

Your ref: SSD 5175 MOD 2
Our ref: MC-12-1769

9 May 2017

Modification Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Emma Butcher

Dear Ms Butcher,

Section 96(2) modification request to amend the indicative concept plan, urban design guidelines and permitted uses for the Eastern Creek Business Hub

Thank you for your email, dated 26 April 2017, providing us the opportunity to comment on Frasers Property's request to modify the Eastern Creek Business Hub approval issued on 7 January 2015.

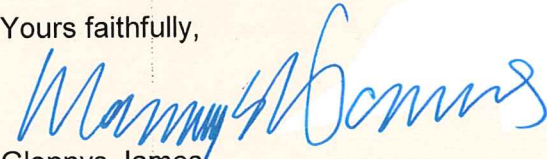
We have undertaken a review of the requested modifications, the accompanying planning report prepared by JBA and the updated Design Guidelines, and have identified a number of major concerns.

To ensure that a high standard of development is produced and that the development operates in a manner that will have no adverse impact on the surroundings, we request that serious consideration be given to all of the issues raised in Attachment A. Of particular concern is the location of the consolidated loading dock immediately adjacent to residential properties.

We request that the application not be determined until these valid concerns are addressed. We also request that we be given the right to reply to any new information provided by the applicant, and if satisfactory be given the opportunity to provide conditions to be included in any consent granted.

Should you have any enquiries or wish to discuss this matter further, please do not hesitate to contact me or Judith Portelli, Manager Development Assessment on 9839 6228.

Yours faithfully,



Glennys James
Director Design and Development

Issues for consideration – SSD 5175 MOD 2 for the 'Eastern Creek Business Hub'

Town Planning matters

1. Visual, noise and odour impacts

- a. We support the reorientation of the shopping centre towards the Parklands and the separation of truck and car movements. The proposed loading dock, however, is not appropriately located for the following reasons:
 - It is proposed immediately adjacent to the 2 dwellings on the corner of Rooty Hill Road South and Beggs Road, and is located opposite the low density residential area on Rooty Hill Road South. The loading dock activities will therefore impact on the amenity of these nearby dwellings in terms of visual impact, noise and odour.
 - While a 5 m setback has been provided to Rooty Hill Road South to accommodate screening and dense vegetation, no such allowance has been provided in the north-west corner of the site adjacent to the existing dwellings. A 5 m setback is also considered insufficient given the scale of the development and the activities proposed.
 - We disagree that the visual impact of the loading dock will be minimal. Figure 4 on page 7 of JBA's section 96(2) report indicates that the level change between Rooty Hill Road South and the loading dock will be less than 2 m. At the south-west corner of the building the level change is less than 1 m. Therefore the 'back' of the building (i.e. roller doors, waste storage area, trucks, etc.) and loading dock activities will be highly visible from Rooty Hill Road South.
- b. Given that the majority of the building will be visible from Rooty Hill Road South, it is not appropriate for the back of the building and loading areas to address the street. The south-west corner of the building should provide an active street frontage and the design statement should be updated to include further controls about the treatment of this façade and the architectural screening provided to Rooty Hill Road South.
- c. To address concerns relating to potential visual, noise and odour impacts on adjacent and nearby residential properties, and concerns regarding truck access from Rooty Hill Road South (see comments below), the loading dock should be relocated adjacent to the northern boundary. The loading dock could be recessed

into the building so that a visual and acoustic barrier is provided to Rooty Hill Road South and to the new internal access road. All truck access could be provided via a separate driveway off the internal access road.

- d. The open car park is elevated approximately 2.6 m above the internal access road. While a 5 m landscaped setback would help to screen the car park, there is concern that this will eliminate passive surveillance to the area at night. The visual impact of the open car park should be addressed while still ensuring that the area will be safe at night.

2. Signage

- a. The revised Design Guidelines are seeking approval for 2 pylon signs for each lot (page 54). This is considered excessive and is not supported. It is considered that a maximum of 3 freestanding signs along the Rooty Hill Road South frontage would be appropriate. All other signage provided along the internal access road should be incorporated into the design of the buildings.

3. Ancillary uses

- a. The applicant's written statement is seeking approval for a child care centre, medical and indoor recreation facility (gymnasium) as ancillary uses within Lot 2 of the site. Condition A7 should therefore **not** make reference to "ancillary uses" (as suggested on page 11 of JBA's section 96(2) report). Instead, the condition should specifically state what uses are permitted.
- b. The revised Masterplan (Drawing SK-20.1 dated 6 April 2017) includes references to a "bulk liquor outlet" and "adventure, outdoor/camping centre". These references should be deleted as the retail and bulky good premises should be subject to a separate DA and these specific uses have not been approved.

Traffic & parking matters

4. Traffic

We do not support the 2 proposed access driveways off Rooty Hill Road South for the following reasons:

- a. Proposed left-in access off Rooty Hill Road South at Penfold Street:
 - i. There appears to be no deceleration lane for left turning vehicles entering the site. The absence of a deceleration lane could potentially create road safety issues, as the turning trucks need to slow down into the through traffic stream before turning into this access point. This may lead to nose-to-tail type accidents at this location. Some larger trucks may also be unable to turn left

from the left lane, and may need to swing wide into the adjacent lane before turning left. This will exacerbate the road safety concerns raised above.

- ii. This access point appears to be at the intersection of Penfold Street and Rooty Hill Road South, where there is a gap in the proposed median to allow turning movements into and out of Penfold Street. Delivery trucks approaching this access driveway from the south (Great Western Highway end) could use this gap to turn right into the site/loading dock. As there is no right turn bay proposed on Rooty Hill Road South to separate right turning vehicles, this will potentially create road safety concerns due to a truck blocking a through traffic lane for a suitable gap to turn right.

b. The proposed second access point off Rooty Hill Road South at Cawarra Street:

- i. This access driveway appears to be located very close to the intersection of Cawarra Street and Rooty Hill Road South. There is a gap in the proposed median at this location to allow turning movements into and out of Cawarra Street. This may create road safety issues as right turning traffic from Cawarra Street may not be able to see a left turning truck from this access point.
- ii. There is also potential for a service vehicle coming out of this access point to perform a U-turn heading north on Rooty Hill Road South.

c. Access to the loading/services area for lot 2 should be provided from the internal road

- i. We support the applicant's proposal to separate the customer and heavy vehicle access points to the site. Provisions should therefore be included to prevent vehicles, including motorbikes, from driving between the car park and the loading dock as a short cut to/from Rooty Hill Road South. Based on the concerns outlined under points a. and b. above, access to the loading /servicing area for lot 2 should therefore be provided from the internal road only. A suitable building setback should therefore be provided to the northern boundary of lot 2 to allow 2-way truck movements to access the site.

5. Parking

- a. The Eastern Creek Business Hub Design Guidelines do not include a parking rate for the proposed child care centre use. As such, the parking rate within the Blacktown DCP 2015 has been adopted. As part of any future DA for a child care centre, the applicant would need to demonstrate that suitable measures will be put in place to ensure that the 19 spaces will be available for the child care centre patrons. Any spaces specifically allocated to the child care centre must not be utilised by the shopping centre customers, especially during peak pick-up/drop-off periods.

- b. The parking for the remaining retail floor space has been calculated at the rate of 1 space per 25 sq.m GFA (i.e. a total of 380 car spaces). Preliminary discussions with the applicant revealed, however, that the 2 freestanding tenancies located adjacent to the Cable Place intersection could potentially be utilised by fast food outlets. Fast food outlets have a higher parking rate and this has not been addressed.

Comments relating to the amended design guidelines

6. Further to the above comments, we do not support the amendments made to the Design Guidelines dated 10 March 2017. Our concerns are listed below, together with recommended amendments shown in **bold**.

- a. 1.3 Urban Design Principles

- To incorporate best practice WSUD measures including tree planting for at grade parking areas **consistent with the landscape master plan (dwg no. G.LA01) dated 28/02/17.**
- Provide an address by **providing** buildings to the new business hub access street. **Any building located adjacent to the internal access street is to address and activate the street frontage. The rear of the building and/or any associated activities (e.g. drive-thru facilities) must not address the street.**

- b. 2.1 Urban structure

- The document should be updated to make reference to figure 25 on page **17 27.**

- c. 2.3 Access and connectivity

- ~~A separated left in entry and left out exit for heavy vehicles to the development area on Rooty Hill Road South.~~
- **Lot 2 is to be provided with 3 two** left in/left out entries to the development area from the proposed access road. **One of these entries to be provided for trucks/delivery vehicles only.**

- d. 2.5 Built form

The following should be added:

- **Any building located adjacent to the internal access street is to address and activate the street frontage. The rear of the building and/or any associated activities (e.g. drive-thru facilities) must not address the street.**

- **The southern corner of the retail building is to address both the internal car park and Rooty Hill Road South. A blank façade with no street activation must not be provided to the street.**

e. 3.1 Subdivision design

- References to the minimum lot sizes have been deleted. These should be reinstated with the minimum lot sizes being consistent with those shown in figures 30 and 31.

f. 3.2 Access and circulation

- Control C2 requires that the loading areas are to be located behind the front building line. The proposed structure plan does not achieve this. The plan and design guidelines should be updated to provide a more appropriately located loading dock, which address the concerns outlined above.

g. 3.6.1 General guidelines

- Control C4 currently requires that the buildings be designed with pitched and skillion roof forms. Any building visible from the Parklands or from a residential area should be required to provide a building with a pitched or skillion roof.

h. 3.6.2 Street address

- Control C3 currently requires that 40% of the primary building façade be activated. This requirement should not be decreased to 30%.

i. 3.6.6 Parking

- Control C2 is to include a requirement that any parking area provided adjacent to the building is to be screened from the street by a minimum 5 m landscape setback.

j. 3.6.8 Private domain signage

- Control C2 would allow 2 freestanding signs for each lot. Figure 31 indicates that the site could be subdivided into 9 lots. This would therefore allow a total of 18 freestanding signs. It is believed this is not the intention. The control should therefore be reworded. It is considered that a maximum of 3 freestanding signs along the Rooty Hill Road South frontage would be appropriate. All other signage provided along the internal access road should be incorporated into the design of the buildings.
- In relation to control C5, figure 52 should be updated and the location of any other freestanding signs (not just within lot 2) should be identified.

- In relation to control C6, the maximum height of the pylon signs should be limited to 10 m given the residential setting. This will also ensure that the pylon signs generally do not encroach above the height of the buildings which are positioned lower and will have a maximum height of 12 m.

k. 3.6.9 Fences

- Control C1 is to be updated to include a requirement that any required fencing must be open style and of a decorative design.

l. 3.6.15 Lot 2 – Setbacks

- C1 is to be updated to require a 10 m building setback to Rooty Hill Road South.
- C5 is to be updated to require a minimum 5 m landscape setback to the car parking area adjoining the internal access road.

m. 3.6.15 Lot 2 – Architectural screening/feature

- Control C2 should be updated to specifically detail what is considered to be “appropriate” screening.