
- gymnasium
- car parking for ~~433~~ **432** car spaces
- end-of-trip facilities
- ~~community garden~~
- signage zones
- loading dock facilities
- associated landscaping and infrastructure

- (b) Schedule 2 Part A – Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

TERMS OF CONSENT

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) generally in accordance with the EIS and Response to Submissions,
- (d) in accordance with the management and mitigation measures
- (e) generally in accordance with the approved modification(s)
- (f) the Statement of Environmental Effects MOD 2, dated 13 November 2018, Response to Submissions SSD 5175 MOD 4 and SSD 8588 MOD 2, dated 11 April 2019 and Additional Information SSD 5175 MOD 4 and SSD 8588 MOD 2, dated 3 July 2019, all prepared by Ethos Urban
- (g) the Statement of Environmental Effects SSD 8588 MOD 3, dated 5 September 2019 and Additional Information dated 21 October 2019, all prepared by Ethos Urban**
- (h) in accordance with the following drawings

Architectural Drawings prepared by i2C			
Drawing No.	Revision	Name of Plan	Date
DA38	P3 <u>P5</u>	Stage 1 Proposed Plan	02.07.19 <u>01.10.2019</u>
DA06	B <u>P3</u>	Stage 1 Proposed Roof Plan - <u>Stage 1</u>	31.08.18 <u>09.10.2019</u>
DA07		Entry 1	
DA08	A	Entry 2	11.09.17
DA09	A	Entry 2	11.09.17
DA10-A	C	Elevations 1	23.07.18
DA10-B	C	Elevations 2	23.07.18
DA11-A	B	Elevations 3	16.07.18
DA11-B	B	Elevations 4	23.07.18

DA12	A	True Elevations	11.09.17
DA13	A	Sections	11.09.17
DA18	C	3D Perspectives	16.07.18
DA18-A	B	3D Perspectives	16.07.18
SD01	A	Shopfront Design – Key Plan	11.09.17
SD02	A	Shopfront 1	11.09.17
SD03	A	Shopfront 2	11.09.17
SD04	A	Shopfront 3	11.09.17
SD05	A	Shopfront 4	11.09.17
SD06	A	Shopfront 5	11.09.17
SZ01 <u>SK28.1</u>	A	Signage Zones – <u>Site Plan</u>	11.09.17 <u>20.04.2018</u>
SZ02 <u>SK28.3</u>	A	Signage Zones – <u>View 1</u>	11.09.17 <u>20.04.2018</u>
SZ03 <u>SK28.4</u>	A	Signage Zones – <u>View 2</u>	11.09.17 <u>20.04.2018</u>
SZ04 <u>SK28.5</u>	A	Signage Zones – <u>View 3</u>	11.09.17 <u>20.04.2018</u>
SZ05 <u>SK28.6</u>	A	Signage Zones – <u>View 4</u>	11.09.17 <u>20.04.2018</u>
SZ06 <u>SK28.7</u>	A	Signage Zones – <u>View 5</u>	11.09.17 <u>20.04.2018</u>
SZ07 <u>SK28.8</u>	A	Signage Zones – <u>View 6 and 7</u>	11.09.17 <u>20.04.2018</u>
SZ08 <u>SK28.9</u>	A	Signage Zones – <u>View 8 and 9</u>	11.09.17 <u>20.04.2018</u>
SZ09 <u>SK28.10</u>	A	Signage Zones – <u>View 10</u>	11.09.17 <u>20.04.2018</u>
SZ10 <u>SK28.11</u>	A	Signage Zones – <u>View 11</u>	11.09.17 <u>20.04.2018</u>
<u>A9025</u>	<u>P4</u>	<u>Centre Signage Elevations 1</u>	<u>09.10.2019</u>
<u>A9026</u>	<u>P2</u>	<u>Centre Signage Elevations 2</u>	<u>09.10.2019</u>
<u>DA38A</u>	<u>P2</u>	<u>Stage 1 – Shade sail and Landscape details</u>	<u>09.10.2019</u>
<u>S-6776-DG-500-001.2</u>	<u>C</u>	<u>Proposed car park shade structures – design considerations</u>	<u>11.07.2019</u>
<u>S-6776-DG-500-001.3</u>	<u>C</u>	<u>Proposed car park shade structures – setout plan</u>	<u>11.07.2019</u>
<u>S-6776-DG-500-001.4</u>	<u>C</u>	<u>Proposed car park shade structures – structure plan</u>	<u>11.07.2019</u>
<u>S-6776-DG-500-001.5</u>	<u>C</u>	<u>Proposed car park shade structures – elevations</u>	<u>11.07.2019</u>
<u>S-6776-DG-500-001.6</u>	<u>C</u>	<u>Proposed car park shade structures – electrical routing provision plan</u>	<u>11.07.2019</u>

- (c) Schedule 2 Part A – Condition A15 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

EXTERNAL ADVERTISING ~~BUSINESS IDENTIFICATION~~ SIGNAGE

- A15. ~~The details of the advertising within the signage zones identified on the approved plans listed in Condition A2 will be subject to separate approval unless it complies with the exempt development provisions in accordance with State Environmental Planning Policy (Western Sydney Parklands) 2009.~~

The replacement of external business identification signage, or the content of such a sign, as shown in the approved Eastern Creek Quarter Signage Zones, prepared by i2C, dated 9 October 2019 and identified in the approved plans listed in Condition A2, does not require approval if the replacement signage is business identification signage or content and must meet the following requirements:

- (a) replace a lawful sign, and**
 - (b) not be greater in size than the sign that it replaces, and**
 - (c) not be a sign that is animated, flashing or illuminated, unless the sign it replaces is the subject of a development consent to be an illuminated sign, and**
 - (d) not involve any alteration to the structure on which the sign is displayed, and**
 - (e) not obstruct or interfere with traffic signs.**
- (d) Schedule 2 Part B – Condition B5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

DETAILED LANDSCAPE PLAN

- B5. A comprehensive landscape design plan and specifications prepared by a qualified landscape designer and incorporating the planting and landscape elements in the ECQ Stage 1 Landscape Plan prepared by Arcadia dated March 2019 shall be submitted for review and endorsement of the Planning Secretary prior to the issue of a Construction Certificate. The required comprehensive landscape design plan and specifications shall include:
- a) cross sections at various locations through the landscape setbacks at the perimeter of the site
 - b) proposed contours or spot levels
 - c) botanical names, quantities and container size of all proposed trees, shrubs and ground cover,
 - d) details of any retaining walls and drainage
 - e) on-going maintenance.

The landscape maintenance schedule is to be updated to include monitoring of the trees planted between the car park shade sail void during the establishment of the trees, to the satisfaction of the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate.

- (e) Schedule 2 Part B – Condition B8 is amended by the deletion of the ~~struckout~~ words/ numbers words as follows:

~~SIGNAGE STRATEGY~~

- B8. ~~Prior to the issue of a Construction Certificate, the Applicant is to provide an amended signage strategy showing the deletion of Sign K on the external face of the end-of-trip and bicycle storage building facing RHRS.~~

- (f) Schedule 2 Part E – insert new Condition E28 with the **bold and underlined** words / numbers as follows:

Landscape screening

E28. Prior to the issue of an Occupation Certificate, two advanced growth *Cupaniopsis anacardioides* trees are to be planted in the deep soil zone adjacent to the rear of the neighbouring dwelling at 151 Rooty Hill Road South.

The trees are to have a minimum pot size of 100L and be at least 3 metres high at the time of planting to provide screening of Signs N and O, located on the external building wall adjacent to the loading dock entry off Rooty Hill Road South, from the neighbouring dwelling.

- (g) Schedule 2 Part F – Condition F15 is amended by the insertion of the **bold and underlined** words / numbers as follows:

Illuminated advertising signage

F15. A midnight to dawn curfew shall apply to the illuminated external signage with the exception of signage related to the gymnasium.

Signs N and O, located on the external building wall adjacent to the loading dock entry off Rooty Hill Road South, are not to be illuminated at any time.

End of modification
(SSD 8588 MOD 3)