

11 April 2019

16258

Carolyn McNally
Secretary
Department of Planning & Environment
320 Pitt Street
Sydney NSW 2000

Attn: Emily Dickson – Senior Planner, Key Sites Assessments

Dear Emily,

**RE: Response to Request for Information for SSD 5175 (Mod 4) and SDD 8588 (Mod 2)
Eastern Creek Business Hub**

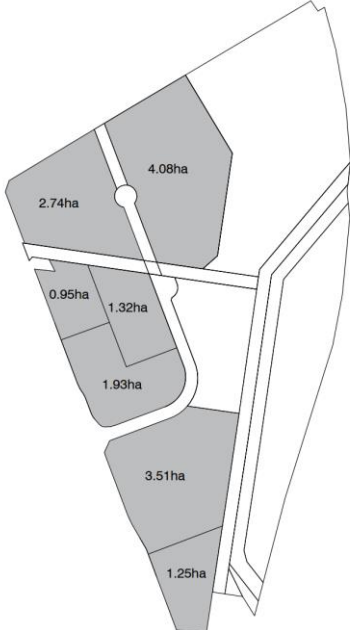

Ethos Urban has prepared this letter on behalf of Frasers Property Australia in response to your letter dated 10 December 2018, and the associated submissions received during the exhibition period of the abovementioned applications relating to the Eastern Creek Business Hub development.

The project team has considered all comments raised in the submissions, and by the Department, and the following response at **Table 1** has been formulated to assist with the assessment of the applications. It is accompanied by the following supporting documents:

- Updated Concept Plans prepared by i2c (**Attachment A**);
- Updated Urban Design Guidelines (**Attachment B**);
- Revised Stormwater Plans and Documentation prepared by Henry&Hymas (**Attachment C**);
- Revised Site Plan prepared by i2c (**Attachment D**);
- Revised Landscape Plan prepared by Arcadia (**Attachment E**);
- Addendum Biodiversity Assessment prepared by Ecological Australia (**Attachment F**);
- Traffic advice prepared by CBRK (**Attachment G**).

Table 1 RFI Response Table

DPE Comment	Response
SSD 5175 Mod 4	
Plans	
Provide updated concept plans (as listed in Condition A4 of the consent) to reflect the proposed changes to the roundabout, stormwater system and building envelope in the south-west corner of the lot.	Updated Concept Plans reflecting the proposed changes under SSD 5175 (Mod 4) and SDD 8588 (Mod 2) are provided at Attachment A .
Urban Design Guidelines	
Clarify if you seek to amend Condition A4(c) to reflect the updated Urban Design Guidelines.	It is proposed to amend condition A4(c) to reflect the updated Urban Design Guidelines. A copy of the updated Urban Design Guidelines is included at Attachment B .

DPE Comment	Response
Update maximum estimated gross floor area (changes under Mod 3) (page 8)	This has been addressed in the updated Urban Design Guidelines (Attachment B).
Update figures 11 and 12 to reflect proposed new roundabout (page 12)	This has been addressed in the updated Urban Design Guidelines (Attachment B).
Update figure 29 to reflect proposed new infrastructure works (page 23)	This has been addressed in the updated Urban Design Guidelines (Attachment B).
<p>In section 3.1.2, a new point is added stating 'lots are to have a minimum land area of 4,000 sqm'. However, Figure 30 and 31 shows lots with an area of 0.27 ha and 0.15 ha, which are below 4,000 sqm. Clarify how the proposed subdivision of super lots as shown in Figures 30 and 31 would comply with this control (page 24)</p>	<p>The minimum land area of 4,000sqm has always been part of the Design Guidelines. This text was originally coloured red under Mod 2 as it was previously proposed to be removed, however was reinstated at the request of Council. The text has been changed back to black in the updated Urban Design Guidelines (Attachment B) for clarity.</p> <p>As shown at Figures 31 and 32 of the originally approved Design Guidelines, dated February 2014 (extracted below), the lots were always intended to be further subdivided into smaller areas. Accordingly, it is understood that the 4,000sqm minimum land area applies to the superlots, being; Lots 1, 2 and 3. The proposed amended Subdivision Plan of Lot 2 has an area of 4.11ha and therefore complies with the control.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;">   </div> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <p style="font-size: small;">Figure 31: Large Lot Subdivision</p> <p style="font-size: small;">Figure 32: Medium Lot Subdivision</p> </div>
Confirm no changes are required to section 3.5.1 water cycle management, given the proposed changes to the stormwater system.	No changes are required to Section 3.5.1 as the amended stormwater system complies with the controls.
<p>Identify the reason for new controls relating to signage (page 38), parking (page 36), fencing (page 40) and architectural screening (page 50)</p>	<p>Please note that the red text related to changes to the original Design Guidelines that were approved as part of SSD 5755 Mod 2. No further changes to the controls at this section or the text within the Design Guidelines are proposed as part of this application and all amendments previously made have now been changed to black text for clarity. Refer to the updated Design Guidelines at Attachment B.</p> <p>The only new text proposed within the updated Design Guidelines is at Section 2.3 which relates to the provision of the roundabout. It is proposed to change the text to reference the internal access road comprising of aa 20m reservation for the '100m to the roundabout' rather than '130m to the bend'.</p>

DPE Comment	Response
Clarify the reason for control C6 being added to Section 3.6.16, as the intent is not clear. Also Figure 52 has not been updated to reflect the current modifications to Lot 2.	As above, this change was approved as part of a previous modification application and has now been changed to black text in the updated Design Guidelines (Attachment B).
Stormwater	
Provide further information to show how the proposed stormwater treatment system will meet the environmental targets of Part J of the Blacktown City Council DCP 2015	An updated Stormwater Summary Report is included with the Revised Stormwater Package (Attachment C). This report outlines how the proposed system achieves the environmental targets of Part J of the Blacktown DCP 2015 in terms of the Deemed to Comply OSD spreadsheet tool and the water quality targets.
SSD 8588 Mod 2	
Parking	
Assess the proposed car parking changes (reduction of one car parking space) against the required car parking rates in Part B, Section 3.6.6 Parking, control C9 of the Urban Design Guidelines	<p>Control C9 of the Urban Design Guidelines requires parking to be provided at rate of 1 space per 25sqm for retail development. As per the traffic study submitted with SSD 8588, the retail rate was also applied to the ancillary medical centre and indoor recreation facility (gym) to reflect their dual use. This resulted in a requirement for 370 parking spaces based on the retail, medical centre and gym uses.</p> <p>A total of 433 parking spaces have been approved for the development to accommodate the above requirement as well as additional spaces to be allocated to the future development site (child care centre).</p> <p>Reducing the total provision of parking by one space will not result in a non-compliance with the Design Guidelines for the currently approved development on site, nor will it hinder the ability to comply with the applicable rates for the future child care centre.</p> <p>As the proposal seeks to reduce the total parking, it will have no impact on traffic generation or access arrangements for Lot 1. Accordingly, the proposed reduction of one car space is considered acceptable.</p>
Clarify how the Lot 2 Parking Stage 1 table on the Architectural Plan complies with the number of car spaces required by Condition B11	<p>It is proposed to amend Condition B11 for consistency with the proposed new parking numbers. As above, the development will continue to comply with the minimum spaces required by the Design Guidelines.</p> <p>In addition, it is noted that SSD 8588 approved parking for all uses across Lot 2. This included the general retail uses as well as a number of 'ancillary uses', including the medical centre, indoor recreation facility (gym) and future development site (currently proposed for a child care centre). However, condition B11 only references 'retail car parking spaces' which may have the unintended consequence of excluding parking for the ancillary uses, including the future child care centre.</p> <p>Therefore, for the purpose of clarification, and to avoid any unnecessary future modifications, it is proposed to further amend Condition B11 to also reference the approved 'ancillary uses'. The proposed new wording for Condition 11 is:</p> <p><i>B11. The development shall provide car parking in accordance with the following requirements:</i></p> <ul style="list-style-type: none"> a) a total of 418 433 on-site car parking spaces comprising: <ul style="list-style-type: none"> i. 418 417 retail/ancillary use car parking spaces ii. 10 accessible car spaces iii. 4 pick-up spaces for the supermarket tenancy iv. 1 pick-up/drop-off space
Tree planting is not shown between the banks of car parking adjacent to the south-west future development site, as required in Part B, Section	Plan DA-38 has been updated to show the required tree planting at the south western corner of the site. Trees are not provided where required for pedestrian pathways, however the landscape design continues to provide greater than 35% tree canopy cover and in excess of 1 tree per 8 car spaces

DPE Comment	Response
3.6.6 Parking, controls C4 and C7.2 of the Urban Design Guidelines.	in accordance with the Design Guidelines. Refer to revised Plan DA-38 at Attachment D and a revised Landscape Plan at Attachment E .
The proposed changes to pedestrian paths in the carpark appear to reduce the number of trees and landscaping. Reconsider the placement of these paths to increase landscaping, while still providing direct and efficient access to the shopping centre. It is also noted that landscaping has been removed and a pedestrian path provided outside the area of carpark to be modified.	As above, trees have been reinstated where possible while maintaining direct and efficient access to the shopping centre. Refer to revised Plan DA-38 at Attachment D and a revised Landscape Plan at Attachment E .
Landscape Plan	
Condition B5 of the consent requires a detailed landscape plan in accordance with 'Eastern Creek Quarter Landscape Plan' dated September 2017. The Eastern Creek Quarter Landscape Plan will therefore need to be updated through this modification.	This plan has not yet been finalised as it requires resolution of the detailed design and specifications of the landscape design. Condition B5 states that this plan should be submitted to the Planning Secretary prior to Construction Certificate and therefore the detailed landscape design will be updated through this design verification process. Notwithstanding, the Landscape Plan submitted with the original DA has been updated and included at Attachment E .
Plans	
Re-insert the table showing the GFA breakdown on the Stage 1 Proposed site plan as this has been removed.	Plan DA-38 has been updated to reinsert the GFA breakdown as requested. Refer to Attachment D .
Development adjacent to high pressure pipelines	
<p>The site is adjacent to a pipeline operated by Jemena (to the east of the site). While Jemena does not object to the proposal, the Infrastructure SEPP (ISEPP) was recently updated (31 August 2018) with additional requirements for development adjacent to high pressure pipeline corridors listed under Clause 66C of the ISEPP. Clause 66C requires the consent authority to:</p> <ul style="list-style-type: none"> a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and b) take those risks into consideration in the assessment of development. <p>An assessment against the ISEPP is therefore required.</p>	<p>A Construction Management Plan, prepared by J. Wyndham Prince, was approved as part of the Concept Plan (SSD 5175) which addresses the adjacent high-pressure gas line.</p> <p>In order to mitigate the potential safety risks and integrity of the pipeline associated with the development, the CMP included a requirement for a Safety Management Study (SMS) to be prepared pursuant to the requirements of AS 2885 – Pipelines – Gas and liquid petroleum, Part 3 Operations and maintenance.</p> <p>Jemena was consulted during the preparation of the CMP and it was advised that the SMS was not needed for the purposes of the DA but should be prepared prior to carrying out of any work in proximity to the gas line. Accordingly, a condition of consent (B13, Schedule 3) was imposed on the Concept Plan to require the SMS to be submitted to the Certifying Authority prior to the commencement of works.</p> <p>Works in proximity to the gas line have not commenced and the SMS has not been finalised. Therefore, the SMS will consider the final design as modified under this application prior to the release of the CC for works in proximity to the gas line. Accordingly, the proposal will not result in any new risks associated with the pipeline and the SMS will ensure the works will be carried out in accordance with the applicable requirements.</p>
OEH – Communities and Greater Sydney Division	
The modification proposes to relocate the main 4m wide overland stormwater flow channel. It appears that this may impact on the site's proposed offset area. In the BDAR waiver for SSD 8588 (OEH reference DOC18/148984) Ecological Australia's submission states that the Derived Native Grassland area (DNG) is part of the proposed offset area in the subject land and	<p>Ecological Australia has prepared a letter in response to the matters raised by OEH (refer to Attachment F). This letter clarifies that the offset area for the Eastern Creek Business Hub is located offsite (at the Chandos West Biobank Site) where the required credits have already been retired. Therefore, the proposed modifications to the main overland stormwater flow channel will not impact on the site's proposed offset area.</p> <p>Attachment F also includes higher resolution mapping as requested.</p>

DPE Comment	Response
<p>forms this open drainage channel. OEH requires a clear plan showing the proposed offset area on site, that also clearly shows the proposed modifications and the vegetation area impacted at a scale that is clearly visible. The plan provided in Ecological Australia's document dated 26 September 2018 extracted below is unclear.</p>	
<p>The comparison of the 'approved' and 'proposed' plans for the design of the Stage 1 lot as shown in Figure 2 extracted below, indicates that the overland flow channel mark in green around the proposed Building 1 envelope is smaller compared with the approved diagram. If this overland flow channel forms part of the on-site offset, it appears that the offset has been reduced in size. OEH requires clarification on this aspect of the proposal.</p>	<p>As noted above, Ecological Australia has confirmed in their letter at Attachment F that the overland flow channel does not form part of the offset area.</p>
<p>The original concept plans showed:</p> <ul style="list-style-type: none"> 0.75ha of Shale Plains Woodland (SPW) to be retained on the preferred indicative plan - approved as part of the concept plan for SSD 5175 0.72ha SPW to be retained on the alternative indicative plan. <p>The amended subdivision plan submitted with SSD 5175 MOD 4 shows the CPW area to be protected as 6,950sqm which is less than the original concept plans. OEH requires this matter to be clarified and consistent with the original concept plans. The Development Consent determination for SSD 5175 Concept plan included the rehabilitation of the existing woodlands area on site identified for conservation area/open space.</p> <p>The Ecological Australia letter dated 26 September 2018, states there will be a net reduced impact on native vegetation of 0.017 ha as a result of the modifications. However, the amended subdivision plan shows CPW at 6,950sqm which is less than the original concept plan area of SPQ and OEH needs clarification to ensure it is equal to the required offset on site.</p>	<p>As noted in the letter prepared by Ecological Australia, the stormwater channel batters have been redesigned to avoid impact to the Shale Plain Woodlands. The proposal will now result in a net decreased impact of 0.018 ha as shown at Figures 1 and 2 of Attachment F.</p> <p>The Shale Plains Woodland (SPW) to be retained as illustrated on the original concept plans includes the land identified as the buffer to the gas pipeline (the unformed Belmore Rd). The reason for the discrepancy in areas is because the SPW to be retained (that is located on Belmore Rd) has not been included as part of the 6,950m² SPW lot on the subdivision plan submitted with MOD 4. The amount of SPW to be removed is set at 1.93ha (as per SSD 5175 Condition B2 "Biodiversity Offset Strategy"). The proposed modifications to the stormwater system will reduce the amount of SPW to be impacted/removed by 0.018ha and will not affect the Alluvial Woodland (AW). In summary, there will be a material positive biodiversity improvement to native vegetation retention (in particular SPW) as a result of MOD 4.</p>
<p>Further, SSD 5175 original B2 consent condition required a Biodiversity Offset Strategy as follows and details as to progress in this regard should be given.</p>	<p>As requested, a copy of the retired offset credits documentation is attached to the Ecological Australia letter (Attachment F).</p>
<p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) was submitted with the original concept plan application for the Eastern Creek Business Hub SSD 5175 Aboriginal cultural heritage undertaken at this stage. The report prepared by Kayandel Archaeological Services dated August 2012 recommended that for portions of potential archaeological deposits further sub-surface archaeological investigation occur prior to commencement of ground disturbing works in the vicinity. Given this, no further assessment is considered necessary. However, the relevant consent conditions for the</p>	<p>Noted, a condition to this effect has already been adopted as part of SSD 8588 MOD 1 (Condition D 21).</p>

DPE Comment	Response
<p>proposed modification must be consistent with the recommendations of this report and the Concept Plan SSD 5175 consent Condition 13, that required all works to stop in the event that surface disturbance identifies a new Aboriginal object and a suitably qualified archaeologist and a registered a Aboriginal representative contacted to determine the significance of the objects.</p>	
<p>OEH is concerned about the proposal to delete a bioretention basin. OEH recommends that a condition of consent requires the applicant to demonstrate to the satisfaction of DPE that the proposed stormwater treatment system will result in the quality of stormwater runoff leaving the site being able to meet the environmental targets of Part J of the Blacktown City Council DCP 2015.</p>	<p>The revised Stormwater Summary Report is included with the Revised Stormwater package (Attachment C) which confirms that the proposed system achieves the environmental targets of Part J of the Blacktown DCP.</p>
RMS	
<p>RMS is concerned that queues through the roundabout will result in the roundabout functioning inefficiently and in turn negatively impacting the signalised intersection. Amended plans which relocate the proposed roundabout further to the east, clear of the westbound right turn queue. The relocation is to be supported by an amended Traffic Report.</p> <p>An updated SIDRA Model needs to be submitted to ensure that the relocated roundabout can accommodate projected traffic volumes that will be generated from the proposed development (and any known adjoining developments). Also the signalised intersection on Rooty Hill Road South needs to perform at an acceptable level of service.</p>	<p>CBRK has prepared an Addendum Traffic and Parking Study (Attachment G) in response to the issues raised by RMS to MODS 4, 5 and 6.</p> <p>It is not possible to move the roundabout further east as suggested by RMS due to environmental constraints. Notwithstanding, The Addendum Traffic and Parking Study has assessed the weekday PM and Saturday midday traffic flows and found that the southern approach to the Rooty Hill Road/Cable Place intersection would operate at Level of Service B. CBRK therefore conclude that the proposed roundabout (in its current location) and intersections will perform at acceptable Levels of Service and can satisfactorily accommodate traffic generated by the approved and proposed development on the site.</p>
Jemena	
<p>Jemena Asset Management do not object to the proposal. Jemena requests that a pipeline patrol office be present to supervise all works in the locality of the pipeline.</p>	<p>Noted, a Jemena will be contacted prior to commencement of works within the vicinity of the pipeline.</p>
Blacktown Council	
<p>Council has reviewed the revised drainage submission by Henry and Hymas and identified substantial issues which need to be resolved.</p>	<p>Henry and Hymas has been working closely with Council to resolve all identified issues and an amended stormwater design is included at Attachment C. This includes a summary document outlining how the amended design responds to the issues raised by Council and it is understood Council is now satisfied with the design.</p>
EPA	
<p>No objection.</p>	<p>Noted.</p>
OEH – Heritage	
<p>No objection</p>	<p>Noted.</p>
Industry, Lands and Water	
<p>No objection</p>	<p>Noted.</p>
RFS	
<p>No objection</p>	<p>Noted.</p>

DPE Comment	Response
Transgrid	
No objection	Noted.
Transport for NSW	
No objection	Noted.
Water NSW	
No objection	Noted.
Endeavour Energy	
No objection subject to conditions.	Noted.

We trust that the information provided satisfies the requirements of the additional information request. We look forward to the Department progressing the assessment of the application and to receiving a set of draft conditions for consideration in due course.

Should you have any further queries about this matter, please do not hesitate to contact me on 9409 4953 or cforrester@ethosurban.com.

Yours sincerely,



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