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# **1953-2109 ELIZABETH DRIVE, BADGERYS CREEK**

State Significant Development  
Application – Project Scoping  
Report

Prepared for

**ROBERT JONES DEVELOPMENT PTY LTD**

30 April 2021

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# 1. INTRODUCTION

This Scoping Report has been prepared by Urbis on behalf of Roberts Jones Development Pty Ltd (**the Applicant**), the Applicant for this project. This Scoping Report constitutes a request for Secretary's Environmental Assessment Requirements (**SEARs**) to guide the preparation of an Environmental Impact Statement (**EIS**) that will accompany a State Significant Development Application (**SSDA**).

The Applicant is exploring the development of a concept and stage one development application (**DA**) which will detail the concept proposal for the site. The proposal will seek consent for bulk earthworks, infrastructure delivery, and road access, in addition to a detailed proposal for the first stage of development for the purpose of a Warehouse and Logistics Estate.

Figure 1 – Regional Context



Specifically, the SSDA is seeking consent for:

- A Concept plan comprising:
  - 4 development stages;
  - 14 industrial super lots;
  - Indicative layout plan;
  - Land uses;
  - Developable areas;
  - Overall Gross Floor Area; and
  - Concept landscaping.
- Precinct estate works including:

- Bulk earthworks;
  - Remediation Action Plan;
  - Construction of structural support – retaining walls and batters;
  - Construction of primary estate access and internal roads; and
  - Staged trunk connections, services, and utilities.
- Stage 1 Development including:
    - On-lot development within stage 1 including benching/development pads;
    - Civil, infrastructure and trunk services for Stage 1;
    - Built form within Superlot 3, including:
      - Warehouse 3.1
      - Office 3.1
    - Stage 1 landscaping works; and
    - Subdivision.

Future stages of the estate, including subsequent warehouse buildings, will be subject to separate development applications.

Pursuant to Section 4.36(2) of the Environmental Planning and Assessment Act 1979 (**EP&A Act**):

*(2) A State environmental planning policy may declare any development, or any class or description of development, to be State significant development*

The proposal is State Significant Development (**SSD**) under Section 4.36 of the EP&A Act as the development has a capital investment value (**CIV**) in excess of \$50 million for the purpose of ‘warehouses or distribution centres (including container storage facilities) at one location and related to the same operation’ under Schedule 1, Clause 12 of the *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)*.

Under the provisions of *Environmental Planning and Assessment Regulation 2000*, Schedule 2, Clause 7 there is a requirement to analyse any feasible alternatives to the proposed manner of carrying out the development, including the consequences of not carrying out the development.

Project alternatives were considered when scoping the need for the proposal. Each of these options is listed and discussed in the following table.

Table 1 – Project Alternatives

Option	Assessment
Do Nothing	<p>The ‘Do Nothing’ alternative would result in the site remaining predominantly rural, unplanned, unserved, and undeveloped. The risks and results of this alternative include:</p> <ul style="list-style-type: none"> <li>▪ Development of the site and the larger Northern Gateway precinct relying on the precinct plan process without due consideration of the applicant’s significant and detailed investigation of the various constraints and opportunities of the site as a whole and its relationship with surrounding lands and landholdings. Development outcomes resulting from this approach would likely be suboptimal for the applicant in terms of land use efficiency, sustainability, design, and feasibility.</li> <li>▪ The site remains undeveloped in the long-term resulting in shortfalls in the supply of industrial land with subsequent impacts on economic productivity in the Aerotropolis and wider Western Sydney region.</li> </ul>

Option	Assessment
	<ul style="list-style-type: none"> <li>Without the considered development of the site, planned local and precinct road linkages cannot be completed, leaving the Aerotropolis and Northern Gateway precinct deficient in road infrastructure in the long term.</li> <li>The identification and rehabilitation of riparian corridors and other environmentally sensitive lands on the site which would likely form part of the development proposal would not occur, leaving these assets vulnerable to degradation over time; and</li> <li>The employment which generated by the development of the site would not be realised impacting job growth in the Aerotropolis and the Western Sydney region.</li> </ul>
Alternative Design	<p>Multiple options were prepared and analysed when considering the concept plan for the site. The following key design requirements have been considered in the preparation of the concept plan:</p> <ul style="list-style-type: none"> <li>Location of the signalised intersections along Elizabeth Drive;</li> <li>The finalised location of the M12 corridor traversing the site; and</li> <li>The release of the draft Aerotropolis Predicant Plans in November 2020.</li> </ul> <p>In addition to the requirements listed above, the following key objectives have been considered in the preparation of the concept plan:</p> <ol style="list-style-type: none"> <li>Improve the biodiversity and ecological values of the area through the incorporation and restoration of riparian corridors within the site. Utilising landscape and urban design features to complement biodiversity values.</li> <li>Provide a rational, efficient road network which is integrated with the future local road network.</li> <li>Provide a development that enables integrated water management and stormwater infrastructure to be designed to have multiple functions of water cycle management, recreation, and amenity. Integrate water into the landscape and urban form to enhance ecological, visual, social, economic and cultural values.</li> <li>Economic and orderly development catering for industrial user requirements for large regular shaped lots throughout the precinct, and smaller lots within proximity to Elizabeth Drive to enable flexibility to provision for a diverse range of customer requirements.</li> </ol> <p>The final proposed design has taken into account the above considerations, and additional concerns as detailed below which has resulted in the final proposal.</p>
Proposed Design	<p>The applicant has continued to refine the plan based on extensive analysis of the existing constraints, inclusive of undertaken ground truthing as well as the existing and draft planning framework and desired land uses as outlined within:</p> <ul style="list-style-type: none"> <li><i>Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan Stage 1 – Initial Precincts (LUIIP);</i></li> <li><i>Western Sydney Aerotropolis What We Heard Community Consultation Report;</i></li> </ul>

Option	Assessment
	<ul style="list-style-type: none"> <li>▪ <i>Western Sydney Aerotropolis Plan (WSAP);</i></li> <li>▪ <i>State Environmental Planning Policy (Western Sydney Aerotropolis) (Aerotropolis SEPP); and</i></li> <li>▪ <i>Draft Aerotropolis Precinct Plan, and</i></li> <li>▪ <i>Stage 1 Development Control Plan (DCP).</i></li> </ul> <p>In refining the concept plan, the applicant has heeded the advice from all levels of government, in particular around the location of noise sensitive land uses. The current concept plan therefore focuses on employment land uses that would be consistent with the 'Enterprise Zone' of the Aerotropolis SEPP. The initial stages of the concept plan focus on the development of a Warehouse and Logistics Estate which would leverage of the site's strategic location adjacent to the Western Sydney Airport.</p> <p>The overall concept plan envisages an employment driven precinct with a mix of higher order airport related land uses along Elizabeth Drive. The concept plan is designed to evolve over time, this multi-generational approach would allow for future higher order uses and street grids to evolve over time with the growth and economic influence of the Western Sydney Airport and Aerotropolis.</p> <p>It is applicant's intention that the iterative concept plan remains consistent with the desired land uses objectives of the draft Aerotropolis Precinct Plan (draft Precinct Plan). However, in planning for the site, a number of fundamental concerns have arisen relating to the layout, requirements, and underlying technical information that has informed the Aerotropolis SEPP and draft Precinct Plan. These include:</p> <ul style="list-style-type: none"> <li>▪ Location and classification of the Environment and Recreation Zone and identified riparian corridors in the Aerotropolis SEPP and draft Precinct Plan;</li> <li>▪ Limited supporting evidence of the existing 1:100 flood planning level;</li> <li>▪ Conflict between the requirement for undisturbed soils, reduced cut and fill when considering the industry standard for industrial development pads;</li> <li>▪ A fine grain 150 x 150 road grid that does not facilitate large and flexible super-lots that can be easily adapted to end user requirements;</li> <li>▪ A significant proportion of developable area being devoted to open space, permeable areas and roads that significantly impacts on developable area;</li> <li>▪ Built form requirements that lack the flexibility to adapt to market requirements; and</li> <li>▪ No real appreciation of how the M12 will impact the use of land to the north of the corridor.</li> </ul> <p>Noting the above, the proposed concept plan is generally consistent with the objectives of the draft Precinct Plan. The applicant welcomes the opportunity to further discuss the proposed layout with the DPIE and is eager to further understand the Masterplan Guidelines which have yet to be finalised in accordance with clause 43 of the Aerotropolis SEPP.</p>

To support the request for SEARs, this Scoping Report provides the following:

- An overview of the site and context;
- A description of the proposed development;
- An overview of the relevant statutory and strategic framework; and
- An overview of the likely environmental and planning impacts.

Preliminary concept plans prepared by Nettleton Tribe accompanies this Scoping Report. These plans will be refined during the preparation of the EIS, including further detailed investigations and assessment of key issues identified within the SEARs.

In accordance with the Department of Planning, Industry and Environment's (**DPIE**) new protocol of conducting 'scoping meetings' prior to formal lodgement of SEARs, a meeting was held on 23 July 2020 with key Departmental staff to discuss the proposed development. This satisfies the requirement for a 'scoping meeting'.

## 2. STRATEGIC CONTEXT

### 2.1. STRATEGIC ALIGNMENT

In April 2014, the Australian Government announced that the Western Sydney Airport would be built at Badgerys Creek. The Airport is a 1,780-hectare parcel located on the southern side of Elizabeth Drive, directly opposite the subject site. A joint study on Aviation Capacity 2012 in the Sydney Region identified that Sydney (Kingsford Smith) Airport will be unable to meet the demand for additional capacity into the future.

The Airport site is bounded by Elizabeth Drive and Willowdene Avenue to the north, The Northern Road and private land to the south, and Adams Road to the north-west. Badgerys Creek flows in a north-easterly direction and forms the south-eastern boundary of the Airport Site. A portion of The Northern Road which currently dissects the south-western part of the Airport site will be relocated around the edge of the Airport.

The Airport will be a major catalyst for investment and jobs within the Aerotropolis, Western Parkland City, and Greater Sydney Region. The Western Sydney Airport Plan 2016 anticipates the Airport delivering up to 3,200 jobs during construction and around 13,000 airport jobs by 2031. By 2041, the Airport is expected to support around 28,000 jobs, and nearly 48,000 by 2051. By 2060, the Airport is expected to generate an estimated \$24.6 billion in direct revenue and contribute a \$23.9 billion increase to GDP in the national economy. At full operation, the Airport is expected to create at least 60,000 jobs.

The Western Sydney Aerotropolis is envisaged as a planned airport city, whose infrastructure, land use and economy are established around the new Western Sydney Airport.

The Site is located within the Northern Gateway Precinct, one of the six initial land release precincts of the Aerotropolis that has established a strategic vision, general objectives, proposed land uses and a performance criterion for the development of land under the *Draft Aerotropolis Precinct Plan 2020 (Precinct Plan)*. The Site is subject to the provisions of the *State Environmental Planning Policy (Western Sydney Aerotropolis) (Aerotropolis SEPP)*. The applicant is seeking to commence an SSD planning approval pathway concurrent with the finalisation of the draft Precinct Plans for the initial Aerotropolis precincts and finalisation of road network and access strategy.

The map displays the Western Sydney International (Nancy-Bird Walton) Airport and its surrounding precincts. Key areas include the Passenger Terminal Precinct, Airport Commercial Precinct, Airport Freight, Logistics and Commercial Precinct, and the Aerotropolis Core. The map also shows the Outer Sydney Orbital, M12, and various roads like Lifford Road, Park Road, and Elizabeth Drive. The subject site is highlighted with a red outline near the airport. Surrounding regions include Luddenham, Bringelly, Leppington, and the South West Growth Area. The map is color-coded: blue for water, green for parks, yellow for urban areas, and grey for infrastructure. A red outline marks the subject site.

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BHL NORTHERN GATEWAY - SCOPING LETTER - RAF TEMPLATE

## 2.2. THE SITE

The street address is 1953-2109 Elizabeth Drive, Badgerys Creek. The legal description is Lot 101 DP 848215. A site survey showing the geographic features and contours of the site is provided in **Appendix B**. A Site Location Map is provided below.

Figure 3 – Site Location Map



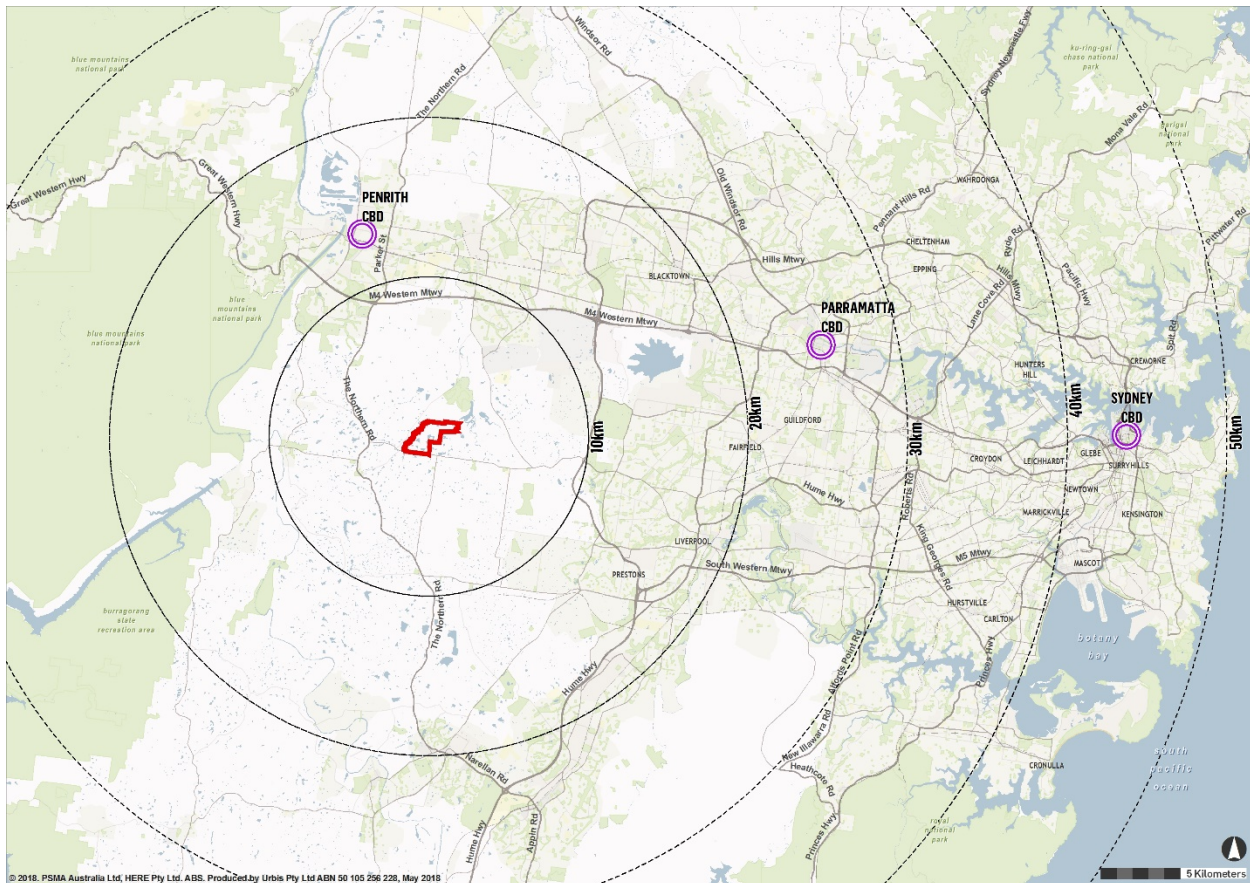
Source: Urbis

The gradient of the site is generally flat, with a grade between 0.01% - 0.03%. Topography is influenced by drainage lines to Cosgroves Creek in the west and Badgerys Creek to the east.

Available topographical information indicates that the site traverses gently undulating terrain with relief of 35 metres between the highest part of the site (at approx. RL 75 AHD) adjacent to Elizabeth Drive and the lowest part of the site (approx. RL 40 AHD) in the north-east corner on the Badgerys Creek fluvial plain. Ground surface slopes within the site are typically less than five degrees.

The site is a strategic landholding situated immediately north of the new Western Sydney Airport. It is located within the Penrith local government area (**LGA**) and is approximately 12.5km from Penrith Central Business District (**CBD**), 27km from Parramatta CBD, and 47km from Sydney CBD (refer to **Figure 4**).

Figure 4 – Regional Context Map



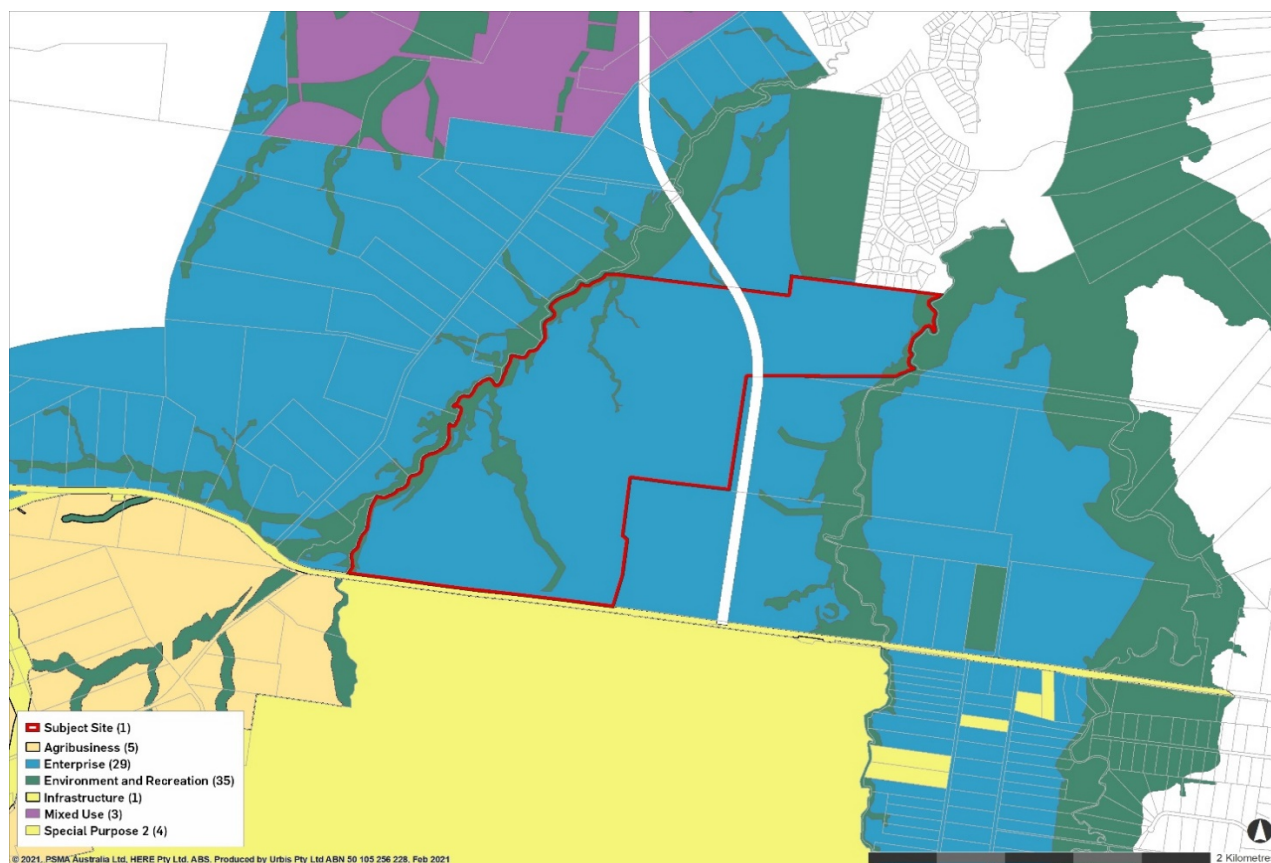
Source: Urbis

The site is bordered by Elizabeth Drive to the south, Cosgroves Creek to the west, rural properties to the north and east, and Badgerys Creek to the north-east. The key features of the site are summarised as follows:

- The site has a total area of approximately 344-hectare and is under single ownership;
- The site is bound by Cosgroves Creek to the west and adjacent landholdings and Badgerys Creek to the east;
- The land has been used for agricultural purposes and is now largely cleared of vegetation;
- The site contains several man-made waterbodies, primarily within the central and southern parts of the site;
- Grass and scattered natural and/or planted tree growth; and
- The site has direct access to Elizabeth Drive with an existing road frontage of approximately 1.6 km along the southern boundary.

The site is largely zoned as Enterprise under the Aerotropolis SEPP with a small portion of the site zoned as Environment and Recreation over the riparian corridor that follows Cosgroves Creek and Badgerys Creek.

Figure 5 – Aerotropolis SEPP Zoning Map



Source: Urbis

It is intended that within the future EIS to be lodged with the SSDA will include a full assessment of the proposal's cumulative impact on other relevant projects in the area as per the requirements of the DPIE's *Assessing Cumulative Impacts Guide*.

This assessment will generally involve:

- Assessing the scale and nature of the cumulative impacts of the project and other relevant future projects on each of the key matters;
- Developing a strategy to minimise the impacts of the project on these matters;
- Evaluating the project as a whole, having regard to:
  - the findings of the detailed cumulative impact assessment on each of the key matters (type three cumulative impacts),
  - the combined effect of these cumulative impacts on the wider area (type four cumulative impacts).

Having reviewed the context of nearby SSD and State Significant Infrastructure (**SSI**) projects, an assessment of the projects cumulative impact of the following projects will be undertaken within the EIS:

- Western Sydney Airport
- Western Sydney Freight Line
- Outer Sydney Orbital
- Proposed road widening of Elizabeth Drive;
- SSI-9364: M12 Motorway
- SSI-10051: Sydney Metro – Western Sydney Airport
- SSI-72127: The Northern Road Upgrade

Consideration will be given to any relevant SSDA or local DA's in proximity to the site during the writing of the EIS.

### 3. PROJECT DESCRIPTION

The proposed development comprises a concept plan to guide the staged development of a Warehouse & Logistics Estate at 1953-2109 Elizabeth Drive, Badgerys Creek.

The development is outlined in **Tables 2 – 6**. Concept plans of the proposed development are provided in **Appendix C**.

Table 2 – Project Description

Element	Area	Seeking Approval For	Stage
Concept Plan	Entire Estate	<ul style="list-style-type: none"> <li>▪ The extent of developable land on site;</li> <li>▪ The extent of undevelopable land on site;</li> <li>▪ Categorisation of undevelopable land – riparian land, open space, environmental protection, easement or other encumbrance;</li> <li>▪ Principal site access and key estate road alignment;</li> <li>▪ Core development controls; and</li> <li>▪ Staged subdivision of the estate aligned with infrastructure and service delivery.</li> </ul>	All Stages
Stage 1 Estate Earthworks	Estate South (South of M12 corridor)	<ul style="list-style-type: none"> <li>▪ Bulk and detailed earthworks across the southern portion of the estate, executed in a staged manner and including cut/fill, grading and benching;</li> <li>▪ Construction of structural support including retaining walls and batters;</li> <li>▪ Construction of primary estate road connection and external road network;</li> <li>▪ Staged construction of estate road network;</li> <li>▪ Staged construction of stormwater infrastructure;</li> <li>▪ Staged construction of trunk connections and internal reticulation of services and utilities; and</li> <li>▪ Environmental management works including erosion and sediment control, land rehabilitation and stabilisation.</li> </ul>	Stage 1
Stage 1 Precinct Development	Super Lots 1 & 3	<ul style="list-style-type: none"> <li>▪ Staged construction of site access, hardstand, loading and parking and on lot drainage infrastructure; and</li> <li>▪ Site-specific landscaping, signage, and public domain works such as footpaths, street trees and internal site landscaping.</li> </ul>	Stage 1

### 3.1. THE CONCEPT PLAN

An extract of the proposed concept plan concept for the site is shown below in **Figure 6**, **Table 3** provides a high-level summary of key elements. A detailed version of the concept plan is available as **Appendix C** of this report.

The concept plan has been designed to initially accommodate generic warehousing and distribution facilities and uses. The provision of larger superlots within the precinct allows for flexibility in accommodating future market demand. Similarly, the provision of superlots allows for the site to respond to higher-order land uses as they develop within the precinct. This intergenerational approach allows the development to evolve over time towards the more urban (150x150) grid and land uses envisaged by the draft Precinct Plan for this site.

Given the above, it is the intention of the Applicant to propose a concept plan that has a minor variation to the draft Precinct Plan. In addition, we note that the concept plan has been designed on the assumption that the compulsory acquisition of the site by TfNSW will proceed with the M12 and Sydney Metro Greater West in its current proposed footprint. In the event the identified corridor for each infrastructure project is altered, then considerable redesign of the concept masterplan would be required.

Figure 6 – Concept Plan



Source: Nettletontribe, 2021

Table 3 – Summary of Proposed Concept Plan

Indicative Concept Plan	
Total Site Area	344.5 ha
Total Undevelopable Land Area	36.7 ha
Elizabeth Drive/ M12/ Metro Acquisition	66.5 ha
Gross Developable Area	241.2 ha
Industrial Superlots	14
Total Warehouse/Industrial GFA	98 ha

Indicative Concept Plan	
Total Office GFA	8 ha
Total Mixed-Use Area GFA	10 ha
Total Building Area	116 ha
Total Super Lot Area	226.6 ha
Total development FSR	0.51:1

Key elements and considerations of the proposed concept plan are discussed below in **Table 4**.

Table 4 – Proposed Concept Plan – Key Elements & Considerations

Element	Description	Key Design Considerations
Site Access	<ul style="list-style-type: none"> <li>Primary access to the site would be via connection to Elizabeth Drive.</li> <li>Elizabeth Drive runs east-west which provides connection to the M7 Motorway to the east and Luddenham Road and The Northern Road to the west.</li> <li>The site would be connected to Elizabeth Drive at two points – the first and main entry point being at the halfway point of the sites Elizabeth Drive frontage offering direct access to proposed Stage 1 and super lots 1-4; and a second point further west set closer to the sites western boundary and the Cosgroves Creek riparian Corridor.</li> </ul>	<ul style="list-style-type: none"> <li>Elizabeth Drive is to be subject to future road widening.</li> <li>Planning of the proposed development must consider and respond to the proposed future widening of Elizabeth Drive and implications of the construction of the M12 Motorway, Sydney Metro West and M9 Outer Sydney Orbital and Western Sydney Freight Line.</li> <li>The staging of development must consider the timing of delivery of Elizabeth Drive which provides the only feasible access to the site.</li> </ul>
Estate Roads	<ul style="list-style-type: none"> <li>The preliminary concept plan provides for the future road widening of Elizabeth Drive and also takes into consideration the future M12 corridor that traverses the site.</li> <li>The sites main access points will extend from Elizabeth Drive in a northern direction to create efficient development precincts.</li> </ul>	<ul style="list-style-type: none"> <li>Estate road network to facilitate efficient site layout and allow for access to be developed in stages.</li> <li>Estate roads network to be designed in consideration of the Penrith Council engineering requirements.</li> <li>Estate Roads to be dedicated to Penrith Council.</li> </ul>
Subdivision	<ul style="list-style-type: none"> <li>The estate would be subdivided in stages, with final lot configuration to consider staging issues, easements and encumbrances and the timing and requirements for dedication of public infrastructure.</li> </ul>	<ul style="list-style-type: none"> <li>Subdivision layout to reflect the sites concept plan and alignment with adjoining lands including the neighbouring Sydney University site to the east.</li> <li>Subdivision to respond to the needs and requirements of relevant road and drainage authorities for future dedication and management.</li> </ul>
Development Stages	<ul style="list-style-type: none"> <li>The site to be developed in 4 stages in line with the infrastructure and services delivery.</li> </ul>	<ul style="list-style-type: none"> <li>Development Stages to allow for flexibility to respond to market demand.</li> </ul>

Element	Description	Key Design Considerations
	<ul style="list-style-type: none"> <li>Each stage would comprise a number of 'Development Sites' providing for a variety of building sizes, typologies and configurations.</li> </ul>	<ul style="list-style-type: none"> <li>Development sites to provide opportunity for the proposed development to deliver a diversity of product to the market.</li> <li>Staging to the north of the M12 will need to consider the implications of the potential M9 Orbital / Western Sydney Freight line corridor. Noting the 10-20-year horizon for this infrastructure the proponent is open to exploring mechanisms which allow it undertake development in these areas up until such time that the land is required by TfNSW.</li> </ul>
Utilities & Services	<ul style="list-style-type: none"> <li>Utility infrastructure requirements accommodated in concept plan layout.</li> </ul>	<ul style="list-style-type: none"> <li>Utility infrastructure to be provided in accordance with requirements of the relevant utility/service provider.</li> </ul>
Stormwater & Drainage	<ul style="list-style-type: none"> <li>The concept plan considers and incorporates necessary stormwater infrastructure to manage stormwater flow and quality.</li> </ul>	<ul style="list-style-type: none"> <li>Stormwater management designed in accordance with Penrith Council requirements and WSUD principles.</li> </ul>
Environmentally Sensitive Land	<ul style="list-style-type: none"> <li>The concept plan identifies environmentally sensitive lands on the site.</li> <li>Environmentally sensitive land on the site is concentrated along the Cosgroves &amp; Badgerys Creek riparian flooding zones.</li> </ul>	<ul style="list-style-type: none"> <li>Riparian lands and remnant vegetation to form a key consideration in the development of the concept plan.</li> <li>Management of riparian lands on the site to be informed by appropriate guidelines/standards and consultation.</li> <li>Indigenous and Non-Indigenous Heritage potential would also be a consideration for the concept plan.</li> </ul>
Open Space, Public Domain & Landscaping	<ul style="list-style-type: none"> <li>The concept plan makes provision for open space and pedestrian/cycle ways within the estate.</li> <li>Landscaping of the site would occur at site boundaries, along estate roads and within development sites.</li> </ul>	<ul style="list-style-type: none"> <li>Public open space and access ways to be designed in accordance with Penrith Council standards and requirements and in consideration of and controls related to the future Aerotropolis DCP.</li> </ul>

## 3.2. STAGE 1 DEVELOPMENT

The proposed Stage 1 Development incorporates two key components:

- Estate works across the Southern portion of the site (South of the M12 corridor); and
- Development of Stage 1, including on-lot works, infrastructure, and landscaping.

An extract of the proposed concept plan concept for the site is shown below in **Figure 7**. The proposed Stage 1 works are detailed below in **Table 5**.

Table 5 – Proposed Stage 1 – Key Elements & Considerations

Element	Description	Key Design Considerations
Estate Works	Site Preparation and Earthworks:	

Element	Description	Key Design Considerations
	<ul style="list-style-type: none"> <li>Clearing and grubbing – including slashing, removal of existing trees and vegetation, infill of manmade waterbodies and removal of grass and roots within the top layer of soil within the southern portion of the site.</li> <li>Bulk earthworks across the southern portion of the site, including cut and fill, road grading, benching and stabilisation (batters and/or retaining walls).</li> </ul>	<ul style="list-style-type: none"> <li>Achieving appropriate site levels across the southern portion of the site to provide efficient and flexible development layout, manage flooding and minimise cut and fill.</li> </ul>
	<p>Road Infrastructure:</p> <ul style="list-style-type: none"> <li>Staged construction of internal estate road network and connection to Elizabeth Drive for primary site access.</li> </ul>	<ul style="list-style-type: none"> <li>Compatibility with existing and planned external road network, including the future widening of Elizabeth Drive and access through the M12 corridor.</li> <li>Internal road configuration to maximise efficiency and flexibility in the concept plan layout and development sites.</li> <li>Estate road design to comply with relevant Council and Australian standards.</li> </ul>
	<p>Stormwater Infrastructure:</p> <ul style="list-style-type: none"> <li>Staged construction of stormwater infrastructure and two bio-retention basins across the southern portion of the site.</li> </ul>	<ul style="list-style-type: none"> <li>Design of stormwater management system to comply with relevant Council requirements.</li> </ul>
	<p>Utilities and Services:</p> <ul style="list-style-type: none"> <li>Construction of lead in services, utility reticulation and other service infrastructure to provide water, sewer, gas, electricity and telecommunications services to the site.</li> </ul>	<ul style="list-style-type: none"> <li>Essential services and utilities to be provided in accordance with requirements of the relevant utility provider and in consideration of existing infrastructure capacity.</li> </ul>
	<p>Environmental Management:</p> <ul style="list-style-type: none"> <li>Installation and maintenance of erosion and sediment control measures, water quality management measures and land stabilisation works across the southern portion of the site.</li> <li>Staged rehabilitation/restoration of land following construction.</li> <li>Remediation across the site.</li> </ul>	<ul style="list-style-type: none"> <li>Construction and environmental management to ensure that potential impacts are maintained at acceptable levels during the construction period.</li> </ul>
Stage 1 – Lot 3 Development	<p>Detailed On-Lot Works:</p> <ul style="list-style-type: none"> <li>Detailed on-lot earthworks to refine final levels and establish final building pads.</li> </ul>	<ul style="list-style-type: none"> <li>Compliance with core development controls and urban design principles.</li> </ul>

Element	Description	Key Design Considerations
	<ul style="list-style-type: none"> <li>On-lot stormwater and utility infrastructure and services connection.</li> </ul>	<ul style="list-style-type: none"> <li>Site configuration and building design to meet modern operational requirements for warehousing and distribution.</li> </ul>

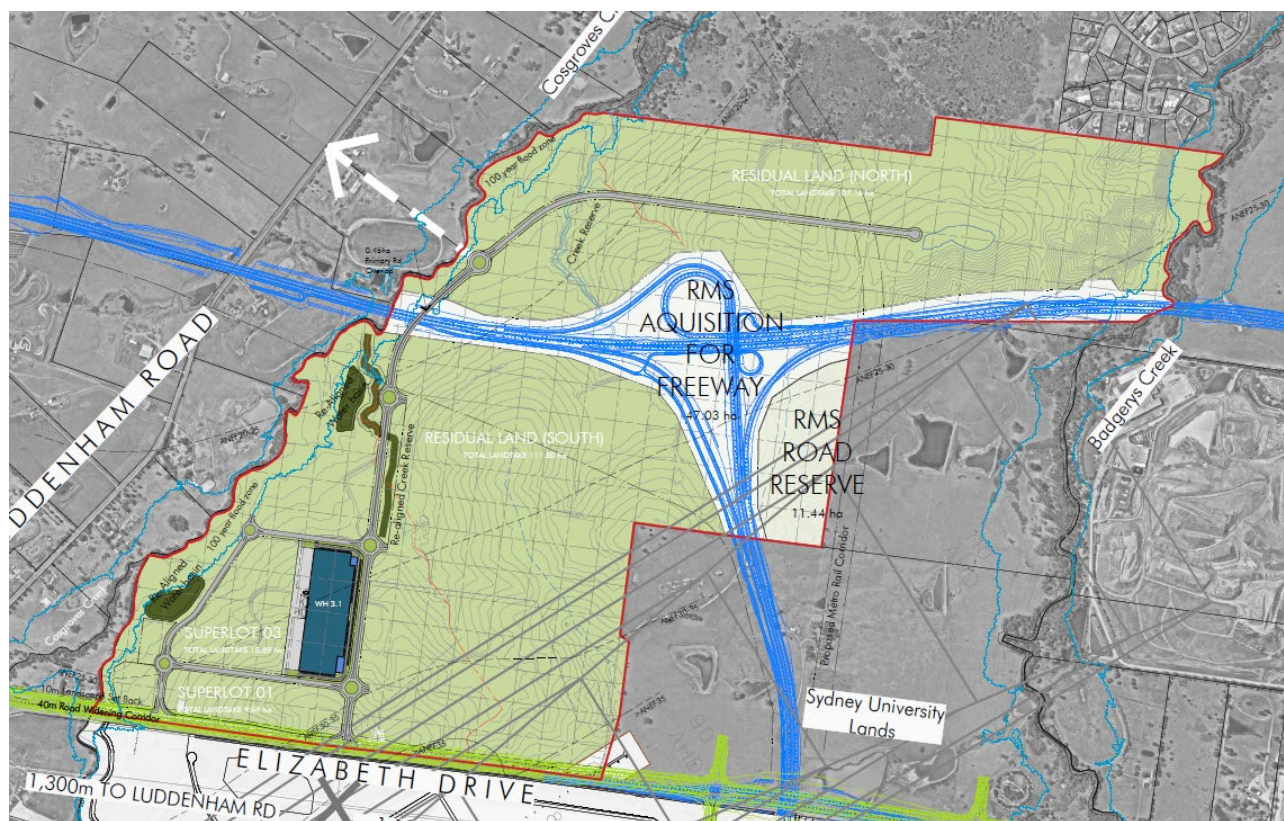
The preliminary layout of Stage 1 Development is shown below in **Figure 7** and key parameters are summarised in **Table 6**. A detailed version of the Stage 1 plan is available as **Appendix C** of this report.

Figure 7 – Stage 1 – Preliminary Development Layout



Source: Nettletontribe, 2021

Figure 8 – Stage 1 – Concept Plan



Source: Nettletontribe, 2021

### 3.3. DEVELOPMENT STAGING

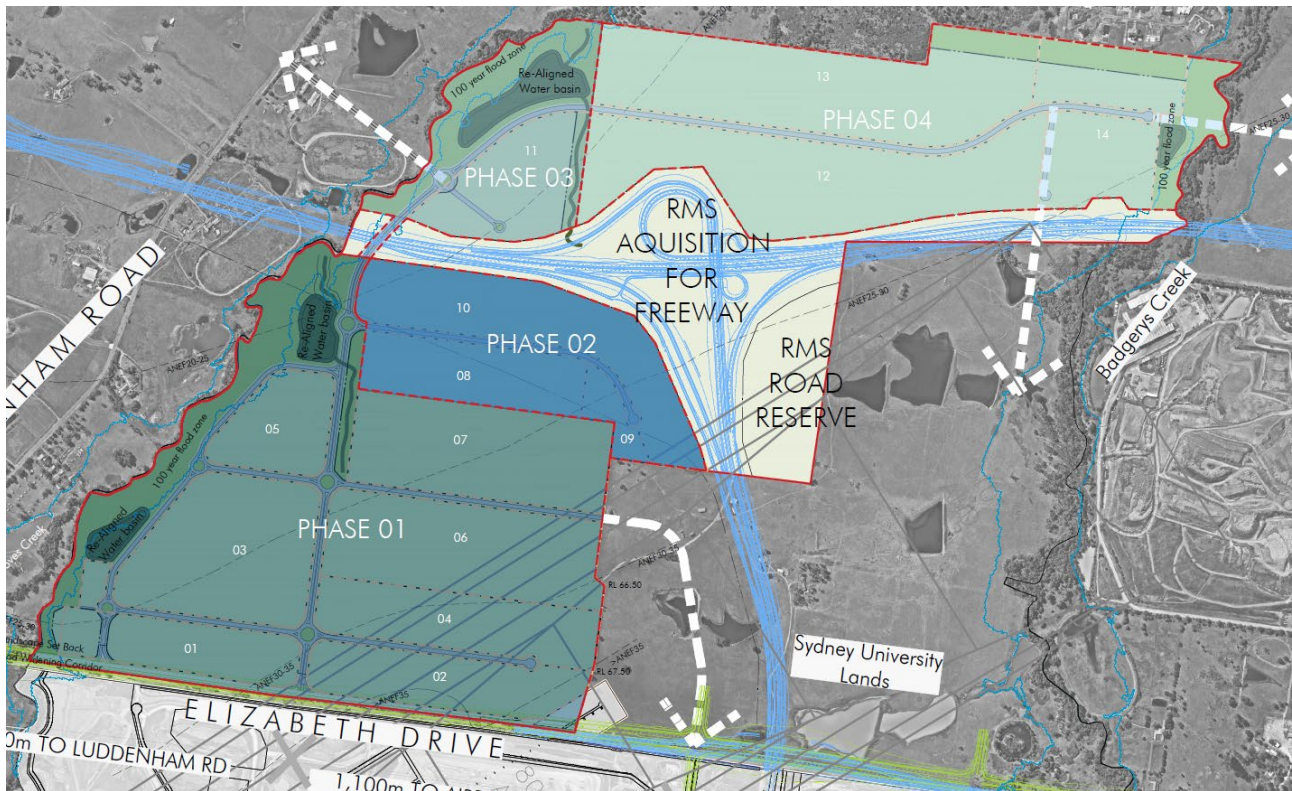
The proposed development is to be staged in terms of its planning, development, and construction. This approach is necessary in relation to the precinct as it offers the flexibility needed to respond to changes in the market and the ability to respond to opportunistic conditions that may arise in meeting the specific needs and preferences of potential tenants and end-users.

Given future development is driven by demand and future tenants, indicative phasing of the proposal in relation to development is demonstrated below in **Figure 9**. The development and staging of specific lots will be the subject of separate future Development Applications as this will be based purely on take up and demand by prospective tenants. Proposed staging may be further refined in the detailed design of the proposal and further details provided in the SSDA and EIS for the proposal.

Staging to the north of the M12 will need to consider the implications of the potential M9 Orbital / Western Sydney Freight line corridor. Noting the 10-20-year horizon for this infrastructure the proponent is open to exploring mechanisms which allow it undertake development in these areas up until such time that the land is required by TfNSW.

A detailed version of the Precinct Phasing Plan is available as **Appendix C** of this report.

Figure 9 – Indicative Phasing Plan



Source: AT&L, 2021

### 3.4. ALTERNATIVES CONSIDERED

The design is still in preliminary form and will be subject to change following further investigation and consultation with the DPIE during the SSDA process. As noted above in **Table 1**, the project has been subject to several renditions and the proposed concept plan is the most suitable for the site in the context of the existing environmental constraints and the proposed scheme under the draft Precinct Plan.

## 4. STATUTORY CONTEXT

The site is located within the Penrith Local Government Area (**LGA**). As such, the relevant Acts and environmental planning instruments (**EPis**) relating to the site and relevant considerations for the SSDA are as follows:

- Environmental Planning and Assessment Act 1979 (**EP&A Act**).
- Biodiversity Conservation Act 2016 (**BC Act**).
- State Environmental Planning Policy (State and Regional Development) 2011 (**SRD SEPP**).
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (**Aerotropolis SEPP**).
- State Environmental Planning Policy No.55 – Remediation of Land (**SEPP 55**).
- State Environmental Planning Policy (Infrastructure) 2007 (**Infrastructure SEPP**).
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (**SEPP 33**).
- State Environmental Planning Policy (Major Unfractured Corridors) 2020 (**Corridors SEPP**).
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (**Codes SEPP**).
- National Airports Safeguarding Framework.
- Draft Aerotropolis Precinct Plan.
- Draft Connecting with Country Framework.
- Draft Western Sydney Street Design Guidelines.
- Draft Cumberland Plain Conservation Plan.
- Aerotropolis Development Control Plan (**ADCP**) Phase 1.

The key statutory requirements that are relevant to the site and the project are summarised in **Table 6**.

Table 6 – Summary of Key Statutory Requirements

Matter	Guidance
Power to grant consent	<p>The EP&amp;A Act establishes the framework for the assessment and approval of development and activities in NSW. The EP&amp;A Act also facilitates the making of environmental planning instruments which guide the way in which development should occur across the State, this is inclusive of State environmental planning policies and local environmental plans.</p> <p>Section 4.36 of the EP&amp;A Act provides for a process where development can be declared SSD either by a SEPP or Ministerial order published in the Government Gazette. Section 4.37 of the EP&amp;A Act provides that the Minister is the consent authority for SSD. Part 4, Division 4.7 of the EP&amp;A Act sets out the provisions which apply to the assessment and determination of development applications for SSD. The proposal is subject to section 4.38 Consent for State Significant Development.</p>
Permissibility	<p>The site is currently located on land to which the Aerotropolis SEPP applies. The majority of the site's developable land is currently zoned Enterprise and Environment and Recreation with a small portion of land zoned SP2 Elizabeth Drive and SP2 Infrastructure under the Corridors SEPP.</p>

Matter	Guidance
	<p>As per the land use table under Part 2 of the Aerotropolis SEPP, the objectives of the Enterprise zoned land include:</p> <ul style="list-style-type: none"> <li>a) <i>To encourage employment and businesses related to professional services, high technology, aviation, logistics, food production and processing, health, education, and creative industries.</i></li> <li>b) <i>To provide a range of employment uses (including aerospace and defence industries) that are compatible with future technology and work arrangements.</i></li> <li>c) <i>To encourage development that promotes the efficient use of resources, through waste minimisation, recycling, and re-use.</i></li> <li>d) <i>To ensure an appropriate transition from non-urban land uses and environmental conservation areas in surrounding areas to employment uses in the zone.</i></li> <li>e) <i>To prevent development that is not compatible with or that may detract from the future commercial uses of the land.</i></li> <li>f) <i>To provide facilities and services to meet the needs of businesses and workers.</i></li> </ul> <p>Noting the above objectives and the permitted and prohibited development types under the Enterprise zoning land use table, the proposed development is ultimately considered permissible under the Aerotropolis SEPP.</p> <p>In addition to the above we note that the proposed SSDA does propose development within land that would ordinarily prohibited under the Environment and Recreation zone within the Aerotropolis SEPP. In this regard, the applicant seeks consent under s4.38 of the EP&amp;A Act 1979 which states:</p> <p><i>(3) Development consent may be granted despite the development being partly prohibited by an environmental planning instrument.</i></p>
Other approvals	<p><b>NSW National Parks &amp; Wildlife Act 1974 (NPW Act)</b></p> <p>The NPW Act aims to prevent the unnecessary or unwarranted destruction of relics and the active protection and conservation of relics of high cultural significance. The provisions of the Act apply to both indigenous and non-indigenous relics.</p> <p>Section 4.41 of the EP&amp;A Act provides that SSD is exempt from the need for a section 90 permit for the removal of items of Aboriginal heritage. An archaeological assessment will be undertaken as part of the EIS to identify and minimise potential heritage impacts in relation to the Proposal.</p> <p><b>NSW Heritage Act 1977 (Heritage Act)</b></p> <p>The Heritage Act protects heritage items, sites and relics in NSW older than 50 years regardless of cultural heritage significance.</p>

Matter	Guidance
	<p>Section 4.41 of the EP&amp;A Act, provides that SSD is exempt from the application of Division 8 of Part 6 of the Heritage Act.</p>
	<p><b>NSW Roads Act 1973 (Roads Act)</b></p> <p>Section 138 of the Roads Act requires the consent of the relevant roads authority Penrith City Council or NSW Roads and Maritime Services (<b>RMS</b>) for work in, on, under or over a public road.</p> <p>Any works proposed to a public road as part of the proposal would require the consent of the relevant road authority. Consultation would be undertaken with the RMS during the preparation of the EIS to ensure adequate consideration of potential issues affecting public roads within or surrounding the site.</p>
	<p><b>NSW Water Management Act 2000 (WM Act)</b></p> <p>Under the WM Act, a licence would be required if water was to be extracted from a creek or if any waterways were to be realigned during construction.</p> <p>Under section 4.41J of the EP&amp;A Act approvals under sections 89, 90 or 91 of the WM Act are not required.</p>
	<p><b>NSW Rural Fires Act 1997 (Rural Fires Act)</b></p> <p>The Rural Fires Act requires consideration of potential bush fire impacts on development at the planning assessment stage in order to protect people and property from the effects of bush fire. Section 100B requires a bush fire authority to be issued prior to undertaking certain types of development on bushfire prone land.</p> <p>Section 4.41 of the EP&amp;A Act provides that SSD is exempt from the need for a bushfire safety authority under section 100B of the Rural Fires Act.</p>
	<p><b>NSW Protection of the Environment Operations Act 1997 (POEO Act)</b></p> <p>The POEO Act enforces licences and approvals formerly required under separate Acts relating to air, water and noise pollution, and waste management with a single integrated licence. Under Section 48 of the POEO Act, premise-based scheduled activities (as defined in Schedule 1 of the EP&amp;A Act) require an Environment Protection Licence (<b>EPL</b>).</p> <p>Assessments carried as part of the EIS for the proposal would determine the need for an EPL. The general provisions of the POEO Act in relation to the control of pollution of the environment will apply throughout the development.</p> <p>During the construction phase of the project, appropriate management measures would be required in relation to the control of noise, dust, erosion and sedimentation, and stormwater discharge to ensure that the pollution control provisions of the POEO Act are satisfied.</p>
Mandatory matters for consideration	<p><b>Biodiversity Conservation Act</b></p> <p>In accordance with section 7.9(2) of the Biodiversity Conservation Act 2016 (<b>BC Act</b>), an SSDA is required to be accompanied by a biodiversity</p>

Matter	Guidance
	<p>development assessment report (<b>BDAR</b>). However, a BDAR waiver may be granted should it be determined by DPIE and the DPIE Biodiversity Conservation Division that the proposed development is not likely to have any significant impact on biodiversity values.</p> <p>An assessment of threatened species would be undertaken as part of the EIS for the project. This assessment would determine whether separate approvals under this Act are required for the development.</p> <p><b>State Environmental Planning Policy (Western Sydney Aerotropolis)</b></p> <p>The Aerotropolis SEPP applies to the 11,200-hectare area surrounding the Airport, except for the Mamre Road Precinct, which has been zoned under the WSEA SEPP. The SEPP establishes the strategic objectives for the Aerotropolis and applies land use zones to the initial precincts. The SEPP identifies triggers for DAs that are to be referred to Western Sydney Airport, depending on their potential impact on the safe operation of the Airport. The initial six precincts identified under the Aerotropolis Plan have been rezoned under the Aerotropolis SEPP. This has accounted for 6,500 hectares of land is rezoned to provide for:</p> <ul style="list-style-type: none"> <li>▪ Enterprise;</li> <li>▪ Agribusiness;</li> <li>▪ Mixed Use;</li> <li>▪ SP2 Infrastructure; and</li> <li>▪ Environment and Recreation.</li> </ul> <p>The Aerotropolis SEPP also provides provision regarding:</p> <ul style="list-style-type: none"> <li>▪ Design Excellence – DRP's and Design Competitions are built into the SEPP for developments with specific design requirements and CIV figures. It is anticipated the requirement for Design Excellence will be further discussed with the DPIE and Government Architect given the proposed development type;</li> <li>▪ Airport Safeguard - Provisions are included to protect the airport's 24-hour function and limit risks;</li> <li>▪ TfNSW Concurrence – transport corridors are identified on the structure plan. Concurrence is required for development impacting the corridors and metro stations;</li> <li>▪ Satisfactory Arrangements – Until the PIC and SIC are finalised, there is a provision for satisfactory arrangements in place; and</li> <li>▪ Precinct Plans and Master Plans – Part 7 clause 41 of the SEPP notes development consent must not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied that the development is consistent with the precinct plan.</li> </ul> <p>Noting the above, the proposed master plan generally consistent with the objectives of the draft Precinct Plan. However, it is the intention of the applicant to engage with the DPIE to highlight several fundamental concerns</p>

Matter	Guidance
	<p>that have arisen relating to the layout, requirements and underlying technical information that has informed the Aerotropolis SEPP and draft Precinct Plan.</p> <p><b>WSEA SEPP – Design Excellence</b></p> <p>Part 5 of the WSEA SEPP makes provisions for design excellence, noting the following objectives:</p> <p><i>To ensure development in the Western Sydney Aerotropolis is consistent with the policy entitled Better Placed, published by the Government Architect NSW in May 2017, and</i></p> <p><i>to deliver the highest standard of architectural, urban and landscape design.</i></p> <p>As a result, the SEPP includes two mechanisms to ensure excellence is achieved:</p> <ul style="list-style-type: none"> <li>▪ A design review panel assessment, triggered for SSD with a CIV of \$20 million; and</li> <li>▪ An architectural design competition is required if development is greater than 12 storeys or has a capital investment value (CIV) of \$40 million.</li> </ul> <p>As a result of these mechanisms, it is likely that the proposed Stage 1 works will be subject to a design excellence process.</p> <p>Consultation with the DPIE during a project meeting on the 14 April 2021 noted further advice on this requirement was being sought from the office of the NSW Government Architect and detail provided within further consultation and the provided SEARs.</p> <p><b>WSEA SEPP – Clause 42 Development Prior to Precinct Plan</b></p> <p>Clause 42 of the WSEA SEPP provides direction on the providing of development consent within the WSEA prior to the finalisation of a Precinct Plan.</p> <p>Clause 42(3) notes <i>Development consent must not be granted to development to which this clause applies, unless the consent authority has considered whether the development—</i></p> <ul style="list-style-type: none"> <li><i>a) is consistent with the aims of this Policy, and</i></li> <li><i>b) will result in further fragmentation of land holdings, and</i></li> <li><i>c) will hinder the orderly and co-ordinated provision of infrastructure that is planned for the land to which this Policy applies, and</i></li> <li><i>d) is incompatible with, or will adversely affect, the long-term operations and development of the Airport, and</i></li> <li><i>e) appropriately takes into account the development and infrastructure in areas adjacent to the development, and</i></li> <li><i>f) will be adequately serviced by public utility infrastructure.</i></li> </ul> <p>The Applicant notes the above clause of the SEPP and is committed to delivering a high-quality Warehouse &amp; Logistics facility in line with the overall</p>

Matter	Guidance
	<p>objectives of the Aerotropolis SEPP and Northern Gateway Precinct. However, in the event the draft Precinct Plans are not finalised, the Applicant intends to seek development consent for the proposal, with due consideration for Clause 42.</p> <p><b>State Environmental Planning Policy No 55 – Remediation of Land</b></p> <p>SEPP 55 introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.</p> <p>Initial environmental investigations have concluded that the site is unlikely to be constrained by any significant contamination. However, development at the site will be informed and supported by detailed contamination investigations undertaken in accordance with the provisions of SEPP 55.</p> <p>If land is contaminated, the site will be suitably remediated prior to development to reduce the risk of harm to human life or to other aspects to the environment. It is assumed that the site can be remediated and prepared suitable for future urban development.</p> <p><b>State Environmental Planning Policy (Infrastructure) 2007</b></p> <p>The Infrastructure SEPP is the primary planning instrument addressing the provision and operation of infrastructure across NSW. The SEPP provides planning pathways for various types of infrastructure within prescribed zones.</p> <p>The SEPP includes specific controls for a range of infrastructure and development types. It also provides specific requirements for development adjacent to road and rail corridors, including minimum acoustic and vibration requirements. Elizabeth Drive, which runs along the southern boundary of the site, is a classified road. Controls for development adjacent to road and rail corridors may be reflected in the Aerotropolis SEPP and Phase 1 DCP.</p> <p>The Infrastructure SEPP also provides requirements for concurrence where required from other approval bodies such as Sydney Trains and the RMS.</p> <p><b>State Environmental Planning Policy (State and Regional Development) 2011</b></p> <p>Schedule 1 of the SRD SEPP sets out development that is considered state significant development based on its size, location and value.</p> <p>As noted above, the proposal has been triggered as SSD under Schedule 1, Group 12 of the SRD SEPP as the proposed development is for the purpose of a 'warehouse or distribution centre' that 'has a capital investment value of more than \$50 million'.</p> <p>The site is not identified under Schedule 2 of the SEPP. However, development is to be considered state significant based on its CIV. This includes Concept and Staged DA's for master-planned precincts, subdivision, staged delivery of infrastructure, civil works packages etc.</p>

Matter	Guidance
	<div data-bbox="488 344 1398 416"> <p><b>State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</b></p> </div> <div data-bbox="488 443 1426 510"> <p>SEPP 33 ensures appropriate mitigation measures are employed to reduce the impact of development with hazardous or offensive industries.</p> </div> <div data-bbox="488 537 1394 604"> <p>No dangerous goods are to be stored within the proposed facility. Any future proposal to store such goods will be subject to assessment under SEPP 33.</p> </div> <div data-bbox="488 640 1369 707"> <p><b>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2018</b></p> </div> <div data-bbox="488 734 1385 878"> <p>The Vegetation SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. The site has an established history of agricultural use and is largely cleared.</p> </div> <div data-bbox="488 904 1394 1088"> <p>Existing vegetation across the site includes fragmented natural vegetated areas, areas of disturbed grassland, scattered patches of grassy woodlands, windrows and sporadic trees of planted native and exotic species, and farm dams of varying sizes. Dense vegetation is present around the perimeter in Cosgroves Creek, Badgerys Creek, and beyond the northern boundary.</p> </div> <div data-bbox="488 1115 1423 1366"> <p>Further biodiversity studies will be undertaken to confirm the conservation values of these species; however, it is noted that the subject site has been identified as mostly Certified – Urban Capable under the draft Cumberland Plain Conservation Plan with only small portions of land being excluded (The M12 corridor) and categorised as non-Certified - Western Sydney Aerotropolis. Urban capable land will be subject to strategic biodiversity certification for development under Part 8 of the Biodiversity Act.</p> </div> <div data-bbox="488 1393 1404 1612"> <p>Development in these areas will not require further site by site biodiversity assessment, so long as the approved conservation program detailed in the Plan is implemented by DPIE. It is therefore anticipated that future development can be planned and designed to minimise adverse impact on these communities. Development of the site can implement conservation and management mitigation of these communities, as necessary.</p> </div> <div data-bbox="488 1648 1366 1715"> <p><b>State Environmental Planning Policy (Major Infrastructure Corridors) 2020</b></p> </div> <div data-bbox="488 1742 1394 1886"> <p>The Corridors SEPP is a recently gazetted SEPP which aims to identify land that is intended to be used in the future as an infrastructure corridor and establish appropriate planning controls for the land to allow the ongoing use and development until it is needed for the future infrastructure corridor.</p> </div> <div data-bbox="488 1912 1423 1980"> <p>The Corridors SEPP requires master plans, development applications and complying development applications on or adjacent to these corridors to obtain</p> </div>

Matter	Guidance
	<p>concurrence from, or be referred to, Transport for NSW prior to consent being granted.</p> <p>The site is traversed by an identified corridor for the future Metro within proposed Stage 10, and as such the proposal will require future concurrence from Transport for NSW prior to consent being granted.</p>
	<p><b>State Environmental Planning Policy (Exempt and Complying Development Codes 2008)</b></p> <p>The Codes SEPP provides a streamlined planning pathway for development classified as exempt or complying that has minimal environmental impact. The provisions of the Codes SEPP will be applicable to future development on the site satisfies relevant criteria.</p> <p>The Aerotropolis SEPP will contains specific exempt development provisions that apply to land within the Aerotropolis. Complying development within the Aerotropolis may only be undertaken on sites subject to a Master Plan under Aerotropolis SEPP.</p>
	<p><b>National Airports Safeguarding Framework</b></p> <p>The National Airports Safeguarding Framework is a national land use planning framework that aims to improve community amenity by minimising aircraft noise-sensitive developments near airports and improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions through guidelines being adopted by jurisdictions on various safety-related issues.</p> <p>Due to the proposal's proximity to the future Western Sydney Airport, it is imperative all development within the Aerotropolis consider the key points of consideration within the framework, these include:</p> <p>The height of buildings, structures and objects in the proposed development must not penetrate any prescribed airspace (which would include at the very least the Obstacle Limitation Surfaces) to be declared around the proposed airport site. Once declared, any construction or activity that impacts on the prescribed airspace will require approval.</p> <p>The proposed site activity may attract birds and other wildlife through the accumulation of waste. Mitigation strategies may be required as the development may result in increased hazards for aviation operations at the future airport development, especially in relation to bird strike during the take-off and landing phases of flights.</p> <p>Any other potential impacts which may result in increased hazards for aircraft operations at the future airport; and</p> <p>The cumulative impacts associated with the proposal being located within the Aerotropolis which is proposed to be subject to significant residential, commercial, industrial and infrastructure development.</p>
	<p><b>Draft Aerotropolis Precinct Plan</b></p>

Matter	Guidance								
	<p>The Precinct Plan applies to the five initial precincts of the Aerotropolis as identified under the Aerotropolis SEPP. This Precinct Plan fulfils the requirements of Part 7 Division 1 Clause 40 the Aerotropolis SEPP by providing the planning requirements to enable development, manage the environment and support investment. Part 7 of the Aerotropolis SEPP provides that the Precinct Plan should contain:</p> <ul style="list-style-type: none"> <li>▪ The strategic vision and general objectives of the precinct;</li> <li>▪ Mapping showing proposed land uses for land in the precinct;</li> <li>▪ Performance criteria for development on land in the precinct;</li> <li>▪ Proposals for public utility infrastructure, roads and transport on land in the precinct; and</li> <li>▪ Proposals for total water cycle management for the precinct.</li> </ul> <p>Similarly, Clause 41 of the Aerotropolis SEPP notes:</p> <p><i>Development consent must not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied that the development is consistent with the precinct plan.</i></p> <p>The proposed concept plan is considered to be consistent with the overall objectives of the draft Precinct Plan. The concept plan provides a design that has been informed to the site-specific constraints identified and confirmed within detailed technical investigations. The concept plan provides a multi-generational design that would allow for higher order land uses and street grids that will be able to evolve over time with the growth and economic influence of the Western Sydney Airport and Aerotropolis.</p> <p>The proposed concept plan is generally consistent with the vision and objectives of the Northern Gateway precinct, as detailed below:</p> <table> <tr> <th>Objective</th><th>Proposed Concept Plan</th></tr> <tr> <td><i>Transform Luddenham, in the vicinity of the approved Sydney Science Park, into a specialised centre and support a cluster of leading science-based business, tertiary institutions and research facilities in the mixed-use centre supported by public transport.</i></td><td>Whilst not relevant to the site, it would support any objective which would prioritise development and infrastructure within the Northern Gateway precinct.</td></tr> <tr> <td><i>Facilitate a high technology employment precinct in the context of the Aerotropolis, the Western Economic Corridor and the Western Parkland City.</i></td><td>The concept plan will facilitate the development of a high technology employment precinct which supports this objective</td></tr> <tr> <td><i>Facilitate a variety of high order employment uses and place-specific residential development in locations</i></td><td>The concept plan will support higher order employment uses along Elizabeth Drive consistent with the</td></tr> </table>	Objective	Proposed Concept Plan	<i>Transform Luddenham, in the vicinity of the approved Sydney Science Park, into a specialised centre and support a cluster of leading science-based business, tertiary institutions and research facilities in the mixed-use centre supported by public transport.</i>	Whilst not relevant to the site, it would support any objective which would prioritise development and infrastructure within the Northern Gateway precinct.	<i>Facilitate a high technology employment precinct in the context of the Aerotropolis, the Western Economic Corridor and the Western Parkland City.</i>	The concept plan will facilitate the development of a high technology employment precinct which supports this objective	<i>Facilitate a variety of high order employment uses and place-specific residential development in locations</i>	The concept plan will support higher order employment uses along Elizabeth Drive consistent with the
Objective	Proposed Concept Plan								
<i>Transform Luddenham, in the vicinity of the approved Sydney Science Park, into a specialised centre and support a cluster of leading science-based business, tertiary institutions and research facilities in the mixed-use centre supported by public transport.</i>	Whilst not relevant to the site, it would support any objective which would prioritise development and infrastructure within the Northern Gateway precinct.								
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<i>Facilitate a variety of high order employment uses and place-specific residential development in locations</i>	The concept plan will support higher order employment uses along Elizabeth Drive consistent with the								

Matter	Guidance	
	<i>that support the principles of transit-oriented development.</i>	role and function of that regional transport corridor.
	<i>Provide for a mix of uses to support the specialised centre, including social and educational uses to meet the demand of the residents, workers and tourists.</i>	The site is outside the specialised centre. The concept plan is aligned with the objectives of the Enterprise Zone and will therefore support the proposed centre hierarchy within the draft Precinct Plan.
	<i>Provide for high quality architectural and design outcomes that take advantage of site characteristics and require buildings to face and activate creek lines, contributing to the character of the Precinct.</i>	Design excellence is supported however we question the CIV thresholds set for design competitions within the Aerotropolis SEPP. As written the threshold would trigger any Warehouse and Logistics/Industrial development under the State Significant Development Pathway which is an unacceptable outcome.
	<i>Facilitate transport infrastructure to allow for a 30-minute city, including the alignment of centres with public transport infrastructure (such as the Luddenham Metro Station) to create pedestrian oriented environments.</i>	The concept plan supports the objective to facilitate transport infrastructure to allow for a 30min city.
	<i>Support connectivity and staging throughout the Precinct, such that it can support temporary uses and develop over time in a manner that minimises the potential for isolated parts of the Precinct.</i>	The overall concept plan demonstrates how land uses can be managed in the north of the precinct. This approach minimises the potential for site isolation whilst allowing for temporary and more permanent land uses. The applicant is keen to understand the 'actual' land take of the future transport corridors such that it can effectively master plan these areas. It is also noted that the draft Precinct Plan layout conflicts with this objective as it does not demonstrate how it intends to connect isolated parts of the site, in particular the land adjacent to Twin Creeks in the north eastern corner of the precinct.
	<i>Protect the operations of the Airport, including 24-hour operations, and provide appropriate protections for the community.</i>	The concept plan would protect the future operations of the airport. Noise sensitive land uses have been avoided and the future built form would address relevant requirements

Matter	Guidance	
		relating to airspace operations, wind shear and wildlife incursions. The concept plan provides a balanced approach between meeting the requirements of this objective whilst also addressing objectives 9-15.
	<i>Preserve and protect the water assets and the landscape ecology.</i>	The concept plan balances this requirement with the need to ensure a functional layout for the future warehouse and logistics precinct. The removal of farm dams is consistent with the precinct plan and the approach to wildlife management and potential bird strike risk. Significant defined watercourses and their riparian zones are retained and will be enhanced where they meet the relevant NRAR Guidelines and classifications for waterfront land.
	<i>Protect Wianamatta-South Creek Corridor, its tributaries and adjacent high quality green space.</i>	Detailed site investigations have been undertaken in relation to the 1:100 flood levels and mapped watercourses and contends that areas on the site outside Cosgroves Creek and Badgerys Creek are not existing Riparian Corridors as they do not meet the NRAR definition of a 'river' and are outside the 1:100 flood level.
	<i>Prioritise the restoration and protection of the Wianamatta-South Creek Corridor and Cosgroves Creek catchments by integrating land use and water management.</i>	
	<i>Promote the role of water within Wianamatta-South Creek Corridor and Cosgroves Creek to support healthy, liveable and sustainable communities.</i>	
	<i>Retain existing soil profiles to the maximum extent possible in streets, parks, floodways and on private land.</i>	The concept plan retains and enhances all watercourses, including Cosgroves Creek and Wianamatta-South Creek that meet the definition of a river in accordance with NRAR Requirements  Whilst maintaining existing soil profiles in principle is the ideal outcome, the nature of the existing topography overlaid against the proposed use make it extremely difficult to preserve any significant existing soils. With slopes up to 1 in 5 and average slopes of 1 in 10, large footprint warehouses can potentially have 10-15m fall across the pads. Whilst principle based objectives are understood, in

Matter	Guidance	
		some cases it's simply impossible to achieve where the zoned outcomes do not allow it due to slope constraints.
	<i>Increase the urban tree canopy to mitigate heat island effect and manage stormwater flows.</i>	The concept plan would seek a balanced approach to on-site landscaping and urban tree canopy based on future function of the site as a warehouse and logistics precinct. Increase in tree canopy will occur in the Cosgroves and Wianamatta-South Creek corridor and via an appropriate level of street tree plantings
	<i>Enhance water retention in the landscape and achieve healthy waterways to facilitate urban cooling.</i>	As noted above the concept plan will retain defined watercourses. Water retention will be balanced with the wildlife management requirements associated with the WSA.
	<i>Support flood management, mitigation and best practice natural drainage solutions.</i>	The proposed concept plan supports these objectives and has undertaken a detailed investigation of the existing flood characteristics of the site. All development will be outside the 1:100 flood planning level.
	<i>Locate and design stormwater infrastructure to be consistent with a landscape-led approach.</i>	Natural drainage solutions will be implemented where possible and stormwater infrastructure will be appropriately located and sized to achieve industry standard targets for warehouse and logistics precincts.
<b>Draft Connecting with Country Framework</b>		
<p>The draft framework is for developing connections with Country to inform the planning, design, and delivery of built environment projects in NSW. It is intended to help project development teams – advocating ways they can respond to changes and new directions in planning policy relating to Aboriginal culture and heritage, as well as place-led design approaches. It also aims to help project teams gain a better understanding of, and to better support, a strong and vibrant Aboriginal culture in our built environment.</p> <p>The applicant supports and is committed to recognising Country through its ongoing master planning work in accordance with the NSW Government Architect draft Connecting with Country Framework. An outline of how the proposed concept plan would seek to align with the principles and guidelines for recognising Country within the draft Precinct Plan is provided below:</p>		

Matter	Guidance	
	Objective	Proposed Concept Plan
	<i>Connect with Country by identifying and connecting places of Aboriginal significance.</i>	The landholding includes two major creek lines which are identified in the draft Precinct Plan to have moderate to high Aboriginal cultural sensitivity. The applicant has also undertaken an Aboriginal Cultural Heritage Assessment (ACHA) for the site. This work will be built upon through further engagement to identify and connect places of Aboriginal significance.
	<i>Reflect the original landscape of the Cumberland Plain through revegetation techniques informed by Aboriginal knowledge of native flora and planting practices, and the preferred species</i>	Whilst the majority of the site has been cleared for agriculture, there is scope for the original landscape to be reflected through rehabilitation of the main riparian corridors which can be informed by Aboriginal knowledge of native flora and planting practices.
	<i>Care for Country by creating opportunities for cultural care and land management.</i>	Opportunities for cultural care and land management will be investigated through further engagement with Local Aboriginal Land Council's and traditional owners.
	<i>Integrate places of Aboriginal significance into the urban structure, urban design and landscape.</i>	Opportunities for integration of any identified places of Aboriginal significance will be investigated through further engagement with Local Aboriginal Land Council's and the traditional owners.
	<i>Where possible, provide a physical connection between locally and culturally significant places</i>	Opportunities for physical connections between locally and culturally significant places can be investigated should these be identified through the engagement process.
	<i>Use cultural naming, language and narratives specific to a precinct or local area.</i>	Opportunities for cultural naming, language and narratives specific to the precinct will be investigated through further engagement with Local Aboriginal Land Council's and traditional owners.
	<i>Identify and integrate Country through the urban design and development process.</i>	The applicant intends to engage with Local Aboriginal Land Council's and traditional owners as part of the future development either via the SSDA or Master Plan pathway.

Matter	Guidance	
	<p><i>Acknowledge local cultural groups in the design and location of cultural facilities and centres.</i></p>	<p>The applicant would seek to engage and involve local cultural groups in the design and location of any such facility should it be provided as part of any future development of the site.</p>
	<p><b>Western Sydney Street Design Guidelines</b></p> <p>The Street Design Guidelines are structured around eight Street Design Objectives, which have been developed with, and endorsed by the nine partner local councils as the result of an interactive stakeholder engagement process.</p> <p>The street design objectives set the aspirational vision for how the standards can drive best practice outcomes for Western Sydney communities. To achieve this, the objectives address urban cooling, water management, public safety and wellbeing while embracing emerging technologies.</p> <p>Whilst the guidelines are yet to be exhibited, these will be considered in final lodgement of the concept plan within the future SSDA.</p>	
	<p><b>Draft Cumberland Plain Conservation Plan</b></p> <p>In August 2020 the DPIE released an Explanation of Intended Effect under section 3.30 of the EP&amp;A Act recommending the creation of a new SEPP for strategic conservation planning. In order to support the new SEPP, the DPIE has created the Draft Cumberland Plain Conservation Plan (CPCP). The CPCP has been developed to meet requirements for strategic biodiversity certification under the Biodiversity Conservation Act 2016 and strategic assessment under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) across the Cumberland Plain in Western Sydney.</p> <p>The plan includes a conservation program that includes 28 commitments and 141 actions designed to improve ecological resilience and protect biodiversity. This will be delivered over the decades to 2056 and facilitates the delivery of areas nominated for urban development and major transport infrastructure. The plan identifies land under the following categories:</p> <ul style="list-style-type: none"> <li>▪ Certified – Urban Capable Land</li> <li>▪ Non-Certified</li> <li>▪ Avoided land</li> <li>▪ Western Sydney Aerotropolis</li> <li>▪ Strategic Conservation</li> </ul> <p>The subject site has been identified as mostly Certified – Urban Capable under the draft CPCP with small portions of land being excluded (The M12 corridor) and categorised as non-Certified - Western Sydney Aerotropolis. Urban capable land will be subject to strategic biodiversity certification for development under Part 8 of the Biodiversity Act. Development in these areas will not require further site by site biodiversity assessment, so long as the</p>	

Matter	Guidance
	<p>approved conservation program detailed in the Plan is implemented by the department.</p> <p>Whilst the CPCP remains a draft, the future SEPP will apply to the site for the purpose of strategic conservation planning and detail the relevant planning mechanisms to support strategic conservation planning in Western Sydney. Thereby consideration will be given to the CPCP throughout any future SSDA.</p>
	<p><b>Aerotropolis Development Control Plan Phase 1</b></p> <p>The Aerotropolis Development Control Plans (<b>ADCP</b>) Phase 1 supplements the provisions of the Aerotropolis SEPP through detailed planning and design guidelines.</p> <p>Whilst the requirements for the ADCP are not required to be adhered to for developments categorised as SSD, any future design and application will consider the provisions of the ADCP.</p>

## 5. ENGAGEMENT

### 5.1. ENGAGEMENT CARRIED OUT

In accordance with the DPIE protocol of conducting ‘scoping meetings’ prior to formal lodgement of SEARs, a meeting was held on 23 July 2020 via teleconference between members of the project team and the following members of the Industry Assessments team at DPIE including:

- Chris Ritchie;
- William Hodgkinson; and
- Bianca Thornton.

The key areas of discussion included the following:

- Project brief of the proposed development;
- Discuss the relevant assessment pathway;
- Relevant matters to be considered in the EIS;
- Proposed approach and requirements around engagement; and
- Aerotropolis strategic framework.

Given the release of several strategic and statutory documents in relation to the Aerotropolis and consultation requirements for SSD following this meeting, a second scoping meeting was undertaken between the project team and the DPIE on the 14 April 2021.

The outcome of this meeting was overly positive, with the DPIE recognising the evolving statutory landscape within the Aerotropolis precinct. The discussion was focused on:

- An update on the project status and property ownership;
- Key project considerations, including:
  - The M12 Acquisition status,
  - Status of the draft Precinct Plans,
  - WSA SEPP – design competition requirements,
  - Pre-lodgement engagement requirements,
  - Potential need for a Planning Focus Meeting.
- Next steps – lodgement of the scoping report.

The DPIE were able to advise on an appropriate engagement strategy that would include a future Planning Focus Meeting with relevant stakeholders and Penrith Council. Robert Jones supports this approach and welcome the opportunity for future consultation with the relevant government and non-government agencies.

#### 5.1.1. Stakeholder Meetings

Table 7 – Stakeholder meetings

Stakeholder	Meeting / correspondence
Department of Planning, Industry and Environment	Meeting 14 April 2021 regarding Scoping Report lodgement.
Penrith City Council	Email correspondence received 22 April. Meeting scheduled 18 May 2021.

Stakeholder	Meeting / correspondence
Wester Sydney City Deal Planning Partnership Office	Email correspondence issued 6 April 2021. No response received.
Western Sydney Airport Corporation	Email correspondence issued 13 April 2021. No response received.
Transport for NSW (TfNSW)	Ongoing meetings with Transport for NSW M12 design team. Next meeting scheduled 23 April 2021.
Sydney Metro	Meeting held on Monday 19 April 2021.
University of Sydney	Engagement meeting was held with David Schofield on Tuesday 20 April. Topics discussed included design coordination, programs, Elizabeth Dr intersections and coordination with TfNSW.  Further meetings to be scheduled with University of Sydney, TfNSW and traffic consultants.
Sydney Water	Ongoing monthly meetings. Meeting held 22 April 2021 with TfNSW Elizabeth Drive upgrade team.
Endeavour Energy	Meeting held on 8 April reaffirming advice on supply methods
Aboriginal Heritage	Led by consultant Baker Archaeology. Renotification process underway and registered Aboriginal Parties notified.

## 5.2. COMMUNITY VIEWS

The proposed development is realising the objectives of the sites zoning under the Aerotropolis SEPP and is delivering crucial warehouse and logistics infrastructure in line with the draft Precinct Plan and wider Aerotropolis vision.

Despite this, the applicant is committed to ensuring the local community is aware of and can comment on the proposal with an active stakeholder engagement program.

Given the heightened community interest in this precinct, Robert Jones will inform the Planning Partnership of intended engagement activities to ensure a coordinated approach to engaging with the community.

## 5.3. ENGAGEMENT TO BE CARRIED OUT

Effective engagement with stakeholders and the community will be crucial to raising awareness of the sites importance to the delivery of employment land uses within the Aerotropolis; building interest amongst future tenants; and improving project outcomes.

Taking a strategic and proactive approach to engagement will be necessary to ensure that the project is positioned effectively, and all stakeholder opportunities and risks are managed.

Urbis works in line with the International Association of Public Participation's (IAP2) Public Participation spectrum and utilises the participation principles of the IAP2 Spectrum of Public Participation and be guided by the Department of Planning, Industry and Environment Undertaking Engagement Guide, December 2020.

The following key stakeholders will be consulted as part of the SSDA:

- Department of Planning, Industry and Environment;
- Western Sydney Planning Partnership;

- Penrith City Council;
- Western Parkland City Authority;
- Western Sydney International (Nancy Bird-Walton) Airport;
- Local Aboriginal Land Council;
- Transport for NSW and RMS;
- Ausgrid;
- NBN;
- RFS;
- Rail Freight Corridor;
- Sydney Water;
- Surrounding landowners; and
- Local Action and Special Interest Groups.

The engagement strategy will be refined during the preparation of the EIS and lodgement of the SSDA. Future engagement activities include stakeholder briefings and meetings, website updates at key milestones through the project, landowners' letters and a community fact sheet, enquiry management via phone and email.

## 6. PROPOSED ASSESSMENT OF IMPACTS

Upon completion of the preliminary detailed due diligence regarding site specific constraints and sensitivities, the following environmental issues have been identified. These issues, which will make up the environmental assessment undertaken within the EIS stage will be confirmed once SEARs have been issued by the DPIE and further detailed as the preparation of the EIS is progressed. Following the completion of the preliminary environmental risk screening, the relevant issues are outlined in the following sections.

### 6.1. MATTERS REQUIRING FURTHER ASSESSMENT

#### 6.1.1. Amenities

##### 6.1.1.1. Noise & Vibration

Whilst the Site is currently located within a greenfield setting, with the exception of the commenced Western Sydney Airport site to the south, the entire Northern Gateway precinct has been rezoned and envisioned as a supporting precinct to the airport, with jobs in warehousing and distribution, and manufacturing. As large areas of the Aerotropolis currently remain undeveloped, the surrounding noise environment may not be typical of a more established industrial area. However, the Aerotropolis is one of the single largest supply of future employment and industrial land for Sydney and has been earmarked for these purposes in key strategic planning policies. As such, there is a presumption that the Site lands may proceed to be developed for industrial purposes without undue restriction related to potential impacts upon surrounding land use, including noise.

The site is located along Elizabeth Drive, Badgerys Creek and is traversed by the future M12 Motorway and Sydney Metro Greater West, the proposed corridor to connect the Airport and Aerotropolis to St Marys. Similarly, it is located directly to the north of the future Western Sydney International Airport and falls within the Australian Noise Exposure Forecast (ANEF) 20 contour. The proposed development supports the Airport's 24-hour operation and is considered an appropriate land use.

A standard noise and vibration assessment will be undertaken to demonstrate compliance with the EPA's Noise Policy for Industry, the Interim Construction Noise Guidelines and Road Noise Policy. Noise impacts associated with the development are most likely to occur during the construction phase and any potential 24 hour, 7 days per week operations from future tenants.

Given the context of the site within a future industrial precinct and adjacent to a 24 hour, 7 days per week operational international airport, receptors in the vicinity of the site are generally to be limited to future industrial and commercial in nature. Further assessment of any potential sensitive receivers will be undertaken in a future noise and vibration assessment.

Irrespective of this, an important part of the assessment will be acknowledging the cumulative impacts of the proposal and additional surrounding land uses. Particular consideration will be given the operational program and how this impacts the potential adjacent airport, as well as any surrounding future development within the zoned employment land. Consideration will also be given to construction outputs with regard to cumulative construction impacts of the airport and future M12 on any surrounding sensitive receivers.

##### 6.1.1.2. Visual

The EIS will outline how the potential visual impacts of the proposed Warehouse & Distribution Facility including Stage 1 works will be minimised. The final architectural package will detail the rationale for the siting and layout of the proposed development, including specific Stage 1 design considerations such as loading and access arrangements. Pending further advice from the DPIE, this justification and detail may be influenced by a Design Excellence process, as per Part 5 of the Aerotropolis SEPP.

Given the location of the site within a future industrial and employment precinct, the visual analysis will involve a minor assessment within the EIS, and consideration will be given to the visual impact of the proposed development when viewed from the surrounding area, including Elizabeth Drive. The overall design will consider architectural appearance and landscape treatment to ensure a high-quality street presentation as per the draft *Western Sydney Street Design Guidelines*.

Further consideration will also be given to the proposed concept plan and its cumulative impact on surrounding development from both an urban design and visual perspective. The overall visual of the

proposal needs to complement surrounding development and not distract or disrupt any surrounding viewpoints or vistas.

### **6.1.1.3. Air Quality**

Given the Sites location within proximity to limited sensitive land uses, with the exception of the zoned Environment & Recreation land following Cosgroves Creek, the EIS will undertake a reduced analysis of potential off-site impacts such as emissions to air during construction and operation.

Potential air quality impacts during construction such as fugitive dust emissions would require assessment and management to ensure that impacts on surrounding land uses is maintained at acceptable levels. Given the high level of construction activity being undertaken in the precinct simultaneously, consideration will be given on how to minimise any dust emissions from the site during this period.

## **6.1.2. Access & Transport**

### **6.1.2.1. Access, Traffic & Parking**

The existing and planned road network surrounding the Site includes the following key considerations:

- M12 Motorway – future east-west dual-carriageway connecting the M7 Motorway at Cecil Hills and The Northern Road at Luddenham that traverses the site;
- Outer Sydney Orbital Corridor – proposed 80km corridor extending from Box Hill in the northwest to the Hume Highway (near Menangle) in the southwest providing outer Sydney with a north-south bypass; and
- Elizabeth Drive Upgrades – future road widening to accommodate increased capacity and planned growth associated with the new Airport, inclusive of ramps connecting to the future M12.

The Site is to be accessed via two future intersections from Elizabeth Drive which connects the M7 Motorway at Cecil Hills and The Northern Road at Luddenham. The EIS to accompany the future SSDA will provide a comprehensive assessment of the likely transport and traffic impacts of the proposed development, including the future traffic generation and infrastructure improvements to mitigate, minimise or manage the potential impacts. This will include the construction of new internal roads and two primary vehicle access points from Elizabeth Drive. The provision for additional road reserve and the proposed intersections along Elizabeth Drive will be incorporated into the finalised concept plan design, provisioned for in accordance with the RMS strategic design for the Elizabeth Drive upgrade and discussed in detail.

Car parking associated with future warehousing buildings will be provided in accordance with relevant rates similar to rates provided within the WSEA, with consideration given to the Aerotropolis Development Control Plans Phase 1, as well as Penrith Council requirements. Exiting and likely future sustainable transport modes will be addressed as part of the Transport and Accessibility Assessment, including public transport, cycling, and walking.

Any future transport assessment will take into consideration the impact of both the construction and operational phases of the development on the local road network and its cumulative impact with other development in the area. This includes ensuing during the construction period, when likely multiple sites in the vicinity have commenced works, that the local road network is not at capacity. Similarly, given the proposals nature as a Warehouse & Logistics Facility, during operation, consideration must be given to the impact on the local road network, particularly vehicles entering and exiting the site, and how this impacts traffic with an airport adjacent to the site and numerous other employment uses in the area coming online.

## **6.1.3. Biodiversity**

### **6.1.3.1. Flora & Fauna**

The Site currently exists as mostly cleared rural land, subject to low intensity cattle grazing. Much of the original vegetation has been cleared and the site is now dominated by introduced pasture grasses with scattered mature remnants of Cumberland Plain Woodland (**CPW**), exotic trees, shrubs, and weeds. Some isolated CPW, along with patchy occurrences of re-growth, shrubs, and bushes occur in the north and south of the site, and along the riparian lands associated with Cosgroves Creek.

The Stage 1 Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan (**LUIIP**) noted it was the intention of the DPIE to pursue biodiversity certification of the entire Aerotropolis supported by Strategic Conservation Management Plan. Strategic biodiversity certification would remove the need for site-

by-site threatened species assessment and provide certainty for developers and landowners as well as enable better environmental outcomes. If developable land is 'biodiversity certified' as intended under the Stage 1 LUIIP then there may not be further assessment of biodiversity at the EIS stage.

Despite this, it is understood that at the likely time of lodgement of a future SSDA by the Applicant, assessment of biodiversity will still be undertaken under a Part 4 development scenario. As such, the following need to be considered as part of the future EIS:

- Given the proposal is triggered as SSD there will likely be a requirement for a BDAR to be undertaken. The BDAR would detail the biodiversity impacts and identify the number and type of biodiversity credits that would need to be retired once consent is granted. Targeted threatened species surveys are required at the SSDA stage to determine offsetting requirements for species credit species.
- Collection of additional plot data is required at the EIS stage to fulfil minimum survey requirements of the BAM in the preparation of a BDAR and determine offsetting requirements for ecosystem credits. Targeted threatened species surveys will also be required at the EIS stage to determine offsetting requirements for species credit. Detailed assessment for the impacts of the proposed M12 corridor once the footprint has been refined may determine a reduced impact area.
- Consideration of 'Serious and Irreversible Impacts' may be required against the DPIE's *Guidance to assist a decisionmaker to determine a serious and irreversible impact* for the existing CPW at the site.

A detailed ecological assessment of the Site will be undertaken to identify the presence of any threatened species or ecological communities, inform the development of the finalised concept plan and identify and assess the potential impacts of the proposal.

## 6.1.4. Heritage

### 6.1.4.1. Indigenous & Non-Indigenous

McCardle Cultural Heritage Pty Ltd (**MCH**) have previously been commissioned by BHL to undertake an Archaeological Due Diligence Assessment for the Site. A search of the OEH AHIMS register indicated that the site may include some known Aboriginal sites. However, upon review by MCH it was noted that the site card maps, and description place these sites well north of the project area. Furthermore, a targeted archaeological survey of the site was undertaken on 12 April 2018 and focused on areas of archaeological potential.

A Potential Archaeological Deposit (**PAD**) was identified along sections of both Cosgroves, and Badgerys Creeks given the nature of the undisturbed land uses and high potential for evidence of rock shelters with art and/or cultural deposits. An assessment of either PAD found it to have no significance.

Overall, no archaeological sites or PADs were identified at the Site and given the project area is heavily disturbed through past land uses there are no impacts to the archaeological record.

A non-Aboriginal Statement of Heritage Impact, an Aboriginal Archaeological Survey Report and an Aboriginal Cultural Heritage Assessment Report will be prepared to assess the site for Aboriginal and non-Aboriginal archaeological potential or heritage significance. The outcomes of the assessment will be detailed in the EIS. A management and mitigation protocol will ensure that any findings can be properly managed during the construction phases of the development.

## 6.1.5. Land

### 6.1.5.1. Land Use

The Site is zoned for Enterprise and is located within the Northern Gateway precinct of the Aerotropolis, a precinct that is envisioned to develop as a support precinct for the airport, with jobs in warehousing and distribution, and manufacturing. Futures surrounding land use is generally likely to be industrial, with the airport located immediately south.

Consideration of the interface and relationship with surrounding land uses, particularly adjoining land will be documented in the EIS.

### **6.1.5.2. Soil**

A Geotechnical Land Capability Assessment was undertaken by Douglas Partners at the site in November 2019. A site walkover assessment was undertaken to identify areas of potential site instability, erosion risks and other geotechnical constraints. The following was noted:

- No evidence of significant hillside/slope instability was observed within the proposed development area. It is considered that such instability does not impose significant constraints on the Site.
- The presence of erosive soils should not present significant constraints to development provided that they are well managed during earthworks and site preparation stages.
- Evidence of significant areas of saline soil were identified within the site. Further salinity testing is considered necessary, although at this stage salinity levels are considered to be manageable provided an appropriate salinity management plan is prepared and implemented during construction.
- Highly sodic and sodic soils appear widespread and will require management to reduce dispersion, erosion, and to improve drainage.
- The results of the land capability assessment have not identified any issues that would preclude the rezoning of the site for future development.

Noting the above results, further investigation is proposed to be undertaken prior to the EIS stage, inclusive of a Stage Two Geotechnical assessment.

### **6.1.5.3. Earthworks**

Bulk earthworks are proposed to facilitate the development. Civil plans will be prepared to identify the amount of cut and fill required to facilitate the delivery of a Warehouse and Logistics Estate. The Civil works will consider the cumulative impacts to ensure no negative externals will be affected, including the adjoining riparian corridors.

## **6.1.6. Water**

### **6.1.6.1. Flooding & Riparian Corridor**

The Site is situated between two principal catchments in Western Sydney – Cosgroves Creek and Badgerys Creek, located within the South Creek catchment, a major waterway that drains a large portion of western Sydney. South Creek discharges to the Hawkesbury River to the north, near Windsor.

Hydrological modelling has previously been undertaken by Cardno in March 2019 who assessed both the pre- and post-development flooding impacts to the site. Whilst the site is subject to low-level flooding along the Cosgroves Creek corridor, it is generally not impacted in flooding events. Further consideration of the flood levels post development will be obtained once a finalised concept plan has been detailed.

### **6.1.6.2. Stormwater & Flood Management**

Cardno similarly prepared a Water Cycle Management Plan, including an assessment of a number of waterway considerations such as water quality and quantity and based on the preliminary concept plan previously submitted to Council in May 2018. It has been demonstrated that potential stormwater management measures, including detention basins, ponds and gross pollutant traps can be applied to achieve relevant stormwater management and flooding objectives.

Adequate storage volume has been allocated for each detention basin and multi-stage outlets have been designed to ensure that there is no increase in total flow discharging to Cosgroves Creek. Upstream of the proposed detention basins, within the site boundary, there are local increases in peak flows.

During subsequent design phases, the trunk stormwater drainage system will need to be designed to accommodate these flows. Total flood impact from proposed site to Cosgroves Creek has been assessed via TUFLOW model the results suggest that there is a negligible flood level increase as a result of development in proposed site.

An overall stormwater management plan will be finalised and submitted as part of the SSDA upon finalisation of the proposed site concept plan.

## 6.1.7. Built Environment

### 6.1.7.1. Built Form & Urban Design

The EIS will outline the proposed development in detail, including site preparation works and proposed building works. The final architectural package and urban design report will detail the rationale for the siting and layout of the proposed development, including vehicle access arrangements, particularly in the vent of inconsistencies with the draft Precinct Plan.

Consideration will be given to any future buildings and their potential visual impacts when viewed from the surrounding area, including Elizabeth Drive and adjoining properties. The overall design will consider architectural appearance and landscape treatment to provide an attractive street presentation. The visual impact on the proposed built form, will be assessed from vantage points outside the site.

The proposed early works to facilitate future development on the site, including bulk earthworks and infrastructure delivery will be addressed in detail, including consideration on the proposed levels and future building envelopes.

Importantly, any future design will be considered against the recently exhibited draft *Connecting with Country* framework released by the NSW Government Architect, as well as the provisions of Part 5 of the Aerotropolis SEPP in regard to design excellence.

### 6.1.7.2. Ecologically Sustainable Development

The EIS will demonstrate the way in which Ecologically Sustainable Development (ESD) principles have been incorporated into the siting and design of the proposed development.

It will identify potential measures to be implemented into the design and construction to minimise the environmental footprint of the development, including opportunities to avoid or minimise the demand for water, power, etc, ensuring sustainable outcomes.

### 6.1.7.3. Utility & Infrastructure Delivery

The EIS will outline the adequacy of the existing portable water, sewer, electricity, and telecommunications infrastructure to accommodate the proposed development, including any necessary upgrades to meet forecasted demand.

## 6.1.8. Airspace Operations

The airspace around any airport is protected to ensure operational safety. For this reason, Australian Government regulations have long recognised the need to restrict building heights under flight paths to protect the airspace; known as 'prescribed airspace'. The regulations ensure that the airspace aircraft fly in is obstacle free, there is no turbulence in the flight path, radar and other navigational equipment can operate free of interference and airport safety lighting is not obscured.

This is regulated through the creation of obstacle limitation surfaces (OLS) and procedures for navigational services: aircraft operations (PAN-OPS) surfaces around airports. The site is located within the Inner Horizontal Surface, and part Inner Edge of the Western Sydney Airport OLS. Thereby stringent controls are placed on site ion relation to building height, urban design and landscaping to ensure there is no impact to the avocational operation of the future airport.

It is the intention of the Applicant to undertake an Airspace Operations Assessment to ensure the proposal is fully complaint with the relevant legislation and framework as detailed in **Appendix A** and is able to deliver a project as in line with the Aerotropolis vision.

## 6.1.9. Hazards and risks

### 6.1.9.1. Bushfire

The majority of the site is identified as Vegetation Category 2 bushfire prone land. Small areas along the eastern and western boundaries are identified as Vegetation Category 1 bushfire prone land. A Bushfire Protection Assessment report would be prepared for the site to identify appropriate bushfire risks and protection.

The overall proposal may therefore require referral to the Rural Fire Service. Consideration will be given to bushfire management in the design of the concept plan.

#### 6.1.9.2. Waste

The proposed development would generate a number of waste streams during construction and operation. An assessment of waste during construction and operation would be undertaken as part of the EIS process and a Waste Management Plan would be prepared for the construction and operational phases of the project.

### 6.1.10. Economic

#### 6.1.10.1. Social & Economic Impacts

The proposed Warehouse & Logistic Estate will deliver significant social and economic benefits associated with the delivery of zoned, serviced industrial land and creation of jobs within a future employment precinct, and in the process address the objectives of the WSAP. The EIS will include detail analysis and assessment of the potential social and economic impacts of the proposed development, including increased local spending and employment generation associated with the construction and operational phases.

## 6.2. MATTERS REQUIRING NO FURTHER ASSESSMENT

**Table 8** below summarises the relevant matters that require no further assessment in the EIS.

Table 8 – No Additional Assessment Requirements

Matter	Justification
Social – community services/ facilities	The site is located within a future industrial precinct, adjacent to a 24-hour, 7 day a week operational international airport. The site is also traversed by a future Motorway and both Metro and freight rail lines. As such it is not anticipated the proposal will generate additional demand for community services including facilities, health facilities, and housing.
Access – port/ rail facilities	The site is not within proximity to a port or approved rail facility. Future consideration will be given to the site strategic context, including future rail corridors within a separate section of the future EIS.
Hazard and Risks – Biosecurity, Coastal hazards, Land movement	<ul style="list-style-type: none"> <li>▪ The site is not in a coastal area.</li> <li>▪ The existing and proposed operations are not classified as hazardous or offensive development or a biosecurity risk.</li> </ul>
Air - gas	The proposed future operation does not emit any gases that warrant assessment such as greenhouse gas.
Amenity - odour	The proposed future operation will not cause any anticipated odorous issues, and thereby does not warrant further assessment.

## 7. CONCLUSION

The purpose of this report is to request SEARs for the preparation of an EIS for a concept and stage one development of a Warehouse & Logistics facility located at 1953-2109 Elizabeth Drive, Badgerys Creek. The Applicant is committed to working with key stakeholders, including State government agencies and Penrith Council to deliver a high-quality development.

This SEARs request outlines the approval pathway for the application, the legislative framework, and the key matters for consideration in the assessment of the application. The EIS will demonstrate how the proposal is suitable for the site and the potential environmental impacts can be appropriately mitigated, minimised, or managed to avoid any unacceptable impacts.

We trust that the information detailed in this letter is sufficient to enable the Department to issue the SEARs to guide the preparation of the EIS.

# DISCLAIMER

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

**APPENDIX A**

**SCOPING SUMMARY TABLE**

Table 9 – Scoping Summary Table

Level of assessment	Matter	CIA	Engagement	Relevant government plans, policies and guidelines	Scoping report reference
Detailed	Amenity – noise & vibration	N	General	<ul style="list-style-type: none"> <li>Construction Noise Strategy (Transport for NSW, 2012)</li> <li>Interim Construction Noise Guideline (Department of Environment, Climate Change and Water, 2009)</li> <li>NSW Industrial Noise Policy (Environment Protection Authority, 2000)</li> <li>Rail Infrastructure Noise Guideline (Environment Protection Authority, 2013)</li> <li>NSW Road Noise Policy (Environment Protection Authority, 2011)</li> <li>Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006)</li> <li>German Standard DIN 4150-3: Structural Vibration – Effects of Vibration on Structures</li> <li>Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006)</li> <li>Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration (Australian and New Zealand Environment Council, 1990)</li> </ul>	Section 6.1.1.1
	Access – Access to property	Y	Specific	<ul style="list-style-type: none"> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Austroads Guide to Traffic Management</li> </ul>	Section 6.2.1.1
	Access – Traffic & Parking	Y	General	<ul style="list-style-type: none"> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>Austroads Guide to Traffic Management</li> </ul>	Section 6.2.1.1

Level of assessment	Matter	CIA	Engagement	Relevant government plans, policies and guidelines	Scoping report reference
				<ul style="list-style-type: none"> <li>▪ Guide to Traffic Generating Developments Version 2.2 (RTA, 2002).</li> <li>▪ NSW Bicycle Guidelines</li> </ul>	
	Biodiversity – Flora & Fauna	N	General	<ul style="list-style-type: none"> <li>▪ Commonwealth EPBC 1.1 Significant Impact Guidelines – Matters of National Environmental Significance (Commonwealth of Australia, 2013)</li> <li>▪ Commonwealth EPBC 1.2 Significant Impact Guidelines – Actions on, or Impacting upon,</li> <li>▪ Commonwealth Land and Actions by Commonwealth Agencies (Commonwealth of Australia, 2013)</li> <li>▪ Commonwealth Department of the Environment – Nationally Threatened Ecological Communities and Threatened Species Guidelines (various)</li> <li>▪ Commonwealth Department of the Environment – Survey Guidelines for Nationally Threatened Species (various)</li> <li>▪ Threatened Species Survey and Assessment Guidelines at <a href="http://www.environment.nsw.gov.au/threatenedspecies/surveyassessmenttgdlns.htm">http://www.environment.nsw.gov.au/threatenedspecies/surveyassessmenttgdlns.htm</a></li> <li>▪ NSW Biodiversity Offsets Policy for Major Projects (Office and Environment and Heritage, 2014)</li> <li>▪ Framework for Biodiversity Assessment (Office and Environment and Heritage, 2014).</li> </ul>	Section 6.1.3.1
	Land – Soil	N	General	<ul style="list-style-type: none"> <li>▪ Soil Conservation Act 1938</li> <li>▪ The Land and Soil Capability Scheme</li> <li>▪ Soil and Land Survey Handbooks</li> </ul>	Section 6.1.5.2

Level of assessment	Matter	CIA	Engagement	Relevant government plans, policies and guidelines	Scoping report reference
				<ul style="list-style-type: none"> <li>Agricultural Land Use Mapping Resources in NSW</li> <li>Acid Sulfate Soils Manual</li> </ul>	
	Airspace Operations	N	General	<ul style="list-style-type: none"> <li>Airports Act 1996</li> <li>Airports (Protection of Airspace) Regulations 1996</li> <li>Procedures for Air Navigation Services – Aircraft Operations (Doc. 8168 PANS-OPS)</li> <li>Manual of Standards Part 173 of the Civil Aviation Regulations</li> <li>Managing Bird Strike Risk at Australian Airports (2015) published by Australian Transport Safety Bureau</li> </ul>	Section 6.1.8
	Amenity - visual	N	General	<ul style="list-style-type: none"> <li>Draft Guidelines for Landscape and Visual Impact Assessment (3rd edition)</li> <li>Refer to Scoping Report</li> </ul>	Section 6.1.1.2
	Amenity – Air quality	N	General	<ul style="list-style-type: none"> <li>Protection of the Environment Operations Act 1997</li> <li>National environment protection (ambient air quality) measure</li> <li>Approved methods for modelling and assessment of air pollutants in NSW (and related guidance)</li> <li>In tunnel air quality (nitrogen dioxide) policy</li> </ul>	Section 6.1.1.3
	Heritage – Indigenous			<ul style="list-style-type: none"> <li>National Parks and Wildlife Act 1974</li> <li>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW 2011</li> </ul>	Section 6.1.4.1

Level of assessment	Matter	CIA	Engagement	Relevant government plans, policies and guidelines	Scoping report reference
				<ul style="list-style-type: none"> <li>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</li> <li>Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW 2010</li> </ul>	
	Heritage – Non-Indigenous	N	General	<ul style="list-style-type: none"> <li>Heritage Act 1977</li> <li>Australia ICOMOS Charter for the Conservation of Places of Significance, Burra Charter 2013</li> <li>Assessing Significance for Historical Archaeological Sites and ‘Relics’ 2009</li> <li>Design in Context – Guidelines for Infill Development in the Historic Environment 2006</li> <li>Skeletal Remains; Guidelines for Management of Human Skeletal Remains 1998</li> </ul>	Section 6.1.4.1
	Land - Earthworks	N	General	<ul style="list-style-type: none"> <li>Refer to Scoping Report</li> </ul>	Section 6.1.5.3
	Water – Flooding & Riparian Corridor	N	General	<ul style="list-style-type: none"> <li>NSW State groundwater dependent ecosystems policy</li> <li>Risk assessment guidelines for groundwater dependent ecosystems</li> </ul>	Section 6.1.6.1
	Water – Stormwater & Flood Management	N	General	<ul style="list-style-type: none"> <li>Managing Urban Stormwater: Soils and Construction Volume 1 (Landcom 2004) and Volume 2 (A. Installation of Services; B. Waste Landfills; C. Unsealed Roads; D. Main Roads; E. Mines and Quarries) (DECC 2008)</li> <li>NSW Government's Floodplain Development Manual (2005).</li> </ul>	Section 6.1.6.2

Level of assessment	Matter	CIA	Engagement	Relevant government plans, policies and guidelines	Scoping report reference
	Built Environment – Built Form & Urban Design	N	General	<ul style="list-style-type: none"> <li>Refer to Scoping Report</li> </ul>	Section 6.1.7.1
	Built Environment – ESD	N	General	<ul style="list-style-type: none"> <li>Refer to Scoping Report</li> </ul>	Section 6.1.7.2
	Built Environment – Utilities & Infrastructure	N	General	<ul style="list-style-type: none"> <li>Refer to Scoping Report</li> </ul>	Section 6.1.7.3
	Land – Earthworks	N	General	<ul style="list-style-type: none"> <li>Refer to Scoping Report</li> </ul>	Section 6.1.5.3
	Hazard & Risk – Bushfire	N	General	<ul style="list-style-type: none"> <li>Rural Fires Act 1997</li> <li>Planning for bushfire protection</li> </ul>	Section 6.1.9.1
Minor	Land – Land Use	N	General	<ul style="list-style-type: none"> <li>Refer to Scoping Report</li> </ul>	Section 6.1.5.1
	Economic - Social	N	General	<ul style="list-style-type: none"> <li>Refer to Scoping Report</li> </ul>	Section 6.1.10.1
	Economic – Economic Impact	N	General	<ul style="list-style-type: none"> <li>Refer to Scoping Report</li> </ul>	Section 6.1.10.1

Level of assessment	Matter	CIA	Engagement	Relevant government plans, policies and guidelines	Scoping report reference
	Hazard & Risk – Waste	N	General	<ul style="list-style-type: none"> <li>Protection of the Environment Operations Act 1997</li> <li>Waste Avoidance and Resource Recovery Act 2001</li> <li>Waste classification guidelines</li> <li>Guidance for managing industrial waste</li> <li>Solid waste landfills guideline</li> <li>Composting and related organics processing facilities guideline</li> </ul>	Section 6.1.9.3

## **APPENDIX B**

## **SITE SURVEY**

## **APPENDIX C**

## **CONCEPT PLANS**

# APPENDIX D

# QS REPORT

