



WILLOWTREE PLANNING

SCOPING REPORT

SUBDIVISION TO FACILITATE DEVELOPMENT LOTS

121 Willmington Road Luddenham

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Prepared by Willowtree Planning Pty Ltd
for **Celestino Developments Pty Ltd**

24 October 2024

Willowtree Planning acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing and ongoing connections to land, waters, and community.

We acknowledge the Cammeraygal people, the Traditional Custodians of the land where this document was prepared, as well as the Traditional Owners of the Land where the proposed development will be located. We pay our respects to Elders past, present and emerging.

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Contact:	Vidhya Ramesh vramesh@willowtp.com.au		
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SYDNEY

—

Suite 204, Level 2
165 Walker Street
North Sydney NSW 2060

02 9929 6974
equiries@willowtp.com.au
willowtreeplanning.com.au

BRISBANE

—

Level 3
240 Queen Street
Brisbane QLD 4000



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APPENDICES

Appendix	Document	Prepared by
A	Concept Subdivision Plan	Orion Group
B	Estimated Development Cost Report	Mitchell Brandtman



1. INTRODUCTION

This Scoping Report has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf of Celestino Developments Pty Ltd (the Proponent), in relation to the proposed development at 121 Willmington Road, Luddenham (the site). The proposed development involves Torrens title subdivision of the site into five (5) lots and associated works.

The purpose of this Scoping Report is to request **Project-Specific** Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for a State Significant Development Application (SSDA).

The proposal is State Significant Development (SSD) pursuant to Schedule 1, Section 29 of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) as it is development in Western Sydney Aerotropolis with an Estimated Development Cost (EDC) of more than \$30 million.

The proposed development responds to the Aerotropolis Planning Framework that sets the planned future context for the site and seeks to facilitate initial stages of development for future Agribusiness purposes that will capitalise on the key transport links within the vicinity of the site.

This Scoping Report has been prepared in accordance with the NSW Department of Planning, Housing and Infrastructure (the Department) *State significant development guidelines – preparing a scoping report*, October 2022 (the Guidelines) in accordance with Section 173 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation).

This Scoping Report should be read in conjunction with other supporting technical documentation appended to the report.

1.1 Proponent Details

Celestino is an Australian owned family business based in Western Sydney. The Proponent details for the proposed development are listed in **Table 1** below.

Table 1: Applicant Details	
Name	Celestino Developments Pty Ltd
ABN	70 603 180 712
Address	642 Great Western Highway Pendle Hill NSW 2145

1.2 Overview of the Site and Regional Setting

The site is located in the suburb of Luddenham, in the Penrith Local Government Area (LGA) and is located within the Western Sydney Aerotropolis (Aerotropolis) in the Agribusiness precinct. Specifically, the site is located approximately 2.5km west of the Western Sydney International (Nancy-Bird Walton) Airport that is currently under construction. The Aerotropolis is a new priority growth precinct designed to leverage the Western Sydney Airport. The Agribusiness precinct is envisioned as a precinct that offers key access points to the airport, allowing the development of agribusiness uses including integrated logistics, air freight, integrated intensive production, food innovation, fresh products and value-added food pharmaceuticals.

The site is an irregular shaped corner lot with dual street frontages to Willmington Road (east) and Park Road (south). The site has a total site area of 54.4 hectares and comprises multiple allotments.



A map of the site in its regional setting is provided in **Figure 1**.

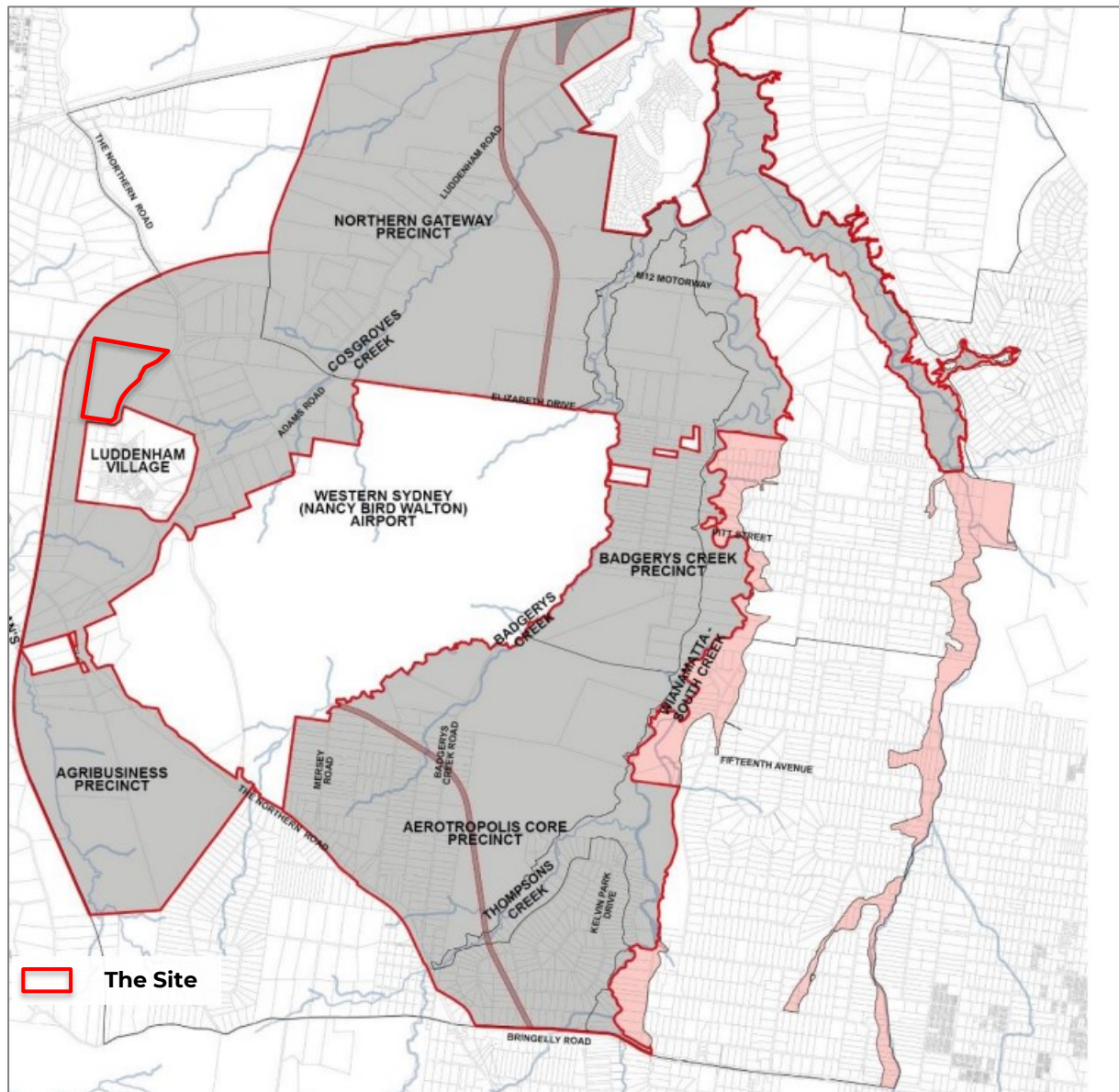


Figure 1: Regional Context

Source: Aerotropolis Precinct Plan/Willowtree Planning, 2024

1.3 Overview of Development

The proposed development will comprise the following:

- Torrens title subdivision of the site into five (5) lots comprising;
 - Three (3) development lots (Lots 1, 3 and 4)
 - One (1) lot containing the stormwater infrastructure for future acquisition by Sydney Water (Lot 2)
 - One (1) super lot (Lot 5)
- Bulk and detailed earthworks, including cut and fill, benching, battering and retaining walls to create three (3) developable lots;
- Dewatering and de-commissioning of two (2) dams;
- Construction of access infrastructure (sub-arterial, collector, and local roads), including temporary cul-de-sacs;



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- Integrated water cycle management works across the site, including stormwater basins and bioretention systems, to deliver the interim and ultimate water management solutions for the site;
- Tree and vegetation removal and landscaping, including the provision of street trees and footpaths;
- Provision and augmentation of essential services, lead-in infrastructure, utilities and servicing;
- Works outside the property boundary to demolish and decommission the turning bay on Willmington Road, and
- Construction of a new intersection on Willmington Road.

The EDC for the proposed development is \$33,869,743.00 (refer to **Appendix B**).

The plans prepared by Orion Group illustrating the proposed development are provided at **Appendix A**.

1.4 Objectives of the Development

The overall vision is to develop the site for agribusiness purposes as envisaged in the Aerotropolis Planning Framework. The key objectives of the proposed development are outlined below:

- **Country:** Start with Country, by prioritising the integration of Traditional Owners and Aboriginal designers/practitioners throughout the process, from planning to design and delivery.
- **Efficiency:** Enable subdivision of the site with the best possible environmental outcomes to create and facilitate development lots for agribusiness purposes.
- **Employment:** Develop land for its intended future agribusiness purpose, which will provide a significant increase in employment-generating activities within the Aerotropolis.
- **Sustainability:** Incorporate sustainable practices by implementing green infrastructure and promoting water conservation and waste reduction.

1.5 Related Development

1.5.1 Demolition and Remediation Works

A separate development application (Council Ref: DA24/0421) has been submitted to the Penrith City Council (the Council) to seek development consent for the demolition of the existing structures and remediation of the site. The objective of this DA is to gain separate consent for early works, ensuring an efficient development timeframe for subsequent development of the site.



2. THE SITE

2.1 Site Identification and Characteristics

The site is identified as 121 Willmington Road, Luddenham, containing the following land holdings:

Table 2. Site Identification			
Address	Legal Description(s)	Land Zoning	Land Area (approx.)
121 Willmington Road, Luddenham	Lot 1 Deposited Plan (DP) 553744	Agribusiness	54.4 hectares
N/A	Lot 6 – 17 DP 232324	SP2 Infrastructure	
N/A	Lots 7 and 8 in DP 227200	SP2 Infrastructure	
N/A	Possessory Title Claim Lots	Agribusiness	
Willmington Road	-	SP2 Infrastructure	
Road Reserve	-	SP2 Infrastructure	

Refer to **Figure 2** below which provides the location of the above land parcels.

The proposal includes works on the road outside the property boundary to demolish and decommission the existing turning bay on Willmington Road as well as intersection works on Willmington Road.

The site is located within the suburb of Luddenham in the Penrith LGA. The site is located approximately 3km west of the Western Sydney Airport that is currently under construction and due to commence operations in late 2026. The site is an irregular-shaped corner allotment with dual frontages to Willmington Road (east) and Park Road (south). The location of the site is illustrated in **Figure 3**.

The *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* (Western Parkland City SEPP) is the principal environmental planning instrument that applies to the site. The site is in the Agribusiness precinct within Priority Area 3 of the Western Sydney Aerotropolis Precinct Plan (the Precinct Plan).

The site is subject to two (2) zoning provisions pursuant to the Western Parkland City SEPP, as follows (refer to **Figure 7** below):

- A majority of the site is primarily zoned Agribusiness (AGB), and
- The site comprises multiple allotments on south-eastern and southern boundaries that are zoned SP2 Infrastructure.
- The proposal includes works on the road outside the site and is zoned SP2 Infrastructure.

The site is currently used for intensive livestock agriculture purposes (poultry farm). In terms of existing improvements on the site, several poultry sheds and associated ancillary structures, such as feed silos and administration facilities, as well as ancillary development such as fences, hardstands, and signs, are dispersed throughout the site. The site comprises four (4) farm dams located on the western portion of the site.

The key features of the site are summarised as follows:



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-
- 1 DP911485
- No. 105
BOOK 430
- 1 DP1169433
- 10 DP1238032
- 13 DP1236032
- 1 DP115878
- 1 DP653744
52.962ha
- LOT 6 DP 232204
- LOT 7 DP 232204
- LOT 8 DP 232204
- LOT 9 DP 232204
- LOT 10 DP 232204
- LOT 11 DP 232204
- LOT 12 DP 232204
- LOT 13 DP 232204
- LOT 14 DP 232204
- LOT 15 DP 232204
- LOT 16 DP 232204
- LOT 17 DP 232204
- LOT 18 DP 232204
- LOT 19 DP 232204
- LOT 7 DP 227290
- LOT 8 DP 227290
- WILMINGTON ROAD
- 2 DP232996
- 2 DP627223
- 3 DP563121
- 6 DP102133
- PARK ROAD

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Figure 3: Site Location

Source: Nearmaps/Willowtree Planning, 2024



Figure 4: View of the site looking west from Willmington Road

Source: Orion Group, 2024



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Figure 5: View of the site looking north from Park Road

Source: Orion Group, 2024



Figure 6: View of the farm dam identified as stormwater infrastructure

Source: Celestino, 2024



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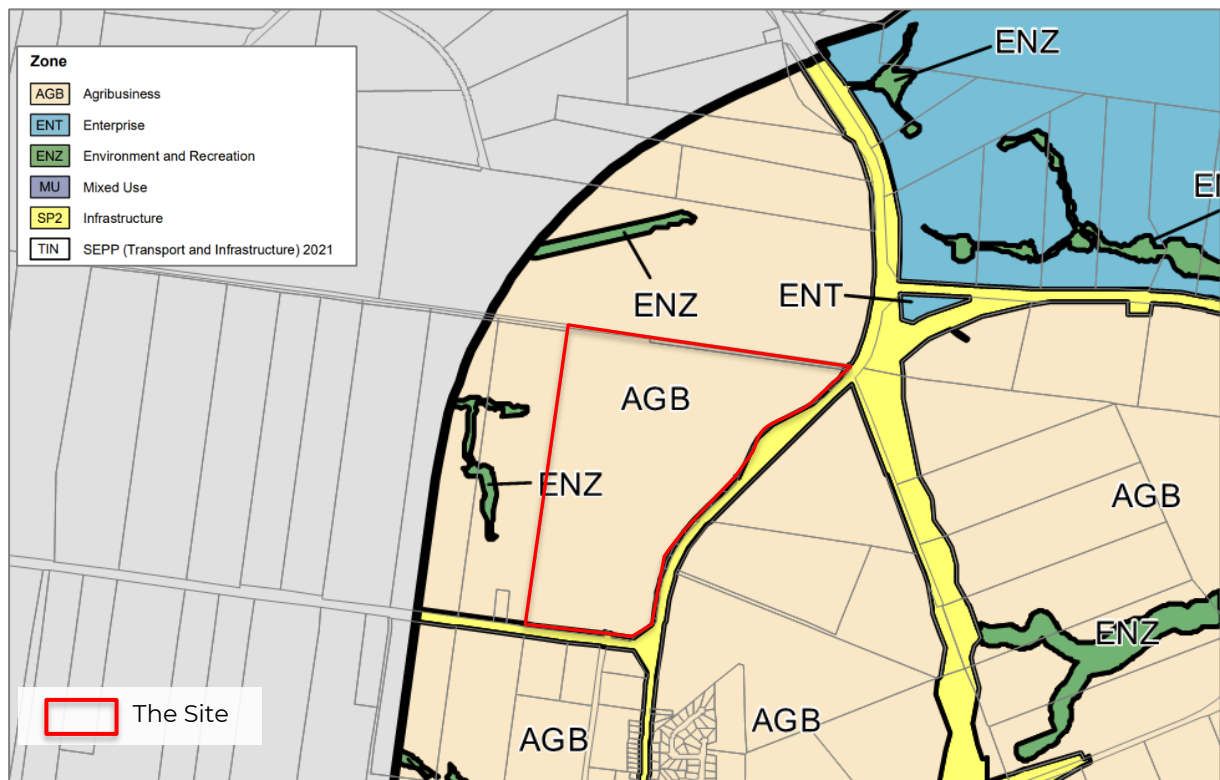


Figure 7. Zoning Map

Source: NSW Legislation, 2024

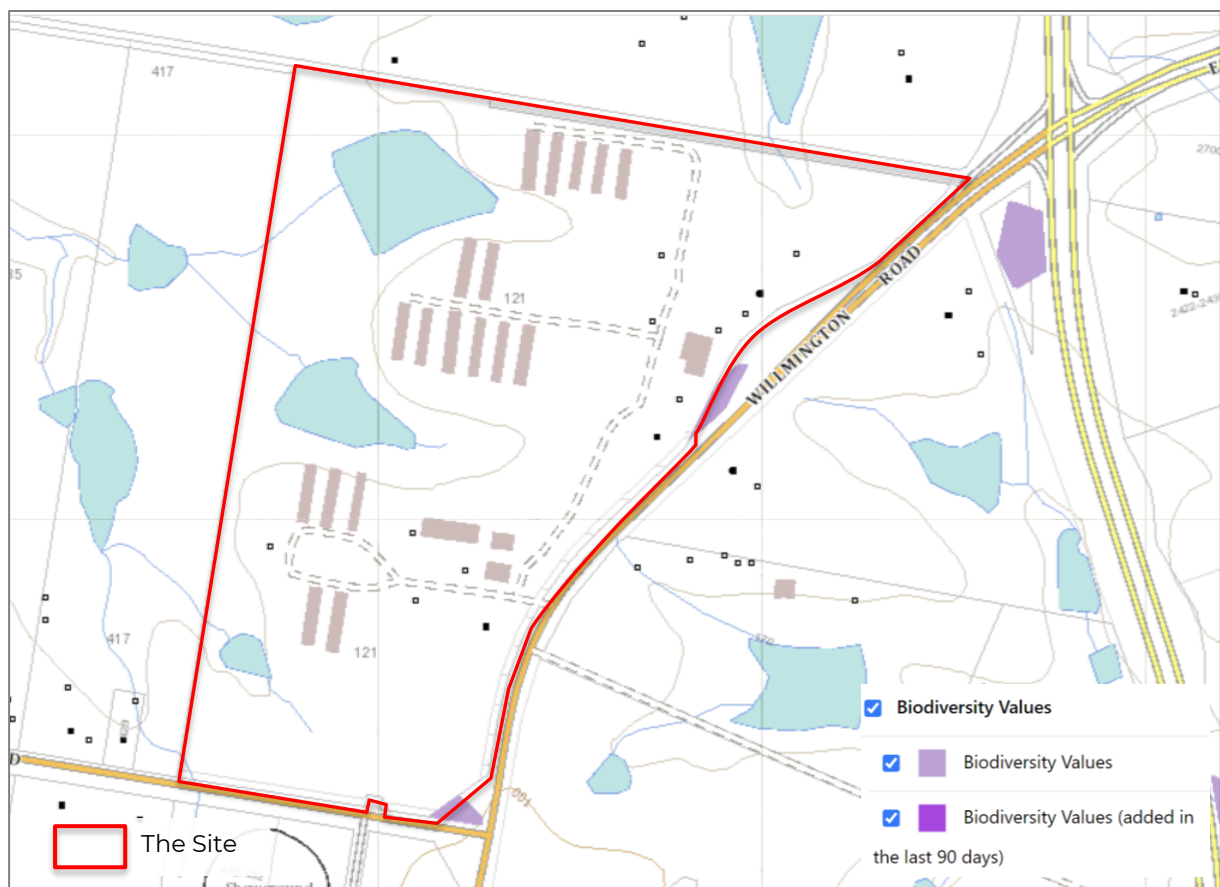


Figure 8. Biodiversity Values Map

Source: NSW Environment and Heritage, 2024

2.2 Existing Surrounding Development

The northern boundary of the site interfaces with the side boundary of 2859-2901 The Northern Road, Luddenham that is a rural land holding used predominately for rural residential and agricultural purposes. To the west, residential dwellings and ancillary structures are located at 417 Park Road, Luddenham. Luddenham Showground is located to the south of the site on the opposite side of Park Road. The site does not currently form part of the Luddenham Village boundary.

2.3 Future Development

The Aerotropolis is envisaged as a planned airport city using the new Western Sydney Airport as a catalyst for growth. The Aerotropolis is therefore expected to undergo transition and significant development to support the economic growth of Western Parkland City over the next decade.

The site is located within the Agribusiness 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 Precinct Plan. The Agribusiness precinct supports the long-term retention and growth of agribusiness in the Aerotropolis and builds high-value agricultural operations while retaining the precinct's natural landscape character.

The immediate land surrounding the site is also zoned agribusiness. Land to the further north-west of the site (approximately 200m) is zoned Enterprise pursuant to the Western Parkland City SEPP. The Agribusiness precinct supports the long-term retention and growth of agribusiness in the Aerotropolis and build high value agricultural operations whilst retaining the precinct's natural landscape character.



3. STRATEGIC CONTEXT

This section of the Scoping Report identifies the key issues that are relevant to the proposal's locational and strategic context and provides a justification for the proposal based on the key strategic themes and directions that are relevant to the proposed development. This section also provides an analysis of alternatives that were considered as part of the scoping process.

3.1 Project Justification

The proposal responds to and is aligned with several key strategic and statutory planning framework documents, including:

- The overall vision for the Aerotropolis articulated in the Western Sydney Aerotropolis Plan 2020 (the Aerotropolis Plan).
- The general and precinct-specific vision and objectives for the Agribusiness precinct under the Precinct Plan.
- The aims of clause 4.1 and land use objectives of the Agribusiness zone under Chapter 4 of the Western Parkland City SEPP, and
- The proposal seeks to enable future employment opportunities to support the growth of the Aerotropolis and attract investment from industries.

3.2 Strategic Planning Policies

A summary of the proposal's consistency with the relevant strategic context, as established by government plans, policies, and guidelines, is set out in the Table below.

Table 3: Consistency with the Relevant Strategic Planning Policies	
Strategic Plans/Policies	Response
NSW Government plans	
<i>Greater Sydney Region Plan, A Metropolis of Three Cities</i>	The <i>Greater Sydney Region Plan</i> (the Region Plan) provides the overarching strategic plan to manage growth and change in Greater Sydney. The site is located within Western Parkland City under the Region Plan. The vision for Western Parkland City is a polycentric city harnessing the potential of Western Sydney Airport, Aerotropolis, Liverpool, Greater Penrith and Campbelltown-Macarthur. The key directions that are most relevant to the proposed development are considered below: ▪ Infrastructure and Collaboration: The site has access to existing road infrastructure, being situated in close proximity to Elizabeth Drive and The Northern Road, as well as the M12 Motorway currently under construction. Further, the site will benefit from recent announcement from the NSW and Federal Governments regarding funding for critical road infrastructure around the Aerotropolis. ▪ Productivity: The economic potential of the Aerotropolis will be supported by the intended future agribusiness operations on the site. The proposed development seeks to facilitate and unlock



Table 3: Consistency with the Relevant Strategic Planning Policies

Strategic Plans/Policies	Response
	numerous construction and operational jobs and contribute considerably to the economy. ▪ Sustainability: Country and the landscape are at the forefront of the design of the proposed subdivision. The objective of this proposal is to adopt a landscaped approach that integrates Connection to Country values.
<i>Western District Plan</i>	The <i>Western District Plan</i> (the District Plan) applies to the site and provides a range of priorities and actions to support the strategic growth of the district. The proposed development will enable the delivery of agribusiness industries required to support the operations of the Western Sydney Airport. It will support the growth of existing and emerging industries envisaged as part of the future Aerotropolis vision, attracting greater investment to support the Western Parkland City.
<i>Future Transport Strategy 2056</i>	The <i>Future Transport Strategy 2056</i> sets the strategic directions for transport to achieve world-leading mobility for customers, communities, and businesses and guides land use and transport planning across NSW. The strategy particularly supports the development of the Western Parkland City, the Aerotropolis and surrounding lands. Consistent with the strategy's vision, the site is located in a highly accessible location and is well connected to the Western Sydney Airport, and the wider Western Sydney Region.
<i>Western Sydney Aerotropolis Plan 2020</i>	The Aerotropolis Plan sets the strategic planning framework for the Aerotropolis and emphasises its importance as an employment centre. The site is located within the Agribusiness Precinct. The proposed subdivision will facilitate realising the Agribusiness precinct vision and deliver critical jobs for the Western Parkland City and the Aerotropolis.
<i>Western Sydney Aerotropolis Precinct Plan</i>	The Precinct Plan details the vision for the Aerotropolis and sets the specific vision and objectives for each Precinct. The site is located within the Agribusiness Precinct of the Precinct Plan. The site is within Priority Area 3 for sequencing, and therefore the proposal is considered 'Out of Sequence' Development. This does not necessarily restrict a Proponent from developing a site, provided it is demonstrated that arrangements have been made for all essential services and infrastructure to be provided when required and at no additional cost to the government.



Table 3: Consistency with the Relevant Strategic Planning Policies

Strategic Plans/Policies	Response
	The proposed subdivision is consistent with the Precinct Plan as it seeks to enable the site for the development of the site for agribusiness purposes.
Penrith City Council's plans and strategies	
<i>Penrith Local Strategic Planning Statement</i>	The <i>Penrith Local Strategic Planning Statement</i> (LSPS) sets out the 2036 vision for Penrith. The site is located within the Western Sydney Aerotropolis which is a major priority within the LSPS which highlights the importance of maximising the benefits in terms of employment and economic growth as a result of the Western Sydney Airport and minimising any environmental impacts.
<i>Penrith Employment Lands Strategy 2021</i>	The <i>Penrith Employment Lands Strategy 2021</i> (ELS) is a city-wide strategic framework for Penrith that seeks to guide the development of employment lands. The Agribusiness precinct is identified as an employment precinct (future) that will mainly cater for large floorplates, global transport, logistics, and warehousing seeking proximity to the Airport. The proposal seeks to develop land for its intended future agribusiness purpose, which will enable employment generation for the Penrith LGA.
Design policies and guidelines	
<i>Government Architect NSW Connecting with Country</i>	The <i>Connecting with Country Framework 2020</i> acts as a guide for developing connections with Country to inform the planning, design, and delivery of built environment projects in NSW. The Proponent has engaged Yerrabingin as the Indigenous consultant. The engagement process with the local Aboriginal community groups and stakeholders are currently underway and a Walk on Country and Design Jam led by Yerrabingin was held on 21 February 2024 to ensure the proposal responds to Country and community aspirations from local Aboriginal stakeholders. The Connection to Country Framework prepared will provide key principles and inputs for designing with Country and inform the site layout and accompany the EIS.
<i>Better Placed: An integrated design policy for the built environment of New South Wales</i>	The <i>Better Placed</i> is an integrated design policy that is underpinned by seven (7) objectives for good design and provides guidance on the delivery of architecture, public places, and environments in NSW. The principles of <i>Better Placed</i> have been a fundamental consideration and informed the urban design and landscape response and ultimate site layout. The design reports accompanying the EIS will consider and address the relevant objectives in detail.



3.3 Consideration of Feasible Alternatives

Section 192 of the EP&A Regulation requires an analysis of any feasible alternatives to the proposed development, including the consequences of not carrying out the development. The following options were considered to address the strategic need and project objectives.

Option 1 - Do nothing: 'Doing nothing' would be inconsistent with the envisaged outcomes for the site in accordance with the Aerotropolis Planning Framework. Not carrying this part of the development will result in a missed opportunity to realise the vision of the site for agribusiness purposes and would result in minimal economic benefit and employment generation for the Western Parkland City and Aerotropolis.

Option 2 - Design alternatives: There are no realistic alternatives subdivision layouts for the site that are consistent with the Precinct Plan. Chapter 4 of the Precinct Plan deals with *Urban Structure* and sets out the objectives and requirements that guide the layout of the subdivision of the Aerotropolis, including the blue-green grid infrastructure, transport and movement networks. The proposed subdivision layout for the site has been prepared having regard to Section 3 of the Precinct Plan including the following figures:

- Land Use Plan (Figure 3) with respect to development layout, open space areas, and environmental value.
- The Blue-Green Infrastructure Framework (Figures 5-7) that identifies areas of open space etc.
- Transport and Street Network Plan (Figures 8-10)

4. PROJECT DESCRIPTION

The key details of the proposed development are outlined in **Table 4** below.

Table 4: Key Development Particulars	
Element	Particular
Site Area	54.4 hectares
Description of Development	The proposed development will comprise the following: ▪ Torrens title subdivision of the site into five (5) lots comprising; ○ Three (3) development lots (Lots 1, 3 and 4) ○ One (1) lot containing the stormwater infrastructure for future acquisition by Sydney Water (Lot 2) ○ One (1) super lot (Lot 5) ▪ Bulk and detailed earthworks, including cut and fill, benching, battering and retaining walls to create three (3) developable lots; ▪ Dewatering and de-commissioning of two (2) dams; ▪ Construction of access infrastructure (sub-arterial, collector, and local roads), including temporary cul-de-sacs; ▪ Integrated water cycle management works across the site, including stormwater basins and bioretention systems, to deliver the interim and ultimate water management solutions for the site; ▪ Tree and vegetation removal and landscaping, including the provision of street trees and footpaths; ▪ Provision and augmentation of essential services, lead-in infrastructure, utilities and servicing. ▪ Works outside the property boundary to demolish and decommission the turning bay on Willmington Road, and ▪ Construction of a new intersection on Willmington Road.
Staging	The SSDA seeks detailed approval for all development works on the site; however, the works may be delivered over multiple construction approvals (Construction/Subdivision Works Certificates) with corresponding Subdivision Certificates. The EIS will address these matters in detail.
Estimated Development Cost	\$33,869,743.00 exclusive of GST

The proposed concept subdivision plans are included at **Appendix A** and shown in **Figure 9**. It is noted that all works at this stage are limited to the northern portion of the site, apart from Integrated Water Cycle Management works, which may involve works on Lot 5 for the purposes of irrigation to meet the Sydney Water requirements.



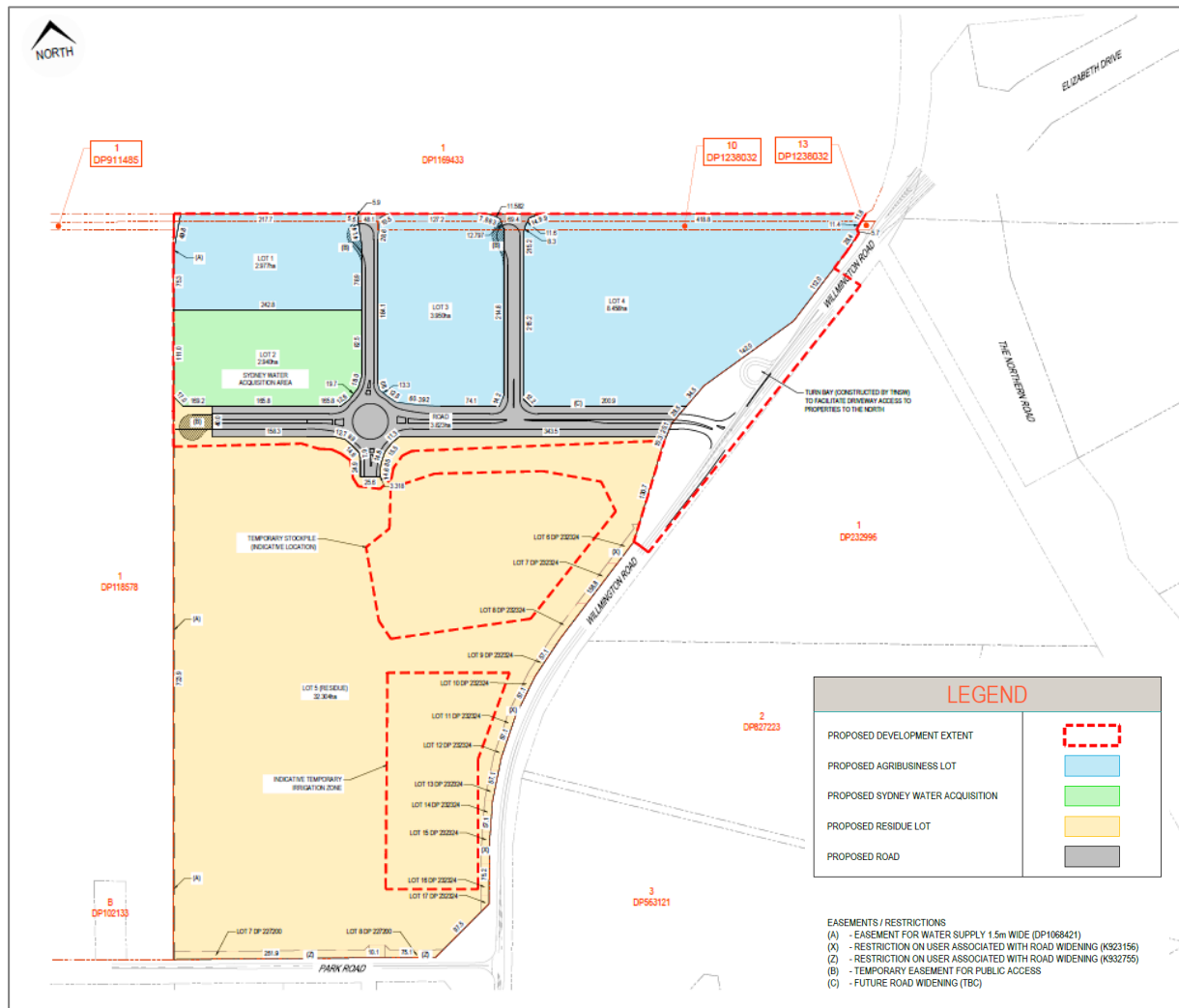


Figure 9: Proposed Subdivision Plan

Source: Orion Group, 2024

5. STATUTORY CONTEXT

This section of the Scoping Report outlines the key statutory requirements relevant to the site and the proposal. The following table categorises and summarises the relevant requirements in accordance with the Guidelines.

5.1 Power to Grant Approval

Table 5 categorises and summarises the relevant requirements in accordance with the SSD Guidelines.

Table 5: Power to Grant Consent	
Matter	Consideration
Declaration of SSD	Development consent will be sought under 'Division 4.7 - Stage Significant Development' of the Environmental Planning and Assessment Act 1979 (EP&A Act). Section 4.36(2) of the EP&A Act states that: <i>A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.</i> Schedule 1 of Planning Systems SEPP lists development that is declared SSD. Schedule 1, clause 29, provides the following: 29 Development in the Western Sydney Aerotropolis <i>Development on land shown on the Land Application Map under State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Chapter 4 if the proposed development—</i> <i>(a) has an estimated development cost of more than \$30 million, and</i> <i>(b) does not involve development—</i> <i>(i) prohibited under the Chapter, or</i> <i>(ii) to which that Policy, section 4.13A applies.</i> The site is located in the Western Sydney Aerotropolis and the proposed development has an EDC of \$33,869,743.00 (refer to Appendix B) and is permitted with development consent. Accordingly, the proposed development is SSD.
Consent Authority	Section 4.5 of the EP&A Act and Section 2.7 of the Planning Systems SEPP stipulate that the consent authority is the Minister for Planning (or the Department as their delegate) unless the development triggers the matter set out in Section 2.7(1) in which case the consent authority will be with the Independent Planning Commission. The Proponent has not made a reportable political donation in connection with the development application.

5.2 Permissibility

The permissibility of the proposed development is outlined in the Table below.



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Table 6: Permissibility

Matter	Consideration
Land Zoning	The site is zoned Agribusiness pursuant to the Western Parkland City SEPP.
Permissibility	In accordance with Clause 4.14 of the Western Parkland City SEPP, the proposed subdivision of land and associated works are permissible with development consent. The land use and associated built form works on each lot will be the subject of separate development applications.

5.3 Other Approvals

Table 7 below outlines the legislative approvals required for the proposed development in addition to a development consent under Division 4.7 of the EP&A Act.

Table 7: Other Approvals

Matter	Consideration
Approvals not required for SSD	Section 4.41 of the EP&A Act stipulates that certain authorisations are not required for SSD. The following legislative approvals would otherwise be required if the proposal was not SSD.
Consistent approvals	Section 4.42 of the EP&A Act stipulates that certain authorisations cannot be refused if they are necessary for carrying out SSD and must be substantially consistent with the consent.



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Table 7: Other Approvals

Matter	Consideration	
	Legislation	Approval Required
	An aquaculture permit under section 144 of the <i>Fisheries Management Act 1994</i>	No
	An approval under section 22 of the <i>Coal Mine Subsidence Compensation Act 2017</i>	No
	A mining lease under the <i>Mining Act 1992</i>	No
	A production lease under the <i>Petroleum (Onshore) Act 1991</i>	No
	An environment protection licence under Chapter 3 of the <i>Protection of the Environment Operations Act 1997</i> (for any of the purposes referred to in section 43 of that Act)	No
	A consent under section 138 of the <i>Roads Act 1993</i>	Yes Such approval will be obtained after consent is issued.
	A licence under the <i>Pipelines Act 1967</i>	No

5.4 Pre-Conditions

The pre-conditions to exercising the power to grant consent that are relevant to the proposal are outlined in **Table 8**. These matters will be addressed in detail within the EIS.

Table 8: Pre-Conditions

Statutory Reference	Pre-Condition
EP&A Regulations	- Section 35 - Additional requirements for development applications in certain areas of Sydney: The EIS must be accompanied by an assessment of the consistency of the proposed development with Western Sydney Aerotropolis Plan and the Precinct Plan. - Section 66 - Contributions plans for certain areas in Sydney: A development must not be determined by the consent authority unless a contributions plan has been approved for the land. A contribution is not required if the applicant has entered into a planning agreement with a planning authority under Part 7 of the Act for the matters that may be the subject of a contributions plan.
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP)	Chapter 4 Remediation of land Clause 4.6 - Contamination and remediation to be considered in determining development application



Table 8: Pre-Conditions	
Statutory Reference	Pre-Condition
State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Western Parkland City SEPP)	The following pre-conditions clauses in the Western Parkland City SEPP are relevant to the site and the proposed development ▪ Part 4.3 Airport safeguarding ○ Clause 4.19 - Wildlife hazards ○ Clause 4.21 - Lighting ▪ Part 4.4 General development controls ○ Clause 4.24 - Flood planning ○ Clause 4.28B - Aboriginal cultural guidelines and Recognise Country: Guidelines for development in the Aerotropolis. ▪ Part 4.5 Design excellence ○ Clause 4.31 - Design review panel ▪ Part 4.7 Precinct plans and master plans ○ Clause 4.39 - Development must be consistent with precinct plan

5.5 Mandatory Consideration

Table 9 provides a summary of the matters that the consent authority must consider in deciding to grant consent to the proposed development. These matters will be addressed in the EIS.

Table 9: Matters for Mandatory Consideration		
Legislation/Statutory Reference	Matters for Consideration	
Consideration under the EP&A Act and EP&A Regulation		
Section 1.3	Relevant objects of the EP&A Act	
Section 4.15	Relevant environmental planning instruments: ▪ Chapters 2, 6 and 11 of <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> (Biodiversity and Conservation SEPP) ▪ Resilience and Hazards SEPP ▪ <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> (Sustainable Buildings SEPP) ▪ <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP) ▪ Chapter 4 of the Western Parkland City SEPP ▪ Precinct Plan	
	Relevant development control plan	Consistency with the Western Sydney Aerotropolis Development Control Plan 2022 (Aerotropolis DCP) will be addressed in the EIS.
	Relevant draft environmental planning instruments	There are no known draft EPIs that apply to the site.



Table 9: Matters for Mandatory Consideration

Legislation/Statutory Reference	Matters for Consideration	
	Relevant planning agreements or draft planning agreements	The site is not subject to any planning agreements. The site is located within Priority Area 3 of the Precinct Plan. To ensure the site is adequately serviced, the Proponent will identify if agreements with agencies such as Transport for NSW (TfNSW), Sydney Water and Council are required. These matters will be addressed in detail in the EIS. Section 66 of the EP&A Regulations applies to the site and will be addressed in the EIS and VPA entered for any matters that may be the subject of a contribution plan should one not be in force for the land on which the application relates.
	The Regulations	Sections 35, 66 and 192 of the EP&A Regulation.
	The likely impacts of that development	The likely impacts of the proposed development have been identified in Section 7 of this Scoping Report including those matters requiring further assessment in the EIS.
	Suitability of the proposed development Public interest	These matters will be fully detailed and addressed within the EIS. Given the proposal aligns with the Federal, State and local strategic policy, it is considered that the proposed development is suitable for the site and is in the public interest.
	Submissions made in accordance with this Act or the regulation	Early engagement will be undertaken with the community and agencies to ensure that the views are appropriately considered and detailed in the EIS. A detailed response to any submissions will be provided following lodgement and public exhibition of the EIS.
Section 4.24	The proposed development is not a concept proposal.	
Consideration under EPIs		

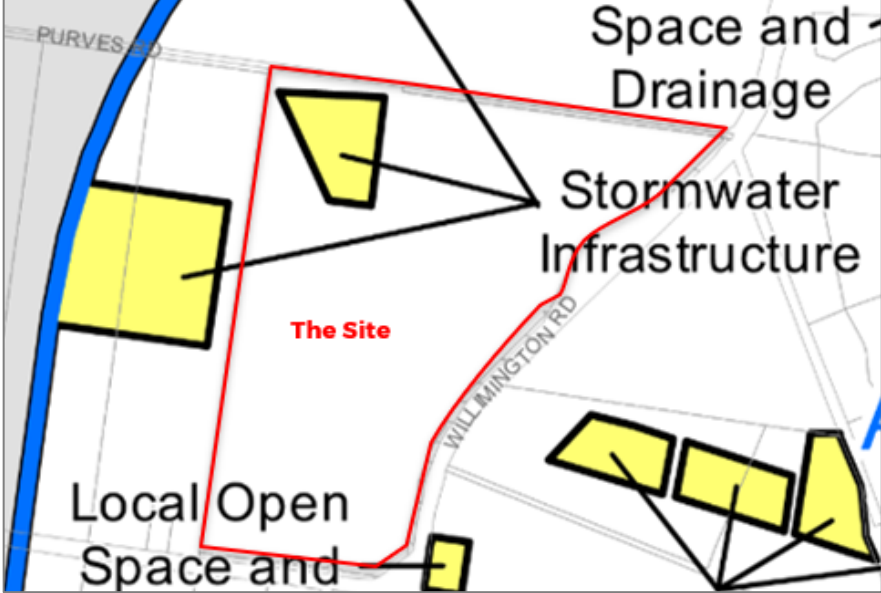


Table 9: Matters for Mandatory Consideration

Legislation/Statutory Reference	Matters for Consideration
Chapter 4 of the Western Parkland City SEPP	The Western Parkland City SEPP includes the following relevant considerations that will be fully addressed in the EIS. - Part 4.2 Permitted or prohibited development - Part 4.3 Development controls—Airport safeguards - Part 4.4 Development controls—general - Part 4.5 Design excellence. - Part 4.7 Precinct plans and master plans - Part 4.8 Miscellaneous The proposed development is generally consistent with the provisions of the Western Parkland City SEPP.
Resilience and Hazards SEPP	Chapter 4, Section 4.6 – Matters relating to contamination.
Transport and Infrastructure SEPP	Chapter 2, Section 2.122 – Traffic generating development
Biodiversity and Conservation SEPP	The following chapters apply to the site and the proposed development - Chapter 2 Vegetation in non-rural areas - Chapter 13 Strategic conservation planning
<i>Western Sydney Aerotropolis Precinct Plan</i>	The Precinct Plan has statutory weight under Chapter 4 of the Western Parkland City SEPP. Under the Western Parkland City SEPP, development must be consistent with a Precinct Plan however there is flexibility to consider variations where the inconsistency is minor, consistency would be unreasonable and unnecessary, and there are sufficient environmental planning grounds to justify the inconsistency. The proposed development is consistent with the Precinct Plan, particularly in relation to the proposed road network. The northwestern portion of the site is reserved for acquisition by Sydney Water for the provision of stormwater infrastructure. This area nominated for acquisition appears to be based on the configuration of the existing farm dam (refer to Figure 10). The Proponent has commenced discussions with Sydney Water to rationalise the shape of this infrastructure. Sydney Water has not raised an objection to reconfiguring this area; however, it has indicated that the quantum of area (2.938ha) will need to remain the same. The concept subdivision plan at Appendix A indicates that an area of 2.94ha is allocated for stormwater infrastructure and is incorporated into Lot 1.



Table 9: Matters for Mandatory Consideration

Legislation/Statutory Reference	Matters for Consideration
	 Figure 10. Land Acquisition Map (Source: NSW Legislation, 2024) The Precinct Plan will be addressed in detail with the EIS and any inconsistencies will be justified and supported by a written request.
Western Sydney Aerotropolis Development Control Plan 2022	The Western Sydney Aerotropolis Development Control Plan (DCP) provides the planning, design and environmental objectives and controls which will inform the preparation and assessment of development applications (DA's). These objectives and controls supplement those in the Precinct Plan and will be addressed in detail within the EIS.
Consideration under other legislation	
<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act)	If the proposed development will or is likely to impact a matter of national environmental significance ('MNES'), then referral to the federal Department of the Environment is required. This process is necessary to determine whether a proposed activity is a 'controlled action' that requires approval under the EPBC Act. Currently, bilateral agreements allow the Commonwealth Minister for the Environment to rely on the NSW environmental assessment process when accessing a controlled action under the EPBC Act. A biodiversity assessment which will include an assessment against the requirements of the EPBC Act will be submitted as part of the EIS.
<i>Biodiversity Conservation Act 2016</i> Part 7 and Part 8 (2) (BC Act)	Section 7.9 of the BC Act requires an SSD be accompanied by a Biodiversity Development Assessment Report (BDAR) unless it is determined that the proposed development is not likely to have any significant impact on biodiversity values or if the site has already part of biodiversity certification. The site, apart from Lot 10 DP1238032, is bio-certified 'urban capable' under the Cumberland Plain Conservation Plan. A BDAR Waiver will be sought for Lot 10 DP1238032.



6. ENGAGEMENT

This section of the Scoping Report identifies the relevant stakeholders, provides an overview of the consultation activities with the government agencies carried out to date, and sets out the consultation and engagement that will be carried out prior to the lodgement of the EIS.

6.1 Relevant Stakeholders

The following stakeholders are identified, having regard to the nature of the proposal and its impact and/or interest:

- Department
- Penrith City Council
- Relevant agencies
 - NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW) - Water
 - NSW Environment and Heritage - Biodiversity, Conservation and Science
 - Agriculture - NSW Department of Primary Industries
 - Transport for NSW
 - NSW Rural Fire Services
 - Fire and Rescue NSW
 - NSW State Emergency Services
 - Government Architect NSW
 - Sydney Water as the Regional Stormwater Authority
 - Western Parkland City Authority/Bradfield Development Authority
 - Commonwealth Department of Infrastructure, Transport, Regional Development and Communications
 - Western Sydney Airport Corporation/Civil Aviation Safety Authority
 - Service providers: Sydney Water, Endeavour Energy, NBN
- Aboriginal Stakeholders
- Community

6.2 Engagement Carried Out

Department of Planning, Housing and Infrastructure

A pre-scoping meeting was held on 31 May 2024 to brief the Department staff regarding the proposed development. The meeting was attended by members of the Industry Assessments team. The key areas of discussion included the following:

- Details and scope of the proposed development
- Discussions regarding EDC, and
- Confirmation of the planning approval pathway.

Penrith City Council

The Proponent sought to lodge a separate development application with the Council to seek consent for carrying out works intended to facilitate the progressive subdivision and redevelopment of the site for Agribusiness purposes.

A pre-lodgement meeting (Council Ref: PL23/0061) was held with the Council on 16 November 2023 to seek feedback from the Council in relation to the following scope of works:

Demolition of the existing structures; Tree removal; Dam dewatering; Remediation, and Bulk earthworks.



Council staff advised that works required to facilitate future subdivision, such as civil and bulk earthworks and vegetation removal, should be comprehensively assessed under a single development application. Having regard to the Council's advice, as outlined in **Section 1.5.1**, the DA currently under assessment seeks consent only for demolition and remediation works.

The Proponent will continue to engage with the Council during the preparation of the EIS.

Relevant Agencies

The project team has undertaken extensive consultation with the key agencies. **Table 10** below provides a summary of engagement with the relevant stakeholders.

Table 10: Engagement with Relevant Agencies		
Organisation	Date/Mode of Engagement	Matters Discussed
Sydney Water	Email correspondence from April 2023 (ongoing) Meeting on 13/02/2024	- Provision of wastewater and portable water services to site. - Potential to rationalise the shape for stormwater infrastructure to be acquired by Sydney Water. - Liaison regarding the design of the stormwater infrastructure on site.
Endeavour Energy	Technical Review advice and email correspondence from November 2023 onwards	Provision of electrical services to the site including details relating to supply and demand.
Transport for NSW	Meeting on 18 December 2023 and numerous email correspondences until February 2024.	Intersection treatment, anticipated vehicle movements, modelling methodology, and proposed layout.

Aboriginal Stakeholders

Kelleher Nightingale Consulting engaged with the Aboriginal community as a part of the Aboriginal Cultural Heritage Assessment Report (ACHAR). This consultation was undertaken to determine the cultural significance of objects and/or places on and surrounding the site.

Consultation with Aboriginal stakeholders has included a Walk on Country arranged by Yerrabingin to prepare a Connecting with Country Framework to inform and guide the design response.

The consultation process, feedback, and project response from the Aboriginal community will be summarised in the respective reports.

6.3 Engagement to be Carried Out

The proposed development seeks to realise the vision of the Western Parkland City SEPP in preparing the site for agribusiness purposes. It is recognised that effective engagement with stakeholders and the community will be crucial to raising awareness of the site's importance to the delivery of employment land uses within the Aerotropolis and improving project outcomes.

The Proponent is committed to ensuring the local community and the surrounding landowners are aware of and can comment on the proposal. A detailed consultation and engagement strategy will be implemented during the preparation of the EIS for the proposal.



SCOPING REPORT

Torrens Title Subdivision
121 Willmington Road, Luddenham

A Community and Stakeholder Engagement Outcomes Report will be prepared in accordance with the *Undertaking Engagement Guidelines for State Significant Projects*, March 2024 and accompany the EIS.

Further, the proposed development will be subject to the statutory public exhibition process, which will provide further opportunity for agencies and members of the public to provide comments.



7. PROPOSED ASSESSMENT OF IMPACTS

Having regard to the site-specific constraints and sensitivities, a preliminary due diligence has been undertaken to identify the relevant environmental issues. This section identifies the key impacts which will be further investigated and assessed within the EIS, including the proposed approach to assessing each of these matters. It also identifies the matters addressed in the scoping phase that are unlikely to result in significant impacts and do not warrant further consideration in the EIS.

7.1 Matters Requiring Further Assessment

The following sections outline the relevant matters and issues which will be addressed in detail within the EIS:

7.1.1 Subdivision and Civil Design

The EIS will address the following matters:

- proposed subdivision pattern and consider how the development lots can accommodate future built form to meet the appropriate requirements while addressing site context.
- Integration of key pedestrian and cycle links within the site and between the site and the surrounding street network.
- publicly accessible areas and how the interface between private/public spaces will be managed.
- impacts and suitability of site preparation works, including the proposed earthworks tree removal to accommodate the new subdivision layout.

The assessment in the EIS will be informed by the following documents:

- Detailed subdivision plans, which will include:
 - detailed subdivision layout, including lot sizes and dimensions
 - an integrated transport plan identifying footpath and cycle path locations, detailing how it integrates with the broader context, and
 - the road network, with road reserve and carriageway widths.
- Civil design plans including:
 - Detailed bulk earthworks plan identifying proposed finished levels and an overall cut/fill analysis
 - Long sections of the proposed roads
 - cross sections of road reserves, and
 - location, size, and type of any retaining walls, if proposed.

7.1.2 Connection with Country

As outlined previously, the Proponent has engaged Yerrabingin as the Indigenous consultant. The engagement process with the local Aboriginal community groups and stakeholders is currently ongoing, in accordance with the Recognise Country Guideline for the Aerotropolis and the Designing with Country Framework.

The proposed development will consider the Connection to Country Framework to be prepared by Yerrabingin and the EIS will clearly demonstrate how the framework has been implemented and reflected in the design of the proposed development.

7.1.3 Design Excellence

Clause 4.33 of the Western Parkland City SEPP requires that the development exhibit design excellence. An assessment against the relevant matters for consideration will be undertaken in the Landscape Design Report and the EIS to demonstrate that the proposed subdivision is landscape led



design response. The proposed development seeks to provide a high-quality landscaped outcome on the site, informed by Country and will reflect and embed the recommendations of Yerrabingin in its Connection with Country framework.

Pursuant to clause 4.31 of the Western Parkland City SEPP, the proposed development must be reviewed by the State Design Review Panel (SDRP). A session has been scheduled on 13 November 2024. The findings of the SDRP will be addressed in the design of the proposal and discussed in the EIS.

7.1.4 Landscape Design

The Landscape Design Strategy will:

- identify trees to be removed and provide justification for their removal, which will be informed by an Arboricultural Impact Assessment, and
- detail how the proposed landscape design incorporates/responds to the recommendations of the Indigenous Design Framework, the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage.

The assessment in the EIS will be informed by the following documents:

- Landscape Master Plan, which will include:
 - Street Tree Plan with species and tree details.
 - Landscape treatment for future Sydney Water (Lot 2)

7.1.5 Environmental Amenity

Construction Noise and Vibration

A standard Construction Noise and Vibration Assessment will be undertaken to assess the noise and vibration generating sources during construction. It will outline measures to minimise and mitigate the potential noise impacts on surrounding sensitive receivers. Specifically, the assessment will consider:

- compliance with the EPA's Noise Policy for Industry, the Interim Construction Noise Guidelines and Road Noise Policy.
- The impact of heavy construction vehicles utilising Wilmington Road; and
- The likely noise emission from the construction site to Luddenham Village and the residential areas beyond.

7.1.6 Biodiversity and Ecology

The site, apart from Lot 10 DP1238032, is bio-certified 'urban capable' under the *Biodiversity Conservation Act 2016*, as part of CPCP. The preparation of a Biodiversity Development Assessment Report (BDAR) is not required. An BDAR Waiver will be sought for Lot 10 DP1238032. An Ecological/Biodiversity Impact Assessment will accompany the EIS to provide evidence of biodiversity certification and consistency with the CPCP.

The existing farm dams are proposed to be dewatered to facilitate future development on the site. A Dam Dewatering Plan will accompany the EIS.

7.1.7 Aviation Impacts

For clarity, it is noted that development on the site is subject to the following airport safeguard controls set out in Chapter 4, Part 4.3 of the Western Parkland City SEPP to ensure there are no adverse impacts to the operation of the future airport:



- Wildlife hazards
- Lighting

Wildlife Hazard Assessment

The provision of stormwater infrastructure on the site may attract birds and other wildlife. A Wildlife Hazard Assessment Report will be prepared to include an assessment of the wildlife attraction and management measures to address any impacts/hazards for aviation operations at future airport development, especially in relation to bird strikes during the take-off and landing phases of flight.

Lighting

The EIS will detail any external street lighting or illumination and consider the impacts of this lighting/illumination on the site, surrounding properties, and the public domain.

7.1.8 Traffic, Transport and Accessibility

A detailed Traffic and Parking Impact Assessment will accompany the EIS and address the following key matters:

- an analysis of the existing transport network, including the road hierarchy and any pedestrian, bicycle or public transport infrastructure.
- details of the proposed subdivision, including pedestrian and vehicular access arrangements.
- Details on the access routes to the site for heavy vehicles during construction.
- consideration of the traffic impacts on existing and proposed road networks, including the impact of traffic generated from the likely future land uses.
- measures to mitigate any traffic impacts, including details of any new or upgraded infrastructure required to achieve acceptable performance and safety, and the timing, viability and mechanisms of delivery.
- Details of travel demand management measures to minimise the impact of the development on general traffic, and
- any other requirement identified by the SEARs.

For clarity, it is noted that the proposal does not seek approval for any use and does not involve the construction of buildings. As such, matters relating to parking associated with any future uses as well as measures to promote sustainable travel choices for employees will be assessed in subsequent development applications.

7.1.9 Infrastructure Delivery, Management and Staging Plan

The EIS will assess in detail the impact the proposed subdivision will have on existing utility services and assets within and surrounding the site. An Infrastructure Servicing Report will accompany the EIS and consider the requirements of the Precinct Plan with respect to 'Out of Sequence Development' given that the site is located in a Priority Area 3. The infrastructure requirements and augmentation needed (on and off site) to support the development will also be outlined and assessed in detail. This includes infrastructure and services such as water, sewage, electricity, and telecommunications infrastructure.

The Infrastructure and Servicing Report will detail the following matters:

- Proposed interim and ultimate wastewater strategy
- Proposed potable water strategy
- Proposed electrical supply strategy, and
- Any required road upgrades.



7.1.10 Integrated Water Cycle Management and Flooding

An Integrated Water Cycle Management Plan will be prepared to accompany the EIS and address the following:

- water-related servicing infrastructure required to service the development lots
- details of the proposed drainage design for the site (including any on-site treatment, reuse and detention facilities, water quality management measures, and nominated discharge points)
- erosion and sediment control measures
- sustainability initiatives that will minimise/reduce the demand for drinking water, including any alternative water supply and end uses of drinking and non-drinking water that may be proposed, and demonstrate water sensitive urban design and any water conservation measures that are likely to be proposed.
- compliance with the Sydney Water requirements and the Aerotropolis Planning Framework, and
- flooding associated with the site.

The northwestern portion of the site is reserved for acquisition by Sydney Water for the provision of stormwater infrastructure. The documentation would include hydraulic details and detailed plans and specifications for this infrastructure.

Further, parts of the site are identified as flood prone land. As such, a Flood Impact Assessment will assess the impact of the proposed development on downstream flood behaviour. The assessment will also address flood risk and evacuation, in line with the relevant requirements.

7.1.11 Aboriginal Cultural Heritage

It is unknown whether there may be any Aboriginal cultural material, or historical archaeological relics present on site. A detailed Aboriginal Cultural Heritage Assessment Report will be prepared to identify and assess the impact of the proposed development on any Aboriginal cultural heritage values on the land.

7.1.12 Bushfire

The site is identified as Vegetation Category 2 bushfire prone land. The EIS will carry out the appropriate bushfire risk assessment which will be informed by a Bushfire Protection Assessment report to identify appropriate bushfire risks and protection.

7.1.13 Construction Waste Management

The proposed development is likely to generate waste during construction. A Construction Waste Management Plan will be prepared to address the following matters:

- Identify, quantify and classify the likely waste streams to be generated during construction.
- Provide the measures to be implemented to manage, reuse, recycle and safely dispose of this waste, and
- Identify appropriate servicing arrangements for the site.

7.1.14 Social Impact

The EIS will include a detailed assessment of the potential social impacts of the proposed development, including increased future local employment generation associated with the construction phases.

7.1.15 Stakeholder and Community Engagement

A Community and Engagement Outcomes Report will accompany the EIS and outline the engagement carried out until the lodgement of EIS, the outcomes of that engagement and how it



informed the proposal. The report will provide evidence of a meaningful and collaborative engagement process and outline the following:

- Issues raised by surrounding landowners and stakeholders
- Response to these issues
- Proposed future community and stakeholder engagement based on the results of consultation.

7.2 Matters Requiring No Further Consideration

Having regard to the proposal, the relevant matters that require no further assessment in the EIS, including the corresponding justification are summarised below.

7.2.1 Protection of Airspace

Clause 4.22 of the Western Parkland City SEPP deals with Obstacle Limitation Surface (OLS) that sets the building height for the protection of airspace. The proposed development does not seek consent for land use or built form, and as such, no further consideration is required.

7.2.2 Visual Impact Assessment

Given that the proposal involves subdivision works and does not involve the construction of buildings, it is unlikely to have an adverse visual impact on sensitive receivers for the following reasons:

- The nearest residential dwellings are located approximately 1km south-east of the site.
- The properties between the site and the nearest residences will contain future employment and mixed-use lands, which screens the site from direct visual connections to the primary Luddenham residential receivers.
- The site's topography is dramatic, given the slope of the land, characterised by riparian corridors and ridgelines.

On this basis, the need for a Visual Impact Assessment is not required to be undertaken for the proposed development.

7.2.3 Air Quality and Odour Assessment

The proposal seeks consent for Torrens title subdivision of the site and associated works. Strategies to manage likely impacts such as dust emissions and suppression during construction, will be further explored in the EIS.

7.2.4 Contamination

As outlined previously, matters relating to contamination and remediation are the subject of a separate development application that is currently under assessment with the Council and expected to be approved prior to the determination of the SSDA.

As such, no further consideration is required as a part of the proposed development.

7.2.5 Non-Aboriginal Heritage

The site does not comprise, nor is it in proximity to, any heritage item or located within a heritage conservation area. Luddenham Showground is located to the south of the site on the opposite side of Park Road and is identified as a heritage item of local significance under Schedule 2 of the Western Parkland City SEPP.

A Statement of Heritage Impact is not required for the proposed development due to the lack of heritage values embodied by the existing buildings within the study area. Further, the proposed subdivision is located at the northern portion of the site, approximately 600m from the heritage item, and will not have any impacts on the heritage item.



7.3 Anticipated Deliverables

To assist in informing the SEARs, the following are the expected deliverables (reports & documentation) to support the EIS:

1. Site Survey
2. Connecting with Country Framework
3. Community and Engagement Outcomes Report
4. Subdivision Plans
5. Landscape Design Report
6. Arboricultural Impact Assessment and Tree Removal Plan
7. Civil Engineering Plan (roads, earthworks, retaining walls, cut and fill plan)
8. Integrated Water Management Plan (erosion and sediment, stormwater, wastewater)
9. Aboriginal Cultural Heritage Assessment Report
10. Ecological/Biodiversity Impact Assessment
 - o Dam Dewatering Plan
 - o Wildlife Hazard Assessment Report
 - o BDAR Waiver
11. Construction Noise and Vibration Impact Assessment
12. Estimated Development Cost Report
13. Flood Impact Assessment
14. Infrastructure Delivery, Management and Staging Plan
15. Geotechnical Investigations and Salinity Management Plan, if required
16. Lighting Assessment
17. Bushfire Protection Assessment
18. Traffic, Transport and Accessibility Assessment
19. Construction Waste Management Plan
20. Social Impact Assessment
21. Owners consent



8. CONCLUSION

This Scoping Report has been prepared to request **Project-Specific SEARs** for the proposed subdivision of 121 Willmington Road, Luddenham. The proposal is declared SSD under Schedule 1, Section 29 of the Planning Systems SEPP. The report has outlined preliminary information regarding the site and proposal, identified the relevant strategic and statutory context, summarised the approach to engagement with stakeholders and identified the scale and nature of the impacts of the project.

We trust that the information detailed in this report is sufficient to enable the Secretary to issue Project-Specifics SEARs for the preparation of an Environmental Impact Statement.

