

# 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

6 April 2021

## SCHEDULE 1

<b>Development consent:</b>	<b>SSD 8588</b> granted by the Independent Planning Commission on 20 July 2018
<b>For the following:</b>	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: <ul style="list-style-type: none"><li>• a supermarket</li><li>• a speciality shops, food and drink premises</li><li>• a medical centre</li><li>• pharmacy</li><li>• gymnasium</li><li>• car parking for 432 car spaces</li><li>• end-of-trip facilities</li><li>• signage zones</li><li>• loading dock facilities</li><li>• associated landscaping and infrastructure</li></ul>
<b>Applicant:</b>	Frasers Property Retail Holdings Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>The Land:</b>	Lot 2, Eastern Creek Business Hub, Rooty Hill Road South, Rooty Hill
<b>Modification:</b>	SSD 8588 MOD 5: Extend Supermarket Loading Dock hours

## SCHEDULE 2

- (a) Schedule 2 Part A – Condition A2 is amended by the insertion of the **bold and underlined** 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) Modification Report SSD 8588 MOD 4, dated 12 February 2020, prepared by Ethos Urban, Additional Information dated 19 March 2020 and 20 May 2020, prepared by CBRK
  - (i) **Modification Report SSD 8588 MOD 5, dated 16 September 2020, prepared by Ethos Urban, Response to Submissions dated 16 February 2021 prepared by Ethos Urban and Additional Information dated 17 March 2021 prepared by Ethos Urban.**
  - (j) in accordance with the following drawings

Architectural Drawings prepared by i2C			
Drawing No.	Revision	Name of Plan	Date
DA38	P6	Stage 1 Proposed Plan	19.02.2020
DA06	P3	Proposed Roof Plan - Stage 1	09.10.2019
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

SK28.1		Signage Zones – Site Plan	20.04.2018
SK28.3		Signage Zones – View 1	20.04.2018
SK28.4		Signage Zones – View 2	20.04.2018
SK28.5		Signage Zones – View 3	20.04.2018
SK28.6		Signage Zones – View 4	20.04.2018
SK28.7		Signage Zones – View 5	20.04.2018
SK28.8		Signage Zones – View 6 and 7	20.04.2018
SK28.9		Signage Zones – View 8 and 9	20.04.2018
SK28.10		Signage Zones – View 10	20.04.2018
SK28.11		Signage Zones – View 11	20.04.2018
A9025	P4	Centre Signage Elevations 1	09.10.2019
A9026	P2	Centre Signage Elevations 2	09.10.2019
DA38A	P2	Stage 1 – Shade sail and Landscape details	09.10.2019
S-6776-DG-500-001.2	C	Proposed car park shade structures – design considerations	11.07.2019
S-6776-DG-500-001.3	C	Proposed car park shade structures – set out plan	11.07.2019
S-6776-DG-500-001.4	C	Proposed car park shade structures – structure plan	11.07.2019
S-6776-DG-500-001.5	C	Proposed car park shade structures – elevations	11.07.2019
S-6776-DG-500-001.6	C	Proposed car park shade structures – electrical routing provision plan	11.07.2019

- (b) Schedule 2 Part F – Condition F2 is amended by the insertion of the **bold and underlined** words/numbers as follows:

## HOURS OF OPERATION

F2. The loading docks shall not operate outside the following hours:

Loading and Unloading		
	Monday to Saturday	Sunday
<b><u>Supermarket Loading Dock</u></b>	<b><u>5:00am – 10:00pm</u></b>	
<b><u>Speciality Retailers Loading Dock</u></b>	7:00am – 6:00pm	8:00am – 5:00pm

- (c) Schedule 2 Part F – Condition F19 is added in the **bold and underlined** words/numbers as follows:

## LOADING DOCK MANAGEMENT

**F19. The Loading Dock Management Plan referred to in Condition E7, must be updated prior to the commencement of the extended loading dock hours of operation approved by MOD 5, to include:**

- a) **the use of forklifts for loading and unloading of goods within the supermarket loading dock is not permitted between 5 am and 7 am, and 6 pm and 10 pm, Mondays to Sundays**
- b) **all recommendations in the Noise Impact Assessment dated 5 February 2021 prepared by Acoustic Logic including:**
  - i) **Any garbage removal is to occur within the currently approved hours of the site – 9am – 5pm Monday to Sunday**

- ii) The use of the supermarket loading dock within the extended hours is to be limited as follows:
  - Morning Shoulder Period (5am – 7am); Up to one large truck/heavy vehicle delivery OR three small delivery trucks (home delivery trucks)/car/vans in a given 1 hour period
  - Evening Period (6pm -10pm); Up to one large truck/heavy vehicle delivery AND three small delivery trucks (home delivery)/car/vans in a given 1 hour period
- iii) Bail and/or garbage compactors are to be used only within the supermarket loading dock area, and are not to be used between the hours of 5am – 7am
- iv) Vehicles associated with the supermarket loading dock should not arrive/depart to the supermarket loading dock outside of hours of 5am to 10pm
- v) Vehicle engines are to be switched off during loading and unloading within the supermarket loading dock.

(d) Schedule 2 Part F - Condition F20 is added in the **bold and underlined** words/numbers as follows:

**F20. Within one month of the commencement of the extended loading dock hours of operation approved by MOD 5, verification from a qualified acoustic consultant shall be provided to the Certifier and Planning Secretary that demonstrates:**

- a) the use of the loading dock complies with the noise emission criteria identified in the *Noise Impact Assessment prepared by Acoustic Logic (Project ID 20200716.1 Revision 3) dated 5/02/2021.*
- b) the use of the loading dock complies with the Loading Dock Management Plan
- c) all recommendations of the *Noise Impact Assessment* and other guidelines applicable to the development have been implemented and complied with.

Should any exceedances of the noise emission criteria identified in the *Noise Impact Assessment prepared by Acoustic Logic (Project ID 20200716.1 Revision 3) dated 5/02/2021* be identified the Applicant shall outline the proposed measures that would be implemented to ensure compliance is achieved.

All measures shall be implemented to the satisfaction of the Planning Secretary prior to continuing to operate the loading dock during the extended hours (between 5 am and 7am, and 6 pm and 10 pm Monday to Saturday and between 5 am and 8 am, and 5 pm and 10 pm Sunday).

End of modification  
(SSD 8588 MOD 5)