



NSW GOVERNMENT
Department of Planning

***MAJOR PROJECT ASSESSMENT:
Huntingwood West (Employment Lands)
Proposed by APP Corporation Pty Ltd
MP08_0055***

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

August 2008



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1 EXECUTIVE SUMMARY

This is a report on an application seeking approval for the subdivision of Huntingwood West pursuant to Part 3A of the *Environmental Planning and Assessment Act, 1979* ("the Act").

Huntingwood West is a 56 hectare site located within the Western Sydney Employment Hub (WSEH). The WSEH is located in Blacktown, Fairfield, Holroyd and Penrith Local Government Areas (LGAs) and occupies 2450 hectares of land (divided into 10 Areas). Huntingwood West (the site) is identified as 'Area 5' in the Hub and is located within the Blacktown LGA. Huntingwood West bordered by Eastern Creek, the Great Western Highway, Brabham Drive and the M4 Motorway, and is legally known as Lot 100 in DP 1119687.

The Western Sydney Employment Hub is in the vicinity of the M4 and M7 Motorway interchange with direct motorway access to the airport, the Port Botany and the national highway network. It has been identified wholly as potential employment land and needs to be protected from further fragmentation and development that is inconsistent with the objective of employment.

On 5 December 2005 the Minister announced that he had agreed to consider the Western Sydney Employment Hub a potential State Significant site (SSS) as part of the NSW Government's Metropolitan Strategy. On the 9 December 2006, the Minister granted approval to the Concept Plan MP 06_0203 for Huntingwood West which approved the subdivision of the site into 47 lots to accommodate future employment uses and associated services and infrastructure.

Consequently on 11 May 2007, the Huntingwood West Precinct was gazetted as a State Significant Site in Schedule 3 (Part9) of the Major Projects SEPP. Under the Major Projects SEPP the site was rezoned as IN1 General Industrial to promote employment generating uses on the site.

The Concept plan Approval, MP 06_0203 approved the subdivision of the site into 47 lots. This has not been carried out yet. The subject Project Application, lodged by the Corporation Sole (the proponent), is seeking approval under the provisions of Part 3A of the *Environmental Planning and Assessment Act 1979* to re-subdivide the site into 6 super-lots. The project application does not involve any development works or proposed use of the site.

The proposal was exhibited for a period of 30 days from 30 April 2008 to 30 May 2008. During the exhibition period, the Department received a total of 2 submissions from public authorities (Blacktown City Council, Roads and Traffic Authority) and 1 submission from the public.

Public Authorities

Key Issues raised in public authority submissions relate to the subdivision layout, road access, location of infrastructure and developer contributions were raised as key issues.

Preferred Project Report

On 8 July 2008, the proponent responded to issues raised in submissions by public authorities and the public. The issues raised did not warrant the requirement for a Preferred Project Report and therefore no amendments were made to the project application.

Assessment

The Department has assessed the merits of the proposal and is satisfied that the impacts of the proposed development have been addressed via the proponent's Statement of Commitments and the Department's recommended modifications. Furthermore, the proposal adequately addresses the Director General Requirements for the project. On these grounds, the Department is satisfied that the site is suitable for the proposed development and that the project will provide environmental, social and economic benefits to the region. All statutory requirements have been met.

The Department recommends that the project be approved subject to the imposition of conditions set out in **Appendix A**.

2 BACKGROUND

2.1 THE SITE

2.1.1 Site context and location

The site, at Huntingwood West, is located within the local government area of Blacktown City Council and is owned by the Corporation Sole. The site has an area of 56 hectares and is bounded by the M4 to the south, Parklands to the west, the Great Western Highway to the north, and Brabham Drive to the east (see **Figure 1**).



Figure 1: Site Location (red box provides indicative location of site)

2.1.2 Existing site features

The existing lot pattern is rectangular with the majority of lots having an average area of two to three hectares. The site is adjacent to the Eastern Creek tributary, which travels South to North through the Western Sydney Parklands. Huntingwood West has a gradual fall of 15 metres from east to west towards Eastern Creek.

The former use of Huntingwood West was agriculture and vegetation with grazing, paddocks and livestock. In 2007 the uses on the site were discontinued and the site is currently vacant. Currently the site contains little vegetation and is primarily open grassland.

The site is zoned IN1 General Industrial under Part 9, Schedule 3 of the Major Projects SEPP.

2.1.3 Surrounding development

The Western Sydney Parklands (Bungarrabee Precinct) adjoins the site to the north and west. To the east of the site is existing employment/industrial land at Huntingwood. The Western Sydney Parklands incorporates a number of commercial recreation facilities including the Eastern Creek Motor Raceway to the south of Huntingwood West, Sydney Dragway and Olympic Equestrian Centre. Active sporting facilities are limited to the Olympic Softball facilities near Rooty Hill and associated playing fields. Passive recreation activities such as picnic facilities are generally limited to the Western Sydney Regional Park (Horsley Park), the eastern side of Prospect Reservoir and Nurriginy Reserve.



Figure 2: Aerial photo of site's context

2.1.4 Adjoining Sites

The Huntingwood West site is known as Hub 5 in the 2450ha Western Sydney Employment Hub (WSEH) (see **Figure 3**). The WSEH is in the vicinity of the M4 and M7 Motorway interchange with direct motorway access to the airport, Port Botany and the national highway network. The Huntingwood West precinct is estimated to provide 800 permanent jobs, which will assist the Department in meeting the objectives of the Sydney Metropolitan Strategy which seeks to provide 2.5 million jobs by 2031. The entire WSEH has the potential to deliver an additional 929 ha of employment land, generating up to 36,000 jobs.

The Concept Plan for Huntingwood West was approved on the 9 December 2006 and subdivided the site into 47 lots.



Figure 3: Western Sydney Employment Hub

3 PROPOSED DEVELOPMENT

3.1 CONCEPT PLAN APPROVAL

The Concept Plan Approval, MP 06_0203 approved the subdivision of the Huntingwood West site into 47 lots. The Concept Plan Environmental Assessment report mentioned that future project applications may amend the approved subdivision to form larger 'super lots' as required by the landowner.

The plan below illustrates the approved 47 lot layout.

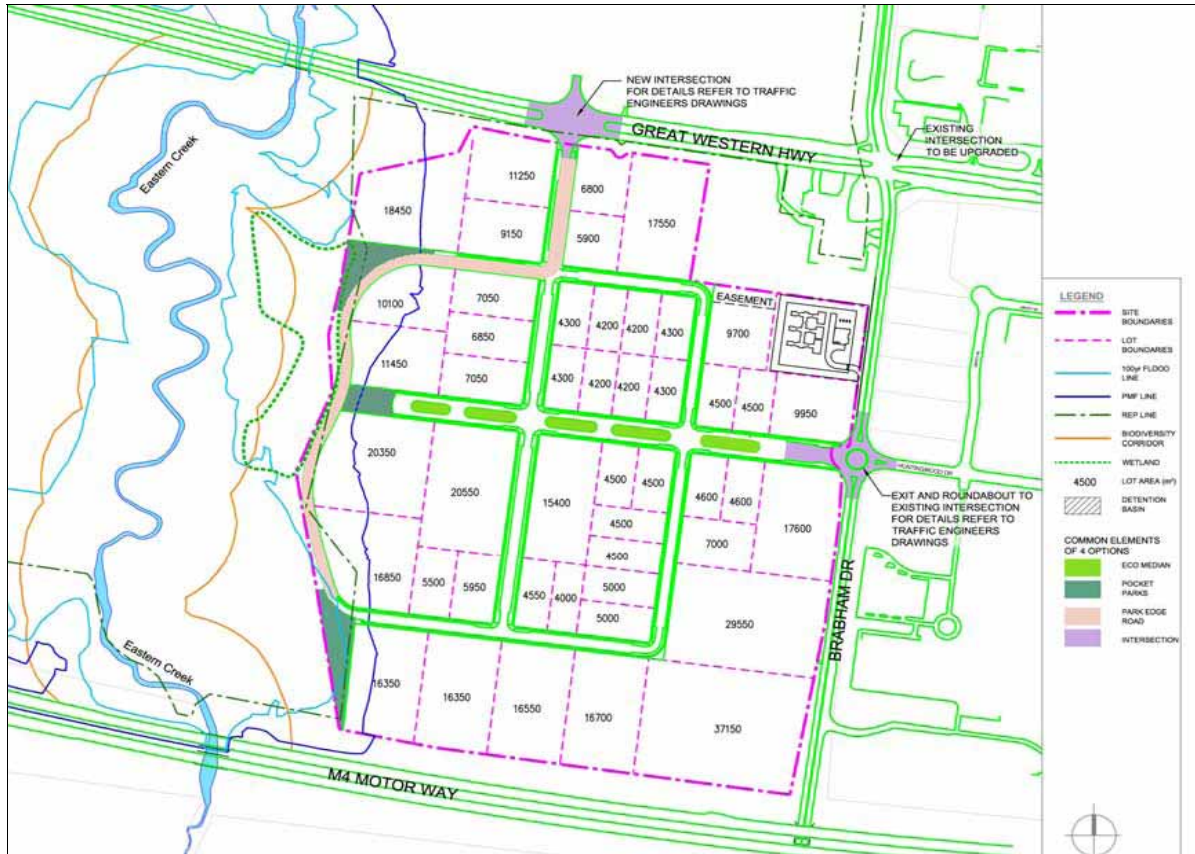


Figure 4. Approved subdivision layout.

3.2 THE PROPOSED DEVELOPMENT

The proponent seeks project approval for:

- Subdivision of the site into 6 super-lots.

The proposal does not involve any development works nor proposed use of the site. The subdivision is a facilitative subdivision only.

The plan overleaf illustrates the proposed subdivision layout for the 6 super-lots.

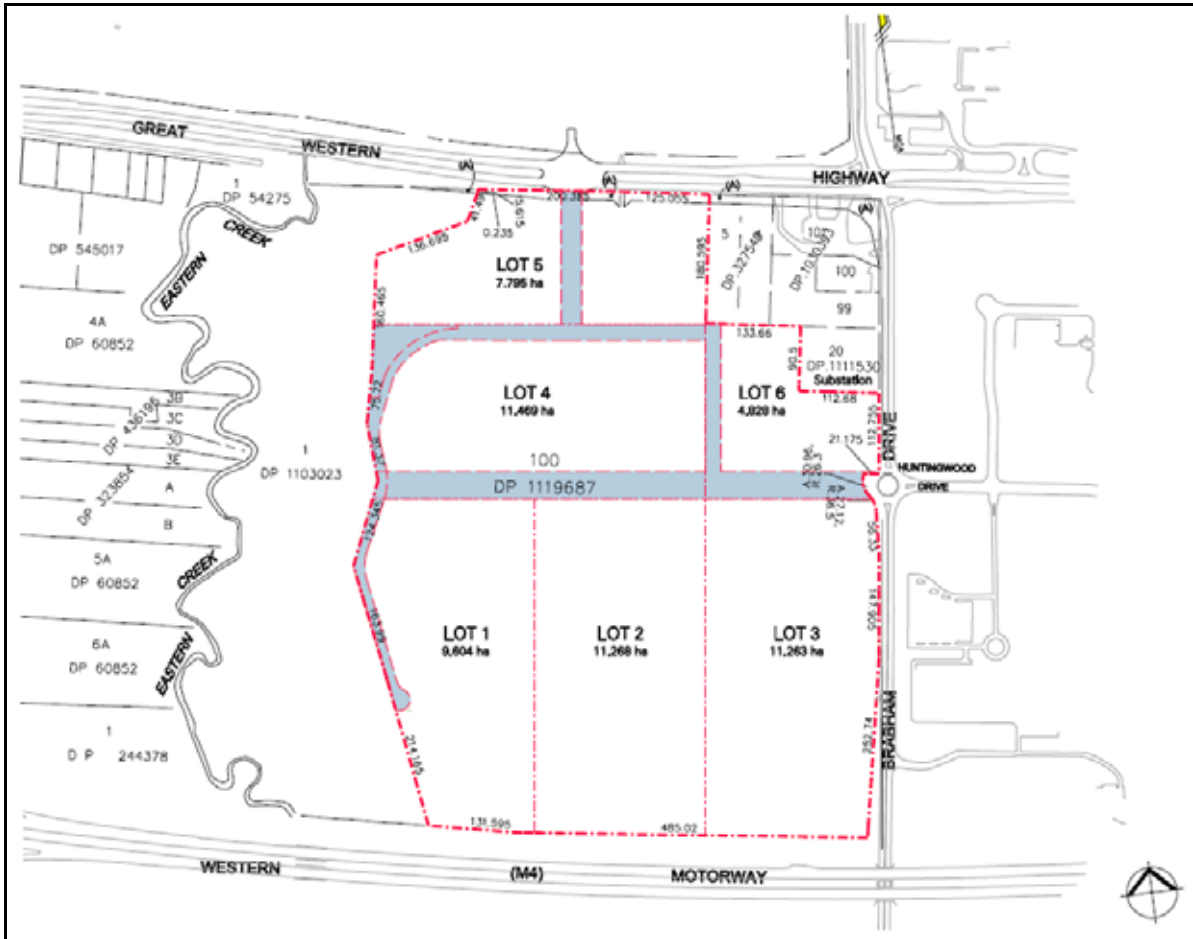


Figure 5. Proposed subdivision plan.

Huntingwood West is proposed to be divided into the following arrangement:

Lot No.	Area
Lot 1	9.604 ha
Lot 2	11.268 ha
Lot 3	11.263 ha
Lot 4	11.469 ha
Lot 5	7.795 ha
Lot 6	4.828 ha
Total Area	56.227 ha

The proposed subdivision layout is generally consistent with the road layout in the Concept Plan Approval. The proposal will retain the main access points from Brabham Drive and the Great Western Highway, with associated primary roads dissecting the site into a rectangular lot layout resulting in 6 super-lots.

3.2 PROJECT AMENDMENTS

The proponent has responded to issues raised in submissions by public authorities and the public. The issues raised do not warrant the requirement for a Preferred Project Report and therefore no amendments were made to the project application.

4 STATUTORY CONTEXT

4.1 MAJOR PROJECT DECLARATION

State Environmental Planning Policy (Major Projects) 2005 (Major Projects SEPP) outlines the types of development declared a project for the purposes of Part 3A of the Act. On 11 May 2007, the Huntingwood West Precinct was gazetted as a State Significant Site in Schedule 3 (Part 9) of the Major Projects SEPP. Part 9, Clause 3 of Schedule 3 of the Major Projects SEPP identifies subdivision of land within the Huntingwood West Precinct as a project to which Part 3A applies. Accordingly it was not necessary to consult with the Minister and the proponent has been able to submit a Project Application for subdivision of the land for future employment uses.

4.2 ZONING / PERMISSIBILITY

The subject site is zoned General Industrial IN1 under Part 9, Schedule 3 of the Major Projects SEPP and the proposed subdivision is permissible with consent of the Minister.

4.3 DIRECTOR GENERALS ENVIRONMENTAL ASSESSMENT REQUIREMENTS (DGRS)

On 11 March 2008, the Director General issued environmental assessment requirements (DGEARs) pursuant to Section 75F of the EP & A Act. The key issues to be addressed in the DGEARs issued related to:

- subdivision layout and design;
- utilities infrastructure provision;
- road upgrades; and
- community consultation.

The DGRs are provided in **Appendix A**.

4.4 OBJECTS OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

Part 3A of the Environmental Planning and Assessment Act 1979 (the Act) commenced operation on 1 August 2005. Part 3A consolidates the assessment and approval regime of all Major Projects previously considered under Part 4 (Development Assessment) or Part 5 (Environmental Assessment) of the Act.

Under the provisions of Section 75B of the Act development may be declared to be a Major Project by virtue of a State Environmental Planning Policy or by order of the Minister published in the Government Gazette.

The objects of any statute provide an overarching framework that informs the purpose and intent of the legislation and gives guidance to its operation. The Minister's consideration and determination of a project application under Part 3A must be informed by the relevant provisions of the Act, consistent with the backdrops of the objects of the Act.

The objects of the Act in section 5 are as follows:

- (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, 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.

Of particular relevance to the assessment of the subject application is consideration of the Objects under section 5(a). Relevantly, the Objects stipulated under section 5(a) (i) and (ii) are significant factors in forming the determination of the application.

The Department has considered the Objects of the Act, in the assessment of the project application. The balancing of the project in relation to the Objects is provided in Section 5.

4.5 ESD PRINCIPLES

The *Protection of the Environment Administration Act 1991* provides five accepted ESD principles:

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations (**the integration principle**);
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (**the precautionary principle**);
- (c) the principle of inter-generational equity - that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (**the inter-generational principle**);
- (d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making (**the biodiversity principle**); and
- (e) improved valuation, pricing and incentive mechanisms should be promoted (**the valuation principle**).

The Department has considered the project application in relation to the ESD principles. The proposal facilitates the implementation of the Concept Plan approval and thus achieves the ESD principles via the implementation of employment growth that are consistent with the objectives of the Metropolitan Strategy.

Further assessment of ESD principles will be undertaken during subsequent project application stages of the site.

4.6 SECTION 75I(2) OF THE ACT & CLAUSE 8B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

Section 75I(2) of the Act and Clause 8B of the Environmental Planning and Assessment Regulation 2000 provides that the Director-General's report is to address a number of requirements in the Director General Report. These matters and the Department's response are set out as follows:

<i>Section 75I(2) criteria</i>	<i>Response</i>
Copy of the proponent's environmental assessment and any preferred project report	The proponent's EA is included at Appendix E . No preferred project report was lodged. The Statement of Commitments is included at Appendix B .
Any advice provided by public authorities on the project	All submissions provided by public authorities on the project for the Minister's consideration is set out at Appendix F of this report.
Copy of any report of a panel constituted under Section 75G in respect of the project	No statutory independent hearing and assessment panel was undertaken in respect of this project.
Copy of or reference to the provisions of any State Environmental Planning Policy that substantially govern the carrying out of the project	Each relevant SEPP that substantially governs the carrying out of the project is identified and assessed at Appendix D .
Except in the case of a critical infrastructure project – a copy of or reference to the provisions of any environmental planning instrument that would (but for this Part) substantially govern the carrying out of the project and that have been taken into consideration in the environmental assessment of the project under this Division	An assessment of the development relative to the relevant environmental planning instruments is provided in Appendix D .
Any environmental assessment undertaken by the Director General or other matter the Director General considers appropriate.	The environmental assessment of the project application is this report in its entirety.
A statement relating to compliance with the environmental	The proponent's EA addressed the DGR requirements

assessment requirements under this Division with respect to the project.	and is considered to have satisfied those requirements as addressed in this report. Refer to the Conclusion in Section 7 of this report for a statement relating to this requirement.
<i>Clause 8B criteria</i>	<i>Response</i>
An assessment of the environmental impact of the project	An assessment of the environmental impact of the proposal is discussed in section 5 of this report.
Any aspect of the public interest that the Director-General considers relevant to the project	The public interest is discussed in section 5 of this report.
The suitability of the site for the project	The suitability of the site for the project is discussed in section 5 of this report
Copies of submissions received by the Director-General in connection with public consultation under section 75H or a summary of the issues raised in those submissions.	A summary of the issues raised in the submissions is provided in section 6 and Appendix G of this report.

4.7 ENVIRONMENTAL PLANNING INSTRUMENTS (EPIS)

4.7.1 Application of EPI's to Part 3A projects

To satisfy the requirements of section 75I(2)(d) and (e) of the Act, this report includes references to the provisions of the environmental planning instruments that govern the carrying out of the project and have been taken into consideration in the environmental assessment of the project application. The development standards of local environmental plans are not required to be strictly applied in the assessment and determination of major projects under Section 75R Part 3A of the Act.

A summary of compliance with the relevant EPI's is in **Appendix D**.

5 ASSESSMENT OF ENVIRONMENTAL IMPACTS

Key issues considered in the Department's assessment of the Environmental Assessment include; subdivision, infrastructure, road upgrades and traffic.

5.1 SUBDIVISION

The proponent is seeking to re-subdivide the site to form 6 larger super-lots. This will enable the staged transfer of land to the purchaser. The proposed subdivision layout is considered to be consistent with Concept Plan Approval layout.

5.2 PROVISION OF UTILITIES & INFRASTRUCTURE

The proposed super-lot subdivision is facilitative only and does not involve any development works or proposed use of the site. Therefore, the provision of utilities and infrastructure as part of the subject project application is not required. Despite this, the proponent advises that as part of the environmental assessment for the Concept Plan Approval, utility providers including Sydney Water, Integral Energy and Telstra have advised that services to the site are available subject to the construction of suitable mains/services.

Therefore the site can be serviced by utilities and infrastructure. This shall be addressed in detail by future project applications for development works.

5.3 ROAD UPGRADES

The application does not propose any development works. Therefore road upgrades are more appropriately addressed with future project applications for development works or use of the site. Conditions have been included in the instrument of approval that addresses the requirement for developer contributions to the Roads and Traffic Authority.

5.4 TRAFFIC

Traffic issues associated with the site are to be addressed at future project application stages for development works. However as part of the environmental assessment of the Concept Plan approval, a Transport Management and Accessibility Plan (TMAP) was prepared. The TMAP recommended numerous measures to ensure traffic impacts are acceptable. These measures shall be applied to relevant project applications for development works.

5.5 PUBLIC INTEREST

The proposal is considered to be in the interest of the public, as the subdivision will facilitate selling the site to new land owners in order to provide future employment uses and developments work on the site, thereby disposing of surplus public land.

5.6 CONTRIBUTIONS

The proponent has agreed to a contribution with the Roads and Traffic Authority of \$75,000.00 per hectare for regional road improvements plus any road works such as access arrangement off the Great Western Highway and Bradham Drive. A condition of approval has been included requiring that the proponent enter into a planning agreement with the RTA .

6 CONSULTATION AND ISSUES RAISED

6.1 PUBLIC EXHIBITION DETAILS

The Environmental Assessment Report (EA) was publicly exhibited and notified in accordance with the EP&A Act. Section 75H(3) of the EP & A Act requires that after the Environmental Assessment has been accepted by the Director General, the Director General must, in accordance with any guidelines published in the Gazette, make the environmental assessment publicly available for at least 30 days. The Director General has not published any specific guidelines in relation to the public exhibition of the application.

A "test of adequacy" was undertaken by the Department prior to public exhibition and determined that the matters contained in the Environmental Assessment Requirements (EARs) were adequately addressed in the EA.

In accordance with Section 75H of the Act, the environmental assessment was publicly exhibited for a period of 30 days from 30 April 2008 to 30 May 2008 at the following locations:

- Department of Planning (Head Office) – Information Centre, 22 - 33 Bridge Street, Sydney
- Blacktown City Council – Council Chambers – 62 Flushcombe Road, Blacktown

The EA was placed on the Department's website during the course of the exhibition period.

Local stakeholders within proximity of the site were informed of the project application proposal in writing and invited to make a written submission. Details of the application were also published in the public notices section of the Blacktown Advocate and the Sydney Morning Herald. The advertisement provided details of the proposal, exhibition locations and dates and how interested parties could make a submission. Government agencies, Blacktown City Council and other public authorities were also consulted.

6.2 SUBMISSIONS RECEIVED ON ENVIROMENTAL ASSESSMENT

The Department received a total of three (3) written submissions comprising **one (1)** submission from the public and **two (2)** submissions from public authorities being Blacktown City Council and Roads and Traffic Authority

The 1 submission from the public was a letter of objection.

The Department forwarded these responses to the proponent at the conclusion of the exhibition period. A summary of public submissions received and agency submissions are included at **Appendix G**.

6.3 PUBLIC SUBMISSIONS

6.3.1 Summary of issues raised in public submissions

Key issues raised in public submission include subdivision layout, road access, location of infrastructure and developer contributions.

A summary of all submissions received can be found in **Appendix G**. The proponent responded to these submissions in the proponent's response to submission in **Appendix H**.

6.4 SUBMISSIONS FROM PUBLIC AUTHORITIES

To fulfil the requirements of Section 75I Clause 2(b) this report includes advice provided by public authorities regarding the issues to be addressed by the proponent in the EA. These issues formed part of the key issues raised in the DGEARs. The Department has reviewed the EA, submissions to the preparation of the EA by public authorities, the submissions received from public authorities during the EA exhibition period and additional information provided by the proponent. Unless noted to the contrary below, the Department is satisfied that the responses provided by the proponent in their EA and the additional response to issues raised in submissions are reasonable.

The issues raised in public authority submissions were: subdivision layout, road access, location of infrastructure and developer contributions.

The proponent responded to the issues raised in submission by the public authorities and the public. The issues raised did not warrant any amendments to the proposal. Thus a Preferred Project Report was not submitted.

7 CONCLUSION

The Department has reviewed the environmental assessment and duly considered advice from public authorities as well as issues raised in public submissions in accordance with Section 75I(2) of the Act. All the relevant environmental issues associated with the proposal have been extensively assessed.

The Department is of the view that the proponent has satisfactorily mitigated the potential environmental impacts associated with the proposal. The recommended conditions (at **Appendix A**) and implementation of the measures detailed in the proponent's Environmental Assessment report and Statement of Commitments seek to maintain the amenity of the local area, and adequately mitigate the environmental impacts of the proposal.

On these grounds, the Department considers the site to be suitable for the proposed subdivision and that the proposal is in the public interest. Consequently, the Department recommends that the project application be approved, subject to modifications.

8 RECOMMENDATION

It is recommended that the Minister:

- (A) consider the findings and recommendations of this report;
- (B) approve the project application, under section 75J *Environmental Planning and Assessment Act, 1979*, subject to modifications of the concept plan; and sign the Determination of the Major Project (tag A).

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