

Your ref: SSD 5175 Mod 3 &
SSD 8588
File no: MC-12-1769

29 November 2017

Key Sites Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Brian Kirk

Dear Mr Kirk,

**Projects: SSD 5175 Mod 3 Eastern Creek Business Hub s96(1A) to amend
the total Gross Floor Area
SSD 8588 for the construction of a retail centre on approved Lot 2
(Stage 1)**

Re: Response from Council

I refer to your correspondence dated 6 October 2017, providing us with the opportunity to comment on Frasers Property's request to modify the Eastern Creek Business Hub State Significant Development (SSD) Development Application (DA) and for the construction of the Stage 1 retail centre SSD DA.

We have reviewed the proposed modification to the gross floor area for SSD 5175 and do not consider the increase to be appropriate as detailed in Attachment A.

We have undertaken a review of the proposed SSD 8588 Stage 1 Retail Centre and reiterate the concerns raised in our objection dated 12 October 2017 with regard to SSD 5175 Mod 2. The current design of Beggs Road is not suitable and is not supported.

To ensure that a high standard of development is produced for SSD 8588 and that the development operates in a manner that will have no adverse impact on the surroundings, we request that the application is revised as reiterated in Attachment B.

Should you wish to support the proposal, we have provided recommended conditions of consent to SSD 8588 in Attachment C.

If you would like to discuss this matter further, please contact me on 9839 6000.

Yours faithfully,



Alan Middlemiss

A/Manager Development Assessment

ATTACHMENT A

Comments regarding SSD 5175 Mod 3 to increase the total Gross Floor Area of the development to 55,858 sqm:

Whilst we recognise the Applicant's desire to respond to changing market demands and re-organise the allocation of the floor area, we do not support any increase to the overall floor area as currently approved.

We do not consider it appropriate for the overall floor area to be increased above that approved in Condition A7 of SSD 5175 Mod 1, being 52,800 sqm. However, given the proposed amended layout of the retail centre, we do not object to the provision for 1,684 sqm of 'Circulation GFA' to reflect the new approach to 'internalise' the pedestrian mall for Stage 1. Therefore, we support the total gross floor area being increased to 54,484 sqm only (being 52,800 sqm as approved, plus the new circulation area of 1,684 sqm). We do not support any further increase to the gross floor area above 54,484 sqm.

It is also considered suitable for a new condition to be imposed which ensures that the new 'circulation areas' are maintained for that purpose, and that further 'pop-up' kiosks or counter shops are not placed within the circulation areas.

ATTACHMENT B

We request that the following items are fully addressed in the consideration of this application regarding SSD 8588 for the proposed Stage 1 retail centre:

Planning Matters
<ol style="list-style-type: none">1. We request that the NSW Local Police is consulted with regard to the proposed liquor store and ATM room (and any other potential free standing ATMs). Appropriate safety and security measures are to be incorporated into their design and operation.2. Consideration is to be given to providing an all-weather waiting area for the bus stop.3. Details of the location/layout, type, material and finishes of the acoustic fencing along Rooty Hill Road South are to be detailed on the plans. The concept of the 'articulated' acoustic wall is supported as it could be a strong design element. However, the material selection will be critical in the acoustic wall's success or failure to provide an appropriate interface/transition between the subject site and beyond. A lapped and capped timber fence as suggested in the Noise Impact Assessment is not considered to provide a high quality finish to this important elevation.4. We maintain our concerns that the relationship of the level of activity between the retail centre and the two adjoining residential dwellings to the north-west of the subject site is not suitable. The revision of the width and layout of Beggs Road as raised below will offer the opportunity to revise the design of the proposal and level of activity of the development in the vicinity of the adjoining residential dwellings. Notwithstanding, our Environmental Health section has also provided conditions of consent to ensure that appropriate mitigation measures are included in the construction and operation of the retail centre and its loading bay to assist with protecting the amenity of the adjoining residential dwellings.
Drainage and Engineering Matters
<p>This item is still being assessed and a response will be provided separately.</p>
Traffic Management Matters
<p>The following comments are provided by Council's Access and Transport Management Section (ATMS):</p> <ol style="list-style-type: none">1. Council's local industrial road is 20.5 m wide which includes a 13.5 m wide carriageway and a 3.5 m wide footway on each side. The proposed 12 m wide carriageway does not comply with Council's DCP requirement and is not supported.2. A turning head in the form of a cul-de-sac with a carriageway radius of 13.5 m is

required at the end of Beggs Road. We do not support a three point turn by a truck on a public road.

3. Our preference is that Beggs Road is realigned at right angle (90 degrees) where it meets with Rooty Hill Road South.
4. Parking numbers do not comply with Council's Development Control Plan 2015.
5. Whilst we acknowledged that a safe crossing point will be available at the Cable Place traffic signals, a pedestrian can cross Rooty Hill Road South north of Cable Place as well. This could create safety hazard for pedestrians due to very high traffic volumes along the Rooty Hill Road South. Pedestrians will be benefitted with a pedestrian fence along Rooty Hill Road South as it would force pedestrians to walk up to Cable Place to cross the road safely thus improve pedestrian safety. We believe this safety measure is worth considering.

Our ATMS currently objects to the proposal and the following objections are required to be resolved:

1. The Beggs Road carriageway is to have a width of 13.5 m.
2. The end of Beggs Road is required to have a turning head in the form of a cul-de-sac with a carriageway radius of 13.5 m.

Ecological Matters

Council's Natural Areas Section has provided the following comments:

The existing Ecological Assessment prepared by Eco Logical Australia included in the parent application (SSD 5175) is likely to be sufficient if the areas of native vegetation being impacted haven't changed. This assessment commits to undertaking onsite revegetation work at the rear of the property (shown on Figure 20 of the Ecological Assessment) at a 'later date'. It is requested that a specific date is nominated for when the Applicant will commit to doing this work and for the Applicant to prepare a Vegetation Management Plan to guide the restoration activities. Any coarse woody debris generated on the site should be transferred to the future restoration area (as shown on Figure 20 of the Ecological Assessment), such as logs (debris with a diameter larger than 200mm) or mulch (for debris with a diameter smaller than 200mm).

ATTACHMENT C

Should you wish to approve this SSD 8588 Stage 1 Retail Centre application despite our objections raised in Attachment B, we assume you will issue your standard conditions of consent. However, the following specific conditions of consent are requested to be included:

Planning Matters
<ol style="list-style-type: none">1. The Construction Certificate documentation is to demonstrate that the noise impacts from any speakers or public address systems for the outdoor areas (in particular for the outdoor cinema) are orientated away from residential receivers.2. The hours of operation of the loading areas are to be restricted to 8am to 8pm on Sundays and public holidays.3. Illuminated signage is to be appropriately managed and turned off at night so as not to disturb the amenity of the parklands and nearby residents at any time.
Drainage and Engineering Matters
<p>This item is still being assessed and a response will be provided separately.</p>
Traffic Management
<p>The following requirements are provided by Council's Access and Transport Management section:</p> <ol style="list-style-type: none">1. The Beggs Road carriageway is to have a width of 13.5 m.2. The end of Beggs Road is required to have a turning head in the form of a cul-de-sac with a carriageway radius of 13.5 m.
Environmental Health Matters
<p>The following requirements are provided by Council's Environmental Health section:</p> <p>Advisory</p> <ol style="list-style-type: none">1 The applicant is advised to consult with:<ol style="list-style-type: none">(a) Sydney Water Corporation Limited(b) A recognised energy provider(c) Natural Gas Company(d) The relevant local telecommunications carrier <p>regarding any requirements for the provision of services to the development and</p>

the location of existing services that may be affected by proposed works, either on the land or on the adjacent public road(s).

All approved building construction plans attached to the Construction Certificate should be submitted to and stamped by a Sydney Water Corporation Limited Customer Centre or a Sydney Water Quick Check Agent as an indication that the proposal complies with the Sydney Water requirements. Sydney Water may also require the applicant to obtain a Trade Waste Approval as part of the operation of the approved development. Enquiries should be made to ascertain the Sydney Water requirements for the eventual operation of the approved use.

- 2 Information regarding the location of underground services may be obtained from the Sydney "Dial Before You Dig" service, telephone number 1100, fax number (02) 9806 0777. Inquirers should provide the street/road name and number, side of street/road name and the nearest cross street/road name.
- 3 Prior to any demolition works, all services or utilities should be disconnected in consultation with the relevant service provider.

Prior to Construction Certificate

- 1 If charcoal cooking is proposed then the following must be submitted to Blacktown City Council for approval:
 - a. Documentation certifying that the ventilation system has been designed in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.
 - b. Documentation demonstrating compliance with Schedule 6 of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
 - c. The design of the ventilation system to be installed will cease the emission of air pollution (particularly smoke and odour) ensuring activities on the premises comply with the *Protection of the Environment Operations Act 1997*.
 - d. The documents should demonstrate that the design of the system has taken into consideration the anticipated volume, particle size and type of emissions that will need to be removed by the filter.
- 2 Plans and specifications submitted for issue of a Construction Certificate shall demonstrate compliance with the requirements of:
 - a. Food Act 2003 and Regulations thereunder.
 - b. Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.

During Construction

- 1 On completion of the installation of the ventilation system, a Compliance Certificate is to be submitted to Council certifying that the system has been installed and commissioned in accordance with the approved details.
- 2 The food preparation areas shall be constructed so as to comply with the requirements of:
 - a. The Food Act 2003 and Regulations thereunder.
 - b. Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
 - c. Australian Standard 1668.2-2002 *The use of ventilation and air conditioning*

in buildings – Ventilation design for indoor air contaminant control.

Prior to Issue of Occupation Certificate

- 1 A health inspection is to be conducted by Blacktown City Council's Environmental Health Officer to insure that the fit out complies with the requirements of the Food Act 2003 and Australian Standard 4674-2004 *Design, construction and fit-out of food premises*.
- 2 All food related premises shall be registered with Blacktown City Council's Environmental Health Unit.
- 3 The installation of any grease arrestor shall comply with the requirements of the Sydney Water Corporation. A copy of the Corporation's Trade Waste Agreement shall be submitted to Council.
- 4 Prior to the issue of an Occupation Certificate, documentation shall be submitted to Council certifying that the ventilation system has been installed and is operating in accordance with Australian Standard 1668.2:2002 *The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*.

Operational

- 1 Upon receipt of a justified complaint in relation to odour emanating from the premises, an odour assessment is to be carried out and provide recommendations to mitigate the emission of odour from the premises. The report shall be prepared by an appropriately qualified consultant and shall be submitted to Blacktown City Council for consideration.
- 2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the Department of Environment and Conservation's Environmental Noise Management - NSW Industrial Noise Policy and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant that is a member of the Association of Australian Acoustic Consultants and shall be submitted to Blacktown City Council for consideration and the recommendations implemented.
- 3 Any activity carried out in accordance with this approval shall not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 4 All waste generated on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.
- 5 In accordance with the requirements of Part 5.7 Protection of the Environment Operations Act 1997, Blacktown City Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
- 6 The food premises shall be maintained in accordance with the requirements of:
 - Food Act 2003 and Regulations thereunder.

- Australian Standard 4674-2004 *Design, construction and fit-out of food premises.*

- 7 The proprietor is to ensure that all food handling complies with the requirements of the Food Act 2003 and Regulations thereunder.
- 8 Upon commencement of trading, all food related businesses are to notify NSW Food Authority.
- 9 Any food related businesses are to remain registered with Blacktown City Council as food businesses.