



12555
22 March 2013

Chris Ritchie
Manager - Industry
Major Project Assessment
Department of Planning
23-33 Bridge Street, Sydney NSW 2000

Attention: Deana Burn

Dear Chris

**ROPES CREEK EMPLOYMENT PRECINCT
MP10_0127 AND MP10_0128 - MODIFICATION 1**

I refer to your correspondence of 13 March 2013 in relation to the Ropes Creek Employment Precinct – Modification Application No. 1, within which you provided a copy of a submission made by Blacktown Council.

Blacktown Council has raised a number of issues with the Modification Application, however many of these issues are unrelated to the Modification Application itself, but rather relate to the general extent and scope of the Concept Plan and Stage 1 Project Approval. As such, these matters which are wholly unrelated to the subject Modification Application cannot be opened up for re-examination.

We have provided specific responses for each of the issues raised by Council in the table below.

Issue	Response
Stormwater Management and 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.	<p>The land referred to was never part of Stage 1. The purpose of the Modification is to remove the land that has been compulsorily acquired by Transgrid from the project area. It is unreasonable for Jacfin to be required to include additional land in the Stage 1 area.</p> <p>This land can and will be included in a subsequent application for subdivision associated with a later stage of the development.</p>

Issue	Response
<p>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.</p>	<p>As above. The proposed lot boundary has not changed along the E2 Zone.</p> <p>Jacfin will remain the owner of the E2 zoned land within the vicinity of the Stage 1 building in the immediate term, and will manage that land in accordance with the Concept Plan and any subsequent relevant approvals.</p>
<p>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).</p>	<p>No applicable to the subject Modification Application. The E2 Zoning of the land is provided for in <i>State Environmental Planning Policy (Western Sydney Employment Area) 2009</i>. The Concept Plan has not sought to rezone land.</p> <p>It is unreasonable for Jacfin to be required to seek re-zoning of land within the approved Concept Plan area to which the Modification Application does not apply.</p>
<p>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.</p>	<p>Jacfin will remain the owner of the E2 zoned land within the vicinity of the Stage 1 building in the immediate term, and will manage that land in accordance with the Concept Plan and any subsequent approvals affecting that land.</p> <p>The Stage 1 development has been approved. The intention of the Modification Application is to remove the Transgrid land (compulsorily acquired) with minimal overall impact on the development of the Stage 1 building and infrastructure.</p>
<p>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.</p>	<p>As above. The land referred to was never part of Stage 1. The purpose of the Modification is to remove the land that has been compulsorily acquired by Transgrid from the project area. It is unreasonable for Jacfin to be required to include additional land in the Stage 1 area.</p> <p>This land can and will be included in a subsequent application for subdivision associated with a later stage of the development.</p>
<p>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.</p>	<p>Flood modelling and floor levels have already been approved. They are not subject of the Modification Application and the proposed changes have no impact on flood levels.</p>
<p>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.</p>	<p>Flood modelling, hydrologic drainage and detention modelling have already been approved. They are not subject of the Modification Application.</p>

Issue	Response
Design Guidelines	
Council note that a DCP is required under the WSEA SEPP and request that the Design Guidelines be consolidated, incorporating all comments from relevant authorities, and relevant controls from other documents to be approved in conjunction with the modified concept plan.	In accordance with Section 75M of the EP&A Act (now repealed) the approved Concept Plan satisfies the obligation for a DCP. The Design Guidelines form part of the approved Concept Plan – there is no need to change them as a result of this Modification Application.
Aboriginal Heritage	
Council requests that Transgrid be informed of the Aboriginal heritage study and the need for an AHIP prior to any development on the acquired site.	<p>The Transgrid land is no longer in the ownership of Jacfin and the Modification Application is to excise the land from the Concept Plan and Stage 1 Project Approvals.</p> <p>The request by Council has no bearing or relevance to the remaining Jacfin land or the Modification Application.</p> <p>Council should contact Transgrid directly if they are concerned about Aboriginal heritage issues relating to development of that land.</p>
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.	This requirement only applies to land subject of a future application beyond Stage 1. That is, it does not apply to the Stage 1 Project, and so is irrelevant in relation to the Modification Application.
Town Planning	
Council is concerned about the viability of the irregular lot resulting from Transgrid acquisition. Council request that the indicative building footprint be removed from the Concept Plan until such time as a satisfactory development can be demonstrated (regarding setbacks etc).	The future development application is the appropriate time to demonstrate the specific layout of this lot for a particular development. The building shown in the Concept Plan is indicative only, however, removal of the building would be misleading in that Jacfin intend to develop some form of building on this lot – subject to the appropriate controls and design guidelines as well as constraints from electricity transmission lines etc, (similar to all buildings indicatively shown in the Concept Plan).

I trust that the responses provided are sufficient for the Department to continue with its assessment of the Modification Application.

Should you have any queries about this matter, please do not hesitate to contact Tim Ward on 9956 6962 or tward@jbaplanning.com.au.

Yours faithfully



Julie Bindon
Director