

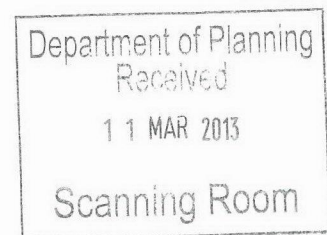


Your ref: 06\_0139  
File no: MC-10-1603

7 March 2013

Major Development Assessment  
Department of Planning & Infrastructure  
GPO Box 39  
Sydney NSW 2001

**Attention:** Chris Ritchie



Dear Mr Ritchie,

**Jacfin Ropes Creek Project Section 75W Modification of Concept and Project Approval (10\_0127 MOD 1 and 10\_0128 Mod 1)**

Blacktown City Council has considered the above major project modification application and has prepared this submission to the Department of Planning and Infrastructure. Council thanks you for the granting an extension of time to allow a more thorough assessment of the proposed modifications.

Council notes that the modifications are limited to removal of some aspects of the approved development from Stage 1 of the project and the subsequent modification to a number of conditions in the consent and are based on the exclusion of land from the subject site as a result of the recent compulsory acquisition of that land by Transgrid for electricity transmission infrastructure.

Council's response to the proposed modification is outlined below.

**Stormwater management & flooding**

The acquisition of Lot 120 in DP 1175762 by Transgrid has isolated a triangular section of the land to the north of the lot and bounded by the E2 zone. This section of land is bounded by numerous electricity easements and cannot have a building placed on it. It could be used for the storage of materials or for parking. The best use for this land would be to link it with the Stage 1 development. It is recommended that the proposed subdivision of Lot 51 of Stage 1 include this area within the lot.

The E2 zone adjacent to the Stage 1 development is to be incorporated into the ownership of Stage 1 and proposed Lot 51 and management of the E2 zone covered by a positive covenant.

There is a catchment of approximately 60ha which flows through the Transgrid site and adjoins the northern E2 zone just upstream of the main road crossing. This catchment has been ignored in the current zoning and should be covered by an E2 zone. Consideration should also be given to a redirected flowpath contained within the electricity easement, perhaps adjacent to the Lot 120 boundary in order to maximise the use of the industrial lots (subject to levels).

A management plan for restoration of the riparian waterways covered by the E2 zones needs to be prepared and works undertaken by the developer prior to the release of the subdivision lots adjacent to the E2 zone.

The lot boundaries of the adjacent industrial development should be extended to the centre of the adjacent E2 zone. The ongoing maintenance and management of the E2 zone shall be covered by a positive covenant which ensures ongoing financial support.

The flood modelling within the E2 zones and setting of floor levels are to be based on fully vegetated channels with a minimum '*Mannings n*' of 1.0.

Prior to the release of the construction certificate, an electronic copy of the flood modelling, hydrologic drainage and detention modelling and the MUSIC model is to be provided to Council's Asset Design Services Section.

### **Policy issues**

State Environmental Planning Policy (Western Sydney Employment Area) 2009 requires the preparation of a DCP. Moreover, a consolidated controlling document in force is required to ensure that the development is assessed and implemented according to the approved conditions which included Council's requirements.

If the design guidelines submitted as part of the concept plan is intended to become a controlling document, it has to be consolidated, incorporating all comments from relevant authorities, including the conditions of consent to the original Major Project Development Application and relevant controls from other documents to be approved in conjunction with the modified concept plan.

### **Aboriginal heritage**

The subject site contains known Aboriginal heritage sites, identified on the AHIMS Register at the Office of Environment & Heritage. As this proposal includes the acquisition of part of the site for Transgrid operations that will exclude the land affected from the current agreement and project, Transgrid must be informed of the findings of any Aboriginal cultural heritage study carried out on the site and shall also be required to carry out the required Aboriginal heritage survey and AHIP process prior to any development on the acquired site.

All parties should be reminded of the need to carry out the Aboriginal heritage assessment prior to any excavation works being carried out on the site as per Appendix 3 Schedule 1 of the Concept Plan Approval.



## **Town Planning**

Council is concerned that now, as a result of the exclusion of Lot 120 in DP 1175762 from proposed Lot 52, an irregular shaped parcel of land will be created adjacent to Local Road 2 (to its north-east) and to the south of the transmission line easement. Council is concerned that this residue lot will not be able to be developed satisfactorily in accordance with any DCP controls (having regard to setbacks, access, easements and provision of parking).

Further, any building footprint for this site may be misleading and pre-emptive of significant variations that will need to be given by any approval authority to fit any sort of acceptable built form. The applicant has not satisfactorily demonstrated how this can work in reality. As such, indicative building footprint on this residue parcel should be deleted from the concept plan and this residue used in conjunction with the land opposite.

Council trusts that these issues are considered by the Department in its assessment of the proposed modifications and addressed prior to any approval being granted.

Should you require any further information regarding this matter, please contact Council's Team Leader - Subdivisions, Alan Middlemiss on 9839 6146.

Yours faithfully,



Judith Portelli

**Manager – Development Services & Administration**