

Our ref: SSD-46983729

Ms Grace Macdonald  
Senior Planner  
ESR Developments (Australia) Pty Ltd  
Level 24, 88 Phillip Street  
SYDNEY NSW 2000

10 August 2022

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## Subject: Planning Secretary's Environmental Assessment Requirements – Industry Specific

Dear Ms Macdonald

Please find attached a copy of the Planning Secretary's environmental assessment requirements (SEARs) for the Westlink Industrial Estate - Stage 2 (SSD-46983729).

Based on the information provided in your application, industry-specific SEARs have been issued for your project.

Please contact the department as soon as possible if your project changes, such that consultation is required with public authorities (under Part 8 of the EP&A Regulation). Your SEARs may need to be reissued and a scoping report may also be required.

If required, the Planning Secretary may modify your SEARs to ensure the environmental assessment of the project covers all relevant matters and is consistent with contemporary assessment practice.

**Your SEARs will expire two years from the date of issue** (or the date they were last modified) unless the Planning Secretary has granted an extension. If you would like to seek an extension, you should contact the department at least three months prior to the expiry date.

If your application is not submitted within two years (or by the agreed extension date), you will need to make a new application for SEARs to progress your project.

### Additional assessment requirements

The department has identified assessment requirements additional to those attached. These requirements, in addition to the industry-specific SEARs, are provided below and should be taken to be the collective SEARs for the project.

- The site is located within the Mamre Road Precinct under State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP). The EIS is to clearly demonstrate how the proposal is consistent with the relevant provisions of the SEPP and Mamre Road Precinct Development Control Plan (DCP). This includes, but is not limited to, consideration of the DCP road design requirements and integration of the development with the identified road network shown in Figure 12 of the DCP.
- The EIS must clearly describe the relationship between the proposed development and that proposed under SSD-9138102 (Westlink Stage 1), including sequencing of infrastructure delivery and timing of construction. However, should the EIS be prepared prior to the

determination of SSD-9138102, the subject development must demonstrate how it will be delivered independently of the proposed Westlink Stage 1 development (and any other proposed development in the precinct) with regard to matters including earthworks, road access and upgrades, services, stormwater management and other infrastructure.

- Given the topography of the site and adjoining land, the proposal is to demonstrate due consideration is given to design options seeking to achieve balanced cut and fill and minimising retaining walls where possible (including consideration of existing and proposed levels on adjoining properties). The EIS must demonstrate promotion of good urban design and landscaping and consideration of visual impacts on the public domain and surrounding receivers from proposed buildings, earthworks and retaining walls, in accordance with sections 2.30 and 2.40 of the I&E SEPP and the DCP.
- A key consideration in the Mamre Road Precinct is the capacity of the regional and local road network (namely Mamre Road, Aldington Road and Abbots Road) to safely accommodate the number of developments in the precinct and to ensure the functionality of the roads and associate intersections are maintained at an acceptable standard and level of performance. Your project needs to adequately assess and demonstrate both construction and operational traffic on these regional and local roads can be accommodated to ensure safety, functionality and performance is maintained to acceptable standards and with regard to cumulative traffic from other approved and proposed development in the Precinct and the broader Westlink site. This includes detailing any traffic management or mitigation measures required to manage traffic from cumulative construction occurring concurrently on surrounding sites and road works, and assessment of intersection operation prior to the completion of upgrade works.
- Transport for NSW and Penrith City Council must be closely consulted during preparation of the EIS on any interim and ultimate infrastructure upgrades required to the road network and any traffic modelling requirements. Additionally, neighbouring landowners must be closely consulted on the design and timing of delivery of precinct roads.
- The operational noise assessment must consider the development of a Noise Management Precinct (see section 2.8 of the Noise Policy for Industry (2017)) and the method for deriving amenity noise levels in areas near an existing or proposed cluster of industry (see section 2.4.2 of the Noise Policy for Industry (2017)). All developable industrial zoned land within the Mamre Road Precinct and any existing/approved industrial sites near the precinct must be considered when using section 2.4.2 of the Noise Policy for Industry to derive project amenity noise levels. The night-time project amenity noise level for rural-residential areas in Mount Vernon, Kemps Creek and Luddenham should be no more than 27 dBA.
- Operational noise assessment must be accompanied by a sensitivity analysis of the likely noise emissions from the range of anticipated tenants and industries. A worst-case source emission inventory needs to be established from verifiable data to describe how noise would be generated by each operational activity (e.g. internal, external), each type of truck (e.g. rigid truck, semi-trailer, B-double, A-double), the specific vehicle manoeuvre (e.g. up ramp, down ramp, reversing, general forward movement) that would be performed, and any incidental

noise that would be generated by the goods handling process. Contingency factors adopted must be identified in the EIS, or reasons for not incorporating contingency factors provided. Any attempts to omit the consideration of internal breakout noise must be well informed and appropriately justified in the EIS.

- The noise and vibration assessment should include the details and analysis of the effectiveness of proposed management and mitigation measures to adequately manage identified impacts, including a clear identification of residual noise and vibration following application of these mitigation measures and details of any proposed compliance monitoring programs.
- The EIS is to include evidence of consultation with TransGrid in relation to any works within their easement in the north-west corner of Lot 3 DP 250002.
- The development is to comply with the Integrated Water Cycle Management targets and requirements in the DCP. The EIS must utilise and demonstrate compliance with the MUSIC modelling toolkit prepared by the Department's Environment and Heritage Group for developments in the precinct, which will be provided separately to these SEARs.
- Provide an assessment of the cumulative impacts (including noise, air quality and traffic) of the project and other approved and proposed developments in accordance with the Cumulative Impact Assessment Guidelines for State Significant Projects (DPIE, July 2021).

### Preparing your EIS

Your environmental impact statement (EIS) must be prepared having regard to the department's *State Significant Development Guidelines* including the *Preparing an Environmental Impact Statement Guideline*. All relevant guides for State significant projects that are referenced in the SEARs are available at [www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework](http://www.planning.nsw.gov.au/Policy-and-Legislation/Planning-reforms/Rapid-Assessment-Framework).

During the preparation of your EIS, you are required to consult with various parties, including the department and any relevant agencies, in accordance with *the Undertaking Engagement Guidelines for State Significant Projects*. For more information, please visit the [Prepare EIS page](#) on the NSW planning portal. Agency contact details can be found at <https://www.planningportal.nsw.gov.au/major-projects/assessment/guide-agency-directory>.

You will need a Registered Environmental Assessment Practitioner (REAP) to declare that your EIS meets certain standards in relation to its completeness, accuracy, quality and clarity before it is submitted to the department, as per Division 5 of Part 8 of the Environmental Planning and Assessment Regulation 2021. A pro forma declaration can be found in [Appendix B of the \*Preparing an Environmental Impact Statement Guideline\*](#).

### Lodging your development application (DA)

Once you submit your EIS, we will check it for completeness to confirm it addresses the requirements in Part 8 of the Environmental Planning and Assessment Regulation 2021. We will also notify you of the DA fee for your project.

Please note that **your DA is not taken to be lodged until the DA fee has been paid.**

To minimise delays, **please contact the department at least two weeks before you submit your EIS** to confirm fee determination information and payment arrangements. This will give us sufficient time to ensure your DA fee can be determined quickly.

### Information needed to determine the DA fee

Your application will need to be accompanied by a Quantity Surveyor's Report supporting the estimated cost of works for your project. You must ensure that the information in the report is consistent with the information provided in your DA form.

If your project involves marinas, extractive industries or any subdivision of land, you must also ensure that your report includes a breakdown of estimated costs for any other component of your project.

### Public exhibition requirements

When you contact us regarding the applicable DA fee, we will also advise whether hard and/or electronic copies of the DA and EIS will be required for public exhibition.

### Matters of National Environmental Significance

Any development likely to have a significant impact on matters of National Environmental Significance will require approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to approvals required under NSW legislation.

It is your responsibility to contact the Commonwealth Department of Agriculture, Water and the Environment to determine if you need approval under the EPBC Act (<http://www.environment.gov.au> or 6274 1111).

If you have any questions, please contact David Schwebel on (02) 9274 6400 or via email at [david.schwebel@planning.nsw.gov.au](mailto:david.schwebel@planning.nsw.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read "C. Ritchie".

Chris Ritchie

**Director**

**Industry Assessments**

as delegate for the Planning Secretary