

Our ref: 230 Martin Road Industrial Development (SSD-65529236)

Mr Pawan Lala
Assistant Development Manager
EMKC³ Management Pty Ltd
Level 11, 37 York Street
SYDNEY NSW 2000

21 December 2023

Subject: Planning Secretary's Environmental Assessment Requirements

Dear Mr Lala

Please find attached a copy of the Planning Secretary's environmental assessment requirements (SEARs) for the 230 Martin Road Industrial Development (SSD-65529236) State significant development application (DA).

The SEARs have been prepared in consultation with relevant public authorities (see **Attachment 2**) and are based on the information you have provided to date. Please note that Liverpool City Council, Transport for NSW and the Rural Fire Service have not yet submitted their advice. This advice will be forwarded to you upon receipt and must be considered in the preparation of your Environmental Impact Statement (EIS) for the DA.

Where relevant, the Planning Secretary may modify the 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.

Preparing your EIS

Your 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.

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 (EP&A Regulation). A pro forma declaration can be found in Appendix B of the [Preparing an Environmental Impact Statement guideline](#). For more information on the REAP Scheme, please see the REAP Guidelines and the frequently asked questions on the [Department's website](#).

Lodging your development application (DA)

Once you submit your DA and accompanying EIS, we will check it for completeness to confirm it addresses the requirements in Part 8 of the EP&A Regulation. **The EIS must include a comprehensive description and assessment of the likely impact of all stages, infrastructure and activities that form part of the development, as required under section 192 of the Regulation.**

To minimise delays, **please contact the Department at least two weeks before you submit your EIS** to confirm the DA fee payment arrangements.

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

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 and the Department's Planning Circular on the [Calculation of capital investment value](#).

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

Public exhibition requirements

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

Community Consultation

The Department wishes to emphasise the importance of effective and genuine community consultation. A comprehensive open and transparent community consultation engagement process must be undertaken during the preparation of the EIS. This process must ensure that the community is provided with a good understanding of what is proposed (including a description of any potential impacts) and they are actively engaged in issues of concern to them. **Please note, your EIS must include clear evidence that this consultation has been undertaken and justification for the proposed consultation method(s) used.**

Biodiversity Development Assessment Report

Any DA that is required to be submitted with a Biodiversity Development Assessment Report must use the template available at: <https://www.environment.nsw.gov.au/research-and-publications/publicationssearch/guidanceforthe-biodiversity-development-assessment-report-template>

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 Climate Change, Energy, the Environment and Water to determine if an approval under the EPBC Act is required (<https://www.dcceew.gov.au/> or (02) 6274 1111).

Should any referral to the Commonwealth result in the development being considered a controlled action under the EPBC Act, please contact the Department for any additional requirements.

If you have any questions, please contact Sally Munk on 9274 6431 or via email at sally.munk@planning.nsw.gov.au.

Yours sincerely

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

Chris Ritchie
Director
Industry Assessments

as delegate of the Planning Secretary

Attached: Planning Secretary's Environmental Assessment Requirements