Blacktown
City Council

Your ref: SSD 10399
File no MC-20-00009

18 September 2020

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

Recipient Delivery deana.burn@planning.nsw.gov.au

Attention: Ms Deana Burn

Dear Ms Burn,

SSD 10399 – Clunies Ross Street, Prospect

Thank you for the opportunity to comment on the State Significant Development proposal lodged under Part 4 of the Environmental Planning and Assessment Act 1979 ("the Act").

The proposal has been reviewed by our officers and a number of issues have been raised and listed in **Attachment A** to this letter. We request the items listed in Attachment A to be addressed by way of amended or additional details and referred back to us for reconsideration before we provide final set of conditions prior to the final determination made by the Department.

If you would like to discuss this matter further, please contact our Senior Town Planner, Sara Smith on 9839 6262.

Yours faithfully

Judith Portelli
Acting Director Planning and Development

ATTACHMENT A

It is noted that Blacktown Council does not have any development controls for this site, however consideration must be given to controls under State Environmental Planning Policy (Western Sydney Employment Area) 2009 and respective DCP's and Blacktown Development Control Plan 2015 to ensure there is consistency across the entire Blacktown Local Government Area.

In reviewing the current proposal including the draft DCP, consideration has been given to the controls under Cumberland Council including the Holroyd DCP for Pemulwuy Industrial area. Whilst the draft DCP is generally consistent with this DCP and has adopted a significant number of these controls, the following matters listed below must be considered prior to any determination of the application.

It is noted that warehouse 1 and part of warehouse 7 are located within Blacktown Local Government area, whilst the reminder of the site is located within Cumberland Local Government area. The issues raised below are specific for the area of the development within Blacktown Local Government Area.

Matters to be considered and addressed:

1. Planning and Design

The following issues are raised with the Draft DCP and plans

a. **Landscaped setback to Clunies Ross Street**

- The Draft DCP states the building setback to Clunies Ross Street is 20 metres with a minimum 3 metre landscaped setback, whilst the plan for warehouse 1 indicates the landscape setback is 5 metres.

  This landscaping setback is considered insufficient and should be a minimum of 10 metres. No parking or structures should be permitted within the landscaped area.

b. **Building height and views**

- The Draft DCP fails to nominate a maximum building height for the site. A maximum building height **must be** prescribed within the DCP for the site.

  The draft DCP has utilised a number of the Objectives contained within the Pemulwuy DCP including some outlined below but without prescriptive controls it is not clear now these objectives are being met. The existing Pemulwuy DCP has a height limit of 12m to 12.2m and in addition on certain land sets a maximum RL limit.

  Objectives include:

  - To ensure buildings do not adversely affect views from the M4, Great Western Highway and Prospect Reservoir environs to Prospect Hill.

- To create building forms with appropriate scale and height, taking into consideration site topography.
- To ensure building heights do not adversely impact on the amenity of adjacent residential areas.

- Concerns are raised regarding the height of warehouse 1, which will be visually dominant when travelling south along Clunies Ross Street. The submitted Landscape and Visual Impact Assessment (LVIA) prepared by Habit8 states the Viewpoint H (Clunies Ross Street North (looking west) has a medium-high visual sensitively, but is of a minor impact.

  Consideration must be given to the reduction in height of warehouse 1 which is the first building seen when driving south along Clunies Ross Street towards the development site. In addition the height of the warehouse at 42 metres is considered to be excessive given its location within the wider development site as it's the gateway from Clunies Ross Street and the warehouses close proximity to the residential properties.

- The submitted LVIA prepared by Habit8 only outlines the impacts on views along Clunies Ross Street directly across from the proposed development, but fails to outline the visual impacts of the development driving west along Clunies Ross Street from the Great Western Highway, over the M4 Motorway. This must be considered as part of the assessment and prior to any determination of the application.

- In addition, it is not clear how the height of warehouse 1 meets the objective *"to ensure building heights do not adversely impact on the amenity of adjacent residential areas"*, warehouse 1 is located directly opposite the residential area, where the development will be visually dominant from the backyards of properties in Muttong Street.

c. **Parking rates**

- The proposed car parking rates are not satisfactory and do not comply with the current rates applied across the Blacktown Local Government Area, specifically areas which also fall under State Environmental Planning Policy (Western Sydney Employment Area) 2009.

- The DCP for the Blacktown Local Government Area should be amended to provide the following rates:

  - Warehouse - 1 space per 100sqm GFA
  - Office – 1 space per 40sqm GFA
  - Café – 1 space per 10sqm of dining area and 1 space per 2 employees

- The DCP should be amended to ensure the car parking rates are a minimum control and not a maximum control.

d. **Car parking areas**

- Pedestrian links within all car parks are to be provided, including pedestrian line markings and footpaths.

e. **Inconsistencies between documentation**

- The draft DCP states the setback to Clunies Ross Street is 20 metres to the building and the first 3 metres is to be landscaped, however the LVIA prepared by Habit8 states the landscaping buffer zone to Clunies Ross Street is 5 metres. The submitted plans for Warehouse 1 indicate the landscape buffer as 5 metres.

f. **Landscaping**

- The DCP should be amended to include controls which require the planting of mature trees along street frontages to reduce the visual dominance of the buildings.
- The DCP should be amended to include the following control:
    - Carparking areas are to be suitably treated with landscaping to soften the appearance of the areas and to provide shade for parked cars. At a minimum standard one tree should be planted every 25 metres (9 bays) and be at a minimum height of 1 metre at the time of planting with a minimum 2 metre bay of deep soil.

g. **Communal open space**

- Section 2.7 - Landscaping of the draft DCP provides the following development standard – *C4. "provide outdoor amenity / recreation facilities for employees within the landscaped areas, to meet the needs of the workforce".*
- The DCP fails to nominate a minimum communal open space area that needs to be provided as part of the development. The DCP control is considered to be poorly worded and should be specific in the requirements for development sites.
- In addition, the architectural plans and landscaping plans fails to nominate any areas as communal open space.

h. **Signage**

- The DCP should be amended to provide maximum dimensions including the height and width of proposed signage.
- The DCP should include a development control that all signage comply with State Environmental Planning Policy No. 64 Adverting and Signage.

i. **Fencing**

- The DCP should be amended to state the maximum fence heights, the development controls listed are not prescriptive and lack detail.

j. **Retaining walls**

- The DCP fails to include a section on retaining walls. Any retaining wall shall not exceed 3 metres in height and has be terraced at intervals of 1.5 metres. The terraced areas shall be suitably landscaped.

2. Building

Prior to determination of the application, the applicant should submit the following documents for review:

- An access premises report under the Disability Discrimination Act; and
- A site investigation report on the buildings to be demolished, including a work plan and hazardous material management plan.

3. Drainage

Review of the following documents was undertaken:

1. Letter from Blacktown City Council to NSW Department of Planning, Industry and Environment reference no. SSD 10399 dated 4 December 2019.
2. Civil Engineering Report Incorporating Water Cycle Management Strategy by Costin Roe Consulting, project no. C013251.06, revision A dated 4 June 2020.
3. Appendix B to Appendix H of the Civil Engineering Report Incorporating Water Cycle Management Strategy by Costin Roe Consulting, project no. C013251.06, revision A dated 4 June 2020.
4. Engineering Plans by Costin Roe Consulting drawing nos. CO13251.06-DA10(D), CO13251.06-DA20(B), CO13251.06-DA25(B), CO13251.06-DA30(C), CO13251.06-DA31(C), CO13251.06-DA35(B) to CO13251.06-DA37(B), CO13251.06-DA40(C) to CO13251.06-DA42(C), CO13251.06-DA44(B), CO13251.06-DA45(C), CO13251.06-DA47(D), CO13251.06-DA48(B), CO13251.06-DA51(C), CO13251.06-DA52(C), CO13251.06-DA55(B), CO13251.06-DA56(B), CO13251.06-F01(B) and CO13251.06-F02(B) dated 3 June 2020.
5. Geotechnical Investigation report by PSM reference no. PSM4010-003L dated 11 February 2020.
6. Environmental Assessment report by JBS&G reference 58238/130144, revision 0 dated 3 June 2020.
7. SEARs Report for Prospect Logistics Estate application no. SSD-10399 dated 16 December 2019.

The following items need to be addressed to meet the requirements under Council's DCP Part J 2015 and Council's Engineering Guide for Development 2005:

General Notes:

1. It is acknowledged that the subject site is situated within two separate LGAs (Blacktown City Council and Cumberland Council). The proposed stormwater quality for the overall development is split into catchments to target the water quality requirements for the particular Council. Notwithstanding, the stormwater system from the overall development is proposed to be discharged to the regional detention basin / wetland located and managed by Blacktown City Council.

Therefore, the drainage design for the entire development is to be amended to meet Blacktown City Council's guidelines which include (not limited to):

i. BCC DCP 2015 including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management;

ii. BCC DRAFT WSUD developer handbook with MUSIC modelling and design guide 2020

iii. BCC WSUD Standard Drawings A(BS)175M;

iv. BCC Engineering Guide for Development 2015; and

v. BCC Works Specification 2005 – Civil land development.

2. Clarity is required in relation to the combined area of the site. Section 2.1 of the Civil Engineering Report by Costin Roe (project no. C013251 revision A dated 4 June 2020) has stated the combined area of the site is 18.40 hectares, the architectural plans by SBA Architects (project no. 19280 revision 0 dated 4 June 2020) has stated a site area of approximately 18.66 hectares and the Environmental Assessment report by JBS&G (reference 58238/130144 revision 0 dated 3 June 2020) has stated an area of 18.77 hectares. The correct combined area of the site is to be adopted on all reports, engineering plans and relevant modelling for the Water Cycle Management.

3. Geotechnical Investigation report by PSM (dated 11 February) has suggested that Groundwater seepage was encountered at boreholes conducted onsite (boreholes 2020/BH09 and 2020/BH10). Results and recommendations carried out in this report must be considered (i.e. excavation methods, batter slopes and heights above the groundwater table etc) for the civil engineering designs. Since these boreholes were tested at the location of proposed building pads (i.e. Pad 7), further investigation and possibly long-term groundwater monitoring is required to ensure that the proposed development does not impact the groundwater table and groundwater flows.

4. Provide electronic copies of the XP-RAFTS, DRAINS, MUSIC and flood model used to assess Water Cycle Management Strategy for the development. Ensure that the correct models are submitted and are consistent with the engineering plans.

5. A dam break assessment of the existing regional detention basin with the proposed modifications is required. The engineer is to assess whether the proposed modifications to the detention basin will have risks to the population should the basin fails. Where there is any population at risk, a comprehensive risk assessment is to be undertaken. The requirements of this risk assessment are to be implemented including any remediation works. Provide details.

6. Any flows that are discharging to Blacktown Council's drainage network including any flows from the area under Cumberland Council control are to meet all Council's water quality targets and be located on land under Blacktown Council control to ensure ongoing monitoring.

7. The WSUD design is to capture a minimum of 90% of the post development average annual load of Hydrocarbons and oils. Council does not accept the proposition in Section 7.4.7 of the Civil Engineering Report by Costin Roe Consulting dated 4 June 2020 which states that the proposed development is expected to produce low source loadings of hydrocarbons. This can be achieved with a number of alternatives.

    i. GPTs can be provided prior to discharge from the site including all areas located in BCC. GPTs are to have an oil baffle able to trap and contain oil or hydrocarbons and sized to treat a minimum 2EY flow considered as 75% of the 1EY flow. The GPTs are to be located in an area that can be easily accessed by truck for maintenance. Or

    ii. If a Stormfilter Cartridge system is proposed to manage the water quality, provide an oil baffle within the Stormfilter chamber to trap and contain oil or hydrocarbons. The oil baffle is to be 250 mm upstream of the Stormfilter weir and extend 400 mm below the weir level for a 690 cartridge. The minimum length of the Stormfilter weir (L) is to be increased to provide a maximum velocity of 0.4 m/s under the baffle during peak flow (i.e. L > Q20 / (0.4 x 0.25), or L > 10 x Q20) in m, where Q20 is in m3/s). Provide calculations

MUSIC Modelling:

8. The Blacktown water quality targets are to apply to all parts of the site that drain to the Blacktown drainage network even where such water originates from the Cumberland Council area. Locate all treatment devices within the Blacktown boundaries.

9. Provide two separate and additional MUSIC models (pre and post) to demonstrate that the Stream Erosion Index (SEI) is less than 3.5. The pre development is to consider a vacant pervious block. Provide all calculations used to determine Qcritical.

10. The proposed rainwater tanks for the site are to amended to comply with Blacktown City Council guidelines. Ensure that all rainwater tanks provide the minimum 80% non-potable water reuse. Allow for a 10% loss in rainwater tank size volume in MUSIC to that shown on the design plans below the overflow invert to allow for anaerobic zones and mains water top up levels (i.e. where a 100 kL tank is specified on the drainage plan, it is to be modelled as 90 kL in MUSIC).

11. For watering landscaped areas only (excluding turf areas) allow 0.4 kL/year/m2 as PET-Rain.

12. For industrial developments allow for internal rainwater reuse of 0.1 KL/day per toilet/urinal. However, where the site is occupied say 5 days per week the daily usage rate is to be reduced by 5 / 7.

13. Ensure that the areas draining to surface inlet pits with OceanGuards match the engineering plans.

14. Ensure that Blacktown Council's specific MUSIC modes are used for the total development area draining to the devices.

15. The minimum Stormfilter chamber area is to be No. of Cartridges x 0.177 m2/cartridge excluding the area of the weir.

16. Ocean Protect has advised that the maximum storage permitted below the Stormfilter weir to ensure effective operation of the filter cartridges is limited to an equivalent volume derived from 2.0 mm of rainfall (20 m3/Ha) without losses, falling over the site area that drains to the Stormfilter chamber (ignoring any bypass area).

17. It is acknowledged that there is no development proposed within the Aboriginal Heritage area located south east of the site and this area has not been included in the provided MUSIC model. However, this area appears to drain directly into the proposed development and affect the proposed stormwater system. The options below are to be considered to ensure this area is managed:

    i. Where levels permit, relocate the proposed retaining walls further away from the Aboriginal Heritage area and provide a catch drain with a series of pits and pipes at the top of the wall just clear 0f the heritage zone to capture the 5% AEP flows and discharge these flows independently to the wetland area.

    ii. Where the retaining walls are not relocated or it is too difficult to discharge an area independently to the wetland, then this area will need to be included in the MUSIC model as a "Forest" node.

18. Amend the MUSIC model accordingly. Provide an electronic copy of the model with MUSIC Link report that matches the MUSIC model and drainage plans.

19. Provide a MUSIC catchment plan that shows both the land use and the areas contributing to each specific device. To make this more understandable it may be easier in many cases to split these into two separate plans.

DRAINS Modelling:

20. The DRAINS model provided seems to be incorrect. The surface areas of the regional detention basin in the model do not match with Tables 6.1 and 6.5 of the Civil Engineering Report and the engineering plans. Furthermore, the high flow overflow routes levels do not match the levels within the detention basin. Ensure that the correct DRAINS models are provided.

21. Council is unable to run the DRAINS models provided. Ensure that the model provided can be opened in a version of DRAINS that does not require the use of Storage Network Routing (i.e. XP-RAFTS).

Specific Notes:

22. Civil Engineering Report Incorporating Water Cycle Management Strategy by Costin Roe Consulting, project no. C013251.06, revision A dated 4 June 2020

    i. Delete reference to Penrith Council in Section 5.1.

    ii. The Erosion and Sediment Control must be prepared in accordance with Blacktown City Council guidelines and not Penrith City Council as stated in Table 5.1 under the "Reference" column and Section 9.1 of the report.

    iii. Delete reference to "2hr duration" under Table 6.9 title. The table includes 2, 6 and 9 hour durations.

iv. Insufficient information is provided in relation to the flood assessment. A comprehensive flood assessment is required for the development in conjunction with the BCC guidelines and SEAR's. All information must be provided including which software was used for the assessment, methodology, calibration of the flood model to ensure consistency of the flood behaviour documented by Council, rainfall data, catchments, hazard and flood difference maps, flow velocities, hydraulic categories, assumptions, etc.

v. The flood planning level mentioned in Section 8.4 seems to be incorrect. The minimum FPL should be the 1% AEP flood level with climate change + 0.5 m freeboard. Furthermore, the section suggests that the lowest proposed building level on the site is RL 60.0 m AHD when drawing CO13251.06 of the engineering plans shows Warehouse 1 FLL = 57.50 +- 500 mm.

vi. Section 5.1 (Page 23) of the report states that the existing regional detention basin caters for catchment with an area of approximately 167 hectares while Section 6.2 states that the area is 173.55 hectares. Clarity is required.

vii. Section 6.3 (Assessment of Existing Detention System) – values in the discussion section on Page 36 do not match the tabulated results. For example, the water level stated in the discussion for the existing detention basin is RL 55.01 m AHD in the 1% AEP and RL 56.43 in PMF. Results of the assessment in Tables 6.2 and 6.3 depict RL 55.20 m AHD in the 1% AEP and RL 57.15 in PMF respectively.

viii. Section 6.4 (Assessment of Modified Detention System) – similar to the above, values in the discussion on Page 39 do not align with the results in Tables 6.6 – 6.9.

ix. Section 5.5 (Climate Change) – the section states an assessment was undertaken for the effect of climate change on the development with a 10% increase in rainfall intensity for the 1% AEP and reference to Table 6.9 to compare the flows. However, no such results are shown in this table respectively. Also, rainfall intensities for the 1% AEP are to be increased to 15% for a conservative estimate on climate change and to meet Council guidelines.

x. Recheck all results, values and grammar in the report. Ensure consistency in/between the models and report.

23. Engineering Plans by Costin Roe Consulting dated 3 June 2020:

i. Considering that the stormwater system for the entire development will be discharged to the regional devices managed Blacktown City Council, the engineering plans for the total development are to be amended to comply with meet Blacktown City Council's guidelines which include (not limited to):

- BCC DCP 2015 including Part J – Water Sensitive Urban Design and Integrated Water Cycle Management;
- BCC DRAFT WSUD developer handbook with MUSIC modelling and design guide 2020

- BCC WSUD Standard Drawings A(BS)175M;
- BCC Engineering Guide for Development 2015; and
- BCC Works Specification 2005 – Civil land development.

ii. The internal pipe network is to be designed in accordance with the Council's Engineering Guide for Development 2005 to carry the 5% AEP (20 year ARI) storm flows.

iii. The 1% AEP flows from the site are to be directed to the OSD. Demonstrate how the surface flows in excess of the pipe capacity are directed to the OSD basin.

iv. Consider the tailwater conditions in the regional detention basin when discharging the stormwater system. High backwater levels can reduce the effectiveness of the stormwater system. For example, to reduce impact of tailwater levels, set the false floor level within the Stormfilter Cartridge chamber and also the outlet from the CDS GPT units above the 1 EY water level immediately downstream of the basin.

v. Provide step irons at 300 cts for pits deeper than 1.2 m.

vi. Show how the roof water gets to the rainwater tanks. Provide a separate system for roof water and surface drainage. Pits between the roof lines (i.e. charged pipes) are to be sealed.

vii. Charge line cleanout pits are to be provided at the low point of all charge line systems for the rainwater tanks to facilitate cleaning of the system.

viii. Provide pit numbers/identifications on all plans.

ix. Review the pit size as 600 * 600 mm pits are limited to 600 mm maximum depth and 600 * 900 mm pits are limited to 900 mm depth. Pits greater than 900 mm depth are all to be minimum 900 * 900 mm. All pits within the proposed development must comply with these requirements.

x. On drawing Co13251.0-DA44, show the impervious area in % adopted for each catchment in the hydrology model.

xi. Provide details of the proposed CDS GPT units (where used) including sections, levels, calculations of treatable flow rates.

xii. As noted above any flows that are discharging to Blacktown Council's drainage network including any flows from the area under Cumberland Council control are to meet all Council's water quality targets and be located on land under Blacktown Council control to ensure ongoing monitoring.

xiii. OceanGuards should treat a maximum of 1000 m2 of non-roof areas and 1500m2 of roof areas. All OceanGuards are to be clearly notated as "200 micron OceanGuards".

xiv. OceanGuards treating only surface flows require a minimum clear depth of 500 mm below the grate to any inlet or outlet pipe obvert. OceanGuards treating surface flows and upstream pipe flows require a minimum clear depth of 500 mm from the invert of the upstream pipes to be treated, to the obvert of

the outlet pipe. Where these pits are treating upstream pipe flows the inverts of all pipes in and out of the pit are to be shown.

xv. Where OceanGuards (Enviropods) are designed to treat upstream pipe flows, the invert levels on all pipes discharging to and from the pit are to be clearly shown. Provide a minimum clear depth of 500 mm from the invert of the upstream pipes to be treated to the outlet pipe obvert.

xvi. All proposed Stormfilter Cartridge Systems are to be designed in accordance with BCC guidelines. Provide all details of the proposed Stormfilter Cartridge system including plan view, sectional view, levels, cartridges, calculations etc.