

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*
Part 8 of the *Environmental Planning and Assessment Regulation 2021*

Application Number	SSD-18406916
Project Name	Burra Park
Development	Concept plan comprising approximately 57 hectares of developable area and a Stage 1 development including site preparation, bulk earthworks, road works, stormwater infrastructure and utilities, subdivision and construction of a warehouse building on Lot 2.1 with a total gross floor area of approximately 34,930 m ²
Location	Lot 82 DP 1277406 within the Penrith Local Government Area
Applicant	Robert Jones Development Pty Ltd
Date of Issue	4 August 2022
General Requirements	<p>The Environmental Impact Statement (EIS) for the development must meet the form and content requirements in sections 190 and 192 of the Environmental Planning and Assessment Regulation 2021 (the Regulation) and must have regard to the Department's <i>State Significant Development Guidelines (2021)</i>. In addition, the EIS must include:</p> <ul style="list-style-type: none"> • a detailed description of the development, including: <ul style="list-style-type: none"> – the need for the development – justification for the development – likely staging of the development – likely interactions between the development and existing, approved and proposed operations in the vicinity of the site – plans of any proposed building works – contributions required to offset the proposal and – infrastructure upgrades or items required to facilitate the development, including measures to ensure these upgrades are appropriately maintained. • consideration of all relevant environmental planning instruments, including identification and justification of any inconsistencies with these instruments • consideration of issues discussed in Attachment 2 (public authority responses to key issues) • a risk assessment of the potential environmental impacts of the development, identifying the key issues for further assessment • a detailed assessment of the key issues specified below, and any other significant issues identified in this risk assessment, which includes: <ul style="list-style-type: none"> – a description of the existing environment, using sufficient baseline data – an assessment of the potential impacts of all stages of the development, including any cumulative impacts, taking into consideration relevant guidelines, policies, plans and statutes – a description of the measures that would be implemented to avoid, minimise, mitigate and if necessary, offset the potential impacts of the development, including proposals for adaptive management and/or contingency plans to manage significant risks to the environment • a consolidated summary of all the proposed environmental management and monitoring measures, highlighting commitments included in the EIS. <p>The EIS must also be accompanied by:</p> <ul style="list-style-type: none"> • high quality files of maps and figures of the subject site and proposal • a report from a qualified quantity surveyor providing:

	<ul style="list-style-type: none"> - a report from a qualified quantity surveyor providing a detailed calculation of the capital investment value (CIV) of the proposal (as defined in the Dictionary of the Regulation), including details of all assumptions and components from which the CIV calculation is derived. The report must be prepared having regard to the Department's Planning Circular PS 21-020 'Calculation of capital investment value' - an estimate of the jobs that will be created by the development during the construction and operational phases of the proposed development and - certification that the information provided is accurate at the date of preparation.
Key issues	<p>The EIS must include an assessment of the potential impacts of the proposal (including cumulative impacts) and develop appropriate measures to avoid, mitigate, manage and/or offset these impacts.</p> <p>The EIS must address the following specific matters:</p> <ul style="list-style-type: none"> • Suitability of the Site – including: <ul style="list-style-type: none"> - detailed justification for the proposal, including its scope and suitability, and the suitability of the site in the context of the Enterprise and Environment and Recreation zoning and transport corridors applicable to the site under State Environment Planning Policy (Precincts – Western Parkland City) 2021 (Western Parkland City SEPP); - a detailed description of the history of the site, including the relationship between the proposed development, other proposed developments and all development consents and approved plans previously and/or currently applicable to the site including all transport corridors; and - an analysis of site constraints. • Statutory and Strategic Context – including: <ul style="list-style-type: none"> - detailed justification that the proposed land use is permissible with consent; - details of any proposed consolidation or subdivision of land; and - demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, proposed environmental planning instruments, precinct plans, draft precinct plans, development controls plans and justification for any inconsistencies. This includes, but not limited to: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Western Parkland City) 2021 ○ Greater Sydney Region Plan – A Metropolis of Three Cities ○ Western City District Plan ○ Future Transport 2056 and supporting plans ○ Freight and Ports Plan 2018-2023 ○ Western Sydney Aerotropolis Plan 2020 ○ Western Sydney Aerotropolis Precinct Plan 2022 ○ Western Sydney Aerotropolis Development Control Plan (DCP) - Phase 1 ○ Draft Western Sydney Aerotropolis DCP - Phase 2 ○ Recognise Country: Draft Guidelines for Development in the Aerotropolis ○ Outer Sydney Orbital Stage 1 corridor investigation • Community and Stakeholder Engagement – including: <ul style="list-style-type: none"> - a detailed community and stakeholder participation strategy which identifies who in the community has been consulted and a justification

for their selection, other stakeholders consulted and the form(s) of consultation, including justification for the approach;

- a report on the results of the implementation of the strategy including issues raised by the community and surrounding landowners and occupiers;
- details of how issues raised during community and stakeholder consultation have been addressed and whether they have resulted in changes to the development; and
- details of the proposed approach to future community and stakeholder engagement based on the results of consultation.

- **Infrastructure Requirements** – including:

- a detailed written and/or graphical description of infrastructure required on the site, including any upgrades required;
- identification of any infrastructure upgrades required off-site to facilitate the development and describe any arrangements to ensure that the upgrades will be implemented in a timely and orderly manner and maintained;
- an infrastructure delivery and staging plan, including a description of how infrastructure on- and off-site will be coordinated and funded to ensure it is in place prior to the commencement of construction; and
- an assessment of the development's impacts on existing utilities and services and service providers' assets in or surrounding the site.

- **Urban Design and Visual Impact** – including:

- a visual impact assessment (including photomontage and perspectives) of the development layout and design, including staging, site coverage, setbacks, open space, landscaping, height, bulk, scale, colour, building materials and finishes, façade design, signage and lighting, particularly in terms of potential impacts on:
 - nearby public and private receivers;
 - significant vantage points in the broader public domain;
 - Cosgroves Creek, Badgerys Creek and the riparian corridor on site;
- consideration of the layout and design of the development having regard to the surrounding vehicular, pedestrian and cycling networks; and
- how the development will protect, maintain and enhance landscaping and biodiversity values; and
- detailed landscaping plans.

- **Design excellence:**

- Prior to lodgement the proposal must be subject to review by the design review panel in accordance with section 4.31 of the Western Parkland City SEPP. The EIS must demonstrate how the development has been informed by the outcomes of the review.
- The EIS must demonstrate how the proposal will exhibit design excellence in accordance with the requirements of Part 4.5 of the Western Parkland City SEPP, the objectives for good design in *Better Placed* (Government Architect NSW, 2017), and the *Recognise Country: Draft Guidelines for development in the Aerotropolis*.

- **Traffic and Transport** – including:

- details of consultation with Transport for NSW, including consultation on the relationship between the development and any existing or proposed transport infrastructure;
- details of all traffic types and volumes likely to be generated during construction and operation, including a description of haul routes. Traffic flows are to be shown diagrammatically to a level of detail sufficient for easy interpretation;
- an assessment of the predicted impacts of this traffic on road safety and the capacity of the road network, including consideration of cumulative traffic impacts at key intersections. This is to include the identification and consideration of approved and proposed developments/planning proposals/road upgrades in the vicinity. The assessment needs to consider the impact on Elizabeth Drive for the cumulative operation of the site;

- detailing how the proposed development connects to adjoining sites to facilitate their future development for their intended purposes, in accordance with the outcomes of consultation with TfNSW;
- plans demonstrating how all vehicles likely to be generated during construction and operation and awaiting loading, unloading or servicing can be accommodated on the site to avoid queuing in the street network;
- detailed plans of the site access and proposed layout of the internal road and pedestrian network and parking on site in accordance with the relevant Australian Standards, Western Sydney Aerotropolis Precinct Plan and DCP;
- swept path diagrams depicting vehicles entering, exiting and manoeuvring throughout the site;
- details of road upgrades, infrastructure works or new roads or access points required for the development;
- details of travel demand management measures to minimise the impact on general traffic and bus operations, including details of a location-specific sustainable travel plan (Green Travel Plan and specific Workplace Travel Plan) and the provision of facilities to increase the non-car mode share for travel to and from the site;
- details of the adequacy of existing public transport or any future public transport infrastructure within the vicinity of the site, pedestrian and bicycle networks and associated infrastructure to meet the likely future demand for the proposed development; and
- measures to integrate the development with the existing/future public transport network.
- **Soil and Water** – including:
 - a topographic assessment and justification demonstrating the proposed earthworks are responsive and contextually appropriate;
 - details on how earthworks will be staged/sequenced and managed to minimise potential impacts, particularly on nearby waterways and watercourses;
 - an assessment of the development's potential impacts on soil and water resources, topography, hydrology, groundwater, groundwater dependent ecosystem(s), drainage lines, downstream assets, watercourses and riparian lands on or nearby to the site, including mapping and descriptions of existing background conditions and cumulative impacts and measures proposed to reduce and mitigate impacts;
 - consideration of the NSW Aquifer Interference Policy (2012) and the Guidelines for Controlled Activities on Waterfront Land (2018);
 - a detailed site water balance including identification of water requirements for the life of the development, measures that would be implemented to ensure an adequate and secure water supply is available for the development and a detailed description of the measures to minimise water consumption at the site;
 - demonstration satisfactory arrangements for drinking water, wastewater and if required recycled water services have been made;
 - characterisation of water quality at the point of discharge to surface and/or groundwater against the relevant water quality criteria (including proposed mitigation measures to manage any impacts to receiving waters and monitoring activities and methodologies);
 - a site-specific integrated water management strategy with details of stormwater/wastewater management system including how it will be designed, operated and maintained, including the capacity of on-site detention system(s), on-site sewage management and measures to treat, reuse (including indicative quantities) or dispose of water;
 - an assessment of water quality and flow objectives as required by the Western Sydney Aerotropolis Precinct Plan and in accordance with the MUSIC modelling toolkit – Wianamatta prepared by DPE Environment and Heritage Group.;
 - a detailed flooding impact assessment;

	<ul style="list-style-type: none"> – description of the proposed erosion and sediment controls during construction; and – consideration of salinity and acid sulphate soil impacts. • Noise and Vibration – including: <ul style="list-style-type: none"> – a quantitative noise and vibration impact assessment for construction and operation of the development, including traffic noise, undertaken by a suitably qualified person in accordance with the relevant Environment Protection Authority guidelines and including an assessment of nearby sensitive receivers; – cumulative impacts of other existing and proposed developments; – consideration of potential impacts from the airport on the development including any sensitive land uses; and – details of the proposed noise mitigation, management and monitoring measures. • Hazard and Risk – including: <ul style="list-style-type: none"> – a preliminary risk screening completed in accordance with State Environmental Planning Policy (Resilience and Hazards) 2021 and Offensive Development and Applying SEPP 33 (DoP, 2011) with a clear indication of class, quantity and location of all dangerous goods and hazardous materials associated with the development; and – should preliminary screening indicate that the development is ‘potentially hazardous’, a Preliminary Hazard Analysis (PHA) must be prepared in accordance with Hazardous Industry Planning Advisory Paper No. 6 – Guidelines for Hazard Analysis (DoP, 2011) and Multi-Level Risk Assessment (DoP, 2011). • Biodiversity – including: <ul style="list-style-type: none"> – an assessment of the biodiversity impacts in accordance with the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR); and – an assessment of the development’s impacts on the riparian corridor and wetland on site, including detailed interface management measures. • Heritage – including: <ul style="list-style-type: none"> – an assessment of non-Aboriginal cultural heritage items and values of the site and surrounding area; – measures to avoid, reduce or mitigate impacts on non-Aboriginal heritage items; – identifying and describing the Aboriginal cultural heritage values that exist across the development and document in a completed Aboriginal Cultural Heritage Assessment Report (ACHAR); – consultation with Aboriginal parties including local Aboriginal Council must be undertaken and documented in the ACHAR; and – a description of the impacts on Aboriginal cultural heritage values and associated mitigation measures must be included in the ACHAR. • Social Impact – including the preparation of a Social Impact Assessment (SIA), which: <ul style="list-style-type: none"> – identifies and analyses the potential social impacts of the development from the point of view of the affected communities and other relevant stakeholders (i.e. how they experience the development); – considers how potential environmental changes in the locality may affect people’s way of life including community, access to and use of infrastructure, services and utilities, culture, health and wellbeing, surroundings, personal and property rights, decision-making systems, and fears and aspirations, as relevant and considering how different groups may be disproportionately affected; – assesses the significance of positive, negative, and cumulative social impacts considering likelihood, extent, duration, severity/scale, sensitivity/importance, and level of concern/interest(s); – includes mitigation measures for likely negative social impacts and any proposed enhancement measures; and
--	--

	<ul style="list-style-type: none"> – details of how social impacts will be adaptively monitored and managed over time. • Contamination – including an assessment of the site suitability for the proposed use(s) in accordance with SEPP 55. • Bushfire - including a bushfire assessment against the requirements of Planning for Bush Fire Protection (NSW Rural Fire Service, 2019). • Air Quality – including an assessment of air quality impact at sensitive receivers during construction and operation in accordance with NSW Environment Protection Authority guidelines and details of mitigation, management and monitoring measures. • Waste Management – including details of the quantities and classification of waste streams generated during construction and operation and proposed storage, handling and disposal requirements. • Greenhouse Gas and Energy Efficiency – including an assessment of the energy uses onsite and all reasonable and feasible measures that would be implemented onsite to minimise the development's greenhouse gas emissions. • Ecologically Sustainable Development – including a description of how the development will incorporate the principles of ecologically sustainable development in the design, construction and operation of the development. • Airport Safeguarding – including a risk assessment of the proposed development on Western Sydney Airport operations and addressing related matters in the Western Sydney Aerotropolis Plan (2020) and the Western Parkland City SEPP. • Planning Agreement / Development Contributions – including consideration of any applicable State and local development contributions, such as the Western Sydney Aerotropolis Special Infrastructure Contribution, and/or details of any Voluntary Planning Agreement required should a contributions plan not be in place.
Plans and Documents	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Regulation. Provide these as part of the EIS rather than as separate documents. In addition, the EIS must include high quality files of maps and figures of the subject site and proposal.</p>
Consultation	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with:</p> <ul style="list-style-type: none"> • Penrith City Council • Department of Planning and Environment, specifically: <ul style="list-style-type: none"> – Central Western team, Metro West, Planning Group – Water Group (including the Natural Resources Access Regulator) • Commonwealth Department of Infrastructure, Transport, Regional Development and Communications • Civil Aviation Safety Authority • Endeavour Energy • Fire and Rescue NSW • Government Architect NSW • NSW Rural Fire Service • Sydney Water • Water NSW • TfNSW (including the former Roads and Maritime Services) • TransGrid • Western City Parklands Authority • WSA Co Ltd • local community and other stakeholders. <p>The EIS must describe the consultation process and the issues raised and identify where the design of the development has been amended in response to</p>

	these issues. Where amendments have not been made to address an issue, a short explanation should be provided.
Further consultation after 2 years	If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Planning Secretary in relation to the preparation of the EIS.
References	The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.

ATTACHMENT 1 Technical and Policy Guidelines

The following guidelines may assist in the preparation of the environmental impact statement. This list is not exhaustive and not all of these guidelines may be relevant to your proposal.

Many of these documents can be found on the following websites:

<https://www.planningportal.nsw.gov.au/major-projects/assessments/policies-and-guidelines/key-guidance>

<http://www.australia.gov.au/publications>

<http://www.epa.nsw.gov.au/>

<http://www.environment.nsw.gov.au/>

<http://www.dpi.nsw.gov.au/>

Policies, Guidelines & Plans	
Aspect	Policy / Methodology
State Significant Development Guidelines	
	State Significant Assessment Guidelines (DPIE, 2021)
	Undertaking Engagement Guide – Guidance for State Significant Projects (DPIE, 2021)
	Cumulative Impact Assessment Guidelines for State Significant Projects (DPIE, 2021)
Air Quality	
	Protection of the Environment Operations (Clean Air) Regulation 2010
Air Quality	Approved Methods for the Sampling and Analysis of Air Pollutants in New South Wales (EPA, 2022)
	Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales (EPA, 2016)
Odour	Assessment and Management of Odour from Stationary Sources in NSW (DEC 2006)
	AGO Factors and Methods Workbook (AGO, 2018)
Greenhouse Gas	Guidelines for Energy Savings Action Plans (DEUS, 2005)
	National Greenhouse and Energy Reporting Scheme Measurement, Technical Guidelines for the estimation of emissions by facilities in Australia (Department of the Environment and Energy (DoEE), 2017)
	National Greenhouse Accounts Factors (DoEE, 2019)
Biodiversity	
	<i>Biodiversity Conservation Act 2016</i>
	Biodiversity Assessment Method (EES, 2021)
	Guidelines for Controlled Activities on Waterfront Land (NRAR, 2018)
Bush Fire	
	Planning for Bush Fire Protection (RFS, 2019)
Fire Safety	
	Fire Safety Guidelines – Fire Safety in Waste Facilities (FRNSW, 2020)
Hazards and Risk	
	State Environmental Planning Policy (Resilience and Hazards) 2021
	Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines (DoP, 2011)
	Assessment Guideline: Multi-level Risk Assessment (Planning and Infrastructure, 2011)
Heritage	
Non-Aboriginal Heritage	<i>Heritage Act 1977</i>
	NSW Heritage Manual (HO and DUAP, 1996)

Policies, Guidelines & Plans

Aspect	Policy / Methodology
	The Burra Charter (ICOMOS Australia, 2013)
	Statements of Heritage Impact (HO and DUAP, 2002)
	Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010)
Aboriginal Heritage	Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)
	Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010)
Human Health Risk	
	Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards (enHealth, 2012)
Noise and Vibration	
	Approved methods for measurement and analysis of environmental noise in NSW (EPA, 2022)
	Acoustics – Description and measurement of environmental noise (AS1055:2018)
	Noise Policy for Industry (EPA, 2017)
	NSW Road Noise Policy (DECCW, 2011)
	Noise Criteria Guideline (RMS, 2015)
	Noise Mitigation Guideline (RMS, 2015)
	Interim Construction Noise Guideline (DECC, 2009)
	Assessing Vibration: A Technical Guide (DEC, 2006)
	Noise Guide for Local Government (EPA, 2013)
Social	
	Social Impact Assessment Guideline for State Significant Projects (DPIE, 2021)
Soils and Water	
Erosion and Sediment	Managing Urban Stormwater: Soils & Construction (Landcom, 2004)
	Soil and Landscape Issues in Environmental Impact Assessment (DLWC, 2000)
	Wind Erosion – 2 nd Edition (DIPNR, 2003)
Groundwater	National Water Quality Management Strategy Guidelines for Groundwater Protection in Australia (ARMCANZ/ANZECC, 2000)
	NSW State Groundwater Policy Framework Document (DLWC, 1997)
	NSW Aquifer Interference Policy (NOW, 2012)
	Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources (NOW, 2011)
Stormwater	Storing and Handling Liquids: Environmental Protection (DECC, 2007)
	Managing Urban Stormwater: Strategic Framework. Draft (EPA, 1996)
	Managing Urban Stormwater: Council Handbook. Draft (EPA, 1997)
	Managing Urban Stormwater: Treatment Techniques (DEC, 2006)
	Managing Urban Stormwater: Source Control. Draft (EPA, 1998)
Wastewater	Managing Urban Stormwater: Harvesting and Reuse (DEC, 2006)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Effluent Management (ARMCANZ/ANZECC, 1997)
	National Water Quality Management Strategy: Guidelines for Sewerage Systems – Use of Reclaimed Water (ARMCANZ/ANZECC, 2000)

Policies, Guidelines & Plans

Aspect	Policy / Methodology
Contamination	National Water Quality Management Strategy – Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 1) (EPHC, NRMMC & AHMC, 2006)
	National Water Quality Management Strategy – Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) (EPHC, NRMMC & AHMC, 2009)
	State Environmental Planning Policy (Resilience and Hazards) 2021 Managing Land Contamination Planning Guidelines, SEPP 55 – Remediation of Land (DUAP & EPA, 1998) Consultants reporting on contaminated land: Contaminated Land Guidelines (EPA, 2020)
Traffic, Transport and Access	
	<i>Roads Act 1993</i>
	State Environmental Planning Policy (Transport and Infrastructure) 2021
	Guide to Traffic Generating Development (RTA, 2002 as updated)
	Road Design Guide (RMS, 2015-2017)
	Guide to Traffic Management – Pt 12: Traffic Impacts of Development (Austroads, 2016)
	Guidelines for Planning and Assessment of Road Freight Access in Industrial Areas (Austroads, 2014)
	Bicycle Parking Facilities: Guidelines for Design and Installation (AS 2890.3:2015)
	Integrated Public Transport Service Planning Guidelines: Sydney Metropolitan Area (TfNSW, 2013)
	Future Transport Strategy 2056 (TfNSW, 2018) Greater Sydney Services and Infrastructure Plan (TfNSW, 2018) NSW Freight & Ports Plan 2018-2023 (TfNSW, 2018)
Upper Canal and Warragamba Pipeline Corridors	
	Guidelines for Development Adjacent to the Upper Canal and Warragamba Pipelines (WaterNSW, 2018)
Urban Design and Visual	
	Control of Obtrusive Effects of Outdoor Lighting (AS 2482)
	Better Placed (Government Architect NSW, 2017)
	Greener Places (Government Architect NSW, 2020)
Waste	
	NSW Waste and Sustainable Material Strategy 2041 (EPA, 2021)
	NSW Plastics Action Plan (EPA, 2021)
	NSW Energy from Waste Policy Statement (EPA, 2021)
	NSW Energy from Waste Infrastructure Plan (2021)
	The National Waste Policy: Less Waste More Resources 2009
	Waste Classification Guidelines (EPA, 2014)
	Environmental guidelines: Composting and Related Organics Processing Facilities (DEC, 2004)
	Environmental guidelines: Use and Disposal of Biosolid Products (EPA, 1997) Composts, soil conditioners and mulches (Standards Australia, AS 4454) Standards for Managing Construction Waste in NSW (EPA, 2018)

ATTACHMENT 2
Government Authority Responses to Request for Key Issues