Blacktown City Council
Growing with Pride

Your ref: SSD 5175 MOD 1
Our ref: MC-12-1769

5 February 2016

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

Attention: Simon Truong

Dear Simon,

Section 96(2) modification request to amend the concept approval and stage 1 subdivision and early works for the Eastern Creek Business Hub

Thank you for your email, dated 20 January 2016, providing Council the opportunity to comment on the revised information submitted to address the concerns raised in our submission of 26 October 2015.

We have undertaken a review of the applicant's response, including the accompanying planning information prepared by JBA, the Archaeology and Heritage Report prepared by Biosis and the drainage details prepared by Costin Roe Consulting. In principle we raise no objection to the modified development subject to appropriate conditions as identified in the applicant's submission being imposed on any consent granted.

The Archaeology and Heritage Report prepared by Biosis also indicates that the required Archaeological Management Plan (AMP) will be prepared prior to approval of the section 96 application. Council therefore requests that any determination by the Department not be made until the AMP is received and Council is given the opportunity to review the plan.

To ensure that a high standard of development is produced and that the development operates in a manner that will have no adverse impact on the surroundings, it is also requested that as part of your final determination consideration be given to the issues raised in **Attachment A** and to the recommended conditions in **Attachment B** to this letter.

Should you have any enquiries or wish to discuss this matter further, please do not hesitate to contact me or Judith Portelli, Manager Development Assessment on 9839 6228.

Yours faithfully,

Glennys James
Director Design and Development

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ATTACHMENT A

Issues for consideration – SSD 5175 MOD 1 for the 'Eastern Creek Business Hub'

TOWN PLANNING & ECONOMIC MATTERS

1. **Land ownership**

Concerns were previously raised that the proposed modifications would result in all responsibilities for the management of the land being transferred from Western Sydney Parklands Trust (WSPT) to the future tenants. In response the applicant has advised that they will retain ownership of the basins and the internal road. This matter should be addressed as a condition of any consent.

2. **Size of the supermarket**

It was previously recommended that a minimum floor plate of 2,000sq.m be introduced for a supermarket. This was to ensure that an adequate sized supermarket was provided within the development and to ensure that the speciality shop component was ancillary to the high grade commercial space. In response the applicant has agreed to cap the transfer of GFA from supermarket to specialty retail to 2,000m2. This matter should be addressed as a condition of any consent.

ABORIGINAL AND EUROPEAN HERITAGE MATTERS

3. **Archaeological Management Plan**

Concerns were previously raised in relation to European and Aboriginal heritage. The response prepared by Biosis (Attachment C to the applicant's report) indicates that an Archaeological Management Plan (AMP) will be prepared prior to approval of the section 96 application. Subject to this occurring, it is considered that the previous concerns will be satisfied. We request that once the AMP is received, that Council be given an opportunity to review its content and any recommendations.

4. **Visual impact**

The applicant's response indicates that there will only be a 1m increase in height as a result of the proposed amendments. An updated visual impact assessment, however, has not been submitted. It is considered that updated visual assessment montages would be relatively simple to produce and therefore we believe it should have been included as part of the revised documentation.

DRAINAGE MATTERS

5. Council's Drainage Engineers are satisfied that the additional drainage reports and assessments now address the concerns previously raised. Recommended conditions of consent are included at Attachment B.

OTHER MATTERS

6. **Traffic**

The applicant has indicated that the traffic concerns raised by Council are not relevant to the proposed modifications. The applicant has also advised that they do

not accept Council's recommended condition to ensure safe pedestrian movements from the nearby residential area.

Despite the applicant's response, we again reinforce that we do not support the proposed access arrangements or the changes at the intersection of Francis Road/Eastern Road and Rooty Hill Road South. These traffic issues were first raised in our submission to the original application and our position has not changed.

The applicant is proposing that the south approach along Rooty Hill Road South be changed to a right turn only lane and that the remaining lane be changed to a combined left/straight through lane. Based on the assessment undertaken by the applicant's consultant (Traffix) we don't believe there is justification for the change. Our traffic engineers are firmly of the view that the proposed arrangement will significantly reduce the efficiency of the operation of this signalised intersection.

The proposal is also still seeking to provide direct left-in/left-out vehicular access to 'Building 3' off Rooty Hill Road South. Again we raise concerns at the proposed direct vehicular access to the 'Building 3' off Rooty Hill Road South as the traffic volumes on this road are significant at peak traffic periods. We strongly oppose this direct access as it will create a traffic hazard. However, should direct left-in/left-out vehicular access to 'Building 3' off Rooty Hill Road South be retained we believe the applicant should provide a properly formed deceleration lane together with a median to prevent right turn in and right out of 'Building 3' onto Rooty Hill Road South.

ATTACHMENT B

Recommended additional and amended conditions of consent – SSD 5175 MOD 1 for the 'Eastern Creek Business Hub'

SCHEDULE 2

PART A - TERMS OF APPROVAL FOR CONCEPT PROPOSAL

Restrictions on Convenience Retail

A9. A maximum of 2,000m2 is permitted to be transferred to convenience retail.

Ownership

A10. Western Sydney Parklands Trust (WSPT) is to retain ownership of the basins and the internal road at all times.

Other matters

The Part B heading should insert the word "future" as follows:

PART B - CONDITIONS TO BE MET IN **FUTURE** DEVELOPMENT APPLICATIONS

SCHEDULE 3

PART B - PRIOR TO COMMENCEMENT OF WORKS

Drainage

B24. Once a minimum of 90% of all the upstream building works, retaining walls and driveways have been completed as agreed with Council for each bioretention basin, the filter media and plants are to be installed within 6 months. Once these are installed:

a. A Geotechnical Engineer is to undertake in-situ Saturated Hydraulic Conductivity Testing of each of the bio-retention systems in accordance with Practice Note 1 of the FAWB guidelines. For bio-retention systems with a filter area less than 50 m^2, *in situ* hydraulic conductivity testing should be conducted at three points. For systems with a filter area greater than 50 m^2, an extra test point should be added for every additional 100 m^2 or part thereof. Points are to be spatially distributed. Where the hydraulic conductivity of the soil differs from the rate specified in MUSIC of by 100 mm/hr (tolerance -0% to +400%), remediation works will be required over the filter area to restore the conductivity and the test repeated until the hydraulic conductivity is achieved. A Geotechnical Engineer is to then certify that in accordance with Practice Note 1 of the FAWB guidelines, the Saturated Hydraulic Conductivity is within tolerance to the rate specified in MUSIC for each of the bio-retention systems; and

b. After the hydraulic conductivity has been certified by the Geotechnical Engineer, 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 bio-retention area including bank areas, is of the same quality in type and quantity as per the construction certificate approved landscape plans, that any plants lost have been replaced and that any areas of scour or disrepair have been restored.

B25. The development must at all times maintain the water quality system to achieve the following minimum pollutant removal targets for the entire site in perpetuity including the approved bioretention plant species:

Required percentage reductions in post development average annual load of pollutants

Pollutant	**% post development pollutant reduction targets**
Gross Pollutants	90
Total Suspended Solids	85
Total Phosphorous	65
Total Nitrogen	45
Total Hydrocarbons	90

B26. Amended drainage plans by Costin Roe, are to be provided to meet the requirements under Councils DCP Part R 2006 and Councils Engineering Guide for Development 2005. The amended plans must address the following:

a. Provide additional detailed sections through each of the channels clearly identifying batter slopes and finishes.

b. Redesign the culvert crossing of channel 01 to Pad 1 to assume a 50% blockage in the culvert. Where no blockage was previously assumed it is acceptable to double the culvert size to compensate. Details are to be provided.

c. The HEC-RAS modelling to be revised to provide for the existing creek and channel 04 a Mannings n of 0.07 for the BASE and n = 0.1 for the overbank (with larger shrubs and trees).

d. The channelization of the 100 year flows through Channel 01 to the existing creek will lead to increased scour and deterioration of the existing creek as previous high flows would have spread over a much wider area. A review of the geomorphology of the existing creek to cope with the increased flow is to be undertaken with recommended improvements detailed such as ponds and riffles, bank armouring of bends, scour protection, etc. as required.

e. The rainwater tanks are required all the developments are to be designed to achieve a minimum 80% of non-potable demand to be met through rainwater. When sizing the rainwater tank increase the calculated volume by 20 % to account for anaerobic zones, mains water top up levels and overflow levels.

f. To protect the bioretention systems from harmful sediments and pollutants a Gross Pollutant Trap (GPT) is required for any discharge from future developments in Pads 2, 3, or 4 to the external drainage system, including discharges direct to basin 2. The GPTs are to remove a minimum 50% TSS and have an oil baffle able to trap and contain oil or hydrocarbons and sized to treat a minimum six month ARI flow.

g. To provide a water source to ensure ongoing viability of the bioretention plants a saturated zone is required comprising a 300 mm transition layer and a gravel layer sized as the larger of 200 mm, or 50 mm above the largest subsoil pipe. The saturated zone is set to the underside of the filter media and standard pit details are available from Council. On Costin Roe Plan CD12693.00-DA45(C) under "TYPICAL BIO-RETENTION DETAIL" amend the detail to match this requirement.

h. The un-socked subsoil drains within the saturated bioretention filter bed can be laid flat, however any non-slotted collection pipes discharging the subsoil flows away from the basin are to have a minimum grade of 0.5 %. Where subsoil lines connect with a larger subsoil collection pipe, the subsoil pipes are to connect via two 45 degree bends with a minimum 300 mm straight section between to allow for rodding. The collection pipe is to have its own rodding point. Provide details of sizing to ensure a minimum of twice the capacity based on both pipe capacity and flow through the slots.

i. On Costin Roe Plan CD12693.00-DA45(C) under "TEMPORARY BIO-RETENTION PROTECTION DETAIL" set the geotextile immediately above the transition layer (i.e. no filter media at all) with "COARSE SAND & TURF, NOM 100 - 150" above plus previous amendments as above. The bioretention notes are to be adjusted to match;

j. Provide a detail of a subsoil riser for flushing and maintenance of the subsoil collection pipe. The riser is to include two 45^0 bends with a short section of un-slotted straight (minimum 300 mm) in between. The vertical riser is to stop 50 mm above the filter media and sealed with a removable screw cap.

k. Provide an intermediate riser detail for long subsoil lines, or subsoil collection pipes at maximum 20 m intervals.

l. Provide a separate pit for the collection of flows from the bioretention subsoil drainage from Basin 2 that is independent of the overflow pit or discharge control pit for on-site detention. The top of the pit is to be either sealed or set a minimum of 100 mm above the top of the 1 in 100 year detention storage. The subsoil drainage is to discharge downstream of the discharge control pit. Provide a separate subsoil collection pit for bio basin 1.

m. Provide minimum 3.5 m maintenance access tracks into bio basin 1, basin 1 and Basin 2. Tracks greater than 5% must be concreted, but must not exceed 10%. A minimum 3 m wide access track must be provided at the base of the embankment for the basin 2 bioretention system to allow for future bioretention maintenance set to 100 mm above the extended detention depth. Provide a general vehicular maintenance access plan.

n. The existing outlet control for basin 2 is incorrect. Electronic hydrologic models are to be provided for the detention basin design to ensure that the predevelopment flows do not exceed the post development flows for all storm durations and for all ARIs from 1 year to 100 year. Allow for an initial pervious loss of 15 mm for the pre development case and the post development losses (5 mm) as per the Engineering Guide for Development. RAFTS itself or the RAFTS hydrological model in DRAINS is preferred to allow for the 15 mm initial loss. There are currently no modelled pre development nodes for this catchment to compare to. Review storages which is not to be less than 5600 m^3 that excludes the bioretention extended storage.

o. Bothe detention basins are to install a concrete cutoff wall under the full extent of the spillways to minimise risk of seepage flows and failure.

p. Provide a stilling basin at the base of the downstream spillway of both detention basins.

B27. Amended landscape plans are to be provided to meet the requirements under Councils DCP Part R 2006 and Handbook. The amended plans must address the following:

a. For the bioretention system include appropriate species in accordance with the BCC Handbook Part 5 - Vegetation Selection Guide (October 2012 or as revised) for the 500 mm deep filter media. Planting within the filter area should incorporate several growth forms, including shrubs and tufted plants and be densely planted (tufted plants at a minimum of 10 plants per square metre) to ensure plant roots occupy all parts of the media. Groundcover species must not be used. To ensure diversity and disease resistance a minimum of 10 different species (including one or more shrubs) is required planted as a matrix. All plants within the filter area are to be planted from tubestock or virotube and not pots.

b. Provide a turf specie for channel 01 capable of sustaining a 1V: 3H batter. Detail any geogrids or other enhanced support to sustain such a steep batter slope.

c. Provide a Vegetation Management Plan for the existing creek channel from channel 01 to basin 1 including endemic riparian native plants.

d. Provide a Vegetation Management Plan for the remainder of the site outside the development area including endemic native plants and additional Cumberland Plains Woodland.

e. Replace the proposed turf channel 04 with a riparian landscaped channel with Cumberland Plain Woodland surrounds to support and enhance the local environment.

B28. Maintenance schedule requirements are to be provided for each of the Stormwater Quality Improvement Devices including the rainwater tank. For bioretention systems these are to include the temporary bio-retention system and ultimate bioretention system replacement. 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, signature and date on it.

B29. A certificate from a Professional Geotechnical Engineer registered with NPER must be obtained and submitted to Council verifying that the detention basin and it's embankments can withstand a 1 in 100 year ARI event and a PMF event. The modelling is to consider both independent events and local interaction with floods in the creek. Any requirements of the Geotechnical Engineer as to lining the crest and spillway or other necessary protection is to be incorporated into the design.

Cut and Fill

B30. All cut and fill details are to be provided to the Certifying Authority. Cut and fill is to be limited to ensure the original topography of the site remains understood.

Retaining Walls

B31. Details of any retaining walls, including height and material, to be constructed on site as part of the development are to be submitted to the Certifying Authority. Masonry retaining walls (i.e. no timber walls) are to be provided. All retaining walls shall be in maximum 3 metres high sections and stepped with 1 metre wide minimum planting bays which are to be landscaped. Where retaining walls 1.5m or greater are provided, these should not be provided in long expanses.

PART C - DURING CONSTRUCTION

Arch Management Plan (AMP)

C14. The development is to comply with the recommendations of the Archaeological Management Plan (AMP).
Note: The final wording of this condition and any other additional conditions should be determined following receipt and review of the AMP.

Drainage

C15. Prior to placement of the filter media layer, certification for the following is to be provided:

a. A minimum hydraulic conductivity as defined by ASTM F1815-06 of 200 mm/hr (actual, not predicted
b. A maximum hydraulic conductivity as defined by ASTM F1815-06 of 700 mm/hr (actual, not predicted)
c. An Orthophosphate content < 20 mg/kg

d. A Total Nitrogen content < 1000 mg/kg
e. Is not hydrophobic.

C16. The 200 micron Enviropods supplied by Stormwater 360 as detailed on the approved drainage plan are not to be reduced in size or quantity, nor replaced with an alternate manufacturer's product.

C17. The filter media in the bioretention area is not to be installed or bioretention plants installed until a minimum of 90% of all the upstream building works, retaining walls and driveways have been completed.

PART D - PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

Drainage

D11. A positive covenant is to be provided over each lot for future development to achieve a minimum of 80% of the non-potable water uses on-site using rainwater or stormwater.

D12. A positive covenant is to be provided over each lot for future development to provide a Gross Pollutant Trap (GPT) prior to any discharge from future developments in Pads 2, 3, or 4. The GPTs are to remove a minimum 50% TSS and have an oil baffle able to trap and contain oil or hydrocarbons and sized to treat a minimum six month ARI flow.

D13. A restriction to user and positive covenant is to be provided over the conservation areas for restoration works to be in accordance with the Vegetation Management Plan (VMP).

D14. A restriction to user and positive covenant is to be provided over the On-Site Detention System in Basins 1 and 2 in accordance with the requirements of Council's Engineering Guide for Development 2005. The restriction to user and positive covenant must be registered with Land & Property Information.

D15. A restriction to user and positive covenant is to be provided over the Stormwater Quality Improvement Devices in accordance with the requirements of Council's Engineering Guide for Development 2005. The covenant requirements are to include the submission of an annual report on water treatment by the first business day on or after 1 September each year. The Restriction to User and Positive Covenant must be registered with Land & Property Information prior to the final occupation certificate.

D16. A horticulturalist that has relevant tertiary qualifications and technical knowledge with a minimum of five (5) years demonstrated experience is to certify that the planting within the basins including bank areas (excluding the bio-retention area), the creek restoration and restoration is of the same quality in type and quantity as per the construction certificate approved landscape plans and Vegetation Management Plan, that any plants lost have been replaced and that any areas of scour or disrepair have been restored.

OTHER MATTERS

Council officers have reviewed the applicant's response but still believe that consideration should be given to imposing the following additional conditions to address concerns not adequately addressed as part of the original development consent.

SCHEDULE 2

PART B – CONDITIONS TO BE MET IN 'FUTURE' DEVELOPMENT APPLICATIONS

Substations

B23. In the event that a new substation is required for the development, details regarding its location and design will be required to be submitted for Council's separate approval. Any substation or other utility installation required to service the approved development shall not under any circumstances be sited on future or existing Council land, including road reservations and/or public reserves, and is to be suitably screened from any public road or place. Any proposal to locate a proposed substation or other utility installation on Council land shall be negotiated with and fully endorsed by the relevant Council Directorates.

Note: This is an advisory condition only and does not require the applicant to undertake any works.

SCHEDULE 3

PART C - DURING CONSTRUCTION

Hours of Work

C1. It is recommended that the following matters be added to condition C1:

Any objectionable noise, dust, concussion, vibration or other emission from the development works shall not exceed the limit prescribed in the Protection of the Environment Operations Act 1997.

The hours of any offensive noise-generating development works shall be limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1pm, Saturdays; and no such work to be undertaken at any time on Sundays or public holidays.

Traffic

C15. To ensure safe pedestrian movements from the residential area west of the development to the proposed business hub, appropriate measures should be put in place to ensure pedestrians cross at the signalised crossing at Cable Place and Rooty Hill Road South. Consideration should be given to providing a continuous median with fence along the full length of Rooty Hill Road South to address this issue.