



Blacktown
City Council

Your ref: SSD 9667
File no MC-18-00004

9 June 2020

Department of Planning Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Recipient Delivery william.hodgkinson@planning.nsw.gov.au

Attention: William Hodgkinson

Dear Mr Hodgkinson

SSD 9667 - Light Horse Interchange Business Hub, Eastern Creek

Thank you for your correspondence dated 27 May 2020 requesting our advice on the Response to Submission (RTS) for the Light Horse Interchange Business Hub at Eastern Creek, which is a State Significant Development proposal under section 4.36 of the *Environmental Planning and Assessment Act 1979*.

The RTS has been reviewed by our officers and we have provided our additional comments listed in **Attachment A** to this letter. Provided these are addressed to Council's satisfaction, then we have no objection to the proposal and we have provided conditions at **Attachment B** to be included as part of any development consent issued.

Please let us know the outcome of your assessment of our matters in Attachment A before proceeding to determine the DA.

If you would like to discuss this matter further, please contact Judith Portelli, Manager Development Assessment, on 9839 6228.

Yours faithfully

Glennys James PSM
Director Planning and Development

Connect - Create - Celebrate

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Attachment A - Blacktown Council's submission to SSD 9667 - Light Horse Interchange Business Hub, Eastern Creek

1. Planning comments

- a. Council notes the new subdivision plan now proposes the access road (Lot 11) to be retained by the Applicant as a private road. A condition is provided by our Drainage Engineers for a restriction on title for the access road on Lot 11 to remain in private ownership and not dedicated to Council
- b. As previously advised, the Concept Masterplan indicative footprints still represent an overdevelopment of each site, as the nominated floor areas are not in accordance with the car parking rates proposed condition. The prospective lessee would expect to build the nominated floor areas in accordance with the masterplan where insufficient car parking is provided to cater for all permitted uses. Therefore, Council requests the concept plan is not approved with such detailed information on floor area and car parking spaces. Or, alternatively, it must be clear that the concept plan only illustrates potential warehousing uses, but is subject to separate DAs for other uses.

2. Traffic comments

- a. Whilst TfNSW did not raise an issue of vehicle queuing (403 m) along the Doonside Road approach to the traffic signal controlled intersection of Great Western Highway/Doonside Road/Brabham Drive, Council is of view that an additional left turn lane, as proposed previously, will improve the operational performance of the intersection. A concept design needs to be developed, including costing. The proponent for this development should pay all costs of their improvement works due to the traffic this development will generate and the traffic congestion it will place on this intersection.

Attachment B - Blacktown Council's submission to SSD 9667 - Light Horse Interchange Business Hub, Eastern Creek

1. Planning comments

- a. Council supports the proposed car parking condition as follows:

PART B CONDITIONS TO BE MET IN FUTURE DEVELOPMENT APPLICATIONS - TRAFFIC AND ACCESS

Car parking in accordance with the following rates:

- (a) 1 space per 300 m² GFA for warehouse and distribution centre uses;
- (b) 1 space per 77 m² GFA for general industrial and light industrial uses;
- (c) 1 space per 40 m² GFA for office uses; and
- (d) 1 space per 100 car parking spaces or part thereof for accessible car parking.

2. Conditions of Consent

- a. The following conditions are to be included as conditions of consent.

GENERAL CONDITIONS

- 1. The temporary protection measures for the bioretention area are not to be removed, nor the filter area of the basin planted out, until a minimum of 90% of the upstream catchment draining to the basin is fully developed including landscaping as agreed with Council. Once 90% of the upstream catchment is developed as determined by the developer or where notified by Council, the bioretention basins must be completed within 6 months.
- 2. The Bioretention Construction Security is not to be released until:
 - i. Practical completion of the bioretention basin. Practical Completion is defined as removal of any temporary protection measures, installation of the remaining transition layer, permeable concrete pipes, filter media and planting out of the basin.
 - ii. A Geotechnical Engineer is to undertake in situ Saturated Hydraulic Conductivity Testing of the bioretention system in accordance with Practice Note 1 of the FAWB guidelines and certify that the hydraulic conductivity is at or above 100 mm/hr (tolerance 0 % to +400%.
 - iii. A Horticulturalist that has relevant tertiary qualifications and technical knowledge with a minimum of 5 years demonstrated experience is to certify that the planting within the bioretention area, including bank areas, is of the same quality in type and quantity as per the Construction Certificate approved landscape plans.

- iv. The custom gross pollutant trap, CDS 2018 and bioretention sediment traps all protecting the bioretention, have been cleaned and cleaning docket provided.

CONDITIONS REQUIRED PRIOR TO RELEASE OF CONSTRUCTION CERTIFICATE

- 3. Prior to the commencement of construction (excluding earthworks/remediation/site establishment works), the Applicant must submit details of the proposed stormwater management system to support the development to the satisfaction of Council and the Planning Secretary. The stormwater management system must:
 - i. Be designed by a Chartered Civil Engineer registered on NER.
 - ii. Incorporate appropriate on-site stormwater detention and water quality measures using Council's OSD Deemed to Comply Spreadsheet and Council's WSUD Standard Drawings A(BS)175M.
 - iii. Ensure the internal drainage system is capable of carrying the 100 year ARI flows from the development site to the detention basin through either piped or surface flows.
 - iv. Be in accordance with applicable Australian Standards and Part J of Blacktown Development Control Plan 2015 and Council's WSUD developer handbook (latest edition).
 - v. Ensure that the system capacity has been designed in accordance with *Australian Rainfall and Runoff* (Engineers Australia, 2016) and *Managing Urban Stormwater: Council Handbook* (EPA, 1997) guidelines.
- 4. Engineering plans from Henry & Hymas Job 18652_SSDA (11) dated 11.05.20 are to be amended as follows:
 - i. All GPTs are to contain an oil baffle.
 - ii. On Dwg. C101 (08) and SK_14(03) amend the limit of works to include the vegetation restoration within the 40 m riparian protection zone.
 - iii. On Dwg. C107 (11) amend the plan as follows:
 - a) Reposition the eastern end of the oil baffle to extend to the corner of the retaining wall (RW) of the culverts to ensure retention of the oils and hydrocarbons once 3 month bypass occurs. Amend C201 (07) similarly.
 - b) Reduce the size of the pipe from BI-25 to WQ-8 and out to the headwall to just carry 156 l/s and adjust the pipe from BI-17 to BI-25 similarly.
 - c) Where the 3 month diversion structure in the twin box culverts requires an internal weir, provide local widening of the culverts to enable the total 100 year flow to go over the weir assuming the low flow diversion is blocked.

- d) Provide 500 mm concrete surrounds to all pits (including outlets) within the bio basin. Amend C240(06) and C242(01) similarly.
 - iv. On Dwg. C201 (07) amend the plan as follows.
 - a) Show the top of oil baffle as 46.85.
 - b) Provide hydraulic calculations for the 3 month water level in the custom basin immediately upstream of the bioretention as the nominated 46.06 appears too low.
 - c) Provide hydraulic calculations for the 3 month water level in the custom basin immediately upstream of the trash screen allowing for blockages.
 - d) Provide hydraulic calculations for the weir design in the 3 month diversion chamber for the custom basin to convey the 100 year water flows over the weir.
 - v. On Dwg. C241 (06) amend the plans as follows:
 - a) Amend the orifice sizes to match a flow rate of 5220.4 L/s for the 100 yr orifice and 1082.4 L/s for the 1.5 yr orifice. Provide a note on the spreadsheet and amend the original orifice sizes to not confuse the certifying authority.
 - vi. On Dwg. C242 (01) amend the plan as follows:
 - a) The 'V' drain from the drop structure ends with an RL of 43.60. Amend this level to 43.20 or lower, to capture more sediment.
 - b) Show the top of retaining wall or a screen area surrounding the custom GPT pollutant retention chamber extending to 46.85 or similar to retain the trapped gross pollutants.
 - vii. The access road from Ferrers Road to the development site is to remain in private ownership and not dedicated to Council as stated in Henry & Hymas Civil Engineering Report, rev 6, dated May 2020, section 4.1 and section 6.1.
 - viii. Provide details for permanent coloured interpretive signage minimum A0 size to be installed to highlight the water quality improvement process as detailed on Council's website. The sign is to be supported by steel posts adjacent to the corner with Lot 7 on approach to the estate. The wording and detail are to be approved by Council.
- 5. Provide a Bioretention Construction Estimate for the removal and disposal of the temporary protection measures for the bioretention basin, replacement with the transition layer, installation of permeable pipes, remaining upflow pits and filter media and planting of appropriate species. Include the cost of hydraulic conductivity testing and certification. The estimate is to be as detailed for Stage 3 of Council's WSUD Standard Drawings A(BS)175M Sheet 13.

6. Provide revised landscape plans by Site Image Job number SS18-3892 dated 7/05/2020 to address the following:
 - a. Extend the landscape works to the full extent of the riparian protection zone for the relocated Eskdale Creek up to and including the confluence with Reedy Creek. The vegetation is to be generally in accordance with the Biodiversity Development Assessment Report (BDAR) prepared by Eco Planning 2019.
 - b. Show landscaping over all the fill batters using densely planted local native provenance within Lot 9 and Pt Lot 10. The fill batters supporting Lots 6 and 8 are to include substantial tree species to compliment the riparian corridor and screen the future development.
7. Provide a Vegetation Management Plan (VMP) within the modified Eskdale Creek environment detailing weed removal, revegetation and management of the revegetated and retained vegetation. In particular, the VMP is to include the details for the revegetation of the Vegetated Riparian Zones (VRZ) for Reedy Creek and Eskdale Creek, which are outside of the WSPT Plan of Management – Bushland Corridor areas. Extend the works to include the full 40 m wide area of the riparian protection zone outside the creek banks. The VMP is to be generally in accordance with the Biodiversity Development Assessment Report (BDAR) prepared by Eco Planning 2019.
8. A certificate from a Chartered Geotechnical Engineer registered with NER must be obtained and submitted to Council verifying that the detention basin and its embankments can withstand a 1 in 100 year ARI event with outlet pipe and pits half blocked and a PMF event. The modelling is to consider both independent events and local interaction with floods in the creek to determine critical events. Any requirements of the Geotechnical Engineer as to lining the crest and spillway or other necessary protection is to be incorporated into the design.

CONDITIONS REQUIRED DURING CONSTRUCTION

9. The proposed CDS 2018, 1012, 2 x CDS 0708, CDS 1009 Gross Pollutant Traps supplied by Rocla and the customised trash rack Gross Pollutant Trap is not to be replaced with a smaller device, or an alternate manufacturer's product.
10. Provide certification, prior to placement, that the gravel layer, transition layer and bioretention filter media ex-bin has met the specifications on Sheet 2 of Council's WSUD drawing A(BS)175M.

CONDITIONS REQUIRED PRIOR TO SUBDIVISION CERTIFICATE

Surveys/Certificates/Works As Executed Plans

11. A Chartered Civil Engineer registered with NER is to certify that:
 - i. all the requirements of the approved drainage plan have been undertaken
 - ii. the temporary bioretention system has been installed in accordance with Henry & Hymas drawing 18652_SSDA_C245(01) with a minimum total

filter media area of 2759 m² for the basin clear of all pits and scour protection

- iii. the minimum detention storage of 10270.40 m³ has been provided below the 1.5 year ARI weir and a total of 15576.80 m³ has been provided below the 100 year ARI emergency overflow weir
- iv. all the signage and warning notices have been installed
- v. the interpretative water quality sign has been correctly installed
- vi. the Gross Pollutant Traps (GPTs) have been installed for the site as per the manufacturer's recommendations
- vii. the custom GPT has been installed in accordance with the approved plans and will work effectively be retaining gross pollutants and hydrocarbons
- viii. a copy of the certification and the works-as-executed drainage plan has been provided to Council.

Easements/Restrictions/Positive Covenants

- 12. The access road on Lot 11 is to remain in private ownership and not dedicated to Council.
- 13. All easements, positive covenants and restrictions as to user must be registered with NSW Land Registry Services.
- 14. Provide a Restriction as to User and Positive Covenant for overland flowpath over the swale/trapezoidal channel over Lots 1 and 2 collecting upstream flows in accordance with Council's Engineering Guide for Development 2005.
- 15. Provide a minimum 3.5 m wide drainage easement in gross with a Restriction as to User over the 1500 mm pipe over Lots 2, 7, 8, 9 and 11 in accordance with Council's Engineering Guide for Development 2005. The easement is to be in favour of Lot 4 DP 1041745.
- 16. Provide a minimum 3.0 m wide drainage easement in gross with a Restriction as to User over Lot 7 along the full length of the drainage pipeline from pit 'L-10' to the discharge point within Lot 8 in accordance with Council's Engineering Guide for Development 2005. The easement is to be in favour of Lot 8.
- 17. Provide a minimum 7.0 m wide drainage easement in gross with a Restriction as to User over Lot 7 along the full length of the twin box culvert drainage line from pit 'A-9B' to Lot 8 in accordance with Council's Engineering Guide for Development 2005. The easement is to be in favour of Lot 8.
- 18. Provide a minimum 13.0 m wide drainage easement in gross with a Restriction as to User over the outlet works in Lot 9 extending to Eskdale Creek in accordance with Council's Engineering Guide for Development 2005. The easement is to be in favour of Lot 8.
- 19. Provide a Restriction as to User and Positive Covenant over each of the Stormwater Quality Improvement Devices and On-site Stormwater Detention

Basin in accordance with the requirements of Council's Engineering Guide for Development 2005.

20. Provide a Positive Covenant for a Vegetation Management Plan over part of Lot 9 for the area covered by the Riparian Protection Zone identified under Henry & Hymas plan 18652_SSDA_C101(08) to ensure ongoing maintenance for the redirected Eskdale Creek.
21. To ensure the water quality targets under Part J are achieved, provide a Positive Covenant over:
 - i. Lot 1 for a minimum rainwater tank size of 200m³, collecting a minimum roof area of 5,900 m².
 - ii. Lot 2 for a minimum rainwater tank size of 100m³, collecting a minimum roof area of 8,700 m².
 - iii. Lot 3 for a minimum rainwater tank size of 150m³, collecting a minimum roof area of 11,900 m².
 - iv. Lot 4 for a minimum rainwater tank size of 150m³, collecting a minimum roof area of 10,900 m².
 - v. Lot 5 for a minimum rainwater tank size of 200m³, collecting a minimum roof area of 12,700 m².
 - vi. Lot 6 for a minimum rainwater tank size of 125m³, collecting a minimum roof area of 10,200 m².
 - vii. Lot 7 for a minimum rainwater tank size of 225m³, collecting a minimum roof area of 8,300 m².

Other Matters

22. Provide maintenance requirements for each of the proposed water quality devices generally in accordance with the *WSUD Inspection and Maintenance Guidelines* available on Council's website. Where a proprietary device is not included within this guideline, provide these separately in accordance with the manufacturer's recommendations. Provide a specialised maintenance schedule for the Custom GPT. Where these devices are located in roadway/parking areas, these are to include traffic management requirements. The designer of the stormwater treatment system must prepare the Maintenance Schedule and this schedule must show the designer's name, company, signature and date on it.
23. Provide written evidence that the registered owner/lessee has entered into a minimum 5 year signed and endorsed maintenance contract with a reputable and experienced cleaning contractor for the maintenance of the Gross Pollutant Traps, silt traps, bioretention basins, On-site Stormwater Detention basin and sediment pits. Forward a copy of the signed and endorsed contract(s) and maintenance contractor(s) details to Council's WSUD Compliance Officer at WSUD@blacktown.nsw.gov.au. This maintenance contract cannot be cancelled, but can be replaced with an alternative contract of the same standard.

24. Pay to Council a Bioretention Construction Security equal to 150% of the Bioretention Construction Estimate.