

NSW Department of Planning & Environment
23-33 Bridge Street
Sydney NSW 2000

Attention: Patrick Copas - Planning Officer

Response to Submissions

Section 75W Modification Application (MP06_0025) - Lot 5 in DP1145808, Honeycomb Drive Eastern, Creek

Dear Patrick,

This Response to Submissions is submitted to the NSW Department of Planning & Environment (NSW DP&E) on behalf of Frasers Industrial Construction Pty Ltd (Frasers) and relates specifically to Lot 5 in DP1145808, Honeycomb Drive, Eastern Creek (known as the Hanson Site).

The proposal as submitted to NSW DP&E seeks consent to modify MP06_0025 as follows:

- Amendment to the proposed Plan of Subdivision;
- Relocation of the approved re-vegetation approved;
- Amendment to the road alignments;
- Amendments to the retaining walls in terms of location and height

The subject Section 75W Modification Application was submitted to NSW DP&E on 22 July 2016, and was subsequently referred to the following agencies:

- NSW Office of Environment & Heritage;
- Fire & Rescue NSW; and
- Blacktown City Council.

Consultation has been ongoing with Blacktown City Council in respect of the matters raised, in order to reach agreement on the Precinct Road and civil design outcomes for the site. Blacktown City Council has provided a total of three (3) responses to the proposal now, with submissions dated:

- 26 August 2016;
- 7 September 2016; and
- 4 October 2016;

The above submissions (including those from Fire & Rescue and OEH) are attached for reference.

The matters raised by Council, OEH and Fire & Rescue are summarised as follows:

- a) Building pads;
- b) Use of the site;
- c) Proposed retaining structures;
- d) Section 94 Contributions;
- e) Delivery of the Precinct Road;
- f) Asset Design Stormwater Plans;
- g) Sewerage System; and
- h) Revegetation.

As demonstrated in the Environmental Assessment submitted with the Modification Application, the proposed scheme seeks to advance the redevelopment of the site to provide a range of warehousing/distribution and industrial uses in the future. This is considered to provide a development outcome which ensures the longevity of the site and improves the overall environmental outcomes and in-perpetuity mitigation measures.

A response matrix is provided (refer **Table 1**) along with the following information which is annexed in support of the proposal:

- **Appendix 1 – Revegetation Plan**
- **Appendix 2 – Copy of Submissions**

Based on the information included in this response, it is evident that sufficient evidence is provided to support the proposal in the current form.

Should you require further information, please contact the undersigned.

Yours Faithfully,



Andrew Cowan
Director
Willowtree Planning Pty Ltd

Table 1: Response Matrix

Agency/Council	Response
1. Office of Environment & Heritage	
<p>a) <i>OEH previously provided advice on 31 July 2012 in relation to Modification1 to MP06_0225 (MOD 1) recommending that vegetation losses be offset with a minimum offset to clearing ratio of 2:1 in accordance with the OEH policy at the time. Following this advice, MOD 1 approved the removal of 1.5ha of vegetation, to be offset by the revegetation of 1.85ha of the site with Cumberland Plain Woodland (an offset to clearing ratio of approximately 1.23:1).</i></p> <p><i>OEH met with representatives of the proponent in February 2016 to discuss the relocation of the revegetation area and raised no concerns provided that the extent of revegetation was maintained. OEH notes that an area of vegetation of 1.85ha in size is proposed to be revegetated under MOD 3. OEH considers that the configuration is a slight improvement as the area is to be developed rather than in the centre of the development. However, it is still not ideal given the edge to area ratio which makes the vegetation susceptible to weed invasion and rubbish dumping.</i></p>	<p>The comments of OEH are noted with respect to the area of revegetation. Mitigation measures as per the Ecological Report prepared by Cumberland Ecology dated are to be adopted. The report provides the following recommendations:</p> <p>4.3.1 Revegetation</p> <p><i>Where feasible, seeds and plants should be obtained locally for replanting in the revegetation area. Canopy, midstorey and ground species should all be planted in order to allow the vegetation community to become complex and representative of remnant vegetation in the future. Planting and maintenance should be carried out by an adequately trained personnel or bush regenerators that have knowledge of the local area</i></p> <p>4.3.2 Fencing</p> <p><i>Fencing installation and maintenance is a critical part of establishing the revegetation area and protecting the riparian vegetation. A perimeter fence is required around area to exclude grazing by herbivores and trampling by feral animals and humans. Fencing improves the chance of survivorship for seedlings, reduces the chance of weed invasion from trampling and increases the chance of success for each vegetation area.</i></p>

	<p>4.3.3 Weed Control <i>Weeds can have significant detrimental effects on native remnant vegetation and have the potential to compromise revegetation efforts. A weed control strategy is required for the both the riparian vegetation and the revegetation area. By reducing weed densities native plantings will have a higher chance of success. Weed control should be conducted by a qualified bush regenerators or adequately trained personnel.</i></p> <p>Frasers will accept a condition that requires compliance with the above recommendations.</p>
<p>2. Fire & Rescue NSW</p>	
<p>a) <i>The modification appears to be focused upon subdivision, revegetation, retaining walls and road alignments. There does not appear to be any specific information provided within the modification documentation which is of concern to Fire and Rescue NSW (FRNSW) as Fire Safety/Dangerous Goods related information does not appear to be provided. As a result, no specific comments are to be provided.</i></p>	<p>Noted and agreed.</p>
<p>3. Blacktown City Council</p>	
<p>a) Planning Matters - Building Pads</p> <p><i>As previously raised in our correspondence dated 26 August 2016, given built form approval is to be subject of separate development applications, it is recommended that the building pads are removed from the proposed site plan.</i></p> <p><i>The Applicant has also requested in their correspondence dated 29 September 2016 that the following condition is added:</i></p> <p><i>"The Lot 6/Pad 6 Bulk Earthworks Levels may be altered by raising the northern two thirds of the pad level by up to 1m (from 80m to 81m) and lowering the southern one third of</i></p>	<p>The response of Blacktown City Council in respect of the proposed building pads is noted and agreed. A condition will be accepted to this effect that notes approval is not granted for building pads.</p>

<p><i>the pad level by up to 2m (from 80m to 78m), with a batter and later retaining wall between the two levels”.</i></p> <p><i>Council’s development engineer has confirmed that no objection is raised to the intended change in levels for the above pad. These levels are suitable as they will be consistent with the road upgrade and provide better access to the site.</i></p> <p><i>Therefore, although building pads are not approved in this DA, we confirm that these intended levels are appropriate. Approval for any works for the construction of building pads is required to be the subject of the a separate DA and demonstrate full compliance with the Blacktown Local Environmental Plan 2015.</i></p>	
<p>b) Use</p> <p><i>The Environmental Assessment Report states that the proposal is for the "use of the proposed lots which are to be consolidated for warehousing and distribution purposes. Note: any future built form will be subject to separate approval”.</i></p> <p><i>Insufficient information is provided in this application to warrant approval of land use in this modification application.</i></p> <p><i>Given each lot will be subject of separate applications for the built form and other operational considerations, it is recommended that the approval of the use is premature and unnecessary in this application, and therefore it should be deleted.</i></p>	<p>Noted. Frasers will apply for each individual use of the future facilities at the time consent is sought for the individual buildings.</p>
<p>c) Sewerage System</p> <p><i>The proposal seeks to replace Condition 4 ‘Sewerage System’ with a condition requiring the issue of a Section 73 Certificate to satisfy the requirements of Sydney Water.</i></p> <p><i>No objection is raised to the proposed amended Condition 4. However, it is also recommended that the condition requires the Proponent to obtain a Trade Waste Approval as part of the operation of any approved development, if required by Sydney Water.</i></p>	<p>Noted and agreed.</p>

d) **Retaining Structures**

The proposal indicates that all 'walls are greater than 3m in height and will be terraces where they are in public view including along public roads'.

The proposal indicates that the proposed retaining walls on the vicinity of the proposed revegetation area along the western boundary of the subject site are of a substantial height, of up to 6m to the west of the Australand Purchase Area and the Basin. In most cases the battering is also quite steep.

Concern is raised that the substantial change in levels will result in substantial overshadowing of the proposed revegetation areas and its viability. This will be further exacerbated by the future building forms on the site.

The Proponent is requested to consider the viability of this vegetation if the opportunity for access to sunlight is limited.

The potential impact of the retaining wall is noted on the area to be revegetated with respect to shadows cast from the proposed walls and future buildings.

It is noted however in the Ecological Assessment prepared by Cumberland Ecology dated February 2016 confirms that:

Given the highly degraded nature of the vegetation, the approved revegetation of 1.85 ha of Cumberland Plain Woodland vegetation is deemed sufficient as a biodiversity offset and with additional measures such as weed removal and the enhancement of the riparian corridor vegetation will produce an overall positive conservation outcome.

The relocation and re-orientation of the approved revegetation area as a 75W Modification is unlikely to have a negative impact on the overall conservation outcome. The proposed relocation and re-orientation is actually preferred as the revegetation area will be position alongside and within existing vegetation. There is currently approximately 0.83ha of vegetation within the proposed revegetation zone which should facilitate the success of plantings.

By assuming a north-south orientation the revegetation area will also be positioned adjacent to future development, as opposed to through it. This would subject the revegetation area to less edge effects and would more suitably act as a wildlife corridor.

The location of the vegetation has been given due regard by the ecologist and it is considered that despite the potential overshadowing impacts, the impact will be minor

	in the context of the proposal and that suitable measures will be adopted to ensure its longevity.
<p>e) Precinct Road</p> <p><i>The Proponents Environmental Assessment Report acknowledges that the Project Approval required for the Proponent to construct the Precinct Road to the north of the site within 12 months of the date of approval of MOD 2, being 3 June 2016.</i></p> <p><i>We request the Proponent provide further information as to the timing of the completion of these works, as any further delays are considered to result in an adverse impact on the orderly development of this precinct. The adjoining major project approval for Dial a Dump cannot practically comply with its obligation to construct parts of the proposed precinct road unless the project delivers its obligations.</i></p>	<p>Negotiations have been ongoing with Council and Dial-a-Dump in respect of Precinct Road north of the site. It is planned to enter into a Deed of Agreement to amongst other matters facilitate the design, construction and road dedication. It is requested that the following condition amendments be made as follows:</p> <p>A. <i>Schedule 4 condition 4.</i></p> <p><i>Within 12 months from the date of the approval of MOD 3, the Proponent shall design and commence construction of those parts of the Precinct Plan Road network that ultimately fall within the site (see Appendix 2). This precinct road must be constructed within 24 months from the date of the approval of MOD 3 to the satisfaction of Council and shall be dedicated to council, at no charge, to form part of the public road network</i></p> <p>B. <i>Schedule 4, Condition 24</i></p> <p>Local Road Contributions</p> <p><i>The Proponent shall reasonably contribute toward the acquisition, design and construction of the Precinct Plan Road known as the 'Quarry Link Road' between Old Wallgrove Road and Wonderland Drive, and the Bridge forming part of the Quarry Link Road. The contribution shall be made by the Proponent to Council prior to the issue of the Occupation Certificate for the new Buildings on the land.</i></p>

<p>f) Asset Design</p> <p><i>No objection is raised, subject to the imposition of the following new condition:</i></p> <p>Stormwater Plans</p> <p><i>Amended stormwater plans are to be submitted to and approved by Council prior to the issue of any Construction Certificate which address the following:</i></p> <p>I. <i>Easements for support are required as batters as steep as 1V:2H are proposed from the road boundary.</i></p> <p>II. <i>No drainage is shown at the collector road cul-de-sac. Details of any interim drainage are to be provided. The plans indicate a future expansion of the collector road which does provide additional drainage which appears to go through proposed Lot 7. Easements would need to be created to take the road stormwater through private property.</i></p> <p>III. <i>The drainage system from Lot 7 to the proposed basin in Lot 5 will need to have a minimum 100 year capacity as the proposed batters over easement I would direct overland flows away from the proposed basin.</i></p> <p>IV. <i>The catchment plan shows what appears to be a GPT in the north-western corner of lot 7. A GPT on the southern boundary of Lot 7 before discharging into easement I would be better as pre-treatment should be provided before discharging into the bio-retention system.</i></p>	<p>Fraser's request that reference to "Council" be excluded from the condition as the existing consent requires that the certifier comply with Council's Engineering Guidelines.</p> <p>It is requested that DP&E impose a condition of consent in this respect that addresses easements for support.</p> <p>Noted and agreed.</p> <p>Noted and agreed.</p> <p>Upon review of this comment, it is noted that the GPT is to treat the road runoff distinct from the on-site controls for the site's water quality treatment.</p>
<p>g) Section 94 Contributions</p> <p><i>No objection is raised subject to condition 24 Local Road Contributions being deleted and replaced as follows (this condition is in accordance with Council's current standard condition for contributions):</i></p> <p>Local Road Contributions</p> <p>24. <i>The Proponent shall reasonably contribute toward the acquisition, design and construction of the precinct Plan Road known as 'Quarry Link Road' between Old Wallgrove</i></p>	<p>Fraser's accept this condition.</p>

Road and Wonderland Drive , and the bridge forming part of the Quarry Link Road. The contribution shall be made by the Proponent to Council by before the issue of the subdivision Certificate for the new plan subject to the MOD 3 application.

The following monetary contributions pursuant to Section 94 of the Environmental Planning & Assessment Act 1979 are payable. The amounts below are BASE contributions which will be indexed from the nominated base date of payment.

Contribution Item	Base Amount	Relevant C.P.	Base CPI
(i) Quarry Link Road	\$466,270	18	June 2015
(ii) Traffic Management	\$26,158	18	June 2015

The contributions will be indexed according to the Australian Bureau of Statistics' Consumer Price Index (All Groups Sydney).

Copies of the following relevant Contributions Plan may be inspected/purchased from Council's Development Services Unit or downloaded from Council's Webpage.

S94. CPNo.18 – Eastern Creek Stage 3

The Section 94 Contributions have been based on the total developable area nominated below. Should the final plan of survey indicate any change in the total developable area the Section 94 Contributions will be adjusted accordingly.

Developable Area: 25.95Ha

PLEASE NOTE: Indexed payments must be made by BANK CHEQUE IF IIMEDIATE CLEARANCE IS REQUIRED. Payments of the full amount by credit card or Eftpos are accepted. However, payments by credit card of EFTPOS over \$10,000 are levied at 3% surcharge of the whole amount and cannot be split between different credit or EFTPOS cards.

4. NSW Department of Planning & Environment

a) *The Department also notes that as part of the proposed modification, Appendix 4 of the Project Approval will need to be amended to reflect the proposed changes to the revegetation area. It is requested that a revised copy of this plan be submitted as part of your RTS.*

The Ecological Report prepared by Cumberland Ecology dated February 2016 (Figure 1.2) detailed the extent of revegetation proposed under the subject Modification Application. This figure is attached at **Appendix 1** for inclusion as part of the modified approval.

Appendix 1

Revegetation Plan

Appendix 2

Submissions