

# ETHOS URBAN

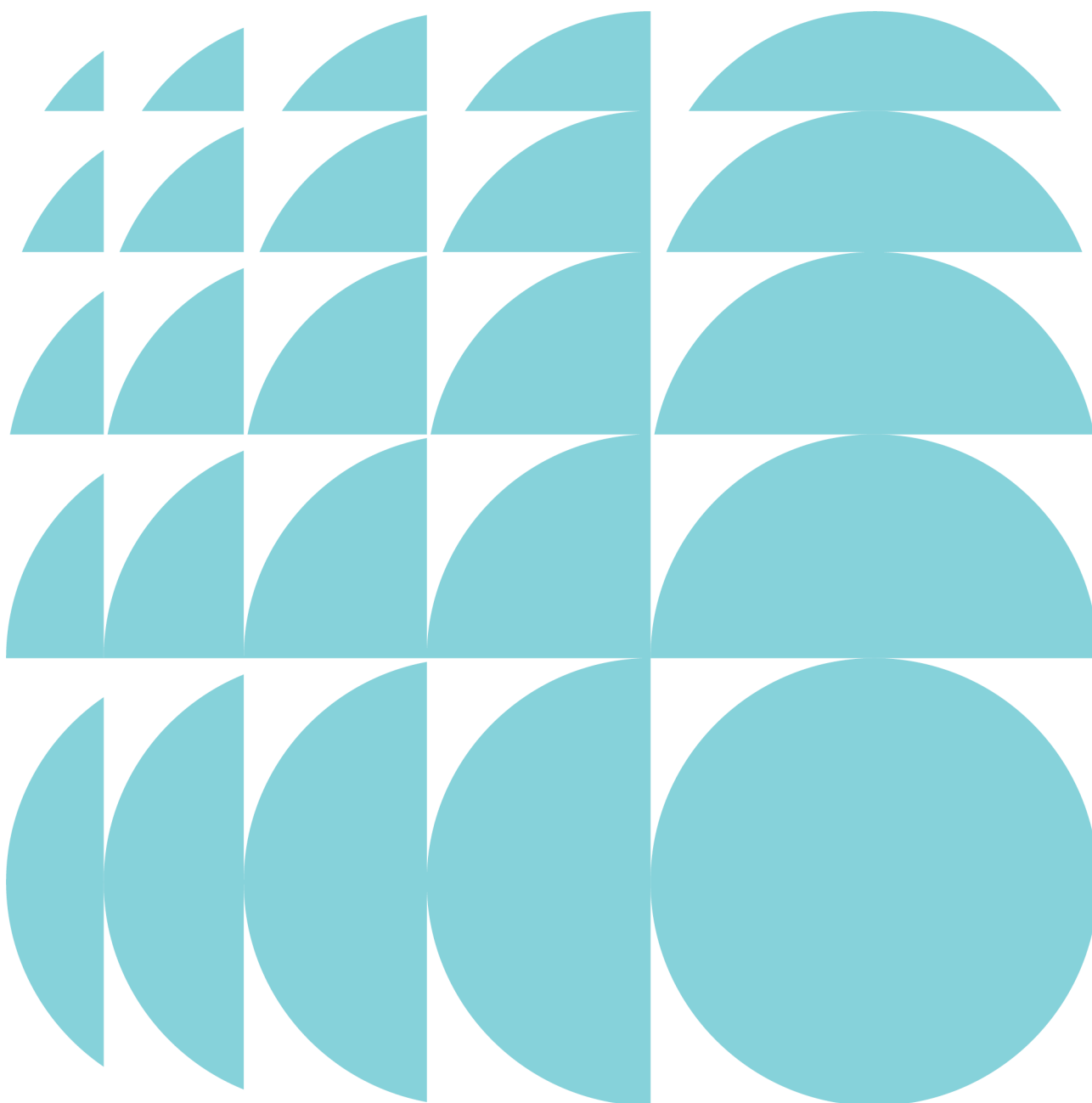
## Request for Secretary's Environmental Assessment Requirements

1669-1723 Elizabeth Drive, Badgerys Creek  
Elizabeth Enterprise Precinct - Stage 1

Submitted to Department of Planning, Industry  
and Environment

On behalf of Mirvac Projects Pty Ltd

17 May 2021 | 2210168



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### **A** Cost Estimate

*Mirvac*

### **B** Indicative Masterplan

*SBA Architects*

## 1.0 Introduction

This report has been prepared by Ethos Urban on behalf of Mirvac Projects (Mircac) with regard to the proposed development of a concept masterplan and Stage 1 development for general industry and warehouse and distribution centres at 1669-1723 Elizabeth Drive, Badgerys Creek (the site) as part of the Elizabeth Enterprise Precinct (EEP).

As the proposal includes development for the purposes of warehouse or distribution centres that has a capital investment value in excess of \$30 million, (from 1 June 2021, noting the current threshold is \$50 million which the project exceeds, see cost estimate at **Appendix A**) it is State Significant Development (**SSD**) by virtue of Clause 12 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

The development comprises a Concept State Significant Development Application (SSDA) for the site including proposed future development lots and building footprints, as well as consent for works which will include construction of an initial warehouse building and associated infrastructure required to be constructed for the development to operate, including road intersections, internal road construction and other associated on-site utilities. Stage 1 of the proposed multi-stage development has a capital investment of greater than \$30m, with the overall cost likely to sit closer to \$80m.

The purpose of this report is to outline the key environmental considerations to assist the Department of Planning, Industry and Environment (DPIE) in issuing Secretary's Environmental Assessment Requirements (SEARs).

## 2.0 The Site

The site is located north of Elizabeth Drive, Badgerys Creek within the Penrith Local Government Area (LGA). The site is located approximately 15km south-east of the Penrith CBD and 40km west of the Sydney CBD, and approximately 800m to the east of the currently under construction WSIA. The location of the site within its surrounding context is shown in **Figure 1**. It forms part of the broader EEP that covers an area of approximately 240ha. The site itself is approximately 54.41ha and is legally described as Lot 5 on DP860456.

The site forms a sub-precinct of the broader EEP which extends further to the north (Stage 2) and east (Stages 3 and 4) within the adjacent Mamre Road Precinct.

The site is irregular in shape, with direct frontage to Elizabeth Drive (southern boundary) of approximately 540m and a public access road (western boundary) of approximately 590m.

The site was rezoned as part of the gazettal of the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP) and is zoned as Enterprise (ENT) for the area comprising the Badgerys Creek Precinct, with the Wianamatta-South Creek Precinct portion of the site zoned as Environment and Recreation (ENZ).

Key features of the proposed development include:

- Placemaking design principles that is connected to country and landscape and responds to Wianamatta South Creek;
- Activation and enhancement of South Creek for rehabilitation to provide green grid and an open space network that connects pedestrian and cycle paths with employment and amenities, as well as water management;
- Approximately 38.9ha of land for flexible employment;
- An identified area of land for local amenity (subject to detailed analysis of requirements);
- A road network that provides flexibility for both staging and intensity, including any future development of Stage 2 to the north; and
- Creation of key view corridors towards South Creek.

The majority of the site is zoned as Enterprise under the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP), with part of the site zoned as Environment and Recreation, closest to South Creek at the eastern end.



**Figure 1**      **The subject site**

Source: Nearmap

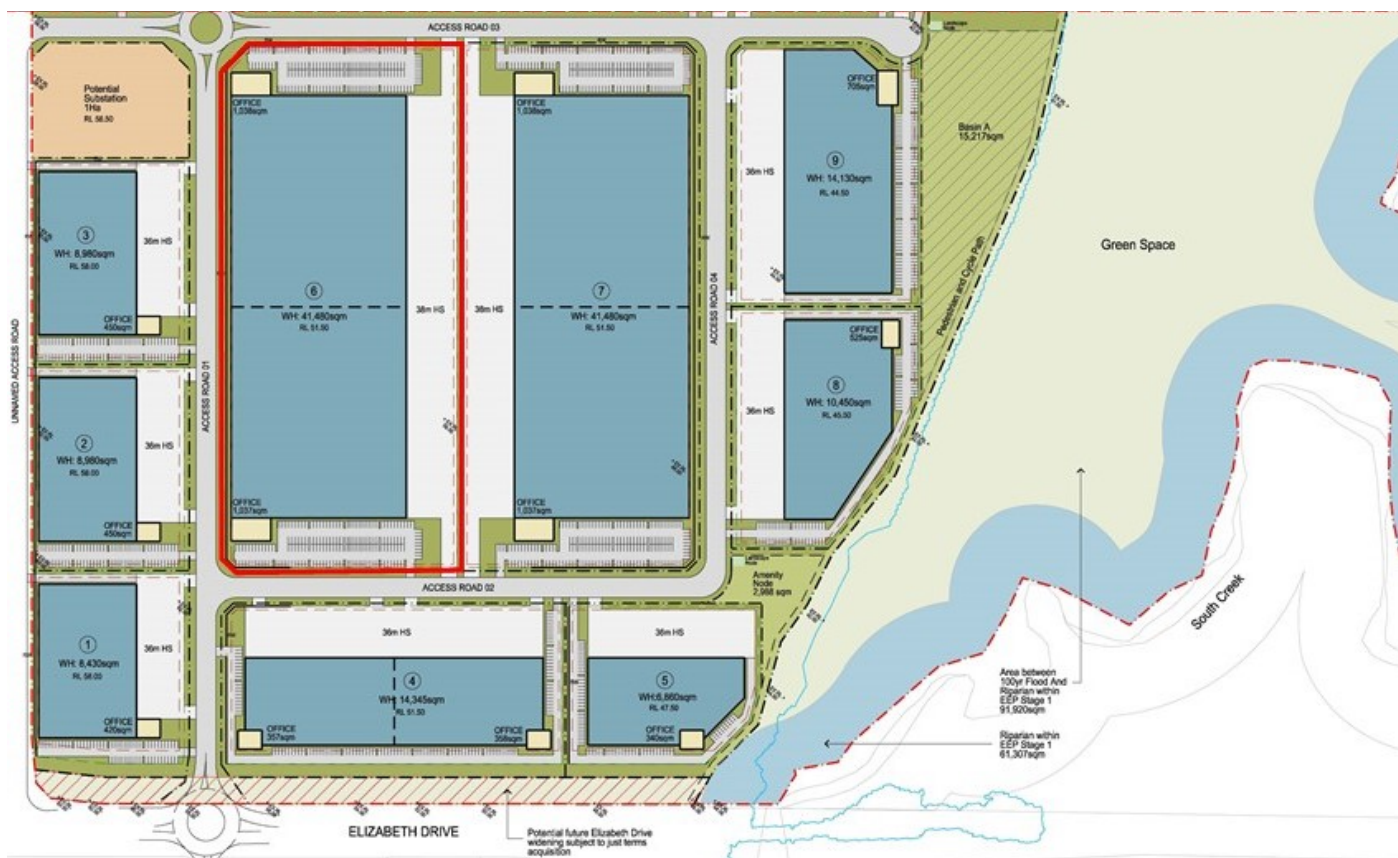
### 3.0 Description of proposed development

The SSDA will seek consent for:

- Concept Masterplan for the Elizabeth Enterprise Precinct Stage 1 comprising nine industrial buildings, internal road network layout, building locations, GFA, car parking, concept landscaping, building heights, setbacks and built form parameters;
- Site preparation works comprising:
  - Demolition and removal of existing rural structures;
  - Heritage salvage works (if applicable);
  - Creation of roads and access infrastructure, including a signalised intersection with Elizabeth Drive;
  - Clearing of existing vegetation on the subject site and associated dam dewatering and decommissioning;
  - Realignment of existing creek;
  - On-site bulk earthworks including any required ground dewatering;
  - Importation, placement and compaction of soil material;
  - Construction of boundary retaining walls;
  - Delivery of catchment level stormwater infrastructure, trunk service connections, utility infrastructure;
- Construction and fit out of a warehouse and distribution building (@41,480m<sup>2</sup>) in Stage 1 which will operate 24 hours/day, seven days/week;
- Ancillary office building(@1,037m<sup>2</sup>)
- Boundary stormwater management, fencing and landscaping;
- Internal road network;
- Subdivision of Stage 1; and
- Signage.

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

The proposed concept plan layout is shown in **Figure 2** below (extracted from the Indicative Masterplan at **Appendix B**). The proposed initial building is Lot 6 and is outlined in red.



**Figure 2 Proposed Concept Masterplan for the EEP Stage 1 site**

Source: Mirvac

## 4.0 Planning context

### 4.1 State Environmental Planning Policy (Western Sydney Aerotropolis) 2020

The Aerotropolis SEPP, recently gazetted in September 2020, outlines the planning controls for the site. Under the land use table for the Enterprise Zone, warehouses and distribution centres are a permissible use.

It is noted that the draft Precinct Plan for the Badgerys Creek Precinct have been publicly exhibited and are currently being finalised. The draft Precinct Plan will be a consideration through the SSD process. Should the Precinct Plan not be in force at the time of lodgement, an assessment of the proposed development against the criteria in Clause 42 of the Aerotropolis SEPP will be included in the application.

#### 4.1.1 Relevant clauses and considerations

Under the Aerotropolis SEPP there are a number of clauses to be considered by the proposed development.

**Table 1 Relevant Aerotropolis SEPP Clauses for consideration**

Clause	Application Response
<b>Enterprise Zone Objectives</b>	
<ul style="list-style-type: none"> <li>To encourage employment and businesses related to professional services, high technology, aviation, logistics, food production and processing, health, education and creative industries.</li> <li>To provide a range of employment uses (including aerospace and defence industries) that are compatible with future technology and work arrangements.</li> </ul>	<p>The proposed development is entirely consistent with the Enterprise Zone objectives under the Aerotropolis SEPP in that the proposal will:</p> <ul style="list-style-type: none"> <li>Provide for employment uses in support of the broader Aerotropolis;</li> <li>Ensure compatibility with future technology and work arrangements;</li> </ul>

Clause	Application Response
<ul style="list-style-type: none"> <li>To encourage development that promotes the efficient use of resources, through waste minimisation, recycling and re-use.</li> <li>To ensure an appropriate transition from non-urban land uses and environmental conservation areas in surrounding areas to employment uses in the zone.</li> <li>To prevent development that is not compatible with or that may detract from the future commercial uses of the land.</li> <li>To provide facilities and services to meet the needs of businesses and workers.</li> </ul>	<ul style="list-style-type: none"> <li>Promote the efficient use of resources through environmentally sustainable design;</li> <li>Transition the site into employment uses while ensuring an appropriate interface with the adjacent South Creek Corridor;</li> <li>Not result in incompatible use of the land; and</li> <li>Provide facilities and services to meet the needs of workers and businesses through the proposed amenity node.</li> </ul>
<b>Environment and Recreation Zone Objectives</b>	
<ul style="list-style-type: none"> <li>To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.</li> <li>To protect the ecological, scenic and recreation values of waterways, including Wianamatta–South Creek and its tributaries.</li> <li>To provide a range of recreational settings and activities and compatible land uses.</li> <li>To protect and conserve the environment, including threatened and other species of native fauna and flora and their habitats, areas of high biodiversity significance and ecological communities.</li> </ul>	<p>The proposed development provides an opportunity for an appropriate interface from the proposed employment uses to the South Creek corridor to the east through appropriate design responses, including;</p> <ul style="list-style-type: none"> <li>Pedestrian and cycle path connections through the development and along the corridor to the east;</li> <li>The proposed amenity node;</li> <li>The location of the proposed Basin A providing a suitable green transition to the adjacent green space; and</li> <li>The potential for suitable and appropriate uses within the green space adjacent to the South Creek corridor to provide amenity for workers within the development.</li> </ul>
<p>Part 3 – Development controls – Aircraft Safeguards</p> <ul style="list-style-type: none"> <li>Aircraft noise</li> <li>Building wind shear and turbulence</li> <li>Wildlife hazards</li> <li>Wind turbines</li> <li>Lighting</li> <li>Airspace operations</li> <li>Public safety</li> </ul>	<p>All controls within Part 3 of the Aerotropolis SEPP, relating to the safeguarding of the future Airport to the west of the site, have been considered in the proposed concept plan for the site and the development will ensure compliance with these clauses. It must be noted that the Airport Safeguarding Framework developed by the Commonwealth Government addresses these elements and as such will be considered in the development application.</p>
Clause 33 – Design Review Panel	<p>Clause 33 will be triggered by the proposal given it is SSD. As such, a design review panel will be required to be established by the consent authority (being the DPIE) and approved by the Government Architect NSW to review the proposal when submitted. As part of the preparation of this scoping request, the proponent has sought a meeting with the Government Architect NSW to work through the approach to a design review panel being developed. This is closely linked to Clause 34 – Architectural design competition.</p>
Clause 34 – Architectural design competition	<p>The proposed initial warehouse building will have a capital investment value of less than \$40m. Therefore a Architectural design competition will not be required.</p>
Clause 35 – Consideration of design excellence	<p>In addition to Clause 34, Clause 35 requires the consideration of design excellence. This will flow on from the architectural design competition. While Mirvac is committed to achieving design excellence, it should be noted that logistics and warehouse style development are limited in terms of design flexibility, particularly given the strict specifications required by both developers and future tenants to meet their needs for operational purposes.</p>
Clause 40 – Precinct plans	<p>It is noted that currently there is a draft Precinct Plan for the Badgerys Creek Precinct which contains the site. This Precinct Plan, the subject of a separate submission by Mirvac, is yet to be approved.</p>
Clause 41 – Development must be consistent with precinct plan	<p>The EIS will address the provisions of the draft Precinct Plan as exhibited, noting that it has yet to be finalised and may be subject to change. The Concept Plan as proposed would</p>

Clause	Application Response
	ultimately drive development on the site, and has been designed to be the most efficient and effective use of the land available.
Clause 42 – Development prior to precinct plan	Noting there is a draft Precinct Plan available, depending on its timeframe for gazettal, the proposed SSDA may be approved and commence construction prior to the Precinct plan coming into force. As such, the SSDA will consider this clause in its assessment.
Clause 50 – Concurrence of Planning Secretary	For the proposed development which would provide for employment uses (industrial), the concurrence of the Planning Secretary would be required.

### Aerotropolis Precinct Plan

The Western Sydney Aerotropolis Draft Precinct Plan has recently concluded public exhibition, and as such Mirvac have had the opportunity to review and provide a detailed submission. This draft Precinct Plan will be addressed in the preparation of the SSDA.

Importantly, the broader vision for the Stage 1 site is entirely consistent with that of the draft Precinct Plan, being the delivery of key employment land supporting the development and establishment of the WSIA. In particular, it is consistent with the principles of the Badgerys Creek Precinct, and as such will be a key catalyst for development within this area.

Notwithstanding the above, the proposed Concept Plan for the site provides for an efficient and effective road layout to maximise the appeal of the future industrial estate, in a manner that is generally consistent with the intention and schematic plans that form part of the draft Precinct Plan.

#### 4.2 State Environmental Planning Policy (State and Regional Development) 2011

As the proposal is for the purposes of development for warehouse or distribution centres that has a capital investment value in excess of \$30 million it is SSD by virtue of Clause 12 of Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) as outlined previously.

#### 4.3 State Environmental Planning Policy No 55 – Remediation of Land

This policy introduces state-wide planning controls for the remediation of contaminated land. It states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. Contamination has been considered and investigations will be undertaken and included in the EIS to ensure the site is suitable for the proposed use.

#### 4.4 Other legislation and planning policies

In addition to the above, the following policies apply to the site and will need to be considered as part of the application:

- Environmental Protection and Biodiversity Conservation Act 1999;
- Biodiversity Conservation Act 2016;
- Water Management Act 2000;
- Rural Fires Act 1997;
- Roads Act 1993;
- Greater Sydney Region Plan: A Metropolis of Three Cities; and
- Western City District Plan.

## 5.0 Overview of likely environmental and planning issues

The following are the key environmental assessment issues that will likely need to be considered as part of the future DA.

### 5.1 Strategic context

The SSDA will consider the appropriate strategic context for the proposal, noting as indicated above the proposal is entirely consistent with the intention for the area, the objectives of the applicable land use zoning, and is generally consistent with the draft Precinct Plan.

### 5.2 Design Excellence

Under Clause 33 of the Aerotropolis SEPP, the proposed development, being State significant, will meet the criteria for the development to be reviewed by the State Design Review Panel. Preliminary discussions with the NSW Government Architect have been arranged to commence this process which will run in parallel with the assessment of the application.

### 5.3 Stormwater and Flooding

The site sits above the floodplain for the majority of its area, and proposed battering to provide for building pads will take stormwater and flooding into consideration.

The interface of the battering down to the South Creek corridor, including works within the Environment and Recreation Zone, will be developed and detailed as part of the application, noting its delivery will form part of future applications.

#### 5.3.1 Integrated water cycle management

The SSDA will consider the proposed development in terms of its approach to integrated water cycle management, and will seek to provide built environment that adopts industry best practice environmentally sustainable design principles such as rainwater harvesting, and re-use as part of integrated water cycle management. This will form part of the broader water management strategy for the concept plan site, establishing targets for achievement with the roll-out of future built form beyond the initial Stage 1 building.

### 5.4 Biodiversity and Riparian Corridors

A Biodiversity and Riparian Assessment prepared by EcoLogical Australia has been previously prepared which reviewed the site in relation to the presence of riparian corridors.

The field findings of that assessment demonstrate that the waterways shown within the draft Precinct Plan do not meet the definition of a 'river' under the *Water Management Act 2000*. The onsite situation for both of the reaches (1A and 1B) indicate they have no defined bed or bank, and the third reach (2A) has no defined channel.

Additionally, the existing farm dams on the site have no ecological significance and are of poor construction and as such are to be removed.



**Figure 3** Field validated top of bank outcomes

Source: EcoLogical Australia

## 5.5 Heritage

Mirvac have undertaken numerous studies, and the preliminary findings of the Non-Aboriginal Salvage Excavation Archaeological Research Design and Aboriginal Text Excavation Reports prepared by Artefact across the site indicate the following:

- No State significant evidence of the early phase of the site was identified, including the wattle and daub cottage (first house of Badgery Family, 1809 – 1810/1812) and the first brick Exeter Farm House (1809-1839);
- Relatively intact and in situ significant archaeological remains are present within two test trenches. It has been identified that additional archaeological remains are expected to be present within and around these test trenches; and

- Previous landscaping works associated with the establishment of the existing laydown area on the ridgeline has truncated the soil profile down to the natural underlying clay and has likely substantially impacted and/or removed any potential archaeological resources that had been located within the large footprint of the laydown area.

Mirvac will continue to work with Artefact and Heritage NSW to ensure appropriate mitigation measures and environmental safeguards are in place in respect of heritage. At this stage based on the investigations undertaken no remains have been uncovered that need to remain in situ.

Artefact's findings are consistent with the Draft Precinct Plan Aboriginal and Non-Cultural Heritage Report prepared by Extent Heritage Advisors (as part of the draft Precinct Plan for the Aerotropolis) which recommends the following in relation to Exeter house:

- Undertake additional research and assessment to determine physical condition and heritage significance; and
- Future development on the site must consider potential archaeological impact.

## 5.6 Contamination and Geotechnical Considerations

A Preliminary Environmental Site Investigation for Stage 1 indicates the area comprises largely open paddocks covered by grasses. A large storage shed, shipping containers, scrap metal, plastics and other wastes including truck and car batteries were stored in areas surrounding the shed. This is consistent with the historical use of the site for the purposes of market gardens and grazing lands.

Fragments of asbestos containing materials were identified within areas of existing fill material and stockpiles. Stage 1 has previously been used for light agricultural purposes, specifically along its northern boundary and the central and southern portions of the site.

A number of licenses issued under the POEO Act are currently in place for sites near to the EEP West site, including the adjacent Suez Recycling and Recovery facility. The Sydney Recycling Park and Hi-Quality Quarry, both at Kemps Creek, are other licensed facilities near to the site.

Onsite contaminants are likely from surficial sources that are associated with the site's former use as a farm. These include pesticides/herbicides as used in former market garden areas, biological contamination from livestock and poultry farming, discarded hazardous building materials (asbestos) and potential hydrocarbon, PAH, OCP contamination from the storage of materials, plant and consumables.

Groundwater monitoring conducted on Stage 1 indicates that the groundwater is considered to be fresh and under generally reducing conditions in the north-west corner of the site.

Given the above, further detailed analysis of contamination aspects across the site is not considered necessary beyond those investigations previously undertaken as a Phase 1 Preliminary Site Investigation.

## 5.7 Traffic and Transport

The Stage 1 site is accessed by Elizabeth Drive, aligning with the site's southern boundary with direct site access provided by an unnamed public road located along the western boundary of the site. These roads are described as:

- Elizabeth Drive: a Classified Road (State Road). Dual carriageway road of a predominantly single traffic lane in each direction. Elizabeth Drive widens at various points to accommodate right-turn slip lanes and median strips. Elizabeth Drive runs in an east-west direction, connecting to The Northern Road at its western extent with the Hume Highway at its extent. Elizabeth Drive is approximately 25km in length. The Elizabeth Drive road reserve is approximately 40m at the site. The road is 60km/ph in each direction, increasing to 80km/ph at sections. Elizabeth Drive is a clearway road.
- Unnamed public road: The unnamed public road is a local road, a dual carriageway road of a single lane in each direction. The road connects the SUEZ Waste Recovery facility to Elizabeth Drive. The accessway is approximately 500m in length and runs in a north-south direction. The road reserve is approximately 20m in

width. The road does not feature provisions for turning lanes, median strips or parking lanes. The accessway does not have a signposted speed limit, therefore it is assumed the speed limit is 50km/ph.

In addition, there are several other roads located near to the site which connect the site to Greater Sydney:

- Westlink M7 Motorway: a high capacity state significant road, providing a key north-south link between the M2 Motorway in the north and the M5 Motorway to the south. The M7 has a posted speed limit of 100km/h with four lanes (two lanes each way);
- M12 Motorway (future): a proposed 16km motorway running east-west between The Northern Road and M7 Motorway;
- Wallgrove Road: an arterial road running in a north-south direction parallel to the M7 Motorway. It connects to the M4 Motorway approximately 2.5km to the north of the site;
- The Northern Road: a three lane (one to two lanes each direction) with a speed limit of 80km/h, it provides a regional north-south link located to the west of the site;
- Western Road: a local road running in a north-south direction from Elizabeth Drive, with two lanes of traffic for two-way movement and a speed limit of 80km/h: and
- Mamre Road: an arterial road servicing traffic between the Great Western Highway and M4 Motorway to the north and Elizabeth Drive to the south. It generally provides two lanes for two-way traffic, with a posted speed limit of 80km/h.

The SSDA will assess the performance of existing intersections using SIDRA modelling for both existing and proposed performance. Previous modelling undertaken demonstrates that these nearby intersections are currently operating at a 'good' service level during the morning and evening peaks, with some spare capacity.

## 5.8 Noise, Vibration and Air Quality

There are a number of potential external noise impacts that may impact the Stage 1 site given its close proximity to the WSIA and surrounding land uses:

- Aircraft noise and ground-based noise associated with the nearby future Airport;
- Road traffic noise from Elizabeth Drive to the south and the proposed M12 to the north; and
- Landfill noise from the adjacent SUEZ facility.

Nearby sensitive receivers include residential properties to the south of the site across Elizabeth Drive.

It is proposed that these will be assessed as part of the SSDA as required, which will include an assessment of both construction and operational noise impacts and generation from the Stage 1 site. Vibration impacts from construction works will also be assessed in conjunction with noise.

Air quality within the area will be considered, noting that existing and future air emissions sources within proximity of the Stage 1 site include a range of potential air pollution sources:

- Poultry sheds (between 250m and 8km distant);
- Western Sydney Airport (800m);
- Elizabeth Drive Landfill (100m); and
- Hi-Quality Quarry (1.25km).

In addition to these land uses, potential air pollution has also been identified from the following sources:

- The future North-South Rail Link
- M12 Motorway

- M9 Motorway (outer Sydney orbital corridor)

Based on the type of potential pollutant sources, the following air pollutants are expected:

- Products of fuel combustion (including particulates) from local road and air traffic;
- Nuisance dust from Hi-Quality Quarry;
- Odour and dust from the existing Elizabeth Drive Landfill; and
- Odour from the existing poultry farms in the region.

These aspects will be considered as part of the SSDA.

## 5.9 Visual Impact

A visual impact analysis will be undertaken to assess potential impacts on views to and from sensitive receivers outside of the site, noting the topography of the land and sensitivities of the South Creek corridor. The significances of potential visual impacts are determined by an analysis of existing conditions, identifying sensitive receptors and the scale of changes proposed.

It must however be noted that the draft Precinct Plan and Aerotropolis SEPP will facilitate major change in land uses and the character of the Aerotropolis, and that while the proposal is one of the first to proceed in the area, this will likely be in the context of the existing rural landscape. The impacts are therefore temporary in their visual impact on the landscape character of the area given the development of neighbouring sites in the future.

## 5.10 Airport Operations

The site is located under the approach and take-off area for runways 05L/23R and 05R/23L at Western Sydney Airport with the nearest corner of the site approximately 4 km NE of the Western Sydney Airport Aerodrome Reference Point. The site is also close to the northern runway ends. The site is located 19.3 km N of Camden Airport, and 20 km NW of Bankstown Airport.

The Western Sydney Airport prescribed airspace charts outline the OLS to the west of the site is the Inner Horizontal Surface at 125.5m AHD, to the East the Conical Surface at 171m and in the SW corner an OLS limitation for RWY 05R/23L of approximately 122m AHD.

Other factors which influence development at the site include:

- PANS-OPS;
- Wildlife airport buffer;
- Restrictions to lighting; and
- Protection of other surfaces around navigational aids.

Provided the development activity and construction remain below the OLS controls, aviation approval should be given. Controlled activities will consist of temporary structures during construction and/or permanent structures which extend more than 60m above ground level.

## 5.11 Social and economic impacts

Currently the Western City has a 54% self-containment rate, with 46% of resident workers leaving the region for employment. With 360,000 new residents over the next 20 years, employment floorspace delivery is critical, with 175,000 new jobs projected over this same timeframe.

Based on the Concept Plan prepared for the proposal, employment forecasts have been projected to inform its design, with initial employment density will be comparable to similar newer employment sites in Western Sydney,

with a derived employment density of 34 jobs per hectare applied for Stage 1. This is expected to increase to 50 workers per hectare reflective of more intense uses near the Airport.

Office uses within the proposal site would be complementary to the main employment use, with approximately 30m<sup>2</sup> per worker considered appropriate for Stage 1. Office efficiency rates would likely increase as the demand rises for higher order commercial services, with a 19m<sup>2</sup> rate per office worker applied for later stages.

Based on this, there is a total derived employment of 918 jobs on the site. Accordingly, the provision of employment within the Stage 1 site aligns with the broader vision for the Western Sydney Aerotropolis to provide a 30-minute city and is considered to result in positive economic impacts.

These rates will be confirmed as part of the SSDA, including confirmation of the anticipated jobs created.

### **5.12 Infrastructure and utilities**

The SSDA will include servicing strategies as informed through direct consultation with utility authorities including Sydney Water and Endeavour Energy, relating to potable water, sewerage and electrical servicing respectively.

### **5.13 Construction management**

It is envisaged that the sub-consultant reports will explore the existing environmental conditions and the effects of the proposed development in relation to the above and any other relevant matters that arise during the preparation of the EIS.

## **6.0 Conclusion**

The proposed development seeks SEARs for the development of the site for general industry and warehouse and distribution centres within the EEP Stage 1 site, as a Concept Approval and Stage 1 built form.

It is requested that the Planning Secretary issues SEARs to enable the preparation of the EIS and supporting technical studies to allow for the formal lodgement of the application for assessment.