



Light Horse Interchange Business Hub, Eastern Creek

State Significant Development Assessment
SSD-9667

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Glossary

Abbreviation	Definition
ACHAR	Aboriginal Cultural Heritage Assessment Report
Additional Information	Additional information titled <i>Response to Public Authority Comments for Light Horse Interchange Business Hub, Eastern Creek – SSD 9667</i> prepared by the Applicant dated 26 June 2020 and titled <i>Concept Masterplan</i> , prepared by Nettletontribe dated July 2020.
AHD	Australian Height Datum
Applicant	Western Sydney Parklands Trust
AQIA	Air Quality Impact Assessment
BC Act	<i>Biodiversity Conservation Act 2016</i>
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	Blacktown City Council
DA	Development Application
DAWE	Department of Agriculture, Water and the Environment (Cwlth)
Department	Department of Planning, Industry and Environment
Demolition	The removal of buildings, sheds and other structures on the site
Development	The development as described in the EIS, RTS, RTS Addendum and supporting information for the Light Horse Interchange Business Hub, Eastern Creek
DPI	Department of Primary Industries, DPIE
DPIE	Department of Planning, Industry and Environment
EESG	Environment, Energy and Science Group, DPIE
EIS	Environmental Impact Statement titled <i>Environmental Impact Statement Light Horse Interchange Business Hub, Eastern Creek SSD 9667</i> prepared by Urbis dated 31 July 2019
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwlth)

EPL	Environment Protection Licence
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
GFA	Gross floor area
Ha	Hectares
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
NRAR	Natural Resources Access Regulator, DPIE
PCT	Plant community type
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RTS	Response to Submissions titled <i>Response to Submissions and Preferred Project Report Light Horse Interchange Business Hub (SSD_9667)</i> prepared by Urbis dated February 2020
RTS Addendum	Response to Submissions Addendum titled <i>Response to Submissions - Addendum Report Light Horse Interchange Business Hub (SSD 9667)</i> prepared by Urbis dated 25 May 2020
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
TfNSW	Transport for NSW
WSP	Western Sydney Parklands

Executive Summary

This report details the Department of Planning, Industry and Environment's (the Department's) assessment of a State significant development application (SSD) for the Light Horse Interchange Business Hub, Eastern Creek (SSD-9667). The Western Sydney Parklands Trust (the Applicant) has submitted a Concept Proposal to establish up to 165,000 square metres (m²) of gross floor area (GFA) for general and light industrial, warehouse and distribution and ancillary offices and a Stage 1 development application (DA) for site preparation works and subdivision in the Blacktown local government area (LGA).

The Site

The site is located at 165 Wallgrove Road and 475 Ferrers Road, Eastern Creek, 33 kilometres (km) west of the Sydney CBD and covers approximately 39.38 hectares (ha). The site is located adjacent to the Light Horse Interchange, which is a transport interchange linking two major motorways, the M4 Western Motorway (the M4) and the M7 Westernlink Motorway (the M7). The site is not located in close proximity to any sensitive residential land uses, with the nearest residential zoned land approximately 1.2 km from the north western boundary.

The site forms part of the Western Sydney Parklands (WSP) which is a 27 km open space corridor covering 5,280 ha providing a range of passive and active recreation facilities to the public. The WSP Plan of Management 2030 seeks to establish business hubs within up to 2% of the WSP to help fund facilities, programs and environmental initiatives throughout the WSP. The POM has identified the site as suitable for an industrial business hub as it considered the site was relatively isolated and of low environmental or recreation value.

Proposed Development

The development involves a Concept Proposal for establishment of up to 165,000 m² of GFA for general industrial, light industrial, warehouse and distribution and ancillary offices and a Stage 1 DA including site preparation works, vegetation clearing, realignment of Eskdale Creek, construction of an access road and subdivision of the site into eleven lots, being seven developable lots and four residual lots.

The development has a capital investment value (CIV) of \$212,934,203. The Stage 1 DA would deliver 230 construction jobs, while the Concept Proposal when fully developed would provide 1,000 construction and 430 operational jobs.

Statutory Context

The proposed development (the development) is classified as SSD under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it has a CIV of more than \$10 million within the WSP, meeting the criteria in Clause 5 of Schedule 2 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Consequently, the Minister for Planning and Public Spaces is the consent authority for the application.

The development was determined to be a 'controlled action' under Section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) by the now Department of Agriculture, Water and the Environment (DAWE) due to likely impacts on two Commonwealth listed species being

Cumberland Shale Plains Woodland (CPW) and potential habitat for the Grey-headed Flying fox. In accordance with the current Bilateral Agreement between the Commonwealth and NSW Governments, the Department must undertake an assessment of these potential impacts under Part 4 of the EP&A Act and make a recommendation to the Commonwealth Minister for the Environment on whether the controlled action should be approved.

Engagement

The Department exhibited the EIS for the development from 12 August 2019 until 11 September 2019 (31 days). A total of 18 submissions were received during the exhibition period including eleven from public authorities, one from Blacktown City Council (Council), three from special interest groups and three from the general public. Of the 18 submissions received, five originally objected to the development. Following the provision of additional information and ongoing consultation, Council subsequently withdrew its objection, reducing the number of objections to four.

Key concerns raised in submissions related to biodiversity impacts associated with clearing of native vegetation and the realignment of Eskdale Creek, traffic impacts on the surrounding road network, site access, parking and stormwater management. The Applicant submitted a Response to Submissions (RTS) in February 2020, an RTS Addendum in May 2020 and additional information to address and clarify matters raised in the submissions. The Department met with the Applicant and Council on several occasions after exhibition of the EIS to specifically address Council's concerns relating to traffic impacts, ownership of the internal access road, parking rates and stormwater management. Subsequently, Council advised its concerns had been addressed and withdrew its objection to the development in June 2020.

Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the key issues for assessment are biodiversity, stormwater management and flooding and access, traffic and parking.

The development would require clearing of 9.83 ha of native vegetation including two threatened ecological communities, being 2.45 ha of CPW and 7.38 ha of River-flat Eucalypt Forest (RfEF). The CPW is a critically endangered ecological community (CEEC) on the *Biodiversity Conservation Act 2016* (BC Act) and 0.97 ha of this vegetation corresponds to a CEEC on the EPBC Act. The RfEF is an endangered ecological community (EEC) on the BC Act. The development would also realign Eskdale Creek to accommodate the south-eastern corner of the development footprint.

The Department consulted closely with the Environment, Energy and Science Group and the Natural Resources Access Regulator 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. The Department also notes Eskdale Creek currently has limited riparian vegetation and has been modified by previous farming practices. 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 Department has recommended conditions of consent to offset biodiversity impacts through the NSW Biodiversity Offsets Scheme and to enhance and protect riparian and other vegetation on site. With these conditions in place, the Department concludes the biodiversity impacts would be adequately minimised and offset.

The development includes a stormwater management system to capture, store, treat and discharge flows to Eastern Creek via a bioretention basin and a detention basin in the south-eastern corner of the site. The Department notes the Applicant worked closely with Council to meet their requirements, including locating the on-site detention systems above the 100 year Average Recurrence Interval (ARI) flood event and committing to retaining these systems in their ownership. Additionally, the development has been designed with development lots above the probable maximum flood (PMF) level, with flood free egress and without any discernible off-site flood impacts. The Department is satisfied the stormwater management system would be designed, installed and operated in accordance with relevant guidelines and the development would not cause any discernible flooding impacts off site or present a flood risk to future workers on site.

The development would require the construction of a formal access road from Ferrers Road, including a bridge over Eastern Creek and once fully developed would generate a maximum of 420 vehicle trips during the AM peak hour and 340 trips during the PM peak hour. Council required the access road be retained in private ownership, which was accepted by the Applicant, requested upgrades be undertaken to the Great Western Highway / Doonside Road / Brabham Drive intersection north of the site and sought confirmation parking rates would be applied in accordance with relevant standards. The Applicant prepared a revised Traffic Impact Assessment (TIA) relying on updated background traffic modelling and demonstrated an intersection upgrade was not required. This was supported by Transport for NSW and accepted by Council. The Department's assessment found traffic from the fully developed site would be adequately accommodated on the local and regional road network and has recommended conditions for the site access road, internal roads and parking areas to comply with relevant requirements of Council, TfNSW and Australian Standards.

Summary

The Department's assessment concluded the impacts of the development can be mitigated and/ or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent. In summary, the development would:

- provide a total of 1,230 construction jobs and 430 operational jobs within Western Sydney
- be consistent with the strategic direction for the site identified within the WSP POM
- be consistent with the objectives of the relevant strategic planning framework, including the Greater Sydney Region Plan and the Western City District Plan which encourage planned industrial development and the provision of jobs in Western Sydney
- adequately mitigate and offset impacts, including offsetting biodiversity impacts through the NSW Biodiversity Offset Scheme.

Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.

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1 Introduction

1.1 The Department's Assessment

This report details the Department of Planning, Industry and Environment's (the Department) assessment of the State significant development (SSD-9667) for the Light Horse Interchange Business Hub, Eastern Creek. The proposed development (the development) involves a Concept Proposal for establishment of up to 165,000 square metres (m²) of gross floor area (GFA) for general industrial, light industrial, warehouse and distribution and ancillary offices. The development also involves a Stage 1 development application (DA) including site preparation works, vegetation clearing, realignment of Eskdale Creek, construction of an access road and subdivision of the site into eleven lots, including seven developable industrial lots and four residual lots.

The Department's assessment considers all documentation submitted on behalf of the Western Sydney Parklands Trust (the Applicant), including the Environmental Impact Statement (EIS), Response to Submissions (RTS), RTS Addendum, additional information and submissions received from public authorities, special interest groups and the public. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the proposed development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation. The Department's assessment of the Light Horse Interchange Business Hub, Eastern Creek has concluded the development is in the public interest and should be approved, subject to conditions.

1.2 Development Background

The Applicant is seeking development consent for a Concept Proposal for the staged development of 39.38 hectares (ha) of land within the Western Sydney Parklands (WSP) for use as an industrial business hub. The application also seeks approval for Stage 1 works including site preparation, construction of an access road and subdivision to create seven developable industrial lots and four residual lots at Eastern Creek, in the Blacktown Local Government Area (LGA) (see **Figure 1**). The construction and use of buildings on site will subject to future DAs.

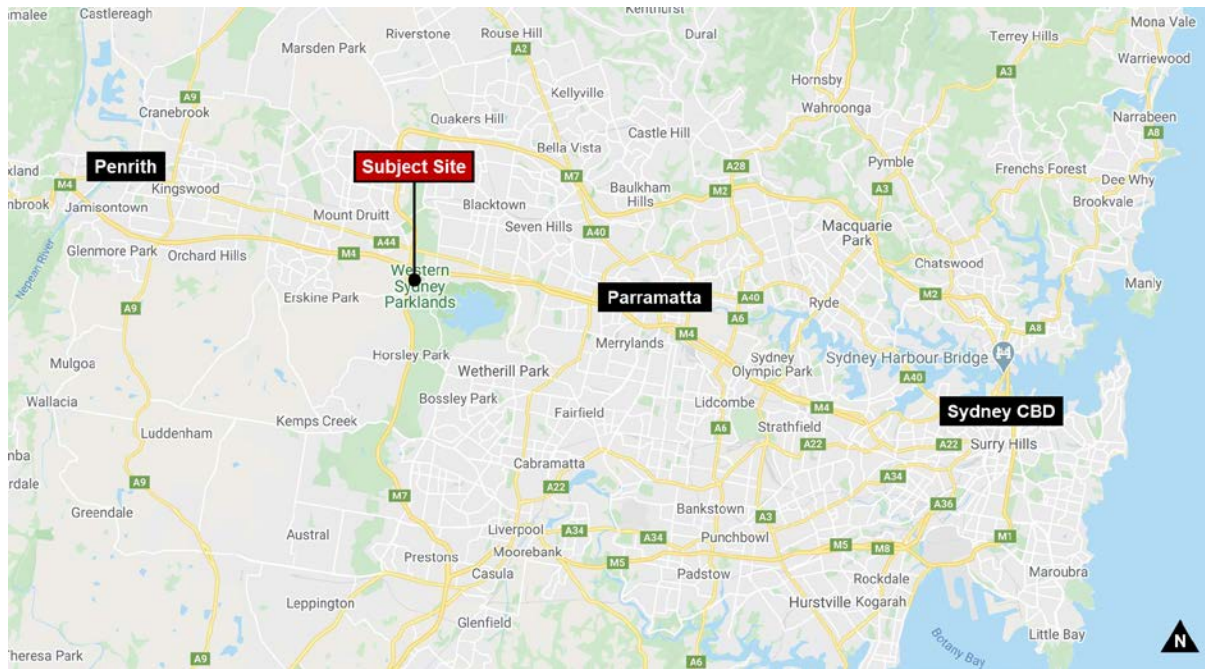


Figure 1 | Regional context

The WSP was established under the *Western Sydney Parklands Act 2006* and is a 27 kilometre (km) open space corridor covering 5,280 ha located in Western Sydney (see **Figure 2**). The WSP extends from Quakers Hill in the north to Leppington in the south and provides an important open space link between Sydney's North West and South West Growth Centres and acts as a major service corridor containing significant components of Sydney's utility infrastructure. The WSP also provide a range of passive and active recreation facilities to the public as well as space for community facilities, agriculture, business and employment.

The Applicant is a self-funded government authority, responsible for the management of WSP. The ten-year vision for the WSP is contained in the WSP Plan of Management 2030 (POM). Consistent with the WSP POM the Applicant seeks to develop the WSP into a multi-use urban parkland for the region of Western Sydney. The establishment of business hubs within up to 2% of the WSP seeks to help fund the management and enhancement of the broader WSP. The Applicant identified the site as suitable for an industrial business hub as it considered the site was relatively isolated and of low environmental or recreation value.

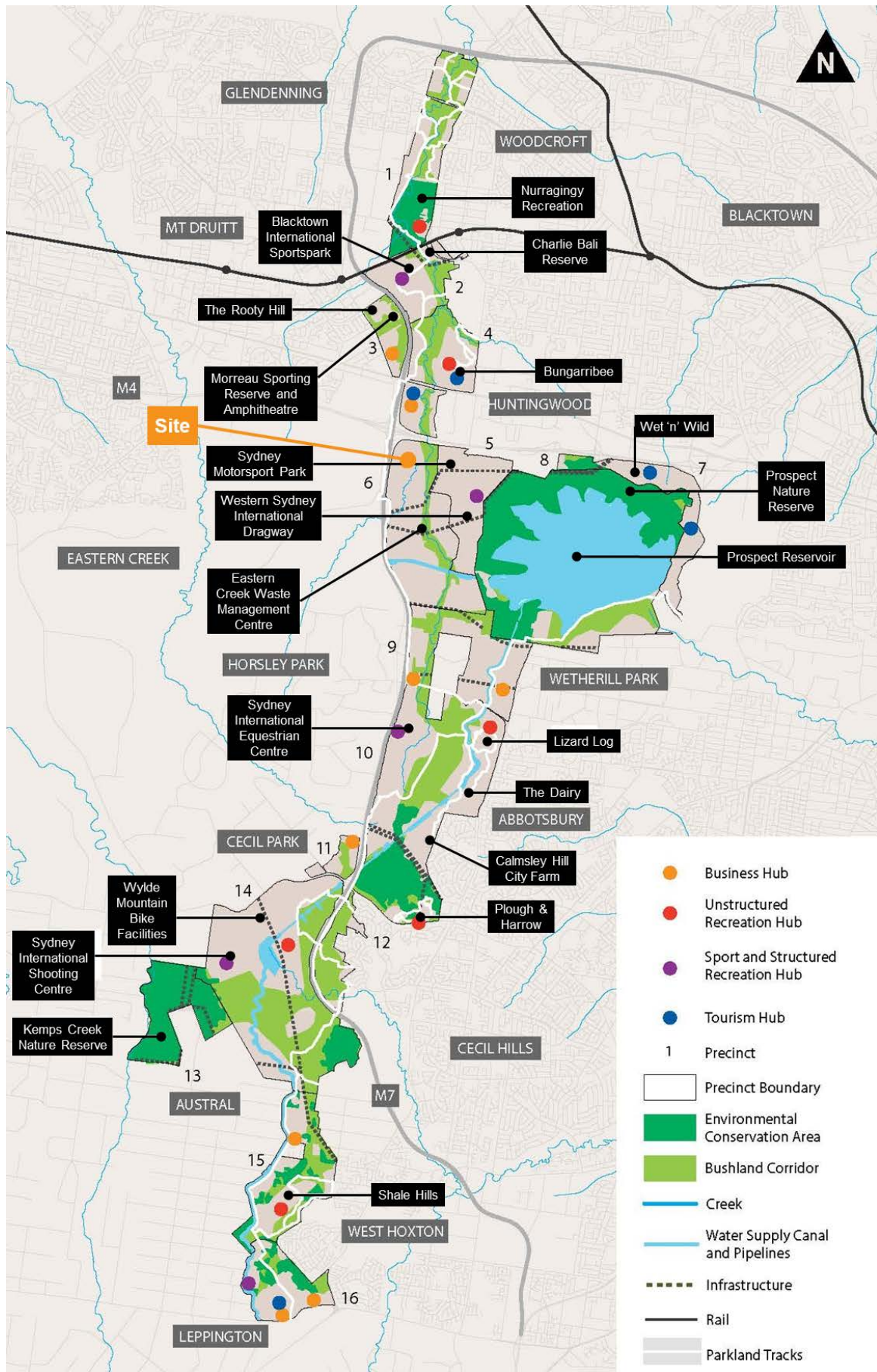


Figure 2 | Western Sydney Parklands

1.3 Site Description

The site comprises 39.38 ha of unzoned land located at 165 Wallgrove Road and 475 Ferrers Road, Eastern Creek (site) (see **Figure 3**). The site is legally described as part Lot 10 in DP 1061237 and part Lot 5 in DP 804051. The site is located within the northern section of the WSP and forms part of the Wallgrove Precinct.

The site is currently used for livestock grazing and contains approximately 9.83 ha of native vegetation, including two Plant Community Types (PCTs), the Grey Box and Forest Red Gum which comprise two threatened ecological communities being the Cumberland Shale Plains Woodland (CPW) and the River-flat Eucalypt Forest (RfEF). The site is largely flat with three waterways traversing through it, including Eastern Creek, the main creek alignment passing through the site, Reedy Creek and Eskdale Creek, which are tributary streams.

The site and surrounding area were previously occupied and developed for farming and agricultural activities from 1819 until 1941. In 1941 the Wallgrove Army Camp was established at the site and a number of associated remnant buildings and structures remain, none of which are considered to have heritage significance. The site has been assessed as having a high likelihood of containing archaeological items of Aboriginal significance associated with its proximity to Eastern Creek.

Access to the site is currently available via a driveway off Ferrers Road to the east and via Wallgrove Road (via an underpass) to the west. The site is affected by two infrastructure easements containing a high-pressure gas pipeline, managed by Jemena, and sewer mains, managed by Sydney Water (see **Figure 3**).



Figure 3 | Local Context Map

1.4 Surrounding Land Uses

The site is located adjacent to the Light Horse Interchange, which is a transport interchange linking two major motorways, the M4 Western Motorway (the M4) and M7 Westernlink Motorway (the M7). The site therefore enjoys good access to the local and regional road network.

The M4 borders the northern boundary of the site, with the WSP continuing along the alignment of Eastern Creek further to the north and the Huntingwood industrial precinct located to the north-east. The M7 and Wallgrove Road border the site to the west, with the Eastern Creek industrial precinct located west of Wallgrove Road and forming part of the Western Sydney Employment Area (WSEA). The Sydney Motorsport Park and Sydney Dragway are located east of the site, with Prospect Reservoir located further east. The former Eastern Creek waste management facility is located south of the site (see **Figure 3**).

The site is not located in close proximity to any sensitive land uses, with the nearest residential zoned land located approximately 1.2 km north west of the site. A small number of isolated residential receivers are located to the north of the development site on WSP land with the closest being approximately 480 metres (m) from the site.

2 Project

2.1 Description of the Development

The Applicant is seeking development consent for a Concept Proposal for an industrial business hub for general industrial, light industrial, warehouse and distribution and ancillary offices uses and a Stage 1 DA. The Stage 1 DA includes site preparation works, vegetation clearing, realignment of Eskdale Creek, construction of an access road and subdivision to create eleven lots, including seven developable industrial lots and four residual lots, at 165 Wallgrove Road & 475 Ferrers Road, Eastern Creek.

The major components of the development are summarised in **Tables 1** and **2**, shown in **Figures 4, 5** and **6**, and described in full in the Environmental Impact Statement (EIS), RTS report, RTS Addendum and additional information included in **Appendix A**.

2.2 Concept Proposal

The key components of the Concept Proposal, as amended by the RTS, RTS Addendum and additional information, are summarised in **Table 1** and shown in **Figure 5**.

Table 1 | Main Components of the Concept Proposal

Aspect	Description
Development Summary	A Concept Proposal for the staged development of up to 165,500 m² of GFA for use as an Industrial Business Hub
Concept Proposal	
Site area and development footprint	<ul style="list-style-type: none"> The site is approximately 39.38 hectares in area Development footprint of approximately 29.36 hectares
Land Use	<ul style="list-style-type: none"> 157,600 m² of GFA for general industrial, light industrial, warehouse and distribution land uses 7,900 m² of GFA for ancillary office use
Layout	<ul style="list-style-type: none"> Conceptual development levels, footprints and building envelopes for seven development lots (including 12 warehouses), road layout, parking, site access and landscape design (see Figure 5 and Figure 6)
Setbacks	<ul style="list-style-type: none"> 20 m building setback along the M7 & M4 10 m landscape setback along the M7 & M4 7.5 m building setback along the internal access road
Capital investment value	<ul style="list-style-type: none"> \$187,479,375
Employment	<ul style="list-style-type: none"> 1,000 full-time equivalent construction jobs and 430 full-time equivalent operational jobs

2.3 Stage 1 Development Application

The key components of the Stage 1 Development, as amended by the RTS, RTS Addendum and additional information, are summarised in **Table 2** and shown in **Figures 4, 5 and 6**.

Table 2 | Main Components of the Stage 1 Development

Aspect	Description
Summary	Stage 1 works to facilitate the preparation of the site for future general industrial, light industrial, warehouse and distribution and ancillary office uses and subdivision
Demolition	<ul style="list-style-type: none"> Demolition of all existing structures on site
Earthworks, civil works and services extension	<ul style="list-style-type: none"> Site preparation works, including bulk earthworks and the realignment of Eskdale Creek including the introduction of a swampy meadow and chain of ponds connecting to Reedy Creek Provision of flood and stormwater management infrastructure, including establishment of communal on-site stormwater detention basin and bioretention basin on Lot 8 Construction of road access and installation of essential infrastructure services
Vegetation clearing	<ul style="list-style-type: none"> Clearing of 9.83 ha of native vegetation
Remediation	<ul style="list-style-type: none"> Remediation of the site
Subdivision	<ul style="list-style-type: none"> Subdivision of the site into 11 Torrens title lots including seven developable industrial lots and four lots which will accommodate the stormwater detention basin, road access reserve and residual land
Road and intersection works	<ul style="list-style-type: none"> Construction of an internal access road (to remain in ownership of the Applicant), new roundabout intersection at Ferrers Road and bridge crossing over Eastern Creek
Access	<ul style="list-style-type: none"> Primary vehicle access will be via a new roundabout intersection at Ferrers Road. The access road will cross Eastern Creek via a 61.5 m bridge
Landscaping	<ul style="list-style-type: none"> Landscape treatment of future development lots and detailed works associated with Stage 1 (see Figure 6)
Construction timeframe	<ul style="list-style-type: none"> 12-18 months
Capital investment value	<ul style="list-style-type: none"> \$25,454,828
Employment	<ul style="list-style-type: none"> 230 full-time equivalent construction jobs

2.4 Layout and Design

The Concept Proposal seeks to establish conceptual development levels, footprints and building envelopes for seven industrial lots in order to facilitate the staged development of an industrial business hub. The concept layout masterplan includes building envelopes and footprints for 12 warehouses, internal road layout, parking, site access and landscape design (see **Figure 5**).

The concept masterplan is supported by design guidelines to guide future development of the Light Horse Interchange Business Hub. The design guidelines seek to deliver a built form that is consistent with the surrounding employment-generating development. Landscape and building setbacks are proposed along the M7 & M4 and the internal access road and are designed to deliver a built form that is consistent with the surrounding locality.

The final scale and built form of the future buildings will be determined in response to market trends and similar to facilities within the WSEA, west of the site. The future development of the site including final building footprints and built forms of future warehouse buildings, ancillary offices and associated facilities will be subject to separate DAs.



Figure 4 | Artist Impression of Light Horse Interchange Business Hub

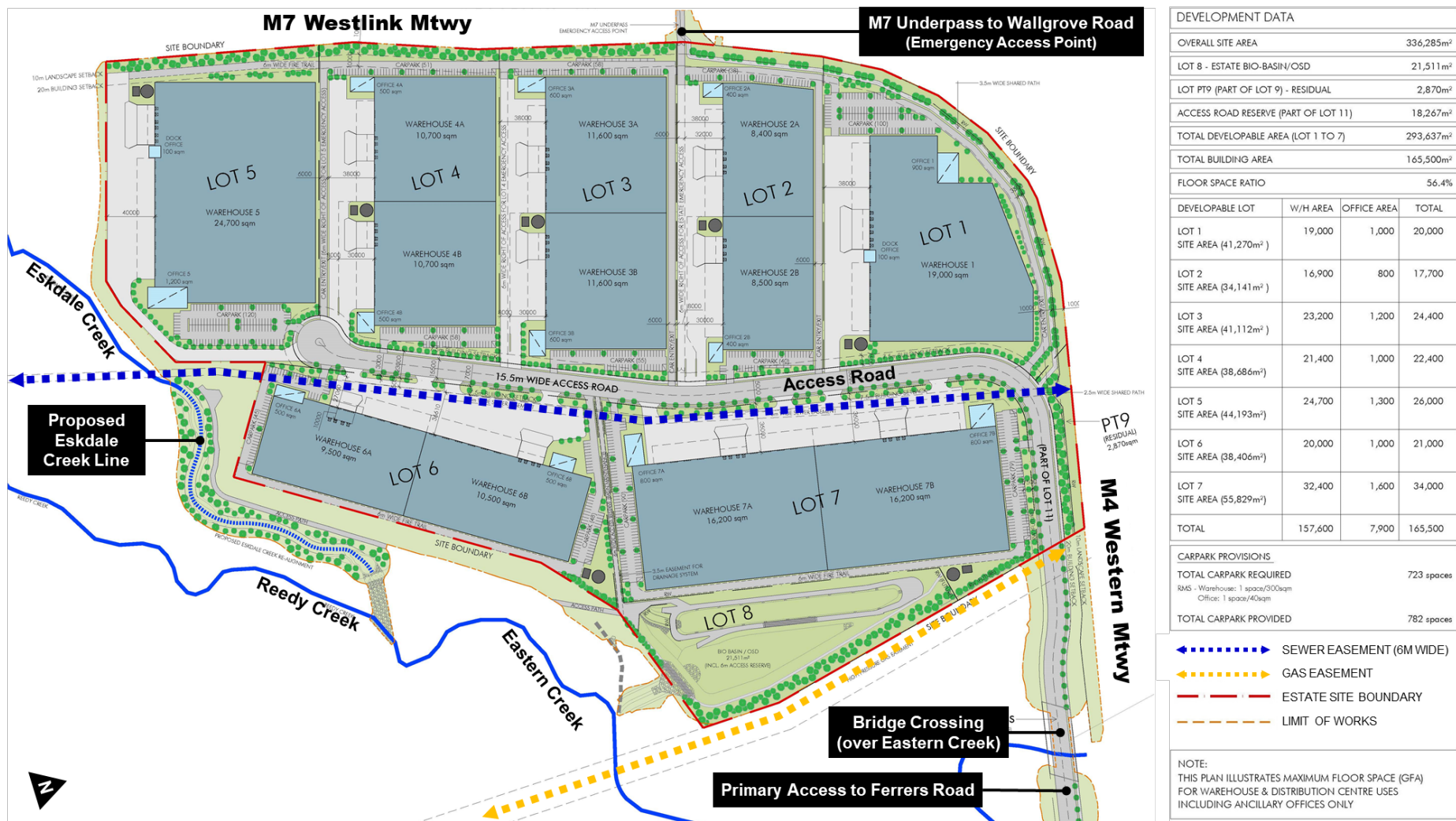


Figure 5 | Concept Masterplan Layout

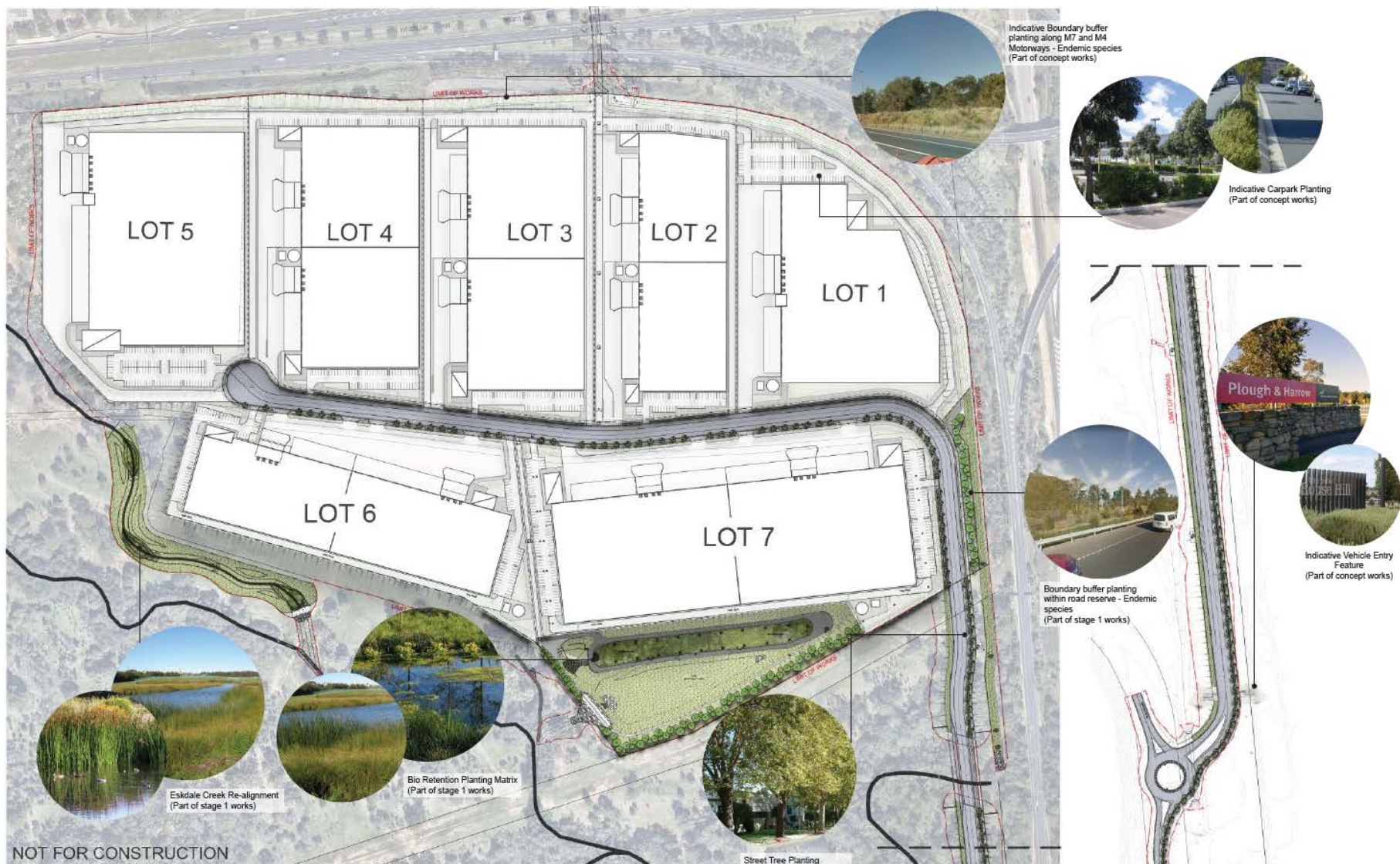


Figure 6 | Landscape Masterplan

2.5 Applicant's Need and Justification for the Development

The proposal will facilitate the development of one of the nine business hubs identified in the POM. The Applicant notes development of these business hubs is necessary to provide a financial return for reinvestment in the ongoing management, maintenance and development of the WSP as a regional recreation, environmental and open space asset.

The Applicant states the site was strategically selected for use as a business hub due to its low ecological value and unsuitability for recreation use. Additionally, it notes the site benefits from good access to motorways, existing and planned utility services infrastructure and other employment generating uses with a similar scale and character.

Once established, the industrial business hub could accommodate a range of land use activities including advanced manufacturing, freight and logistics and warehouse and distribution facilities. The development would therefore deliver a substantial economic investment in Western Sydney, providing essential business infrastructure and employment opportunities.

Further assessment of the strategic justification for the development is discussed in **Section 3** of this report.

3 Strategic context

3.1 Greater Sydney Region Plan: A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission (GSC) released the *Greater Sydney Region Plan: A Metropolis of Three Cities* (the Region Plan) which forms part of the integrated planning framework for Greater Sydney (see **Figure 7**). The Region Plan is built on a vision of three cities; the Western Parkland City, the Central River City and the Eastern Harbour City. The 40-year vision to 2056 brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.

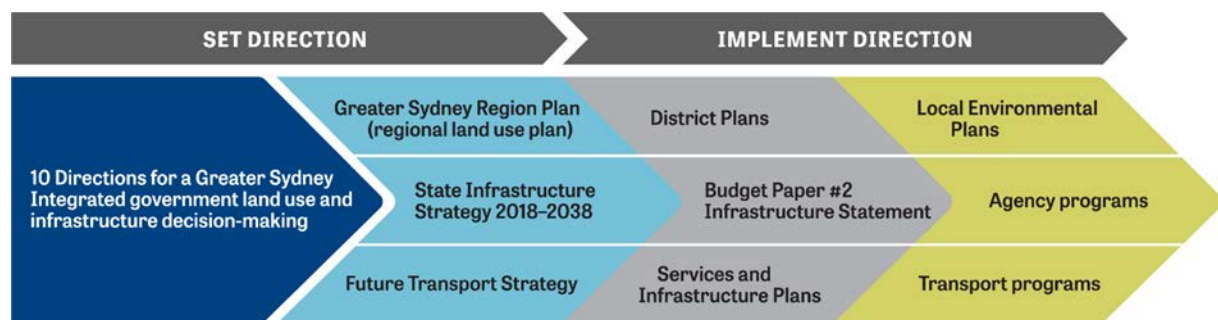


Figure 7 | Integrated Planning for Greater Sydney

The development is located within the Central River City and would assist in achieving a number of key directions and objectives identified in the Region Plan, specifically it would:

- promote a competitive and efficient freight and logistics network (Objective 16)
- ensure future regional connections can be delivered and enhanced (Objective 17)
- provide investment and promote business activity in centres (Objective 22)
- ensure industrial land is planned, retained and managed (Objective 23).

3.2 Central City District Plan

In March 2018, the GSC released five District plans encompassing Greater Sydney designed to guide the delivery of the Region Plan. The district plans set out the vision, priorities and actions for the development of each District.

The site is located within the Central City District within the Blacktown LGA which is strategically located at the interface of the Western Parkland City and Central River City. The proposed development would assist in achieving a number of the productivity priorities identified for the Central City District by facilitating opportunities for investment, business and jobs growth and supporting internationally competitive industry sectors associated with high-tech warehousing and logistics in the region.

The development would also assist in achieving a number of the Planning Priorities set out in the Central City District Plan, including:

- growing investment, business opportunities and jobs in strategic centres including contributing to the Blacktown 2036 job target (Planning Priority C9)

- maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land, including assisting in the delivery of local jobs and creation of a local office market (Planning Priority C11)
- protecting and improving the health and enjoyment of the District's waterways (Planning Priority C13).

3.3 Western Sydney Parklands Plan of Management 2030

The WSP 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.

The site is located within an area identified in the POM as Precinct 6 - Wallgrove Precinct. The Wallgrove Precinct contains a diverse range of urban services infrastructure such as recycling, brickmaking, quarrying and the former Eastern Creek Waste Management Centre. The POM identifies two business hub sites within the Wallgrove Precinct, including the subject site, and Pikes Lane, located to the north of the site (see **Figure 8**).

The Department considers the development is consistent with the key objectives outlined in the POM. The proposed development would deliver an ongoing revenue stream for the Applicant to help support the operations of the WSP and provide support for the maintenance and development of new and existing facilities. Additionally, the development would provide for jobs and growth in Western Sydney.



Figure 8 | Wallgrove Precinct

4 Statutory Context

4.1 State significance

The proposal is State significant development pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development with a CIV of more than \$10 million on land within the WSP, which meets the criteria in Clause 5 of Schedule 2 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

4.2 Permissibility

The site is located in the WSP. After the commencement of State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP), all previously zoned lands within the WSP became unzoned. Pursuant to Clause 11(2) of the WSP SEPP, development for light industrial, general industrial, warehouse and distribution and ancillary office uses are permissible with consent.

4.3 Consent Authority

The Minister for Planning and Public Spaces (the Minister) is the consent authority for the development under section 4.5 of the EP&A Act. On 9 March 2020, the Minister delegated the functions to determine SSD applications to the Executive Director, Regions, Industry and Key Sites Assessments where:

- the relevant local council has not made an objection and
- there are less than 50 unique public submissions in the nature of objections and
- a political disclosure statement has not been made.

Of the 18 submissions received, five objected to the proposed development. Council originally objected to the development and then subsequently withdrew the objection, reducing the number of objections to four. No reportable political donations were made by the Applicant in the last two years and no reportable political donations were made by any persons who lodged a submission.

Accordingly, the application can be determined by the Executive Director, Regions, Industry and Key Sites Assessments under delegation.

4.4 Other approvals

Under section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

In its submission, the EPA advised the development does not constitute a scheduled activity under the *Protection of the Environment Operations Act 1997* (POEO Act), therefore an Environment Protection Licence (EPL) is not required. The EPA also advised that if any future tenancies include scheduled activities, an EPL would be required prior to undertaking the activity.

TfNSW advised in its submission that any proposed works to the M7 or TfNSW land require approval from TfNSW and design details for all works are to be issued to TfNSW for peer review prior to the issue of a Construction Certificate. TfNSW also advised that the Applicant is required to enter into an Interface Access Deed and/or Works Authorisation Deed with TfNSW and the M7 operator (Westlink

M7) for any works carried out within their land. The Department has incorporated TfNSW's requirements into the recommended conditions.

The Department has considered the advice of the relevant public authorities in its assessment of the development and included suitable conditions in the recommended consent.

4.5 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 6** and **Appendix B**. In summary, the Department is satisfied the proposed development is consistent with the requirements of section 4.15 of the EP&A Act.

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the proposed development.

The Department has considered the development against the relevant provisions of several key EPIs including:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 65)
- Blacktown Local Environmental Plan 2015 (BLEP)
- draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

Development Control Plans (DCPs) do not apply to SSD under Clause 11 of the SRD SEPP. However, the Department has considered the relevant provisions of the Blacktown DCP 2015 in **Section 6** of this report.

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C**. The Department is satisfied the proposed development complies with the relevant provisions of these EPIs.

4.6 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the DA and any accompanying information of an SSD application are required to be made publicly exhibited for at least 28 days. The application was on public exhibition from 12 August 2019 until 11 September 2019 (31 days). Details of the exhibition process and notifications are provided in **Section 5**.

4.7 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 3**).

Table 3 | Considerations Against the Objects of the EP&A Act

Object	Consideration
1.3 (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The development would:</p> <ul style="list-style-type: none">• promote the social and economic welfare of the community through a significant financial investment and the generation of construction and future operational jobs in the area• promote a better environment by providing an opportunity to enhance the ecological value of Eskdale Creek and downstream waterways by creating permanent pools and a revegetated riparian corridor.
1.3 (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The Department has considered the need to encourage the principles of ecologically sustainable development (ESD), in addition to the need for the proper management and conservation of natural resources, the orderly development of land, the need for the development as a whole, and the protection of the environment, including threatened species within Section 6 of this report. Where potential environmental impacts have been identified, mitigation measures have been recommended.</p> <p>The development also includes measures to deliver ESD through the planting of native landscaping and the inclusion of water sensitive urban design measures.</p>
1.3 (c) to promote the orderly and economic use and development of land,	<p>The development promotes the orderly and economic development of land identified as appropriate for industrial uses in the WSP. The proposed development will also provide private investment in the WSP which will contribute to establishing a sustainable funding base for the ongoing maintenance of the WSP.</p>

<p>1.3 (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,</p>	<p>The development has been designed to avoid and minimise impacts on native vegetation and biodiversity. Clearing of native vegetation across the site would be offset by the purchase and retiring of ecosystem credits in accordance with the NSW Biodiversity Offsets Policy.</p> <p>The Department's assessment in Section 6 of this report demonstrates with the implementation of the recommended conditions of consent, the environmental impacts of the development can be mitigated, managed and/or offset.</p>
<p>1.3 (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</p>	<p>The site has been assessed as having a high likelihood of containing archaeological items of Aboriginal significance due to its location adjacent to Eastern Creek. The Department's assessment in Section 6 of this report has recommended conditions of consent to ensure any potential impacts on Aboriginal cultural heritage are appropriately managed.</p> <p>None of the remaining buildings and structures on the site are considered to have any heritage significance and the site has been assessed as having little or no non-Aboriginal archaeological significance. The development is unlikely to have an impact on any items of heritage significance.</p>
<p>1.3 (g) to promote good design and amenity of the built environment,</p>	<p>The Concept proposal is supported by design guidelines to guide the future development of the site and ensure the development is designed in a manner that is consistent with the surrounding employment-generating development with appropriate architectural design and building materials to deliver attractive facades and complement the parkland setting.</p>
<p>1.3 (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,</p>	<p>The Department has recommended a number of conditions to ensure that construction and maintenance is undertaken in accordance with applicable legislation, guidelines, policies and procedures.</p>
<p>1.3 (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,</p>	<p>The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other public authorities, including Blacktown City Council.</p>
<p>1.3 (j) to provide increased opportunity for community participation in environmental planning and assessment.</p>	<p>The Department publicly exhibited the application as outlined in Section 5, which included notifying adjoining landowners, placing a notice in the press and displaying the application on the Department's website, at the Department's Sydney office and Council's office.</p>

4.8 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle*
- (b) *inter-generational equity*
- (c) *conservation of biological diversity and ecological integrity*
- (d) *improved valuation, pricing and incentive mechanisms.*

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

The development would impact upon native flora or fauna, including threatened species, populations and ecological communities, and their habitats. The development requires removal of 9.83 ha of native vegetation which would be offset by the purchase and retiring of ecosystem credits in accordance with the *NSW Biodiversity Offsets Policy for Major Projects*. As discussed in **Section 6** of this report, the Department's assessment has concluded the biodiversity impacts of the development would be adequately minimised and offset in accordance with the requirements of the BC Act and the development is consistent with the objectives of the EP&A Act and the principles of ESD.

4.9 Biodiversity Development Assessment Report

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (the BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the development is not likely to have any significant impact on biodiversity values.

The application is supported by a Biodiversity Development Assessment Report (BDAR) which has assessed each of the relevant matters in accordance with the BC Act. As discussed in **Section 6** of this report, the Department's assessment has concluded the biodiversity impacts of the development would be adequately minimised and offset in accordance with the requirements of the BC Act.

4.10 Commonwealth matters

Under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance (MNES), as it is considered to be a 'controlled action'.

On 1 April 2019, the now Department of Agriculture, Water and the Environment (DAWE) determined under Section 75 of the EPBC Act, the development constituted a 'controlled action'. On 4 August 2020, the DAWE issued a variation to the proposed action to reflect changes made to the development prior to lodgement. In accordance with the current Bilateral Agreement between the Commonwealth and NSW Governments, the Department must undertake an assessment of these potential impacts under Part 4 of the EP&A Act and make a recommendation to the Commonwealth Minister for the Environment on whether the controlled action should be approved under the EPBC Act.

The Applicant prepared a BDAR to address the requirements of the EPBC Act and the requirements of the BC Act. The Department has considered the development against the requirements of the EPBC Act in **Section 6.1** and **Appendix E** of this report.

5 Engagement

5.1 Introduction

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (**SEARs**), undertook consultation with relevant local, State and Commonwealth authorities as well as the community. The Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

5.2 Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout preparation of the EIS including:

- meeting with the Department, key State government authorities and Blacktown City Council
- consultation with key utility service providers including Jemena and Sydney Water
- sending letters to neighbouring landowners and occupants advising them of the proposed development.

5.3 Consultation by the Department

The Department consulted with relevant public authorities during the preparation of the SEARs.

After accepting the SSD application and EIS, the Department:

- made it publicly available from 12 August 2019 until 11 September 2019 (31 days):
 - on the Department's website
 - at the Department's then Sydney office (320 Pitt Street, Sydney)
 - at all Service NSW Centres
 - at Blacktown City Council (62 Flushcombe Road, Blacktown),
- notified landowners in the vicinity of the site about the exhibition period by letter
- notified and invited comment from relevant State government authorities, Blacktown City Council and the now Commonwealth Department of Agriculture, Water and the Environment, by letter
- advertised the exhibition in the Blacktown Advocate, The Daily Telegraph, The Sydney Morning Herald and The Australian.

5.4 Summary of submissions

During the exhibition period, the Department received a total of 18 submissions on the proposal. Of the submissions received, 11 were from public authorities, one was from the local council, three were from special interest groups and three were from the members of the community. Five submissions, including Council's submission, objected to the proposal and 13 submissions provided comments only. Council subsequently withdrew their objection, reducing the total number of objections to four. All of the community members who made a submission and objected to the proposal live within 15 km of the development site. A summary of the submissions is provided in **Table 4** below, and a link to the full copy of the submissions is provided in **Appendix A**.

Table 4 | Summary of Submissions

Submitter	Number	Position
Local council		
Blacktown City Council	1	Comment (initially objected, subsequently withdrawn)
Public Authority		
Energy, Environment and Science (former Office of Environment & Heritage)	1	Comment
Water Group, DPIE and the Natural Resources Access Regulator	1	Comment
Transport for NSW	1	Comment
Roads & Maritime Services (now TfNSW)	1	Comment
Environment Protection Authority	1	Comment
Sydney Water	1	Comment
Rural Fire Service (RFS)	1	Comment
Heritage Council of NSW	1	Comment
WaterNSW	1	Comment
Department of Primary Industries	1	Comment
Fire & Rescue NSW	1	Comment
Special Interest Groups		
Blacktown & District Environment Group Inc	1	Object
Jemena	1	Comment
Endeavour Energy	1	Comment
Public		
Residents within 15 km	3	Object
TOTAL	18	-

5.5 Key issues raised in submissions

Council

Blacktown City Council (Council) initially objected to the development and requested the Applicant provide additional information relating to the proposed building footprints, access, traffic and parking arrangements and the future development of the site. Council also requested additional information be provided and refinements made to the stormwater management system. Council provided recommended conditions of consent relating to vegetation management, access and parking.

Public Authorities

Energy, Environment and Science (EES) (former Office of Environment and Heritage) requested the Applicant reduce the development footprint and investigate alternative access points and alternative bridge designs in order to retain more native vegetation and widen the existing bushland corridor. EES also recommended a Vegetation Management Plan (VMP) be prepared and appropriate mitigation measures be put in place prior to commencement of works relating to the realignment of Eskdale Creek in order to protect and manage the impact on native fauna and the downstream environment. EES also requested amendments to the Applicant's biodiversity mitigation measures and recommended additional conditions to manage the development's impacts.

EES provided comments regarding the Aboriginal Cultural Heritage Assessment Report (ACHAR) and recommended that sub-surface investigation be undertaken prior to approval of the development.

Water Group, DPIE and the **Natural Resources Access Regulator (NRAR)** recommended a condition requiring the preparation of a VMP to manage the Eskdale Creek realignment works and recommended a follow up investigation of the impact of hydrocarbon leak be conducted.

Transport for NSW (TfNSW) (incorporating the former Road and Maritime Services) requested the Applicant revise surrounding intersection assessments to reflect recent changes to the network, including 2018-19 growth. TfNSW also sought clarification regarding the construction and management of a cycleway link between the site and the M7 shared path, site access arrangements, boundary treatments and recommended future DAs for the site include a Workplace Travel Plan.

Environment Protection Authority (EPA) required the Applicant provide a remedial action plan (RAP), Section A Site Audit Statement (SAS) and accompanying Site Audit Report (SAR) certifying suitability of the land for the proposed use. The EPA also recommended the applicant prepare an asbestos management plan, a plan to manage risk of unexploded ordnances (UXO) and an unexpected finds protocol (UFP).

Sydney Water recommended conditions for water supply and wastewater requirements.

Rural Fire Service (RFS) provided recommended conditions relating to requirements for asset protection zones, access to water and utilities, emergency access and landscaping.

Heritage Council of NSW noted archaeological inspection of demolition work on the site is not considered necessary given it has been assessed as having little or no archaeological significance.

Department of Primary Industries (DPI), Water NSW and Fire and Rescue NSW advised they had no comments relating the development.

Special Interest Groups/Private Businesses

Blacktown & District Environment Group Inc objected twice during exhibition, noting concerns regarding the development of the WSP for use as an industrial business hub. It also raised concerns relating to the development's biodiversity impacts on the Cumberland Plain Woodland, the realignment of Eskdale Creek and the effectiveness of the NSW biobanking scheme.

Endeavour Energy noted the existing and proposed overhead powerline easements on the site need to be included on the plan of subdivision and provided comments regarding network capacity, easement management and access.

Jemena noted it owns and operates a high-pressure gas pipeline which traverses through the site and recommended a Safety Management Study (SMS) be prepared to determine the impacts of the proposed development on the pipeline. Jemena also noted following completion of a SMS, suitable project specific protection measures would be determined, and it may seek to formalise an agreement with the Applicant in order to manage on-going compliance with the agreed control measures.

Community

The Department received three submission from the public, all of which objected to the development. The key issues raised in community submissions related to the impact of the development on biodiversity values, specifically the impacts associated with the realignment of Eskdale Creek and the potential impacts on water quality. The submissions also raised concern regarding the development of the WSP for industrial purposes.

A summary of the community's views and how these have been addressed in the report and/ or through recommended conditions is provided in **Appendix D**.

5.6 Response to submissions

On 10 February 2020, the Applicant provided a RTS on the issues raised during the exhibition of the development (see **Appendix A**).

The RTS was supported by updated documentation and information in response to the matters raised during the exhibition. Key updates included:

- minor amendments to the site layout in order to provide additional landscaping frontage;
- amendments to landscaping and planting schedule to incorporate more native species;
- amendments to the Traffic Impact Assessment, BDAR and ACHAR;
- provision of an Eskdale Creek Realignment Report and Remedial Action Plan;
- amendments to stormwater management system; and
- minor amendments to the Eskdale creek realignment plan.

The RTS was made publicly available on the Department's website and was provided to relevant public authorities to consider whether it adequately addressed the issues raised. A summary of responses is provided below:

Council noted its continued objection to the development and requested additional information be provided to address outstanding issues relating stormwater management, access, traffic and parking.

EES noted that a number of the biodiversity concerns raised in its submission had not been addressed and requested the Applicant provide a further response to these outstanding matters, particularly in relation to how the development avoids and minimises impacts to native vegetation. EES recommended that a Fauna Relocation Plan be prepared prior to the commencement of realignment works to Eskdale Creek.

TfNSW recommended a number of conditions of consent be included relating to traffic and access and noted approval would be required prior to any works on TfNSW land.

EPA noted the RAP did not appear to have been prepared in accordance with the *Contaminated Land Management Act 1997*.

Jemena provided in principle support for the risk assessment undertaken by the Applicant however requested the Applicant commit to further engagement in relation to the detailed design and construction of the development.

Endeavour Energy noted it had no further comments regarding the development.

Blacktown & District Environment Group Inc made a further submission reconfirming its objection to the realignment of Eskdale Creek.

On 6 March 2020 the Department requested the Applicant provide a response to the issues raised and met with the Applicant on 26 March 2020 to discuss the outstanding issues.

5.7 Supplementary Information

The Applicant provided an RTS Addendum on 25 May 2020 which included a response to all outstanding issues raised by Council, public authorities, special interest groups and the Department.

The RTS Addendum included updated employment figures as well as minor updates to the concept masterplan, urban design guidelines, landscape plan, RAP, creek realignment design report, civil plans and plan of subdivision. Key changes included the designation of the proposed access road as an additional lot to be retained by the Applicant and acknowledgement that car parking in addition to that indicated on the concept masterplan would be required should an industrial use be proposed. The RTS Addendum also included additional information regarding the Applicant's proposed mitigation measures to avoid impacts to biodiversity.

The RTS Addendum was provided to Council, relevant public authorities and Jemena for comment. A summary of responses is provided below:

Council noted it had no objection to the development subject to three outstanding matters being addressed. These matters included the access road remaining in the Applicant's ownership, recommending conditions of consent clearly stipulate the parking rates for the development and the Applicant upgrade the intersection of the Great Western Highway/ Doonside Road/ Brabham Drive to the north of the site. The Applicant provided additional information dated 26 June 2020 to Council and TfNSW also provided confirmation the requested intersection upgrade was not required. Council subsequently confirmed their issues had been addressed and withdrew their objection.

EES provided amended recommended conditions relevant to the preparation of the VMP and confirmed an adequate level of justification had been provided on why the development had been designed to avoid and minimise biodiversity impacts.

TfNSW noted maintenance responsibilities will be determined as part of the written agreement/Interface Access Deed process and the new roundabout and site design should be consistent with the Heavy Vehicle Access Policy Framework.

EPA provided a number of recommended conditions to ensure contaminated soil and groundwater are appropriately managed and to confirm the site is suitable for the proposed use.

Jemena advised its requirements have been incorporated into the development.

The Department has considered the issues raised in submissions, the RTS, the supplementary concerns raised, and the RTS Addendum and additional information provided, in its assessment of the development.

6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RTS, RTS Addendum and additional information in its assessment of the development. The Department considers the key assessment issues are:

- biodiversity
- stormwater and flooding
- access, traffic and parking

A number of other issues have also been considered. These issues are considered to be minor and are addressed in **Table 5** of **Section 6.4** below.

6.1 Biodiversity

The development involves clearing and earthworks across the site, construction of a bridge and access road over Eastern Creek and realignment of a 300 m section of Eskdale Creek.

The EIS included a Biodiversity Development Assessment Report (BDAR) prepared in accordance with the NSW Biodiversity Assessment Method (BAM). The BDAR also assessed potential impacts on Matters of National Environmental Significance (MNES) under the Commonwealth EPBC Act, as the development was declared a 'controlled action'. The NSW Government is assessing the impacts on MNES in accordance with the Bilateral Agreement with the Commonwealth Government.

The BDAR notes the site has been previously subject to clearing and is still grazed by cattle, which has degraded the remnant native vegetation. There are intact pockets of higher quality vegetation adjacent to Eastern Creek and in the south-western corner of the site. The site contains three watercourses, Eastern, Reedy and Eskdale Creeks. Riparian vegetation adjacent to the creeks varies from very good along Eastern Creek, good along Reedy Creek and degraded along Eskdale Creek. Water quality within the creeks are representative of moderately disturbed systems within developed catchments. Eastern and Reedy Creeks were assessed as highly sensitive fish habitat due to the presence of permanent flows, deep pools and woody debris. Eskdale Creek was considered unlikely to support viable populations of fish due to its highly degraded nature and intermittent flows.

To the east of the site is a regional vegetation corridor which runs north-south adjacent to Eastern Creek and forms part of the WSP. The proposed access road would intersect this corridor adjacent to the M4 Motorway, see **Figure 9**.



Figure 9 | Site and Access Road Layout and Eskdale Creek Realignment

Impacts on Flora and Fauna

The development includes clearing 9.83 ha of native vegetation and 29.54 ha of exotic vegetation and grasslands. The proposed clearing would impact two threatened ecological communities, including (see **Figure 10**):

- 2.45 ha of Cumberland Shale Plains Woodland (CPW). This community corresponds to the critically endangered ecological community (CEEC) listing on the BC Act and 0.97 ha of this vegetation corresponds to the CEEC listing on the EPBC Act
- 7.38 ha of River-flat Eucalypt Forest (RfEF) listed as an endangered ecological community (EEC) on the BC Act.

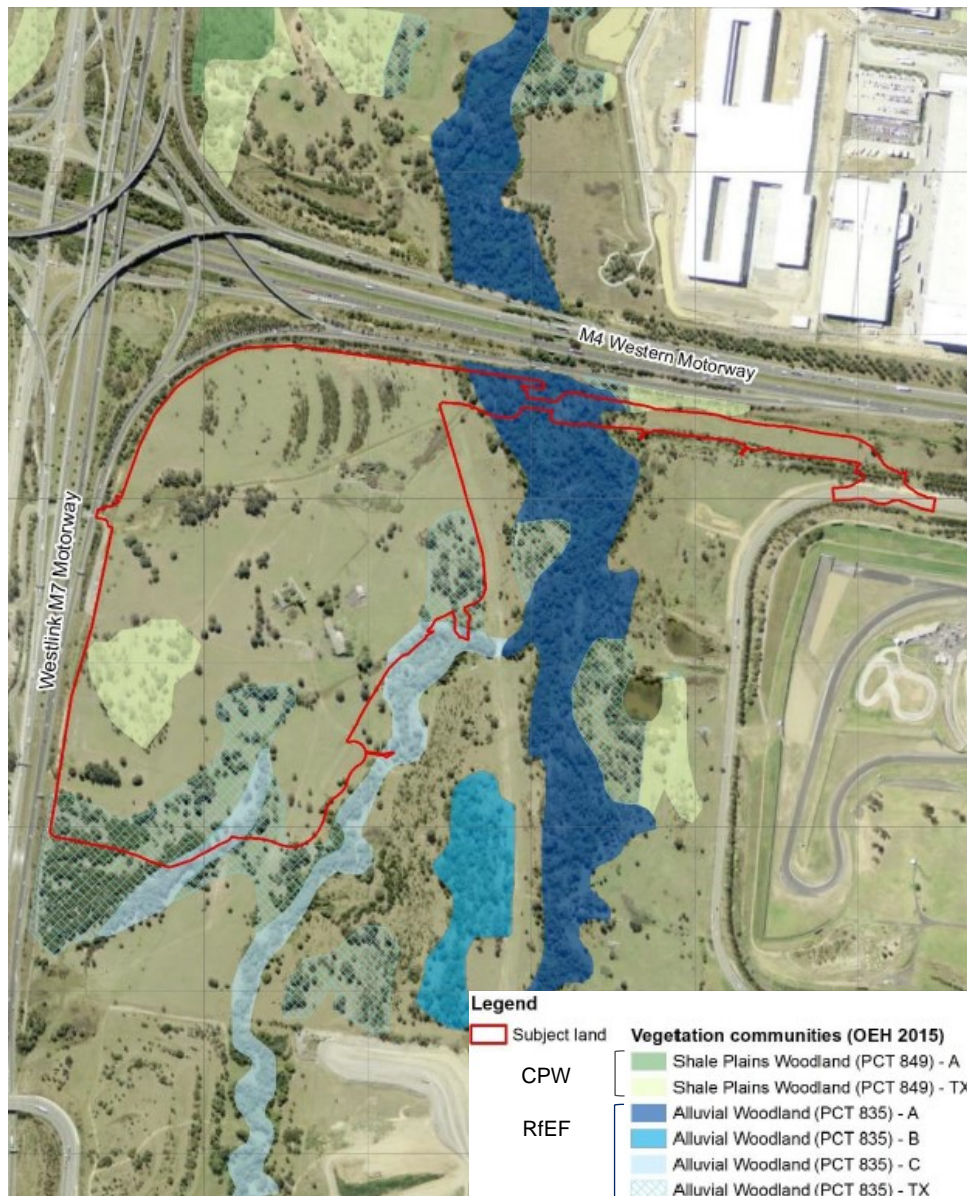


Figure 10 | Vegetation Communities on Site

The BDAR noted the CPW has areas in which shrub and sub-canopy layers were absent due to previous selective clearing and grazing, such that the overall condition is degraded. The vegetation community has also been fragmented and isolated by construction of the adjacent M4 and M7 Motorways. Similarly, the RfEF has been previously under-scrubbed with 1.95 ha remaining as intact woodland, primarily adjacent to Eastern Creek in the location of the proposed access road and bridge.

No threatened flora species were found on the site. One threatened fauna species was considered likely to occur, the Southern Myotis (listed as vulnerable under the BC Act). A total of 2.66 ha of potential habitat for this species would be cleared. The EPBC Act listed Grey-headed flying fox is considered a subject species that may be impacted by habitat clearing, although field surveys did not identify any camps of this species or breeding habitat on the site.

Indirect impacts are predicted to be minimal given the existing industrial development surrounding the site and the M4 and M7 Motorways. Higher quality native vegetation adjacent to Eastern Creek, and outside the development footprint, would continue to be managed and protected as part of the WSP.

Eskdale Creek Realignment

The proposed realignment of Eskdale Creek was considered in the BDAR (in relation to vegetation clearing) and in a Creek Realignment Design Report (considering hydrological impacts). The realignment has been designed to address the requirements of Council and the Natural Resources Access Regulator (NRAR), including the Guidelines for Controlled Activities on Waterfront Land.

The creek realignment would require clearing of RfEF, which is included in the overall clearing calculations detailed above. The RfEF near Eskdale Creek is degraded and subject to grazing impacts.

The Blacktown and District Environment Group and community submissions were critical of the proposed creek realignment stating it would have unacceptable ecological impacts and expressed concerns regarding the appropriateness of the pre-lodgement consultation between the Applicant and NRAR.

The realignment design includes a wide low-flow channel linking a series of interspersed pools surrounded by swampy meadows, see **Figure 11**. The design incorporates habitat features including hollow-bearing trees cleared from the site and establishment of a 40 m wide riparian zone. The BDAR notes the meadows and ponds would mitigate flows, improve the quality of water flowing to Reedy Creek and increase biodiversity by creating wetlands, marshlands and riparian ecosystems.

NRAR noted the proposed realignment would improve Eskdale Creek by creating a defined channel with pools and riffles that would be beneficial to the health of the river system. Council requested some amendments to the realignment design, which were adequately addressed in the RTS Addendum. Council recommended conditions for a Vegetation Management Plan, including a requirement for a full 40 m wide vegetated riparian zone along Eskdale and Reedy Creeks within the site.

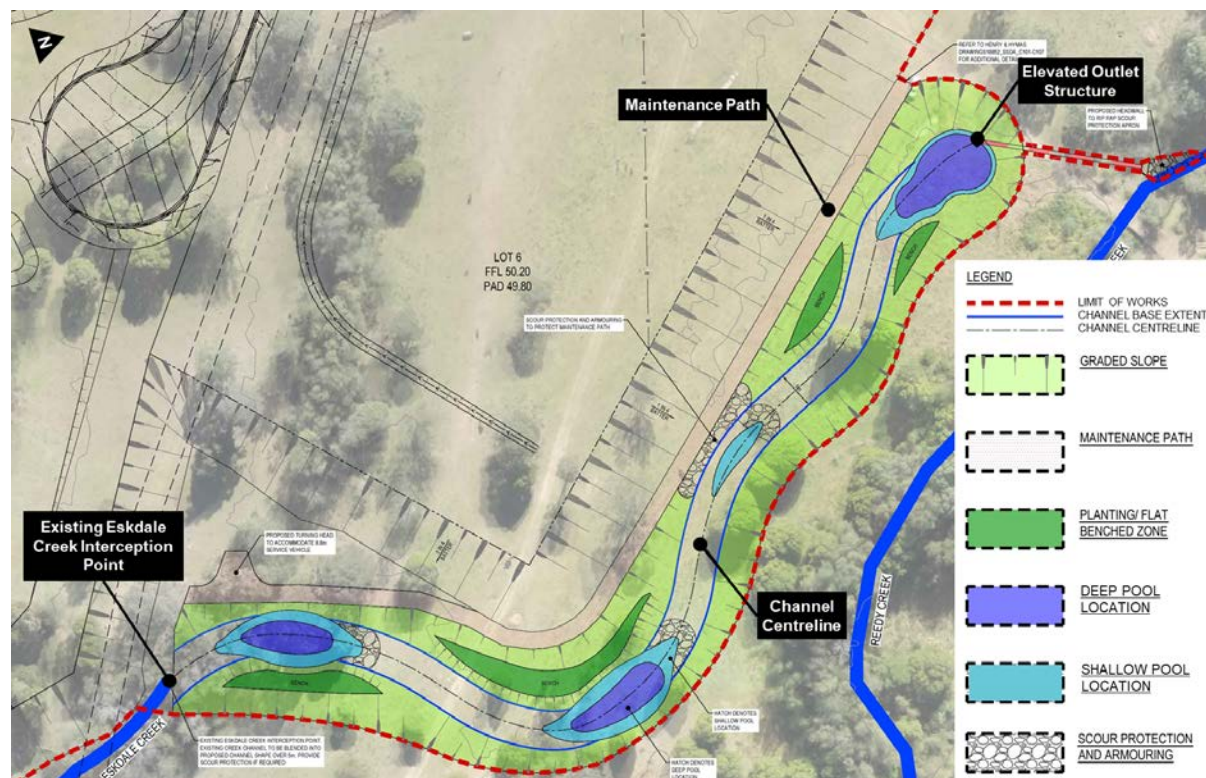


Figure 11 | Eskdale Creek Realignment Design and Vegetated Riparian Zone

EPBC Matters of National Environmental Significance

Two Commonwealth listed species are likely to be impacted including CPW and habitat for the Grey-headed Flying fox. The development would result in direct clearing of 0.97 ha of CPW, which was assessed as being degraded and isolated by historic land use activities on and adjacent to the site. The impacts of clearing were not considered significant and would be offset through the purchase and retirement of ecosystem credits in accordance with the NSW Biodiversity Offsets Scheme (BOS).

The BDAR noted the Grey-headed Flying fox was not recorded on the site, so impacts would be limited to the clearing of 9.83 ha of native vegetation that could provide foraging habitat. This represents 0.7% of the foraging resources available to this species in the area. The BDAR concluded this habitat loss would be unlikely to significantly impact the species, and the impacts would be offset through the purchase and retirement of ecosystem credits.

Further discussion of the proposed offsets is provided below. Detailed assessment of the development against the provisions of the EPBC Act is provided in **Appendix E**.

Impact Avoidance and Mitigation

The Applicant has avoided impacts to the higher quality native vegetation (2.2 ha of CPW) in the south-western part of the site through site design and warehouse layout. Three options for the site access road were evaluated, with the alignment adjacent to the M4 Motorway selected to minimise further fragmentation of the regional vegetation corridor and due to vehicle movement constraints at the existing site access via Wallgrove Road. More broadly, the site was identified in the WSPT PoM as suitable land for industrial and commercial development to support to the ecological and recreational objectives of the WSP, which involve the protection of up to 2,000 ha as a bushland corridor.

The Applicant also proposes a range of mitigation measures to minimise the biodiversity impacts of the development, these include:

- implementing pre-clearance procedures to identify and protect native fauna
- salvage and reuse of seven hollowing bearing trees in the realigned Eskdale Creek
- creation and protection of vegetated riparian zones along Eskdale and Reedy Creeks within the site and on-going management in accordance with a Vegetation Management Plan (VMP)
- creation of aquatic habitat through the creek realignment design that incorporates swampy meadows and chain-of-ponds.

EES requested the Applicant consider further measures to avoid impacts on biodiversity, but following review of the RTS Addendum, were satisfied with the justifications provided by the Applicant. EES requested the Applicant minimise clearing for construction of the bridge over Eastern Creek and design the bridge to allow light and moisture to penetrate under the structure to encourage native plant growth.

Proposed Offsets

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 BOS. The BDAR identified the following credits would be required:

- 253 ecosystem credits, including 42 for CPW and 211 for RfEF (this covers both BC Act and EPBC Act listed species)
- 93 species credits for Southern Myotis.

EES did not comment on the proposed offsets but provided detailed recommendations for a vegetation management plan and landscape plan for the development.

The Department notes the offsets have been calculated by an accredited BAM assessor, in accordance with the BOS. The Department has recommended conditions for the retirement of the ecosystem and species credits prior to any clearing or construction works. Alternatively, the Applicant may make an equivalent contribution to a Biodiversity Conservation Fund to offset the impacts of clearing.

Conclusion and Recommendations

The Department has reviewed the biodiversity impacts of the development and consulted Council, EES, NRAR and DAWE.

The Department also met with the Blacktown and District Environment Group who were strongly opposed to the native vegetation clearing and creek realignment. The Group did not support any development within the WSP, citing previous Government's commitments to retain the land for ecological and recreational purposes. The Group were also critical of the proposed creek realignment stating it would have unacceptable ecological impacts.

The Department notes the Applicant has sought to minimise the biodiversity impacts of the development by siting the warehouses to avoid native vegetation in the south-western corner and has committed to revegetating the riparian corridors within the site. The Applicant has attempted to minimise the disturbance associated with the access road and bridge, noting the design must also meet the requirements of Council and address flooding constraints. 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 site was chosen for industrial development due to its relatively limited extent of high-quality native vegetation and would assist to finance the broader ecological objectives of protecting 2,000 ha of land for the WSP.

The Department notes the condition of Eskdale Creek has been previously disturbed and the realignment design provides an opportunity to enhance the ecological value of the creek and downstream waterways by creating permanent pools surrounded by swampy meadows and a revegetated riparian corridor. NRAR noted Eskdale Creek currently has limited riparian vegetation and has been modified by previous farming practices. NRAR concluded the proposed realignment would improve the channel and the overall health of the creek system and recommended the Applicant implement a VMP for the realignment and all riparian corridors on the site. The Department has recommended conditions requiring the VMP is prepared in consultation with EES and NRAR, detailing the final creek realignment design and establishing a 40 m wide vegetated riparian zone along Eskdale Creek to enhance the riparian corridor.

EES provided recommended conditions for the development, focusing on the implementation of a VMP and protection of the riparian corridors within the site. The Department also consulted with the Commonwealth DAWE during the assessment to ensure the requirements of the EPBC Act have been addressed.

The Department's assessment concludes the proposed vegetation clearing would be unlikely to significantly impact on biodiversity values, including threatened ecological communities and threatened fauna species. The Applicant would offset these impacts through the NSW BOS and would enhance and protect riparian vegetation on the site. The offsets would address the requirements of both the BC Act and EPBC Act. The Department notes the Applicant has avoided impacts to 2.2 ha of higher quality native vegetation in the south-western part of the site and recommends this area be protected during construction and operation of the development.

The Department has recommended conditions to minimise the biodiversity impacts of the development, including a VMP to be prepared in consultation with EES and NRAR for enhancing the riparian corridors on the site, including establishing a 40 m wide vegetated riparian zone along Eskdale Creek incorporating translocated juvenile native plants and hollow bearing trees and measures to protect native vegetation not subject to clearing. With these conditions in place, the Department concludes the biodiversity impacts would be adequately minimised and offset.

6.2 Stormwater and Flooding

The site is traversed by three creeks, Eskdale, Reedy and Eastern Creeks and is affected by the 100 year Average Recurrence Interval (ARI) flood event. Council's flood mapping defines the areas adjacent to Reedy and Eastern Creeks as high flood risk.

The Applicant provided a concept design for stormwater management and a flood risk assessment for the development. Several revisions were made to the stormwater system design throughout the assessment process, with the final design presented in the RTS Addendum.

Stormwater Management

The concept design for stormwater management aims to ensure post-development conditions do not increase stormwater volumes discharging from the site or affect stormwater quality. The concept design considered flows from upstream catchments that discharge across the site and included a stormwater system designed to capture, store, treat and discharge flows to meet Council's requirements.

The proposed stormwater management system includes three key components:

- diversions to mitigate the risk of flooding from the upstream catchment west of Wallgrove Road
- a bioretention basin on site to treat and remove contaminants before discharging to Eastern Creek
- a detention basin, sized to capture and store major storm events and slowly discharge to Eastern Creek.

The Applicant consulted with Council and designed the stormwater management system in accordance with Council's requirements for engineering structures and water sensitive urban design. Council advised its preference for the stormwater management system to remain in private ownership and not be dedicated to Council. The Applicant accepted this position and would be responsible for on-going maintenance of the infrastructure. Council provided detailed recommendations for the design of the system and requested the Applicant submit a detailed design to Council for approval, prior to commencing construction. Council also requested payment of a construction security for the bioretention basin.

The Department notes the Applicant provided substantial detail on the proposed stormwater management system in the EIS, RTS and RTS Addendum, and worked closely with Council to address their requests for design changes. The Applicant committed to importing large volumes of fill to meet Council's requirement for the detention basin outlets to be above the 100 year ARI, involving raising the whole site to provide adequate drainage and flood protection.

The Department notes the stormwater management infrastructure will remain in private ownership, without any future maintenance burden on Council. For this reason, the Department considers a security bond for the bioretention basin is not justified. The Department considers it appropriate to apply conditions requiring a suitably qualified engineer certify the stormwater management system prior to construction and operation. This is to occur in consultation with Council and the Planning Secretary. With these conditions in place, the Department is satisfied the stormwater management system would be designed, installed and operated in accordance with relevant guidelines.

Flooding

The site would be filled to raise it above the probable maximum flood (PMF) event, and the detention basin would be raised above the 100 year ARI event. The flood assessment noted there would be limited flood risk to the development with the proposed site raising. The main access road has been designed above the 100 year ARI and the alternative service road through to Wallgrove Road is flood free during the PMF event, ensuring emergency egress is available during all flood events.

Raising the site would increase peak flood levels and flow velocities upstream and downstream during the 100 year ARI, but increases would remain entirely on the site and would not affect adjacent properties. There would be some increases in flood levels across the M4 Motorway during the PMF event due to the development, however there would already be significant flows over the road during the PMF. The flood assessment noted there is no requirement for flood mitigation works or specific emergency response plans for the development.

Council recommended a condition for the detention basin to be designed to withstand the 100 year ARI event and did not provide any further comments on flooding. The Department notes the development would not result in off-site flooding impacts and the site and access road would be raised to provide flood immunity for the development. The Department's assessment concludes the development would not cause flooding impacts off-site and would not present a flood risk to workers on-site.

6.3 Access, Traffic and Parking

The site is located adjacent to the intersection of the M4 and M7 Motorways. There is currently no formal access road into the site, however the existing minor access underneath the M7 from Wallgrove Road extends close to the site's western boundary. The proposed construction and operation of industrial warehouses requires an access road suitable for heavy vehicles and connection to the local and regional road network for efficient distribution of goods.

Access

Stage 1 of the development includes construction of a site access road from Ferrers Road, which includes a bridge over Eastern Creek, see **Figure 12**. The Applicant confirmed the road would be designed in accordance with Council's DCP, Australian Standards and would accommodate B-double vehicles.

Council requested the primary access road be retained in private ownership and not be dedicated to Council. The Applicant accepted Council's current position but noted it would continue to liaise with Council regarding the potential for the road to be dedicated in the future.

There is an existing road underneath the M7 Motorway connecting to Wallgrove Road to the west. This road would be extended into the site and maintained as an emergency access road, designed to comply with the requirements of NSW Fire & Rescue.

TfNSW requested clarification of proposed works within the M7 Motorway corridor, noting the Applicant would require approval from TfNSW and Westlink M7 for any works. The Applicant confirmed that a shared pedestrian/cycle path would be constructed from the site to connect to the shared path adjacent to the M7. These works would be subject to a future DA for works on Lots 1 and 2. TfNSW recommended conditions for works within the M7 corridor and for future DAs to include Workplace Travel Plans including end-of-trip facilities to encourage cyclist use.

The proposed construction of a retaining wall within the M7 corridor to divert stormwater flows would also be subject to review and approval by TfNSW and Westlink M7. These works would be completed as part of Stage 1. The requirement for TfNSW and Westlink M7 to approve these works have been included in the recommended conditions.

No other issues were raised regarding the proposed site access roads.



Figure 12 | Primary Access Road and Emergency Access Road

Traffic

Once fully developed, the site is predicted to generate 7,078 vehicle trips per day (tpd), including a maximum of 420 trips during the AM peak hour and 340 trips during the PM peak hour. The TIA estimated heavy vehicles would constitute 28% of traffic from the site.

The Applicant provided a Traffic Impact Assessment (TIA) which was updated in the RTS to address comments from TfNSW (incorporating the former RMS). The TIA analysed the performance of key intersections with and without the development in 2026 and 2036, allowing for background traffic growth.

The TIA considered the development in the context of the recently completed upgrade of the Great Western Highway / Doonside Road / Brabham Drive intersection.

The TIA noted key intersections would operate satisfactorily with the development in 2026 and 2036, without any need for road or intersection upgrades. This included the recently upgraded intersection of the Great Western Highway / Doonside Road / Brabham Drive.

The intersection of The Horsley Drive / Ferrers Road (south of the site) would operate satisfactorily with the addition of development traffic in 2019, however, intersection performance decreases for the 2036 scenario, primarily due to background traffic growth. TfNSW has already identified the need to upgrade this intersection to provide additional turning lanes, however there is no timeframe for completion of the works. The TIA analysed the development's contribution to traffic at this intersection, noting the development would increase movements by 1.9% in the AM peak and 1.3% in the PM peak, representing a very small proportion of total traffic. The TIA also considered the concept design for the upgraded intersection and confirmed it would perform satisfactorily with the addition of development traffic in 2036.

TfNSW did not raise any concerns with the TIA and recommended conditions for the proposed works in the M7 corridor. Council raised residual concerns about the performance of the Great Western Highway / Doonside Road / Brabham Drive intersection. TfNSW responded to these concerns, noting the intersection is predicted to operate satisfactorily with the development in 2036, with the contribution from the development being minor. TfNSW, as the authority for the signalised intersection, advised it is not reasonable to require an additional upgrade from the Applicant for the development.

The Department considers traffic from the fully developed site would be adequately accommodated on the local and regional road network without the need for upgrades. The reduced intersection performance at The Horsley Drive / Ferrers Road intersection has already been identified by TfNSW in its planned road upgrades. The development would result in only minor increased traffic through this intersection and would not warrant upgrades on its own.

Construction Traffic

The site would be developed in stages, with the first stage involving earthworks, installation of drainage and civil infrastructure and construction of the site access road from Ferrers Road to be completed over a twelve to eighteen month period. The Applicant noted the existing road under the M7 from Wallgrove Road would be used by construction vehicles.

The Applicant did not estimate the number of construction vehicles required for Stage 1, however, the Department notes from similar developments in the WSEA, construction traffic volumes are typically lower than operational traffic for warehouse and logistics developments. As the TIA concluded the road network would perform satisfactorily with operational traffic, it would also adequately accommodate construction traffic, particularly as the construction would be conducted over stages.

The Applicant proposes to manage construction traffic through a construction traffic management plan for each stage of the development. Council and TfNSW did not comment on construction traffic. The Department has recommended conditions for the preparation of a construction traffic management plan for Stage 1, to ensure construction traffic is adequately managed.

Parking

The Applicant proposes to provide a total of 782 car parking spaces for the development. The parking provision is consistent with the RMS *Guide to Traffic Generating Developments* and other approved warehouse and logistics estates in the WSEA, being 1 space per 300 m² of GFA for warehouses and 1 space per 40 m² of GFA for offices.

Council initially requested parking rates be increased to comply with Blacktown Council's DCP 2015. Council also raised concerns with the lack of detail for future DAs in relation to on-lot parking and swept paths for heavy vehicles. The Applicant noted that application of the parking rates in Council's DCP would require 2,292 spaces, which is substantially larger than the expected employment generation of the site, and surveys of parking rates for similar developments in the WSEA. Following review of the RTS and RTS Addendum, Council proposed a condition specifying parking rates for the development including future DAs, based on final land uses. This included 1 car space per 300 m² for warehouses, 1 per 77 m² for industrial uses, 1 per 40 m² for offices and 1 accessible space for every 100 spaces. Council also recommended future DAs include swept path analysis for each lot covering internal parking and hardstand areas. The Applicant accepted Council's proposed parking rates and the Department has incorporated these into the recommended conditions.

Conclusion and Recommendations

The Department considered the Applicant's TIA and comments received from Council and TfNSW. The Department also met with Council on several occasions to discuss residual matters related to traffic, access and parking. The Department notes the TIA was prepared in accordance with all relevant guidelines and the proposed access roads, internal roads and parking areas would be designed and constructed in accordance with the requirements of Council and relevant Australian Standards. The Applicant has engaged with TfNSW regarding its requirements for works within the M7 Motorway corridor and would continue to liaise with TfNSW during detailed design and construction.

The Department's assessment has concluded the traffic from the fully developed site would be adequately accommodated on the local and regional road network, without the need for additional road or intersection upgrades. The Department has recommended conditions for the site access roads, internal roads and parking areas to comply with relevant requirements of Council, TfNSW and Australian Standards. With these conditions in place, the Department concludes traffic from the development would be adequately managed and would not impact the performance of the local and regional road network.

6.4 Other issues

The Department's assessment of other issues is provided in **Table 5**.

Table 5 | Assessment of Other Issues

Findings	Recommendations
Aboriginal Heritage	
<ul style="list-style-type: none"> The ACHAR submitted with the EIS was prepared in consultation with the relevant Registered Aboriginal Parties (RAPs), and concluded: <ul style="list-style-type: none"> sub-surface investigations of the site demonstrated the presence of two source-bordering, alluvial terraces along Eskdale Creek and Eastern Creek, within which discrete patches formed the key locations of Aboriginal visitation and occupation, over the last 4,000 years. Both sites were found to be of high archaeological significance. the remainder of the site is dominated by a low-density distribution of cultural material in the form of small artefact scatter sites and isolated artefacts which are of low archaeological significance. the development would result in significant impacts to the Eskdale Creek alluvial terrace landform and the low-density background scatter present within the site. the development of an Aboriginal Cultural Heritage Management Plan (ACHMP) should be prepared to provide the post-approval framework for managing Aboriginal heritage within the site. the ACHMP should be prepared in consultation with the RAPs. The proposed ACHMP will seek to avoid disturbance and conserve the Eastern Creek terrace area and manage and mitigate harm to the Eskdale Creek terrace area. This includes archaeological salvage of up to 100 m² of the Eskdale Creek alluvial terrace deposit. This Plan will also establish a system for the long-term management of Aboriginal objects recovered within the site. EES advised it supports the Applicant's proposed management and mitigation measures as outlined in the ACHAR and noted the long-term management of any items recovered from the site would require a Care Agreement under 85A(1)(c) of the <i>National Parks and Wildlife Act 1974</i>. The Department has considered the findings and conclusions of the Applicant's ACHAR and acknowledges the development is likely to impact upon sites and items of aboriginal heritage significance. The Department notes the Applicant's commitment to avoiding impacts to the Eastern Creek area and accepts the management and mitigation measures proposed to address impacts to Eskdale Creek terrace area. The Department also acknowledges EES' support for the proposed measures. The Department has recommended a number of conditions, including the preparation of an ACHMP which includes ongoing consultation with the RAPs and an unexpected finds protocol. 	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> apply the recommendations outlined in the ACHAR; prepare and implement an ACHMP; prepare and implement unexpected finds protocol as part of the CEMP.

Findings

Recommendations

- Overall the Department's assessment concludes impacts on Aboriginal cultural heritage can be appropriately managed through the implementation of the recommendations of the ACHAR, including the ACHMP, and the imposition of the recommended conditions of consent.

Air Quality

- The Department notes the development has the potential to impact air quality resulting from the proposed demolition, bulk earthworks, site infrastructure and subdivision works.
- The EIS included an Air Quality Impact Assessment (AQIA) to determine the likely impacts associated with the Stage 1 works. The impacts would primarily be associated with dust deposition and suspended particulates.
- The AQIA recommended a range of mitigation measures to be implemented to reduce the risk of off-site air quality impacts to a negligible level, including preparing a dust management plan, maintaining machinery in working order, covering stockpiles and the like.
- The AQIA concluded the likelihood of off-site impacts resulting from the proposed construction works would be low due to a combination of the distance to the nearest sensitive receptors (approximately 480 m) and the mitigation measures proposed.
- The Department has considered the information provided in the AQIA and agrees the potential for off-site air quality impacts associated with the construction of the development is low.
- The Department notes concerns regarding the development's potential impacts on air quality have not been raised in any of the submissions including the EPA's.
- The Department's assessment concludes any air quality impacts associated with the development can be appropriately managed through the recommended conditions of consent, which include a requirement to carry out best practice dust management.

Require the Applicant to:

- implement best management practices to prevent and minimise dust emissions associated with construction activities.

Noise

- The development has the potential to emit noise and vibration during both its construction and operational phases, which could impact on the amenity of the locality.
- The Applicant has submitted a Noise Impact Assessment (NIA) to assess the potential noise and vibration impacts associated with the concept proposal and Stage 1 works.

Construction

- Construction is proposed to be carried out during standard daytime working hours of 7:00 AM to 6:00 PM Monday to Friday and 8:00 AM to 1:00 PM on Saturdays.
- The NIA considered key activities associated with the construction works and predicted the likely noise impact at each of the surrounding sensitive noise receptors.
- The NIA established the noise management levels outlined in the *Interim Construction Noise Guideline* (ICNG) could be met at all residential receivers during standard construction hours.

Require the Applicant to:

- comply with standard construction hours;
- prepare and implement an out of hours work protocol for any works outside standard hours;
- implement management and mitigation measures through the CEMP;
- ensure future DAs do not exceed the project noise trigger levels identified in the EIS.

There is the potential for noise levels to be exceeded by up to 8 dB(A) at the hotel located approximately 250 m to the east of the site during site clearing and earthworks, as well as construction of the roadways and paving works during concrete pours. The nearest vibration-sensitive receiver is located over 100 metres to the west of the site which is beyond the minimum working distance outlined in the EPA's vibration guideline and as such, no vibration impacts are anticipated.

- The NIA recommends a Construction Management Plan be prepared that includes details on site-specific noise and vibration mitigation and management strategies, particularly to address circumstances where the noise levels are predicted to be exceeded.
- The EPA's submission raised no issues with the assessment and recommended conditions be imposed to require construction be carried out during standard construction hours and to prepare a protocol to address any requests to carry out activities outside these hours.
- The Department agrees with the findings and recommendations of the NIA. While there is the potential for construction noise impacts to occur, the Department considers this can be readily mitigated and managed through the imposition of conditions, including limits to construction hours, requiring compliance with the ICNG noise management levels, and through the preparation and implementation of a construction and vibration noise management plan.

Operation

- Key future noise sources would be associated with the eventual occupation and use of the site and will include mechanical plant, internal warehouse operations, operation of the loading docks and vehicle movements.
- As the final uses are not known, operational noise impacts were based on a conservative assessment of noise contribution from these sources.
- The assessment found that operational noise limits are predicted to comply with the project noise trigger levels at all sensitive receivers during all periods. Similarly, sleep disturbance levels are predicted to be below the relevant criteria. As such, no specific noise mitigation measures are proposed.
- The EPA acknowledges for each future development at the site, a noise assessment will be undertaken and noise conditions will be applied, however, the appropriate regulatory authority for managing noise may differ. To ensure each tenancy does not exceed its 'budget' as determined by the noise assessment undertaken for this application, the EPA has recommended noise limits be applied across the site. Future DAs will have to demonstrate compliance with these site wide trigger levels.
- The Department is satisfied with the conclusions of the noise assessment. The Department agrees with the EPA's approach to managing operational noise across the site and has recommended noise limits that must be met for all future development at the site as part of the recommended conditions of consent.

Findings

Recommendations

- Overall, the Department's assessment concludes that noise and vibration impacts associated with the development can be appropriately managed through the recommended conditions of consent.

Bushfire

- The site is identified as Vegetation Category 3 bushfire prone land which presents a medium bush fire risk and accordingly a bushfire assessment was required.
- The Applicant submitted a Bushfire Assessment (BA) in accordance with the aims and objectives of Planning for Bushfire Protection 2006 (PBP 2006) which applied at the time of lodgement of the application. It identified the potential bushfire hazards associated with the site and the proposed development.
- The BA concluded the site can accommodate the proposed development subject to appropriate mitigation measures, including the provision of defendable space around the buildings and adequate access to water supply.
- The RFS recommended a number of conditions for the development relating to requirements for asset protection zones, access to water and utilities, emergency access and landscaping.
- The Department notes the PBP 2006 continues to apply to this application as it was made before the new 2019 guideline came into effect on 1 March 2020.
- The Department has considered the findings of the BA and is satisfied the development can comply with the PBP 2006, subject to implementing the recommendations of the BA and the conditions recommended by the RFS.
- The Department's assessment concludes the development would comply with relevant bushfire protection requirements and has recommended conditions in line with the recommendations made by the RFS and the BA.

Require the Applicant to:

- comply with relevant bushfire protection requirements outlined in PBP;
- implement mitigation measures in accordance with the recommendations provided by RFS and the BA.

Hazards and Risks

- A Hazard and Risk Assessment (HRA) was submitted in support of the application to address potential hazards and risks associated with the development.
- The HRA noted that as specific uses and activities for the future industrial buildings have not yet been determined, a preliminary risk screening in accordance with SEPP 33 was not undertaken. However, such an assessment will be required as part of any development application(s) for future development on the site.
- The HRA identified the presence of a high-pressure natural gas pipeline owned and operated by Jemena in an easement adjoining the site and as such, undertook a quantitative risk assessment (QRA) to estimate the consequences and likelihood of accidents arising from this pipeline.
- The HRA determined the cumulative individual fatality risk was significantly lower than the Department's relevant risk criterion. Similarly, the societal risk for the site was considered to be in

Require the Applicant to ensure future development on the site:

- continues to comply with the societal risk criteria within the Department's Hazard advisory papers
- ensures that Jemena's pipeline can continue to comply with the relevant Australian Standards, including and outcomes from a SMS.

Findings

Recommendations

the negligible risk zone. Notwithstanding, the HRA recognised that while this assessment was based on a conservative population estimate, it may be necessary to review the societal risk exposure from Jemena's pipeline for future DAs.

- The Applicant consulted with Jemena on the application who requested a Safety Management Study (SMS) be prepared to allow for site specific protection measures to be determined.
- The requirement to prepare a SMS is consistent with the Department's approach on development near high pressure pipelines and it is recommended the Applicant be required to prepare such a study as part of any future applications for the site. This has been included in the Department's recommended conditions.
- Jemena advised it supported the Applicant's HRA and requested the Applicant commit to further engagement throughout the construction phase.
- The Applicant has committed to the ongoing consultation with Jemena during the detailed design and construction phase for Stage 1 works.
- The submission from Fire and Rescue NSW acknowledged the HRA and requested it be consulted on any future DAs for the site.
- The Department notes that while no buildings are proposed to be constructed as part of this development, there is a need to ensure that any future development on the site complies with the relevant risk criteria and is appropriately sited from Jemena's gas pipeline so as to not compromise its assets. The Department has recommended conditions to reflect these outcomes.
- The Department's assessment concludes the hazards and risks associated with the development can be appropriately managed through the recommended conditions of consent.

Visual

- The Applicant submitted a Visual Impact Assessment (VIA) which included photomontages and perspectives from five key vantage points, including adjacent motorways and the public domain, to show the potential visual impacts of the future development in its final developed form.
 - The VIA modelled a building height of 12.3 m for all future warehouse buildings which is similar to that of comparable developments in the surrounding area, including Huntingwood, Erskine Park and Arndell Park industrial precincts.
 - The VIA concluded the visual impacts of the proposed development would be low at all key vantage points, both for the present-day scenario and in 10 years' time. Additionally, the Applicant noted the masterplan design and visual impacts are considered acceptable based on the location, scale and character of the surrounding area as well as the proposed mitigation measures, including setbacks to motorways and landscaping.
 - The Applicant has prepared Urban Design Guidelines to facilitate the appropriate siting and design of all future buildings within the site however, the final scale and built form of the
- Require the Applicant to:
- comply with the Urban Design Guidelines for the site;
 - provide minimum setbacks and landscaping in line with the EIS and approved plans.

Findings

Recommendations

buildings, including building height and development footprint, will be determined on a case by case basis in response to market demand and considered as part of future DAs.

- The Department considers the detailed design of the future buildings on each lot, and the associated visual impacts, should be considered in detail as part of the assessment of future DAs for the site. Additional mitigation measures may be required to minimise potential visual impacts associated with each building.
- Overall, the Department's assessment concludes the proposed development will establish an appropriate development layout and urban design basis for the future development of the site and is unlikely to have significant visual impacts on the largely industrial locality.

Contamination

- The site has historically been used for agriculture and from the 1940s was used by the Australian Defence Force. More recently, the site has been used to graze cattle. Present on the site includes two underground storage tanks, three abandoned buildings, disused wastewater treatment plant infrastructure and other miscellaneous material. As such, there is the potential for contamination to be present on site, with particular concern in relation to asbestos, UXO, heavy metals and hydrocarbons.
- The Applicant undertook detailed site investigations to assess the potential contamination of the site.
- The investigation concluded the site is suitable for the proposed development pending implementation of management recommendations including additional investigation of the eastern and western portions of the site.
- In response to feedback from the EPA, the Applicant submitted an RAP as part of the RTS to provide options for the remediation of identified areas of concern.
- The EPA reviewed the RAP and recommended the Applicant be required to provide an Interim Audit Advice or a Section B SAS that certifies the RAP is appropriate prior to commencing remediation.
- The EPA also recommended the Applicant engage a Site Auditor throughout the duration of works to ensure contaminated soil and groundwater is appropriately managed. A Section A SAS (or a Section A2 SAS accompanied by an Environmental Management Plan) certifying suitability of the land for the proposed use was also recommended.
- The Department concurs with the EPA's recommendations and supports the appointment of a site auditor to guide the remediation of the site. Recommended conditions have been drafted to reflect this position. The Department has also included conditions that require the Applicant to obtain a relevant SAS to confirm that the site has been suitably remediated to support the future land uses.
- The Department's assessment concludes that, subject to the implementation of the recommended conditions and the provision of a SAS, the site can be made suitable for the proposed use.

Require the Applicant to:

- engage a site auditor throughout the remediation works
- implement the RAP (which has been certified by the auditor)
- obtain a SAS (and where relevant, include an environmental management plan) at the completion of works certifying that the site is suitable for its intended use.

7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the environmental planning instruments that apply to the development and the submissions received from the relevant public authorities, Council, special interest groups and community.

The development site represents a portion of the Western Sydney Parklands which has been identified under the WSP Plan of Management as a suitable location for a business hub for the purpose of generating income to assist in funding facilities, programs and environmental initiatives throughout the WSP.

The Concept Proposal when fully developed includes up to 165,000 m² of GFA for industrial and warehouse and distribution uses on a site strategically identified for this purpose. The Stage 1 DA would deliver 230 construction jobs, while the Concept Proposal when fully developed would provide 1000 construction and 430 operational jobs.

The Department considers the key assessment issues are biodiversity, stormwater and flooding and access, traffic and parking.

The development would require clearing of native vegetation, impacting two threatened ecological communities, including Commonwealth listed species, resulting in the development being declared a controlled action under the Commonwealth EPBC Act. The development would also realign Eskdale Creek to accommodate the south-eastern corner of the development footprint. The Department has closely consulted with the Natural Resources Access Regulator and the Environment, Energy and Science Group and notes the Applicant has attempted to avoid and minimise disturbance to native vegetation by carefully considering site access and the development layout. The Department recognises Eskdale Creek has been previously modified and the realignment provides an opportunity to enhance its ecological value by improving water quality and increasing biodiversity. The Department has recommended conditions of consent to offset biodiversity impacts through the NSW Biodiversity Offsets Scheme and to enhance and protect riparian and other vegetation on the site, including establishing a 40 metre wide vegetated riparian zone along Eskdale Creek.

The stormwater management system has been designed in consultation with Council and includes a detention basin sized to capture and store major storm events and a bio retention basin to treat and remove contaminants before discharging to Eastern Creek. Furthermore, the site and access road would be raised to provide flood immunity for the development without resulting in discernible off-site impacts. Subject to recommended conditions, the Department is satisfied the stormwater management system would be designed, installed and operated in accordance with relevant guidelines and the development would not cause discernible flooding impacts off-site or present a flood risk to workers on-site.

The revised Traffic Impact Assessment demonstrated the fully developed site would be adequately accommodated on the local and regional road network without the need for upgrades. This was supported by TfNSW and accepted by Council. In response to Council's other concerns, the Applicant will retain ownership of the internal access road and a condition of consent has been recommended

specifying parking rates for industrial, warehouse and distribution and office uses. The Department is satisfied traffic from the development would be adequately managed and has recommended conditions for the site access road, internal roads and parking areas to comply with relevant requirements of Council, TfNSW and Australian Standards.

The Department considers the potential impacts of the development can be managed and/ or mitigated to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent, including:

- implementation of management and mitigation measures identified by the Applicant
- preparation of a vegetation management plan and retirement of the ecosystem and species credits prior to any clearing or construction works or an equivalent contribution to a Biodiversity Conservation Fund to offset the impacts of clearing
- certification of the stormwater system by a suitably qualified engineer, in consultation with Council
- certification the site access roads, internal access roads and future parking areas comply with the relevant requirements of Council, TfNSW and Australian Standards.

Overall, the development is consistent with the strategic direction for the site set under the WSP POM and will assist with funding the long term operations of the WSP. The Department concludes the impacts of the development can be appropriately managed through implementation of the recommended conditions of consent. On balance, the Department considers the development is in the public interest and should be approved, subject to conditions.

8 Recommendation

For the purpose of section 4.38 of the *Environmental Planning and Assessment Act 1979*, it is recommended that the **Executive Director, Regions, Industry and Key Sites**, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for granting consent listed in the notice of decision
- **grants consent** for the application in respect of the Light Interchange Business Hub, Eastern Creek (SSD-9667), subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see Appendix F)

Recommended by:



William Hodgkinson
Team Leader
Industry Assessments

Recommended by:



Joanna Bakopanos
Team Leader
Industry Assessments

Recommended by:

 24 August 2020

Chris Ritchie
Director
Industry Assessments

9 Determination

The recommendation is **Adopted** by:

Anthea Sargeant

Executive Director

Regions, Industry and Key Sites

Appendices

Appendix A – List of referenced documents

The Department has relied upon the following key documents during its assessment of the development:

Environmental Impact Statement

- Environmental Impact Statement Light Horse Interchange Business Hub Eastern Creek SSD 9667, prepared by Urbis, dated July 2019

Submissions

- All submissions received from the relevant public authorities and the general public

Response to Submission

- Response to Submission and Preferred Project Report Light Horse Interchange Business Hub (SDD_9667), prepared by Urbis, dated 10 February 2020
- Response to Submissions – Addendum Report, prepared by Urbis, dated 25 May 2020

Additional Information

- Response to Public Authority Comments for Light Horse Interchange Business Hub, Eastern Creek – SSD 9667 prepared by the Applicant dated 26 June 2020 and titled Concept Masterplan, prepared by Nettletontribe dated July 2020.

Statutory Documents

- relevant considerations under section 4.15 of the EP&A Act (see **Appendix B**)
- relevant environmental planning instruments, policies and guidelines (see **Appendix C**).

All documents relied upon by the Department during its assessment of the development may be viewed at: <https://www.planningportal.nsw.gov.au/major-projects/project/10631>

Appendix B – Considerations under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a DA. The Department's consideration of these matters is set out in **Table 6**. In summary, the Department is satisfied the development is consistent with the requirements of section 4.15 of the EP&A Act.

Table 6 | Consideration under Section 4.15 of EP&A Act

Matter	Consideration
<p>a) the provisions of:</p> <p>(i) any environmental planning instrument, and</p> <p>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p> <p>(iii) any development control plan, and</p> <p>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</p> <p>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph).</p>	<p>Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the development is provided below.</p> <p>The Applicant has not entered into any planning agreement under section 7.4.</p> <p>The Department has undertaken its assessment of the development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p>
<p>b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p>	<p>The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.</p>

Matter	Consideration
c) the suitability of the site for the development,	<p>The site has been identified as being suitable for the purposes of establishing a business hub within the Parklands POM.</p> <p>The site is located near the M4 and M7 Motorways which provide connection with the local and regional road network.</p> <p>The Department therefore considers that the site is suitable for the proposed development.</p>
d) any submissions made in accordance with this Act or the regulations,	<p>All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the development in Section 6 of this report.</p>
e) the public interest	<p>The development would generate up to 1000 jobs during construction and 430 jobs during operation. The development is a considerable capital investment in the Blacktown LGA that would contribute to the provision of local jobs.</p> <p>The environmental impacts of the development would be appropriately managed via the recommended conditions. On balance, the Department considers the development is in the public interest.</p>

Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPI's were considered as part of the Department's assessment:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)
- Blacktown Local Environmental Plan 2015.

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of this SEPP are to identify State significant development and State significant infrastructure and confer the necessary functions to joint regional planning panels to determine development applications.

The proposal is for State significant development because it is development with a CIV in excess of \$10 million located within the Parklands which is identified as a State significant development site under clause 5 of Schedule 2 of the SRD SEPP.

State Environmental Planning Policy (Western Sydney Parklands) 2009 (WSP SEPP)

The principal aim of the SEPP is to put into place planning controls that will enable the WSPT to develop the Parklands into a multi-use urban parkland for Western Sydney.

Clause 11(1) of the SEPP identifies a range of land uses that can be carried out without consent including but not limited to cafes, community facilities and entertainment facilities. Clause 11(2) allows for the consideration of any other type of development (except residential development) with development consent. The matters for consideration in the determination of applications for development in the Parklands are addressed in **Table 7**.

Table 7 | Compliance with the WSP SEPP

Matter	Comment
The aims of this Policy	The proposal is consistent with the aims of the WSP SEPP as it will provide a revenue base towards the development of facilities, programs and environmental initiatives throughout the WSP, which will facilitate the public use and enjoyment of WSP in the long term.

The impact on drinking water catchments and associated infrastructure	The Department consulted with WaterNSW on the potential impact from the development on any nearby drinking water catchments. WaterNSW advised that the development is not located near any WaterNSW land or infrastructure, and as such would not provide a submission. The Department is satisfied the proposal will not impact on any drinking water catchments with the implementation of the recommended conditions.
The impact on utility services and easements	The development does not encroach into any easements or utility services. Subject to the implementation of the recommended conditions, the proposal will not impact on utility services and easements.
The impact of carrying out the development on environmental conservation areas and the natural environment, including endangered ecological communities	The Application included a BDAR and also an assessment of MNES under the Commonwealth EPBC Act. Impacts on biodiversity were considered a significant matter and are addressed in Section 6.2 of this report.
The impact on the continuity of the Western Parklands as a corridor linking core habitat such as the endangered Cumberland Plain Woodland	The Department is satisfied that, with the implementation of the recommended conditions, the development will not impact on the continuity of the WSP as a corridor linking core habitat.
The impact on the Western Parkland's linked north-south circulation and access network and whether the development will enable access to all parts of the Western Parklands that are available for recreational use	The development will not impact on the north-south circulation and access network of the WSP and will not impact on access to any recreational use areas of the WSP.
The impact on the physical and visual continuity of the Western Parklands as a scenic break in the urban fabric of Western Sydney	The Applicant prepared a VIA which was assessed in Section 6.2 of this report. The Department considers the proposed development will establish an appropriate development layout and urban design basis for the future development of the site and is unlikely to have significant visual impacts on the largely industrial locality.
The impact on public access to the Western Parklands	The location of the development will not hinder public access to the WSP.

Consistency with any plan of management or precinct plan for the WSP	The POM and POM Supplement identify that 2% of the WSP is to be developed for business purposes to provide funding towards the development of facilities, programs and environmental initiatives throughout the WSP. The proposal represents a portion of the 2% of the WSP which is to be developed for business purposes and therefore consistent with the POM and POM Supplement.
The impact on surrounding residential amenity	The impacts in relation to residential amenity in terms of noise and visual impacts have been addressed and the proposed development is considered acceptable subject to detailed noise assessment and appropriate buffer landscaping for future development applications.
The impact on significant views	The proposed development will not impact any significant views.
The effect on drainage patterns, ground water, flood patterns and wetland viability	The site will be raised above the PMF with impacts contained within the site. Eskdale Creek is proposed to be realigned which would ultimately improve its function by creating a defined channel with pools and riffles that would be beneficial to the health of the river system. The stormwater management system has been prepared in consultation with Council and in accordance with Council's requirements for engineering structures and water sensitive urban design. A condition has been recommended requiring a suitably qualified engineer to sign off on the final design.
The impact on heritage items	The impacts on Aboriginal cultural heritage can be appropriately managed through the implementation of the recommendations of the ACHAR, including the ACHMP.
The impact on traffic and parking	The traffic and parking impacts has been addressed in the assessment and found to be acceptable. Future development applications would be required to demonstrate compliance with the relevant parking and traffic requirements for the proposed development.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

The Concept Proposal constitutes traffic generating development in accordance with clause 104 of the ISEPP as it will facilitate future industrial developments on-site with an area exceeding 20,000 m². Therefore, the application was referred to TfNSW for assessment. TfNSW comments are detailed in Section 5 of this report.

The Department has consulted and considered the comments from relevant public authorities and where applicable, included suitable conditions in the recommended conditions of consent.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas (SEPP 19)

SEPP 19 generally aims to protect and preserve bushland in certain urban areas, including in the Blacktown LGA due to its value to the community as part of natural heritage, its aesthetic value and its value as recreational, educational and scientific resource.

Under SEPP 19, a person must not disturb bushland zoned land or land adjoining land zoned for public open space purposes without consent. The site is unzoned under Clause 9 of the WSP SEPP. The development involves clearing of native vegetation across the site which would be offset by the purchase and retiring of ecosystem credits in accordance with the NSW Biodiversity Offsets Policy. No further assessment under SEPP 19 is considered necessary for the development.

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors.

The Concept DA seeks consent for future industrial development, and a detailed proposal for demolition, site remediation, subdivision, infrastructure and associated works.

As future tenancies for the site are not known at this stage, the Applicant did not undertake a risk screening assessment under SEPP 33. However, the Applicant acknowledges this SEPP will apply to future DAs. A Hazard and Risk Assessment was undertaken to address the impact of the nearby high pressure natural gas pipeline. Conditions have been recommended to ensure future development does not impact upon the continued operation of the pipeline and that future development will need to consider the cumulative societal risk of the pipeline.

Other conditions have been recommended to ensure the appropriate storage and handling of chemicals, fuels or oils used on site.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to provide a State-wide approach to the remediation of contaminated land. It aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken meet certain standards and notification requirements.

Contamination was considered in the Department's assessment of the development given the site had historically been used as an army compound, army camp, wastewater treatment plant and has had

general soil disturbance in areas across the site. The Applicant's contamination assessment found contaminants and asbestos on the site. An RAP has been prepared to guide the remediation of the site. Conditions have been recommended requiring the Applicant to engage a site auditor throughout the remediation works as well as implement the RAP following its certification from the auditor. The conditions also require the Applicant to obtain a site audit statement confirming the site is suitable for its intended future use.

draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)

The draft Remediation SEPP seeks to retain the key operational framework of the current SEPP 55, while also adding new provisions relating to changes in categorisation and introducing modern approaches to the management of contaminated land. The development has been assessed against SEPP 55 (see above), and the Department is satisfied the development would be consistent with the draft Remediation SEPP.

State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of a high-quality design and finish.

SEPP 64 does not apply to development within the Western Parklands in accordance with Clause 6(1) of the WSP SEPP. The Application states that future development will incorporate business identification signage which will seek to avoid unacceptable visual and other environmental impacts.

The Department's recommended conditions of consent include requirements for signage. The Department considers that future development will ensure consistency with the aims and objectives of SEPP 64.

Blacktown Local Environmental Plan 2008 (BLEP)

The BLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Blacktown LGA. The BLEP also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The development is located on unzoned land. Under Clause 6(1) of the WSP SEPP the BLEP does not apply to development in the Western Sydney Parklands.

Notwithstanding, the Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the BLEP and those matters raised by Council in its assessment of the development.

Appendix D – Key Issues – Community Views

The Department publicly exhibited the EIS for the Light Horse Interchange Business Hub Concept Proposal and Stage 1 development from **12 August 2019** until **11 September 2019**. The Department received 18 submissions on the proposed development during the exhibition period, including 11 from public authorities, three from special interest groups and three from the general public. Of the 18 submissions received, four objected to the development, being submissions from the general public and from a special interest group.

The issues raised by these public submissions and how each issue has been addressed is summarised in **Table 8**.

Table 8 | Department's response to issues raised in submission from the public from the public exhibition period

Issue raised	Consideration
<p>Use of Western Sydney Parklands for a business hub</p> <ul style="list-style-type: none"> We cannot afford to lose more of our quarantined biodiversity and this development betrays the intent of preserving our natural heritage 	<p>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.</p> <p>Additionally, the development is permissible with development consent under State Environmental Planning Policy (Western Sydney Parklands) 2009.</p>
<p>Biodiversity</p> <ul style="list-style-type: none"> The proposed vegetation clearing will exacerbate fragmentation and degradation of existing native vegetation within the WSP. The proposed development will adversely impact endangered native fauna species The proposed Biobanking Offset Scheme will be insufficient to offset the impacts 	<p>A detailed assessment of the impacts on biodiversity is provided in Section 6.1 of this report.</p> <p>The Applicant has minimised the biodiversity impacts by siting the 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</p>

Issue raised	Consideration
	<p>adjacent to the M4 seeks to minimise further fragmentation.</p> <p>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.</p> <p>The Department has recommended conditions of consent to offset biodiversity impacts through the NSW Biodiversity Offsets Scheme and to enhance and protect riparian and other vegetation on site</p>
<p>Realignment of Eskdale Creek</p> <ul style="list-style-type: none"> • The realignment of the creek will adversely impact numerous fauna and flora species. • The proposed development will pollute the Eskdale Creek. • 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 	<p>A detailed assessment of the impacts on biodiversity, including the realignment of Eskdale Creek, is provided in Section 6.1 of this report.</p> <p>The Department notes Eskdale Creek currently has limited riparian vegetation and has been modified by previous farming practices. The Department considers the realignment would 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.</p> <p>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 40m wide vegetated riparian zone along Eskdale Creek to enhance the riparian corridor.</p> <p>With the implementation of the proposed recommended conditions of consent, the realignment of Eskdale Creek provides an opportunity to enhance and protect riparian and other vegetation on the site.</p>

Appendix E – Consideration of Matters of National Environmental Significance

In accordance with the bilateral agreement between the Commonwealth and NSW Governments the Department provides the following information required by the Commonwealth Minister, in deciding whether or not to approve a proposal under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

E1. Requirements for Decisions About Threatened Species and Endangered Ecological Communities

In accordance with section 139 of the EPBC Act, in deciding whether or not to approve, for the purposes of section 18 or section 18A of the EPBC Act, the taking of an action and what conditions to attach to such an approval, the Commonwealth Minister must not act inconsistently with certain international environmental obligations, Recovery Plans or Threat Abatement Plans. The Commonwealth Minister must also have regard to relevant approved conservation advices.

Australia's International Obligations

Australia has conservation obligations under the:

- Convention on Biological Diversity (Biodiversity Convention)
- Convention on Conservation of Nature in the South Pacific (Apia Convention)
- Convention on International Trade in Endangered Species of Wild Flora and Faunas (CITES)

The Department considered the development in relation to the objectives of the above conventions and concluded:

- The development has been designed to avoid and minimise adverse impacts on biodiversity, including avoiding 2.2 ha of higher quality Cumberland Plain Shale Woodlands (CPW) Critically Endangered Ecological Community (CEEC). The Department concluded the proposed clearing of 0.97 ha of CPW is unlikely to significantly impact on biodiversity values and any impacts would be offset through the purchase and retirement of 42 like-for-like ecosystem credits in accordance with the NSW Biodiversity Offsets Scheme (BOS), ensuring long term protection of this ecological community.
- The development is unlikely to significantly impact on foraging habitat for the EPBC Act listed Grey-headed Flying fox, as the proposed clearing of 9.83 ha of native vegetation represents 0.7% of the foraging resources available to this species in the area, and no species were recorded on site during targeted surveys.
- The Department has recommended conditions for the Applicant to implement a Vegetation Management Plan to restore and enhance riparian vegetation on the site and include measures to protect vegetation that is not subject to clearing.
- The Apia Convention was suspended with effect from 13 September 2016, however Australia's obligations under the Convention have been taken into consideration at the request of the Department of Agriculture, Water and the Environment (DAWE). The Department's assessment has concluded the development is not inconsistent with the Convention's general aims to conserve biodiversity, as it would protect CPW via a conservation management agreement, through the BOS.

- The development does not involve international trade in specimens of wild animals or plants and would not threaten their survival, therefore is consistent with the objectives of CITES.

The Department is satisfied the environmental impact assessment process has avoided and minimised adverse impacts on biological diversity and is consistent with Australia's obligations to conserve biodiversity.

Approved Conservation Advice – Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest CEEC

The overall objective of this Conservation Advice is to promote the recovery and prevent the extinction of this ecological community.

The Department's assessment concluded the development would avoid 2.2 ha of higher quality CPW. The clearing of 0.97 ha of CPW is unlikely to significantly impact the recovery of the CPW ecological community. The vegetation to be cleared has been degraded by historical clearing and fragmentation and represents 1.1% of the CPW within the surrounding area and less than 0.25% within 10,000 ha surrounding the site.

The Department is satisfied the retirement of 42 ecosystem credits for the clearing of 0.97 ha of CPW, required by conditions of consent, would increase the area of the listed community under a conservation management agreement and would provide permanent protection for this ecological community.

In summary, the Department is satisfied the development would meet the objects of the Conservation Advice and align with the identified regional priority actions to contribute to the long-term viability of the Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest CEEC.

Draft Recovery Plan for the Grey-headed Flying Fox

The Draft Recovery Plan has not been formally adopted under the EPBC Act, however the Department has considered the development against the objectives of the draft plan.

The Department's assessment concluded the development would not cause removal of critical habitats to the survival of this species. No camps of this species or roosting habitat were identified during site surveys. The development would result in clearing 9.83 ha of lower-quality native vegetation that would reduce available foraging habitat for this species, however this represents 0.7% of the available foraging resources in the area. The Department has recommended the Applicant offset the clearing of 9.83 ha of native vegetation through purchase and retirement of 253 like-for-like ecosystem credits, to offset the impacts of clearing, ensuring habitat for this species would be protected through the BOS.

Threat Abatement Plans

The Threat Abatement Plan for Disease in Natural Ecosystems caused by *Phytophthora cinnamomi* (Commonwealth of Australia, 2018) is relevant to the development.

The clearing of 9.83 ha of native vegetation, including 0.97 ha of CPW would be offset through the purchase and retirement of ecosystem credits under the BOS. This would ensure the long-term protection of like-for-like ecosystems under an established conservation management agreement. The conservation management agreement would include consideration of relevant threats to these ecosystems and require the implementation of management measures. The Department's assessment concludes the development would not increase threats to CPW and would ensure the protection of CPW under a conservation management agreement.

E2. Additional EPBC Act Considerations

Table 1 contains the additional considerations and factors which the Commonwealth Minister must consider in determining the proposed action.

Table 9 | Consideration of Additional EPBC Act Matters

EPBC Act Provision	Consideration	Conclusion
Mandatory Consideration		
136(1)(b)	The Department has considered the social and economic impacts of the development throughout this assessment report.	<p>The Department considers the development is desirable and justified with an overall capital investment value of \$212,934,203 million. The Concept Proposal, when fully developed will provide 1,000 jobs during construction and 430 jobs during operation, while the Stage 1 DA will provide 230 construction jobs. As such the development is expected to have a positive economic impact on the Blacktown LGA and western Sydney.</p> <p>The social impacts of the development relate to amenity impacts primarily associated with noise and vibration and increased traffic. The Department has assessed these impacts in consultation with State government agencies, Council and neighbouring properties. The Department's assessment concludes these impacts can be adequately managed and/or mitigated through the imposition of appropriate conditions and the implementation of management measures.</p>
Factors to be taken into account		
3A, 136(2)(a), 391(2)	Principles of ecologically sustainable development (ESD), including the precautionary principle, to be taken into account.	<p>The Department considers the potential environmental impacts of the development have been assessed and environmental safeguards recommended for potential impacts. The development has been designed to avoid and minimise impacts on native vegetation and biodiversity. The development requires removal of 9.83 ha of native vegetation, including 0.97 of CPW CEEC which would be offset by the purchase and retiring of ecosystem credits in accordance with NSW Biodiversity Offsets Policy for Major Projects.</p> <p>As discussed in Section 6 of this report, the Department's assessment has concluded the biodiversity impacts of the development would be</p>

EPBC Act Provision	Consideration	Conclusion
		adequately minimised and offset in accordance with the requirements of the BC Act and the development is consistent with the objectives of the EP&A Act and the principles of ESD.
136(2)(e)	Other information on the relevant impacts of the proposed action	The Department considers all information relevant to the impacts of the development have been considered in its assessment. The Department's assessment of key issues is provided in Section 6 of this report.
Factors to have regard to		
176(5)	Bioregional plans	There are no applicable bioregional plans.
Considerations in deciding on condition		
134(4)	The Commonwealth Minister must consider certain matters when deciding whether to attach a condition to an approval, including recommended conditions of the States, information provided by the Applicant and the cost-effectiveness of a condition.	The Department has recommended conditions for the Applicant to purchase and retire ecosystem and species credits and to prepare and implement a vegetation management plan.

Appendix F – Recommended Instrument of Consent

The recommended conditions of consent for SSD-9667 can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/10631>