

08002
14 October 2009

Mr David Kitto
Director
Major Development Assessment
Department of Planning
23-33 Bridge Street
SYDNEY NSW 2000

Attention: Ann-Maree Carruthers

Dear David

**JACFIN WAREHOUSE PROJECT (APPLICATION 07_0153)
TEMPLAR ROAD, ERSKINE PARK**

We refer to the above project and the recommendations of the Planning Assessment Commission (PAC) Report dated 21 September 2009.

The PAC Report recommended that the proponent, Jacfin Pty Limited (Jacfin), submit revised plans, prior to the issue of the consent for the project, and that these plans make provisions for:

1. *a biodiversity corridor which, taken together with the committed land on adjacent properties, has an average width across the narrowest section adjacent to the Jacfin site (the throat) of at least 90m and a minimum width at any point of 70m;*
2. *the road within the biodiversity area should be a maximum of 11m wide [and allow] for [an] additional crossing for terrestrial wildlife in the biodiversity corridor [which] should be provided [sic]equivalent in length across the corridor to the proposed bridge over the creek. This can be either another bridge or a series of tunnels;*
3. *no other works associated with the development, including the cul-de-sac and any internal access roads, are to be located within the biodiversity area;*
4. *the redesign of the building to accommodate the reduced developable area; and*
5. *the provision of a concept for stormwater disposal on the site which indicates to the satisfaction of the Director-General that the proposed scheme can be accommodated on the site with acceptable performance.*

(collectively, the PAC Recommendations)

This letter formalises Jacfin's position in relation to the PAC Recommendations, the proposed Project Approval conditions and the outcomes of the discussions with the Department.

This submission to the Department includes the following supporting documentation:

- *Amended Design – Ecological Issues* prepared by Whelans Insites dated 30 September 2009 (Appendix A)
- *Offset Area* prepared by Whelans Insites dated 1 October 2009 (Appendix B)
- Revised site layout plans (Appendix C)

- *Stormwater Management Concept Plan Jacfin Lot 11 Erskine Park* prepared by Dr Stephen Webb of Stephen N Webb and Associates Pty Ltd (Appendix D)
- Finalised Statement of Commitments (Appendix E)

These documents detail the key amendments to the project that have been made to address the PAC Recommendations. Adopting the above numbering of the PAC Recommendations, we set out below a summary of Jacfin's response to each of the PAC Recommendations.

1.0 BIODIVERSITY CORRIDOR

The Ecological Issues report, prepared by Whelans Insites (Appendix A) provides an analysis of the PAC Recommendations with regard to the biodiversity issues including the corridor width, wildlife culverts under the Templar Road extension, biodiversity corridor planting and landscaping. The report, notes that the PAC has recommended "an average width across the narrowest section adjacent to the Jacfin site (the throat) of at least 90m and minimum width at any point of 70m" for the biodiversity corridor.

Significantly, the recommended 90m width at the western end of the site conflicts with the only location within the site where heavy and other vehicle access can be provided. There is no objective or scientific basis for a corridor width of 90m or even 70m and a 90m corridor in this location would not serve any real corridor function. On this basis, the recommended width of 90m at the narrowest point adjacent to the Jacfin site is not justified.

The revised site layout, in which the on-site cul-de-sac has been eliminated, has enabled the corridor width in this location to be maximised while still maintaining a site that can be utilized for its intended purpose.

The Whelans Insites report supports a minimum corridor width of 70m at this point which requires the preservation of a wedge of approximately 30m in width on Jacfin land adjacent to the Templar Road extension. The Whelans Insites report also states that the design of the corridor adjacent to the Jacfin land with a minimum width of 70m does not constitute a significant constraint to the functionality of the corridor.

The areas of land on the Jacfin site that will be conserved as part of the biodiversity corridor will be planted with species in accordance with the Biodiversity Management Plan for the Erskine Park Employment Area as part of a Vegetation Management Plan for the site. It should be noted that in order to facilitate safe sight lines for vehicle and pedestrian movements, areas adjacent to the car park entry road intersection with the Templar Road extension will be planted with Cumberland Plain Woodland grasses and low shrubs.

Additionally, a revised plan has been prepared by Whelans Insites that shows the location of the proposed offset area of land adjacent to Ropes Creek in Lot 5 DP 262211 (Appendix B). This plan clearly identifies the location of the offset area, which is a total of 7 hectares.

2.0 ACCESS ROAD

With regard to the PAC Recommendation that there be additional crossings for terrestrial wildlife in the biodiversity corridor under the Templar Road extension, the Whelans Insites report reiterates that the extension of Templar Road in this area has already been designed (to a width of 11m) to incorporate fauna culverts to provide passage for native wildlife. On this basis, the report states that no further tunnels or culverts are required to provide passage for native wildlife at this location. Additionally, a further extension of the creek crossing / access road in this location would be a grade or in cut and therefore it is not possible to provide additional tunnels or culverts for wildlife movement.

3.0 ROADS IN THE BIODIVERSITY AREA

The site layout has been revised to remove the on-site cul-de-sac from the biodiversity corridor and replace it with a T-intersection which is outside the biodiversity corridor (see Appendix C).

In essence the PAC recommended that the Minister not adopt the recommendation for approval subject to conditions made by the Director-General and instead that Jacfin be invited to submit revised plans to the Director-General prior to the issue of approval.

The PAC recommended that revised plans be "along the lines" of "compromise" sketches in the PAC Report. Such sketches are based on "approximate calculations to demonstrate the concept". The PAC importantly advised that "the design of biodiversity corridors is not a matter where precision is significant".

4.0 REVISED SITE BUILDING DESIGN AND SITE LAYOUT PLANS

In response to the PAC Recommendations a number of amendments have been made to the overall layout of proposed development on the site. The revised layout is shown in the following plans in Appendix C:

- Figure 1 – Site Layout
- Figure 2 – Warehouse Layout
- Figure 3 – Templar Road Bridge Design
- Figure 4 – Stormwater Quantity and Quality Control Concept Plan
- Figure 5 – Access Road Design

5.0 STORMWATER MANAGEMENT CONCEPT PLAN

A Stormwater Management Concept Plan (SMCP) has been developed to respond to the PAC Recommendation that a concept for stormwater disposal on the site be prepared which indicates to the satisfaction of the Director-General that the proposed scheme can be accommodated on the site with acceptable performance. The SMCP, prepared by Stephen Webb and Associates Pty Ltd sets out revised water quality treatment and on-site stormwater detention measures that accommodate revisions to the site layout (see Appendix D). The SMCP proposes a design to ensure that water quality objectives and onsite detention requirements for industrial land as set out in Section 4 of *Penrith Development Control Plan 2006* are able to be met on the site.

Further to the preparation of the SMCP, Jacfin has agreed that as a condition of the Project Approval, within 3 month of the grant of Project Approval it shall confirm that the stormwater management system for the project meets Council's water quality objectives and onsite detention requirements in accordance with the *Penrith Development Control Plan 2006*, to the satisfaction of the Director-General.

In addition to the amendments made to address the PAC Recommendations, the Statement of Commitments has been updated to reflect these changes and to remove any inconsistencies with the proposed Project Approval conditions (see Appendix E).

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or gkirkby@jbaplanning.com.au.

Yours faithfully

A handwritten signature in blue ink, reading "Gordon Kirkby", is displayed within a light grey rectangular box.

Gordon Kirkby
Partner

Appendix A



Templar Road, Erskine Park

Jacfin Site

Amended Design – Ecological Issues

30 September 2009



Whelans InSites Pty Ltd

Level 12/80 Clarence Street Sydney NSW 2000

ph: 02 – 8234 8300 fax: 02 – 9262 6511

email: dfanning@insites.com.au

Templar Road, Erskine Park
Jacfin Site
Amended Design – Ecological Issues
30 September 2009

1 BIODIVERSITY CORRIDOR

The *Planning Assessment Commission* (PAC) appointed by the Minister for Planning with respect to the proposed Jacfin Warehouse project on Lot 11 in DP 229784 Templar Road at Erskine Park has provided its *Report* to the Department of Planning (DoP).

The existing proposal (which is the subject of the PAC *Report*) proposed that a 10m wide band of vegetation be provided along the northern boundary of the Jacfin site to supplement the biodiversity corridor to its north (on the CSR site). The total width of the biodiversity corridor at its narrowest point in that scheme (at the northwestern corner of the Jacfin site and on the CSR land to the immediate north) was 50m.

Notwithstanding evidence from two expert ecologists (Mr F Dominic Fanning the author of this *Report* and Mr Martin Sullivan of Sinclair Knight Merz) that a 50m wide corridor was “adequate”, the PAC determine *inter alia* that the biodiversity corridor should have a “minimum width at any point of 70m” (emphasis added). The PAC also recommended that the biodiversity corridor at the “throat” (at the northwestern corner of the Jacfin site) be “at least 90m”.

There is no justification provided by the PAC for a corridor width of 90m at the “throat” of the biodiversity corridor. Further, there is no objective or scientific basis for a corridor of 90m in width, or even 70m. Rather, the width of a corridor is determined by the circumstances, including what species are likely to use such a corridor (as discussed in the Environmental InSites *Wildlife Corridors Report*).

Neither the ecologist for the applicant (Mr F Dominic Fanning) nor for the DoP (Mr Martin Sullivan) required more than 50m for the biodiversity corridor at this location.

It should be noted that the biodiversity corridor to the east of the CSR land (east of the Jacfin site) consists of a 40-50m band of vegetation between the CSR land and Rope’s Creek. The biodiversity corridor is also traversed by several major roads (including Mamre Road and Erskine Park Road), which constitute significant constraints on wildlife movements.

On the basis that the PAC has adopted “a minimum width at any point of 70m” for the biodiversity corridor, there is no justification for any greater width in the corridor adjacent to the Jacfin site. The provision of a 70m wide biodiversity corridor on and to the north of the Jacfin site will involve the

dedication of a wedge of land up to approximately 30m in width adjacent to the Templar Road extension (at the northwestern corner of the Jacfin site). That wedge tapers to the northern boundary of the subject site at approximately 195m from its western extremity. East from that location, the biodiversity corridor is at least 70m wide and within 30 or 40m widens considerably into a larger ecological area on the CSR site.

There will be no environmental benefit derived from widening the biodiversity corridor to 90m at the “throat”, as recommended by the PAC. As noted above, a corridor of 70m width utilising both Jacfin land and the CSR land to the north provides a significant greater biodiversity corridor than will be present to the east of the CSR land.

The notable constraints to functionality of the biodiversity corridor are located at the Mamre Road and Erskine Park Road crossings, the land fill site access road crossing, and the 700-800m of 40-50m wide corridor to the east of the CSR land. The design of the biodiversity corridor adjacent to the Jacfin site, with a minimum width of 70m, does not constitute a significant constraint to the functionality of the corridor, and the provision of a 90m wide corridor at the “throat” will provide no additional ecological or environmental benefit of any significance or relevance.

In conclusion, there is no rationale nor any scientific justification for the imposition of a 90m corridor on and adjacent to the northeastern corner of the Jacfin land at Erskine Park. The 50m wide corridor proposed by the proponent and accepted as adequate by the consultant for the DoP is appropriate.

2 WILDLIFE CULVERTS

The extension of Templar Road onto the subject site across the reconstructed biodiversity corridor (at the northwestern extremity of the Jacfin site) has already been designed to incorporate fauna culverts. The culverts are to be placed and landscaped so that there are different invert levels, with one of the culverts to provide for normal water flows leaving the culverts for dry passage for wildlife most of the time.

No further tunnels or culverts are required to provide passage for native wildlife at this location. In any case, the further extension of the access road onto the subject site will be at grade or in cut, and there is no possibility of providing any additional tunnels or culverts for wildlife movement.

The access road (the extension of Templar Road) across the biodiversity corridor has already been designed specifically to minimise potential adverse impacts upon the corridor by having a narrow width (11m in total) and by the provision of 4 box culverts to facilitate wildlife movements. No further amendments to that design are necessary.

3 BIODIVERSITY CORRIDOR PLANTING

The additional area of land on the Jacfin site which is to be managed as a contribution to the biodiversity corridor is to be planted in accordance with a *Vegetation Management Plan* (VMP) designed to re-create native Cumberland Plain Woodland (CPW) and/or riparian vegetation. The planting and the long-term management of that portion of the Jacfin site will be undertaken in accordance with the *Biodiversity Management Plan* (BMP) for the EPEA, utilised on the CSR land to the north. However, given the relative elevations and the nature of existing vegetation within the Jacfin site, most of the biodiversity corridor on the Jacfin site will be planted as CPW vegetation rather than as riparian vegetation.

In order to facilitate safe vehicle and pedestrian movements, the western end of the biodiversity corridor on the Jacfin site (immediately adjacent to the Templar Road extension) will be planted only using native grasses and low native shrubs, to ensure optimal visibility for vehicles and pedestrians at this location. All plants used in this area, however, will be species typical of the CPW community.

4 LANDSCAPING

Any landscaping on the subject site which is required adjacent to the northern biodiversity corridor will utilise CPW species only.

Elsewhere on the site, landscaping can use an array of native and non-native species, but must avoid invasive species and those that produce wind-borne seeds. Native species of potential value for the western boundary include the various forms of Lilly Pilly and/or *Murrayia*, which produce dense growth (thus shielding the retained vegetation to the west).

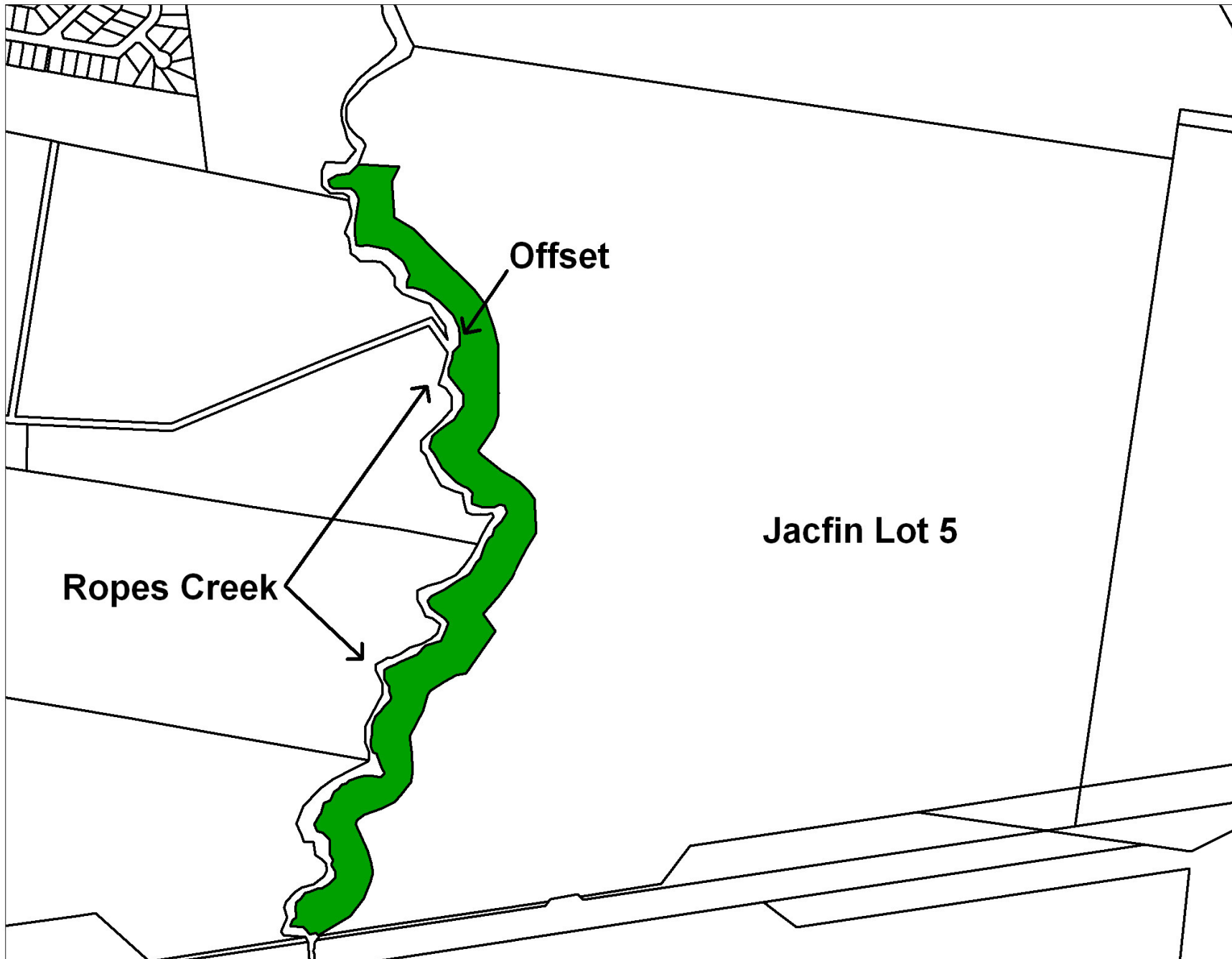


F Dominic Fanning
Director – Environmental InSites

Appendix B

Figure 1

Proposed offset on Lot 5 for the Jacfin warehouse in Erskine Park



PREPARED FOR:

Jacfin Pty Ltd

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PREPARED BY:



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1: 5,000 @ A3

NOTES:

- 1.0 Zoning courtesy Department of Planning 05/08/2009
- 2.0 All features are approximate only and subject to detailed survey

LEGEND

- Offset E2 (7 hectares)
Final eastern boundary of offset land to be resolved with future industrial development design.

No.	Date	Revision Details

SCALE:	1: 5,000 @ A3	
CO-ORDS:	N/A	
DATUM:	N/A	
DATE OF PLAN:	01-10-2009	
CHECKED BY/DATE:	01-10-2009	
APPROVED BY/DATE:	01-10-2009	
JOB REF:	D988EV	
GIS REF:	D988EV-M-001C (2009)	