

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-9667 Light Horse Interchange Business Hub Eastern Creek
Applicant	Western Sydney Parklands Trust
Consent Authority	Minister for Planning and Public Spaces

Decision

The Executive Director, Regions, Industry and Key Sites under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning, Industry and Environment's Assessment Report is available [here](#).

Date of decision

31 August 2020

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- the considerations under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the Department during the assessment of the development application and any additional information considered in the Department's Assessment Report;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting consent to the development application are as follows:

- the development would provide a range of benefits for the region and the State as a whole, including a total capital investment of \$213 million and the generation of 1,230 construction jobs and 430 operational jobs within Western Sydney;
- the development is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan – A Metropolis of Three Cities and the Central City District Plan which encourage planning for, retention and management of industrial development;
- the development is consistent with the Western Sydney Parklands Plan of Management 2030 which has identified the site as suitable for an industrial business hub;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed by the Applicant and the recommended conditions of consent; and
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the EIS for the development from 12 August 2019 until 11 September 2019 (31 days) and received 18 submissions, including four objections to the development.

The Department inspected the site in August 2019 and met with a representative of the Blacktown and District Environment Group on 10 March 2020.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include concerns with the use of Western Sydney Parklands for a business hub, biodiversity impacts and realignment of Eskdale Creek. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p>Use of Western Sydney Parklands for a business hub</p> <ul style="list-style-type: none"> <i>We cannot afford to lose more of our quarantined biodiversity and this development betrays the intent of preserving our natural heritage</i> 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Western Sydney Parklands (WSP) Plan of Management (POM) was adopted in 2018 and provides a framework for the operation and development of the WSP. The POM seeks to establish up to 2% of the WSP as business hubs with income-generating long-term leases in order to assist in funding the operations in the WSP, including facilities, programs and environmental initiatives. The development site represents a portion of the WSP which has been identified strategically under the POM as a suitable location for a business hub as it considered the site was relatively isolated and of low environmental or recreation value. The development is permissible with development consent under State Environmental Planning Policy (Western Sydney Parklands) 2009. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Prepare and implement a Vegetation Management Plan that includes <ul style="list-style-type: none"> measures to protect native vegetation to be retained and to minimise clearing for the bridge construction over Eastern Creek details of the Eskdale Creek realignment works, including creation of a 40 metre wide vegetated riparian zone along Eskdale Creek a maintenance and monitoring schedule.
<p>Biodiversity impacts</p> <ul style="list-style-type: none"> <i>The proposed vegetation clearing will exacerbate fragmentation and degradation of existing native vegetation within the WSP.</i> <i>The proposed development will adversely impact endangered native fauna species</i> <i>The proposed Biobanking Offset Scheme will be insufficient to offset the impacts</i> 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant has minimised biodiversity impacts by siting the future warehouses to avoid native vegetation in the south-western corner of the site and has committed to revegetating the riparian corridors within the site, which will improve biodiversity outcomes. The regional vegetation corridor is already fragmented in this location by the M4 Motorway and the alignment of the access road adjacent to the M4 seeks to minimise further fragmentation. The Department consulted closely with the Environment, Energy and Science Group (EES) and the Natural Resources Access Regulator (NRAR) and notes the Applicant has attempted to avoid and minimise disturbance to native vegetation by carefully considering the location of the site access and the development layout, as set out above. The Applicant proposes to offset the direct clearing impacts of the development by purchasing and retiring ecosystem and species credits in accordance with the NSW Biodiversity Offsets Scheme (BOS). The Department notes the offsets have been calculated by an accredited Biodiversity Assessment Method assessor, in accordance with the NSW BOS. <p><i>Conditions</i></p> <ul style="list-style-type: none"> Purchase and retire credits to offset removal of 9.83 hectares of native vegetation, as detailed in the condition. Alternatively, make payment to the Biodiversity Conservation Fund of an amount equivalent to the number and classes of credits. Prepare and implement a Vegetation Management Plan development that includes <ul style="list-style-type: none"> measures to protect native vegetation to be retained and to minimise clearing for the bridge construction over Eastern Creek details of the Eskdale Creek realignment works, including creation of a 40 metre wide vegetated riparian zone along Eskdale Creek a maintenance and monitoring schedule.
<p>Realignment of Eskdale Creek</p> <ul style="list-style-type: none"> <i>The realignment of the creek will adversely impact numerous fauna and flora species.</i> <i>The proposed development will pollute the Eskdale Creek.</i> 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department notes Eskdale Creek currently has limited riparian vegetation and has been modified by previous farming practices. The Department considers the realignment provides an opportunity to enhance its ecological value by improving the quality of water flowing into Reedy Creek and increasing biodiversity values by creating wetlands, marshlands and riparian ecosystems.

- *The proposed development will further exacerbate the condition of the Eskdale Creek and other downstream waterways.*
- *The proposed realignment of Eskdale Creek will destroy the existing biodiversity and it will not be recoverable*

- The Department consulted closely with EES and NRAR and has recommended conditions of consent for the Applicant to prepare a Vegetation Management Plan, which will include the final realignment design and establish a 40 m wide vegetated riparian zone along Eskdale Creek to enhance the riparian corridor.
- The stormwater management system includes a bioretention basin to treat and remove contaminants before discharging into the Creek and aims to ensure post-development conditions do not increase stormwater volumes discharging from the site or affect stormwater quality.
- With the implementation of the conditions of consent, the realignment of Eskdale Creek provides an opportunity to enhance and protect riparian and other vegetation on the site.

Conditions

- Prepare and implement a Vegetation Management Plan that includes
 - o measures to protect native vegetation to be retained and to minimise clearing for the bridge construction over Eastern Creek
 - o details of the Eskdale Creek realignment works, including creation of a 40 metre wide vegetated riparian zone along Eskdale Creek
 - o a maintenance and monitoring schedule.