

Our reference: ECM Ref: 9837642  
Contact: Kathryn Saunders  
Telephone: (02) 4732 8567

20 December 2021

Department of Planning, Industry and Environment  
Attn: David Schwebel  
Email: [David.Schwebel@planning.nsw.gov.au](mailto:David.Schwebel@planning.nsw.gov.au).

Dear Mr Schwebel,

**Request for SEARs Advice – Dexus Kemps Creek SSD-32722834 at 113-153 Aldington Road, Kemps Creek**

I refer to the Department's request to provide comments in relation to the above application. Thank you for providing Council with the opportunity to comment.

The following comments are provided for the Department's consideration in relation to its assessment of the application for Secretary's Environmental Assessment Requirements (**SEARs**).

**1. Planning Considerations**

(a) Background

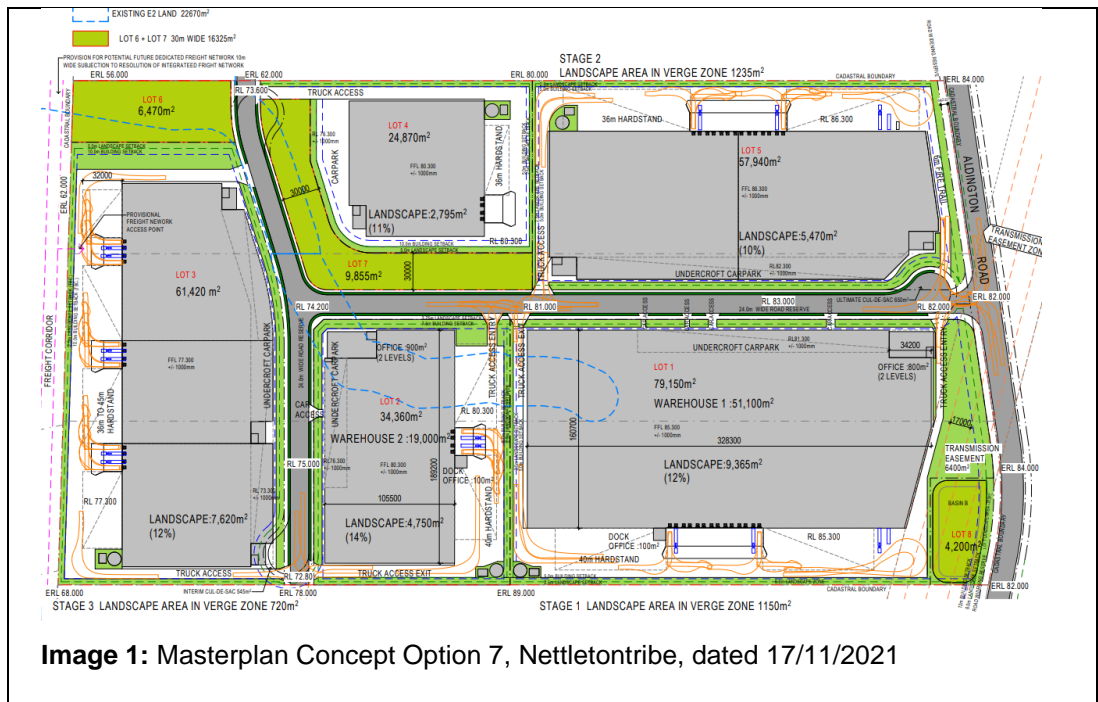
A pre lodgement meeting was held in relation to the State Significant Development Application on 21 October 2021. Council's advice was issued under cover letter dated 9 November 2021.

(b) Proposal

Council understands that a request for SEARs is being sought for a concept master plan and Stage 1 detailed development including 154,290sqm of warehouse gross floor area (**GFA**) and 3,700sqm of office GFA, across 5 warehouse buildings as described below:

- **Detailed Stage 1** – Detailed approved for demolition of all structures, dam dewatering, tree and vegetation, site preparation works, bulk excavation, cut and filling works and installation of retaining walls, site benching and export of excess fill, construction, fit out and operation of 2 x warehouse buildings for warehouse and distribution uses and manufacturing (warehouse 1 and 2 with GFA of 51,100sqm and 19,000sqm, 24/7 hours) and associated car parking and hardstand areas, site fencing, building and estate signage, utilities installation, stormwater and associated works, internal roads, landscaping works and construction of a 'riparian' zone, a bio basin, internal roads and subdivision.

- **Concept Stage 2** - Concept approval for Warehouses 3, 4 and 5 and ancillary car parking, hardstands, landscaping, drainage channel and associated works.



**Image 1:** Masterplan Concept Option 7, Nettletontribe, dated 17/11/2021

(c) Planning Pathway, zoning and SEPP amendments

Council does not support the proposal to disregard an identified riparian corridor and land zoned E2 Environmental Conservation under State Environmental Planning Policy (Western Sydney Employment Area) 2009 [SEPP WSEA], to facilitate the construction of warehousing and ancillary structures.

The proposed works are not permissible within the E2 Environmental Conservation zone and are in stark opposition to objectives of the zoning.

Clause 11, *Zone objectives and land use table*, of SEPP WSEA states at (2) that, the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Objectives of the E2 Environmental Conservation zone include, *‘to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values’*; and, *‘to prevent development that could destroy, damage or otherwise have an adverse effect on those values’*.

Notwithstanding any reasoning provided by the applicant in support of their proposal, clause 33A *Development near zone boundaries* under SEPP WSEA, must not be utilised as a mechanism to support the proposal as it cannot be understood that the Department could be satisfied under (4)(a) of 33A or clause 11.

Adjacent proposals (i.e. Proposed SSD - Yiribana) also replicate the deletion of the identified riparian corridor and disregard the E2 Environmental Conservation zoning. Council has strongly opposed the utilisation of clause 33A for these developments also.

Should the Department be of a mind to support the proposal, DPIE must carry out the requisite amendment to SEPP WSEA. Council must not be charged with undertaking any related SEPP amendment.

In addition, resolution of the issue must not be delayed, to be dealt with through the lodgement of a DA with Council, siting reliance on clause 33A.

This aspect of the proposal sets an undesirable precedence, and it is raised for the Department’s consideration that community notification and consultation of the proposed re-zoning should be undertaken.

Further, it is recommended that DPIE seek its own legal advice in relation to the application of clause 33A and is to satisfy itself as to whether proper consultation in relation to any rezoning of the E2 Environmental Conservation zone is necessary.

(b) Proposed drainage channel

DPIE exhibited commissioned report titled *CT Environmental Ecosystem Management and Monitoring – Mamre Road Precinct Rezoning: Waterway Assessment, dated April 2020*.

The report provides a thorough and ground truthed assessment of tributaries within the precinct, including ‘Unnamed Trib South Creek 1’ which is positioned central to the E2 zone on the subject site (refer **Image 2**).

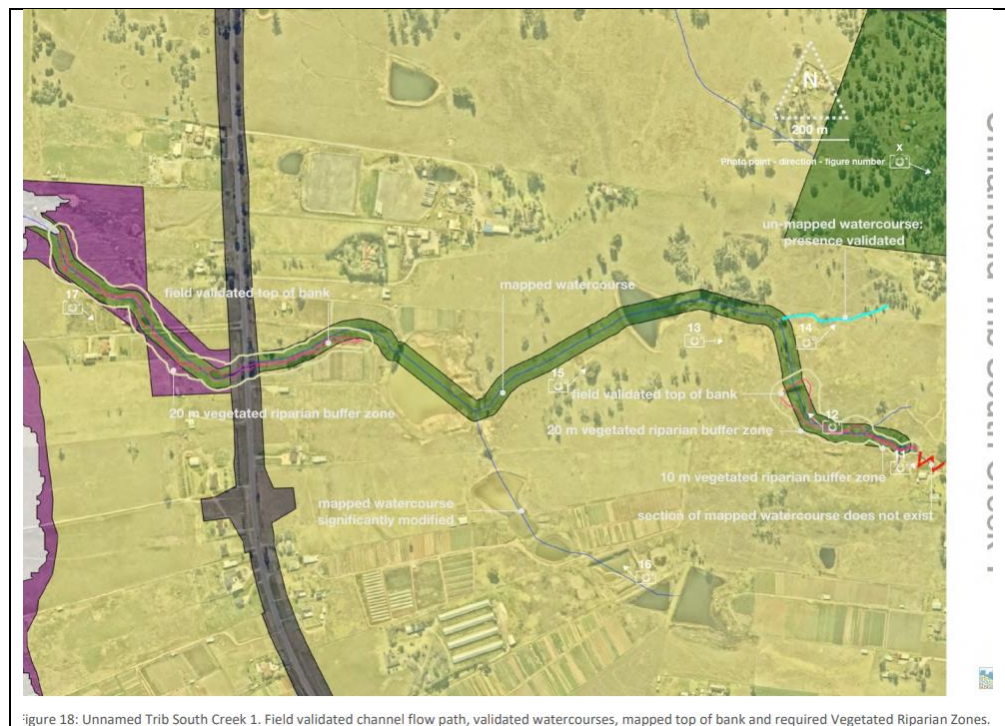


Figure 18: Unnamed Trib South Creek 1. Field validated channel flow path, validated watercourses, mapped top of bank and required Vegetated Riparian Zones.

**Image 2 (above):** Excerpt from 'CT Environmental Ecosystem Management and Monitoring – Mamre Road Precinct Rezoning: Waterway Assessment, dated April 2020', indicating Unnamed Tributary South Creek 1.

The report describes this tributary as a 1<sup>st</sup> order watercourse and states that:

*'The upper most section (south of Aldington Road) of this watercourse has been modified to a series of farm dams with overland flow paths providing links across a broad and shallow drainage depression (Figure 19). Fringing and emergent wetland vegetation and large native trees were present around all dams which provide habitat value for native fauna (Figure 20).'*

The report includes a conclusion and recommendations section which states that *"Unnamed Trib South Creek 1 was found to have some quality habitat patches in the form of wetland vegetation and remnant vegetation and has potential to become an ecological corridor linking Ropes Creek and South Creek"...*

How the applicant might arrive at an opposing conclusion is to be examined and an independent peer review may be necessary.

Council also raises that there are limited protections afforded to any proposed new 'riparian' corridor or drainage channel through the objectives of the IN1 General Industrial zone in which it is proposed to be located. This must be addressed in any future SSDA.

DPIE is to be satisfied that the drainage channel (if supported) will be positively supplemented by adjacent developments and DPIE shall be satisfied that the constructed channel will be protected, well managed and maintained, and will continue to be a sustainable, accessible, positive, safe and ecologically desirable asset in perpetuity. A maintenance and management plan must be in place. Adequate protections, reporting and maintenance obligations are to be imposed on affected title(s).

The design and proposed landscaping shall be reviewed by a specialist ecologist with the aim of including in its design (including safety fencing and retaining walls), measures to assist land-based fauna to enter and exit the channel without becoming trapped and with the aim to assist and promote fauna to move along the corridor freely.

The design and engineering of the channel is to demonstrate that proposed landscaping is sustainable to maturity, and that adequate soil volumes, drainage, area for growth and engineered soils are included. Landscaping is not to be positioned in compacted soils, rock or clay. The channel is to be widened to allow tiered and battered retaining walls rather than vertical walls.

(d) General matters

Parking and transport

The extensive use of undercroft car parking as a standard design solution is not supported as this reduces opportunities for meaningful and sustainable landscaping and results in an inability for landscaping to moderate bulk and scale.

The concept plan does not indicate domestic vehicle (staff and visitor) entry driveways which are to be separated from heavy vehicle access driveways for warehouses on Lot 3, Lot 4 or Lot 5. Separate safe pedestrian entry points to each office is to be provided from the street.

All warehouse developments are to be provided with end of trip facilities and secure bicycle parking (as detailed under the Mamre Road Precinct DCP and NSW Government Planning guidelines for walking and cycling).

The design of parking and access areas is to address Water Sensitive Urban Design (WSUD) principles as detailed in the Mamre Road Precinct DCP.

#### Landscape general

Areas surrounding water tanks and related infrastructure (shown as green on the plan) are not to be included in landscaped area calculations as these cannot practically be landscaped owing to the required hard stands/plinths/pads.

Landscape design is to indicate alignment with the Greater Sydney Regional Plan canopy target of 40%. Outdoor areas in a landscaped setting are to be provided for workers. A minimum of 15% of the site is to be pervious.

As per the DCP the proposal is to address the preferred trees identified in the Penrith Council Street and Park Tree Management Plan, and is to have regard to the Mamre Road Precinct DCP and the Western Sydney Street Design Guidelines.

All car parking hard stands are to be designed to allow for one canopy, shade providing tree at a rate of one for each 10 spaces (preference is for 1 in 6).

Council will not accept dedication of on-site detention tank or stormwater detention basins, bio-basins and the like (including drainage channels) and these will remain in private ownership.

#### Streets

Street lighting and trees to be provided in accordance with the Mamre Road Precinct DCP and Council's standards.

#### Built form

Building heights must not exceed the maximums identified for the Precinct within the DCP and the measurements are to be from Natural Ground Level inclusive of services and roof mounted plant machinery. Additional height for

roof mounted plant machinery shall not be sought through modification applications associated with any consent granted.

#### Setbacks

The design of the development and proposed setbacks to the E2 Environmental Conservation area do not comply with the DCP requirement of 10m (building) unless separated by a road and 5m landscaped setback.

It is not currently known if Aldington Road will be a future State road and in this respect a setback of 20m may be required to the final roadway alignment boundary. This is to be confirmed with TfNSW. Notwithstanding this, Aldington Road is currently considered to be a distributor/collector road and thus building setbacks to Aldington Road are to be a minimum of 12m.

#### Dams

Details are to be provided in relation to the proposed removal of existing dams on the site. A dewatering plan is to be prepared that addresses all dams, the ecological impacts, the destination of water, water testing, and how fauna (which may be in large quantities) will be relocated safely. Details are to be provided in relation to any supervising ecologist.

#### (e) Development Contributions

Clause 270 of the Environmental Planning and Assessment Regulations states that, *pursuant to section 4.16(11) of the Act, a development application in relation to any land zoned IN1 General Industrial under State Environmental Planning Policy (Western Sydney Employment Area) 2009 must not be determined by the consent authority unless a contributions plan under Section 7.18 of the Act has been approved for the land to which the application relates.*

A contributions plan for the subject land has not been approved. Until such time as a contributions plan has been approved for the land, the applicant is advised that a Voluntary Planning Agreement would need to be finalised with the relevant authority and would need to address State and local infrastructure.

Notwithstanding the above, Council at its ordinary meeting of 22 October 2022 resolved to re-exhibit the Mamre Precinct Development Contributions Plan.

The draft Mamre Road Precinct Development Contributions Plan is on public exhibition from Thursday 9 December 2021 to Thursday 27 January 2022 and can be viewed online at [yoursaypenrith.com.au](http://yoursaypenrith.com.au).

#### (f) State Environmental Planning Policy (Western Sydney Employment Area) 2009 [SEPP WSEA]

The development shall comply with the requirements of the Policy inclusive (although not limited to) Part 5 and Part 6 (land zoning is discussed below).

Sections 20 through 27 are to be addressed and where necessary, evidence to the effect is to accompany the SSDA including an Ecological Sustainable Design development report with recommendations to be adopted and implemented.

Any future SSDA is to be accompanied by a broader precinct wide infrastructure context plan to enable consideration of the suitability of any proposed subdivision having regard to Section 24 *Development involving subdivision*, of the Policy. Interim and final roads are to be nominated. Detail is to be included as to who/what entity will be responsible for the delivery of final or ultimate configurations.

(g) Mamre Road Precinct DCP

The development shall have high regard to the DCP including in relation to the provision for identified services, easements, road networks and the dedicated freight corridor. An access point from the dedicated freight network and the site is to be provided and levels are to enable connection.

The design of the site, including levels and retaining walls shall not obstruct the installation of these service on adjacent sites.

Aboriginal Cultural Heritage

The site is identified in Figure 5 as containing sites if known Aboriginal Heritage and areas of high and moderate-high Aboriginal potential. Any future SSDA is to address the impact of the development on Aboriginal heritage.

Green Star

All developments with a construction cost of >\$1 million or more are required to demonstrate a commitment to achieving no less than 4 stars under Green Star or 4.5 stars under the Australian Building Greenhouse Rating system (now part of the National Australian Built Environment Rating System (NABERS)).

An ESD Report is to accompany the SSDA. The Report shall include recommendations and shall detail what sustainability measures will be constructed and delivered as part of the development.

Access

An access report is required where universal access is a requirement of the Disabilities Discrimination Act 1992.

Signage

A Signage plan and strategy is to accompany the future SSDA.

Safety

Crime Prevention Through Environmental Design is to be addressed.

Guideline documents

The SSDA shall also address the following:

- Council's Stormwater Drainage Specifications for Building Developments
- Council's Engineering Design Specifications for Civil Works document
- NSW Government Architects suite of documents (Greener Places, Better Placed)
- Draft SEPP Design and Place
- Draft Connecting with Country Framework

(h) Context

For the benefit of the consent authority and to best inform the public during the consultation phase of any future State Significant Development Application (SSDA), it is recommended that a concept infrastructure context plan accompany the application. The context plan shall indicate how the road, rail and stormwater infrastructure connects to precinct wide and broader networks.

Any future application shall clearly indicate how the proposal integrates with that which is approved and proposed on adjacent sites (including although not limited to SSD-10272349, Proposed Yiribana Logistics Estate at 754-770 and 784-786 Mamre Road, Kemps Creek, Lot 60 in DP 259135 & Lot 59 in DP 259135), noting that Council remains in objection to the destruction of the biodiversity values and natural landforms within the E2 Environmental Conservation zone – as is also proposed on adjacent sites.

**2. Development Engineering Considerations**

(a) Stormwater

- Stormwater drainage for the site must be in accordance with the Mamre Road Precinct DCP and shall meet the objectives of Section 2.4 Integrated Water Cycle Management.
- A stormwater concept plan, accompanied by a supporting report and calculations, shall be submitted with the application. The application shall include concept stormwater plans for both any interim and ultimate developments.
- The stormwater concept plan shall demonstrate how the development complies with the *Waterway Health and Water Sensitive Urban Design Controls* (No 1 – 9) from Section 2.4 *Integrated Water Cycle Management* of the Mamre Road Precinct DCP.
- The application is to demonstrate how stormwater discharge from the proposed development complies with each of the *Trunk Drainage Infrastructure Controls* (No 10 – 22) from Section 2.4 *Integrated Water Cycle Management* of the Mamre Road Precinct DCP.

- As the existing site has a split catchment, and pending the timing for adjoining development, drainage of the site may require an easement to drain water over downstream properties for any interim stormwater disposal. Evidence of owner's consent shall be provided with the application for the provision of the easement. The easement to drain water must be registered prior to the issue of an operational consent. Drainage easement widths shall be in accordance with Council's Stormwater Drainage Specification for Building Developments policy.
  - A Water Management Strategy prepared by a suitably qualified person is to be provided for the site. The strategy shall address water conservation, water quality, water quantity, and operation and maintenance.
  - The application shall include MUSIC modelling (\*.sqz file) demonstrating compliance with water quality controls of the Mamre Road Precinct DCP.
  - Penrith City Council will not accept the dedication of any estate water quantity or water quality basins. Any estate drainage basins are to be maintained in perpetuity by the estate. It is Council's preference that all water quantity and water quality treatment be provided on the individual lots. Any on-site detention system or water quality system must be within common property and accessible from the street.
  - Any drainage basin and associated drainage works within the transmission easement will require written approval from the of the benefiting electricity authority.
- (b) Flood Prone Land - Local Overland Flow Flooding
- The site flood affected by local overland flow flooding from the local catchment and has been coded as being subject to flood related development controls.
  - The application must demonstrate that the development proposal is consistent with the Objectives and Control No's 10 -15 of the Mamre Road Precinct DCP Section 2.5 *Flood Prone Land*.
  - The application must be accompanied by an Overland Flow Flood Report prepared by a suitably qualified person to assess the developments impacts upon overland flows. Overland flows shall be managed through the site in a safe manner.
  - Further information regarding Council's Flood Studies is available from Council's website at the following address:  
<https://www.penrithcity.nsw.gov.au/services/other-services/floodplain-management>

(c) Proposed Roads

- Aldington Road and Abbots Road are currently rural roads with poor horizontal and vertical alignment that are unsuitable for heavy vehicle traffic in their current state. Until the delivery by others of an internal north-south Local Industrial Road on adjoining properties, the development will rely upon Aldington Road for access to the site. Aldington Road and Abbots Road are to be upgraded to a distributor road (as per Mamre Road Precinct DCP) from the development site to the intersection with Mamre Road, including a signalised intersection with Mamre Road.
- The widths of the internal roads comply with the required 24m road reserve width of a Local Industrial Road as per the Mamre Road Precinct DCP.
- A long section of the western 'north-south' Local Industrial Road, extending into the adjoining properties, shall be provided demonstrating the road levels will not hinder the future development of the adjoining lots or hinder extension of the road by way of excessive cut or fill.
- Due to excessive terrain relief through the site, road long sections are to be included showing maximum grades for heavy vehicle usage.
- It is acknowledged that the internal north-south road will ultimately service adjoining properties to the north and south as per the DCP. As timing for the development of the lands to the north and south are unknown, details of any temporary turn-around facility at each end of the internal road are to be provided.
- Separate driveway access shall be provided for heavy vehicles and passenger vehicles from a public road.
- The location of the truck access entry for Warehouse 1 is not supported on safety grounds due to the close proximity of the proposed temporary access intersection off Aldington Road.
- The extent of any road widening along the frontage of Aldington Road may not be known until Council has agreed upon the extent of works required for the ultimate upgrade of Aldington Road.
- Please refer to comments from Council's Traffic Section.

(d) Dedicated Freight Network

The application and plans shall demonstrate compliance with all controls of the Mamre Road Precinct DCP, Section 3.4.2 Western Sydney Intermodal Terminal and Freight Network.

Plans shall include a layout of the freight network, including indicative access points as per Figure 17 of the DCP.

(e) Earthworks

- The application shall demonstrate compliance with the Controls of Section 4.4 *Earthworks and Retaining Walls* of the Mamre Road Precinct DCP.
- The site is impacted by major ridgelines through the site. A site cut / fill plan is to be submitted that includes all retaining walls, retaining wall heights and batter extents. The plan shall include any batters or retaining walls along the Aldington Road frontage required for the future distributor road as shown in the Mamre Road Precinct DCP. The potential impact of any retaining walls upon future development of adjoining lands is also to be addressed.
- All retaining walls are to be located on private lands.
- No retaining walls or filling is permitted for this development which will impede, divert or concentrate stormwater runoff passing through the site.
- The application is to be supported by a geotechnical report prepared by a suitably qualified person and shall address, but not be limited to ground water movement, salinity, contamination and potential damage to adjoining public and private infrastructure during construction.

(f) Subdivision Works

The application shall demonstrate compliance with the Controls of Section 3 Precinct and Subdivision Design of the Mamre Road Precinct DCP.

The application is to be accompanied by a subdivision concept plan.

A Stage 2 Road Safety Audit is to be submitted with the application.

(g) Lodgement Requirements

In addition to the above, the application shall comply with the Lodgement Requirements as per Appendix B of the Mamre Road Precinct DCP.

### **3. Traffic Considerations**

(a) Roads

The proposed road network does not match the road network indicated in the Mamre Road Precinct DCP which includes a loop road and no cul-de-sac treatment here.

Council does not support the proposed east west cul-de-sac road. Proposed roads are to be connecting looped roads in accord with the Draft DCP and/or ultimate (finalised) DCP.

The proposed temporary connection to Aldington Road is not supported. The existing design and state of Aldington Road, Bakers Lane and Abbots Road is not suitable for development proposing significant additional traffic.

(b) Traffic network review required

Any SSDA should address and be further detailed and reviewed by DPIE and Council to ensure a suitable fit with the ultimate Mamre Road Precinct road network, collector and arterial road network and intersections including adjoining land/developments, Aldington Road, Southern Link Road, Bakers Lane, Abbots Road, Mamre Road, trunk drainage systems and civil infrastructure ultimate design delivery plan and works / contributions that may be required from this SSD.

Full ultimate collector and arterial road network and intersections (including Aldington Road/ Aldington Road extension to Southern Link Road and the extension south of Abbots Road to Mamre Road / Abbots Road / Southern Link Road / Bakers Lane), trunk drainage systems and civil infrastructure design and construction design and works delivery plan and fit of this SSD is required prior to development.

This should include works delivery plans by State Government, DPIE, TfNSW and developers and include key road network links including Southern Link Road, Bakers Lane, Aldington Road (and links northern to Southern Link Road and south past Abbots Road to Mamre Road), Abbots Road and Mamre Road.

**4. Waterways Considerations**

- (a) A Water Management Strategy for the proposed will need to be prepared by a suitably qualified professional in support of the development. The strategy needs to demonstrate and outline how both surface and groundwater resources will be safeguarded for the duration of the development.

In developing the strategy, the water management objectives outlined in the adopted Mamre Road Precinct DCP must be considered (and complied with) when preparing the reports.

- (b) Details on the proposed ownership and management arrangements of all stormwater treatment assets also need to be detailed in the above-mentioned Water Management Strategy. The treatment measures and associated drainage infrastructure including any trunk drainage must remain in the ownership of the developer in perpetuity.
- (c) Any changes to existing drainage lines and streams on the site will need to be in accordance with the requirements of the NSW Natural Resources Assess Regulator (NRAR) as well as be consistent with the trunk drainage arrangements identified in the Mamre Road Precinct DCP (refer planning considerations above).

**5. Landscape Considerations**

- (a) It is not clear how the development interfaces with and accommodates the Freight Corridor along its western boundary, particularly in terms of levels

and whether edge treatments will be able to be modified without major impact to facilitate the freight infrastructure.

- (b) Without information regarding retaining walls to the riparian corridor (Lots 6 and 7), it is not possible to understand the pedestrian safety, visual amenity, canopy landscaping and maintenance access implications of those changes in level.
- (c) It is recommended that the Department seek highly detailed sections and plans which clearly inform the existing and finished levels across the development, at thresholds and at boundary interfaces. The levels of all retaining walls, roads and networks are to be clear on civil, stormwater, architectural and landscape plan sets.
- (d) The potential for a well landscaped setback to Aldington Road is compromised by the proposed easement, south of the east-west internal road and the design in this respect is poor. The site must be planned to accommodate alternative locations for canopy and screening of built forms, should this remain the design although there appears to be limited justification for this approach to the site in the first instance.
- (e) North of the east-west internal road along Aldington Road, the front setback is dominated by the fire trail which may have restrictions on proximity of canopy trees to that trail function. The width of landscaping is not clear and is too narrow and is not supported. The landscaped area must be wider.
- (f) It does not appear that the landscape design will achieve the objectives of landscape sections of the Mamre Road Precinct DCP.

Should you wish to discuss any aspect of Council's comments further, please do not hesitate to contact me directly on (02) 4732 8567.

Yours sincerely



**Kathryn Saunders**  
Principal Planner



OUT21/17503

David Schwebel  
Planning and Assessment Group  
NSW Department of Planning, Industry and Environment

[david.schwebel@planning.nsw.gov.au](mailto:david.schwebel@planning.nsw.gov.au)

Dear Mr Schwebel

**Dexus Kemps Creek - 113-153 Aldington Road (SSD-32722834)  
Comment on the Secretary's Environmental Assessment Requirements (SEARs)**

I refer to your email of 30 November 2021 to the Department of Planning, Industry and Environment (DPIE) Water and the Natural Resources Access Regulator (NRAR) about the above matter.

The following recommendations are provided by DPIE Water and NRAR.

The SEARS should include:

- The identification of an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply. This is also to include an assessment of the current market depth where water entitlement is required to be purchased.
- A detailed and consolidated site water balance.
- Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts.
- Proposed surface and groundwater monitoring activities and methodologies.
- Consideration of relevant legislation, policies and guidelines, including the NSW Aquifer Interference Policy (2012), the Guidelines for Controlled Activities on Waterfront Land (2018) and the relevant Water Sharing Plans (available at <https://water.dpie.nsw.gov.au/home>).

Any further referrals to DPIE Water and NRAR can be sent by email to [water.assessments@dpie.nsw.gov.au](mailto:water.assessments@dpie.nsw.gov.au). or to the following coordinating officer within DPIE Water: Alistair Drew, Project Officer, E: [Alistair.drew@dpie.nsw.gov.au](mailto:Alistair.drew@dpie.nsw.gov.au)

Yours sincerely

Alistair Drew  
Project Officer, Assessments, Knowledge Division  
**Department of Planning, Industry and Environment: Water**  
9 December 2021

## David Schwebel

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**From:** Cornelis Duba <Cornelis.Duba@endeavourenergy.com.au>  
**Sent:** Tuesday, 14 December 2021 7:35 PM  
**To:** David Schwebel  
**Subject:** NSW Planning, Industry & Environment Request for SEARs SSD-32722834 Dexu  
Kemps Creek - 113-153 Aldington Road  
**Attachments:** EE SEARS SSD-32722834 DEXUS KEMPS CREEK.pdf; EE STANDARD DA CONDITIONS  
V1 OCTOBER 2021.pdf; EE FPJ 4603 Permission to Remove Service July 2007.pdf;  
SW08773 Work near underground assets.pdf; SW Work near overhead power  
lines.pdf; ENA EMF What We Know.pdf; EE Safety Plumbing.pdf; EE Safety on the  
job.pdf; EE MDI0044 Easements and Property Tenure.pdf; EE Guide for Padmount  
Substations.pdf; EE FPJ 6007 Technical Review Request Aug 2019.pdf

Hello David

I refer to the your below email of 30 November 2021 regarding the exhibition of the request for the Planning Secretary's Environmental Assessment Requirements (SEARs) for State Significant Development SSD-32722834 Dexu Kemp Creek - 113-153 Aldington Road for 'Concept proposal for an industrial estate comprising 5 warehouse buildings and a Stage 1 development comprising the construction of 2 warehouses, demolition, bulk earthworks, internal roads, signage, stormwater infrastructure and subdivision' at 113-153 Aldington Road, Kemp Creek (Lots 34, 35 and 36 DP 258949) in the Penrith City Council Local Government Area (LGA). Submissions needed to be made to the Department by 14 December 2021.

Endeavour Energy would expect that the Planning Secretary would require the applicant to address utilities as a key issue in the future Environmental Impact Statement, with the following being an example of the 'Utilities' section for other recent notifications received by Endeavour Energy from the Department.

### 14. Utilities

- In consultation with relevant service providers:
  - assess of the impacts of the development on existing utility infrastructure and service provider assets surrounding the site.
  - identify any infrastructure upgrades required off-site to facilitate the development and any arrangements to ensure that the upgrades will be implemented on time and be maintained.
  - provide an infrastructure delivery and staging plan, including a description of how infrastructure requirements would be co-ordinated, funded and delivered to facilitate the development.

The following is a combination of the various requests for SEARs for other State Significant Development referred to Endeavour Energy which attempts to capture are the possible 'Utilities' related matters.

*Prepare an Infrastructure Management Plan in consultation with relevant agencies / authorities to:*

- *address the existing capacity of the site to service the proposed development and any extension or augmentation, property tenure or staging requirements for the provision of utilities, including arrangements for electrical network requirements, drinking water, waste water and recycled water and how the upgrades will be co-ordinated, funded and delivered on time and be maintained to facilitate the development; and*
- *identify the existing infrastructure on the site or within the network which may be impacted by the construction and operation of the proposal and the measures to be implemented to address any impacts on this infrastructure.*

Endeavour Energy believes that either of the foregoing would adequately require the applicant to investigate and address in utilities required for the State Significant Development.

Please find attached Endeavour Energy's submission which is based on the system being used for submissions to concurrence and referrals received via the NSW Planning Portal. The introduction of standard type conditions was required to keep up with the work load and expedite responses. I appreciate not all the issues in the submission may be directly or immediately relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Could you please pass on a copy of this submission and the attached resources to the applicant? Should you wish to discuss this matter, or have any questions, please do not hesitate to contact me or the contacts identified in Endeavour Energy's submission in relation to the various matters. Due to the high number of development application / planning proposal notifications submitted to Endeavour Energy, to ensure a response contact by email to [property.development@endeavourenergy.com.au](mailto:property.development@endeavourenergy.com.au) is preferred.

With the current easing of the COVID-19 health risk, whilst a significant number of Endeavour Energy staff are returning to the office, it may sometimes take longer than usual to respond to enquiries. Thank you for your ongoing understanding during this time.

Yours faithfully  
Cornelis Duba  
Development Application Specialist  
Sustainability & Environment  
M: 0455 250 981  
E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)  
51 Huntingwood Drive, Huntingwood NSW 2148  
[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)



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**From:** David Schwebel <David.Schwebel@planning.nsw.gov.au>  
**Sent:** Tuesday, 30 November 2021 4:23 PM  
**To:** Property Development <Property.Development@endeavourenergy.com.au>  
**Subject:** Request for SEARs input - Dexus Kemps Creek estate (SSD-32722834)

Dear Sir/Madam

The Department of Planning, Industry and Environment has received a request for Secretary's Environmental Assessment Requirements (SEARs) for the Dexus Kemps Creek industrial estate at 113-153 Aldington Road, Kemps Creek. The proposed development is a State Significant Development under the Environmental *Planning and Assessment Act 1979*.

You are invited to provide input into the SEARs for the proposal including details of any key issues and assessment requirements by **14 December 2021**.

The SEARs request can be viewed on the Department's website at <https://www.planningportal.nsw.gov.au/major-projects/project/43516>.

If you have any enquiries, please contact me on 9274 6400 or [david.schwebel@planning.nsw.gov.au](mailto:david.schwebel@planning.nsw.gov.au) .

Kind regards,

Authority	Authority's Reference	Authority Contact	Authority Notification	Submission Due	Submission Made
NSW Planning, Industry & Environment	SSD-32722834	David Schwebel	30/11/2021	14/12/2021	14/12/2021


Address	Land Title
113-153 Aldington Road, Kemps Creek	Lots 34, 35 and 36 DP 258949

**Scope of Development Application or Planning Proposal**

Request for Secretary's Environmental Assessment Requirements (SEARs) for the Dexu Kemps Creek industrial estate. Concept proposal for an industrial estate comprising 5 warehouse buildings and a Stage 1 development comprising the construction of 2 warehouses, demolition, bulk earthworks, internal roads, signage, stormwater infrastructure and subdivision.

**As shown in the below site plan from Endeavour Energy's G/Net master facility model:**

There are:

- No easements benefitting Endeavour Energy (active easements are indicated by red hatching).
- Low voltage and 11,000 volt / 11 kilovolt (kV) high voltage overhead power lines to the road verge / roadway. There is a section of 11 kV high voltage underground cables in the TransGrid easement (indicated by the dashed lines) which is 'Proposed Retired' (indicated by the  colouring).
- Extended low voltage overhead service conductors coming from a poles on the road verge going to customer owned / private pole on the site providing the customer connection point for the existing dwellings / premises.



Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☒ .

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input type="checkbox"/>	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
<input type="checkbox"/>	<input type="checkbox"/>	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5	Bushfire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
<input type="checkbox"/>	<input type="checkbox"/>	6	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	7	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	8	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	9	Dial Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Dial Before You Dig 1100 service.
<input type="checkbox"/>	<input type="checkbox"/>	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
<input type="checkbox"/>	<input type="checkbox"/>	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
<input type="checkbox"/>	<input type="checkbox"/>	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
<input type="checkbox"/>	<input type="checkbox"/>	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
<input type="checkbox"/>	<input type="checkbox"/>	15	Easement Subdivision	The incorporation of easements into multiple / privately owned lots is generally not supported.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
<input type="checkbox"/>	<input type="checkbox"/>	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
<input type="checkbox"/>	<input type="checkbox"/>	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.

Condition	Advice	Clause No.	Issue	Detail
<input type="checkbox"/>	<input checked="" type="checkbox"/>	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
<input type="checkbox"/>	<input type="checkbox"/>	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
<input type="checkbox"/>	<input type="checkbox"/>	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
<input type="checkbox"/>	<input type="checkbox"/>	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995 (NSW)</i> .
<input type="checkbox"/>	<input checked="" type="checkbox"/>	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
<input type="checkbox"/>	<input type="checkbox"/>	29	Security / Climb Points	Minimum buffers need to be provided to avoid the creation of climb point appropriate to the electricity infrastructure being protected.
<input type="checkbox"/>	<input type="checkbox"/>	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'
<input type="checkbox"/>	<input type="checkbox"/>	31	Solar / Generation	Need to assess the performance of the generation system and its effects on the network and other connected customers.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
<input type="checkbox"/>	<input type="checkbox"/>	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
<input type="checkbox"/>	<input type="checkbox"/>	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and result in the interruption of supply.

Condition	Advice	Clause No.	Issue	Detail
			Other	

Endeavour Energy		
Completed by:	Easement Management Region:	Decision
Cornelis Duba	North	Approve (with conditions)
Reason(s) for Conditions / Objection (If applicable)		
<ul style="list-style-type: none"> <li>The Mamre Road Precinct within the Western Sydney Employment Area is initially being supplied from the existing Mamre Zone Substation located at 8 John Morphett Place, Erskine Park (Lot 9 DP 1097134) which has limited spare capacity but is enabling some development to progress ahead of the timeline for upstream utility and civil infrastructure. The establishment of the proposed South Erskine Park Zone Substation (Lot 99 DP 1266383) within the Oakdale West Estate (currently expected to be available in the fourth quarter of 2022) together with the associated the installation of multiple 22,000 volt 22 kV high voltage feeders will be required to service any significant development along Mamre Road and Aldington Road.</li> <li>An extension and / or augmentation of the existing local network will be required. However the extent of any works required will not be determined until the final load assessment is completed.</li> <li>For more complex connections, advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Customer Network Solutions Branch, the form for which FPJ6007 is attached.</li> <li>To ensure an adequate connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.</li> <li>The required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.</li> <li>Not all the conditions / advice marked may be directly or immediately relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.</li> </ul>		

Yours faithfully

Cornelis Duba

Development Application Specialist

Sustainability & Environment

M: 0455 250 981

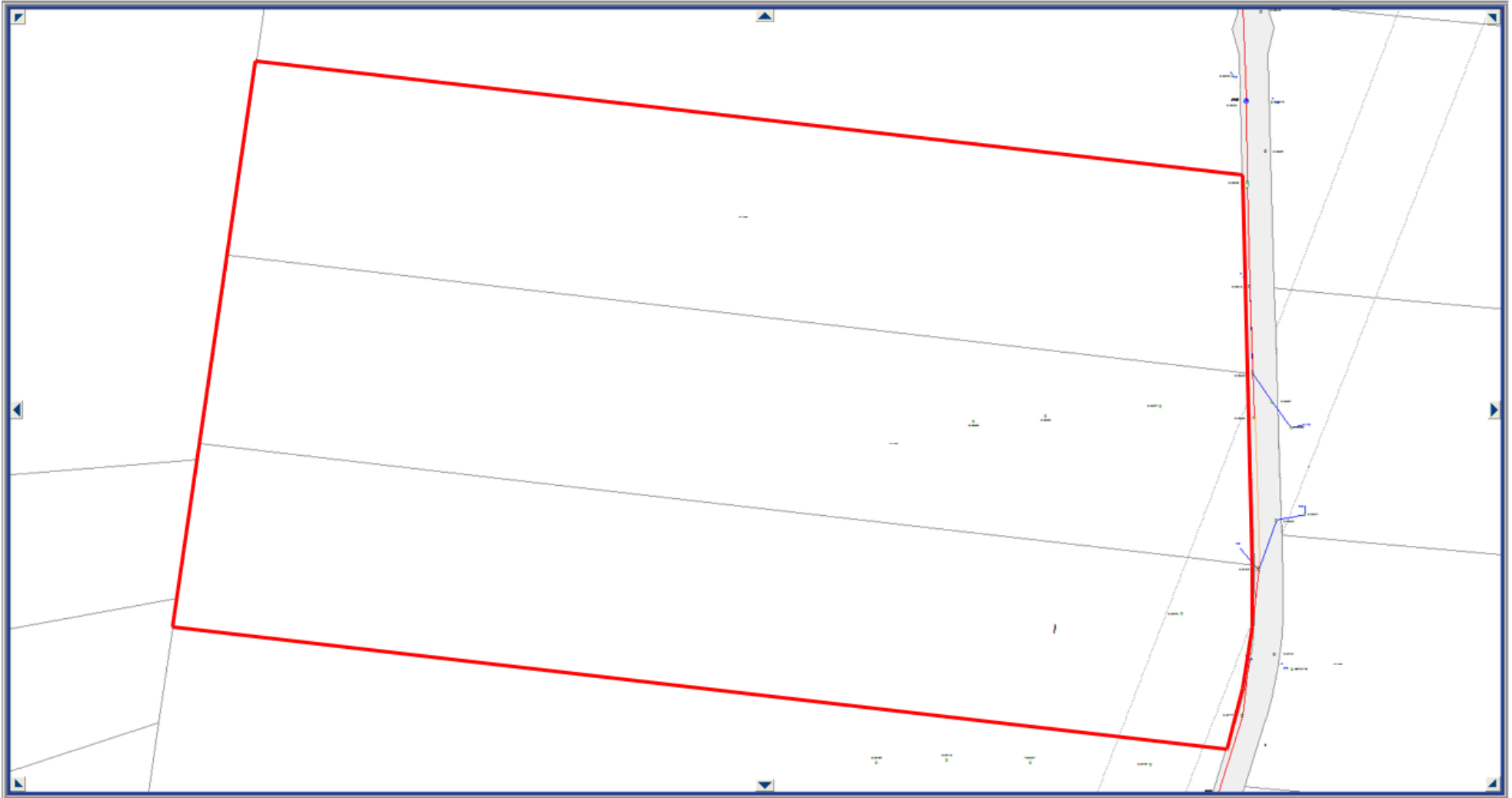
E: [cornelis.duba@endeavourenergy.com.au](mailto:cornelis.duba@endeavourenergy.com.au)

51 Huntingwood Drive, Huntingwood NSW 2148

[www.endeavourenergy.com.au](http://www.endeavourenergy.com.au)

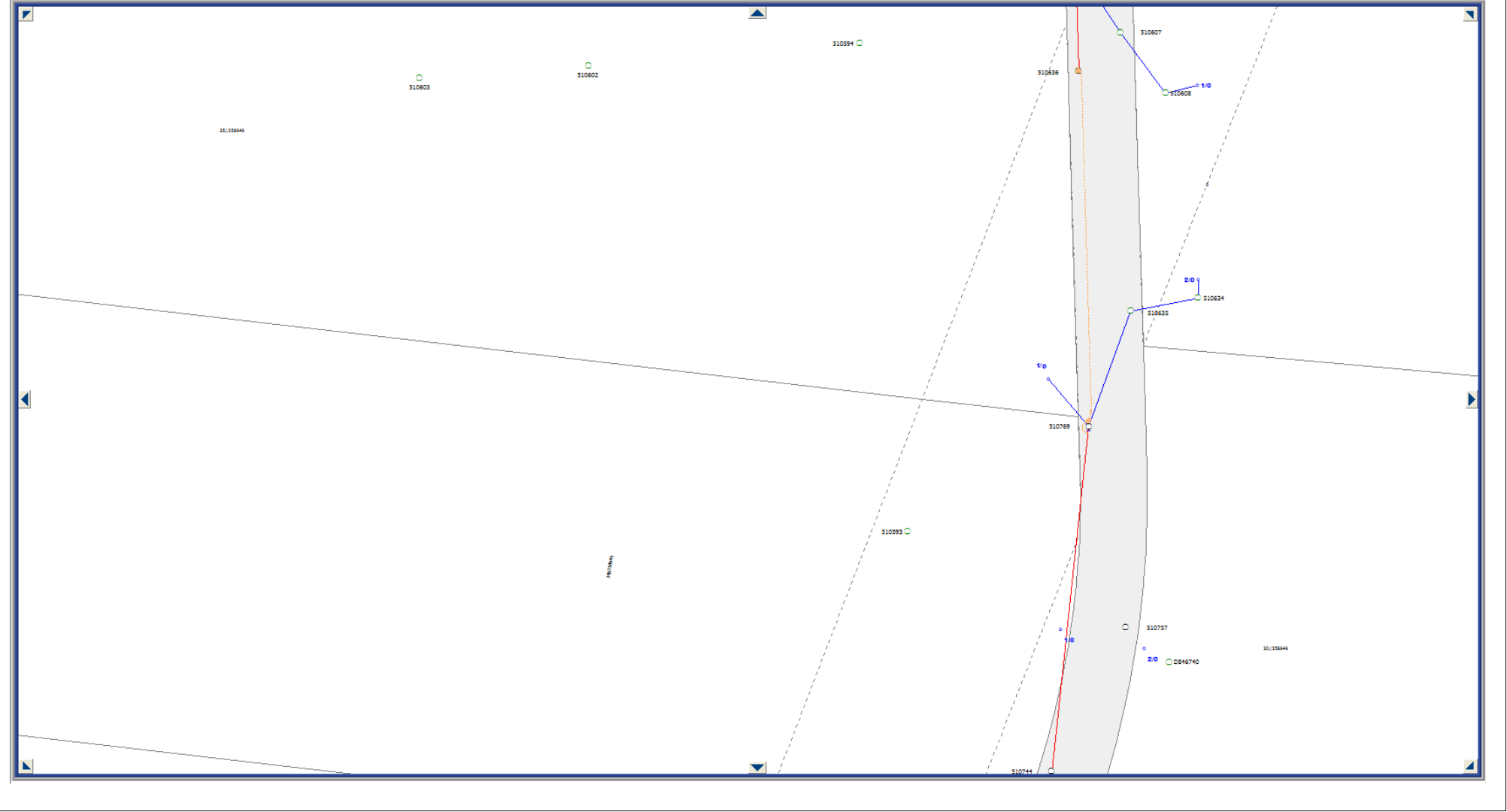






















## Site Plan from Endeavour Energy's G/Net Master Facility Model



Please note the location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. Easements benefitting Endeavour Energy are indicated by red hatching. Generally (depending on the scale and/or features selected), low voltage (normally not exceeding 1,000 volts) is indicated by blue lines and high voltage (normally exceeding 1,000 volts but for Endeavour Energy's network not exceeding 132,000 volts / 132 kV) by red lines (these lines can appear as solid or dashed and where there are multiple lines / cables only the higher voltage may be shown). This plan only shows the Endeavour Energy network and does not show electricity infrastructure belonging to other authorities or customer owned electrical equipment beyond the customer connection point / point of supply to the property. This plan is not a 'Dial Before You Dig' plan under the of Part 5E 'Protection of underground electricity power lines' of the *Electricity Supply Act 1995* (NSW).

# Site Plan from Endeavour Energy's G/Net Master Facility Model



LEGEND	
	Padmount substation
	Indoor substation
	Ground substation
	Kiosk substation
	Cottage substation
	Pole mounted substation
	High voltage customer substation
	Metering unit
	Switch station
	Indoor switch station
	Customer connection point
	Low voltage pillar
	Streetlight column
	Life support customer
	Tower
	Pole
	Pole with streetlight
	Customer owned / private pole
	Cable pit
	Subject site

**Google Maps Street View.** Underground to overhead (UGOH) pole to the TransGrid easement crossing.





Our ref: DOC21/1103622  
Senders ref: SSD 32722834

David Schwebel  
Planning and Assessment Group  
Department of Planning, Industry and Environment  
4 Parramatta Square, 12 Darcy Street  
Parramatta NSW 2150

Dear Mr Schwebel

**Subject: Request for SEARs for Dexus Kemps Creek - 113-153 Aldington Road (SSD-32722834) (Penrith)**

I refer to your e-mail received on 30 November 2021, requesting input from Environment, Energy and Science Group (EES) on the SEARs for an industrial estate, 113-153 Aldington Road (SSD-32722834) within the Mamre Road Precinct.

It is understood that the SSD application is seeking consent for a Concept Master Plan detailing development across the site as well as detailed development consent for the first stage of works on the site for the purpose of an industrial estate.

EES has reviewed the SSDA Scoping Report and supporting documents prepared by Urbis dated 26 November 2021 and provides the following comments and recommendations at Attachment A.

*Biodiversity*

EES recommends the proponent addresses the attached standard EES biodiversity requirements. Please note in relation to point (4) of the standard EES biodiversity environmental assessment requirements in Attachment A the minimum information and spatial data requirements are in Tables 24 and 25 of the Biodiversity Assessment Method (BAM), and as required more broadly by the revised BAM 2020. Other requirements, such as those relating to the BAM Calculator and Biodiversity Offsets and Agreements Management System (BOAMS), are detailed in various guidelines, practice notes, updates and other advices issued by EES to BAM accredited assessors – see <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/accredited-assessors/assessor-resources>.

*Waterway Health*

As set out in Section 7 Water and Soils in Attachment A, EES recommends that:

*The EIS must describe background conditions for any water resource likely to be affected by the development, including:*

- *Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions* <http://www.environment.nsw.gov.au/research-and-publications/publications-search/risk-based-framework-for-considering-waterway-health-outcomes-in-strategic-land-use-planning>.

In accordance with the *Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions*, EES has developed the NSW Government water quality and flow objectives for the Wianamatta-South Creek catchment to achieve the vision for Western Sydney Parkland City.

EES has also developed stormwater management targets that achieve the NSW Government water quality and flow objectives, following the 5-step process outlined in the *Risk-based framework for considering waterway health outcomes in strategic land use planning decisions*. These targets are included as controls in the Mamre Road Precinct Development Control Plan and draft Western Sydney Aerotropolis Development Control Plan 2021 Phase 2.

To assist the applicant, EES has prepared a MUSIC modelling toolkit (Attachment B). It is recommended that the technical information in the toolkit be used in any MUSIC modelling for the development and that the applicant provide this as part of the EIS.

Should you have any queries regarding this matter, please contact Marnie Stewart, Senior Project Officer - Planning on 9995 6868 or [Marnie.stewart@environment.nsw.gov.au](mailto:Marnie.stewart@environment.nsw.gov.au)

Yours sincerely



15/12/21

Susan Harrison  
**Senior Team Leader Planning**  
**Greater Sydney Branch**  
**Biodiversity and Conservation**

## Attachment A – EES Environmental Assessment Requirements

### Biodiversity

1. Biodiversity impacts related to the proposed development are to be assessed in accordance with Section 7.9 of the Biodiversity Conservation Act 2017 the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the Biodiversity Conservation Act 2016 (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and Biodiversity Assessment Method 2020, including an assessment of the impacts of the proposal (including an assessment of impacts prescribed by the regulations).
2. The BDAR must document the application of the avoid, minimise and offset framework including assessing all direct, indirect and prescribed impacts in accordance with the Biodiversity Assessment Method 2020.
3. The BDAR must include details of the measures proposed to address the offset obligation as follows:
  - The total number and classes of biodiversity credits required to be retired for the development/project;
  - The number and classes of like-for-like biodiversity credits proposed to be retired;
  - The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;
  - Any proposal to fund a biodiversity conservation action;
  - Any proposal to conduct ecological rehabilitation (if a mining project);
  - Any proposal to make a payment to the Biodiversity Conservation Fund.

If seeking approval to use the variation rules, the BDAR must contain details of the reasonable steps that have been taken to obtain requisite like-for-like biodiversity credits.
4. The BDAR must be submitted with all spatial data associated with the survey and assessment as per the BAM.
5. The BDAR must be prepared by a person accredited in accordance with the Accreditation Scheme for the Application of the Biodiversity Assessment Method Order 2017 under s6.10 of the Biodiversity Conservation Act 2016.

## Water and soils

6. The EIS must map the following features relevant to water and soils including:
- a. Acid sulfate soils (Class 1, 2, 3 or 4 on the Acid Sulfate Soil Planning Map).
  - b. Rivers, streams, wetlands, estuaries (as described in s4.2 of the Biodiversity Assessment Method).
  - c. Wetlands as described in s4.2 of the Biodiversity Assessment Method.
  - d. Groundwater.
  - e. Groundwater dependent ecosystems
  - f. Proposed intake and discharge locations
7. The EIS must describe background conditions for any water resource likely to be affected by the development, including:
- Existing surface and groundwater.
  - Hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations.
  - Water Quality Objectives (as endorsed by the NSW Government <http://www.environment.nsw.gov.au/ieo/index.htm>) including groundwater as appropriate that represent the community's uses and values for the receiving waters.
  - Indicators and trigger values/criteria for the environmental values identified at (c) in accordance with the [ANZECC \(2000\) Guidelines for Fresh and Marine Water Quality](#) and/or local objectives, criteria or targets endorsed by the NSW Government.
  - Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions <http://www.environment.nsw.gov.au/research-and-publications/publications-search/risk-based-framework-for-considering-waterway-health-outcomes-in-strategic-land-use-planning>

8. The EIS must assess the impact of the development on hydrology, including:
  - a. Water balance including quantity, quality and source.
  - b. Effects to downstream rivers, wetlands, estuaries, marine waters and floodplain areas.
  - c. Effects to downstream water-dependent fauna and flora including groundwater dependent ecosystems.
  - d. Impacts to natural processes and functions within rivers, wetlands, estuaries and floodplains that affect river system and landscape health such as nutrient flow, aquatic connectivity and access to habitat for spawning and refuge (e.g. river benches).
  - e. Changes to environmental water availability, both regulated/licensed and unregulated/rules-based sources of such water.
  - f. Mitigating effects of proposed stormwater and wastewater management during and after construction on hydrological attributes such as volumes, flow rates, management methods and re-use options.
  - g. Identification of proposed monitoring of hydrological attributes.

#### **Flooding and coastal hazards**

9. The EIS must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:
  - a. Flood prone land.
  - b. Flood planning area, the area below the flood planning level.
  - c. Hydraulic categorisation (floodways and flood storage areas)
  - d. Flood Hazard.
10. The EIS must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 5% Annual Exceedance Probability (AEP), 1% AEP, flood levels and the probable maximum flood, or an equivalent extreme event.
11. The EIS must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios:
  - a. Current flood behaviour for a range of design events as identified above. This includes the 0.5% and 0.2% AEP year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
12. Modelling in the EIS must consider and document:
  - a. Existing council flood studies in the area and examine consistency to the flood behaviour documented in these studies.

- b. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood, or an equivalent extreme flood.
- c. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazard categories and hydraulic categories
- d. Relevant provisions of the NSW Floodplain Development Manual 2005.

13. The EIS must assess the impacts on the proposed development on flood behaviour, including:

- a. Whether there will be detrimental increases in the potential flood affectation of other properties, assets and infrastructure.
- b. Consistency with Council floodplain risk management plans.
- c. Consistency with any Rural Floodplain Management Plans.
- d. Compatibility with the flood hazard of the land.
- e. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
- f. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
- g. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.
- h. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the NSW SES and Council.
- i. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the NSW SES and Council.
- j. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the NSW SES.
- k. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.



DOC21/1063206-5

David Schwebel  
Planning and Assessment Division  
Department of Planning, Industry and Environment Locked  
Bag 5022  
PARRAMATTA NSW 2124  
Email: [David.Schwebel@planning.nsw.gov.au](mailto:David.Schwebel@planning.nsw.gov.au)

**BY ELECTRONIC MAIL**  
13 December 2021

Dear Mr Schwebel

**EPA Submission on Planning Advice Request SSD-32722834- Dexus Management Ltd  
115-153 Aldington Road Kemps Creek**

I refer to your request to the Environment Protection Authority (EPA) dated 30 November 2021 seeking the EPA's Secretary's Environmental Assessment Request (SEAR'S). SEARS are requested to prepare an Environmental Impact Statement (EIS) for a proposal by Urbis Pty Ltd (the proponent) for an Industrial Estate at 113-153 Aldington Road, Kemps Creek (the premises). SSD-32722834 (the proposal).

The EPA have reviewed "*SSDA Scoping Report – 112-153 Aldington Road, Kemps Creek* (version 2)- Urbis Pty Ltd- 26 November 2021".

The EPA understands the proposal is for a concept master plan (Master Plan) which will comprise of five warehouse buildings, supported by an internal road network, landscaped areas, biodiversity areas and one site detention basin.

Stage 1 consent:

- Preparation works, fit-out and operation of two warehouse buildings for warehouse or distribution uses and other manufacturing industries, retaining walls, stormwater and associated works, internal roads, associated carparking, signage, landscaping and a riparian zone;
- Demolition of exiting dwellings and associated buildings;
- Bulk and detailed earthworks including cut and fill, export of excess material offsite, dam dewatering and construction of benched pads with associated retaining walls;
- Subdivision of the land;
- Construction of internal public estate roads and temporary road access to Aldington Road;
- Stormwater and drainage work including stormwater detention and bio-retention system;
- Landscaping of bio-retention basin and street verges;
- Provision of site serving infrastructure to allow the operation of the industrial units for warehouses and distribution and/or other manufacturing industries;
- Construction and use of two warehouse distribution centres (Warehouse 1 and 2) with a 51,100m<sup>2</sup> and 19,000m<sup>2</sup> which will operate 24/7. Associated carparking and heavy vehicle hardstand areas, vehicle crossing/driveways, soft and hard landscaping, perimeter security fencing;
- Estate signage and tenant building signage.

Stage 2:

- Concept approval for Warehouse 3, 4 and 5 with the realignment of the existing E2 corridor into the biodiversity areas of Lots 6 and 7, which will be subject to a separate development application in the construction phase.

The proposal has not specified what the warehouse buildings or distribution centre will be used for therefore the EPA is unable to determine from the information if any activities will trigger schedule 1 of the *Protection of the Environment Operations Act 1997* and if an environment protection licence with the EPA is required. The proponent must ensure any activities that potentially trigger an environment protection licence in accordance with the Protection of the Environment Operations Act 1997 are considered and subsequent planning approvals and licence applications are submitted.

The EPA has considered the proposal and provides the information in Attachment A which is required to properly assess the proposal. The EPA's key information requirements for the proposal include an assessment of:

*Potential air and odour quality impacts due to construction and operation*

- Proposed measures in place to manage odours from the storage of chemicals. A sensitive receptor includes a location where people work- thus clarification required when assessing project air impacts.
- Benchmark proposed air pollution control and mitigation measures against best available practice.

*Impacts on water quality*

- Wastewater and spill mitigation.
- Storage, treatment, sampling and disposal (including wastewater generated by the wheel wash).
- The mitigation measures proposed to be implemented to prevent and mitigate leaks and spills from the plant and other project operations and activities.
- Appropriate primary and secondary containment systems should be included as part of the proposal.
- Details of bunding, isolation, overflow prevention and other controls should be provided to demonstrate spill and leak related risks have been appropriately considered and addressed.

*Emergency incident management*

- Including, but not limited to, fire water containment and fire mitigation systems.

*Chemical and dangerous goods storage and handling*

- Segregation measures and consideration of maximum quantity(s) able to be stored within compliance with segregation measures.
- Any additional bunding and storage requirements for specific chemicals or dangerous goods.
- Unloading and loading of chemicals and dangerous goods.

*Waste management and disposal*

- A waste management plan must implement measures to ensure waste is stored appropriately and disposed of lawfully.

Overall, the EPA highlights, that the type of manufacturing proposed to be conducted at the premises should be specified and the proximity of the proposed activity near businesses and sensitive receivers addressed. This will require the proponent to demonstrate that the location of the proposed activity is suitable from an operational, environmental and safety management perspective.

In carrying out the assessment, the proponent should refer to the relevant guidelines as listed in Attachment B and any relevant industry codes of practice and best practice management guidelines.

Please note that this response does not cover biodiversity or Aboriginal cultural heritage issues, which are the responsibility of the Office of Environment and Heritage.

If you have any questions about this matter, please contact Amanda McDonald on (02) 9995 5157 or via email at [Amanda.McDonald@epa.nsw.gov.au](mailto:Amanda.McDonald@epa.nsw.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Playford'. The signature is written in a cursive style with a large, looped 'D' and a long, sweeping tail.

**Danielle Playford**  
**Unit Head Regulatory Operations**  
**Environment Protection Authority**

# ATTACHMENT A: EIS REQUIREMENTS FOR

## Dexus Management Ltd - 115-153 Aldington Road, Kemps Creek

### How to use these requirements

The EPA requirements have been structured in accordance with the DIPNR EIS Guidelines, as follows. It is suggested that the EIS follow the same structure:

- A. Executive summary
- B. The proposal
- C. The location
- D. Identification and prioritisation of issues
- E. The environmental issues
- F. List of approvals and licences
- G. Compilation of mitigation measures
- H. Justification for the proposal

## A Executive summary

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The executive summary should include a brief discussion of the extent to which the proposal achieves identified environmental outcomes.

## B The proposal

---

### 1. Objectives of the proposal

- The objectives of the proposal should be clearly stated and reference to each warehouse to include:
  - a) the size and type of the operation, the nature of the processes and the products, by-products and wastes produced;
  - b) a life cycle approach to the production, use or disposal of products;
  - c) the anticipated level of performance in meeting required environmental standards and cleaner production principles;
  - d) the staging and timing of the proposal and any plans for future expansion; and
  - e) the proposal's relationship to any other industry or facility.

## 2. Description of the proposal

### *General*

- Outline the production processes in each warehouse including:
  - a) the environmental “mass balance” for the process – quantify in-flow and out-flow of materials, any points of discharge to the environment and their respective destinations (sewer, stormwater, atmosphere, recycling, landfill etc); and
  - b) any life-cycle strategies for the products.
- Outline cleaner production actions for each warehouse, including:
  - a) measures to minimise waste (typically through addressing source reduction);
  - b) proposals for use or recycling of by-products;
  - c) proposed disposal methods for solid and liquid waste;
  - d) air management systems including all potential sources of air emissions, proposals to re-use or treat emissions, emission levels relative to relevant standards in regulations, discharge points;
  - e) water management system including all potential sources of water pollution, proposals for re-use;
  - f) treatment etc, emission levels of any wastewater discharged, discharge points, summary of options;
  - g) explored to avoid a discharge, reduce its frequency or reduce its impacts, and rationale for selection of option to discharge; and
  - h) soil contamination treatment and prevention systems.
- Outline construction works including:
  - a) actions to address any existing soil contamination;
  - b) any earthworks or site clearing; re-use and disposal of cleared material (including use of spoil on-site);
  - c) construction timetable and staging; hours of construction; proposed construction methods; and
  - d) environment protection measures, including noise mitigation measures, dust control measures and erosion and sediment control measures.
- Include a site diagram showing the site layout and location of environmental controls.

### *Air*

- Identify all sources or potential sources of air emissions from the development.  
*Note: emissions can be classed as either:*
  - *point (e.g. emissions from stack or vent); or*
  - *fugitive (from wind erosion, leakages or spillages, associated with loading or unloading, conveyors, storage facilities, plant and yard operation, vehicle movements (dust from road, exhausts, loss from load), land clearing and construction works).*
- Provide details of the project that are essential for predicting and assessing air impacts including:
  - a) the quantities and physio-chemical parameters (e.g. concentration, moisture content, bulk density, particle sizes etc) of materials to be used, transported, produced or stored;
  - b) an outline of procedures for handling, transport, production and storage; and
  - c) the management of solid, liquid and gaseous waste streams with potential to generate emissions to air.

### *Noise and vibration*

- Identify all noise sources or potential sources from the development (including both construction and operation phases). Detail all potentially noisy activities including ancillary activities such as transport of goods and raw materials.
- Specify the times of operation for all phases of the development and for all noise producing activities.

- For projects with a significant potential traffic noise impact provide details of road alignment (include gradients, road surface, topography, bridges, culverts etc), and land use along the proposed road and measurement locations – diagrams should be to a scale sufficient to delineate individual residential blocks.

### *Water*

- Provide details of the project that are essential for predicting and assessing impacts to waters including:
  - a) the quantity and physio-chemical properties of all potential water pollutants and the risks they pose to the environment and human health, including the risks they pose to Water Quality Objectives in the ambient waters (as defined on <http://www.environment.nsw.gov.au/ieo/index.htm>, using technical criteria derived from the *Australian and New Zealand Guidelines for Fresh and Marine Water Quality*, ANZECC 2000);
  - b) the management of discharges with potential for water impacts; and
  - c) drainage works and associated infrastructure; land-forming and excavations; working capacity of structures; and water resource requirements of the proposal.
- Outline site layout, demonstrating efforts to avoid proximity to water resources (especially for activities with significant potential impacts e.g. effluent ponds) and showing potential areas of modification of contours, drainage etc.
- Outline how total water cycle considerations are to be addressed showing total water balances for the development (with the objective of minimising demands and impacts on water resources). Include water requirements (quantity, quality and source(s)) and proposed storm and wastewater disposal, including type, volumes, proposed treatment and management methods and re-use options.

### *Waste and chemicals*

- Provide details of the quantity and type of both liquid waste and non-liquid waste generated, handled, processed or disposed of at the premises. Waste must be classified according to the EPA's *Waste Classification Guidelines 2014* (as amended from time to time).
- Provide details of liquid waste and non-liquid waste management at each facility, including:
  - a) the transportation, assessment and handling of waste arriving at or generated at the site;
  - b) any stockpiling of wastes or recovered materials at the site;
  - c) any waste processing related to the facilities, including reuse, recycling, reprocessing (including composting) or treatment both on- and off-site;
  - d) the method for disposing of all wastes or recovered materials at the facilities;
  - e) the emissions arising from the handling, storage, processing and reprocessing of waste at the facilities; and
  - f) the proposed controls for managing the environmental impacts of these activities.
- The mitigation measures proposed to be implemented to prevent and mitigate leaks and spills from the treatment plant and other project operations and activities.
  - Appropriate primary and secondary containment systems should be included as a part of the proposal.
  - Details of bunding, isolation, overflow prevention and other controls should be provided to demonstrate spill and leak related risks have been appropriately considered and addressed.
- Provide details of spoil disposal with particular attention to:
  - a) the quantity of spoil material likely to be generated;
  - b) proposed strategies for the handling, stockpiling, reuse/recycling and disposal of spoil;
  - c) the need to maximise reuse of spoil material in the construction industry;
  - d) identification of the history of spoil material and whether there is any likelihood of contaminated;
  - e) material, and if so, measures for the management of any contaminated material; and
  - f) designation of transportation routes for transport of spoil.

- Provide details of procedures for the assessment, handling, storage, transport and disposal of all hazardous and dangerous materials used, stored, processed or disposed of at the site, in addition to the requirements for liquid and non-liquid wastes.
- Provide details of the type and quantity of any chemical substances to be used or stored and describe arrangements for their safe use and storage.
- Reference should be made to the guidelines: EPA's *Waste Classification Guidelines 2014* (as amended from time to time).

### **ESD**

- Demonstrate that the planning process and any subsequent development incorporates objectives and mechanisms for achieving ESD, including:
  - a) an assessment of a range of options available for use of the resource, including the benefits of each option to future generations proper valuation and pricing of environmental resources
  - b) identification of who will bear the environmental costs of the proposal.

### **3. Rehabilitation**

- Outline considerations of site maintenance, and proposed plans for the final condition of the site (ensuring its suitability for future uses).

### **4. Consideration of alternatives and justification for the proposal**

- Consider the environmental consequences of adopting alternatives, including alternative:
  - a) sites and site layouts;
  - b) access modes and routes;
  - c) materials handling and production processes;
  - d) waste and water management;
  - e) impact mitigation measures; and
  - f) energy sources.
- Selection of the preferred option should be justified in terms of:
  - a) ability to satisfy the objectives of the proposal;
  - b) relative environmental and other costs of each alternative;
  - c) acceptability of environmental impacts and contribution to identified environmental objectives;
  - d) acceptability of any environmental risks or uncertainties;
  - e) reliability of proposed environmental impact mitigation measures; and
  - f) efficient use (including maximising re-use) of land, raw materials, energy and other resources.

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## **C The location**

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### **1. General**

- Provide an overview of the affected environment to place the proposal in its local and regional environmental context including:
  - a) meteorological data (e.g. rainfall, temperature and evaporation, wind speed and direction);
  - b) topography (landform element, slope type, gradient and length);
  - c) surrounding land uses (potential synergies and conflicts);
  - d) geomorphology (rates of landform change and current erosion and deposition processes);
  - e) soil types and properties (including erodibility; engineering and structural properties; dispersibility; permeability; presence of acid sulfate soils and potential acid sulfate soils);
  - f) ecological information (water system habitat, vegetation, fauna); and
  - g) availability of services and the accessibility of the site for passenger and freight transport.

## 2. Air

- Describe the topography and surrounding land uses. Provide details of the exact locations of dwellings, schools and hospitals. Where appropriate provide a perspective view of the study area such as the terrain file used in dispersion models.
- Describe surrounding buildings that may effect plume dispersion.
- Provide and analyse site representative data on following meteorological parameters:
  - a) temperature and humidity;
  - b) rainfall, evaporation and cloud cover;
  - c) wind speed and direction;
  - d) atmospheric stability class;
  - e) mixing height (the height that emissions will be ultimately mixed in the atmosphere);
  - f) katabatic air drainage; and
  - g) air re-circulation.

## 3. Noise and vibration

- Identify any noise sensitive locations likely to be affected by activities at the site, such as residential properties, schools, churches, and hospitals. Typically, the location of any noise sensitive locations in relation to the site should be included on a map of the locality.
- Identify the land use zoning of the site and the immediate vicinity and the potentially affected areas.

## 4. Water

- Describe the catchment including proximity of the development to any waterways and provide an assessment of their sensitivity/significance from a public health, ecological and/or economic perspective. The Water Quality and River Flow Objectives on the website: <http://www.environment.nsw.gov.au/ieo/index.htm> should be used to identify the agreed environmental values and human uses for any affected waterways. This will help with the description of the local and regional area.

## 5. Soil Contamination Issues

- Provide details of site history – if earthworks are proposed, this needs to be considered with regard to possible soil contamination, for example if the site was previously a landfill site or if irrigation of effluent has occurred.

## D Identification and prioritisation of issues / scoping of impact assessment

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- Provide an overview of the methodology used to identify and prioritise issues. The methodology should take into account:
  - a) relevant NSW government guidelines;
  - b) industry guidelines;
  - c) EISs for similar projects;
  - d) relevant research and reference material;
  - e) relevant preliminary studies or reports for the proposal; and
  - f) consultation with stakeholders.
- Provide a summary of the outcomes of the process including:
  - a) all issues identified including local and regional impacts (e.g. increased/ decreased greenhouse emissions);
  - b) key issues which will require a full analysis (including comprehensive baseline assessment);
  - c) issues not needing full analysis though they may be addressed in the mitigation strategy; and

- d) justification for the level of analysis proposed (the capacity of the proposal to give rise to high concentrations of pollution compared with the ambient environment or environmental outcomes is an important factor in setting the level of assessment).

## **E The environmental issues**

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### **1. General**

- The potential impacts identified in the scoping study need to be assessed to determine their significance, particularly in terms of achieving environmental outcomes, and minimising environmental pollution.
- Identify gaps in information and data relevant to significant impacts of the proposal and any actions.
- proposed to fill those information gaps so as to enable development of appropriate management and mitigation measures. This is in accordance with ESD requirements.

*Note: The level of detail should match the level of importance of the issue in decision making which is dependent on the environmental risk.*

#### *Describe baseline conditions*

- Provide a description of existing environmental conditions for any potential impacts.

#### *Assess impacts*

- For any potential impacts relevant for the assessment of the proposal provide a detailed analysis of the impacts of the proposal on the environment including the cumulative impact of the proposal on the receiving environment especially where there are sensitive receivers.
- Describe the methodology used and assumptions made in undertaking this analysis (including any modelling or monitoring undertaken) and indicate the level of confidence in the predicted outcomes and the resilience of the environment to cope with the predicted impacts.
- The analysis should also make linkages between different areas of assessment where necessary to enable a full assessment of environmental impacts e.g. assessment of impacts on air quality will often need to draw on the analysis of traffic, health, social, soil and/or ecological systems impacts; etc.
- The assessment needs to consider impacts at all phases of the project cycle including: exploration (if relevant or significant), construction, routine operation, start-up operations, upset operations and decommissioning if relevant.
- The level of assessment should be commensurate with the risk to the environment.

#### *Describe management and mitigation measures*

- Describe any mitigation measures and management options proposed to prevent, control, abate or mitigate identified environmental impacts associated with the proposal and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
- Proponents are expected to implement a 'reasonable level of performance' to minimise environmental impacts. The proponent must indicate how the proposal meets reasonable levels of performance. For example, reference technology-based criteria if available, or identify good practice for this type of activity or development. A 'reasonable level of performance' involves adopting and implementing technology and management practices to achieve certain pollutant emissions levels in economically viable operations. Technology-based criteria evolve gradually over time as technologies and practices change.

- Use environmental impacts as key criteria in selecting between alternative sites, designs and technologies, and to avoid options having the highest environmental impacts.
- Outline any proposed approach (such as an Environmental Management Plan) that will demonstrate how commitments made in the EIS will be implemented. Areas that should be described include:
  - a) operational procedures to manage environmental impacts;
  - b) monitoring procedures;
  - c) training programs;
  - d) community consultation;
  - e) complaint mechanisms including site contacts;
  - f) strategies to use monitoring information to improve performance; and
  - g) strategies to achieve acceptable environmental impacts and to respond in event of exceedances.

## 2. Air

### *Describe baseline conditions*

- Provide a description of existing air quality and meteorology, using existing information and site representative ambient monitoring data. This description should include the following parameters.

### *Assess impacts*

- Identify all pollutants of concern and estimate emissions by quantity (and size for particles), source and discharge points.
- Estimate the resulting ground level concentrations of all pollutants. Where necessary (e.g. potentially significant impacts and complex terrain effects), use an appropriate dispersion model to estimate ambient pollutant concentrations. Discuss choice of model and parameters with the EPA.
- Describe the effects and significance of pollutant concentration on the environment, human health, amenity and regional ambient air quality standards or goals.
- Describe the contribution that the development will make to regional and global pollution, particularly in sensitive locations.
- For potentially odorous emissions provide the emission rates in terms of odour units (determined by techniques compatible with EPA procedures). Use sampling and analysis techniques for individual or complex odours and for point or diffuse sources, as appropriate.

*Note: With dust and odour, it may be possible to use data from existing similar activities to generate emission rates.*

### *Describe management and mitigation measures*

- Outline specifications of pollution control equipment (including manufacturer's performance guarantees where available) and management protocols for both point and fugitive emissions. Where possible, this should include cleaner production processes.

## 3. Human Health Risk Assessment

- A human health risk assessment must be undertaken in conjunction with the air quality and odour impact assessment.
- The human health risk assessment must be undertaken in accordance with *Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards* (enHealth) and must include:
  - a) the inhalation of criteria pollutants and exposure from all pathways i.e., inhalation, ingestion and dermal to specific air toxics;

- b) a demonstration of how the waste to energy facility would be operated in accordance with best practice measures to manage air emissions with consideration of the *Environment Protection Authority's NSW Energy from Waste Policy Statement*.

#### 4. Noise and vibration

##### *Describe baseline conditions*

- Determine the existing background (LA90) and ambient (LAeq) noise levels, as relevant, in accordance with the NSW Noise Policy for Industry.
- Determine the existing road traffic noise levels in accordance with the NSW Road Noise Policy, where road traffic noise impacts may occur.
- The noise impact assessment report should provide details of all monitoring of existing ambient noise levels including:
  - a) details of equipment used for the measurements;
  - b) a brief description of where the equipment was positioned;
  - c) a statement justifying the choice of monitoring site(s), including the procedure used to choose the site(s), having regards to Fact Sheets A and B of the NSW Noise Policy for Industry;
  - d) details of the exact location of the monitoring site and a description of land uses in surrounding areas;
  - e) a description of the dominant and background noise sources at the site;
  - f) day, evening and night assessment background levels for each day of the monitoring period;
  - g) the final Rating Background Level (RBL) value;
  - h) graphs of the measured noise levels for each day should be provided; and
  - i) a record of periods of affected data (due to adverse weather and extraneous noise), methods used to exclude invalid data and a statement indicating the need for any re-monitoring.

##### *Assess impacts*

- Determine the project noise trigger levels for the site. For each identified potentially affected receiver, this should include:
  - a) determination of the project intrusive noise level for each identified potentially affected receiver;
  - b) selection and justification of the appropriate amenity category for each identified potentially affected receiver;
  - c) determination of the project amenity noise level for each receiver; and
  - d) determination of the appropriate maximum noise level event assessment (sleep disturbance) trigger level.
- Maximum noise levels during night-time period (10pm-7am) should be assessed to analyse possible affects on sleep. Determine expected noise level and noise character likely to be generated from noise sources during:
  - a) site establishment;
  - b) construction;
  - c) operational phases;
  - d) transport including traffic noise generated by the proposal; and
  - e) other services.

*Note: The noise impact assessment report should include noise source data for each source in 1/1 or 1/3 octave band frequencies including methods for references used to determine noise source/levels. Noise source levels and characteristics can be sourced from direct measurement of similar activities or from literature (if full references are provided).*

- Determine the noise levels likely to be received at the reasonably most affected location(s) (these may vary for different activities at each phase of the development).
- The noise impact assessment report should include:
  - a) a plan showing the assumed location of each noise source for each prediction scenario;

- b) a list of the number and type of noise sources used in each prediction scenario to simulate all potential significant operating conditions on the site;
  - c) any assumptions made in the predictions in terms of source heights, directivity effects, shielding from topography, buildings or barriers, etc;
  - d) methods used to predict noise impacts including identification of any noise models used;
  - e) the weather conditions considered for the noise predictions;
  - f) the predicted noise impacts from each noise source as well as the combined noise level for each prediction scenario;
  - g) for developments where a significant level of noise impact is likely to occur, noise contours for the key prediction scenarios should be derived; and
  - h) an assessment of the need to include modification factors as detailed in Fact Sheet C of the *NSW Noise Policy for Industry*.
- Discuss the findings from the predictive modelling and, where relevant noise criteria have not been met, recommend additional feasible and reasonable mitigation measures.
  - The noise impact assessment report should include details of any mitigation proposed including the attenuation that will be achieved and the revised noise impact predictions following mitigation.
  - Where relevant noise/vibration levels cannot be met after application of all feasible and reasonable mitigation measures the residual level of noise impact needs to be quantified.
  - For the assessment of existing and future traffic noise, details of data for the road should be included such as assumed traffic volume; percentage heavy vehicles by time of day; and details of the calculation process. These details should be consistent with any traffic study carried out in the EIS.
  - Where blasting is intended an assessment in accordance with the Technical Basis for Guidelines to Minimise Annoyance due to Blasting Overpressure and Ground Vibration (ANZECC, 1990) should be undertaken. The following details of the blast design should be included in the noise assessment:
    - a) bench height, burden spacing, spacing burden ratio;
    - b) blast hole diameter, inclination and spacing; and
    - c) type of explosive, maximum instantaneous charge, initiation, blast block size, blast frequency.

### *Describe management and mitigation measures*

- Determine the most appropriate noise mitigation measures and expected noise reduction including both noise controls and management of impacts for both construction and operational noise. This will include selecting quiet equipment and construction methods, noise barriers or acoustic screens, location of stockpiles, temporary offices, compounds and vehicle routes, scheduling of activities, etc.
- For traffic noise impacts, provide a description of the ameliorative measures considered (if required), reasons for inclusion or exclusion, and procedures for calculation of noise levels including ameliorative measures. Also include, where necessary, a discussion of any potential problems associated with the proposed ameliorative measures, such as overshadowing effects from barriers. Appropriate ameliorative measures may include:
  - a) use of alternative transportation modes, alternative routes, or other methods of avoiding the new road usage;
  - b) control of traffic (eg: limiting times of access or speed limitations);
  - c) resurfacing of the road using a quiet surface;
  - d) use of (additional) noise barriers or bunds;
  - e) treatment of the façade to reduce internal noise levels buildings where the night-time criteria is a major concern;
  - f) more stringent limits for noise emission from vehicles (i.e. using specially designed 'quite' trucks and/or trucks to use air bag suspension);
  - g) driver education;
  - h) appropriate truck routes;
  - i) limit usage of exhaust brakes;

- j) use of premium muffles on trucks;
- k) reducing speed limits for trucks;
- l) ongoing community liaison and monitoring of complaints; and
- m) phasing in the increased road use.

## 5. Water

### *Describe baseline conditions*

- Describe existing surface and groundwater quality – an assessment needs to be undertaken for any water resource likely to be affected by the proposal and for all conditions (e.g. a wet weather sampling program is needed if runoff events may cause impacts).  
*Note: Methods of sampling and analysis need to conform with an accepted standard (e.g. Approved Methods for the Sampling and Analysis of Water Pollutants in NSW (DEC 2004) or be approved and analyses undertaken by accredited laboratories).*
- Provide site drainage details and surface runoff yield.
- State the ambient Water Quality and River Flow Objectives for the receiving waters. These refer to the community's agreed environmental values and human uses endorsed by the Government as goals for the ambient waters. These environmental values are published on the website: <http://www.environment.nsw.gov.au/ieo/index.htm>. The EIS should state the environmental values listed for the catchment and waterway type relevant to your proposal. NB: A consolidated and approved list of environmental values are not available for groundwater resources. Where groundwater may be affected the EIS should identify appropriate groundwater environmental values and justify the choice.
- State the indicators and associated trigger values or criteria for the identified environmental values. This information should be sourced from the ANZECC 2000 *Guidelines for Fresh and Marine Water Quality* (<http://www.environment.gov.au/water/publications/quality/nwgms-guidelines-4-vol1.html>) (Note that, as at 2004, the NSW Water Quality Objectives booklets and website contain technical criteria derived from the 1992 version of the ANZECC Guidelines. The Water Quality Objectives remain as Government Policy, reflecting the community's environmental values and long-term goals, but the technical criteria are replaced by the more recent ANZECC 2000 Guidelines). NB: While specific guidelines for groundwater are not available, the ANZECC 2000 Guidelines endorse the application of the trigger values and decision trees as a tool to assess risk to environmental values in groundwater.
- State any locally specific objectives, criteria or targets, which have been endorsed by the government e.g. *the Healthy Rivers Commission Inquiries or the NSW Salinity Strategy* (DLWC, 2000) (<http://www.environment.nsw.gov.au/salinity/government/nswstrategy.htm> ).
- Where site specific studies are proposed to revise the trigger values supporting the ambient Water Quality and River Flow Objectives, and the results are to be used for regulatory purposes (e.g. to assess whether a licensed discharge impacts on water quality objectives), then prior agreement from the EPA on the approach and study design must be obtained.
- Describe the state of the receiving waters and relate this to the relevant Water Quality and River Flow Objectives (i.e. are Water Quality and River Flow Objectives being achieved?). Proponents are generally only expected to source available data and information. However, proponents of large or high-risk developments may be required to collect some ambient water quality / river flow / groundwater data to enable a suitable level of impact assessment. Issues to include in the description of the receiving waters could include:
  - a) lake or estuary flushing characteristics;
  - b) specific human uses (e.g. exact location of drinking water offtake);
  - c) sensitive ecosystems or species conservation values;
  - d) a description of the condition of the local catchment e.g. erosion levels, soils, vegetation cover, etc;

- e) an outline of baseline groundwater information, including, but not restricted to, depth to water table, flow direction and gradient, groundwater quality, reliance on groundwater by surrounding users and by the environment; and
- f) historic river flow data where available for the catchment.

### *Assess impacts*

- No proposal should breach clause 120 of the *Protection of the Environment Operations Act 1997* (i.e. pollution of waters is prohibited unless undertaken in accordance with relevant regulations).
- Identify and estimate the quantity of all pollutants that may be introduced into the water cycle by source and discharge point including residual discharges after mitigation measures are implemented.
- Include a rationale, along with relevant calculations, supporting the prediction of the discharges.
- Describe the effects and significance of any pollutant loads on the receiving environment. This should include impacts of residual discharges through modelling, monitoring or both, depending on the scale of the proposal. Determine changes to hydrology (including drainage patterns, surface runoff yield, flow regimes, wetland hydrologic regimes and groundwater).
- Describe water quality impacts resulting from changes to hydrologic flow regimes (such as nutrient enrichment or turbidity resulting from changes in frequency and magnitude of stream flow).
- Identify any potential impacts on quality or quantity of groundwater describing their source.
- Identify potential impacts associated with geomorphological activities with potential to increase surface water and sediment runoff or to reduce surface runoff and sediment transport. Also consider possible impacts such as bed lowering, bank lowering, instream siltation, floodplain erosion and floodplain siltation.
- Identify impacts associated with the disturbance of acid sulfate soils and potential acid sulfate soils.
- Containment of spills and leaks shall be in accordance with EPA's guidelines section 'Bundling and Spill Management' at <http://www.epa.nsw.gov.au/mao/bundingspill.htm> and the most recent versions of the Australian Standards referred to in the Guidelines. Containment should be designed for no-discharge.
- The significance of the impacts listed above should be predicted. When doing this it is important to predict the ambient water quality and river flow outcomes associated with the proposal and to demonstrate whether these are acceptable in terms of achieving protection of the Water Quality and River Flow Objectives. In particular the following questions should be answered:
  - a) will the proposal protect Water Quality and River Flow Objectives where they are currently achieved in the ambient waters; and
  - b) will the proposal contribute towards the achievement of Water Quality and River Flow Objectives over time, where they are not currently achieved in the ambient waters.
- Consult with the EPA as soon as possible if a mixing zone is proposed (a mixing zone could exist where effluent is discharged into a receiving water body, where the quality of the water being discharged does not immediately meet water quality objectives. The mixing zone could result in dilution, assimilation and decay of the effluent to allow water quality objectives to be met further downstream, at the edge of the mixing zone). The EPA will advise the proponent under what conditions a mixing zone will and will not be acceptable, as well as the information and modelling requirements for assessment.
 

*Note: The assessment of water quality impacts needs to be undertaken in a total catchment management context to provide a wide perspective on development impacts, in particular cumulative impacts.*
- Where a licensed discharge is proposed, provide the rationale as to why it cannot be avoided through application of a reasonable level of performance, using available technology, management practice and industry guidelines.
- Where a licensed discharge is proposed, provide the rationale as to why it represents the best environmental outcome and what measures can be taken to reduce its environmental impact.

- Reference should be made to e.g. *Managing Urban Stormwater: Soils and Construction* (Landcom, 2004), *Guidelines for Fresh and Marine Water Quality* (ANZECC 2000), *Environmental Guidelines: Use of effluent by Irrigation* (DEC, 2004).

### *Describe management and mitigation measures*

- Outline stormwater management to control pollutants at the source and contain them within the site. Also describe measures for maintaining and monitoring any stormwater controls.
- Outline erosion and sediment control measures directed at minimising disturbance of land, minimising water flow through the site and filtering, trapping or detaining sediment. Also include measures to maintain and monitor controls as well as rehabilitation strategies.
- Describe waste water treatment measures that are appropriate to the type and volume of waste water and are based on a hierarchy of avoiding generation of waste water; capturing all contaminated water (including stormwater) on the site; reusing/recycling waste water; and treating any unavoidable discharge from the site to meet specified water quality requirements.
- Outline pollution control measures relating to storage of materials, possibility of accidental spills (e.g. preparation of contingency plans), appropriate disposal methods, and generation of leachate.
- Describe hydrological impact mitigation measures including:
  - a) site selection (avoiding sites prone to flooding and waterlogging, actively eroding or affected by deposition);
  - b) minimising runoff;
  - c) minimising reductions or modifications to flow regimes; and
  - d) avoiding modifications to groundwater.
- Describe groundwater impact mitigation measures including:
  - a) site selection
  - b) retention of native vegetation and revegetation
  - c) artificial recharge
  - d) providing surface storages with impervious linings
  - e) monitoring program.
- Describe geomorphological impact mitigation measures including:
  - a) site selection
  - b) erosion and sediment controls
  - c) minimising instream works
  - d) treating existing accelerated erosion and deposition
  - e) monitoring program.
- Any proposed monitoring should be undertaken in accordance with the *Approved Methods for the Sampling and Analysis of Water Pollutants in NSW* (DEC 2004).

## **6. Soils and contamination**

### *Describe baseline conditions*

- Provide any details (in addition to those provided in the location description - Section C) that are needed to describe the existing situation in terms of soil types and properties and soil contamination.

### *Assess impacts*

- Identify any likely impacts resulting from the construction or operation of the proposal, including the likelihood of:
  - a) disturbing any existing contaminated soil;
  - b) contamination of soil by operation of the activity;
  - c) subsidence or instability;

- d) soil erosion; and
- e) disturbing acid sulfate or potential acid sulfate soils.
- Reference should be made to *Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites* (OEH, 2011); *Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997* (EPA, 2015).

#### *Describe management and mitigation measures*

- Describe and assess the effectiveness or adequacy of any soil management and mitigation measures during construction and operation of the proposal including:
  - a) erosion and sediment control measures;
  - b) proposals for site remediation – see *Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land* (Department of Urban Affairs and Planning and Environment Protection Authority, 1998); and
  - c) proposals for the management of these soils – see *Acid Sulfate Soil Manual* (Acid Sulfate Soil Advisory Committee 1998) and *Acid Sulfate Soils Assessment Guidelines* (Acid Sulfate Soil Advisory Committee 1998).

## **7. Waste and chemicals**

#### *Describe baseline conditions*

- Describe any existing waste or chemicals operations related to the proposal.

#### *Assess impacts*

- Assess the adequacy of proposed measures to minimise natural resource consumption and minimise impacts from the handling, transporting, storage, processing and reprocessing of waste and/or chemicals.
- Reference should be made to the EPA's *Waste Classification Guidelines 2014* (as in force from time to time)
- If the proposal is an energy from waste facility it must:
  - demonstrate that the proposed operation will comply with the NSW EPA's Energy from Waste Policy Statement;
  - describe of the classes and quantities of waste that would be thermally treated at the facility;
  - demonstrate that waste used as a feedstock in the waste to energy plant would be the residual from a resource recovery process that maximises the recovery of material;
  - detail procedures that would be implemented to control the inputs to the waste to energy plant,
  - including contingency measures that would be implemented if inappropriate materials are identified;
  - detail the location and size of stockpiles of unprocessed and processed recycled waste at the site;
  - demonstrate any waste material (e.g. biochar, ash) produced from the waste to energy facility for land application is fit-for-purpose and poses minimal risk of harm to the environment in order to meet the requirements for consideration of a resource recovery order and/or exemption by the EPA;
  - detail procedures for the management of other solid, liquid and gaseous waste streams;
  - describe how waste would be treated, stored, used, disposed and handled on site, and transported to and from the site, and the potential impacts associated with these issues, including current and future offsite waste disposal methods; and
  - identify the measures that would be implemented to ensure that the development is consistent with the aims, objectives and guidance in the *NSW Waste Avoidance and Resource Recovery Strategy 2014-21*.

### *Describe management and mitigation measures*

- Outline measures to minimise the consumption of natural resources.
- Outline measures to avoid the generation of waste and promote the re-use and recycling and reprocessing of any waste.
- Outline measures to support any approved regional or industry waste plans.

## **8. Cumulative impacts**

- Identify the extent that the receiving environment is already stressed by existing development and background levels of emissions to which this proposal will contribute.
- Assess the impact of the proposal against the long-term air, noise and water quality objectives for the area or region.
- Identify infrastructure requirements flowing from the proposal (e.g. water and sewerage services, transport infrastructure upgrades).
- Assess likely impacts from such additional infrastructure and measures reasonably available to the proponent to contain such requirements or mitigate their impacts (e.g. travel demand management strategies).

## **F List of approvals and licences**

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- Identify all approvals and licences required under environment protection legislation including details of all scheduled activities, types of ancillary activities and types of discharges (to air, land, water)

## **G Compilation of mitigation measures**

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- Outline how the proposal and its environmental protection measures would be implemented and managed in an integrated manner so as to demonstrate that the proposal is capable of complying with statutory obligations under EPA licences or approvals (e.g. outline of an environmental management plan).
- The mitigation strategy should include the environmental management and cleaner production principles which would be followed when planning, designing, establishing and operating the proposal. It should include two sections, one setting out the program for managing the proposal and the other outlining the monitoring program with a feedback loop to the management

## **H Justification for the Proposal**

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- Reasons should be included which justify undertaking the proposal in the manner proposed, having regard to the potential environmental impacts.

# ATTACHMENT B: GUIDANCE MATERIAL

Title	Web address
<b>Relevant Legislation</b>	
<i>Contaminated Land Management Act 1997</i>	<a href="http://www.legislation.nsw.gov.au/#/view/act/1997/140">http://www.legislation.nsw.gov.au/#/view/act/1997/140</a>
<i>Environmentally Hazardous Chemicals Act 1985</i>	<a href="http://www.legislation.nsw.gov.au/#/view/act/1985/14">http://www.legislation.nsw.gov.au/#/view/act/1985/14</a>
<i>Environmental Planning and Assessment Act 1979</i>	<a href="http://www.legislation.nsw.gov.au/#/view/act/1979/203">http://www.legislation.nsw.gov.au/#/view/act/1979/203</a>
<i>Protection of the Environment Operations Act 1997</i>	<a href="http://www.legislation.nsw.gov.au/#/view/act/1997/156">http://www.legislation.nsw.gov.au/#/view/act/1997/156</a>
<i>Water Management Act 2000</i>	<a href="http://www.legislation.nsw.gov.au/#/view/act/2000/92">http://www.legislation.nsw.gov.au/#/view/act/2000/92</a>
<i>Protection of the Environment Operations (General) Regulation 2021</i>	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0486">https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0486</a>
<b>Licensing</b>	
Guide to Licensing	<a href="http://www.epa.nsw.gov.au/licensing/licenceguide.htm">www.epa.nsw.gov.au/licensing/licenceguide.htm</a>
<b>Air Issues</b>	
<b>Air Quality</b>	
Approved methods for modelling and assessment of air pollutants in NSW (2016)	<a href="http://www.epa.nsw.gov.au/air/appmethods.htm">http://www.epa.nsw.gov.au/air/appmethods.htm</a> <a href="http://www.epa.nsw.gov.au/resources/air/ammodelling05361.pdf">http://www.epa.nsw.gov.au/resources/air/ammodelling05361.pdf</a>
Protection of the Environment Operations (Clean Air) Regulation 2021	<a href="https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0485">https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0485</a>
<b>Noise and Vibration</b>	
NSW Noise Policy for Industry	<a href="http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)">http://www.epa.nsw.gov.au/your-environment/noise/industrial-noise/noise-policy-for-industry-(2017)</a>
Interim Construction Noise Guideline (DECC, 2009)	<a href="http://www.epa.nsw.gov.au/noise/constructnoise.htm">http://www.epa.nsw.gov.au/noise/constructnoise.htm</a>
Assessing Vibration: a technical guideline (DEC, 2006)	<a href="http://www.epa.nsw.gov.au/noise/vibrationguide.htm">http://www.epa.nsw.gov.au/noise/vibrationguide.htm</a>
NSW Road Noise Policy (DECCW, 2011)	<a href="http://www.epa.nsw.gov.au/your-environment/noise/transport-noise">http://www.epa.nsw.gov.au/your-environment/noise/transport-noise</a>
NSW Rail Infrastructure Noise Guideline (EPA, 2013)	<a href="http://www.epa.nsw.gov.au/your-environment/noise/transport-noise">http://www.epa.nsw.gov.au/your-environment/noise/transport-noise</a>
<b>Human Health Risk Assessment</b>	
Environmental Health Risk Assessment: Guidelines for assessing human health risks from environmental hazards (enHealth, 2012)	<a href="http://www.eh.org.au/documents/item/916">http://www.eh.org.au/documents/item/916</a>
<b>Waste, Chemicals and Hazardous Materials and Radiation</b>	

<b>Waste</b>	<a href="http://www.epa.nsw.gov.au/wastestrategy/warr.htm">http://www.epa.nsw.gov.au/wastestrategy/warr.htm</a>
Environmental Guidelines: Solid Waste Landfills (EPA, 2016)	<a href="http://www.epa.nsw.gov.au/waste/landfill-sites.htm">http://www.epa.nsw.gov.au/waste/landfill-sites.htm</a>
Draft Environmental Guidelines - Industrial Waste Landfilling (April 1998)	<a href="http://www.epa.nsw.gov.au/resources/waste/envguidlns/industrialfill.pdf">http://www.epa.nsw.gov.au/resources/waste/envguidlns/industrialfill.pdf</a>
EPA's Waste Classification Guidelines 2014	<a href="http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm">http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm</a>
Resource recovery orders and exemptions	<a href="http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm">http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm</a>
European Unions Waste Incineration Directive 2000	<a href="http://ec.europa.eu/environment/archives/air/stationary/wid/legislation.htm">http://ec.europa.eu/environment/archives/air/stationary/wid/legislation.htm</a>
EPA's Energy from Waste Policy Statement	<a href="http://www.epa.nsw.gov.au/wastestrategy/energy-from-waste.htm">http://www.epa.nsw.gov.au/wastestrategy/energy-from-waste.htm</a>
NSW Waste Avoidance and Resource Recovery Strategy 2014-2021	<a href="http://www.epa.nsw.gov.au/wastestrategy/warr.htm">http://www.epa.nsw.gov.au/wastestrategy/warr.htm</a>
<b>Chemicals subject to Chemical Control Orders</b>	
Chemical Control Orders (regulated through the EHC Act )	<a href="http://www.epa.nsw.gov.au/pesticides/CCOs.htm">http://www.epa.nsw.gov.au/pesticides/CCOs.htm</a>
National Protocol - Approval/Licensing of Trials of Technologies for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
National Protocol for Approval/Licensing of Commercial Scale Facilities for the Treatment/Disposal of Schedule X Wastes - July 1994	Available in libraries
<b>Water and Soils</b>	
<b>Acid sulphate soils</b>	
Coastal acid sulfate soils guidance material	<a href="http://www.environment.nsw.gov.au/acidsulfatesoil/">http://www.environment.nsw.gov.au/acidsulfatesoil/</a> and <a href="http://www.epa.nsw.gov.au/mao/acidsulfatesoils.htm">http://www.epa.nsw.gov.au/mao/acidsulfatesoils.htm</a>
Acid Sulfate Soils Planning Maps	<a href="http://www.environment.nsw.gov.au/acidsulfatesoil/riskmaps.htm">http://www.environment.nsw.gov.au/acidsulfatesoil/riskmaps.htm</a>
<b>Contaminated Sites Assessment and Remediation</b>	
Managing land contamination: Planning Guidelines – SEPP 55 Remediation of Land	<a href="http://www.epa.nsw.gov.au/clm/planning.htm">http://www.epa.nsw.gov.au/clm/planning.htm</a>
Guidelines for Consultants Reporting on Contaminated Sites (EPA, 2000)	<a href="http://www.epa.nsw.gov.au/resources/clm/20110650consultantsguidelines.pdf">http://www.epa.nsw.gov.au/resources/clm/20110650consultantsguidelines.pdf</a>
Guidelines for the NSW Site Auditor Scheme – 3rd edition (DEC, 2017)	<a href="https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/contaminated-land/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition.pdf?la=en&amp;hash=02150C2CED01AD20373CD82F48B8E4141E99E554">https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/contaminated-land/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition.pdf?la=en&amp;hash=02150C2CED01AD20373CD82F48B8E4141E99E554</a>
Sampling Design Guidelines (EPA, 1995)	<a href="http://www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf">http://www.epa.nsw.gov.au/resources/clm/95059samppgdline.pdf</a>
National Environment Protection (Assessment of Site Contamination) Measure 1999 (or update)	<a href="http://www.scew.gov.au/nepms/assessment-site-contamination">http://www.scew.gov.au/nepms/assessment-site-contamination</a>
<b>Soils – general</b>	

Managing land and soil	<a href="http://www.environment.nsw.gov.au/soils/landandsoil.htm">http://www.environment.nsw.gov.au/soils/landandsoil.htm</a>
Managing urban stormwater for the protection of soils	<a href="http://www.environment.nsw.gov.au/stormwater/publications.htm">http://www.environment.nsw.gov.au/stormwater/publications.htm</a>
Landslide risk management guidelines	<a href="http://australiangeomechanics.org/admin/wp-content/uploads/2010/11/LRM2000-Concepts.pdf">http://australiangeomechanics.org/admin/wp-content/uploads/2010/11/LRM2000-Concepts.pdf</a> <a href="http://www.australiangeomechanics.org/resources/downloads/">http://www.australiangeomechanics.org/resources/downloads/</a>
Site Investigations for Urban Salinity (DLWC, 2002)	<a href="http://www.environment.nsw.gov.au/resources/salinity/booklet3siteinvestigationsforurbansalinity.pdf">http://www.environment.nsw.gov.au/resources/salinity/booklet3siteinvestigationsforurbansalinity.pdf</a>
Local Government Salinity Initiative Booklets	<a href="http://www.environment.nsw.gov.au/salinity/solutions/urban.htm">http://www.environment.nsw.gov.au/salinity/solutions/urban.htm</a>
<b>Water</b>	
Water Quality Objectives	<a href="http://www.environment.nsw.gov.au/ieo/index.htm">http://www.environment.nsw.gov.au/ieo/index.htm</a>
ANZECC (2000) Guidelines for Fresh and Marine Water Quality	<a href="http://www.environment.gov.au/water/publications/quality/nwqms-guidelines-4-vol1.html">http://www.environment.gov.au/water/publications/quality/nwqms-guidelines-4-vol1.html</a>
Applying Goals for Ambient Water Quality Guidance for Operations Officers - Mixing Zones	Contact the EPA on 131555
Approved Methods for the Sampling and Analysis of Water Pollutant in NSW (2004)	<a href="http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf">http://www.environment.nsw.gov.au/resources/legislation/approvedmethods-water.pdf</a>

## HERITAGE NSW – Aboriginal Cultural Heritage - SEARs

### Project Name: Major Projects - New Request for Advice - Dexus Kemps Creek - 113-153 Aldington Road - (SSD-32722834) (Penrith)

1. The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the [Code of Practice for Archaeological Investigation in NSW](#) (DECCW 2010), and be guided by the [Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales](#) (OEH 2011).
2. Consultation with Aboriginal people must be undertaken and documented in accordance with the [Aboriginal Cultural Heritage Consultation Requirements for Proponents](#) (DECCW 2010). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.
3. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to Heritage NSW.
4. The assessment of Aboriginal cultural heritage values must include a surface survey undertaken by a qualified archaeologist. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented in the ACHAR.
5. The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the project to formulate appropriate measures to manage unforeseen impacts.
6. The ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material.

**NOTE: The process described in the *Due Diligence Code of Practice for the protection of Aboriginal objects in NSW* (DECCW 2010) is not sufficient to assess the impacts on Aboriginal cultural heritage of Major Projects.**



## NSW RURAL FIRE SERVICE

Dept. Of Planning - Urban  
Locked Bag 5022  
Parramatta NSW 2124

Your reference: SSD-32722834  
Our reference: DA20211203005303-SEARS-1

**ATTENTION:** David Schwebel

Date: Tuesday 14 December 2021

Dear Sir/Madam,

**State Significant Development - Industry  
Request for Secretary's Environmental Assessment Requirements  
113-153 Aldington Road Kemp's Creek NSW 2178, 34-36//DP258949**

Reference is made to correspondence dated 01/12/2021 seeking input regarding the preparation of Secretary's Environmental Assessment Requirements for the above State Significant Development in accordance with the *Environmental Planning and Assessment Act 1979*.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the information provided and advises that a bush fire assessment report shall be prepared which identifies the extent to which the proposed development conforms with or deviates from the relevant provisions of *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Simon Derevnin on 1300 NSW RFS.

Yours sincerely,

Adam Small  
**Supervisor Development Assessment & Plan  
Built & Natural Environment**

**Postal address**

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

**Street address**

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

**T** (02) 8741 5555  
**F** (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



Transport  
for NSW

16 December 2021

TfNSW Reference: SYD21/01515/01  
Departments Reference: SSD-32722834

Attention: David Schwebel  
Department of Planning, Industry and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr Schwebel

### **REQUEST FOR SEARS – DEXUS KEMPS CREEK - 113-153 ALDINGTON ROAD**

Reference is made to the Department's correspondence dated 30 November 2021, requesting Transport for NSW (TfNSW) to provide details of key issues and assessment requirements regarding the abovementioned development for inclusion in the Secretary's Environmental Assessment Requirements (SEARs).

TfNSW has reviewed the submitted scoping report and other supporting documentation and provides the following advice for consideration to the draft SEARs in **Attachment A – Key Issues**.

If you have any further questions, Ms Laura van Putten would be pleased to take your call on (02) 8849 2480 or please email [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au). I hope this has been of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Edmond Platon'.

**Edmond Platon**

A/ Senior Manager Land Use Assessment West & Central, Greater Sydney  
Transport for NSW

## Attachment A – Key Issues

### Transport and Accessibility

Provide a transport and accessibility impact assessment, which includes, but is not limited to the following:

1. Details of all traffic types and volumes likely to be generated by the proposed development during construction and operation, including a description of haul route origins and destinations, including:
  - a. Daily inbound and outbound vehicle traffic profile by time of day and day of week (if travel patterns differ across the week) broken down per vehicle types;
  - b. Site and traffic management plan which includes details of all traffic types and volumes likely to be generated by the proposed development during construction and operation and awaiting loading, unloading or servicing, including predicted haulage routes, including over size over mass vehicles, and consider any impacts to the state road network (i.e. where the haulage route meets the state road);
  - c. Details of the origin/destination of dangerous goods movements to/from the site (if any);
  - d. Detailed plan of proposed layout of internal road network to demonstrate that the site will be able to accommodate the most productive vehicle types and parking on site in accordance with the relevant Australian Standard and Council's Development Control Plan;
  - e. Demonstrate compliance with the Western Sydney Employment Area State Environmental Planning Policy, Part 6; clause 33C; Development within the Mamre Road Precinct; specifically:
    - i. Integration with the Mamre Road Precinct dedicated freight corridor (DFC), including provision for access from the DFC to the entire estate. The applicant should continue to liaise with TfNSW to ensure the DFC is incorporated;
  - f. Plans detailing how the proposed development connects to adjoining sites to facilitate their future development for their intended purposes;
  - g. Provide a swept path analysis in accordance with Austroads turning templates to demonstrate that the largest vehicle likely to utilise the access can enter and exit the driveway in a forward direction and manoeuvring throughout the site;
  - h. An assessment of the forecast impacts on traffic volume generated on road safety and capacity of road network including consideration of cumulative traffic impacts at key intersections using SIDRA or similar traffic model as prescribed by TfNSW. The traffic modelling should consider the scenarios of year 2026, 2031, 2036. These should include, but not be limited to:

- i. Mamre Road at Bakers Lane (Aldington Road); and
  - ii. Mamre Road at Abbotts Road
- i. The subject property is located south of the Southern Link Road Project. The investigations completed to date indicate that the proposed Southern Link Road alignment runs north of the subject property. Currently the Southern Link Road project is at early concept design stage.

As there is no funding for construction the 2036 year scenario should be modelled with the following options:

- i. With Southern link Road
  - ii. Without Southern Link Road
- j. To ensure that the above requirements are fully addressed, 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 using SIDRA or similar traffic model. 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 Mamre Road for the duration of the works because traffic growth in this area is expected to increase more quickly than standard growth rates;
- k. An assessment of potential impact on road pavement lifespan including:
  - i. Mamre Road.
- l. Details of road upgrades, infrastructure works, or new roads or access points required for the development;
- m. 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;
- n. Measures to integrate the development with the existing/future public transport network;
- o. Measures to ameliorate any adverse traffic and transport impacts due to the development based on the above analysis, including:
  - i. travel demand management programs to increase sustainable transport (such as a Green Travel Plan); and
- p. The preparation of a preliminary Construction Pedestrian and Traffic Management Plan (CPTMP) to demonstrate the proposed management of the impact in relation to construction traffic addressing the following:

- i. assessment of cumulative impacts associated with other construction activities (if any);
- ii. an assessment of road safety at key intersection and locations subject to heavy vehicle construction traffic movements and high pedestrian activity;
- iii. details of construction program detailing the anticipated construction duration and highlighting significant and milestone stages and events during the construction process;
- iv. details of anticipated peak hour and daily construction vehicle movements to and from the site;
- v. details of on-site car parking and access arrangements of construction vehicles, construction workers to and from the site, emergency vehicles and service vehicle;
- vi. details of temporary cycling and pedestrian access during construction.

## 2. Traffic Counts:

TfNSW requests that any counts undertaken are not within close proximity to the school holidays/long weekend.

Counts undertaken within close proximity to these events may not indicate normal traffic conditions. Ideally vehicle counts should be undertaken during a typical day, to include Thursday (or Wednesday) and Friday for the study (not near school/public holidays). This will provide the departments with an accurate understanding of the existing traffic conditions and the actual impact of this development application to the surrounding network.

Should the date of the counts be within a week either side of the above events, it will be recommended that new counts are undertaken at more appropriate dates and are to include a breakdown of light and heavy vehicles.

### **Flooding:**

The EIS shall:

- Provide a flood impact assessment to understand the potential impacts of the development on flood evacuation is to be carried out. To assess the impacts of the proposed development, information for pre and post-development scenarios including modelling of the local overland flows are to be provided to allow assessment of the impact of the development.

### **Statutory and Strategic Framework**

The applicant is to demonstrate that the proposal is generally consistent with all relevant environmental planning instruments including:

- State Environmental Planning Policy (Western Sydney Employment Area) 2009 Amendment
- State Environmental Planning Policy (Infrastructure) 2007
- Draft State Environmental Planning Policy (Western Sydney Aerotropolis)
- Mamre Road Precinct Structure Plan (DPIE, June 2020)
- Mamre Road Precinct Development Control Plan
- Draft Western Sydney Aerotropolis Plan

In addition (but not limited to) the following plans and reports:

- Mamre Road Upgrade Strategic Design Report (2016)
- Mamre Road Upgrade Strategic Design Plans
- Southern Link Road Strategic Design Plans
- Future Transport 2056 and supporting plans
- Guide to Traffic Generating Developments (Roads and Maritime Services, 2002).
- NSW Freight and Ports Plan 2018-2023
- Guidelines for Planning and Assessment of Road Freight Access in Industrial Areas.
- Cycling Aspects of Austroads Guides.
- NSW Planning Guidelines for Walking and Cycling (Department of Infrastructure, Planning and Natural Resources (DIPNR), 2004).
- Guide to Traffic Management Part 12: Integrated Transport Assessments for Developments (Austroads, 2020).
- Australian Standard 2890.3 Parking facilities, Part 3: Bicycle parking (AS 890.3).

### **Consultation**

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.

In particular you must consult with:

- Transport for NSW



14 December 2021

David Schwebel  
Industry Assessments  
Planning and Assessment  
Department of Planning, Industry and Environment  
4 Parramatta Square  
PARRAMATTA NSW 2150

Dear David,

**SSD 32722834– Request for SEARS – Concept Master Plan and Stage 1 Works for Industrial Estate – 113-153 Aldington Road, Kemps Creek**

We are writing in response to the referral of the above request for Secretary's Environmental Assessment Requirements. The proposal seeks a concept master plan and development approval for stage 1 works for an industrial estate. The proposal comprises 154,290m<sup>2</sup> of warehouse and 3,700m<sup>2</sup> of office gross floor area across five warehouse buildings, an internal road network, carparking, signed retaining walls, landscaped areas, a riparian area and onsite stormwater detention basin(s). The Scoping Report identifies that the buildings may be used for warehousing, distribution or manufacturing industries.

Overall, Western Sydney Airport (WSA) recognises that the development will generate employment and industrial facilities consistent with the strategic intent of the area. It is essential that any development on the site takes in account the construction and future operation of Western Sydney International (Nancy-Bird Walton) Airport (WSI). In particular, the development should not compromise the safe aviation operations of WSI. Specific matters for consideration in the preparation of the Environmental Impact Statement (EIS) are identified below:

**Stakeholder Engagement**

Section 6 of the report identifies that WSA has not been consulted during preliminary investigations. Engagement must occur with WSA during the development of the EIS.

**State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP)**

Clause 5(3) of the SEPP confirms that Part 3 Development-Controls – Airport Safeguards applies to land that surrounds the Land Application Map and land within the Western Sydney Aerotropolis, and therefore the Aerotropolis SEPP applies to the site.

An assessment is required against the Aerotropolis SEPP. Additionally, the EIS should also address the Western Sydney Aerotropolis Development Control Plan (Phase 1 and Draft Phase 2).



## Proposed Assessment of Impacts

Whilst the Scoping Report makes a brief reference to WSI, it does not identify the future operations of the airport in its assessment of potential impacts. In particular, the following matters should be addressed:

### 1. Wildlife Management

The site is located within the 8km wildlife buffer for WSI. Stormwater basins, riparian areas, landscaping and organic and putrescible materials have the potential to attract wildlife which could compromise safe aviation operations.

The Scoping Report and Concept Plan include conflicting information in relation to the number of stormwater basins to be provided across the site. The report also identifies that a detention pond will be managed as a partial wetland.

Stormwater basins have the potential to attract wildlife that could compromise aviation safety. The EIS must confirm how the design, management and landscaping of the stormwater basins will manage wildlife attraction.

It is also noted that landscaped areas have been identified in the concept master plan. Therefore, the EIS should include details on the landscape design and species selection that is appropriate to manage wildlife attraction, particularly in relation to the stormwater basins.

Noting the development is to be staged, details are to be included identifying how wildlife attraction will be managed on the undeveloped portion of the site. This is to include the anticipated timing of the remaining stages and management of these areas.

### 2. Airspace Operations

In accordance with Clause 24 of the Aerotropolis SEPP, consent must not be provided for any development, including construction activities associated with that development, that extends into the Obstacle Limitation Surface (OLS) for WSI, unless the consent of WSI has been provided.

No details have been provided for the height of any buildings, structures, or construction activities (e.g. cranes), nor potential emissions from the development (noting that the proposed building may be used for manufacturing purposes).

The EIS should include detailed plans of the proposed buildings and structures which identify the maximum height of any buildings and structures, including construction activities such as cranes. This EIS should also detail emissions/plumes that may occur as a result of the proposed development.

If any intrusions into the prescribed airspace are likely to occur, an Aviation Impact Assessment will be required and approval will need to be obtained in accordance with the *Airports Act 1996* and the *Airports (Protection of Airspace) Regulations 1996*.



3. Waste Management

It is noted that the Scoping Report states that the EIS will provide detailed waste management measures during the preparation, construction and operation phases. This should include details on the external storage, handling and waste management of organic and putrescible material (which has the potential to attract wildlife).

We thank you for the opportunity to review the request for SEARs and provide comments. If you have any questions on the above issues, please do not hesitate to contact Deanne Frankel at [dfrankel@wsaco.com.au](mailto:dfrankel@wsaco.com.au).

Yours Sincerely,

A handwritten signature in blue ink that reads "K. Osborne". The signature is fluid and cursive, with a long horizontal stroke at the end.

**Kirk Osborne**  
Executive Manager, Land Use Planning and Approvals

20 December 2021

**David Schwebel**

Planning Officer

Industry Assessments

Department of Planning, Industry and Environment

[David.schwebel@planning.nsw.gov.au](mailto:David.schwebel@planning.nsw.gov.au)

**RE: Sydney Water input to SEARs for SSD-32722834 Dexu Kemp Creek Industrial Estate at 113-153 Aldington Road, Kemp Creek**

Thank you for seeking Sydney Water's input on the Secretary's Environmental Assessment Requirements for the abovementioned Concept Master Plan, including detailed approval for Stage 1 and concept approval for Stage 2. The Master Plan will provide 154,290m<sup>2</sup> of warehouse GFA and 3,700m<sup>2</sup> of office GFA across 5 warehouse buildings. Stage 1 includes detailed approval and consent for site preparation works, construction, fit out and operation of two warehouse buildings for warehouse or distribution uses and other manufacturing industries (Warehouses 1 and 2 with a GFA of 51,100m<sup>2</sup> and 19,000m<sup>2</sup>), bulk earthworks and retaining walls, stormwater and associated works. Stage 2 includes concept approval for Warehouse 3, 4 and 5. The proposed development is located within the Mamre Road Precinct. We have reviewed the proposal and provide the following comments for your consideration.

- Sydney Water currently has limited potable water services and no existing wastewater services within the vicinity of this development; however, the site is identified in Sydney Water's *Growth Servicing Plan 2020-2025*. As a result of this, Sydney Water will likely provide trunk services to the property within this timeframe. However, interim solutions that are currently planned for the precinct, prior to Upper South Creek Advanced Water Recycling Centre operation, may be unsuitable for waste volumes and types from this development and further information on the proposed developments water demand and wastewater flow needs are therefore required to fully ascertain the nature of this development.
- Sydney Water requires detailed domestic, industrial water and wastewater demands for the proposed development to accurately plan for timely services for this development.
- **We recommend the proponent engage a Water Servicing Coordinator to lodge a feasibility application with Sydney Water as soon as possible if they have not done so already, with the requirement to look at servicing options for both ultimate and interim servicing. Lodging the feasibility will enable Sydney Water and the proponent to assess the next steps, investigate solutions as quickly as possible and prevent unnecessary delays. Servicing investigations may be at the proponents' cost.**

**Recycled Water**

- Recycled water for non-drinking water uses will be provided in the Mamre Road Precinct. The Integrated Water Servicing Options analysis is currently underway. It will determine the extent to which recycled stormwater is integrated with recycled wastewater.

- Sydney Water is currently preparing a Development Servicing Plan (DSP) for the Mamre Road Precinct. This will include Developer Charges for the provision of recycled water services to the Precinct.

### **Stormwater**

- If Sydney Water is nominated as the trunk drainage manager in the Mamre Road Precinct, then Sydney Water will confirm the requirements for trunk drainage services needed to be delivered before a Section 73 certificate can be issued. This may include trunk drainage channels as well as stormwater treatment and storage to facilitate precinct wide stormwater harvesting integrated with recycled wastewater. We recommend that the proponent discusses this with Sydney Water following the lodgement of the feasibility
- The Integrated Water Servicing Options analysis is currently underway in collaboration with the Department of Planning, Industry and Environment. This analysis will determine the extent to which recycled stormwater is integrated with recycled wastewater

Sydney Water also requests that the Department of Planning, Industry and Environment include the following Secretary's Environmental Assessment Requirements relating to the provision of water-related services for the subject site:

### **Water-related Infrastructure Requirements**

1. The proponent of development should determine service demands following servicing investigations and demonstrate that satisfactory arrangements for drinking water, wastewater, and recycled water (if required) services have been made.
2. The proponent must obtain endorsement and/or approval from Sydney Water to ensure that the proposed development does not adversely impact on any existing water, wastewater or stormwater main, or other Sydney Water asset, including any easement or property. When determining landscaping options, the proponent should take into account that certain tree species can cause cracking or blockage of Sydney Water pipes and therefore should be avoided.
3. Strict requirements for Sydney Water's stormwater assets (for certain types of development) may apply to this site. The proponent should ensure that satisfactory steps/measures been taken to protect existing stormwater assets, such as avoiding building over and/or adjacent to stormwater assets and building bridges over stormwater assets. The proponent should consider taking measures to minimise or eliminate potential flooding, degradation of water quality, and avoid adverse impacts on any heritage items, and create pipeline easements where required.
4. As this development may create trade wastewater, Sydney Water has trade wastewater requirements which need to be met. By law, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. The proponent must obtain Sydney Water approval for this permit before any business activities can commence. Given this development comprises industrial operations, wastewater may discharge into a sewerage area that is subject to wastewater reuse. Please contact Sydney Water's Business Customer Services to send your permit application or to find out more information. They can be contacted at the following email address: [businesscustomers@sydneywater.com.au](mailto:businesscustomers@sydneywater.com.au).

## Integrated Water Cycle Management

5. The proponent should outline any 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 (principles are used), and any water conservation measures that are likely to be proposed. This will allow Sydney Water to determine the impact of the proposed development on our existing services and required system capacity to service the development.

If you require any further information, please do not hesitate to contact the Growth Planning Team at [urbangrowth@sydneywater.com.au](mailto:urbangrowth@sydneywater.com.au).

Yours sincerely,



**Kristine Leitch**

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