

## Jacfin Pty Limited – Part 3A Project Application (No. 07\_0153)

### Response to Submissions

Issue	Response	Addressed in EA
<b>Department of Environment and Climate Change (DECC)</b>		
<p>(a) DECC acknowledges that the site has minimal biodiversity conservation values and indicates no additional offsets are required for development of the site.</p> <p>(b) DECC requests Jacfin to make financial contributions to provide offsets that are proposed in the Biodiversity Management Plan (BMP).</p>	<p>(a) This submission is supported by the EAR. On the basis that “<i>the site has minimal biodiversity conservation values</i>”, a contribution or offset should not be required.</p> <p>(b) (i) The BMP does not apply to the subject land. The BMP was developed to allow landowners in Erskine Park whose properties contain vegetation of biodiversity value to develop that land on the basis that significant vegetation would be relocated and compensated by financial contributions made to implement the BMP.</p> <p>As stated in (a) above, the subject land “<i>has minimal biodiversity conservation values</i>” (DECC) and is not included in the BMP. Consequently, there is no basis for requiring Jacfin to make financial contributions to the BMP.</p> <p>(ii) Whilst acknowledging that “<i>no additional offsets are required for development of the site</i>” (DECC), Jacfin proposes a more effective mechanism than making “<i>financial contributions</i>” to the BMP via an offset on the Jacfin Ropes Creek site (to the east). Jacfin’s expert advice is that, there will be greater ecological value in increasing the vegetation along the ‘regionally significant’ Ropes Creek than a monetary contribution to the BMP.</p> <p>The Jacfin proposal (noting that “<i>no additional offsets are required for development of the site</i>”), is for:</p> <ul style="list-style-type: none"> <li>the provision of supplementary plantings of canopy tree species</li> </ul>	<p><b>Section 6.3, Section 6.10 and Appendix D</b></p>

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	<p>and understorey shrubs along a 50m length of Ropes Creek (to the east) which has been the most heavily cleared (at a width of 20m), as appropriate;</p> <ul style="list-style-type: none"> <li>• the use of native species typical of the Cumberland Plain Woodland and River-flat Eucalypt Forest on Coastal Floodplains communities, which are characteristic of this part of western Sydney; and</li> <li>• the control of weeds and introduced grasses in that area to facilitate both the growth of those planted specimens and the regrowth of native understorey and groundcover species.</li> </ul>	
(c) The recommendations of Section 7 of the Aboriginal Cultural Heritage Assessment should be implemented.	(c) The recommendations of Section 7.0 of the Aboriginal Cultural Heritage Assessment have been included in the Draft Statement of Commitments.	<b>Section 7.0</b>
<b>Penrith City Council (PCC)</b>		
(a) Insufficient justification for the departure from Penrith DCP 2006 provisions.	<p>(a) (i) The history of and justification for the variation to the DCP map is provided in Section 6.3 of the EA, and should be accepted in response to the points raised in the PCC submission.</p> <p>(ii) The State Government through DoP and DECC, in consultation with PCC, excluded the Jacfin site from the BMP because it was never recognised as part of the scheme nor was it intended to make contribution to the financial arrangements. There has never been a valid or justified biodiversity conservation corridor within the Jacfin property.</p>	<b>Section 6.3</b>

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	<p>The Minister's approval of the BMP clearly demonstrates the DoP's intention for the management of biodiversity in the Erskine Park Employment Area (<b>EPEA</b>). Whilst early <u>drafts</u> of the BMP had included the northern portion of the Jacfin site later versions specifically excluded the Jacfin land on the basis that the Jacfin land was not required to achieve the aims of the biodiversity corridor.</p> <p>Further, the BMP has been the subject of more detailed and contemporaneous expert assessment than the Penrith DCP. Clearly the DCP is out of date and should not be given any weight to undermine the BMP and the strategic intent for the management of biodiversity in the EPEA.</p> <p>Significantly, the Minister's <i>Concept Plan Approval</i> for the CSR Limited development (Lot 20 in DP1101801) dated 1 March 2007, which adjoins the northern boundary of the Jacfin land, contains specific requirements that the stream work design concept for the CSR land must ensure that there be a buffer of at least 20m from the edge of the 20m riparian corridor of the proposed creek on the CSR land. This condition was imposed to ensure that none of Jacfin's land (Lot 11 in DP229784) is within the riparian corridor of the realigned creek. The relocation of the creek riparian corridor 20m further north, wholly within the CSR land, was recognition by the Minister that the artificially created 'biodiversity corridor' on the CSR land should have no impact on the Jacfin land.</p> <p>When the issue of the impact of the BMP was raised by Jacfin in relation to CSR's concept plan application, CSR's response to the Minister stated:</p>	

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<p>(b) PCC considers that the EA does not adequately consider the need to “avoid or mitigate” the impacts of the development on the Jacfin site or the “need to offset clearing and enhance the Biodiversity Corridor.”</p>	<p><i>“Inclusion of any of the Jacfin land is not envisaged in the BMP and is not required to achieve the connectivity aims of the corridor, nor the positive biodiversity outcomes that will flow from the implementation of the BMP.”</i></p> <p>(b) (i) DECC acknowledges that the site has “<i>minimal biodiversity conservation values</i>”, and does not request any of the Jacfin land to be incorporated as part of a corridor. We also note the existing zoning of the land as industrial, and the proposed zoning under the draft WSEH SEPP is IN1 Industrial (see discussion below).</p> <p>(ii) The EA does address the issue of mitigating the impacts or providing offsets (see DECC comments above). The Jacfin position is that no offsets are required and that no part of the Jacfin land or the Templar Road extension is required for biodiversity connectivity. This approach is strengthened by and consistent with the DECC submission (as discussed above).</p> <p>The Jacfin site does not currently contribute to the Biodiversity Corridor across the EPEA as it supports only a scattered tree canopy and little of even potential relevance in the understorey. As noted above, the Biodiversity Corridor has been identified and developed (including the realigned creek corridor on the CSR to the immediate north of the Jacfin land) specifically to achieve the goals of that Corridor without any contribution by the Jacfin land.</p> <p>Given that the Jacfin site is <u>not</u> identified as part of the Biodiversity Corridor, its development will <u>not</u> adversely affect the corridor’s functioning. The current BMP for the EPEA, incorporating the Biodiversity Corridor as approved for the CSR project, provides an adequate linkage across the EPEA.</p> <p>Notwithstanding the assessment by the DECC that the Jacfin land “<i>has minimal biodiversity conservation values</i>” and that “<i>no additional offsets are required for development of the site</i>”, Jacfin has proposed an environmental biodiversity contribution by way of supplementation of native vegetation along the ‘regionally significant’ Ropes Creek (to</p>	

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<p>(c) PCC considers it would be inequitable if Jacfin made no land contribution to the biodiversity corridor or for Jacfin to trade off its obligation to nominated EPB “biodiversity conservation areas” by arranging an offset arrangement with DoP external to the site / elsewhere “in the region”.</p>	<p>the east – at the eastern end of the EPEA Biodiversity Corridor).</p> <p>(c) (i) The DECC submission states that the site “<i>has minimal biodiversity conservation values</i>” and indicates that “<i>no additional offsets are required for development of the site</i>”. This is consistent with the arguments and approach provided in the Jacfin EA <i>Flora &amp; Fauna Report</i>.</p> <p>(ii) As above, Jacfin considers that a more effective mechanism than adding to contributions to an adjoining scheme is to propose an offset on the Jacfin Ropes Creek site. It is considered that there will be greater ecological value in increasing the vegetation of an area along the ‘regionally significant’ Ropes Creek.</p> <p>The proposal by Jacfin to provide a biodiversity contribution by way of supplementation of native vegetation along the ‘regionally significant’ Ropes Creek (to the east – at the eastern end of the EPEA Biodiversity Corridor) is described in some detail above. This proposal is made notwithstanding the comments of DECC with respect to “<i>minimal biodiversity conservation values</i>” and the lack of any requirement for “<i>offsets</i>”.</p>	Appendix D
<p>(d) The proposal is contrary to draft the Penrith LEP 2008 – Stage 1 regarding the E2 Zone over the biodiversity conservation lands in Erskine Business Park</p> <p>(e) The proposal is contrary to the draft Penrith DCP 2008, however this is yet to be reported to Council or exhibited.</p>	<p>(d) (i) The DoP has verbally advised (Peter Stavely, Strategic Sites and Urban Renewal) that the proposed E2 zoning located on the northern portion of the Jacfin land within the Draft Western Sydney Employment Hub SEPP (<b>Draft SEPP</b>) will be deleted. The entire Jacfin site will therefore remain zoned industrial.</p> <p>(ii) In light of this recommendation, it is not appropriate that an LEP zoning and any associated DCP controls would be in conflict with the proposed zoning under the Draft SEPP.</p> <p>(e) As discussed above, given that the site is of “<i>minimal biodiversity conservation values</i>” and that the DoP intends to zone the entire Jacfin site IN1 – General Industrial under the Draft SEPP – any proposed E2 zoning under the draft Penrith LEP or CDP 2008 would be inappropriate.</p>	

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<b>Penrith City Council (PCC) Supplementary Submission</b>		
(a) The proposal is contrary to the Draft WSEH SEPP which shows the northern portion of the property as an E2 Zone.	(a) See above comment.	
(b) Penrith Council considers that the Department cannot simultaneously be a party to the BMP and approve the Jacfin application.	(b) This is a matter for the Department of Planning (if relevant).	
(c) The Jacfin proposal is contrary to the principles of the BMP, which seeks to establish a corridor (east-west link) between South Creek and Ropes Creek.	(c) The approved BMP map does not include the Jacfin land as part of a biodiversity corridor.  We refer to comments above which demonstrate that the Jacfin land is <u>not</u> required for ecological connectivity of the Biodiversity Corridor.	<b>Section 6.3</b>
<b>Penrith City Council (Engineering Submission)</b>		
(a) Non-compliance with Council's minimum standards in relation to the constructed road width and bridge crossing are not supported. Plans depicting a 13m wide carriageway, cul-de-sac radius of 16.5m and centrally located carriageway with 3.5m wide verges either side (with 2% fall to the kerb) are requested.	(a) (i) The Templar Road extension is proposed to provide access to Lot 11, DP 229784 which is owned by Jacfin. Originally Templar Road was proposed by CSR as a 10.5m wide right of way solely to provide access to the Jacfin site. This was because that site's only legal right of access was to be extinguished as a result of a plan proposed by CSR to convert a designated Crown road reserve to an environmental conservation area.  Such a conversion would have been of benefit to the land holdings of CSR and the only way that this would be achieved was to provide alternative access for the Jacfin site. The Crown Road Reserve was the only form of road access available to the Jacfin site at that time.	

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	<p>A 10.5m wide right of way would have allowed sufficient road access for the Jacfin site. However it would not have afforded the same certainty of access to Lot 11 and Jacfin expressed a requirement for a public road across the CSR site rather than a right of way. This was supported by Penrith Council which indicated that a 20m reservation should be dedicated. The land subdivision for this was included in Concept Plan and later Project Application Plans that were approved by the Minister for the CSR land and the dedication of the road extension has been made.</p> <p>The approved CSR Concept Plan formed industrial allotments on each side of the dedicated the Templar Road extension. In the approved Concept Plan all vehicular access to these lots is indicated to be off a cul-de-sac head to be formed in Templar Road prior to the road reservation for the extension. No direct access to the Templar Road extension is indicated on the approved CSR Concept Plan.</p> <p>(ii) As the Jacfin site would be the only lot served by the Templar Road extension, a road carriageway sufficient to serve this one single site is proposed.</p> <p>The practical carriageway width needed to allow trucks travelling in opposite directions to pass is 6.5m. This is the width specified in Australian Standard AS2890.2 for a service road that is to be used by trucks including semi trailers. The proposed general carriageway width of 7m would satisfy this need.</p> <p>(iii) The proposed road extension was designed in consultation with Greg Brady (DWE). The width of the access road was reduced in order to minimise the impacts of the crossing on the CSR relocated creek.</p>	<p><b>Appendix H and Appendix K.</b></p>

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	<p>The reduced width of the bridge is proposed for environmental reasons to reduce the loss of sunlight falling on the water course beneath to an absolute minimum.</p> <p>The report by Dr Stephen Webb for this application has established that the proposed crossing conforms to DWE riparian guidelines, provides sufficient waterway area to not impact on flood levels, and is designed appropriately not to impact on the stability of the creek bed. In this regard, whilst PCC may have minimum general standards this needs to be balanced with other environmental planning considerations such as the integrity of the relocated creek crossings.</p> <p>(iv) In response to PCC, Jacfin contends that in applying any DCP it is normal to look at the circumstances of the case before deciding whether to strictly apply the provisions of the DCP. In the particular circumstances of this case:</p> <ul style="list-style-type: none"> <li>• The Templar Road extension was only proposed because the Jacfin site was to be denied access from the then existing Crown road reserve.</li> <li>• The Templar road extension was only ever envisaged as providing access solely to the Jacfin site.</li> <li>• Both Jacfin and Penrith Council preferred that a dedicated public road be provided.</li> <li>• Nevertheless, the only functional requirement for this road was to provide access to the Jacfin site.</li> <li>• At no time was access to any other land from Templar Road anticipated. As such, it is not provided for in the Concept Approvals for other land on each side of the Templar Road extension.</li> <li>• In view of this, and to avoid unnecessary capital and maintenance costs and also to avoid excessive stormwater runoff, the carriageway of the Templar Road extension should be designed not to meet some pre-existing generic formula, but rather to meet</li> </ul>	

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	<p>the needs of the purpose for which it was intended.</p> <ul style="list-style-type: none"> <li>• The proposed design with a 7m wide carriageway does this appropriately.</li> <li>• The width of the bridge has been determined to achieve an optimum environmental outcome for the waterway beneath and adjacent to it.</li> </ul> <p>All of these considerations support the current proposed design of the Templar Road extension in preference to the requirements of Penrith Council's generic DCP.</p> <p>(v) While the design of the Templar Road extension does satisfactorily meet the needs of the Jacfin development, it is apparent from the GPT submission (that contrary to the approved CSR Concept Plan), there could be other uses of the Templar Road extension.</p> <p>The application made for the Templar Road extension now proposed would allow the relatively easy widening of the carriageway to the DCP's full carriageway requirements in future. The bridge crossing, because of its location, would only need to serve the Jacfin site.</p> <p>It is therefore proposed to construct a 7m wide carriageway to serve the Jacfin site with a 3.5m rather than 4.5m offset from the boundary on one side. A revised plan (5269-02-03 Issue: L) showing this amendment is attached to this Response to Submission and this plan should be incorporated by way of a condition of consent. This realignment would allow the carriageway to be widened to 13m if needed at some time in the future. Any such widening is not a part of Jacfin's application; this would be a matter for any future development of the adjoining land.</p>	
	<p>Such an approach would be fair to all parties, avoid excessive road construction if not needed and ensure that the requirements of Penrith Council's DCP could be achieved in the long term. At all times the most important functional needs at the Templar Road extension would be met.</p>	

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(b) Private stormwater infrastructure within a proposed public road is not supported and all private infrastructure is to be removed from the road reserve. Request is made for stormwater drainage servicing the road to utilise the existing stormwater line on the western side of the road.	(b) The private stormwater line will not pass under the proposed public road but will discharge to the proposed relocated creek upstream of the road crossing.	Capable of being included as a Condition of Consent
<p>(c) Further justification for the on-site detention figures is required. In particular, revised calculations considering the environmental flows for the 6 month and 1 year ARI should be provided.</p> <p>Detailed drainage plans in relation to the road providing levels, calculations, flows.</p> <p>Request is made for detailed engineering plans for the on-site drainage system including detention, water quality and stormwater pipes.</p> <p>Request is made for an amended overland flow culvert to discharge into the creek upstream of the road and not pass under the public road.</p>	(c) The detailed drainage design can be conditioned and provided prior to issue of CC, as normally required.	Capable of being included as a Condition of Consent.
(d) Request is made for plans to address the intersection with the existing Templar Road cul-de-sac in regards to levels and road safety. Request is made for a Road Safety Audit to be submitted in regards to the design of the road.	(d) Plans depicting the safety of the intersection with the existing Templar Road cul-de-sac can be submitted with the Road Safety Audit. The Road Safety Audit can suitably be addressed prior to issue of the CC.	Capable of being included as a Condition of Consent.
(e) Request is made for the survey to be extended to adjacent lots.	(e) It is unclear why PCC is requesting the survey extend to adjacent lots and it is queried whether this is necessary. It is noted that the <i>Environmental Planning and Assessment Regulation 2000</i> (NSW) does not specify a full survey of adjoining land as a requirement to be submitted with a DA. Similar requirements should be applied to Project Applications.	

Issue	Response	Addressed in EA
<b>Department of Water and Energy</b>		
<p>(a) The CSR relocated creek has been categorised as Category 1. A minimum of 50m wide riparian corridor needs to be provided and maintained either side of the creek. Any disturbance of the riparian zone affected by, or located adjacent to, or located within 10m from the edge of any disturbed area, associated with the subject proposal, must be rehabilitated and maintained with fully structured local native riparian vegetation (trees, shrubs and groundcover species) at a density that would occur naturally.</p>	<p>(a) (i) The Department of Water and Energy (<b>DWE</b>) submission is based on a misunderstanding of the riparian corridor required under the CSR approval (MP06/0208) and the obligations therein to rehabilitate the corridor.</p> <p>(ii) The re-alignment of the existing creek was approved as part of the CSR approval (MP06_0208). CSR was engaged in lengthy discussions (with the former DNR) regarding the proposed creek alignment and whether or not this creek / drainage line was even classified as a watercourse. There was no watercourse at the location of the artificial creek that is now being constructed. There is no justification for now classifying this as Category 1.</p> <p>(iii) The DECC accepted the proposed realignment, and DNR recommended conditions for the detailed design of the realigned creek, including acceptance of a 20m riparian corridor to be wholly located and rehabilitated on the CSR land.</p> <p>(iv) The CSR Concept Plan and Project Approval included conditions relating to the preparation of a Creek Realignment Plan, Streamworks Management Plan and Vegetation Management Plan, and that no part of the Jacfin land was required for the rehabilitation of a riparian corridor. No responsibility was placed on Jacfin, nor any requirement imposed, to contribute to or provide a riparian corridor.</p> <p>Furthermore, the Minister's Concept Plan Approval for the CSR Limited development (Lot 20 in DP1101801) dated 1 March 2007, which adjoins the northern boundary of the Jacfin land, contains specific requirements that the stream work design concept for the CSR land must ensure that there be a buffer of at least 20m from the edge of the 20m riparian corridor of the proposed creek on the CSR land to ensure that none of Jacfin's land (Lot 11 in DP229784) is within the riparian corridor of the realigned creek.</p> <p>(v) Given the above CSR approvals, there is no basis for applying the</p>	

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	<p>riparian corridor recommendations proposed by DWE. Therefore, Conditions 1, 2, 3, 4, 5, 6, 9, 10 and 11 are not considered relevant to the Jacfin Project Application, and the imposition of these conditions would be erroneous.</p> <p>(iv) Condition 7, 8 and 12 of the DWE submission can be suitably incorporated as Conditions of Consent.</p>	
<p>(b) The Templar Road extension bridge does not appear to incorporate design features that allow for the penetration of light and rainwater.</p>	<p>(b) (i) The bridge crossing was designed in consultation with Greg Brady of the DWE. Prior to lodgement he acknowledged that the design of the waterway crossing was appropriate and straightforward to implement in accordance with riparian guidelines.</p> <p>(ii) Light penetration issues were specifically discussed with Greg Brady. One design option discussed was to construct a gap within the middle of the bridge to allow light penetration (which would give the appearance of two bridges). However, it was agreed that it was better to delete the central light penetration area and minimise the overall width and hence the impact of the bridge structure. The bridge has been designed in consultation with DWE and is considered acceptable and appropriate.</p>	<p><b>Section 4.1 and Appendix K.</b></p>
<p><b>Sydney Water</b></p>		
<p>(a) Sydney Water Servicing and Section 73 Certificate.</p>	<p>(a) The requirement to obtain a Section 73 Certificate can be included as a Condition of Consent.</p>	<p>Capable of being included in Conditions of Consent.</p>
<p>(b) Written permission to discharge trade waste into Sydney Water's wastewater systems is required.</p>	<p>(b) A Trade Waste Permit can be made at the Section 73 Certificate application stage.</p>	<p>Capable of being included in Conditions of Consent.</p>
<p>(c) The submission recommends that the NSW EPA best practice treatment objectives be achieved in respect of: suspended solids, phosphorus and nitrogen.</p>	<p>(c) (i) The Water Management Report prepared by Worley Parsons demonstrates the recommended reductions are achieved (and are indeed exceeded) (page 11 of the Worley Parsons report).</p>	<p><b>Appendix H</b></p>

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	(ii) These reductions are capable of being included as Conditions of Consent.	
(d) Request to maximise stormwater re-use through integrated water cycle management. Reduce potable water demand and achieve pollutant load reductions.	(d) The Water Management Report prepared by Worley Parsons demonstrates that the Water Management Strategy for the site has been designed to implement the provisions of WSUD and reduce potable water demand (e.g 20,000L rainwater tank). In this regard, the submitted report demonstrates the requested measures from Sydney Water.	<b>Appendix H</b>
<b>Sydney Regional Development Advisory Committee (RTA)</b>		
(a) Ensure appropriate contributions are made in accordance with the Erskine Park Employment Area Section 94 Contributions Plan.	(a) The Draft Statement of Commitments includes a commitment to pay contributions in accordance with the Erskine Park Employment Area Contributions Plan.	<b>Section 7.0</b>
(b) Consistent with the objectives of the Penrith DCP 2006 for the Erskine Park Employment Area, no on street parking should be permitted for the extension of Templar Road.	(b) This can be included as a Condition of Consent.	Capable of being included in Conditions of Consent.
(c) Construction Traffic Management Plan (CTMP) to be prepared and submitted to Penrith Council and the Department of Planning for approval prior to the issue of a construction certificate.	(c) It is queried whether it is necessary for two authorities to sign off a CTMP. It is requested that only one authority approve the CTMP prior to issue of the construction certificate. This is reflected in the draft Statement of Commitments.	<b>Section 7.0.</b>
(d) Turning area within the Templar Road extension must be suitably designed to accommodate u-turn movements by heavy vehicles (including semi trailers and B-doubles).	(d) The turning area to be provided on the Jacfin property is sufficient to accommodate u-turn movements by heavy vehicles (including semi-trailers and B-Doubles).	<b>Appendix I</b>
(e) The proposed driveway access points to the site should be appropriately signposted for Truck (Entry / Exit)) and exclusive Car (Entry / Exit)	(e) This can be included as a Condition of Consent.	Capable of being included in Conditions of Consent.
(f) Car parking provisions should be consistent with Penrith Council's DCP requirements.	(f) Car Parking provisions are in accordance with DCP requirements and RTA Guidelines.	<b>Section 6.3, Section 6.8 and Appendix I</b>

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(g) Off-street parking associated with the proposed development should be designed in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicles	(g) This can be included as a Condition of Consent.	Capable of being included in Conditions of Consent.
(h) All works / regulatory signposting associated with the proposed development shall be at no cost to the RTA.	(h) This can be included as a Condition of Consent.	Capable of being included in Conditions of Consent.
<b>Ministry of Transport (MoT)</b>		
<p>(a) Preparation of a strategy which minimises provision of on-site car parking and considers a range of travel demand management initiatives to encourage mode shift to public transport, cycling and walking, including:</p> <ul style="list-style-type: none"> <li>- Car share schemes for corporate fleets, which can also be available for use by adjoining businesses;</li> <li>- Potential assistance for employees to access work by public transport through salary packaging options and other incentives;</li> <li>- Preparation of a Travel Access Guide (TAG);</li> <li>- Provision of secure bike storage and amenities; and</li> <li>- Introduction of flexible working arrangements, which enable staff to avoid congested morning and afternoon peak periods.</li> </ul>	<p>(a) (i) Parking is provided in accordance with Penrith Council DCP rates, which is supported in the RTA submission.</p> <p>(ii) Existing public transport to and within the EPEA is limited, with Route 835 (Liverpool to Penrith) being the closest bus route traversing Mamre Road and Erskine Park Road in proximity to the site. It is presumed that the continued build up of development and the improvements to the surrounding road system will make the site more accessible and more attractive to potential future public transport connections.</p> <p>(iii) The broader strategic development of the area will be more effective than a Travel Access Guide for employees nominating one viable public transport route only.</p> <p>(iv) There is ample room within the warehouse and / or office areas for the provision of bike storage racks. This can be included as a Condition of Consent.</p> <p>(v) It is considered inappropriate to commit to flexible working arrangements prior to the tenant's operations being known.</p>	<b>Section 6.3 (Integration of Land Use and Transport Planning).</b>

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<b>Sydney Catchment Authority</b>		
(a) Sydney Catchment Authority ( <b>SCA</b> ) requests the inclusion of a condition for security fencing to be included in the approval of the development.	(a) This can be included as a Condition of Consent.	Capable of being included in Conditions of Consent.
(b) SCA requests details (including plans) of proposed earthworks and retaining walls along the SCA boundary before a final decision is made on these works. SCA requests these details are provided to SCA prior to works commencing.	(b) Detailed plans and specifications can be provided to SCA prior to commencement of construction.	Capable of being included in Conditions of Consent.
(c) Stormwater runoff from the SCA land is not to be impeded by the project or concentrated in a manner which results in erosion and sedimentation of the SCA land.	(c) (i) Runoff from the SCA land enters the Jacfin site at one location near the eastern end of the site. No works are proposed to impede these inflows to the Jacfin site. As the Jacfin site is downstream of the SCA land, it will not concentrate any runoff on the SCA land to cause erosion or sedimentation of the SCA land. This issue is addressed in the Water Management Report (prepared by Worley Parsons).  (ii) Erosion and Sedimentation Measures will be implemented during the construction phase to ensure no excavated sediment is deposited onto the SCA land, as proposed in the draft Statement of Commitments.	<b>Appendix H, Appendix K and Section 7.0.</b>
(d) SCA requests that the proponent be required to advise the SCA before undertaking any construction affecting the SCA boundary.	(d) This can be included as a Condition of Consent.	Capable of being included in Conditions of Consent.



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<p>(iii) Lack of effective area on site for truck queuing on the public road.</p> <p>(iv) Car park driveway access intersects the road at an acute angle which is non-compliant and this may require the cul-de-sac to extend further into the site..</p>	<p>The cul-de-sac head has been designed to allow trucks of all sizes to turn around. This has been checked using the AUTOTURN computer vehicle turning path program and as discussed above the design as proposed will satisfactorily fulfil the requirement for the very occasional use for which it is to be provided.</p> <p>We do note in relation to the design of the cul-de-sac that all vehicles except for buses and those travelling under a special permit are required to be able to turn around within a 25m diameter. The proposed 26m diameter provides leeway beyond the legal minimum.</p> <p>(iii) No on street parking is expected within the cul-de-sac head and it would be normal for the local council to erect “no stopping” signs in such circumstances.</p> <p>The incidence of queuing on the Jacfin site would be sufficiently low as to be of no concern. Notwithstanding this, if queuing was occasionally to occur then this would be of little or no consequence to other users given that it is likely to be extremely rare that vehicles from other sources using the cul-de-sac heads or lead in section of the Templar Road extension.</p> <p>(iv) The MWT traffic report indicates that the car park entry design is satisfactory. In this regard any concerns would best be addressed through a Condition of Consent requiring conformance with Australian Standard AS2890.1.</p>	

Issue	Response	Addressed in EA
<p>(v) Existing cul-de-sac intersection deficiency in that the ability of two trucks to pass safely at the existing (northern) cul-de-sac has not been demonstrated and local widening of the road extension will be required.</p>	<p>(v) The existing northern cul-de-sac head has been constructed to serve the lots created by CSR in accordance with its approved Concept Plan. The design of the cul-de-sac head was approved by Penrith Council and MWT can see no issues with it.</p> <p>In relation to the connection of the Templar Road extension to this cul-de-sac head, final details of the width and of the provision for vehicles to negotiate it will need to be approved by Penrith Council. With this protection in place it is considered that there is no need to dwell on minor design details at this stage.</p>	
<p>(b) Inadequate acoustic assessment that does not meet DECC requirements including:</p> <p>(i) The acoustic assessment is considered deficient in that just over 2 days of monitoring was undertaken to establish the baseline noise levels which is considered to not meet the requirements of DECC.</p> <p>(ii) The assessment makes no allowance for cumulative noise from proposed industrial uses in Erskine Business Park.</p>	<p>(b) The response to each issue raised in the submissions is as follows:</p> <p>(i) The Rating Background Levels presented in the NIA were determined in accordance with the requirements of the Department of Environment and Climate Change's (DECC's) Industrial Noise Policy, 2000 (INP) and are therefore considered adequate.</p> <p>(ii) In accordance with the INP, the Emmaus Village (seniors living) is classified as being in an urban noise amenity area with corresponding recommended acceptable LAeq(period) amenity noise levels of 60 dBA, 50 dBA and 45 dBA during the daytime, evening and night-time periods respectively. Assuming the worst case scenario of all currently approved and proposed industrial operations emitting a total 'existing' LAeq(period) amenity noise level equal to the recommended acceptable LAeq(period) noise levels, the resulting project specific LAeq(period) amenity noise level criteria are 52 dBA, 42 dBA and 37 dBA during the daytime, evening and night-time periods respectively. The predicted LAeq(period) amenity noise level emissions from the Project are 37 dBA, 37 dBA and 33 dBA during the daytime, evening and night-time periods respectively and clearly comply with the respective project specific LAeq(period) amenity noise level criteria.</p>	<p><b>Section 6.12 and Appendix L.</b></p>
<p>(iii) Noise performance requirements consistent with the remainder of Erskine Business Park is required with particular attention to this site given its proximity to seniors living uses.</p>	<p>(iii) The NIA satisfies all the noise assessment requirements specified in the Director-General's Requirements.</p>	

Issue	Response	Addressed in EA
<p>(c) There are no plans for earthworks or any proposed retaining walls / structures at the edges of the fill areas.</p> <p>(d) Potential impact of potential diversion of flood waters / flood storage onto adjoining properties (including the biodiversity corridor), caused by the cut and fill site works, were not addressed in the Environmental Assessment. Council's DCP also requires some consideration of the PMF event.</p>	<p>(c) Refer to the response to the Sydney Catchment Authority. Detailed plans and specifications can be provided prior to commencement of construction.</p> <p>(d) The 100yr ARI flood flows on the Jacfin site will be retained on the site and would not inadvertently flow onto adjacent sites. The flood flows in the CSR relocated creek, adjacent to the Jacfin site's northern boundary, would not flow onto the Jacfin site and consequently any earthworks on the Jacfin site would not impact on flood behaviour on adjacent sites.</p> <p>To ensure consistency, the flood model used for the analysis of the waterway crossing was the same model as used by Browns on behalf of CSR in designing the artificial creek. Browns, in designing the new creek, did not test for the PMF event. The creek waterway crossing has capacity for much larger floods than the 100 year event, as additional waterway area was provided as a fauna underpass. In a PMF event the crossing would be immersed and would thus have a negligible impact on flood levels in such an extreme and very rare event.</p> <p>Works on the Jacfin site will have no adverse impact on the adjoining biodiversity corridor.</p>	<p><b>Appendix K</b></p>

Issue	Response	Addressed in EA
<b>Ivan Jeray (private individual)</b>		
<p>(a) Non-local native plants (including hybrid and cultivar species) proposed in landscaping plans are not supported.</p>	<p>(a) The Landscape Plan for the site was prepared in accordance with the <i>Flora &amp; Fauna Report</i> recommendations, which were based <i>inter alia</i> on the Penrith City Council DCP (2006) and the NPWS <i>Technical Report on the Native Vegetation of the Cumberland Plain, Western Sydney</i> (2000).</p> <p>In this regard, the proposed landscaping for the site is considered suitable and compatible with the locality. It is also noted that neither Penrith Council nor the DECC (which absorbed the former NPWS) have objected to the proposed landscaping.</p> <p>Introduced and non-local native plants are not regarded as problematic in an industrial landscape. In the case of cultivars, the final Landscape Plan will be refined to ensure that cultivars used do not compromise any indigenous plants.</p>	<b>Section 6.4, 6.10, Appendix D.</b>
<p>(b) Cumberland Plain Woodland will be fragmented by the proposal and fauna that inhabit Cumberland Plain Woodland will be lost.</p> <p>Bushfire hazard reduction conflicts with the preservation of Cumberland Plain Woodland.</p>	<p>(b) As concluded in the <i>Flora &amp; Fauna Report</i> submitted with the EA, none of the vegetation on the subject site is of biodiversity conservation value or significance, as confirmed by the DECC submission on the EA (“<i>the site has minimal biodiversity conservation values</i>”). Modification of the site as proposed will not involve the loss of relevant or significant habitat or resources or any threatened biota.</p>	<b>Section 6.10</b>
<b>Clark McNamara Lawyers c/o Fitzpatrick Investments Pty Ltd</b>		
<p>(a) (i) Non-compliance with the boundaries of land identified in Penrith City Council 2006 DCP –Erskine Park Employment Area – Map 3 – Biodiversity Management Strategy will sever the connectivity between South and Ropes Creek biodiversity corridors, and thereby destroy the underpinning principle of the Biodiversity Management Plan for the Erskine Park Employment Area.</p> <p>(ii) The BMP is not the overarching Biodiversity Plan for the EPEA and is only relevant to those landowners entering into Planning Agreements to comply with the BMP. The use of the BMP does not provide a waiver for Jacfin complying</p>	<p>(a) (i) These concerns largely reiterate the concerns raised in the PCC submission. The history of and justification for the variation to the DCP map is provided in Section 6.3 of the EA, which remains relevant notwithstanding the points raised in the PCC submission (also refer to response to PCC submission above).</p> <p>(ii), (iii), and (iv) The Fitzpatrick submission is largely based on an appeal to the findings of the Biosis study (1999) as a basis for maintaining the DCP map boundaries.</p>	<b>Section 6.3</b>

Issue	Response	Addressed in EA
<p>with DCP 2006. The statement that the DCP is superseded by the BMP and Biodiversity Strategy 2005 is therefore also incorrect.</p> <p>(iii) Council's update of their Section 94 plan on 14 April 2008 which still includes the Jacfin land as Biodiversity Conservation refutes the claims that the DCP map does not reflect the current management of biodiversity within the EPEA.</p> <p>(iv) The submission maintains that the Biosis Study (1999) remains relevant in the assessment of the application. The findings of the Biosis study and the inclusion of the Jacfin land in DCP 2006 provide the merit to consider the Jacfin land as part of the overall corridor system.</p> <p>(v) The application has failed to acknowledge or address the Environmental Conservation zoning proposed under the draft Western Sydney Employment Hub SEPP.</p>	<p>Reliance on the findings of the Biosis study fails to acknowledge the range of studies and the Concept Plan approvals since this time. As acknowledged within the BMP, several studies since the time of the Biosis study have <i>“highlighted limitations with the original Biosis Report and consequently the biodiversity strategy within the DCP”</i> (BMP 2006, p2). This situation prompted the preparation of the <i>Biodiversity Strategy 2005</i> and the BMP to <i>“provide a strategic framework for the conservation of biodiversity within the EPEA”</i> (BMP 2006, p2).</p> <p>The BMP clearly demonstrates the DoP's intention for the management of biodiversity in the Erskine Park Employment Area (EPEA). As noted above, early drafts of the BMP included the northern portion of the Jacfin site, but later versions specifically excluded the Jacfin land on the basis that the land is not required to achieve the aims of the biodiversity corridor. Given the existence of the BMP, and its endorsement by the Minister in the CSR Concept Plan Approval, it is considered that the Minister should not have regard to the Penrith DCP as such consideration would undermine the BMP and the strategic intent for the management of biodiversity in the EPEA.</p> <p>The realigned creek corridor and riparian zone on the CSR site has been located and designed specifically to provide the necessary linkage between retained vegetation on the CSR land (to the east) and vegetation in the abandoned Road Reserve (to the west of the Jacfin site and south of the CSR site). The Jacfin site does not contain vegetation along its northern boundary of any conservation value, and does not contribute to the east-west biodiversity corridor present along the realigned creek on the CSR site.</p> <p>(v) The DoP has verbally advised (Peter Stavely, Strategic Sites and Urban Renewal) that the E2 zoning located on the northern portion of the Jacfin land within the Draft Western Sydney Employment Hub SEPP (<b><i>Draft SEPP</i></b>) will be deleted. The entire Jacfin site will therefore be zoned IN1 General Industrial.</p>	

