

Our ref: SSD-70818708

Mr Lloyd Henderson
Assistant Development Manager
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22 May 2024

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

Dear Mr Henderson

Please find attached a copy of the Planning Secretary's environmental assessment requirements (SEARs) for the DHL Logistics Facility, Badgerys Creek (South) (SSD-70817958).

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 EIS must clearly demonstrate how the proposal is consistent with the Western Sydney Aerotropolis planning framework, including, but not limited to:
 - Western Sydney Aerotropolis Plan 2020
 - Western Sydney Aerotropolis Precinct Plan 2022

- Western Sydney Aerotropolis Development Control Plan Phase 2 2022
 - Recognise Country Guidelines for development in the Aerotropolis 2022.
- The EIS must clearly describe the how the development is consistent with the related Burra Park concept proposal (SSD-70316465), and detail how the development will be constructed and operate in context of the broader estate including sequencing of works, provision of access and infrastructure delivery.
- Should the EIS rely on any technical reports prepared for SSD-70316465, justification is to be provided that clearly demonstrates that no further assessment of the specific aspects of the proposed development are required.
- The EIS must clearly demonstrate how the development addresses the design excellence requirements of Part 4.5 of *State Environmental Planning Policy (Western Parkland City) 2021*. The EIS is to include:
 - A Design Review Report that includes details on how the development design has responded to advice from the State Design Review Panel review,
 - A Design Excellence Strategy demonstrating how the proposed development will exhibit design excellence in accordance with Section 4.33 of the Western Parkland City SEPP and measures to ensure design integrity will be maintained in subsequent stages of the planning process (such as post approval and any modifications).
- 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. The EIS must include an assessment of road access and delivery, intersection operation and any required infrastructure upgrades.
- The EIS must include a Water and Stormwater Management Plan and Erosion and Sediment Control Plan prepared in accordance with the 'Technical guidance for achieving Wianamatta-South Creek stormwater management targets' (DPE 2022) and the 'MUSIC modelling toolkit for Wianamatta-South Creek.' The EIS must demonstrate compliance with the stormwater management targets and requirements in the Aerotropolis Precinct Plan and Phase 2 DCP and how the proposed stormwater drainage system will connect to Sydney Water's regional stormwater system, including details of any interim solution.
- 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.

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 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 an Estimated Development Cost (EDC) Report supporting the estimated development cost for your project. You must ensure that the information in the report is consistent with the information provided in your DA form.

Once you submit your EDC Report, we will check it for completeness against the requirements of the EP&A Regulation and the relevant Planning Circular.

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.

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.**

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 Australian Government Department of Climate Change, Energy, the Environment and Water to determine if you need approval under the EPBC Act (<https://www.dcceew.gov.au/> or 6274 1111).

If you have any questions, please contact David Schwebel on 9274 6400 or via email at david.schwebel@planning.nsw.gov.au.

Yours sincerely,

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

Chris Ritchie
Director, Industry Assessments
Planning & Assessment

as delegate for the Planning Secretary

Attached: Planning Secretary's Environmental Assessment Requirements