



9 October 2015

Ms Kate MacDonald
Team Leader
Industry Assessments
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Kate

RE: STATE SIGNIFICANT DEVELOPMENT (SSD 6962) AND CONCEPT PLAN MODIFICATION (MP09_0099 MOD4) – RESPONSE TO SUBMISSIONS

We refer to your letter dated 17th September 2015 regarding submissions received following exhibition of SSD 6962 and MP09_0099 MOD4.

The following submissions were received from government agencies during the public exhibition period:

- Department of Primary Industries
- NSW Department of Industry – Geological Survey of NSW
- NSW Environmental Protection Authority
- NSW Rural Fire Service
- NSW Office of Environment and Heritage
- Sydney Water
- Endeavour Energy
- Roads and Maritime Services
- Transport for NSW
- Blacktown City Council
- NSW Department of Planning & Environment

This letter details Mirvac's response to these submissions and recommended conditions imposed.

Department of Primary Industries

The submission received from the Department of Primary Industries is noted. Mirvac does not have any comments on this submission.

NSW Department of Industry – Geological Survey of NSW

The submission received from NSW Department of Industry – Geological Survey is noted. Mirvac does not have any comments on this submission.

NSW Environmental Protection Authority

The submission received from the NSW Environmental Protection Authority is noted. Mirvac does not have any comments on this submission.

NSW Rural Fire Service

The submission received from the NSW Rural Fire Service is noted.

The Bushfire Protection Assessment Report submitted as part of this SSD application concludes that as the site is not defined as bushfire prone under the Blacktown Bushfire Prone Land Map, the Rural Fire Service's document *Planning for Bushfire Protection 2006* does not apply to the proposed development.

Mirvac does not object to complying with AS 2419.1 with respect to fire hydrant installations.

We also note that BioBanking credits are being purchased and retired in lieu of establishing a biodiversity offset on site. This will therefore not result in any increased bush fire management responsibility on adjoining land owners.

NSW Office of Environment and Heritage

The submission received from the NSW Office of Environment and Heritage is noted.

OEH has subsequently issued a letter to the Department of Planning dated 24th September 2015, endorsing a variation to the BioBanking assessment and permitting Mirvac to acquire and retire HN526 credits in lieu of HN594/HN595 credits. Mirvac intends to continue on this basis and satisfy its obligations under Commitment 6 of the Concept Plan Approval.

Evidence that this commitment has been satisfactorily achieved will be provided to the Principal Certifying Authority prior to issuance of a Construction Certificate.

Sydney Water

The submission received from Sydney Water is noted.

Mirvac has progressed the following applications with Sydney Water through our Water Servicing Coordinator:

1. Water

Sydney Water issued a Letter of Approval on 15th January 2015 (Case Number 142116) approving an adjustment of the existing DN250mm DICL water main on the western side of Wallgrove Road.

2. Wastewater (sewer)

The site will be serviced by a new steel encased DN300 U.P.V.C.P underbore approximately 320m from the site to the Eastern Creek sub-main located in Pikes Lane to the east of the site.

Sydney Water issued a Letter of Approval dated 7th November 2013, advising of no objections to the proposed sewer lead-in main extension.

A formal Section 73 application (Case Number 147413) will be made upon approval of the SSD application.

Endeavour Energy

The submission received from Endeavour Energy is noted.

Mirvac submitted an application to Endeavour Energy in March 2015 to construct the new 11kV connection from Huntingwood substation.

Roads and Maritime Services

The submission received from Roads and Maritime Services is noted. Mirvac does not have any comments on this submission.

Transport for NSW

The submission received from the Transport for NSW is noted. Mirvac does not have any comments on this submission.

Blacktown City Council

Mirvac met with representatives from Blacktown City Council (Council) on 28th September 2015 to discuss the stormwater and drainage items raised with respect to the SSD application. Following the meeting we provided clarifications and responses to Council which Council have returned with their comments marked by hand (refer to **Attachment A**).

Further clarifications in response to Council's submission are outlined below:

1. Signage

1.1. Council recommends including the standard condition noted in Item 1.1.2 of Attachment B of the submission.

The SSD application includes the project signage strategy which outlines signage types, hierarchy, locations and typical details for which approval is sought. Mirvac does not object to the condition proposed in Item 1.1.2 of Attachment B of Council's submission.

2. Landscaping

2.1. Council requested clarification on the width of the landscape setback along the northern boundary.

The current design ensures that no buildings are to be erected within 10m of the northern boundary and provides a 2.2m wide deep soil zone adjacent to the site boundary to accommodate planting of mature 150 litre *elaeocarpus eumundii* screening trees at approximately 3m centres.

The proposed deep soil zone has been sized to accommodate established trees of this size and density, and will provide for landscaping of a high standard that screen the development from nearby receivers. The proposed setback distances will achieve the objectives of the WSEA SEPP (2009) and Urban Design Guidelines, by providing for landscaping of a high standard that acts as a visual buffer between neighbouring land uses.

2.2. Council requested clarification on how the proposed landscaping along the northern boundary will be accessed and maintained

The landscaping along the northern boundary can be accessed from either the eastern or western ends of the retaining wall. The vegetation types within the setback have been selected to be capable of being maintained by either watering from above or through drip irrigation during the plant establishment period. Mirvac's landscape architects have carefully selected low maintenance and drought tolerant species, and has recommended that trees are left to grow naturally in place with minimal maintenance to achieve the best long term visual screening outcome.

2.3. Council questioned the effectiveness of the tree planting along the northern boundary and requested that adequate screening be provided to eliminate any visual impact from the residential areas to the north and that the landscape area will be able to be appropriately maintained at all times.

Mirvac's objective is to create benchmark industrial project that displays the highest quality development, consisting of contemporary architectural buildings that achieve design excellence,

superior finishes and materials, unobtrusive facades, and appropriately sized and selected landscaping that compliments the surrounding environment and minimises the visual impact on neighbouring properties.

Mirvac has committed to minimising the visual impact on nearby receivers by procuring mature 150 Litre *elaecarpus eumundii* trees for planting at the base of the proposed retaining walls prior to completion of construction. This strategy differs from many other developments in which smaller less mature plants are provided initially, which take years to provide any significant screening. The selected tree species is the most appropriate given their ability to grow naturally up to 10m without requiring significant maintenance. Mirvac has progressed this landscaping strategy and the selection of trees in consultation with Invocare (the owners of Pinegrove Memorial Cemetery).

Mirvac notes that the residential receivers that Council refers to are located approximately 270m north of the site. Views from these residential receivers are obscured by large mature trees (refer Figure 1 below) along the common boundary of the residential / Pine Grove. Mirvac considers that the proposed landscaping strategy, existing environmental conditions and significant distance between the site and residential areas to the north, will result in no visual impact to these residential receivers.

The proposed detailed and considered landscaping strategy satisfies the objectives of the WSEA SEPP and existing Urban Design Guidelines, in that it demonstrates a high quality landscaping design through planting mature trees in a deep soil zone to act as a visual buffer, and minimise the visual impact to nearby receivers.



Figure 1: Large mature trees screening residential receivers

2.4. Council requested that additional screen planting should be provided adjacent to the M4 road corridor and fronting Wallgrove Road.

The 20m setback corridor adjacent to the M4 Motorway and Wallgrove Road incorporates substantial landscaping through a combination of native trees species including *eucalyptus pilularis*, *eucalyptus maculata* and *lophostemon confertus*, which are known to grow up to between 15-20m.

The proposed planting selection is consistent with the existing Urban Design Guidelines, in providing native trees and shrubs that will allow visual permeability whilst providing sun screening and windbreaks.

2.5. Council requested that a condition be imposed requiring that the applicant submit a detailed landscape plan prior to release of a construction certificate.

Further detailed landscaping drawings will be prepared prior to CC.

3. Screening

- 3.1. Council requested that a condition be imposed requiring that prior to release of a construction certificate, the applicant is to submit details of the fire tanks, rainwater tanks and pump rooms including fixed solid screening structures which are at least 500mm higher than the overall height of the structure to ensure they are not visible from any public road or place.**

Mirvac proposes to paint the proposed tanks in a colour that will effectively integrate these structures into the surrounding built form and landscaping. Where permissible, fire and sprinkler tanks have been deliberately located towards the rear of each lot, obscured from roads and public areas by built form, topography and proposed setback landscaping which will screen the tanks.

Our experience and input from architectural designers recommends that treating the fire and rainwater tanks as proposed above is a more effective visual solution than implementing large screening structures.

- 3.2. Council requested that a further condition be imposed to ensure that suitable screen planting is provided around these structures.**

Refer response to item 3.1 above.

4. Electricity substation kiosks

- 4.1. Council requested that the electricity substation kiosks proposed along the Wallgrove Road frontage be relocated adjacent to the internal access road.**

The proposed substation kiosks along Wallgrove Road have been located to primarily service the new signalised intersection. The location of the substation kiosks is based on discussions held with Endeavour Energy. A Level 3 design approval is expected imminently.

- 4.2. Council suggested that the SSD application should not endorse the location of any substation within the front setback area unless first endorsed by the energy provider.**

Refer response to item 4.1 above.

- 4.3. Council requested that in the event that any substation kiosk is located at the front of the site, a condition be imposed to ensure that suitable planting is provided to screen the substation from the public road.**

Endeavour Energy impose strict requirements with regard to easements, restriction zones and access to all substation kiosks. The location of the substation kiosks is based on discussions held with Endeavour Energy and the front entry landscaping design has been developed with consideration of the proposed kiosks.

5. Retaining Walls

- 5.1. Council requested that retaining walls be constructed as masonry walls (i.e. no timber walls).**

Noted.

- 5.2. Council requested that retaining walls should be in maximum 2 metre high sections and stepped with 1 metre wide minimum planting bays.**

Mirvac notes that Council's concerns relate only to a relatively small section of retaining wall proposed along the northern boundary adjacent to Warehouse 3. Notwithstanding the above, we note that that Council's request for maximum 2 metre high retaining walls is inconsistent with the Blacktown City Council DCP (2015) and the existing Urban Design Guidelines.

Generally, the proposed retaining walls vary between 0.65m to 2.0m along the northern boundary adjacent to Warehouse 1, and between 0.0m to 2.6m along the western boundary adjacent to Warehouse 3. A retaining wall greater than 3m is proposed north of warehouse 1, to accommodate the existing stormwater culvert invert level.

Further to our response to item 2.1 above, Mirvac believes that providing a deep soil zone at the base of a single retaining wall will achieve a better visual screening outcome, by being able to accommodate mature trees in a deep soil zone rather than what could otherwise be planted within stepped retaining wall planting bays, which only provide for smaller shrubs due to the limited capacity in terms of soil volume and depth within the retaining wall.

Poor outcomes of stepped retaining wall designs which provide for insufficient landscaping can be identified throughout other nearby industrial developments (refer Figure 2 below). Mirvac will invest significant capital to ensure the proposed retaining wall design and landscaping strategy will achieve a superior long term visual screening outcome, and satisfies the objectives of the Urban Design Guidelines.

Mirvac has formally engaged with Invocare, the owners of Pinegrove Memorial Cemetery, on a number of occasions specifically to discuss the interface between the two sites including retaining wall design and landscaping strategy. Invocare indicated their support for Mirvac's strategy.

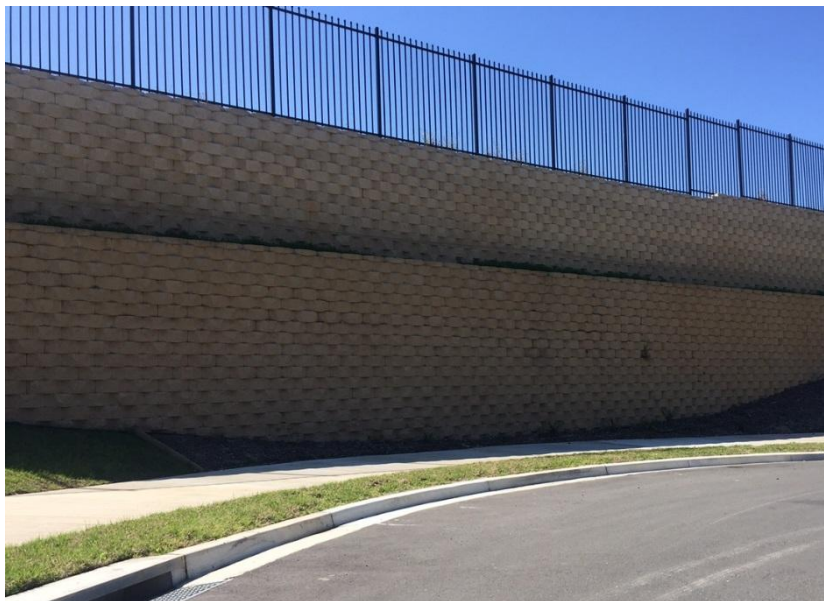


Figure 2: Stepped retaining wall construction

6. Heritage

6.1. BCC noted that an Aboriginal Heritage Management Strategy be submitted to and approved by the NSW Heritage Office prior to any demolition or excavation works commencing on site.

Mirvac has consulted with the Office of Environment and Heritage, and is preparing an Aboriginal Heritage Management Strategy (AHMS) in accordance with Statement of Commitment 14.1 of the Concept Plan Approval (MP09_0099).

The final AHMS will be submitted to the Department of Planning for approval following receipt and incorporation of feedback from Registered Aboriginal Parties in early October 2015.

This requirement is already imposed under the Concept Plan Statement of Commitments, and should therefore not be replicated in the SSD conditions.

6.2. Council noted that an Archaeological Assessment, Heritage Interpretation Strategy and photographic recording of the existing Quarantine Station be undertaken prior to any demolition or excavation works commencing on site.

Mirvac has consulted with the Office of Environment and Heritage, and is preparing an Archaeological Assessment, Heritage Interpretation Strategy and will undertake photographic recording prior to demolition, in accordance with Statement of Commitments 15.1, 15.2 & 15.3 of the Concept Plan Approval (MP09_0099).

These requirements are already imposed under the Concept Plan Statement of Commitments, and should therefore not be replicated in the SSD conditions.

7. Engineering

- 7.1. Council requested that a condition be imposed that all civil infrastructure is undertaken in accordance with Blacktown City Council's *Engineering Guide for Development – 2005***

Noted.

8. Drainage

- 8.1. Council's review of the drainage plans suggested that the drainage plans do not match the MUSIC model and that the waterway stability controls in BCC's DCP 2006 have not been addressed.**

Mirvac and Mirvac's civil engineers (AT&L) met with Council on 28th September 2015 to discuss Council's comments regarding stormwater and drainage design.

AT&L provided a revised MUSIC model to Council for review. Mirvac subsequently provided clarifications with respect to stormwater and drainage design, in a letter to Council contained in **Attachment A**.

It was agreed with Council that amended drawings (where noted) will be provided prior to CC.

9. Construction Impacts

- 9.1. Council requested that a condition be imposed requiring the applicant prepare a Construction Environmental Management Plan before works commence on site.**

Noted.

10. Acoustic Impacts

- 10.1. Council requested that a condition be imposed to prepare a further acoustic report to assess the operation of the site amidst the mechanical plant and equipment selected at detailed design stage.**

The Noise & Vibration Assessment (Version B) prepared by Wilkinson Murray and submitted as part of this development application, concludes that by implementing standard engineering treatments to selected mechanical plant, the proposed development will not adversely impact on the acoustic amenity of surrounding receivers.

On the basis that the recommendations of the Noise & Vibration Assessment will be implemented during detailed design, it is suggested that a condition requiring a further acoustic report be prepared to solely assess the selection of mechanical plant is not warranted.

General Matters

Item	Proponent's Comments
Signage	
1.1.1	This development application does not seek approval for 'general advertising'. It is therefore implied that 'general advertising' is not permitted, and that this condition is not required.
1.1.2	Noted
Drainage	
1.2.1	Noted
1.2.2	Noted

Prior to Issue of a Construction Certificate

Item	Proponent's Comments
Acoustic Matters	
2.1.1	Refer response to item 10.1 above. Mirvac believes that this condition is not warranted by the conclusions of the Noise and Vibration Assessment.
Screening and Landscaping	
2.2.1	<p>Please refer to our responses included to items 2.1 – 2.5 above.</p> <p>We propose this condition is replaced with the following:</p> <p><i>Detailed landscape plans in accordance with the proposed landscape strategy contained in the Development Approval are to be submitted for approval prior to release of a Construction Certificate.</i></p>
2.2.2	This condition is not warranted - Delete. Refer response to item 3.1 above.
2.2.3	This condition is not warranted - Delete. Refer response to item 3.1 above.
Fencing	
2.3.1	Noted
Retaining Walls	
2.4.1	<p>Refer response to items 5.1 and 5.2 above. We propose this condition is amended as follows:</p> <p><i>Details of any retaining walls including height and material to be constructed on site as part of the development are to be shown on the construction certificate plans. Retaining walls are to be of masonry construction In this regard, Council requires the construction of masonry retaining walls (i.e. no timber walls.). All proposed retaining walls shall be in maximum 2 metres high sections and stepped with 1 metre wide minimum planting bays to be landscaped.</i></p>
Heritage Matters	
2.5.1	This condition is already imposed under Statement of Commitment 14.1 of the Concept Plan Approval, and should therefore not be replicated in the SSD conditions.
2.5.2	This condition is already imposed under Statement of Commitment 15.1 of the Concept Plan Approval, and should therefore not be replicated in the SSD conditions.
Engineering Matters	
2.6.1	Noted
Drainage	
2.7.1	Refer to Attachment A .
2.7.1 i	Refer to Attachment A .
2.7.1. ii	Refer to Attachment A .
2.7.1 iii	Refer to Attachment A .
2.7.1 iv	Refer to Attachment A .
2.7.1 v	Refer to Attachment A .
2.7.1 vi	<p>Refer to Attachment A.</p> <p>It is Mirvac's view (as advised and supported by our specialist consultants) that Council's position with respect to this clause is overly onerous. However in the interest of time, Mirvac will concede on this condition and accept Council's position.</p>
2.7.1 vii	Refer to Attachment A .
2.7.1 viii	Refer to Attachment A .
2.7.1 ix	Refer to Attachment A .
2.7.1 x	Refer to Attachment A .
2.7.1 xi	Refer to Attachment A .
2.7.1 xii	Refer to Attachment A .
2.7.1 xiii	Refer to Attachment A .

2.7.1. xiv	Refer to Attachment A.
2.7.1 xv	Refer to Attachment A.
2.7.1 xvi	Refer to Attachment A. It is Mirvac's view (as advised and supported by our specialist consultants) that Council's position with respect to this clause is overly onerous. However in the interest of time, Mirvac will concede on this condition and accept Council's position.
2.7.1 xvii	Refer to Attachment A.
2.7.1 xviii	Refer to Attachment A.
2.7.1 xix	Refer to Attachment A.
2.7.1 xx	Refer to Attachment A.
2.7.1 xxi	Refer to Attachment A.
2.7.2	Refer to Attachment A. Mirvac has considered Council's recommendation, however we assert that plant densities of 10/m2 is excessive, will likely result in ongoing maintenance and vermin issues, reduce the aesthetic quality and desired function, and that planting densities of 5/m2 will create a functional bioretention basin without the abovementioned drawbacks. Mirvac This is consistent with advice received from Mirvac's specialist landscape architect.
2.7.3	Refer to Attachment A.
2.7.4	Refer to Attachment A.
2.7.5	Refer to Attachment A.
2.7.6	Refer to Attachment A. For consistency, Mirvac asserts that proposed condition 2.7.6 (v) is not appropriate. Mirvac's commitment to install rainwater tanks that provide a minimum 70% of all non-potable water usage for each building, is outlined in proposed condition 2.7.12. This is consistent with the Water Sensitive Urban Design report approved under the Concept Plan.
2.7.7	Refer to Attachment A.
2.7.8	Refer to Attachment A.
2.7.9	Refer to Attachment A.
2.7.10	Refer to Attachment A.
2.7.11	Refer to Attachment A.
2.7.12	Refer to Attachment A. For consistency, Mirvac asserts that prescribing specific minimum rainwater tank sizes as a condition for each building is overly restrictive. Mirvac's commitment to install rainwater tanks that provide a minimum 70% of all non-potable water usage for each building, is outlined in proposed condition 2.7.12. This is consistent with the Water Sensitive Urban Design report approved under the Concept Plan.

Prior to Development Works

Item	Proponent's Comments
Environmental Matters	
3.1.1	Noted

During Construction

Item	Proponent's Comments
Drainage	
4.1.1	Refer to Attachment A. Mirvac asserts that the quantity of stormwater devices should not specifically be conditioned, but rather devices should be installed in accordance with approved Construction Certificate documentation. The manufacture of proprietary stormwater treatment devices should not be conditioned, where other manufactures are also approved by Blacktown City Council.
4.1.2	Refer to Attachment A.
4.1.3	Refer to Attachment A.
4.1.4	Refer to Attachment A.
European Heritage	

4.2.1	Mirvac proposes the following amended condition: <i>If, during the course of construction, the applicant or persons acting on this consent become aware of any previously unidentified historical archaeological relics, all work likely to affect the object(s) shall cease immediately in accordance with section 146 of the Heritage Act 1977. Relevant works shall not recommence until written authorisation from the Heritage Council.</i>
Indigenous Heritage	
4.3.1	Mirvac proposes the following amended condition: <i>If, during the course of construction, the applicant or persons acting on this consent become aware of any unexpected Aboriginal objects(s) with potential cultural significance, all work likely to affect the object(s) shall cease immediately and all relevant stakeholders, (as identified in the approved AHMP for the site), are to be notified in accordance with the AHMP 'unexpected finds' policy. The NSW Office of Environment & Heritage are to be informed in accordance with Section 89A of the National Parks and Wildlife Act 1974.</i>

Prior to Issue of an Occupation/Subdivision Certificate

Item	Proponent's Comments
Drainage	
5.1.1	Refer to Attachment A .
5.1.2	Refer to Attachment A .
5.1.3	Refer to Attachment A .
5.1.4	Refer to Attachment A .
5.1.5	Refer to Attachment A .
5.1.6	Refer to Attachment A .
5.1.7	Refer to Attachment A .
5.1.8	Refer to Attachment A .
5.1.9	Refer to Attachment A .
5.1.10	Refer to Attachment A .
5.1.11	Refer to Attachment A .
5.1.12	Refer to Attachment A .
5.1.13	Refer to Attachment A .
5.1.14	Noted.
5.1.15	Noted.
5.1.16	Noted.

NSW Department of Planning & Environment

Mirvac met with the Department of Planning on 29th September 2015, and subsequently provides the following response:

1. General

- 1.1. Details shall be provided demonstrating that the proposed State Significant Development is not inconsistent with Further Assessment Requirement No. 10 of MP 09_0099 (as amended), as well as justification for the proposed departures.

MP09_0099 Concept Plan Approval - Schedule 3	Mirvac Comment
(a) a detailed description of the layout and design of the proposed development;	Refer to Appendix B of the EIS
(b) an assessment demonstrating that this layout and design is generally consistent with the Minchinbury Employment Park Concept Plan Development Controls;	The proposed development is consistent with the objectives of the Concept Plan. The Concept Plan Development Controls are proposed to be amended

MP09_0099 Concept Plan Approval - Schedule 3	Mirvac Comment
	concurrently as part of S75W Mod 4, as detailed in the EIS.
(c) building design including: i. consideration of the height, bulk and scale of the proposed buildings; ii. details of building design excellence, to reduce visual impacts along the sites frontage to the M4, M7, Wallgrove Road and the north-western corner of the site; iii. an assessment of compliance with the Building Code of Australia; iv. water and energy requirements and opportunities for incorporating efficiency measures;	Refer to Architectural Plans and Design Statement in Appendix B of the EIS. Refer to BCA Report in Appendix S of the EIS. Refer to ESD Report in Appendix Q of the EIS.
(d) design details of the stormwater management system including: i. detailed hydrological modelling for the detention basins and consideration of the installation of a multi-stage outlet to constrain the range of flows to pre-development levels; ii. details of the site drainage system including how run off from upstream catchments will be managed along with the identification of drainage flow paths; iii. identification of water stability targets for each catchment;	Stormwater management system detailed in Appendix D of the EIS.
(e) satisfactory arrangements for local and regional infrastructure;	Mirvac is waiting to receive a draft VPA from the Department of Planning.
(f) a detailed infrastructure plan for the provision of the following: i. water supply, sewer, gas, electricity, telecommunications services; ii. fire-fighting services, including the location and design of fire access roads; iii. external lighting; iv. stormwater management, providing justification for the approached outlined in the EA and details of the ongoing ownership, management and maintenance regime for the stormwater scheme, to be development in consultation with the Council; v. any regional rainwater harvesting infrastructure; vi. parking and access, including bicycle facilities; vii. details demonstrating that the design of the internal roads is consistent with the relevant Council engineering standards;	Services, infrastructure, utilities and road design is detailed within the Civil Infrastructure Report in Appendix D of the EIS.
(g) details of a program to be developed in consultation with Council, to monitor stormwater controls and stormwater quantity and quality, including flows and impacts to the local creek system and amounts of pollutants discharging to local waters;	In item 2.7.5 of their submission, Blacktown City Council have requested that a condition be imposed to provide maintenance schedules for the Stormwater Quality Improvement Devices prior to CC. Mirvac does not object to Council's proposed condition in item 2.7.5.
(h) a detailed landscape plan using predominantly endemic species and details of the areas to be landscaped, including the location and species for all plantings. The landscape plan should address visual impacts from sensitive receivers and detail how impacts have been mitigated via landscaping.	Landscape plans are provided in Appendix C of the EIS.
(i) a description of the measures that would be implemented to: i. monitor and maintain the infrastructure and landscaping on site over time; ii. minimise energy and water use on site; iii. avoid, minimise, reuse and recycle waste;	In item 2.7.10 of their submission, Blacktown City Council have requested that a hydraulic engineer prepare and certify a detailed Rainwater Reuse Plan for non-potable water uses prior to CC.

MP09_0099 Concept Plan Approval - Schedule 3	Mirvac Comment
	<p>In item 2.7.11 of their submission, Blacktown City Council have requested that a condition be imposed to provide a detailed Landscape Watering Plan be prepared prior to CC.</p> <p>Mirvac proposes to comply with both conditions prior to CC.</p> <p>Further sustainability measures are detailed within the ESD Report in Appendix Q of the EIS.</p>
j) a noise assessment of the proposed development in accordance with the NSW Industrial Noise Policy demonstrating that the operational noise generated by the proposed development would comply with the relevant project specific noise levels established under the NSW Industrial Noise Policy for the site.	Refer to the Noise and Vibration Assessment in Appendix N of the EIS.
(k) an assessment of soil and groundwater salinity;	Salinity and groundwater have been assessed as part of the Geotechnical Investigation in Appendix O of the EIS.
(l) a flood assessment;	<p>Refer to Section 5.8 of the EIS. The site does not reside within the Blacktown City Council flood risk zone. A flood assessment is therefore not applicable.</p> <p>The 1:100 year stormwater ARI has been assessed in Appendix D of the EIS.</p>
(m) a greenhouse gas assessment;	A greenhouse gas assessment is included within the ESD Report in Appendix Q of the EIS.
<p>(n) a traffic assessment of the proposed development prepared in accordance with the RMS's Guide to Traffic Generating Developments including:</p> <ul style="list-style-type: none"> i. demonstration that an adequate number of car spaces can be provided as per the guidelines; ii. an assessment of the number of vehicles to be generated by the proposed development; iii. identification of transport routes to be utilised by traffic generated by the proposed development; iv. demonstration that traffic generated by the proposed development and any other development on site could be safely accommodated by the road network; and v. measures to increase non car travel, such as cycling and public transport; 	Refer to the traffic assessment in Appendix F of the EIS.
(o) detail the measures that will be implemented to ensure there is limited interaction between car and truck movements on the site;	Refer to Appendix B of the EIS. The masterplan has been designed to provide separate driveways for car parking and trucks on each lot.
(p) demonstration that car spaces are to be designed in accordance with the relevant Australian Standard;	Refer to the traffic assessment in Appendix F of the EIS.

MP09_0099 Concept Plan Approval - Schedule 3	Mirvac Comment
(q) an air quality assessment of the proposed development;	Refer to the Air Quality and Odour Impact Assessment in Appendix P of the EIS.
(r) a hazard assessment in accordance with State Environmental Planning Policy No. 33 - Hazardous and Offensive Development (SEPP 33) and Applying SEPP 33 (DUAP, 1994)	No dangerous goods proposed to be stored as part of this development application.
(s) a construction management plan, containing a: i. noise and dust management plan; ii. soil and water management plan, prepared in accordance with the latest Landcom's Managing Urban Stormwater: Soils and Construction edition; iii. traffic management plan; and iv. waste management plan.	In item 3.1.1 of their submission, Blacktown City Council have requested that a condition be imposed to prepare an Environmental Construction Management Plan prior to the commencement of works. Mirvac does not object to Council's proposed condition.

1.2. Assessment of compliance against the Urban Design Report and Design Guidelines approved under MP 09_0099.

The Urban Design Guidelines are proposed to be amended under S75W Mod 4 as per Appendix E of the EIS. The Urban Design objectives remain unchanged. An assessment of compliance against the urban design guidelines is detailed in Sections 5.3 and 5.4 of the EIS.

1.3. Confirmation that the site access and Wallgrove Road signalised intersection works/road works, as previously approved by Blacktown City Council under DA 13-683, do not form part of this application.

As confirmed on page 6 of the EIS, the signalised intersection works approved under DA 13-683 do not form part of this development application.

1.4. Confirmation that the proposed Warehouse 1 office building located at the south-western corner of the building (shown as future Stage 2 works) forms part of the development application.

The proposed Warehouse 1 future "Stage 2" office and car parking forms part of this development application, as illustrated on the architectural drawings in Appendix B of the EIS.

1.5. Provide details of any rainwater tanks, fire storage tanks and pump rooms (as shown in plan on the architectural plans), including elevations and appropriate screening, required to service the proposed development.

Refer to response provided to item 3.1 of Blacktown City Council's submission above.

1.6. Clarification is required regarding the total proposed on-site car parking (i.e. the EIS details both 471 and up to 523 parking spaces).

471 on-site car parking spaces are proposed as illustrated on architectural drawing DA002_M in Appendix B, and Section 5 of the Traffic Assessment in Appendix F of the EIS.

2. Urban Design and Visual

2.1. The Department is concerned that the following design elements of the development would contribute to potential visual impacts:

- Height of retaining walls along the northern and western boundaries
- Boundary landscaping and proposed amendments to the 10 metre landscape buffer requirement (as proposed to be amended within the Urban Design Report and Guidelines)
- Introduction of a fire access perimeter road within the 10 metre setback

Refer to responses to items 2.1 – 2.5 and 5.1 – 5.2 of Blacktown City Council's submission above.

3. GFA / Site Coverage Variation Condition

- 3.1. The Department does not support the proposed condition to provide flexibility for future variations to warehouse building footprints and layout with only the Secretary's written approval, on the basis that the proposed design and layout provides little opportunity to increase the site coverage of the warehouse buildings without negatively impacting on setbacks, site access arrangement, vehicle circulation and car parking.

Following Mirvac's meeting with the Department of Planning on 29th September 2015, Mirvac has modified the proposed condition A14 to permit amendments so long as the Gross Floor Area (GFA) does not exceed the total approved GFA for the site.

A14. *The Secretary may approve in writing, any amendments to the plans approved in Condition A2 in relation to the following matters, but only if the Secretary considers the amendments minor.*

- i) *Variations in building footprints and layouts (including the total number of buildings), as long as the amendments are generally consistent with the intent of the approved development application and are of low or no impact (a change would be of minimal impact as long as development does not exceed **the total approved GFA**);*
- ii) *Changes to the architectural treatment of the buildings, including finishes and materials, as long as the architectural treatments meet the design objectives set out in the Urban Design Guidelines.*

I trust that the above clarifies the issues raised in submissions received.

Yours Sincerely,



James McKew
Development Manager
Mirvac Projects Pty Ltd

Attachment A:

Response from Blacktown City Council to letter from Mirvac dated 29th September 2015
Civil / Stormwater Responses to SS 6962 BCC Conditions – 60 Wallgrove Road, Eastern Creek