

# Modification of Development Consent

Section 4.55(1A) 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 and Schedule 4.



Cameron Sargent  
**Team Leader**  
**Key Sites Assessments**

Sydney

20 December 2023

## SCHEDULE 1

**Development consent:**  
**For the following:**

**SSD 10457** granted by the Director on 24 April 2023

A Concept Proposal with 39,500 m<sup>2</sup> 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 2:**

Concept proposal:

- Western extension of the basement car park of the retail outlet centre by up to 25 m
- Amendments to Masterplan drawing and concept civil plans.

Stage 1 early works

- Amendment to Stage 1 early works associated with the western extension of the basement car park by up to 25 m
- Amendments to bulk earthworks, including cut and fill.

## SCHEDULE 2

### PART A ADMINISTRATIVE CONDITIONS FOR CONCEPT DEVELOPMENT APPLICATION

The above approval is modified as follows:

1. Schedule 2 Part A – Administrative Conditions for Concept Development Application – Condition A3 is amended by the deletion of ~~struck-out~~ words and the insertion of **bold underlined** words and new Condition A34 is imposed shown **bold underlined** as follows:

#### TERMS OF CONSENT

A3 The Applicant, acting on this consent, must carry out the development:

- (a) in compliance with the conditions of this consent
- (b) in accordance with all written directions of the Planning Secretary
- (c) in accordance with the EIS and as amended by the RtS and additional information
- (d) in accordance with the management and mitigation measures
- (e) in accordance with the following approved SSD-10457 concept drawings listed in the table below, except as amended by the conditions of this consent
- (f) in accordance with SSD-5175 (as modified by Schedule 3) and the list of approved drawings in this consent, as amended at the date of this consent, except as amended by Conditions A16 to A18 of this part, modifying conditions in Schedule 3 of this consent and the conditions of this consent
- (g) in accordance with the modification application SSD 10457 MOD 1 titled 'Section 4.55(1) Modification Application – Setback from Rooty Hill Road South (14 June 2023) (note no change to approved plans)
- (h) **in accordance with the modification application SSD 10457 MOD 2 titled 'Section 4.55(1A) Modification Application – Amendment of Concept Basement Footprint' (13 September 2023) and Response to Submissions**

Concept Plans prepared by i2C			
Plan Number	Plan Title	Revision	Date
<del>SK40.21</del> <b><u>SK40.21(A)</u></b>	Masterplan	-	<del>29.07.2022</del> <b><u>08.09.2023</u></b>
SK40.4	Pedestrian Access	-	29.07.2022
SK40.6	Enabling Infrastructure Plan	-	29.07.2022
SK40.7	Structure Plan	-	29.07.2022
SK40.8	Superlot	-	29.07.2022
SK40.9	Landscape Masterplan	-	29.07.2022
Concept civil plans prepared by henry & hymas			
Plan Number	Plan Title	Revision	Date
<del>20224_DA_BE01</del> <b><u>ECQ-C-BE50</u></b>	<del>Cut and fill plan</del> <b><u>Bulk earthworks – early works cut and fill plan</u></b>	<del>02</del> <b><u>01</u></b>	<del>21/12/2020</del> <b><u>13/09/2023</u></b>
<del>20224_DA_BE02</del>	<del>Bulk earthworks sections</del>	<del>04</del>	<del>19/11/2020</del>
<b><u>ECQ-C-BE51</u></b>	<b><u>Bulk earthworks – early works site sections sheet 1 of 2</u></b>	<b><u>01</u></b>	<b><u>13/09/2023</u></b>
<b><u>ECQ-C-BE52</u></b>	<b><u>Bulk earthworks – early works site sections sheet 2 of 2</u></b>	<b><u>01</u></b>	<b><u>13/09/2023</u></b>
<del>20224_DA_C100</del>	<del>General arrangement plan on ground level</del>	<del>02</del>	<del>22/12/2020</del>
<del>20224_DA_C101</del>	<del>Detail civil plan, sheet 1 of 6</del>	<del>02</del>	<del>22/12/2020</del>
<del>20224_DA_C102</del>	<del>Detail civil plan, sheet 2 of 6</del>	<del>02</del>	<del>22/12/2020</del>
<del>20224_DA_C103</del>	<del>Detail civil plan, sheet 3 of 6</del>	<del>02</del>	<del>22/12/2020</del>

20224_DA_C104	Detail civil plan, sheet 4 of 6	02	22/12/2020
20224_DA_C107	Detail civil plan – basement, sheet 1 of 3	02	22/12/2020
20224_DA_C108	Detail civil plan – basement, sheet 2 of 3	02	22/12/2020
20224_DA_C109	Detail civil plan – basement, sheet 3 of 3	02	22/12/2020
20224_DA_C110	Typical site sections, sheet 1 of 3	04	20/11/2020
20224_DA_C111	Typical site sections, sheet 2 of 3	04	20/11/2020
20224_DA_C112	Typical site sections, sheet 3 of 3	04	20/11/2020
<b><u>ECQ-C-201</u></b>	<b><u>Detail Plan – Church Street, Sheet 1 of 2</u></b>	<b><u>03</u></b>	<b><u>13/10/2023</u></b>
<b><u>ECQ-C-202</u></b>	<b><u>Detail Plan – Church Street, Sheet 2 of 2</u></b>	<b><u>03</u></b>	<b><u>13/10/2023</u></b>
<b><u>ECQ-C-203</u></b>	<b><u>Detail Plan – Ground Level, Sheet 1 of 4</u></b>	<b><u>01</u></b>	<b><u>08/09/2023</u></b>
<b><u>ECQ-C-204</u></b>	<b><u>Detail Plan – Ground Level, Sheet 2 of 4</u></b>	<b><u>01</u></b>	<b><u>08/09/2023</u></b>
<b><u>ECQ-C-205</u></b>	<b><u>Detail Plan – Ground Level, Sheet 3 of 4</u></b>	<b><u>01</u></b>	<b><u>08/09/2023</u></b>
<b><u>ECQ-C-206</u></b>	<b><u>Detail Plan – Ground Level, Sheet 4 of 4</u></b>	<b><u>01</u></b>	<b><u>08/09/2023</u></b>
<b><u>ECQ-C-207</u></b>	<b><u>Detail Plan – Basement Level, Sheet 1 of 4</u></b>	<b><u>01</u></b>	<b><u>08/09/2023</u></b>
<b><u>ECQ-C-208</u></b>	<b><u>Detail Plan – Basement Level, Sheet 2 of 4</u></b>	<b><u>01</u></b>	<b><u>08/09/2023</u></b>
<b><u>ECQ-C-209</u></b>	<b><u>Detail Plan – Basement Level, Sheet 3 of 4</u></b>	<b><u>01</u></b>	<b><u>08/09/2023</u></b>
<b><u>ECQ-C-209a</u></b>	<b><u>Detail Plan – Basement Level, Sheet 4 of 4</u></b>	<b><u>01</u></b>	<b><u>08/09/2023</u></b>

## **RETAINING WALL DESIGN**

**A34. The retaining wall design must incorporate a dish drain or similar device to capture any overland flow flowing onto the footpath paving.**

## **SCHEDULE 4 – CONDITIONS OF CONSENT FOR STAGE 1 WORKS PART A ADMINISTRATIVE CONDITIONS**

- Schedule 4 Part A – Administrative Conditions of Consent for Stage 1 Works – Condition A4 and B9 is amended by the deletion of ~~struck out~~ words and the insertion of **bold underlined** words as follows:

### **TERMS OF CONSENT**

- A4 Stage 1 of the development may only be carried out:
- in compliance with the conditions of this consent
  - in accordance with all written directions of the Planning Secretary
  - in accordance with the EIS and as amended by the RtS and additional information
  - in accordance with the modification application SSD 10457 MOD 2 titled 'Section 4.55(1A) Modification Application – Amendment of Concept Basement Footprint' (13 September 2023) and Response to Submissions**
  - in accordance with the drawings listed in the table below, as amended by the conditions of this consent:

<b>Draft Subdivision Plans prepared by Landpartners</b>			
<b>Plan Number</b>	<b>Plan Title</b>	<b>Revision</b>	<b>Date</b>
SY073106.006.3.2	PLAN OF PROPOSED SUBDIVISION OF LOT 101 IN DP581882	2	27/06/2022

SY073106.006.7A.3	PLAN OF PROPOSED SUBDIVISION OF LOT 12 IN STAGE 2 BEING A SUBDIVISION OF DP 1267436 AND LOT 1 DP 1260111	3	30/06/2022
<b>Stage 1 Early Works Civil Plans prepared by henry &amp; hymas</b>			
<b>Plan Number</b>	<b>Plan Title</b>	<b>Revision</b>	<b>Date</b>
20224_DA_BE50 <b><u>ECQ-C-BE50</u></b>	Bulk earthworks – early works cut and fill plan	01	21/12/2020 <b><u>13/09/2023</u></b>
20224_DA_BE54 <b><u>ECQ-C-BE51</u></b>	Bulk earthworks – early works site sections, sheet 1 of 2	01	21/12/2020 <b><u>13/09/2023</u></b>
2022_DA_BE52 <b><u>ECQ-C-BE52</u></b>	Bulk earthworks – early works site sections, sheet 2 of 2	01	21/12/2020 <b><u>13/09/2023</u></b>
20224_DA_C105	Detail civil plan, sheet 5 of 6	02	22/12/2020
20224_DA_C106	Detail civil plan, sheet 6 of 6	02	22/12/2020
20224_DA_C109	Detail civil plan – basement, sheet 3 of 3	02	22/12/2020

2. Schedule 4 Part B – Prior to the issue of any Construction Certificate – Condition B9 is amended by the deletion of ~~struck out~~ words and the insertion of **bold underlined** words and new Condition B13 is imposed shown **bold underlined** 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 of the Arboricultural Impact Assessment by Eco Logical Australia Version 5, 12 July 2024 – **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.

- B10. Two inspection fees as per Council's Goods and Services Pricing Schedule will be applicable for the authorised officer to inspect the tree protection measures implemented before construction commencing and following a request to return the tree preservation bond as noted above.
- 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).
- B12. The tree protection measures are to be installed before construction commences.

#### **RETAINING WALL DESIGN**

**B13. The retaining wall design must incorporate a dish drain or similar device to capture any overland flow flowing onto the footpath paving.**

3. Schedule 4 Part D – During Construction – Condition D26 is amended by 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, 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 2)**