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Sent via portal

Re: Request for Council's Advice on EIS – SSD-70316465

Dear David,

Liverpool City Council was invited to provide input into the EIS for Burrah Park.

Attachment A of this letter provides input on the proposal.

Pg 2	-Strategic Planning
Pg 4	-Traffic & Transport
Pg 4	-Flooding

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

The site is identified as Lot 1 in Deposited Plan 1306448 and is known as 1953-2109 Elizabeth Drive, Badgerys Creek. The site is located on the northern side of Elizabeth Drive and is within the Penrith City Council local government area.

General Comments

Traffic and transportation

The proposal is likely to impact on Elizabeth Drive from a traffic and active transport perspective. Liverpool Council would request that the proponent arranges for the upgrade of Elizabeth Drive or alternatively that the development is not permitted to be occupied until Elizabeth Drive is upgraded to a standard that demonstrates full compliance with the Western Sydney Aerotropolis Precinct Plan (September 2024) (WSSAPP). In this regard, the proposal should have road, active transport and pedestrian access on Elizabeth Drive to the intersection of The Northern Road.

Additional commentary from Council's Traffic and Transportation team will provide more detail in this regard.

Stormwater Management

The proposal must demonstrate that the stormwater management provided will not result in any upstream impacts on Elizabeth Road or neighbouring properties.

Additional commentary from Council's Flood Plain Engineering team will provide more detail in this regard.

Strategic Planning Comments

As the proposal is within the Penrith Local Government area, Liverpool Council is limiting comment in relation to this proposal to high level items. As an early application within the Western Sydney Aerotropolis, Liverpool Council stresses the importance demonstrating full compliance with the strategic planning framework.

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

Infrastructure Provision

The EIS has not provided suitable clarity in relation to the timing of infrastructure provision in accordance with Clause 4.19 of the SEPP. Section 6.17.2 of the EIS indicates that the timing of the following infrastructure is still to be confirmed:

- Gravity Trunk Sewer Mains
- Sewer Pump Stations
- Trunk Potable & Recycled Water Mains
- Electrical Zone Substation
- 22kV Feeders (Underground)

In order to demonstrate compliance with 4.19 of the SEPP, clarity in relation to the timing of essential infrastructure provision must be provided in support of the proposal. It is recommended that the proposal does not proceed to determination until Clause 4.19 of the SEPP is satisfied.

In addition to the above, the WSAPP also specifies that road provision to a standard required under the WSAPP must be delivered to the site and that access must be continuous, with appropriate connections to WSAPP complying roads (including any required regional active transport links). At present, Elizabeth Drive is not constructed to a standard that achieves WSAPP compliance. The Northern Road has been upgraded and meets WSAPP requirements. On this basis, the proposal must demonstrate connection to a WSAPP compliant upgraded Elizabeth Drive. The EIS has indicated under 6.17.3 that the proponent will:

Continue discussions with INSW, TfNSW and DPHI in relation to the delivery of the Elizabeth Drive upgrade and implications for a State Planning Agreement

This is a positive goal and should be encouraged as the proposal will be reliant on Elizabeth Drive being upgraded to achieve compliance with both the WSAPP and the relevant Clause 4.39 of the SEPP.

Western Sydney Aerotropolis Precinct Plan (September 2024)

Council requests that DPHI ensure that the proposal demonstrates full compliance with the relevant requirements of the WSAPP prior to determination. In instances where variations are permitted under the wording of the WSAPP, it is requested that the justification provided will not result in the creation of any precedent for development in the Western Sydney Aerotropolis.

The EIS (Table 34, page 121) has identified the following variations to the WSAPP:

- Variation to the road layout and hierarchy based on discussions with TfNSW
- Variation to the location of the neighbourhood centre
- Variation to the location of one (1) regional stormwater basin based on discussions with Sydney Water.
- Variation to application of the FSR control by virtue of the variation to the location of the neighbourhood centre.

In relation to the above, the following comments are noted:

Any proposed change to the Figure 10: Street Hierarchy of the WSAPP must demonstrate that the change is compliant with the objectives and requirements under 4.6.2 of the WSAPP.

Any proposed change to the Figure 11: Centres Hierarchy of the WSAPP must demonstrate that the change is compliant with the objectives and requirements under 5.1 of the WSAPP.

Regional stormwater basins must satisfy the 15 hectare catchment requirements under the DCP and it must be demonstrated that regional catchments are being managed by the regional stormwater authority. The design of the proposal must not redirect regional flows into Council's local (road reserve) assets and ideally pre and post development catchments should be generally identical.

Should the location of the neighbourhood centre be assessed to be appropriate, any proposed change to FSR should only correspond to the proposed boundary of the neighbourhood centre.

Land Reservation Acquisition Area Mapping

Significant development is proposed on SEPP (Clause 4.50) LRA mapped land for both Stormwater Infrastructure (Sydney Water) and Local Open Space and Drainage (Penrith City Council). The intrusion into this land for development purposed is not supported by Liverpool Council as it would set an unwelcome precedent within the Western Sydney Aerotropolis. The EIS has indicated (Table 33, page 117) that:

Stormwater Infrastructure.

The proposed Concept and Stage 1 Estate works impact upon these areas. It is expected that the extent of land required for this Infrastructure will be determined through ongoing discussions with Sydney Water and DPHI through the assessment process.

From a Local Open Space perspective, this area should be maintained for the benefit of the community. In relation to land required to be acquired for regional stormwater, this land must be retained in order to provide a naturalised system in accordance with the Strategic Planning framework. Council does not support the use of retaining walls in basin designs as this is contrary to the landscape led vision of the planning controls. Additionally Council does not support the use of retaining walls in instances where retaining walls support Council local and collector roads. Council strongly recommends that the LRA mapping required under the SEPP is retained and if further consideration of basin designs is forwarded by Sydney Water, that these be referred to Liverpool Council for additional comment. Additional Liverpool Council requests that any future discussion between the proponent, Sydney Water and DPHI in relation to this matter also includes both Penrith City Council and Liverpool City Council.

2- Traffic & Transport

- a- The subject site is located within Penrith Council Local Government Area. The cumulative impacts of the subject development and other planned developments in the aerotropolis precincts should be considered and assessed.
- b- The proposed access off Elizabeth Drive should be referred to TfNSW for approval. Any new traffic signals will require TfNSW "in principle" support prior to the master plan for the subject developments being approved.
- c- It is recommended that a master plan is prepared for the subject site and the surrounding lands to ensure adequate access(s) to be provided in order to facilitate staging developments within the area.

3- Flooding

- a- The proposed development site is located within the Western Sydney Aerotropolis (WSA) Precinct. Therefore, it must meet the stormwater, water-sensitive urban design, integrated water, and flood management objectives and targets outlined in Sections 2.3 and 2.5.1 of the WSA Phase 2 Development Control Plan (DCP) 2022.

- b- Sydney Water, acting as the Regional Stormwater Authority for the Western Sydney Aerotropolis Precinct, plans to establish a network of regional water quality basins within the precinct. However, the proposed development has encroached significantly on land designated for future stormwater infrastructure. According to the masterplan, this development will substantially reduce the size of the regional basins, potentially hindering the achievement of water quality targets for both current and future developments within the Liverpool LGA. All developments in the Western Sydney Aerotropolis Precinct must align with the regional basin delivery plan, and the proposal must be amended accordingly. It is recommended that the applicant liaise with Sydney Water to address these concerns.
- c- The proposed development involves filling within the floodplain, resulting in a loss of flood storage volumes. However, the flood impact assessment report by Arcadis Pty Ltd does not indicate how this loss will be compensated. To meet Performance Outcome PO8, 2.5.1 (Flood Management) of the DCP, compensatory excavation must be provided to ensure no loss of flood storage volume for all flood events, including the Probable Maximum Flood (PMF) event. The flood impact assessment report should include cut and fill volume calculations, as well as plans and sections of earthworks required for flood compensatory excavation.
- d- The PMF flood impact map indicates that the proposed development will raise flood levels along Cosgroves Creek. Therefore, the development must incorporate suitable flood mitigation measures to ensure there is no increase in the creek's peak water level during all flood events, including the PMF event.
- e- A revised assessment for climate change scenarios and their impacts should be conducted, following the recommendations of Australian Rainfall and Runoff 2019, Version 4.2.