

Modification of Development Consent

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

As delegate of the Independent Planning Commission, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



David Glasgow
Acting Team Leader
Key Sites Assessments

Sydney

19 April 2024

File: EF24/4707

SCHEDULE 1

Development consent:
For the following:

SSD 10457 granted by the Director on 24 April 2023
A Concept Proposal with 39,500 m² of gross floor area in two stages with:

- a retail outlet centre and ancillary uses
- site layout and building height plane
- site specific design guidelines
- concept landscape design
- concept road upgrades.

Stage 1 early works consisting of:

- site subdivision
- tree and vegetation clearing
- temporary early bulk earthworks
- extension of Goldsbro Glade to Lot 3.

Applicant:

Frasers Property Retail Holdings Pty Limited

Consent Authority:

Minister for Planning and Public Spaces

The Land:

Lot 3 of the Eastern Creek Business Hub 141 Rooty Hill Road South, Eastern Creek, Blacktown

Modification:

SSD 10457 MOD 3:

Correction of minor errors and misdescriptions to plans in modifying conditions, references to subdivision works certificates and Arborist Report.

SCHEDULE 2

The above approval is modified as follows:

1. The table of drawings in Modification 10 to Condition A2 of SSD 5175 in Schedule 3 is amended by the deletion of ~~struck out words~~ and the insertion of **bold underlined words** as follows:

A2. The applicant shall carry out the 'Stage 1 subdivision and early works' 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 (SSD-5175) dated July 2022; 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; and
- g) Statement of Environmental Effects SSD 5175 MOD 4, dated 8 November 2018, Response to Submissions SSD 5175 MOD 4 and SSD 8588 MOD 2, prepared by Ethos Urban, dated 11 April 2019 and Additional Information SSD 5175 MOD 4 and SSD 8588 MOD 2, prepared by Ethos Urban, dated 3 July 2019; and
- h) Additional information dated 11 December 2020, prepared by Ethos Urban; and
- i) following drawings, except for:
 - i) any modifications which are 'Exempt' or 'Complying Development'; and
 - ii) otherwise provided by the conditions of this consent;

Stage 1 Subdivision			
Subdivision drawing prepared by Land partners			
Drawing No.	Revision	Name of Plan	Date
SY073106.006.32	2	Plan of Proposed Subdivision of Lot 101 in DP581882	27/06/2022
SY73106.006.7 A.3	3	Plan of Proposed Subdivision of Lot 12 in Stage 2 Being a Subdivision of DP 1267436 and Lot 1260111	30/06/2022
Early works drawings			
	D	Stage 1 Early Works Phasing Plan	30 June 2017
	B	Enabling Infrastructure Works	30 June 2017
Civil Works Plan prepared by Henry & Hymas			
17D83_S96_B E01	02	Cut and Fill Plan	13 April 2018

17D83_S96_C 000	04	Cover Sheet, Drawings Schedule, notes and locality plan	20 March 2019
17D83_S96_C 100	03	General arrangement plan	20 March 2019
17D83_S96_C 101	03	Detail civil plan, sheet 1 of 7	20 March 2019
17D83_S96_C 102	03	Detail civil plan, sheet 2 of 7	20 March 2019
17D83_S96_C 103	03	Detail civil plan, sheet 3 of 7	20 March 2019
17D83_S96_C 104	03	Detail civil plan, sheet 4 of 7	20 March 2019
17D83_S96_C 105	03	Detail civil plan, sheet 5 of 7	20 March 2019
17D83_S96_C 106	03	Detail civil plan, sheet 6 of 7	20 March 2019
17D83_S96_C 107	03	Detail civil plan, sheet 7 of 7	20 March 2019
17D83_S96_C 110	03	Typical site sections, sheet 1 of 2	20 March 2019
17D83_S96_C 111	03	Typical site sections, sheet 2 of 2	20 March 2019
17D83_S96_C 115	03	Stormwater channels typical sections	20 March 2019
17D83_S96_C 130	03	Access road CL 1 long section and chainages plan	20 March 2019
17D83_S96_C 131	02	Access road CL 2 long section and chainages plan	20 March 2019
17D83_S96_C 200	03	Stormwater miscellaneous details and pit lid schedule	20 March 2019
17D83_S96_C 220	03	Stormwater longitudinal sections sheet 1 of 2	20 March 2019
17D83_S96_C 221	03	Stormwater longitudinal sections sheet 2 of 2	20 March 2019
17D83_S96_C 230	03	North basin plan and sections	20 March 2019
17D83_S96_C 231	03	North basin details	20 March 2019
17D83_S96_C 240	03	South basin plan and sections	20 March 2019
17D83_S96_C 241	03	South basin details	20 March 2019
17D83_S96_C 250	03	Catchment plan – water quantity	20 March 2019
17D83_S96_C 251	03	Catchment plan – water quality	20 March 2019
17D83_S96_C 255	03	Access road catchment plan	20 March 2019
17D83_S96_C 300	03	Retaining wall overall plan	20 March 2019
17D83_S96_C 301	03	Retaining wall long sections	20 March 2019
17D83_S96_C 302	02	Retaining wall sections	20 March 2019
17D83_S96_S E01	03	Sediment and erosion control plan	20 March 2019
17D83_S96_S E02	03	Sediment and erosion control details	20 March 2019
<u>ECQ-C-201</u>	<u>03</u>	<u>Detailed Plan – Church Street, Sheet 1 of 2</u>	<u>13/10/2023</u>

<u>ECQ-C-202</u>	<u>03</u>	<u>Detailed Plan – Church Street, Sheet 2 of 2</u>	<u>13/10/2023</u>
<u>ECQ-C-203</u>	<u>01</u>	<u>Detailed Plan – Ground Level, Sheet 1 of 4</u>	<u>08/09/2023</u>
<u>ECQ-C-204</u>	<u>01</u>	<u>Detailed Plan – Ground Level, Sheet 2 of 4</u>	<u>08/09/2023</u>
<u>ECQ-C-205</u>	<u>01</u>	<u>Detailed Plan – Ground Level, Sheet 3 of 4</u>	<u>08/09/2023</u>
<u>ECQ-C-206</u>	<u>01</u>	<u>Detailed Plan – Ground Level, Sheet 4 of 4</u>	<u>08/09/2023</u>
<u>ECQ-C-207</u>	<u>01</u>	<u>Detailed Plan – Basement Level, Sheet 1 of 4</u>	<u>08/09/2023</u>
<u>ECQ-C-208</u>	<u>01</u>	<u>Detailed Plan – Basement Level, Sheet 2 of 4</u>	<u>08/09/2023</u>
Stage 1 Early Works Civil Plans prepared by henry & hymas			
20224_DA_BE50	01	Bulk earthworks – early works cut and fill plan	21/12/2020
20224_DA_BE54	01	Bulk earthworks – early works site sections, sheet 1 of 2	21/12/2020
2022_DA_BE52	01	Bulk earthworks – early works site sections, sheet 2 of 2	22/12/2020
20224_DA_C105	02	Detail civil plan, sheet 5 of 6	22/12/2020
20224_DA_C106	02	Detail civil plan, sheet 6 of 6	22/12/2020
20224_DA_C109	02	Detail civil plan – basement, sheet 3 of 3	22/12/2022
<u>ECQ-C-BE50</u>	<u>01</u>	<u>Bulk earthworks – early works cut and fill plan</u>	<u>13/09/2023</u>
<u>ECQ-C-BE51</u>	<u>01</u>	<u>Bulk earthworks – early works site sections sheet 1 of 2</u>	<u>13/09/2023</u>
<u>ECQ-C-BE52</u>	<u>01</u>	<u>Bulk earthworks – early works site sections sheet 2 of 2</u>	<u>13/09/2023</u>
<u>ECQ-C-209</u>	<u>01</u>	<u>Detail Plan – Basement Level, Sheet 3 of 4</u>	<u>08/09/2023</u>
<u>ECQ-C-209a</u>	<u>01</u>	<u>Detail Plan – Basement Level, Sheet 4 of 4</u>	<u>08/09/2023</u>
Road Improvement Works Sketch prepared by J. Wyndham Prince			
8801/SK04	H	Proposed Works Sketch	22 May 2013
Landscape Plans prepared by Urbis			
LA06	00	Phase 1 – Recommended Plant Species	27 August 2012
LA07	00	Phase 1 – Landscape furniture Palette	24 August 2012
LA08	02	Phase 1 – Street Tree Planting Works	10 September 2012
LA09	02	Phase 1 – Street Tree Planting Works	10 September 2012
LA10	00	Phase 1 – Street Tree Planting Works	30 August 2012

2. The title of Schedule 4, Part E and Condition E1 of that part is amended by the deletion of ~~struck out words~~ follows:

PART E PRIOR TO THE ISSUE OF ANY SUBDIVISION ~~WORKS~~ CERTIFICATE

SUBDIVISION ~~WORKS~~ CERTIFICATE

- E1. The Applicant must comply with the requirements of Part 6 of the EP&A Act in relation to the issue of a Subdivision ~~Works~~ Certificate.

For the purposes of this approval, the issue of a Subdivision Works Certificate/s is restricted to the subdivision defined by the draft subdivision plan listed in Schedule 4, Condition A3.

3. Schedule 4, Part B, Condition B9 is amended by the deletion of ~~struck-out words~~ and the insertion of **bold underlined words** as follows:

TREE RETENTION AND PROTECTION

- B9. Prior to the issue of the first construction certificate, the Applicant is to pay a tree preservation bond to Council for each tree nominated for retention in section ~~3.3~~ **3.2** of the Arboricultural Impact Assessment by Eco Logical Australia Version 5 ~~12, 1 September 2023~~ **20 November 2023** and Tree Protection Plan dated 1 September 2023 for Eastern Creek Business Hub Stage 3 as per Council's Goods and Services Pricing Schedule, to ensure the retention and protection of trees as per AS:4970-2009 - Protection of Trees on Development Sites.

The bond amount will be held by Council and returned 12 months following the issue of an occupation certificate for future Phase A works following the submission of the final report by the Applicant's project Arborist indicating the trees are in good health, and this is confirmed following an inspection by an authorised officer from Council's tree management section.

4. Schedule 4, Part B, Condition B11 is amended by the deletion of ~~struck-out words~~ and the insertion of **bold underlined words** as follows:

- B11. Prior to the issue of the first construction certificate, an Australian Qualifications Framework (AQF) Level 5 Consulting Arborist needs to be engaged to supervise work within the Tree Protection Zone (TPZ), provide advice regarding tree protection and monitor compliance. They are to register with the Applicant before any works commence so that the builder can be inducted as to essential times when the Arborist will be required on-site. ~~Hold points, inspections and certification are carried out by the Arborist in line with Section 5 of the Arboricultural Impact Assessment, (AIA).~~

5. Schedule 4, Part D, Condition D26 is amended by the deletion of ~~struck-out words~~ and the insertion of **bold underlined words** as follows:

TREE PROTECTION

- D26. While site or building work is being carried out, the Applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, (as amended by the Arboricultural Impact Assessment prepared by Eco Logical Australia Version 5 ~~12, 1 September 2023~~ **20 November 2023** and Tree Protection Plan dated 1 September 2023) the relevant requirements of the applicable Australian Standards and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

End of modification

(SSD 10457 MOD 3)