



NSW GOVERNMENT
Department of Planning

MAJOR PROJECT ASSESSMENT: Jacfin Warehouse Project



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

July 2009

Cover photo: Jacfin site bounding the Warragamba-Prospect Pipelines

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EXECUTIVE SUMMARY

Jacfin Pty Ltd (Jacfin) proposes to establish a warehouse and distribution facility on 4.2 hectares of land within the Erskine Park Employment Area (EPEA) in the Penrith local government area.

The project has a capital investment value of \$13.1 million and would employ around 100 people once operational.

On 6 September 2007, the Minister ordered that the proposed warehouse and distribution facility to be assessed and determined under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and consequently the Minister is the approval authority for the project.

The Department exhibited the Environmental Assessment of the project from 21 May 2008 to 23 June 2008, and received 11 submissions on the proposal: 7 from government authorities, and 4 from the general public (including 2 from adjoining land owners). Penrith Council and 3 public submissions objected to the proposal, predominantly due to impacts on biodiversity conservation areas and Jacfin's lack of commitment to enhancing and protecting biodiversity in the EPEA. Other issues raised in submissions related to the design of the access road, stormwater management and impacts on the security and integrity of the adjacent Warragamba-Prospect Pipelines.

The Department has assessed the merits of the project in detail, in accordance with the relevant requirements of the EP&A Act.

This assessment found that the main issues associated with the project relate to biodiversity conservation and transport. The Department is satisfied however, that these impacts can be adequately mitigated and/or managed to ensure an acceptable level of performance and has recommended a range of conditions to ensure this occurs.

In addition, the Department's assessment recognises the significance and need for the project in terms of promoting the development of the Western Sydney Employment Hub and the EPEA. The project is consistent with the objectives of the Sydney Metropolitan Strategy providing for the early development of employment lands and generating jobs in Western Sydney.

The Department is satisfied that the project has significant social and economic benefits for the Western Sydney community and that it is therefore in the public interest.

Consequently, the Department recommends that the Jacfin Warehouse Project be approved, subject to conditions.

1. PROPOSED PROJECT

Jacfin proposes to establish a warehouse and associated infrastructure on 4.2 hectares of land within the Erskine Park Employment Area (EPEA) in the Penrith local government area (see Figure 1).

The site is strategically located within the Western Sydney Employment Hub (WSEH) with nearby access to the M4 Motorway, which also links with the M7 Motorway. The WSEH, some 2,450 hectares of employment land, is identified in the Metropolitan Strategy as being critical to achieving the projected growth in jobs and economic development in western Sydney, with approximately 36,000 additional jobs expected from this area.

The site adjoins a biodiversity conservation area to the west and north, with the Sydney Water pipeline located immediately south of the site. Industrial areas are located to the north, east and west of the site and the closest residential area is located 1.5km to the north at St Clair. A rural residential property is located approximately 600m to the south of the site and a school and retirement village is located approximately 750m to the south west.

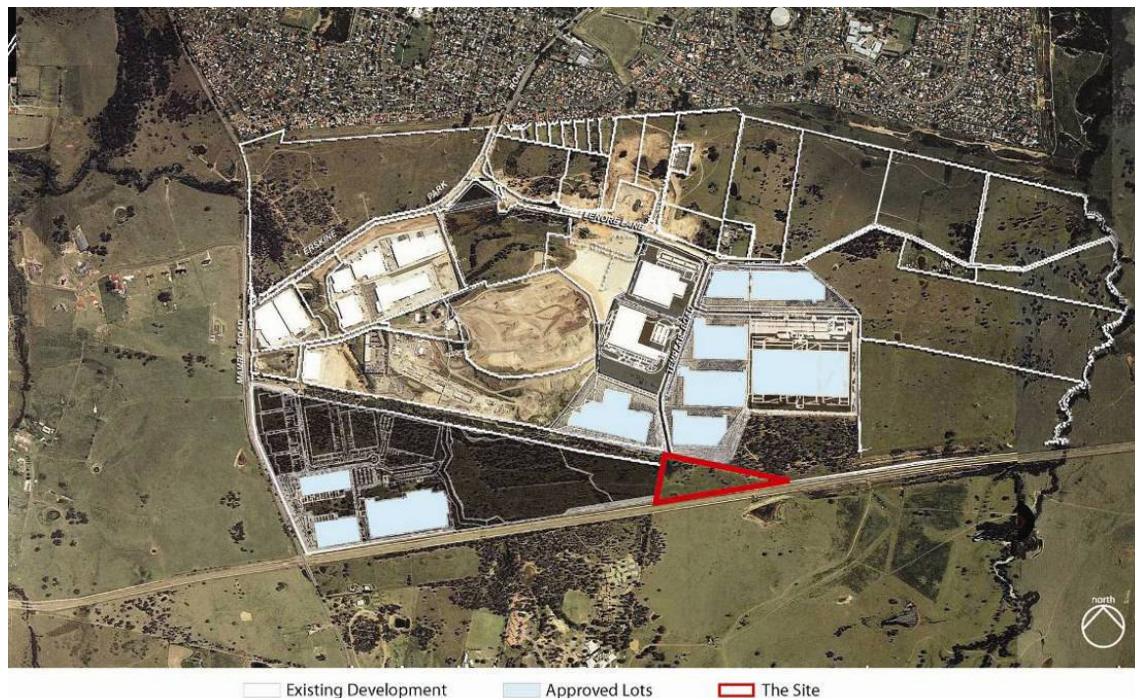


Figure 1: Regional Context

During the assessment of the Jacfin revised its proposal to address concerns raised by the Department in relation to impacts on flora and fauna (see Section 4.1). The major components of the project are summarised in Table 1. The original proposal is depicted in Figure 2, with the revised proposal depicted in Figure 3. The project is described in full in Jacfin's Environmental Assessment (EA), attached as Appendix F.

Table 1: Major components of the project

Aspect	Description
Project summary	Construction and operation of a warehouse and distribution facility and associated infrastructure
<i>Site preparation works</i>	Flat building pad to be established by cut and fill of the subject site. This includes the removal of some trees identified in the survey plan.
<i>Warehouse building</i>	Construction of a single storey warehouse facility (20,005m ²) and adjoining office space at its eastern façade (1,285m ²).
<i>Access</i>	Access to the site would be off Templar Road. An access road 11m in width would be constructed to the subject site from the southern end of Templar road. This is

Aspect	Description
	permissible through an agreement with an adjoining land owner (GPT) and would involve construction of a small bridge to cross the relocated creek (3.5m wide carriageway, 3.5m verge on eastern side and 0.5m verge on western side).
Parking	Construction of 218 car spaces located at the eastern portion of the site.
Landscaping	Proposed landscaping to reflect context of development with plant species selected for biodiversity, bio/rain retention qualities
Associated infrastructure	Existing services and utilities would be extended to service the site. The stormwater management system would include rainwater harvesting from roof areas to be reused on site and the treatment of stormwater prior to discharge.
Employment	Approximately 100 employees, however, would be dependent on end-user.
Capital Value	\$13.1 million
Construction	Up to 26 weeks.
Hours of operation	24 hours, 7 days a week.

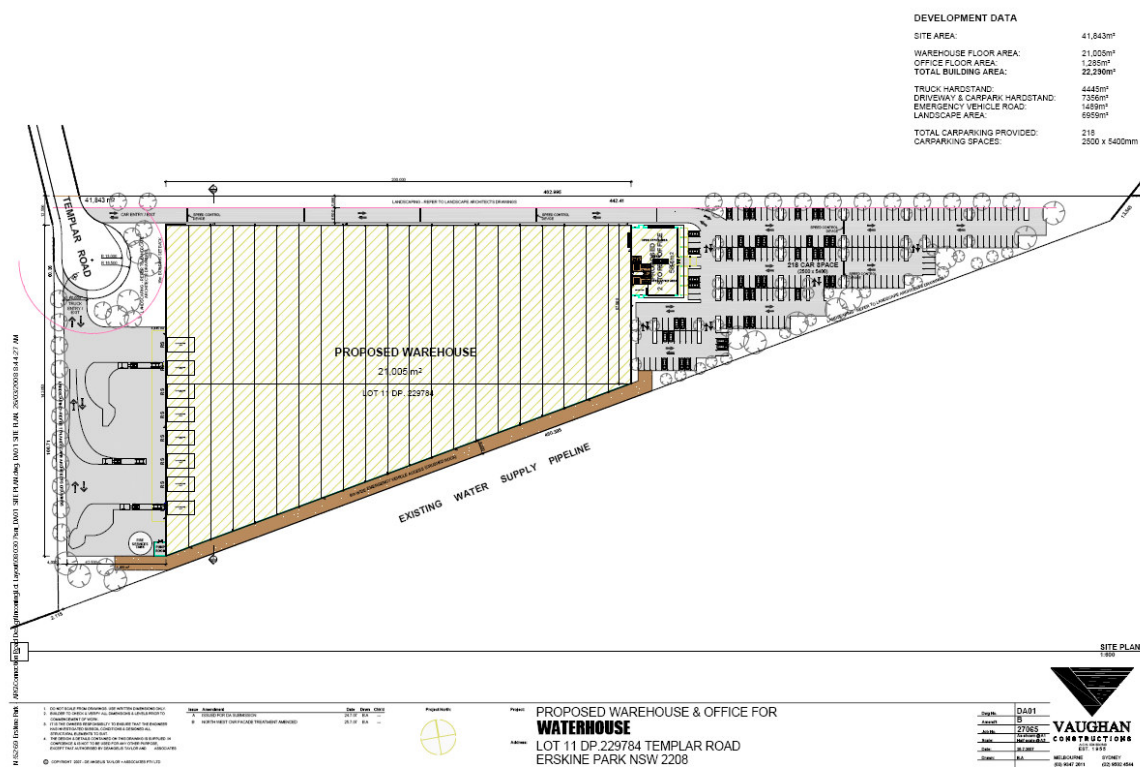


Figure 2: Original Site Layout

2. STATUTORY CONTEXT

2.1 Major Project

Under Section 75B(1) of the EP&A Act, the Minister for Planning (Minister) can order a proposed development to be a project to which Part 3A of the EP&A Act applies. On 6 September 2007, the Minister ordered that the proposed warehouse and distribution facility be assessed and determined under Part 3A of the EP&A Act as it:

1. is intricately linked to approvals the Minister has previously granted on the adjoining GPT and Austral Bricks land; and
2. would allow the unformed Crown Road, which is currently the only access to the Jacfin land, to be protected from development and added to the adjoining biodiversity corridor.

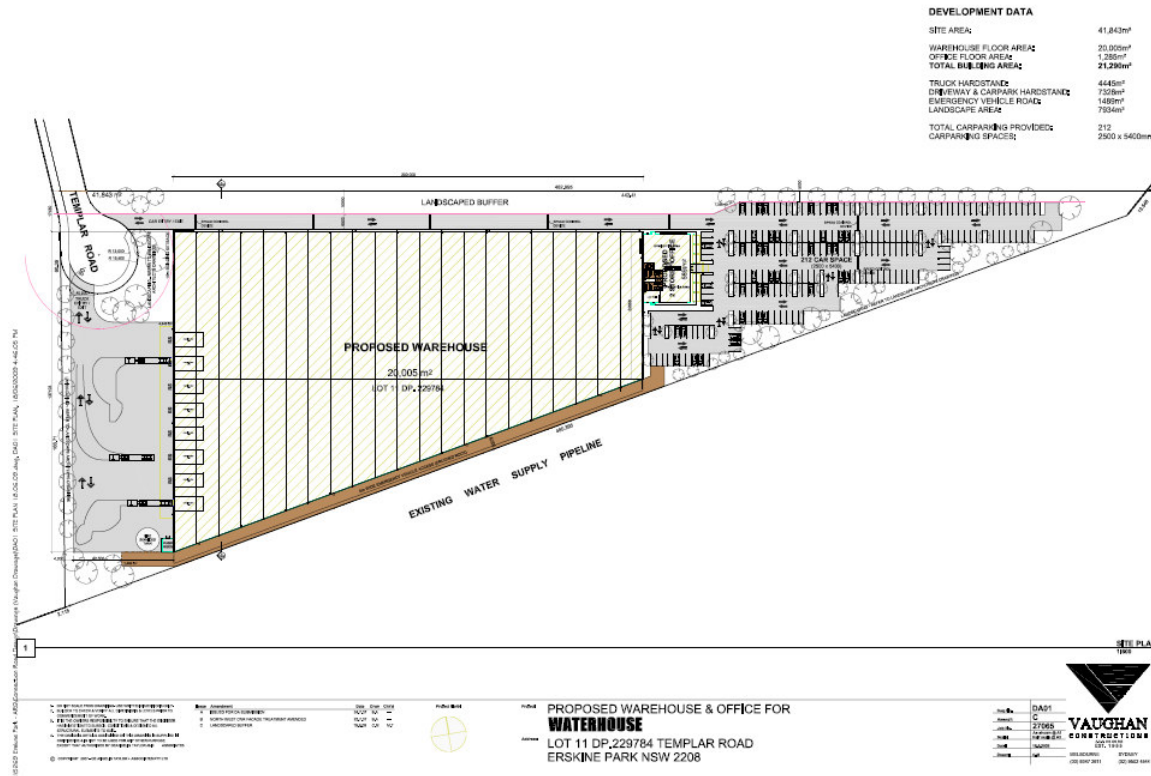
Consequently, the Minister is the approval authority for the project.

2.2 Permissibility

Under Section 75J of the EP&A Act, the Minister cannot approve the carrying out of a project that would be wholly prohibited under an environmental planning instrument.

The site is zoned 4(e1) Employment Restricted under the *Penrith Local Environmental Plan 1994 (Erskine Park Employment Area)* and the project is permissible with consent under this zoning.

Consequently, the Minister can approve the project.



2.3 Exhibition and Notification

Under Section 75H(3) of the EP&A Act, the Director-General is required to make the Environmental Assessment (EA) of a project publicly available for at least 30 days.

After accepting the EA for the project, the Department:

- made it publicly available from 13 August 2008 until 15 September 2008:
 - on the Department's website, and
 - at the Department's Information Centre, Penrith City Council's office and the Nature Conservation Council;
- notified landowners in the vicinity of the site about the exhibition period by letter;
- notified relevant State government authorities and Penrith City Council by letter; and
- advertised the exhibition in the Penrith Press.

This satisfies the requirements in Section 75H(3) of the EP&A Act.

During the assessment process the Department also made a number of documents available for download on the Department's website. These documents included the:

- Ministerial order;
- project application;
- Director-General's environmental assessment requirements;
- EA; and
- Jacfin's responses to issues raised in submissions and revised statement of commitments.

2.4 Environmental Planning Instruments

Under Section 75I of the EP&A Act, the Director-General's report is required to include a copy of or reference to the provisions of environmental planning instruments that substantially govern the carrying out of the project.

The Department has considered the project against the relevant provisions of several environmental planning instruments (see Appendix C).

The Department is satisfied that, subject to the implementation of the recommended conditions of approval, the proposal is generally consistent with the aims, objectives and provisions of these instruments.

2.5 Objects of the Environmental Planning and Assessment Act 1979

The Minister is required to consider the objects of the EP&A Act when he makes decisions under the Act. These objects are detailed in Section 5 of the Act, and include:

'The objects of this Act are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
 - (vii) *ecologically sustainable development [ESD], and*
 - (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.'*

The objects of most relevance to the Minister's decision on whether or not to approve this project are those under Section 5(a)(i), (ii), (iii), (vi) and (vii).

The Department has fully considered the objects of the EP&A Act, including the encouragement of ESD, in its assessment of the application. The assessment integrates all significant economic and environmental considerations and seeks to avoid any potential serious or irreversible damage to the environment, based on an assessment of risk-weighted consequences.

The Department is satisfied that the project can be conducted in a manner that is broadly consistent with the objects of the EP&A Act.

2.6 Statement of Compliance

Under Section 75I of the EP&A Act, the Director-General's report is required to include a statement relating to compliance with the environmental assessment requirements with respect to the project.

The Department is satisfied that the environmental assessment requirements have been complied with.

3. ISSUES RAISED IN SUBMISSIONS

3.1 Submissions

During the exhibition period, the Department received a total of 11 submissions on the project, including:

- 7 from public authorities; and
- 4 from the general public.

Of the 11 submissions, 4 objected to the project (including Penrith Council and 3 public submissions). The remaining submissions did not object to the proposal and a number of government agencies provided recommended conditions of approval.

A summary of the issues raised in submission is provided below. A full copy of these submissions is attached in Appendix F.

Government Agencies

Sydney Water, the **Roads and Traffic Authority (RTA)**/**Sydney Regional Development Advisory Committee (SRDAC)**, and the **Department of Environment and Climate Change** did not object to the proposal and provided recommended conditions of approval.

The **Department of Water and Energy (DWE)** did not object to the proposal but did raise concerns about the disturbance of riparian zones and design of the creek crossing. DWE also provided recommended conditions of approval.

The **Ministry of Transport** considers that Jacfin should incorporate provisions to facilitate the opportunity for alternative forms of transport.

The **Sydney Catchment Authority (SCA)** raised a number of concerns relating to the security and integrity of the adjacent Sydney Water pipeline.

Penrith City Council (Council) objects to the project for the following reasons:

- the project is inconsistent with strategic planning for the area including the Draft *State Environmental Planning Policy (Western Sydney Employment Hub)* and the *Penrith Development Control Plan*, particularly in relation to biodiversity conservation; and
- impacts on the newly formed biodiversity conservation area, and Jacfin's lack of commitment to contribute to the biodiversity conservation area.

Council also raised concerns relating to the engineering aspects of the proposal including the design of the creek crossing and access road, as well as the stormwater management system.

Public Submissions

Four submissions were received from the public, of which three objected to the proposal. The main reasons for objection included:

- impacts on flora and fauna including biodiversity conservation areas and impacts from fire; and
- engineering aspects of the proposal including site access, the design of the cul-de-sac at the end of Templar Road and flooding and drainage.

3.2 Response to Submissions

Jacfin has provided responses to the issues raised in submissions (see Appendix E), as well as a revised Statement of Commitments for the project. These have been made publicly available on the Department's website.

The Department has considered the issues raised in submissions and Jacfin's responses to these issues, in its assessment of the project.

4. ASSESSMENT

4.1 Biodiversity

Strategic Context

In 1994, Council rezoned the EPEA and prepared a development control plan (DCP) to guide development in the area. This DCP includes a biodiversity management strategy, which is depicted in Figure 4).

The primary aims of the strategy were to protect the remnant vegetation within the EPEA, and to link these remnants to one another to form a biodiversity corridor between the Ropes Creek riparian corridor in the east and the South Creek riparian corridor in the west.

This strategy was a major disincentive to development in the EPEA, and was one of the main reasons why very little development occurred in the area over the next decade.

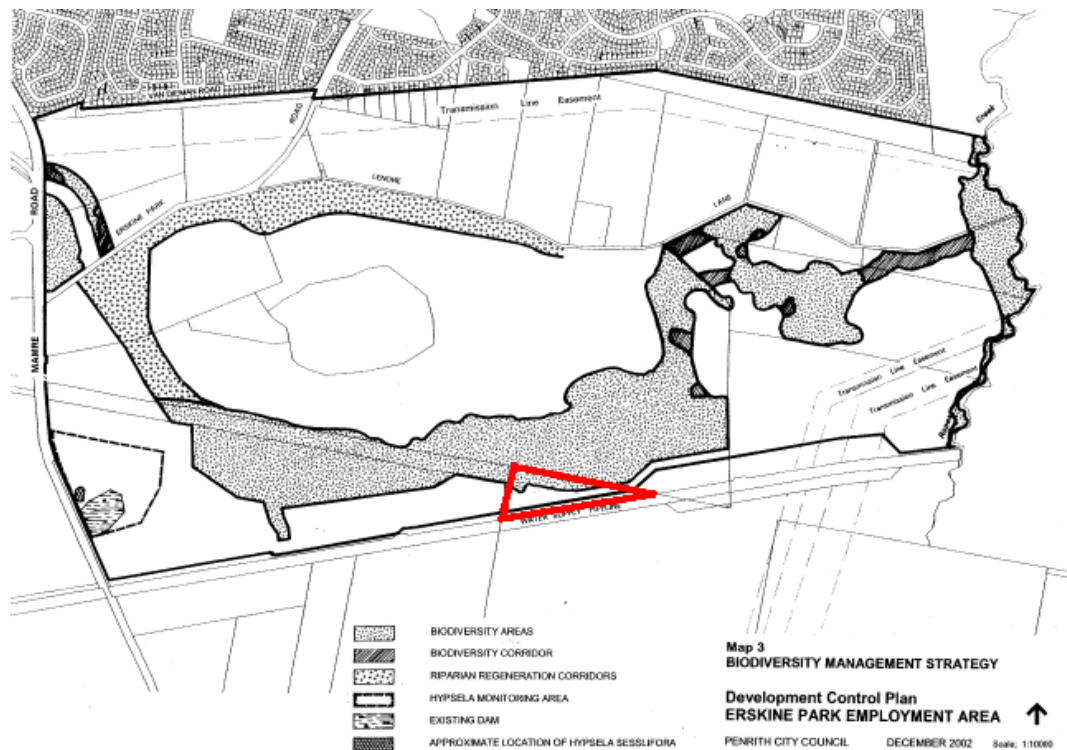


Figure 4: Biodiversity Management Strategy in the DCP

In 2005, several landowners in the EPEA (principally those landowners whose land was encumbered by the biodiversity management strategy in the DCP: CSR; the Austral Tile Company; Fitzpatrick Investments; ING; and the Trust Company of Australia) got together and prepared an alternative biodiversity strategy for their land in consultation with Greening Australia, Council, DECC, the Department's Office of Strategic Lands, and the Commonwealth Department of Environment, Water, Heritage and the Arts (DEWHA).

This alternative strategy is depicted in Figure 5.

Essentially, it involves clearing most of the remnant vegetation in the EPEA, apart from two remnants adjoining Jacfin's land, in return for an offset that generally involves planting vegetation on the Department's land in the Ropes Creek riparian corridor. The strategy also involves a reconfiguration of the biodiversity corridor around most of the EPEA.

- plantings along the Ropes Creek riparian corridor, Warragamba-Prospect reservoir water pipeline, and the heavily modified creek lines within the EPEA;
- the two areas of remnant vegetation adjoining Jacfin's land; and
- the proposed rehabilitation of CSR's existing landfill/quarry.



The Minister then approved several major projects in the EPEA (GPT Industrial Estate and the Interlink Industrial Estate), and allowed the remnant vegetation on these sites to be cleared in return for the implementation of the alternative biodiversity strategy (see Figures 6 & 7).

Essentially, it was accepted that the east-west corridor between Ropes Creek and South Creek was a long term strategic planning goal rather than a corridor with actual conservation significance that should be protected in its own right. This is because, apart from the two areas of remnant vegetation adjoining Jacfin's land, most of the corridor (at least 60%) would need to be created on highly disturbed land, and that it would take some time (decades) before the corridor as a whole had any conservation value.



Figure 6: Vegetation Surrounding Jacfin's Land Prior to Development of the Adjoining Land



Figure 7: Vegetation Surrounding Jacfin's Land Post Development of the Adjoining Land

In addition, it was accepted that the east-west corridor was already fragmented by a number of major roads (Mamre Road, Erskine Park Road, and the Interlink Industrial Estate access road), and was likely to be disrupted by the construction of at least three more roads:

- the access to Jacfin's site;
- the extension of Lenore Lane across Ropes Creek (as part of the Link Road to the M7 Motorway); and
- the major north-south road that is proposed to be constructed on the land to the west of Jacfin's land to connect Lenore land to the regional road network that will be built in the Western Sydney Employment Hub to the south of the Warragamba-Prospect Reservoir water pipeline.

Jacfin's Proposal

Originally Jacfin proposed to clear the entire site, leaving a 5 metre "buffer" area between the northern boundary of the site and the access road, which would be landscaped and include some of the site's stormwater infrastructure (in the form of a grass swale).

Although most of the northern part of the site is identified as a "biodiversity area" in the DCP (see Figure 4), Jacfin's ecological studies concluded that the land had little or no conservation value, and indeed had had limited conservation value for at least the last 60 years (see aerial photos in Attachment 1).

Consequently, Jacfin argued the mapping in the DCP was flawed, and should not be given any weight in the assessment of the merits of the project.

Jacfin also argued that the biodiversity corridor in the DCP had been replaced by the corridor in the alternative biodiversity strategy (depicted in Figure 5), and that its land was no longer part of the biodiversity corridor.

Consequently, Jacfin concluded that it should not be required to mitigate or offset the impacts of the proposal.

Submissions on the Proposal

Council and three of the adjoining landowners (CSR, GPT and Fitzpatrick Investments) – all of whom were involved in the development of the alternative biodiversity strategy - objected to the Jacfin's proposal.

They rejected Jacfin's argument that its land was no longer part of the biodiversity corridor, and indicated that in the development of the alternative biodiversity strategy it was always assumed that the northern portion of Jacfin's land would be included in the corridor as per the DCP, and the only reason why Jacfin's land was not shown on Figure 5 was because Jacfin was not a party to the alternative strategy.

They argued that the exclusion of Jacfin's land from the corridor would compromise the conservation value of the east-west corridor, which in their view should be at least 100 metres wide, and jeopardise the implementation of the various planning agreements that were put in place to deliver the alternative biodiversity strategy.

DECC's initial submission raised no objection to the proposal, however it later revised its position, and indicated that part of Jacfin's land should be included in the biodiversity corridor.

Independent Review

To try and resolve this issue, the Department engaged an independent expert (Sinclair Knight Merz) to review the biodiversity impacts of the proposal (see Appendix D of the Director-General's report).

This expert:

- confirmed the findings of Jacfin's expert that apart from two hollow-bearing trees on the northern boundary of the site (see Figure 8), the northern portion of Jacfin's site had little conservation value;
- concluded that the biodiversity corridor to the north of Jacfin's site was highly constrained due to the recent clearing of remnant vegetation (see Figures 6 & 7), and had limited connectivity to established vegetation due to the relative infancy of plantings on the land; but

- considered that at least 2.2 hectares of grassland along the southern boundary of the site is consistent with the vegetation types found in the Cumberland Plain Woodland endangered ecological community (EEC), and therefore had some conservation value (see Figure 8).

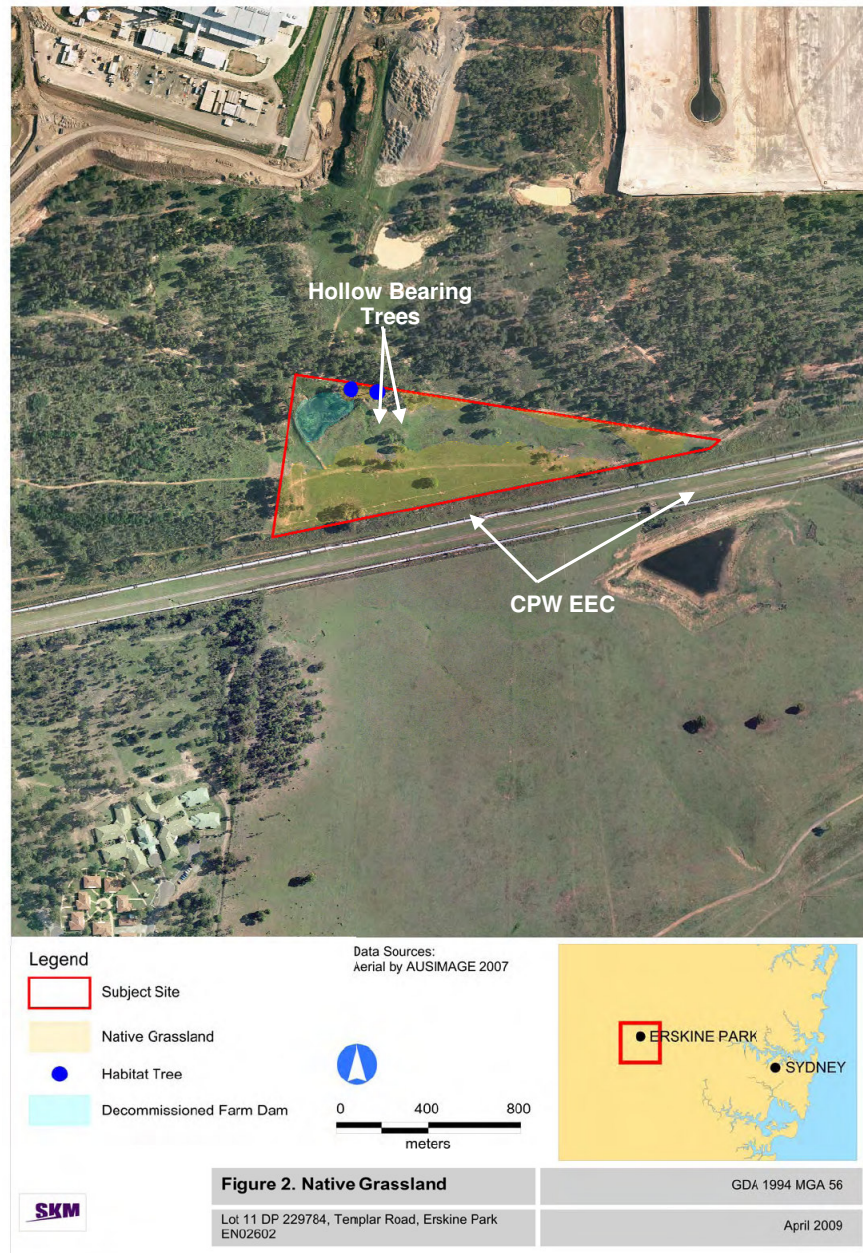


Figure 8: Area of Cumberland Plain Woodland EEC

Based on this assessment, the expert recommended three options for the Department to consider in its assessment of the merits of the proposal:

1. conserve the entire site and incorporate it into the biodiversity corridor; or
2. conserve only the northern portion of the site in accordance with the DCP, and incorporate it into the biodiversity corridor; or
3. conserve and enhance a 10 metre wide buffer along the northern boundary of the site, and provide a suitable offset for the clearing of any vegetation with conservation significance.

Response to Independent Review

Jacfin disputes the independent expert's opinion that the vegetation on the southern portion of the site forms part of the Cumberland Plain Woodland EEC, arguing that the current listing of the EEC does not include "derived grasslands" unless they are associated with a "woodland structure", and in this case there is no woodland structure on site.

The Department sought DECC's opinion on this.

DECC advised that the vegetation on site was likely to be Cumberland Plain Woodland, even though it was in a poor or degraded condition. Notwithstanding this condition, DECC indicated that this vegetation had regeneration potential, and reiterated that at least some of the site should be added to the biodiversity corridor.

The Department also provided a copy of the independent expert's report to Penrith Council for comment. Council indicated that it favoured options 1 and 2 (in order of preference), but was strongly opposed to option 3.

Department's Position

The Department has reviewed the ecological studies underpinning both the EPEA DCP and alternative biodiversity strategy. It has also reviewed the ecological assessment in Jacfin's EA, the independent review, and the various issues raised in submissions.

Based on this review, the Department has concluded that:

- the site has some conservation value with its two hollow-bearing trees, regenerative potential, and ability to contribute towards the creation of an east-west biodiversity corridor; but that
- this conservation value is not as significant as suggested by some parties, and has been devalued by the grazing and other agricultural activities that have been carried out on the site over several decades.

It has also concluded that the conservation value of the east-west biodiversity corridor has been overstated by several parties, and that while it represents a reasonable strategic planning goal, it will be fragmented by several large roads, and in many areas be comprised of planting on highly disturbed land that could have limited conservation value (even in the long term).

Nevertheless, the Department has no doubt that the site could make some contribution to the creation of the east-west biodiversity corridor. The key question is: how great a contribution?

In determining this, the Department believes the conservation significance of the site should be balanced against its development potential, and its ability to contribute towards the achievement of the strategic planning goals for the Western Sydney Employment Hub.

When this is taken into consideration, the Department has concerns about options 1 and 2, as they would:

- either sterilise or significantly reduce the development potential of the land, which has been zoned for employment-related development;
- compromise the broader strategic planning aims for the WSEH (by reducing the job-creating potential of strategically-located land) for questionable ecological benefits; and
- be inconsistent with the approach taken to enable the development of the rest of the employment land in the EPEA.

Consequently, the Department supports option 3, as it would:

- conserve the two hollow-bearing trees on site, and add 10 metres to the approximately 60 metres of biodiversity corridor that will be created to the north of the site (see Figure 9), and create a reasonable (albeit imperfect) east-west biodiversity corridor in the area;
- allow most of the site to be developed for employment purposes, subject to the provision of a suitable offset for the clearing of any vegetation on site with conservation significance.

After further discussions with the Department, Jacfin agreed to modify its proposal (see Figure 9) to:

- increase the "buffer" area along the northern boundary of the site to 10 metres, and enhance the vegetation on this land to ensure it makes a positive contribution to the east-west

- biodiversity corridor;
- remove all the proposed stormwater works from the buffer area, and install them in the access road reserve; and
- conserve and enhance at least 7 hectares of degraded land that it owns in the Ropes Creek riparian corridor to offset the clearing of the more significant vegetation on site which was identified by the independent expert.

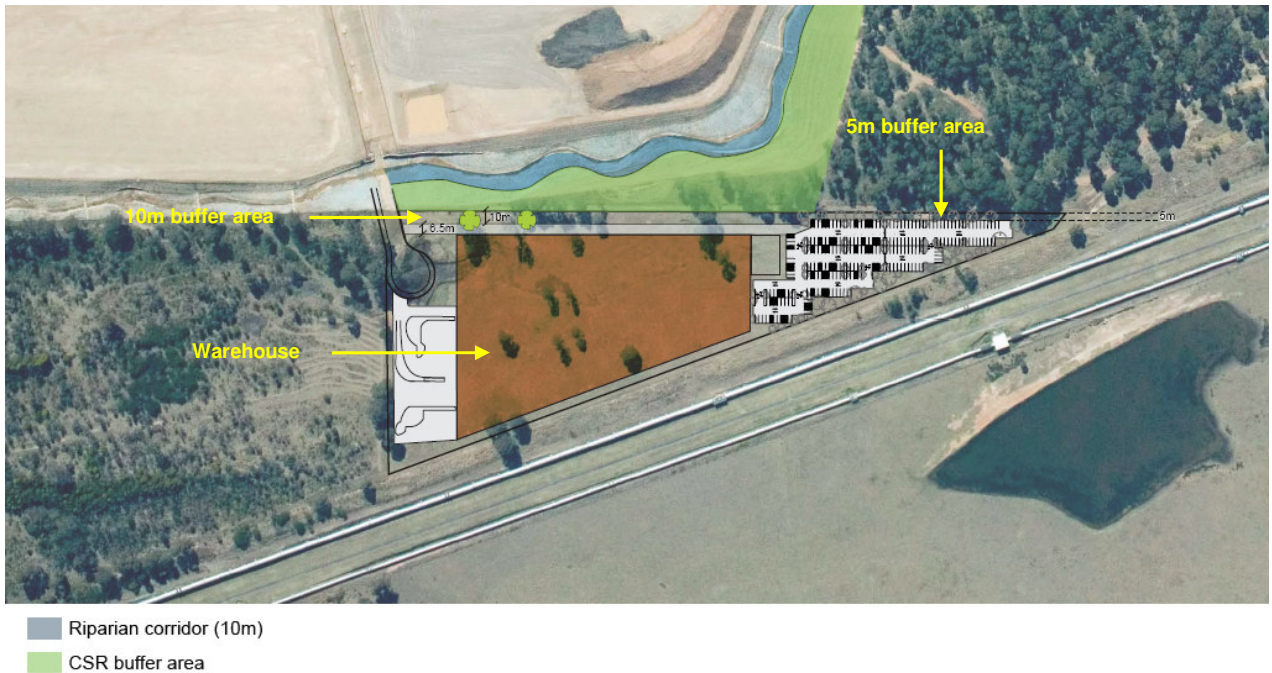


Figure 9: Revised Site Layout

The Department is satisfied with Jacfin's modified proposal, and believes it strikes a reasonable balance between the competing conservation and economic objectives for the site. It also believes it is consistent with the approach taken to the development of other sites in the EPEA.

4.2 Traffic

The site would be accessed via an extension of Templar Road (see Figure 7). The access road would be constructed in an existing dedicated public road easement. The access road as proposed would consist of a 7m wide carriageway, a 3.5m verge of the eastern side of the road and a 0.5m verge on the western side of the road. A pedestrian path, as well as services, would be located in the eastern verge of the road. Where the road would cross the unnamed creek, Jacfin proposes to construct a bridge formed from box culvert sections.

Council and an adjoining landowner (GPT Group) raised concerns that the proposed access road does not meet Council's standards for public roads. Council requires a 13m wide carriageway with 3.5m road verges on both sides. Council requires a similar width for the bridge consistent with other developments requiring a biodiversity area to be crossed.

The Department agrees with Council that the extension of Templar Road should meet Council's requirements for a public road (i.e., 13m pavement width). However, considers that as the bridge would cross the biodiversity corridor and would only be used by Jacfin, that this crossing should be reduced in size to minimise impacts on the corridor. In this regard, the Department considers that Jacfin's proposed bridge design is appropriate (see Figure 8).

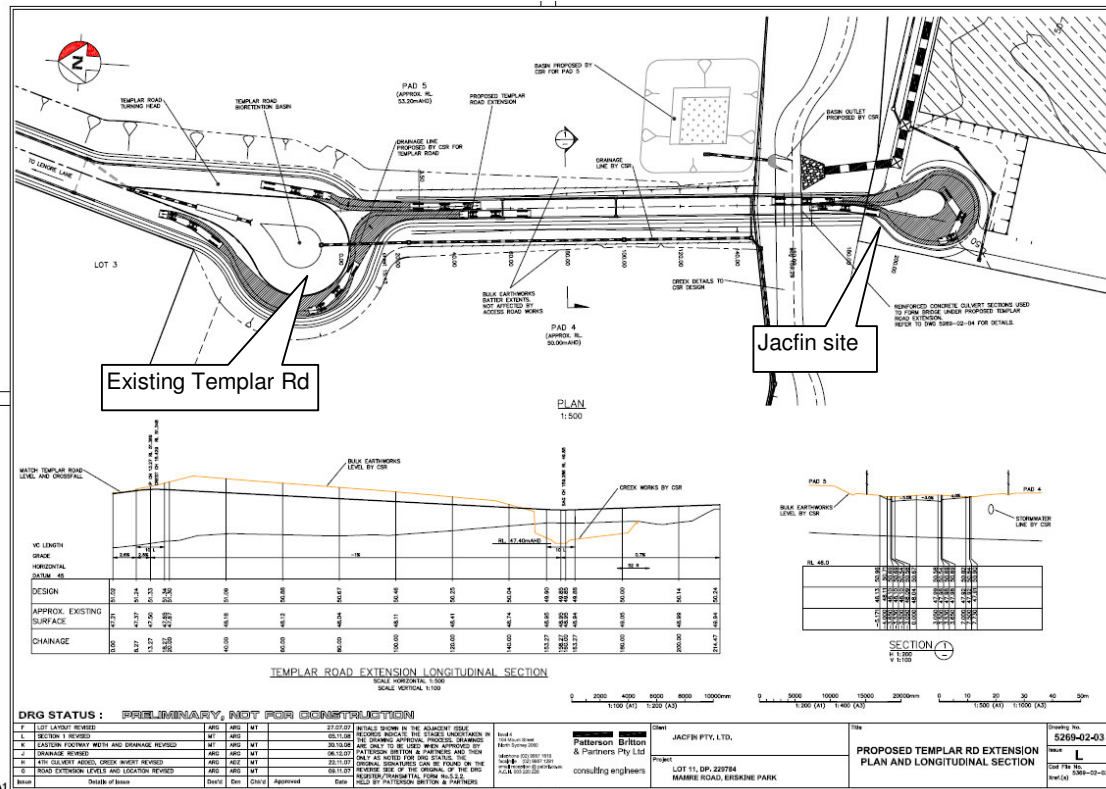


Figure 7: Access Road Design

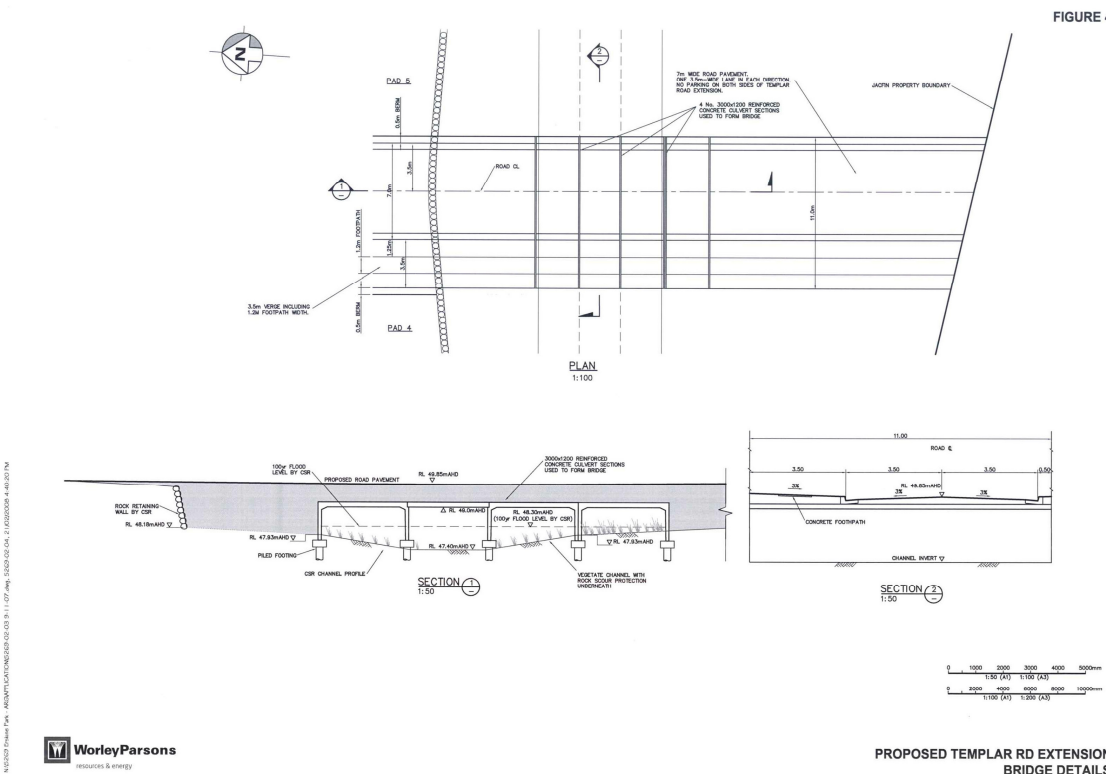


Figure 8: Bridge Design

The Department has therefore recommended conditions of approval that would require Jacfin to:

- construct the access road to the satisfaction of Council, with the bridge crossing to be constructed as proposed;
- conduct a safety audit for the design of the intersection with Templar Road;
- design and construct the internal road network in accordance with relevant standards;
- accommodate all parking and queuing on site; and
- provide bicycle facilities on site.

With the implementation of these measures the Department is satisfied that the project can be accommodated by the EPEA road network and would not result in any significant traffic impacts.

4.3 Other Issues

Other issues raised during the assessment process, and the Department's consideration of the issues are summarised in Table 2 below.

Table 2: Summary of Other Issues

Issue	Key Impacts	Conclusions of Assessment
<i>Consistency with Penrith DCP</i>	• The Penrith DCP details development controls for the EPEA. • The project is generally consistent with the Penrith DCP except in relation to site coverage and the development of land within a biodiversity conservation area. • The maximum site coverage under the Penrith DCP is 50%. The site coverage for the project marginally exceeds this criterion at 51.6%. The Department considers that this exceedence is minimal and acceptable. • The Department's assessment of the impacts on the biodiversity conservation areas within EPEA is discussed in Section 4.1 above.	• The Department's recommended conditions regarding biodiversity conservation are outlined in Section 4.1 above.
<i>Soil and Water</i>	• Potential impacts relate to erosion and sedimentation from construction and an increase in stormwater from the site which could impact water quality of the unnamed creek to the north of the site. • Jacfin has committed to installing erosion and sediment control during construction in accordance with Council's requirements. • The stormwater management system for the project includes: - the collection of roof water in a 20,000L tank. This system has been designed to allow connection to a regional rainwater harvesting scheme, should the scheme proceed; - collection of stormwater from the remainder of the site, which would be treated through a bio-retention swale, raingarden (to act as a bio-retention swale) and gross pollutant traps prior to discharge to the unnamed creek to the north. • The system has also been designed to accommodate stormwater from catchments to the south of the site. • The Department is satisfied that proposed stormwater management system would appropriately treat stormwater to Council's requirements and that post-development flows would not exceed pre-development flows from the site.	• The Department's recommended conditions of approval require Jacfin to: - prepare and implement a soil and water management plan prior to construction. This plan must include an erosion and sediment control plan as well as the detailed design of the stormwater management system; and - install rainwater harvesting infrastructure.

<i>Noise</i>	• Construction, operation and traffic all have the potential to create noise emissions. • The site is located in an industrial area and the closest noise sensitive receivers are located at the Emmaus Retirement Village (off Bakers Lane) and a single dwelling house 615m to the south of the site. The next nearest receivers are almost 1.5km to the north of the site at St Clair. • The predicted noise levels from construction, operation and traffic are below the noise criteria. • The Department is satisfied that noise impacts from the project would be minimal, however, as the end user is unknown at this stage, the Department considers that Jacfin should be required to confirm that the facility is operating within the specified noise limits, once the facility is operational.	• The Department's recommended conditions of approval require Jacfin to: - comply with strict hours of construction and operation; - comply with relevant noise limits for the operation of the project; and - commission an audit of the noise emissions of the project within 6 months of commencement of operations to ensure that it is complying with all the relevant noise criteria.
<i>Visual</i>	• The site is predominantly surrounded by industrial development. • Views of the proposed warehouse from rural residential properties located to the south and Emmaus Retirement Village would be limited. • The project would not be visible from any public vantage points. • The Department is satisfied that the facility would not impact on the visual amenity of the area.	• The recommended conditions of approval require Jacfin to design the lighting in accordance with Australian Standards to minimise any potential impacts from the 24 hour operation of the project.
<i>Air Quality</i>	• Construction works have the potential to generate dust emissions, whilst air emissions during operation of the project expected to be mainly from traffic. • The facilities are located within an existing industrial area, with the nearest residential receivers located at the Emmaus Retirement Village (off Bakers Lane) and a single dwelling house 615m to the south of the site. The next nearest receivers are almost 1.5km to the north of the site at St Clair. • Operational emissions are not expected to be greater than typical light industrial facilities. • The Department is therefore satisfied the project would not cause any significant air emissions.	• The Department's recommended conditions of approval require Jacfin to implement dust management measures during the life of the project and to encourage alternative forms of transport to the site through the provision of bicycle facilities.
<i>Aboriginal Heritage</i>	• A survey of the site revealed that it contains one open Aboriginal artifact scatter (with moderate archaeological potential) and two isolated artifacts (with low archaeological potential). • Overall, the site is considered to have low archaeological significance, however, some areas have moderate to high significance have been identified. • Relevant Aboriginal stakeholders consider that further investigations are required and Jacfin has committed to undertaking sub-surface investigations and to invite members of relevant Aboriginal groups to monitor construction activities. • The Department considers that Jacfin's commitments together with the recommended conditions of approval would ensure that any identified Aboriginal artefacts are appropriately conserved and managed.	• The Department's recommended conditions of approval require Jacfin to prepare and implement an Aboriginal Heritage Management Plan that outlines the proposed methodology for the sub-surface excavations and details management procedures for any artefacts that are identified.

<i>Infrastructure and Contributions</i>	- The Department is satisfied that the existing utilities and services available to the site have adequate capacity to service the project. - SCA raised concerns about the impact of the project, and in particular potential impacts from construction and stormwater, on the integrity, management and security of the Warragamba-Prospect Pipelines. - Under the S94 contributions plan for the area Jacfin is required to pay \$786,000. This includes contributions towards Lenore Lane, which would ultimately form part of the regional road network. The Department is therefore satisfied that adequate provisions towards local and regional infrastructure would be made.	- The Department has recommended conditions of approval requiring Jacfin to: - consult with SCA during the detailed design and construction phases of the project to ensure any potential impacts on the Warragamba-Prospect Pipelines are minimised and managed; and - pay applicable development contributions.
<i>Bushfire Hazard</i>	- Part of the site is identified as bushfire prone. Jacfin has assessed the impact of fire on the adjoining biodiversity corridor and considers that impacts would be minimal as: - the biodiversity corridor to the west of the site is located ~42m away from the warehouse, providing sufficient separation to minimise risks; - the warehouse and office buildings would need to be compliant with the Building Code of Australia including the incorporation of sprinkler systems; and - the radiant heat from a fire within the carpark is not expected to be sufficient enough to impact on the corridor. - However, a fire in the loading dock area of the warehouse could result in localised scorching of vegetation. To minimise impacts, Jacfin propose to install hydrants and fire hose reels in accordance with Australian Standards.	The Department is satisfied that the project is unlikely to result in a significant bushfire risk, subject to implementation of the measures proposed by Jacfin.

5. RECOMMENDED CONDITIONS

The Department has prepared recommended conditions of approval for the project (see Appendix B), and summarised these conditions in Appendix A. These conditions are required to:

- prevent, minimise, and/or offset adverse impacts of the project;
- set standards and performance measures for acceptable environmental performance;
- ensure regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

The Department has provided the draft conditions of approval for the project to relevant government authorities for comment, and has incorporated these comments into the conditions of approval where appropriate.

Jacfin has reviewed and accepts the recommended conditions.

6. CONCLUSION

The Department has assessed the merits of the project, in accordance with the requirements in the EP&A Act.

This assessment has found that the merits of the project can be suitably managed to ensure an acceptable level of environmental performance, but that the project would result in the clearing of some vegetation with conservation significance.

However, it has concluded that this clearing is justified to facilitate the achievement of the strategic objectives in the State Plan and Metropolitan Strategy of providing more jobs in Western Sydney closer to the emerging residential areas, provided the impacts of this clearing are suitably offset.

On balance, the Department believes that the project is in the public interest and should be approved subject to conditions.

7. RECOMMENDATION

It is RECOMMENDED that the Minister:

- consider the findings and recommendations of this report;
- approve the project application, subject to conditions, under section 75J of the Environmental Planning and Assessment Act 1979; and
- sign the attached project approval (see Appendix B).

Signed 28 July 2009

David Kitto
A/Executive Director
Major Projects Assessment

Signed 2 August 2009

Richard Pearson
Deputy Director-General

APPENDIX A: SUMMARY OF CONDITIONS OF APPROVAL

Aspect	Condition	Requirement
Schedule 2: Administrative Conditions		
	6-8	Requirement to repair any damage or relocate public infrastructure as required.
	9	Requirement to pay local contributions towards roads and drainage.
	14	Dispute resolution process.
Schedule 3: Specific Environmental Conditions		
<i>Flora and Fauna</i>	1 – 2	Requirement to implement an offset strategy to establish, enhance, conserve and maintain a 7ha offset area.
	3 – 4	Requirement for a 10m buffer area and landscaping along key boundaries to be consistent with the adjacent biodiversity corridor.
<i>Transport</i>	5	Requirement to design and construct the extension of Templar Road to Council's satisfaction.
	6	Requirement to construct the creek crossing in accordance with the EA.
	7 – 9	Requirements for internal roads, limitations on parking and queuing on public roads, and the provision of bicycle facilities.
<i>Soils and Water</i>	10 – 12	Requirements for discharges, bunding and the design of stormwater outlets
	13 – 14	Requirement to install rainwater harvesting infrastructure and to participate in a regional rainwater harvesting scheme should it proceed.
	15	Requirement to remove stormwater infrastructure from the buffer area.
	16	Requirement to prepare and implement a Soil and Water Management Plan including a sediment and erosion plan as well as a stormwater management scheme to minimise and manage impacts during construction and operation.
<i>Noise</i>	17 – 18	Construction and operation hours as well as noise limits for the project.
	19	Requirement to undertake a noise audit once operational.
<i>Visual</i>	21	Requirements to minimise lighting impacts from the site.
	22 – 23	Requirements for signage and fencing.
<i>Dust</i>	24 – 25	Measures to minimise dust during construction and operation.
<i>Aboriginal Heritage</i>	26	Requirement to prepare and implement an Aboriginal Heritage Management Plan to outline measures to salvage and conserve Aboriginal artefacts.
<i>Waste Management</i>	27	Requirement to minimise waste during the life of the project
<i>Energy Efficiency</i>	28 – 29	Requirement to prepare and implement an Energy Management Plan to minimise energy consumption during the life of the project.
<i>Environmental Management Strategy</i>	30	Requirements to prepare an environmental management strategy.
<i>Incident Reporting</i>	31	Incident reporting requirements.

APPENDIX B: CONDITIONS OF APPROVAL

APPENDIX C: CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 aims to ensure the RTA is made aware of and allowed to comment on projects for developments listed in Schedule 3 of the SEPP. Schedule 3 identifies development including industry with a site area of more than 20,000m², or any purpose with a capacity of 200 or more motor vehicles. The project therefore triggers the Infrastructure SEPP. The project was referred to the RTA for comment in accordance with the Infrastructure SEPP.

Draft State Environmental Planning Policy (Western Sydney Employment Hub) 2008

The Department considers that the proposal is consistent with the aims of the Draft SEPP (WSEH) as it would assist in meeting the objectives of the Sydney Metropolitan Strategy, provide for new economic activity in Western Sydney and provide for efficient land use in the employment lands. Despite this the SEPP does not apply to the proposal, as it has not yet commenced.

State Environmental Planning Policy No. 55 – Remediation of Land

The Department is satisfied that the land subject to the project application does not have a significant risk of contamination given its historical landuse and on site investigations. Additionally, the Department is satisfied that the proposal is generally consistent with the aims, objectives, and requirements of SEPP 55.

State Environmental Planning Policy No. 64 – Advertising and Signage

SEPP 64 aims to ensure signage is appropriately located and designed and to regulate signage within transport corridors. The Department has recommended conditions to ensure detailed signage plans are prepared in consultation with Council, and to the satisfaction of the Director-General.

Draft State Environmental Planning Policy No. 66 – Integration of Land Use and Transport

Draft SEPP 66 aims to ensure that urban structure, building forms, land use locations, development designs, subdivision and street layouts help achieve the following planning objectives:

- a) improving accessibility to housing, employment and services by walking, cycling and public transport,
- b) improving the choice of transport and reducing dependence solely on cars for travel purposes,
- c) moderating growth in demand for travel and distances travelled especially by car,
- d) supporting the efficient and viable operation of public transport services,
- e) providing for the efficient movement of freight.

The Department is satisfied the proposal is not contrary to the above objectives and considers the project would help achieve the objectives of draft SEPP 66 by providing employment lands within proximity to residential areas in Western Sydney and major transport routes including the M4 and M7 motorways.

Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River

The aim of SREP 20 is to ensure is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. In this regard, SREP 20 identifies general planning considerations, specific planning policies and recommended strategies for various components of the environment (e.g., environmental sensitive areas, wetlands, water quality and quantity, cultural heritage and riverina scenic quality). In addition, development controls for specific types of development are detailed. The site is located in the South Creek catchment identified under the SREP and the Department is satisfied that the proposal is consistent with the relevant provisions of SREP 20.

Penrith Local Environmental Plan

Penrith Local Environmental Plan 1994 provides development controls for development in the Erskine Park Employment Area. The proposed facility is located in land zoned 4(e1) - Employment Restricted. The objectives of the zone are to provide opportunities for a diverse range of employment generating activities provided that there are no adverse environmental impacts on the surrounding area. The Department is satisfied that the proposed facility is consistent with the objectives of the zone.

APPENDIX D: SUBMISSION FROM AN INDEPENDENT ECOLOGY EXPERT

See attached report

APPENDIX E: RESPONSES TO SUBMISSIONS

See the Department's website

APPENDIX F: SUBMISSIONS

APPENDIX G: ENVIRONMENTAL ASSESSMENT

See the Department's website