From: Anthony Witherdin
To: Heather Warton
Cc: Amy Watson; Emily Dickson
Subject: RE: Draft Conditions for SSD 8858 at Eastern Creek
Date: Wednesday, 10 June 2020 12:25:09 PM
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Hi Heather,

Thank you for your email dated 9 June 2020, requesting the Department to review the revised conditions for the Eastern Creek proposal.

The Department's response to the Commission's draft conditions is provided below.

1. **Add New Condition B28 Eastern Elevation Building 3:**	**DPIE response**
The eastern elevation of Building 3 fronting Rooty Hill Road South shall be amended to provide more visual interest, for example by greater articulation and if necessary, more variety of materials within the approved palette, in accordance with the Eastern Creek Design Guidelines dated 13 September 2019. This is required so as to not provide a blank façade on this prominent elevation. The amended drawings are to be submitted to and approved by the Planning Secretary, prior to the issue of a construction certificate.	Recommend the condition is amended to be more specific about the changes sought to the eastern elevation of Building 3, so the Applicant is clear about what is required in the amended plans and to assist when reviewing the plans submitted to satisfy the condition. Also query if the sentence highlighted in yellow is required. Proposed insertion of the **bold and underlined words** and deletion of the ~~struckout~~ words as follows: *The eastern elevation of Building 3 fronting Rooty Hill Road South shall be amended to provide more visual interest, ~~for example~~ **such as** greater articulation and ~~if necessary~~, more variety of materials, within the approved palette, in accordance with the Eastern Creek Design Guidelines dated 13 September 2019.* *This is required so as to not provide a blank façade on this prominent elevation.* *The amended drawings are to be submitted to and approved by the Planning Secretary, prior to the issue of a construction certificate.*
2. **New Condition B29 Amended landscape drawings**	**DPIE response**

Amended landscape drawings showing all details of finished levels, paving treatments including permeable paving, all species of plants and planting details including swale planting, consistent with the Eastern Creek Business Hub Design Guidelines dated 13 September 2019, are to be submitted to and approved by the Planning Secretary prior to the issue of a construction certificate.	As the condition is clear about the level of detail required suggest the plan can be submitted to the satisfaction of the Certifying Authority.
3. **New Condition B30 Footbridge**	**DPIE response**
The following information on the footbridge proposed on the northern boundary of the site is to be submitted to and approved by the Planning Secretary prior to the issue of a construction certificate: *(a) Drawings and details of the materials and finishes, consistent with the Eastern Creek Design Guidelines dated 13 September 2019, including use of natural colours and earth tones that complement the landscape character of the locality; and* *(b) engineering specifications and certification of the suitability of the bridge with regards to the overland flow function of the drainage swale.*	As the condition is clear about the level of detail required suggest the information can be submitted to the satisfaction of the Certifying Authority.
4. Amended Condition A.9 External Business Identification sign (as drafted deleted, and replaced with following)	**DPIE response**
All external business identification signage, and the content of such a signs, as shown in the approved Signage – Stage 2 Plans (DA20A-DA25), prepared by i2C, and identified in the approved plans listed in Condition A2 is approved in perpetuity, regardless of the name of the tenant or corporate colours on the sign.	Suggest the proposed rewording of condition A9 be amended by insertion of the **bold and underlined words** and deletion of the ~~struckout~~ words as follows: *All external business identification signage, and the content of such ~~a~~ signs, as shown in the approved Signage – Stage 2 Plans (DA 20A-DA25), prepared by i2C, and identified in the approved plans listed in Condition A2, is approved ~~in perpetuity~~, regardless of the name of the tenant or ~~corporate~~ colours on the sign,* ***as long as it:*** ***(a) not be greater in size than the sign that it replaces, and***

	(b) not be a sign that is animated, flashing or illuminated, unless the sign it replaces is the subject of a development consent to be an illuminated sign, and ***(c) not involve any alteration to the structure on which the sign is displayed, and*** ***(d) not obstruct or interfere with traffic signs.***
5. Amended B22 Stormwater and drainage management	**DPIE response**
To add the words in in the condition as in bold: …details of any proposed stormwater disposal and drainage, **including rainwater re-use** from the development….	Noted, no additional comments.
6. Amend Condition A8 Gross Floor Area	**DPIE response**
The maximum gross floor area (GFA) for the development allowed by this consent is 10,800sqm for specialised retailing and 598sqm for convenience retailing (café, 100sqm and future pad site, 498sqm), and shall not exceed an approved total of 11,398 sqm on lot 1 (Stage 2).	Noted, no additional comments.
7. Condition 5 Lapsing of approval	**DPIE response**
Given that the SSD consent is the development application approval, the words ' a development application' should be removed, and the 'condition' just state:	Noted, no additional comments.

If you require further information or have any questions please call me on 9274 6173.

Regards

Anthony Witherdin
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From: Heather Warton <Heather.Warton@ipcn.nsw.gov.au>
Sent: Tuesday, 9 June 2020 3:16 PM
To: Anthony Witherdin <Anthony.Witherdin@planning.nsw.gov.au>
Cc: Emily Dickson <Emily.Dickson@planning.nsw.gov.au>; Amy Watson <Amy.Watson@planning.nsw.gov.au>; Stephen Barry <Stephen.Barry@IPCN.nsw.gov.au>
Subject: Draft Conditions for SSD 8858 at Eastern Creek

Dear Anthony

The Commission is finalising its determination of SSD 575 and SSD 8858 for the Eastern Creek Business Hub.

The Commission is considering the draft conditions and may wish to add some conditions to the draft consent to address issues identified from a review of the Site, Assessment Report and the drawings.

These are as follows:

1. **Add New Condition B28 Eastern Elevation Building 3:**

The eastern elevation of Building 3 fronting Rooty Hill Road South shall be amended to provide more visual interest, for example by greater articulation and if necessary, more variety of materials within the approved palette, in accordance with the Eastern Creek Design Guidelines dated 13 September 2019. This is required so as to not provide a blank façade on this prominent elevation. The amended drawings are to be submitted to and approved by the Planning Secretary, prior to the issue of a construction certificate.

Reason: As indicated, the drawings show that this is a blank elevation, with mostly one material plus signs. The Commission raised this with the Applicant in the Meeting with the Commission, but no revised elevation was provided.

2. **New Condition B29 Amended landscape drawings**

Amended landscape drawings showing all details of finished levels, paving treatments including permeable paving, all species of plants and planting details including swale planting, consistent with the Eastern Creek Business Hub Design Guidelines dated 13 September 2019, are to be submitted to and approved by the Planning Secretary prior to the issue of a construction certificate.

Reason: The Commission also raised the lack of detail on the landscape drawings, particularly with regard to permeable paving and paving detail generally (noting the requirements of Condition B6 of the Concept Approval), and received some additional material, but not sufficient

to address the Commission's issue.

3. **New Condition B30 Footbridge**

The following information on the footbridge proposed on the northern boundary of the site is to be submitted to and approved by the Planning Secretary prior to the issue of a construction certificate:

(a) Drawings and details of the materials and finishes, consistent with the Eastern Creek Design Guidelines dated 13 September 2019, including use of natural colours
and earth tones that complement the landscape character of the locality; and

(b) Engineering specifications and certification of the suitability of the bridge with regards to the overland flow function of the drainage swale.

Reason: As noted previously, there is very little detail, other than in concept form regarding this bridge provided on the submitted drawings. The Applicant was asked about this and some additional material was referred to the Commission, but no actual complete drawing and detail of the structure was provided.

4. **Amended Condition A.9 External Business Identification sign (as drafted deleted, and replaced with following)**

All external business identification signage, and the content of such a signs, as shown in the approved Signage – Stage 2 Plans (DA20A-DA25), prepared by i2C, and identified in the approved plans listed in Condition A2 is approved in perpetuity, regardless of the name of the tenant or corporate colours on the sign.

Reason: Condition A9, which was as proposed by the Applicant, appears to attempt to override the provisions of the WSP SEPP that requires consent for a sign and 'not require approval' for replacement signs, based on complying with Exempt code like provisions. It is unclear that this can be done via a SSD consent condition. To achieve the same aim of not having to lodge a DA for a change of sign content with every change of tenant; and noting that the 'content' to be approved in the signs in the first place shows 'tenant name ' only, it is proposed to apply the above re-drafted Condition A9. This would give a global approval to the signs, no matter who the tenant is, which is a slightly different approach, but to the same end as the condition as drafted.

This has not been raised by the Commission with the Applicant. Your views on this are sought.

5. **Amended B22 Stormwater and drainage management**

To add the words in in the condition as in bold:

…details of any proposed stormwater disposal and drainage, **including rainwater re-use** from the development….

Reason: To address the residual issue regarding stormwater raised by the Council in its Submission to the Commission, regarding rainwater tanks.

6. **Amend Condition A8 Gross Floor Area**

The maximum gross floor area (GFA) for the development allowed by this consent is 10,800sqm for specialised retailing and 598sqm for convenience retailing (café, 100sqm and future pad site, 498sqm), and shall not exceed an approved total of 11,398 sqm on lot 1 (Stage 2).

Reason: The condition as drafted reads as if the 11,398 sqm approved is all 'specialised retailing', which from the Commission's understanding, is not the case. As shown in draft Condition A7 of the Concept Approval, the additional 600sqm of GFA is 'convenience retail'.

7. **Condition 5 Lapsing of approval**

Given that the SSD consent is the development application approval, the words ' a development application' should be removed, and the 'condition' just state:

This consent will lapse five years after the date of consent unless works have physically commenced.

I am happy to clarify the above issues, so ring me or send me an appointment to meet about this over Teams if required. Possibly later this afternoon, or tomorrow afternoon. Otherwise, your response to the above in terms of workability or other comments would be appreciated, within the next few days if possible, noting the timeframe for determination of this Accelerated DA.

Thanks and regards

Heather

Heather Warton
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New South Wales Government
Independent Planning Commission

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