

Our ref: Badgerys Creek Industry Park (SSD-74191717)

Ms Grace Macdonald
ESR Developments (Australia) Pty Ltd
Planning Manager
Urbis Level 8 Angel Place
123 Pitt Street
SYDNEY NSW 2000

18 July 2025

Subject: Request for Information in Submissions Report

Dear Ms McDonald

The exhibition of the development application for the proposed Badgerys Creek Industry Park State significant development (SSD) application, including the Environmental Impact Statement (EIS), ended on 7 July 2025.

All submissions and advice received by the Department of Planning, Housing and Infrastructure (the Department) are now available on the [NSW planning portal](#).

The Department requests a written response to issues raised in submissions, as required under section 59(2) of the Environmental Planning and Assessment Regulation 2021 (the Regulation). The written response must be in the form of a Submissions Report that has been prepared having regard to the *State Significant Development Guidelines* (DPHI, 2024), including the *Preparing a Submissions Report* guideline (Appendix C).

We also require a response to the issues raised by government authorities in their advice. This response should be incorporated into the Submissions Report.

The Submissions Report should be provided within three months of the date of the receipt of this correspondence. Please lodge your response by progressing the application via the Major Projects Dashboard.

In addition to responding to the submissions and advice already received, you are required to submit additional information that addresses the issues identified by the Department in **Attachment 1**. Please include your response to the Department's issues in the Submissions Report.

Liverpool City Council (Council), Sydney Water, Department of Climate Change, Energy, the Environment and Water – Water Group and Transport for NSW have raised concerns regarding the design and provision of supporting infrastructure to support construction and operation of the

development. Both Council and Sydney Water have advised they do not support the development in its current form.

Your Submissions Report must include evidence of consultation with these authorities, including the outcomes of that consultation.

The Department would be happy to meet with you to discuss the issues raised and would like to attend any meetings you have with Council regarding the proposal.

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

Yours sincerely,

A handwritten signature in black ink, appearing to read "Lindsey Blecher".

Lindsey Blecher

A/Director

Industry Assessments

as delegate for the Planning Secretary

Badgerys Creek Industry Park Request for Further Information

1. Infrastructure Delivery

Roads

Council and Transport for NSW (TfNSW) have raised concerns regarding the interim and ultimate site access arrangements. Council has advised it cannot support the development in its current form as the development does not demonstrate compliance with the WSA Precinct Plan road network.

The Department concurs with the concerns raised and requests further information be provided to demonstrate the timely delivery of supporting road infrastructure that is essential for the development. This is critical for the consent authority's considerations under the Objects of the EP&A Act in relation to promoting the orderly development of land, section 4.27 (Transport Corridors) and Chapter 3 of the WSA Precinct Plan.

Recommendations:

- **Further consultation with Council and TfNSW is required to identify suitable interim and ultimate site access arrangements. Evidence of consultation with these authorities, including details of the outcomes of this consultation, is required.**
- **Demonstration that the development will not compromise the efficient and orderly provision and staging of the transport network, as required under the Objects of the EP&A Act, the aims in Chapter 4 of the Western Parkland City SEPP and Chapter 3 of the WSA Precinct Plan.**

Stormwater

Council, Sydney Water and the Department of Climate Change, Energy, the Environment and Water – Conservation Programs and Heritage Regulation Group (CPHR) have raised concerns regarding the design of supporting stormwater infrastructure required to facilitate the development. Sydney Water have advised it cannot support the SSD application at this time until further information is provided regarding the approach to stormwater management. Council have advised the interim and ultimate stormwater designs are unsatisfactory. Concerns have also been raised regarding the MUSIC stormwater quality modelling presented to support the proposed stormwater design.

The Department concurs with the concerns raised by these authorities.

Recommendation: Provide further information demonstrating satisfactory interim and ultimate arrangements for stormwater infrastructure, including appropriate modelling to demonstrate the performance of these systems. All matters raised by Sydney Water, Council and CPHR must be addressed in this regard. Evidence of consultation with these authorities, including details of the outcomes of this consultation, is required.

Water Supply

The NSW Department of Climate Change, Energy, the Environment and Water – Water Group (NSW DCCEEW-Water) has requested additional information and assessment in relation to water supply during construction.

Recommendations: Additional information is required regarding the provision of a suitable water supply during construction of the development.

Contributions

The EIS states the Applicant will pay the relevant State and local contributions to fund the delivery of supporting infrastructure for the development. This includes funding for the proposed upgrades to Lawson Road, Martin Road and Pitt Street and key intersections between these roads and with Elizabeth Drive.

Council has advised the proposal does not demonstrate how the proposal satisfies the requirements of the Western Sydney Aerotropolis Precinct Plan (WSA Precinct Plan) in relation to road connections to the broader road network. Council has made several recommendations in relation to this matter, including requiring the Applicant to fund and deliver the upgrade of Lawson Road and the intersection of Lawson Road with Elizabeth Drive for interim access to the site and partial construction of Pitt Street, including its intersection with Lawson Road, for the ultimate site access arrangements.

Recommendation: Further evidence of an agreed funding mechanisms for the timely delivery of essential supporting road infrastructure for the development is required. If a Planning Agreement is required, the terms of this agreement must be negotiated and agreed via a formal letter of offer prior to lodgement of the Submissions Report.

2. Noise

Predicted Exceedances

The Noise and Vibration Impact Assessment (NVIA) predicts significant exceedances of the project noise management levels, project noise trigger levels and sleep disturbance during construction and operation of the development at nearby residential receivers in the interim (transitional) period. Construction noise predictions exceed the highly noise affected level of 75 dB and operational noise exceeds the PNTLs by up to 17 dB in the interim (transitional) period. Insufficient consideration of this has been given in the EIS, including details of the measures that the Applicant will commit to implement to minimise construction and operational noise impacts on residential receivers.

Recommendations: Further details of reasonable and feasible noise mitigation measures to be implemented by the Applicant during construction and operation of the development is required. A draft Construction Noise and Vibration Management Plan is required.

NVIA Methodology

The Department notes the following with the NVIA:

- background noise monitoring has been carried out at two locations on the site. Background noise monitoring must be undertaken at the potentially most-affected residences in accordance with Fact Sheet A of the Noise Policy for Industry (NPI)
- details of any other noise sensitive receivers (other than residential), and an assessment of noise impacts at these receivers has not been provided
- on-site traffic data has not referenced the Transport Assessment (TA) prepared by Ason Group for the proposal. All traffic assumptions in the NVIA must rely on the traffic predictions in the TA to ensure both assessments use the same inputs and assumptions
- details of the testing schedule, and any associated noise impacts from the smoke exhaust fans has not been provided

- a quantitative road traffic noise assessment has not been carried out for increased traffic noise on Elizabeth Drive
- the construction noise assessment does not explain how impacts at highly noise affected receivers will be managed
- further consideration of how vibration impacts will be managed/mitigated is required in accordance with *Assessing Vibration: a technical guide*
- addresses of all the receivers at which exceedances are predicted for sleep disturbance and the most affected receiver in NCA05 must be provided
- the conclusion in section 5.3.1.2 states the exceedance at night-time at NCA05 will be 1dB, however, Tables 31 and 32 state the exceedance will be up to 3dB, this needs to be corrected, and appropriate management/mitigation proposed for this receiver.

Recommendation: An updated NVIA is required that addresses all matters identified above and is consistent with the requirements of the NPfl, the EPA’s *Approved Methods for the measurement and analysis of environmental noise in NSW* and *Assessing Vibration: a technical guideline* (and other relevant British Standards for vibration).

3. Design Excellence

The key issues raised by the State Design Review Panel (SDRP) regarding the design of the proposal (advice dated 15 October 2024) have not been sufficiently addressed in the design. Most significantly, this relates to demonstrating the proposal seeks to ‘Start with Country’ and design an urban environment that mitigates and adapts to urban heat. These objectives are delivered through meeting the objectives and controls in the WSA DCP. The proposal does not meet the requirements for tree canopy and deep soil which support the overarching objectives of the WSA Precinct Plan. Council has also advised the development does not exhibit design excellence.

The SDRP advice included practical options for modifying the site layout to achieve the core objectives of the WSA strategic framework and the DCP requirements which have not been sufficiently incorporated into the design. This includes:

- replacing the interim bioretention / wetland / detention area (proposed for longer term replacement by hardstand) with a permanent ecological area and setting aside the landscaped through site link for interim cultural and enterprise projects that support the Aboriginal community
- locating a permanent area for deep soil and ecology in a median strip and edges of the proposed local (internal) road
- increasing frequency of tree planting in parking areas.

The Department also notes one of the key outcomes of the Yerrabingin Collaborative Design Workshop was a strong message of ongoing First Nations’ inclusion beyond the design phase and making use of the northern space on the site by local First Nations businesses.

It is also noted the EIS includes a design options analysis that considers the impacts of four design options, however, not all design options suggested by the SDRP have been considered in this analysis. Further to this, the reason for not reducing the scale of Warehouse 4 is that it would not be commercially viable. As this is a speculative warehouse development, this reasoning is not sufficient.

Recommendation: Further consideration of a design layout that addresses the advice and recommendations of the SDRP is required to achieve a design that considers the overarching objectives of the WSA strategic framework and demonstrates design excellence, consistent with s4.33 of the Western Parkland City SEPP.

4. Traffic

Elizabeth Drive / Martin Road Intersection

The Transport Assessment (TA) considers six assessment scenarios across the existing and future road network. Scenarios 1, 2a and 2b rely on an interim upgrade to the Elizabeth Drive/Martin Road intersection (Figure 21 of the TA). The TA states this intersection is currently under construction, however, does not provide any details of who is delivering this intersection. The Department notes the existing intersection is signalised, but the design does not reflect that in Figure 21 of the TA and there does not appear to be any construction underway (as noted during a recent site visit attended by the Department on 8 July 2025).

Recommendations: Further details regarding the delivery of the interim intersection design for the Elizabeth Drive / Martin Road intersection is required, including who is responsible for this upgrade and when it is to be delivered.

Interim Site Access

The location of the interim site access appears to be directly opposite several existing residences on Martin Road, which will be highly impacted during Stage 1 operations (until such time these residences are vacated and redeveloped). Council has recommended the interim site access be from Lawson Road.

Recommendations: Further consideration to alternate interim site access arrangements is required to minimise impacts to existing residential receivers on Martin Road. Further consultation with Council is required. Evidence of this consultation, including details of the outcomes, is required.

Traffic Generation

The TA does not provide a detailed breakdown of daily and peak heavy and light vehicles generated by the development. This information is required not only for the assessment of traffic impacts, but also to inform and justify the assumptions made in the NVIA for on-site operational traffic noise.

Recommendations: A detailed breakdown of daily and peak heavy and light vehicle traffic volumes is required.

5. Air Quality

The air quality impact assessment (AQIA) includes a qualitative assessment of dust impacts to surrounding residential areas. Noting the potential for dust emissions is classed as 'large' during earthworks and construction, and the proximity to residential receivers and existing agricultural businesses, a quantitative assessment of dust impacts is required to ensure appropriate mitigation and management measures are adopted.

Recommendations: An updated AQIA is required that includes a quantitative assessment of air quality impacts during construction.

6. Visual

The Visual Impact Assessment (VIA) provides photomontages for Years 0 and 15 without the Eastern Ring Road or Lawson Road upgrades. The overall visual impact and the effectiveness of setbacks and landscaping to mitigate the non-compliance with the WSA DCP requirements for retaining walls is unclear. The interface between the development and the road corridors for the ultimate scenario is unclear.

Recommendations: An updated VIA is required that provide photomontages for Year 15 with the Eastern Ring Road and Lawson Road upgrades to enable an assessment of the WSA DCP non-compliance.

7. Contamination

The Detailed Site Investigation and Remediation Action Plan (RAP) recommend an approach to manage asbestos contamination at the site. This includes treatment of lower impacted asbestos soils and placement of heavily impacted asbestos soils below a cap and managed via a long term environmental management plan (LTEMP). The RAP recommends ESR confirm how they intend to make the LTEMP legally enforceable. This information has not been provided in the EIS.

Recommendations: Additional information is required outlining who will be responsible for preparing and implementing the LTEMP and how it will be made legally enforceable.

8. Bush Fire

The Rural Fire Service (RFS) has requested an updated bush fire report that provides an appropriate assessment of bush fire risk consistent with RFS methodology for assessing low risk vegetation, i.e. *Short Fire Run – Methodology for Assessing Bush Fire Risk for Low Risk Vegetation (2019)*.

Recommendations: An updated bush fire hazard assessment is required consistent with RFS guidance.

9. Fire Safety

Fire and Rescue NSW (FRNSW) has made several recommendations in relation to fire safety which must be considered in the design of the development. As water for firefighting purposes is unlikely to be supplied by mains water alone, FRNSW has recommended suitable design considerations are considered for the placement of tanks and other firefighting infrastructure, if required.

Recommendations: Further information to demonstrate appropriate provision can be made for the supply of water and infrastructure for firefighting purposes is required.

10. Water Take

The NSW Department of Climate Change, Energy, the Environment and Water – Water Group (NSW DCCEEW-Water) has requested additional information and assessment in relation to water take during construction of the development and groundwater interception and water take.

Recommendation: Additional information regarding water take, including any dewatering activities, is required to address the matters raised by NSW DCCEEW-Water. Assessment documentation is to be consistent with the guidelines and documents in the Groundwater Toolkit found at <https://water.dpie.nsw.gov.au/our-work/licensing-and-approvals/major-projects/major-projects-groundwater-guidelines>.

11. Land Use Conflict

The Department of Primary Industries and Regional Development – Agriculture (DPIRD-Ag) has recommended the Land Use Conflict Risk Assessment (LUCRA) be revised to address potential impacts on nearby intensive plant agricultural operations, and direct consultation with nearby agricultural businesses be carried out to gather information to support construction and operation of the development specifically to support risk awareness and inform appropriate management strategies.

Recommendations: A revised LUCRA is required to address the matters raised by DPIRD-Ag, and consultation with nearby agricultural businesses is required to inform construction planning. The outcomes of this consultation and details of how the development responds to the information obtained during this consultation must be documented in regard to construction and operational management strategies to minimise impacts to nearby agricultural businesses.