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**Sent via portal**

**Re: Request for Council's Advice on SSD-65729209 – 40 The Retreat, Bradfield**

Dear Fadi,

Liverpool City Council was invited to provide comments on the Planning Secretary's Environmental Impact Statement for Assessment Requirements (SEARS) for a mixed-use residential development on land at 40 The Retreat, Bradfield.

This SSDA seeks consent for a new mixed-use residential development, comprising a mix of residential and retail land uses across six individual buildings, comprising a total of 533 residential units and a total Gross Floor Area (GFA) of 55,330 sqm.

Attachment A of this letter provides detailed comments on the proposal.

Should you require further information or clarification, please feel free to be in contact.

Yours sincerely,



**Tony Hadchiti**  
Austral Delivery Manager

## Attachment A – Detailed comments

### 1. Strategic Planning

Strategic Planning have reviewed the proposal and provide the following comments in relation to the strategic planning framework:

At this stage, the proposal is not supported, as insufficient information has been provided to demonstrate that the proposal will have vehicular, pedestrian and active transport access and provision to public transport in accordance with the WSAPP (September 2023).

#### **(1) State Environmental Planning Policy (Precincts – Western Parkland City) 2021**

The proposal has not provided sufficient justification to demonstrate how some objectives of the zone have been satisfied. This is examined below:

- *To promote business, office, retail, entertainment and tourist uses.*

In relation to this objective, the development does not necessarily promote business, office, retail, entertainment and tourist uses. “Table 4 – Key Project Details” under the Environmental Impact Statement (EIS), indicates over the totality of the development, a residential GFA of 54 284m<sup>2</sup> is proposed with all combined retail and non-residential uses totalling 1046m<sup>2</sup>. This equates to non-residential uses totalling 1.8% of the overall GFA.

Appendix C of the EIS states that the proposal satisfies the objectives of the zone as; “The development is inclusive of two retail tenancies.” It then references section 4.0 of the EIS for additional commentary. This includes the following comments on page 60 of the EIS:

*It integrates compatible land uses through the incorporation of residential and retail tenancies which work together to support activation and bring closer together, day to day needs of residents.*

This supporting commentary is insufficient to demonstrate compliance with the objective of the zone. While the percentage of non-residential uses does not necessarily dictate how well these uses may be promoted in accordance with the objective, additional guidance is provided in Section 5.4 of the WSAPP (September 2024) which is discussed below. This will further demonstrate that the proposal is not in accordance with this zone objective. Council recommends that additional non-residential uses are provided to achieve, as a minimum, the employment targets for the city centre as required under the WSAPP, namely 130 – 400 jobs/ hectare. The site has an area of 2.09 hectares, so this would equate to 272 – 836 jobs for the site.

- *To promote a high standard of public amenity and convenient urban living.*

This objective is supported by the following text in Table 10 under the EIS (page 60):

*The proposed gym and the wellness centre is one example of the high amenity, convenient offering for residents.*

This is insufficient justification for the proposal. Provision of 533 residential apartments on a site that does not currently have appropriate road access and access to employment, health, retail and services does not satisfy the zone objective for development to promote “convenient living.” In relation to employment, retail, health, services etc, if these elements of convenient urban living

are not yet provided in the immediate vicinity (where convenient would equate to “walkable”) then the proposal should be designed to provide sufficient retail, health and service uses on site for the new residents.

As this is not achieved in the current design, the proposal is not supported at this stage.

- *To ensure an appropriate transition from non-urban land uses and environmental conservation areas in surrounding areas to urban land uses in the zone.*

The EIS provides the following text to demonstrate compliance with this zone objective (page 60):

*The proposal has been carefully designed to transition from non-urban land uses through its stepped built form and choices of natural colours and building facades.*

This response is insufficient. In general the proposal fails to address the transition between the future envisioned character of the area to the west of the site identified under the Bradfield City Centre Master Plan, and the existing and future heritage character of the adjoining property to the east.

## **(2) Western Sydney Aerotropolis Precinct Plan, September 2024**

The proposal must demonstrate full compliance with the WSAPP, September 2024. It is noted that the proposal has included an assessment of the WSAPP, (May 2023). This version of the WSAPP was amended in response to the determination of the Bradfield City Centre Masterplan, which immediately adjoins the subject site to the west. The amendments proposed under the WSAPP to the Bradfield City Centre will impact on the site and must be considered in the assessment of the proposal. This is especially the case as the subject site will be reliant on connection to Stage 1 works within the Bradfield City Centre, in order to demonstrate compliant road, pedestrian and public transport provision to the site in accordance with the WSAPP (September 2024).

### **2 Precinct vision and objectives**

The proposal does not satisfy the following precinct plan objectives:

*05 Facilitate quality and innovative development to provide for a variety of employment uses that grow and diversify the economy of the Western Parkland City.*

*06 Enable land use to evolve in line with changing economic drivers and facilitate development that will contribute to building the Western Parkland City.*

The above objectives are not satisfied as insufficient non-residential uses are provided for on the ground and lower floors of the proposed development. The provision of a majority of ground floor area for residential use results in this GFA not being either useable for current or adaptable for future employment uses. This outcome is not supported.

*09 Plan for a transport network that facilitates movement of freight and people and prioritises active and sustainable transport modes to improve community health and minimise the impacts of development and economic activity on climate change.*

The proposal relies on temporary access to a rural residential road (Kelvin Park Drive). This road does not satisfy the requirements of the WSAPP in relation to the provision of appropriate vehicular, pedestrian and active transport links. Additionally, Kelvin Park Drive is located in a

second priority area and is not scheduled to be upgraded so as to satisfy the requirements of the WSAPP in the short term. As such, this road is not suitable to be utilised for the proposed development and the temporary access on to The Retreat and Kelvin Park Drive is not supported.

### 3 Infrastructure and Development Staging

The proposal does not satisfy the following requirements under this section of the WSAPP as follows:

#### *3 Infrastructure and Development Staging*

*I1 Prior to granting development consent, the consent authority must be satisfied that essential services and infrastructure are available or will be available when required for the development. Essential services and infrastructure is road access, water supply, sewer, electricity and stormwater infrastructure.*

*DS1 The sequencing of development is to be generally in accordance with the Sequencing Plan at Figure 2 (Out of Sequence provisions are outlined in section 3.3).*

The proposal relies on temporary vehicular access to Kelvin Park Drive, which is located in a second priority area. Works to upgrade this road in accordance with the requirements of the WSAPP and to a standard required for high density mixed use development is not foreseen in the short term. The proposal may not rely on this existing road to provide for vehicular, pedestrian and active transport access to the site.

#### *3.2 Development Sequencing*

*DS1 The sequencing of development is to be generally in accordance with the Sequencing Plan at Figure 2 (Out of Sequence provisions are outlined in section 3.3).*

*DS2 Development is not to compromise the efficient and orderly provision and staging of the transport network, utilities and servicing.*

*DS3 Early development must prioritise locations well supported by high levels of public and active transport accessibility.*

*DS4 Development does not result in isolated areas requiring out of sequence servicing by transport networks, utilities and services, or at additional cost to government or utility agencies.*

#### *3.3 Out of sequence development*

*OS1 Where a development application proposes development that does not meet the Requirements of section 3.1, the applicant is required to demonstrate, to the satisfaction of the consent authority, that arrangements have been made for all essential services and infrastructure to be provided when required and at no additional cost to government (including the relevant Council and the NSW Government) and utilities authorities.*

*OS2 Applicants for development under Requirement OS1 must provide, as part of the development application, confirmation from utilities providers including Sydney Water and infrastructure delivery agencies including the relevant Council and Transport for NSW that*

*a. planned servicing and infrastructure provision will be in place to support development;*

and

*b. the development is capable of connecting to and integrating with existing or planned services and infrastructure.*

Variation to the requirements of the WSAPP, above, all relate to the vehicular, active transport and pedestrian access currently available to the site. While the site is located in a “First Priority Area” under the relevant, Figure 2: Development Sequencing, of the WSAPP, the proposal will rely on the out of sequence development of Kelvin Park Drive to provide road access in accordance with the WSAPP.

#### 4 Urban Structure

The proposal does not satisfy the following requirements under this section of the WSAPP as follows:

##### *4.1 Proposed land use and structure plan*

##### *4.2 Subdivision and block structure*

As listed elsewhere in this commentary, the proposal does not provide sufficient vehicular, active transport and pedestrian access to the site. The proposal does not utilise the pedestrian zone view corridor from the Bradfield City Centre site to provide for views to the heritage listed Kelvin Park Homestead. Insufficient non-residential uses are provided at ground floor (and podium levels) to provide sufficient employment, retail and services for a development of this size. On this basis the proposal results in multiple variations to the relevant objectives and requirements under this section of the WSAPP.

##### *4.4 Non-Aboriginal and European Heritage*

###### *Objectives*

*NAO2 Design and develop in the vicinity of heritage items to protect the heritage significance of the item and its setting*

###### *Requirements*

*NA2 Position new development, including the design of subdivision and buildings, to maintain visual links, context and significance of the heritage item and its setting.*

*NA3 Investigate the significance of potential heritage items identified on Figure 4. Where investigations identify heritage values, a heritage management plan is to be prepared outlining the required measures to conserve these values.*

The proposal does not provide appropriate consideration of view corridors relating to street alignments under the Bradfield City Masterplan and the WSAPP (September 2024) to the east of the subject site and how view corridors from these street alignments will be established through the subject site to the Kelvin Park Homestead heritage item to the east of the site. The ideal view corridor on the basis of the street alignment provided is indicated by the green arrow in the image below. The red arrow identifies the available view, which does not provide any view of the heritage item see:



Once the plans are updated to reflect the amendments to the road layout under the WSAPP (September 2024), a view analysis from street level to the heritage item is to be provided, identifying how broader views from Bradfield City Centre to the heritage item can be retained.

Additionally, the identified transition from the single storey heritage item is via a seven storey building and a nine storey building on the east of the site, progressing to the remaining buildings on site with an eleven or twelve storey height. It is not considered that this represents an appropriate transition from the heritage item and the proposal must be amended in consideration of the significance of the adjoining Kelvin Park Homestead heritage item to the east of the proposal.

#### 4.3 Aboriginal Culture and Heritage – Recognising Country

Commentary is provided in this regard from Council’s Heritage Officer.

#### 4.5 Blue-Green Infrastructure Framework

The development site is not impacted by overland flow paths and is capable of providing an appropriate local drainage system. However, the proposal must demonstrate to the satisfaction of Liverpool Council and Sydney Water, that the site can connect to the regional drainage system. This may require the provision of suitable easements should this connection not be conveyed by the drainage system within the local street system.

Alternatively the proposal must provide for an appropriate interim stormwater quantity and stormwater quality system in accordance with the *Department of Planning and Environment Technical guidance for achieving Wianamatta–South Creek stormwater management targets*.

#### 4.5.3 Public domain and canopy cover

The proposal has missed an opportunity to provide an appropriate landscape setback to the eastern boundary that is sympathetic to the neighbouring heritage item and provides a suitable landscaped buffer between the proposed built form and this heritage item. The provision of a 6m setback to this boundary to an adjoining 9 storey building and an adjoining 11 storey building respectively to this boundary is a poor outcome. It is recommended that landscape buffers to the heritage item are increased and building heights are reduced.

Additionally, the proposal could provide avenue planting within the site continuing view corridors from the public domain in the Bradfield City Centre Site that frame the neighbouring heritage item.

The missed opportunities in relation to landscaping have resulted in a variation to the following objective:

*BGO1 Achieve an interconnected and accessible network of open space that meet the recreational and amenity needs of residents and workers.*

#### 4.6 Movement Framework

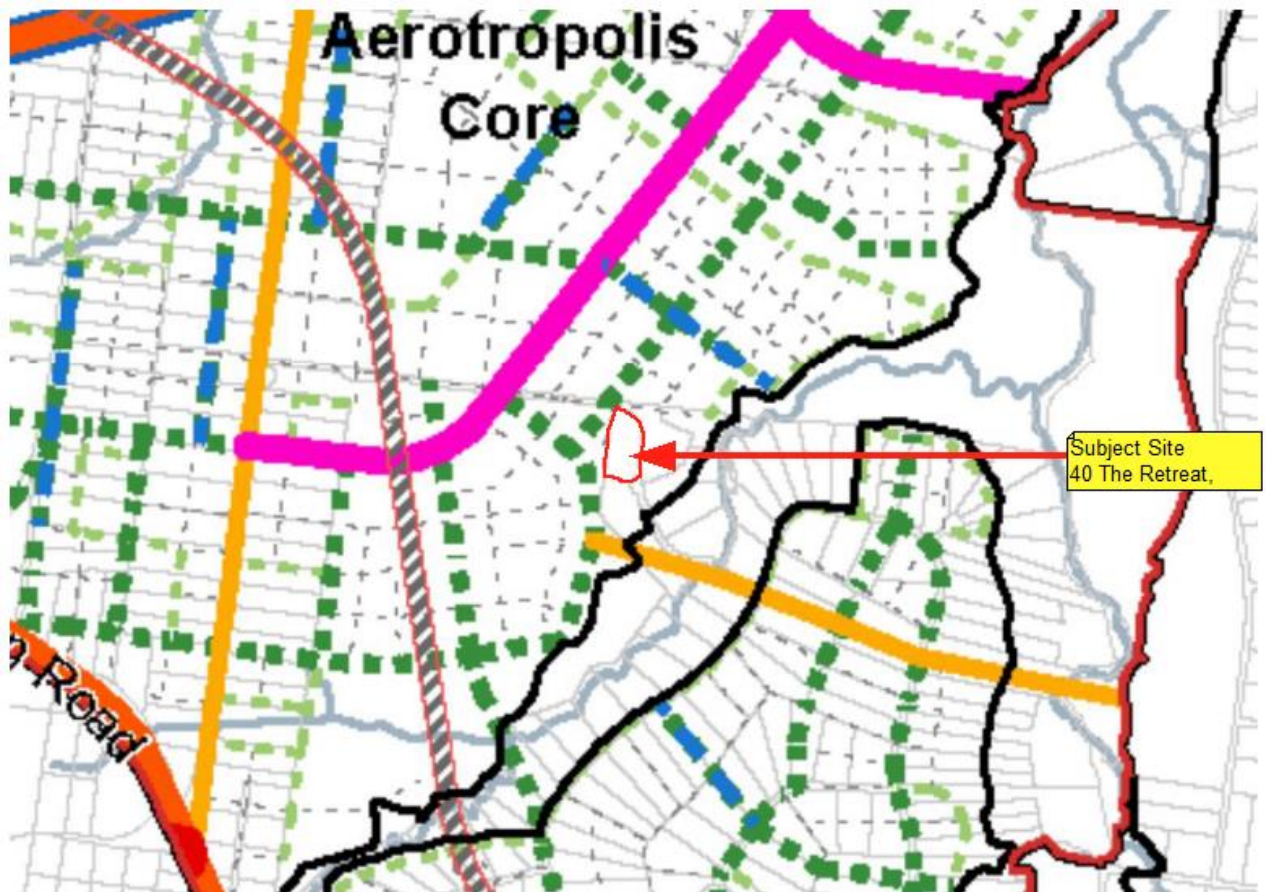
The proposal does not demonstrate compliance with the following requirements under this section of the WSAPP:

Stage 1 of the proposal seeks consent for;

*Temporary access to the northern basement will be via a ramp connected to the southern portion of the site via a temporary road running through the southern portion of the site connecting to The Retreat. (EIS page 12)*

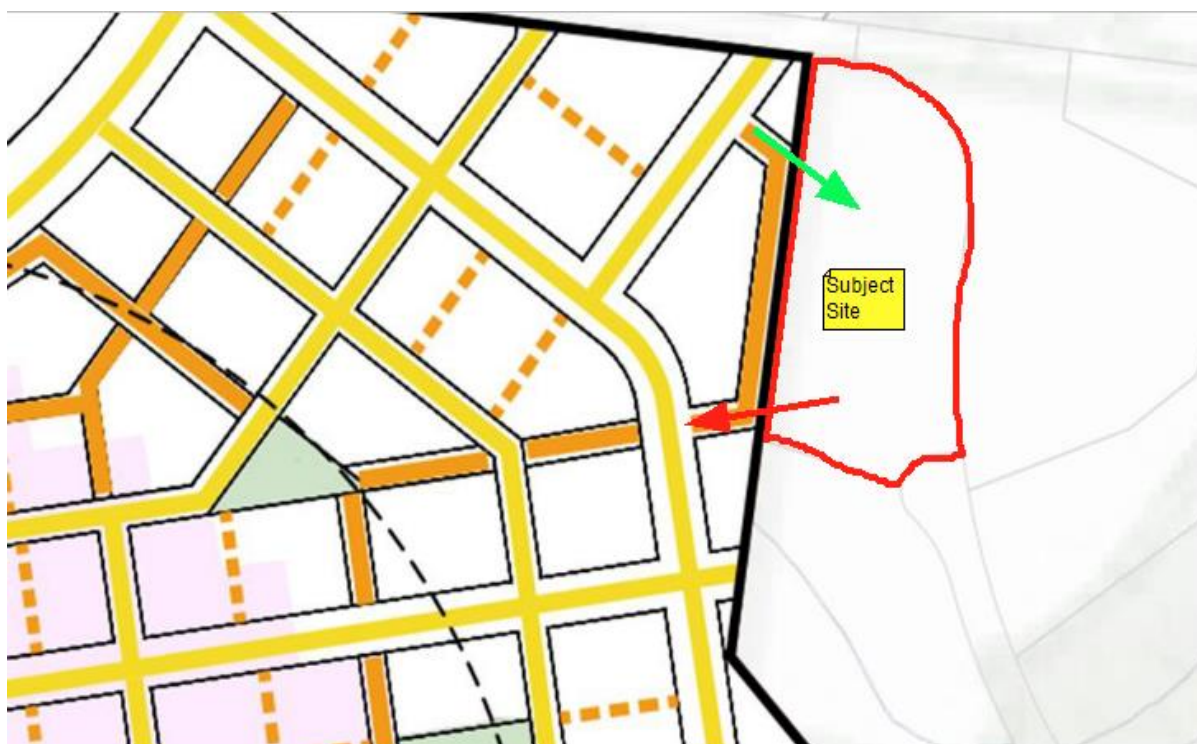
This approach is not supported as neither The Retreat or Kelvin Park Drive provide road reserve designs in accordance with the requirements of the WSAPP and are incapable of providing appropriate pedestrian, active transport and public transport access. As noted elsewhere, both roads are also located in a second priority area and as such, the delivery of WSAPP compliant roads is uncertain. As such, it is recommended that the proponent liaises with both DPHI and BDA in relation to the provision of road infrastructure necessary to service the site in accordance with the Figure 12: Street Hierarchy under the WSAPP (September 2024), see excerpt identifying the site below:





It is noted that Section 9.1 of the Bradfield City Centre Masterplan specifies that a pedestrian priority shared City Lane fronts the western boundary of the site , see excerpt below:





#### Pedestrian network

- Pedestrian Priority (shared zones and car-free)
- Footpaths both sides of street
- 400m walkable distance from Metro station
- - - Mid-block permeability (final alignment to be determined through detailed design)
- One way vehicular access – site entry
- ← One way vehicular access – site exit

It is recommended that permanent vehicular access and egress be provided in a one-way motion to this city lane as indicated by the notation in the above image.

#### 4.7 Sustainability and Resilience

Compliance with the objectives and requirements under this section of the WSAPP must be demonstrated in future amended plans.

## 5 Land Use and Built Form

### *5.1 Hierarchy of centres*

*LUO2 Identify the Aerotropolis Core and the specialised centre in the Northern Gateway as higher order centres with social infrastructure and higher employment and residential densities.*

The proposal does not provide sufficient employment density for this centre located in the Aerotropolis core. In addition to this the proposal does not comply with the requirements of this centre identified under *Table 2: Description of hierarchy of centres*, which requires the provision of;

*Commercial office development; employment hubs; multiple supermarkets and department stores; higher order services; social infrastructure, including health and education services; creative and cultural uses; residential development that creates residential density but ensures capacity for employment.*

### *5.4 Yield and Density*

Significant concern is raised in relation to the capacity of the proposal to satisfy the prescriptive requirements under this section of the WSAPP (September 2024) specifically:

#### **Objectives**

*YDO2 Development contributes towards achieving the strategic employment density targets of the Aerotropolis Plan.*

*YDO3 Employment generating development in the Aerotropolis contributes to achieving the following indicative employment densities: a. City Centre: 130 – 400 jobs/ hectare*

#### **Requirements**

*YD2 Development applications in the Mixed Use Zone are to demonstrate how they will contribute to achieving the employment densities in YDO3.*

The failure to demonstrate the satisfaction of these parts of the WSAPP, leads to the proposal not satisfying the objectives of the Mixed Use Zone under the SEPP (this is discussed above). This is problematic as it will result in the development of 533 residential apartments with limited supporting retail uses for the new residents and limited employment opportunities in the area for those new residents. On this basis the proposal is not supported in its current form.

### *5.2 Height*

### *5.3 Floor Space Ratio*

Council requests that future amended plans demonstrate compliance with the specifies height and FSR controls under the WSAPP.

### *5.6 Design Excellence*

Should the proposal be assessed to have a height of greater than 12 storeys or 40m, an Architectural design competition is triggered in accordance with Clause 4.32 of the SEPP, see:

#### **4.32 Architectural design competition**

*(1) This section applies to development in relation to a building that has, or will have, a height above ground level (existing) greater than 40m or 12 storeys.*

In this regard, some elements of the proposal may slightly exceed the 40m height. Additionally, this height may also be exceeded following the requested redesign of the entire ground floor to provide for non-residential uses and adaptable floorplates. This will require the provision of significantly higher floor to ceiling heights on at least the ground floor, which will result in the proposal triggering the need for an Architectural design competition.

Additionally, it appears that the GFA for the proposal has been spread out over the site to avoid the necessity for an Architectural design competition. This has resulted in the built form pushing closer to the eastern boundary, thereby reducing the capacity for the proposal to provide for appropriate transition between the adjoining heritage item and built form on the site. This is a poor outcome.

#### **Western Sydney Aerotropolis Development Control Plan**

As the proposal has been lodged as a State Significant Development Application, it is not required to demonstrate compliance with the DCP under Clause 2.10 of State Environmental Planning Policy (Planning Systems) 2021, as follows:

##### **2.10 Application of development control plans to State significant development**

*(1) Development control plans (whether made before or after the commencement of this Chapter) do not apply to—*

*(a) State significant development, or*

*(b) development for which a relevant council is the consent authority under section 4.37 of the Act.*

*(2) A requirement of an environmental planning instrument that a development control plan be prepared before development consent can be granted to development does not apply to—*

*(a) State significant development, or*

*(b) development for which a relevant council is the consent authority under the Act, section 4.37.*

Despite the above, Council recommends that the use the DCP as a guide to the proposed built form, setbacks, landscaping car parking and street activation on the basis that this building must demonstrate that it will be consistent with the future envisioned character of the area. The future envisioned character of the area will be set by the DCP and it is important that the proposal will be complimentary to this future envisioned character, noting that the existing character is rural residential in nature.

#### **(3) General Comments**

(a) SIC – Council requests that State Infrastructure contributions are conditioned in order to allow this to be appropriately considered as part of any future negotiation for a voluntary planning agreement (VPA), if sought, in relation to the proposal.

(b) Page 38 of the EIS references a “Capital Investment Value Letter prepared by Newton Fisher (Appendix QQ).” This information is not provided in Appendix QQ of the EIS and it is not apparent that this information has been provided. Council requests that a Quantity

Surveyors Report, prepared by a suitably qualified Quantity Surveyor is provided in relation to the proposal. It is recommended that this report is prepared following the provision of amended plans.

#### **(4) Summary**

At this Stage, the proposal is **not supported** as the proposal:

- (a) Does not satisfy the objectives of the Mixed Use Zone under SEPP (Precincts – Western Parkland City) 2021
- (b) has not considered the Bradfield City Centre Master Plan
- (c) has not considered the September 2024 version of the WSAPP
- (d) does not comply with multiple objectives and requirements of the WSAPP (September 2024) listed in the commentary above

Council requests that any amended plans provided to satisfy the abovementioned variations is forwarded to Council for additional comment.

#### **(5) Development Conditions**

Council notes that the proposal is **not supported at this stage**. However, should DPHI consider that amendments can be provided during the assessment of the proposal to satisfy the current variations to the point that the proposal is worthy of a conditional determination, Strategic Planning recommend inclusion of the following conditions:

- (a) **Development Contributions** – Prior to payment of the required s7.12 contribution, Liverpool City Council is to be provided with an updated Quantity Surveyors Report, as prepared by a relevantly qualified Quantity Surveyor, that provides an accurate capital investment value for the entire proposal. Council may, at its discretion, require the proponent to pay a fee for any required third-party review of this report.

Prior to the issue of the first construction certificate:

- The proponent is to pay, in entirety, the development contributions required under the City of Liverpool s7.12 Contributions Plan 2024 on the identified capital cost of works for the proposal, currently identified to be \$206,692,916 (excluding GST). Note that this figure may be subject to change following an updated Quantity Surveyors Report and potential third party review.
- A receipt, for payment of s.712 development contributions for the site, issued by Liverpool City Council, is to be submitted to the Department of Planning, Housing and Infrastructure and the certifying authority to demonstrate compliance with this condition.

#### **(b) Payment of section 7.12 contributions**

Before the issue of the first construction certificate for any building work, the applicant must pay a contribution as calculated at the date of this consent to Council under section 7.12 of the EP&A Act in accordance with the City of Liverpool s7.12 Aerotropolis Contributions Plan 2024

Condition reason:

To ensure development are paid to address increased demand for public amenities and services or to address increased demand for regional infrastructure or to ensure any planning agreement is finalised at the specified time.

- (c) **State Infrastructure Contributions** – Council requests that State Infrastructure contributions are conditioned in order to allow this to be appropriately considered as part of any future negotiation for a voluntary planning agreement (VPA), if sought, in relation to the proposal.
- (d) **Road Provision** – The proponent is to provide, entirely at their cost, permanent road construction, in accordance with the road type, alignment, road reserve width and design requirements of the Bradfield City Centre Masterplan, between the site and the roads identified in stage 1 of the Bradfield City Centre proposal. The route this road is to take is to be agreed with the adjoining property owner, the Bradfield Development Authority.

This road connection is to be identified with a suitable tonnage limit so as to prevent the use of this route by construction vehicles and ensure that this route is safe and accessible at all times for resident vehicles, pedestrians and cyclists.

A traffic management plan is to be provided identifying the route linking the subject site both to Stage 1 of the Bradfield City Centre (as identified under the Bradfield City Centre Masterplan) and linking the site to Bradfield Metro Station and Badgerys Creek Road.

This condition is required in order for the proposal to demonstrate compliance with the relevant requirements for road access, pedestrian access, active transport access and public transport provision to the site.

**If this condition is not imposed, it is recommended that the proposal be refused** on the basis that the proposal will not satisfy the relevant statutory requirements of the WSAPP (September 2024).

- (e) **Vehicular access** - Vehicular access from the subject site to road carriageway in; The Retreat and Kelvin Park Drive; is to be removed to ensure that additional traffic demands are not placed on this rural road, noting that Kelvin Park Drive is located in a Second Priority Area (Under the WSAPP) and this road is not scheduled for improvement in the short to medium term.

Provision of vehicular access to the road frontage may be provided to the road frontage on The Retreat, however this may not occur until both the Retreat and Kelvin Park Drive are upgraded to WSAPP required road reserve widths and standards for the full length of The Retreat and for the full length of road from the intersection of The Retreat and Kelvin Park Drive to the intersection of Kelvin Park Drive and Bringelly Road. If undertaken out of sequence, in accordance with the WSAPP (September 2024), these works are to be at the entire cost of the developer.

- (f) **Interim Stormwater quality and stormwater quantity measures** – On lot interim stormwater quality and stormwater quantity management is to be undertaken in accordance with the *Department of Planning and Environment Technical guidance for achieving Wianamatta–South Creek stormwater management targets* to the satisfaction

of both Liverpool Council and Sydney Water. Interim stormwater quality and quantity management measures are to be in operation for the site during construction and must not be decommissioned until connection to the regional stormwater system is provided to the satisfaction of the regional stormwater authority (Sydney Water).

- (g) **Sewer Connection** - A construction certificate is not to be issued until the site has access to a piped gravity connection to a reticulated Sydney Water sewer line to the satisfaction of Liverpool Council and Sydney Water.



## 2. Heritage

2.1 Clause 4.4 of the Aerotropolis Precinct Plan includes the following objective:

- a. Design and develop in the vicinity of heritage items to protect the heritage significance of the item and its setting.

The clause also states:

- b. Position new development, including the design of subdivision and buildings, to maintain visual links, context and significance of the heritage item and its setting.

The Statement of Heritage Impact prepared by URBIS states that the proposed massing, articulation, architectural form and landscape buffer is sufficient to mitigate the potential visual impacts of the proposed development on the heritage item and therefore is compliant with these provisions of the Precinct Plan.

This statement is not supported by Councils heritage assessment. It is the opinion of Council that the project does not adequately mitigate its bulk and scale in relation to the transition to the rural landscape around the heritage item and is to reliant on a single row of trees which will unlikely offset the overall height, scale and massing of the towers proposed.

2.2 It is recommended the design is modified to;

- Provide a greater landscape buffer between the heritage item/rural landscape and the new development.
- Reduce the height of the buildings along the boundary to the heritage item and relocate the height to the boundary on the opposite side of the site.
- Increase the separation between buildings to widen the sight lines and improve the visual field to the heritage item.

### 3. Community Planning

Community Planning has reviewed the SSD1-16/2023-01 for a mixed-use residential development at 40 The Retreat, Bradfield NSW 2555. We have reviewed the following developments: (i) EIS (Ethos Urban, 19 July 2024) (ii) Social Impact Assessment (Ethos Urban, 12 June 2024)

Our review and comments are given below:

- **Site constraints & potentials:** The SEE refers, *'The site is located within the Aerotropolis Core precinct. The Site's western boundary adjoins the Government-owned Bradfield City Centre. The Bradfield Centre contains the Aerotropolis Metro Station (under construction, anticipated to open in 2026) and two advanced Manufacturing Research Facility buildings (planned). The site has an area of 2.09 hectares.'*

The site is within a low-density area and surrounded by rural residential dwellings. The site is not currently serviced by some basic utility and infrastructure provisions, i.e. sewer network, gas, road reserve with footpath, public transport. The site is bush fire prone (Category 2, buffer zone). The nearest train station is currently Leppington Station and located 7km southeast of the site. Nearest bus stop is around 1.8km away with inadequate services.

**Comment:** There are lots of uncertainties around the site for providing the basic requirements of a high density mixed use neighbourhood. As these are not possible to achieve in the current design, the proposal may be too early to support at this stage.

- **Housing Diversity & Mix:** The SEE refers, *'The proposal will provide a total of 533 residential apartments including 54 adaptable units in two stages. Buildings A, C, D, and F are residential flat buildings and will include lobbies, open-space terraces and lounge spaces at ground level. Levels one to 11 will comprise residential units. Followings are the proposed housing mix: 104 x 1-bedroom; 346 x 2-bedroom; 81 x 3-bedroom residential units; and 2 x 4-bedroom residential units'*.

**Comment:** Rationale for the proposed housing mix should be based on demographic analysis and future trends.

Australian Bureau of Statistics (ABS) refers<sup>i</sup>, *'The 2024 population forecast for Western area (which includes Bradfield and surroundings), - Greendale, Luddenham (part), Silverdale (part) and Wallacia (part) is 7,061 and is forecast to grow to 30,097 by 2046 (change 2024-46 is 326.22%)'*.

*'The number of dwellings in Western area –is forecast to grow from 2,068 in 2021 to 9,993 in 2046, with the average household size falling from 3.34 to 3.24 by 2046'*.

Future Aerotropolis and surrounding suburbs will be a destination of young families and workers. We recommend providing a certain percentage of the apartments dedicated for the **affordable rental units**. Short term accommodation for essential workers and service providers may also be considered, i.e. co-living, boarding house.

The SIA aligns with our recommendation. It states, *'The key benefit of the project relates to the addition of 533 new apartments over a diverse mix of sizes in a time of great need. It is encouraged that the potential for affordable housing is considered to provide greater accessibility for future key workers of Bradfield and those on lower incomes'* (p52).

- **Basic Amenities & Services:** Subject site is in zone MU Mixed use in SEPP (Precincts-Western Parkland City) 2021. Objectives of the zone include promoting convenient urban living and integrate a mixture of compatible land uses in accessible locations. Stage 1 of the proposal targets for 254 residential units and 212 sqm of retail GFA (Ground level of Building B). Stage 2 proposes 279 residential units with 212sqm of retail GFA.

We believe, the proposal does not adequately comply with the zoning objectives and retail/commercial requirements comparing to the future demand. The site is bit far and isolated from the essential services and facilities. For example, Camden Hospital is the closest public health service provider which is around 21km away from the site. The nearest grocery shop is around 4km away from the site.

The SIA has defined this as a high level concern which aligns with our assessment. It states,

*'There is a lot of uncertainty around the timing of social infrastructure within Bradfield City Centre'.*

*'There is likely to be a gap between delivery of housing, including Stage 1 of the proposed development, and delivery of social infrastructure. Utilities infrastructure is prioritised as an enabler of development, whereas social infrastructure may not be delivered by the time the first residents move in'.*

*'Early residents of the Aerotropolis and Bradfield will likely need to rely on social infrastructure provisions in other areas of the Liverpool City Council area, which are not easily accessible except by car. Development of these areas is also likely to increase pressure on this social infrastructure.'*

*'Poor access to social infrastructure could lead to isolation or loneliness as there is less opportunity for community building and connection. This can be particularly important in a new community setting'* (p 50, 51).

**Comments:** The future residents will require all basic services and amenities close to their home. This would be a key prerequisite for making the proposal a feasible option and towards a self-sustaining neighbourhood. The retail and mixed-use services should be comprised of daily essentials and services. Some of these could be: childcare, Grocery and fresh food, post office, food and drink premises, indoor and outdoor recreation facilities like open space and pocket park, active transport path, pharmacy, health care and beauty, community garden and a small function centre.

The proposed neighbourhood should be safe, sustainable and accessible for the diverse members of the community. Safety, security and convenience for working and travelling to and from the nearby suburbs should be ensured by CPTED, adequate accessible public transport and infrastructure connectivity.

#### 4. **Flooding**

- The proposed development site is located within the Thompsons Creek catchment area. The site is not impacted by flooding from Thompsons Creek. AT&L Pty Ltd has undertaken a flood impact assessment (Reference: REP001-04-23-1110 FIRA; Flood Impact and Risk Assessment - High Density Residential Development - 40 The Retreat, Bradfield NSW 2556; Issue: 04; dated: 07/06/2024) and prepared a stormwater management plan (Reference: REP003-04-23-1110; Water and Stormwater Management Plan - High Density Residential Development - 40 The Retreat, Bradfield NSW 2556; Issue: 04; dated: 07/06/2024) for the proposed development.
- In the existing scenario, stormwater runoffs from a portion of the property on the east flow through the site. Existing overland flows running through the site shall be captured and managed into the stormwater system of the proposed development, and the development shall not have any adverse flooding impact in the vicinity.
- In the ultimate design scenario, stormwater flows shall be directed to the appropriate trunk or road drainage system.
- Stormwater drainage system of the proposed development shall consider future development of upstream properties. The stormwater pipe system of the development shall have adequate capacity to convey future upstream post-development flows.
- During the 1% AEP storm event, the depth of flooding on the road shall not exceed 0.2 meters, and the product of velocity and depth shall not exceed 0.4 square meters per second.
- The proposed development site is located within the Western Sydney Aerotropolis Precinct. Sydney Water serves as the Regional Stormwater Authority for the Western Sydney Aerotropolis Precinct and will establish a regional basin network within the Aerotropolis Precinct. Therefore, the stormwater design for the proposed development shall adhere to the Sydney Water guideline, "Stormwater Scheme Infrastructure Design Guideline (DRAFT) - Western Sydney, Version 2024-1.0, dated 30 August 2024" and meet the stormwater management targets for both the construction and operational phases, as outlined in the "Technical Guidance for Achieving Wianamatta-South Creek Stormwater Management Targets (DPE 2022)".
- Interim measures for managing site stormwater quantity and quality shall be provided and maintained at the site until Sydney Water establishes the regional basin network.
- Proposed Stage 2 development cannot be implemented until the regional basin is constructed and stormwater network is established.
- Water quality treatment facilities shall be provided to ensure that stormwater runoff from the site meets the standards outlined in the Sydney Water guideline, "Stormwater Scheme Infrastructure Design Guideline (DRAFT) - Western Sydney, Version 2024-1.0, dated 30 August 2024" and "Technical Guidance for Achieving Wianamatta-South Creek Stormwater Management Targets (DPE 2022)". Water quality treatment works shall be designed using the "MUSIC Modelling Toolkit

## **5. Environmental Health**

### ***Noise and Vibration impact assessment.***

It is noted the report has been prepared by a member firm who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm, Council considers the report to have been prepared by a suitably qualified person.

The report considers potential noise impacts on the following:

- i. Traffic noise intrusion;
- ii. Traffic noise generation from development;
- iii. Noise emissions from the development; and
- iv. Construction noise and vibration impacts

A compliant procedure for unattended noise monitoring has been carried out to establish background noise levels. Readings on average appear to be quite low but expected given the current extent of the area has yet to be developed and would be still characterised as rural.

The consultant has been left without a specific noise criterion within the SEARS document but has rightfully followed the available guidelines and standards to assess each aspect respectively. Council is in support of this approach and recommends it form part of the standard practice until otherwise specified by the applicant.

Consideration needs to be given to :

- Noise and vibration associated with the future metro rail line to the south west of the subject premise;
- Anticipated increase in road traffic noise from the upgrade of Badgerys creek road, the surrounding increase in development density and potential for surrounding land use zoning clashes between sensitive and non-sensitive uses

### ***Site Contamination:***

Prior to acceptance of the information and recommendations made within this report, it should be confirmed with the consultancy firm that they are "suitably qualified" and meet the minimum requirements as per the NSW EPA Contaminated Land Consultant Certification Policy (Jan 2022). Suitably qualified is defined as someone who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.

The report's cover or title page of the document shall include a personalised electronic seal for either the CEnvP(SC) or CPSS CSAM scheme.

Council is unable to recommend specific consultants or auditors.

***Wastewater from car wash:***

Consideration to be given to whether greywater from the car wash bays proposed in the residential complexes and whether the system will be a recycled water system (i.e capture, treatment and reuse) or direct sewer disposal.

All wastewater disposed of to reticulated sewer must meet the requirements of the regulator, Sydney Water.

***Regulated systems***

Any proposed installation of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health Regulation 2022, AS/NZS 3666:2011 Air handling and water systems of buildings and the NSW Guidelines for Legionella Control in Cooling Water Systems published by Health Protection NSW and any subsequent revision endorsed by NSW Health.

***Communal/recreational spaces***

Should the design incorporate any interactive water feature, splash pad, swimming pool and/or spa or the like, the design must incorporate and consider the relevant sections of the following:

- i. Public Health Act 2010 and its regulation (2021); and
- ii. NSW Health Swimming Pool and Spa Pool Advisory Document (2013)



## **6. Engineering**

In addition to comments provided by our floodplain engineers:

1. Site currently drains to the Southwest corner of the site, Interim drainage solution proposes a temporary discharge to The Retreat verge area. This is a redirection of the catchment and will result in a concentrated flow with the verge area which is not acceptable as there is no capacity to cater for this additional flow.
2. The Construction and interim use of the development will introduce a large increase in traffic to The Retreat. This road is not designed to cater for this additional traffic loading. The development will need to include an assessment and upgrade to existing road pavement and stormwater drainage in The Retreat.

## **7. Traffic & Transport**

### **Built Environment Indicator Movement & Place Performance Assessment**

Due to the scale of the proposal and the development being out of sequence (within a second priority zone) a [Built Environment Indicator Movement & Place Performance Assessment](#) is an effective way to understand the performance gap between the existing built environment and desired vision for a study area. This tool is best used when working at a precinct or neighbourhood scale. [Read more on the Supporting Tools page.](#)

The tool is used to identify priority areas, investigate how they are performing, and develop options. The proponent and Council should agree to the targets and establish 'what good looks like' consistent with the precinct plan and DCP and relevant local and state strategic planning documents. Based on the assessment outcome, undertaking a Transport Management and Accessibility Plan (TMAP) process may be determined necessary.

### **Traffic generation and impact assessment**

The proposed development comprises 533 residential units, two retail shops of 424 m<sup>2</sup> and 622 m<sup>2</sup> to be developed in two (2) stages. The proposed development is estimated to generate 126 trips in the AM peak and 67 trips in the PM peak as per transport impact assessment report. The trip generation rates adopted in the transport impact assessment (TIA) for the proposed residential units are 0.23 vehicles trips per unit and 0.11 vehicle trips per unit in AM and PM peak hour respectively. These rates are consistent with approximately 30% car mode share and less than the 2056 Western Sydney Aerotropolis Precinct Plan private vehicle mode share target of 50%.

Given the existing modal share for the area is 83% by car and 9% by truck (Bringelly proxy) a higher vehicle trip generation rates should be used and calculated according to the Guide to Transport Impact Assessment formula. The trip generation rate applied should be determined based on existing mode share (Bringelly proxy 83% car) and the proposed car and truck mode share target of 83%-91% (Table 4.2 Green Travel Plan).

Consultation is required with TfNSW and Council to confirm vehicle trip generation rates to be used for the subject development.

It is noted that the TIA report only assesses traffic impact of the development on the future road network within the Bradfield City Centre. Timing of delivering these new roads within the Bradfield City Centre is unknown. The subject development(s) will rely on the existing road network to access the site until the Bradfield City Centre road network is constructed.

The revised TIA report is needed from the applicant to assess the following:

- Traffic impacts of additional traffic generated from the subject development on the existing surrounding road network (i.e. The Retreat and Kelvin Park Drive);
- Intersection performance of adjacent intersections such as the intersection of Kelvin Park Drive/The Retreat;
- Road condition for The Retreat is to be assessed to ensure that the existing road is adequate to cater for increasing traffic generated from the proposed development. It is recommended that the section of The Retreat is to be designed and upgraded as per the DCP and the aerotropolis precinct plan; and
- The required traffic calming treatments, footpath and pedestrian crossing facilities.

## Bradfield City Centre and Western Sydney Aerotropolis Precinct Plan

The subject site is adjacent to the proposed road network in the [Bradfield City Centre Master Plan](#) (approved September 2024) and [Western Sydney Aerotropolis Precinct Plan](#) (amended September 2024). It appears the proposed development changes the street layout of adjacent Bradfield City Town Centre (Figure 1).

Road network design for the proposed development is to show the proposed connection to the planned road network in Kelvin Park Drive Precinct to the east.

Consultation is required with adjacent landowners for proposed changes to the road network.

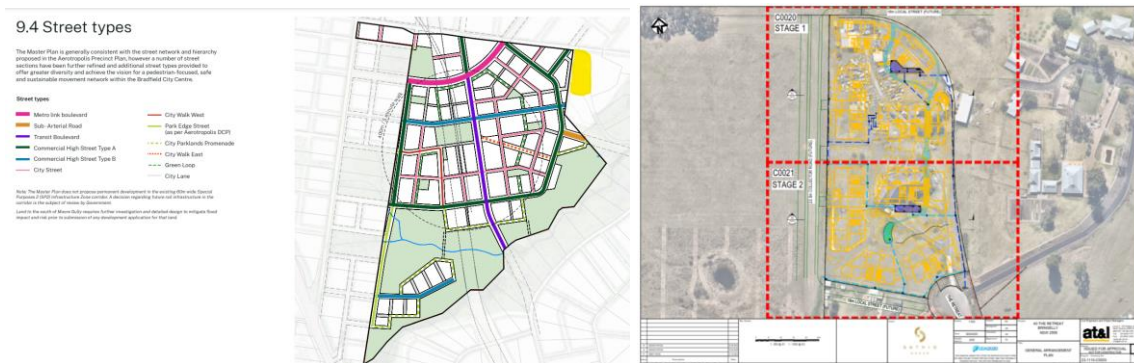


Figure 1: Bradfield City Town Centre and proposed development 40 The Retreat (Appendix LL)

## Active Transport Network connections

The proposal should also consider direct connections to future walking and cycling connections planned for adjacent precincts. Planning and staging of development should be coordinated to increase opportunity for direct access to the Metro station and Bradfield City Centre by walking and cycling.

## Parking provision

The applicant is to provide the following information related to parking:

- Detail of the proposed accesses and the layout of the parking associated with the proposed development including compliance with the requirements of the relevant Australian Standards (ie: turn paths, sight distance requirements, aisle widths, etc).
- Proposed number of parking spaces and compliance with Council's DCP.
- Detail of Service vehicle access, delivery and loading arrangements and estimated service vehicle movements (including vehicle type and the likely arrival and departure times).

**Street lighting**

The applicant is to provide underground cabling and LED street lighting along The Retreat Road and other proposed public roads to Council's specifications.

**Green Travel Plan**

The nearest bus stop is located approximately 1.7 km to the subject site. Consultation is required with TfNSW for additional bus stop and services to the subject residential developments.

The Green Travel Plan is to address transport options to people with disability and the elderly who cannot drive.

The Green Travel Plan should also consider incorporating provisions for on-site EV charging capability for residents and visitors.

## **8. Development Contributions**

### **Development Contributions Plan**

- The *City of Liverpool Aerotropolis 7.12 Contributions Plan 2024* applies to the subject site. The calculation of the levy is based on 4.6% of the 'cost of construction', or Capital Investment Value (CIV). This will be indexed as per the latest Producer Price Index (PPI) at the time of payment. An Estimated Development Cost (EDC) Report has been provided which indicates a total EDC of \$305,350,000. Council will provide a formal calculation at the request of the Planning Authority prior to the final determination of the SSD.
- Because the Contributions Plan is levied under S7.12 (and not S7.11), the offsetting of contributions through Works-in-Kind Agreements (WIKAs) or transfer/acquisition of land is not allowed.
- It is noted that Environmental Health have provided advice stating that "at a minimum, the proposed development may be impacted by contaminated soils". As per the Section 208 of the EP&A Regulations, decontamination/remediation forms part of the proposed cost of works. The EDC would need to be updated to add these figures should they be required.

### **Dedication of Road Reserve**

- Aligning with the recommendations of Strategic Planning, the developer is to provide a Public Road Reserve to be dedicated at no cost to Council.
- Street tree planting or roadside vegetation is to be maintained for a minimum of 12 months, with a maintenance plan approved by Council.
- Council will not accept the dedication of road reserves while they are still in use for land development or heavy haulage.

### **Dedication of Other Assets**

- No easements or private assets (like substations and water pumps) may be dedicated to Council on public land.
- Assets needing a bypass period (e.g., raingardens) must not be handed over until the bypass system is deactivated. Handover is contingent on passing a final inspection and completing a 12-month maintenance period if planting is involved.
- Council will not accept water management assets affected by upstream development.

## 9. City Design

### Context & Urban Structure

- It is noted that the Bradfield City Centre Master Plan (Master Plan) and the Western Sydney Aerotropolis Precinct Plan - Version 3 (Precinct Plan) were approved and took effect in September 2024. Both documents illustrate a different road network adjacent to the subject site, particularly concerning the varied road hierarchy and alignments along the western site boundary.
- CDPD highlights that the Bradfield Master Plan illustrates a 12m wide city lane, designated as a shared zone, along the western site boundary, with potential one way traffic flow. The downgrading of the road hierarchy from a previously planned collector road (Precinct Plan 2023 version) to a shared lane will significantly alter the streetscape's character, further affecting the site's access strategy, potential traffic issues, public domain interface treatment, street activation, and building separations.
- While it is acknowledged that this development application was lodged prior to the endorsement of the latest Precinct Plan, no savings provisions have been included in the updated Precinct Plan. Therefore, confirming the road network in a precinct scale is crucial to ensuring the overall urban structure aligns with the broader strategic context. The applicant is strongly advised to work closely with relevant authorities to determine whether full compliance with the Precinct Plan is necessary or to reach an agreement on an alternative solution.
- The applicant is strongly encouraged to consider the Bradfield City Centre Master Plan, as it introduces additional site-specific controls that override certain provisions in the WSA DCP, including street layout design, building heights, built form, and canopy tree targets. Given the site's close proximity to the Bradfield City Centre, it is essential to ensure a consistent streetscape and cohesive urban structure that aligns with the Bradfield City Centre.
- The applicant is required to update the potential built forms within the Bradfield City Centre to align with the indicative built forms shown in the Master Plan across all drawings. These amendments are critical for assessing solar access, overshadowing impacts, visual assessments, visual privacy, and other ADG related amenities.
- The applicant is required to confirm the provision of a local road along the southern boundary, as this road is not identified in either the Precinct Plan or the Master Plan.
- Following the confirmation of the local road along the southern boundary, the applicant is required to update the potential built forms for the adjoining sites. It is noted that the current proposal exhibits a greater building separation to the common boundary for the tower built form on the southern neighbouring site. CDPD highlights that equal building separations to the common boundary are recommended. The proposed development should not limit the development potential of the neighbouring site. Therefore, ADG standard built forms should be illustrated for all neighbouring sites to ensure ADG compliant residential amenities can be achieved for both the subject site and the neighbouring sites.
- Once the urban structure (road network) is confirmed, the applicant must revise the visual impact assessment when refining the design. This revision must ensure that significant view corridors, such as the visual connections between Kevin Park Homestead and Thompsons Creek, as well as the views from the Bradfield City Centre to the Homestead, are preserved and appropriately addressed.
- The Country strategy and associated design principles are supported and must be integrated throughout all stages of the design process.



## **Built Form**

### Height Transition Strategy

- The current proposal does not establish a clear height transition strategy for the site, linking the Bradfield City Centre to Kevin Park Homestead.
- As noted earlier, the Master Plan introduces additional built form controls, including building heights, that override the blanket HOB controls outlined in the Precinct Plan. Specifically, the Master Plan indicates a building height of 55m for the land parcel directly opposite the subject site to the west. The applicant must reflect this change in the revised design.
- The current design fails to provide an adequate height transition, with the full height built forms from Buildings C and F encroaching into the transition zone. A clear transition zone with a potential four storey podium form adjacent to Kevin Park Homestead is highly recommended to clearly define the transition zone and minimise visual and overshadowing impacts.

### Activation & non-Resi GFA

- The current proposal includes very limited non-residential use, with only 424 sqm of GFA dedicated to retail across the entire development. Given that the site is zoned for Mixed Use and the Precinct Plan 5.4 YD03 outlines specific employment density targets, the applicant must demonstrate how the proposed development complies with these targets.
- From a design perspective, it is recommended to convert the ground level units of Buildings C and D, facing the Central Ridge Line, into retail use. This would significantly enhance the activation of the publicly accessible open space (Central Ridge Line), improve street-level engagement, and increase residential privacy and security.

### Built Form

- It is noted that the proposed tower footprints, particularly for Buildings B, E, and F, exceed the requirements outlined in the WSA DCP. The larger footprints result in extensive building walls that limit visual permeability from the Bradfield City Centre to the Homestead and Thompsons Creek. This also leads to significant overshadowing impacts on the ground level open spaces and public domain, which is a major concern.
- It is suggested to increase the residential ceiling height to 3.3m for ground level and level 1 as per ADG 4C-1. This suggestion is to promote flexible use for the development in the mixed use zone.

## **Landscape Design**

- It is noted that the proposed canopy coverage does not comply with the 40% requirement outlined in the Precinct Plan. The applicant must strive for achieving this canopy target. One suggestion is to increase the deep soil zone facing Homestead, allowing additional landscaping buffer to further mitigate the impacts on the state heritage item.
- Inconsistencies have been identified regarding the deep soil zone (DSZ); the landscape design package indicates 33%, while the architectural plans show 27%.

- It is recommended that the applicant provide a detailed breakdown for each stage, including communal open space (COS), DSZ, and canopy coverage, to ensure residential amenity and compliance with the relevant controls at every stage.
- The applicant is required to provide a clear diagram of the ground plane open space network, clearly distinguishing between areas designated for residents, including ground-level communal open space (COS) and private open space (POS), and areas intended for public use. The associate area calculations should also be provided for further assessment.

### **Amenity**

- There is significant concern regarding the ongoing overshadowing impacts on the ground plane, including ground level COS, public spaces (Central Ridge Line), and public domains (public streets).
  - Solar access compliance should take into account the implications of potential built forms within the surrounding context.
  - The applicant must demonstrate that the proposed development will not restrict the development potential of surrounding sites, ensuring that ADG standard residential amenities, including solar access, building separation, and visual privacy, can be achieved.
-