

# Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, the Independent Planning Commission modifies the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Adrian Pilton  
Member of the Commission



Soo-Tee Cheong  
Member of the Commission

Sydney

15 June 2020

## SCHEDULE 1

<b>Development consent:</b>	<b>SSD 5175</b> granted by the Minister for Planning and Environment on 7 January 2015
<b>For the following:</b>	<p>Eastern Creek Business Hub Staged Development Application, including:</p> <ul style="list-style-type: none"><li>• A concept proposal for a new retail centre comprising 52,800 sqm gross floor area to accommodate 'retail premises', 'bulky goods premises' and 'business premises' uses and a development structure including land uses; site layout; building envelopes and design parameters.</li><li>• 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 the existing woodland areas identified for open space/conservation</li></ul>
<b>Applicant:</b>	Frasers Property Australia Pty Ltd
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>The Land:</b>	Eastern Creek Business Hub, Rooty Hill Road South, Rooty Hill (Western Sydney Parklands)
<b>Modification:</b>	<b>SSD 5175 MOD 5:</b> Modifications relating to Lot 1 to reconfigure building envelopes, additional land uses, amend the Design Guidelines and landscape masterplan.

## SCHEDULE 2

- (a) Schedule 2 Part A – Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

### Development Description

A1. Consent is granted to the 'concept proposal' as described in Schedule 1 and the Environmental Impact Statement, as amended by the Response to Submissions, associated documents submitted with Modification 1, Modification 2, Modification 3, Modification 4, Modification 6 and **Modification 5** and the conditions contained in this development consent.

- (b) Schedule 2 Part A – Condition A4 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

### Development in Accordance with Plans and Documents

A4. The Applicant shall carry out the development generally in accordance with the:

- a) Eastern Creek Business Hub State Significant Development SSD 5175 Environmental Impact Statement prepared by Architectus dated September 2012, as amended by the
- b) Eastern Creek Business Hub State Significant Development SSD 5175 Response to Submissions prepared by Architectus dated April 2014; and
- c) ~~Updated~~ Eastern Creek Business Hub Design Guidelines dated ~~4 July 2017~~ **13 September 2019**; and
- d) S.96(2) SSD Modification 5175 Eastern Creek Business Hub prepared by JBA Urban Planning Consultants Pty Ltd dated August 2015; and
- e) State Significant Development (SSD 5175) MOD 1 Rooty Hill Road South, Eastern Creek Response to Submissions prepared by JBA Urban Planning Consultants Pty Ltd dated January 2016; and
- f) SSD 5175 Eastern Creek Business Hub Section 96(2) Modification Application prepared by JBA Urban Planning Consultants, dated March 2017 as amended by the Response to Submissions prepared by JBA Urban Planning Consultants, dated 4 July 2017 and additional information submitted on 26 September 2017 and 5 and 14 December 2017
- g) SSD 5175 Eastern Creek Business Hub Section 96(2) Modification Application prepared by Ethos Urban Pty Ltd, dated 2 September 2017
- h) Statement of Environmental Effects SSD 5175 MOD 4, dated 8 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
- i) Statement of Environmental Effects SSD 5175 MOD 6, dated 20 December 2018 and Response to Submissions SSD 5175 MOD 6, dated 2 August 2019, prepared by Ethos Urban
- j) **Statement of Environmental Effects SSD 5175 MOD 5, dated 10 October 2018, Response to Submissions Report, dated 10 October 2019 and Response to request for Information, dated 9 January 2020, all prepared by Ethos Urban**
- k) following drawings, except for:
  - i) any modifications which are 'Exempt' or 'Complying Development'; and
  - ii) otherwise provided by the conditions of this consent.

Concept Proposal			
Concept Plans			
Drawing No.	Revision	Name of Plan	Date
SK-26.1		Structure Plan	01.03.2019
SK-26.2		Phasing Plan	01.03.2019
SK-20.46- <del>63.2</del>		<b><u>Concept</u></b> Masterplan	<del>09.04.2015</del> <b><u>05.12.2019</u></b>
SK-26.3		Enabling Infrastructure Works	01.03.2019
SK-26.4 <del>63.3</del>		Landscape <del>Master</del> Plan	<del>01.03.2019</del> <b><u>05.12.2019</u></b>

Landscape Plans prepared by ARCADIA Landscape Architecture			
		ECQ Stage 1 Landscape Plan	March 2019
	<u>L</u>	<b><u>ECQ Stage 2 Concept Landscape Plan</u></b>	<b><u>December 2019</u></b>

- (c) Schedule 2 Part A – Condition A7 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

**Maximum Gross Floor Area (GFA)**

A7. The maximum GFA for the total development shall not exceed ~~55,838~~ **56,438** sqm and the individual land use components shall have a maximum GFA as follows:

Land Use	Maximum GFA (sqm)	
bulky goods	29,300	Any residual large format retail GFA may be transferable to bulky goods GFA provided the combined maximum GFA for bulky goods and large format retail does not exceed 43,300m <sup>2</sup> .
large format retail	13,500	
<b><u>Specialised retail premises</u></b>	<b><u>39,400</u></b>	
<b><u>Recreation facility (indoor)</u></b>	<b><u>3,000</u></b>	Any residual recreation facility (indoor) or vehicle repair station GFA may be transferred to specialised retail remises GFA, provided the maximum GFA for specialised retail does not exceed 42,800 m <sup>2</sup> .
<b><u>Vehicle repair station</u></b>	<b><u>400</u></b>	
convenience retail	40,154	
• supermarket	3,794	
• specialty shops/small business	6,360	
Child care centre	1,200	
Circulation	1,684	
TOTAL	<del>55,838</del> <b><u>56,438</u></b>	

The above GFA is a maximum control and it may not be possible to achieve the maximum GFA within the approved building envelopes. Future applications must demonstrate compliance with both the maximum GFA and the approved building envelopes.

- (d) Schedule 2 Part A – Condition A8 is deleted by the ~~struckout~~ words/numbers as follows:

**~~Restriction on Large Format Retail~~**

~~A8. The large format retail component shall be operated by a maximum of two retailers and/or tenants for non-food or beverage purposes.~~

- (e) Schedule 2 Part B – Condition B1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

**Building Design**

B1. To ensure a high-quality urban design and architectural response is achieved, the site layout and architectural design of the ECBH shall have regard to, and be generally consistent with, the Design Guidelines dated ~~2 August 2019~~ **13 September 2019**.

- (f) 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:

**Landscaping**

B5. Future development applications for the construction of buildings shall include detailed landscape plans identifying the vegetation to be removed and the location of any additional landscaping and must be generally in accordance with the landscape and public domain principles and development guidelines in the Design Guidelines dated ~~2 August 2019~~ **13 September 2019**.

**End of modification**

**(SSD 5175 MOD 5)**