



DOC22/917591-3

21 October 2022

Department of Planning and Environment
Att: Susanna Cheng

Via: Major Projects Portal

Dear Ms Cheng

Aspect Industrial Estate – Modifications to Concept Plan and Approvals Stage 1 Works (SSD-10448 MOD 3) and Stage 2 Development Warehouse 9 (SSD-46516461) Stage 2 at 804-882 Mamre Road Kemps Creek

I am writing to you in reply to your invitation to the NSW Environment Protection Authority (EPA) to provide comment in relation to the above modifications to the Concept Plan and State Significant Development Approvals for the Aspect Industrial Estate received by the EPA on 14 October 2022.

Based on the information provided, the EPA has no comment on this proposal and no further consultation is required. This is because:

- Construction of a warehouse does not constitute a Scheduled Activity under Schedule 1 of the *Protection of the Environment Operations Act* (1997) and so, will not require an Environment Protection Licence under this Act,
- the warehouses are unlikely to be used for activities that will be undertaken by or on behalf of a NSW Public Authority, nor are there likely to be other activities for which the EPA is the appropriate regulatory authority, and
- the site is not being regulated by the EPA under the *Contaminated Land Management Act* (1997) (CLM Act).

The EPA understands that [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#) requires assessment of potential land contamination resulting from past land-use to determine whether the land is suitable for its proposed use or will require remediation. Under section 60 of the CLM Act, the EPA must be notified of any contamination that meets certain triggers. These are outlined in the [Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997](#).

The EPA recommends that you consult with Penrith City Council who will be the appropriate regulatory authority for the proposed development under the POEO Act if approved

Should you require clarification of any of the above please contact Mr Paul Wearne on (02) 4224 4100 or email environmentprotection.planning@epa.nsw.gov.au

Yours sincerely

MITCHELL BENNETT
Unit Head – Statutory Planning

Phone 131 555 TTY 133 677
Phone +61 2 9995 5555 ABN 43 692 285 758
(from outside NSW)

Locked Bag 5022
Parramatta
NSW 2124 Australia

4 Parramatta Square
12 Darcy St, Parramatta
NSW 2150 Australia

info@epa.nsw.gov.au
www.epa.nsw.gov.au