

Sally Munk
Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Sent via portal

**Re: Request for Council's Advice on SSD-76913969 – ALDI Distribution Centre – 475
Badgerys Creek Road, Bradfield**

Dear Sally,

Liverpool City Council was invited to provide comments on the Planning Secretary's Environmental Impact Statement for the above proposal.

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
Planning Delivery Manager

Attachment A – Detailed comments

1. Strategic Planning

Statutory context

As at the date of assessment (30/05/2024) the NSW Planning Portal has not shown that the masterplan identified as “WSA_MP01, Ingham Property Group (IPG) at 475 Badgerys Creek Road, Bradfield” has been determined. This results in a significant level of uncertainty in relation to the assessment of the proposal and raises the following questions for the determination authority (DPHI):

- (a) Is the yet to be determined masterplan proposed to apply retrospectively to SSD-76913969 as stated on page 21 of the EIS? If so, what is the mechanism for this to apply retrospectively to this application?
- (b) The EIS notes that “The Master Plan establishes the statutory framework under which the ADC is to be assessed, supplementing the Aerotropolis Precinct Plan by providing site specific development controls for the IPG Estate. To reinforce the relevance of the Master Plan to the assessment of this EIS, in the event of any inconsistency between the Master Plan and the Aerotropolis DCP, the Master Plan will prevail to the extent of the inconsistency.”

While this is true of the DCP, the EIS must still demonstrate how the proposal satisfies State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (SEPP) and the Western Sydney Aerotropolis Precinct Plan, September 2024 (WSAPP).

Recommendations – Statutory Controls

- (a) The EIS is to be updated to provide a complete consideration and assessment of the proposal in accordance with the existing strategic planning framework applying to the site including:
 - State Environmental Planning Policy (Precincts – Western Parkland City) 2021
 - Western Sydney Aerotropolis Plan 2020 (including the objectives included in the Appendix on pp94 – 96)
 - Western Sydney Aerotropolis Precinct Plan, September 2024
 - The City of Liverpool Aerotropolis s7.12 Contributions Plan 2024, noting that page 8 of the Infrastructure Servicing Strategy (Appendix G) states; “The contributions plan has not yet been formally adopted by Council.” The 7.12 plan was adopted in 2024 and must be considered as part of the EIS process.
 - It is also requested that the proposal consider the relevant controls under the Western Sydney Aerotropolis Development Control Plan.

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

- (a) The EIS must be amended to demonstrate how the proposal intends to comply with all relevant clauses of the SEPP. Additional information is requested to demonstrate compliance with the following clauses:
 - (i) Clause 4.31 Design Review Panel

The development has a proposed GFA of 106,706m² (EIS page 11). Table 21 of the exhibited Masterplan identifies this as a “large scale” proposal (i.e. >50 000m² GFA), therefore requiring the proposal to be forwarded to a Design Review Panel (DRP). The Design Verification Statement under EIS Appendix F does not provide evidence that the proposal has been considered by a DRP.

(ii) 4.39 Development must be consistent with precinct plan

Comments relating to issues with WSAPP consistency are discussed under Point (5) below.

(iii) 4.49 Public utility infrastructure

The Draft Infrastructure Delivery Strategy under Appendix GG of the EIS notes (page 32) that;

Approx. 1.5km of 450mm drinking water lead-in mains is to be constructed by IPG under Badgerys Creek Road from 205 Badgerys Creek Road to the Eastern Ring Road under Sydney Water procurement scheme

- *375mm lead-in drinking water main to be constructed by IPG under BCR between ERR and RD3 under Sydney Water procurement scheme.*

- *Approx 375mm drinking water main to be constructed by IPG under Road 3 in Stage 1 possibly under Sydney Water procurement scheme.*

- *525mm trunk gravity sewer main (Badgerys Creek) to be delivered by Sydney Water.*

The provision of these services within Badgerys Creek road prior to the reconstruction of Badgerys Creek Road in accordance with the WSAPP is likely to impact on this work. It is recommended that this work is undertaken logically and is installed in conduits within Badgerys Creek Road. In this regard it is recommended that the SSDA facilitates the construction of Badgerys Creek Road from road 3 to the intersection of the Eastern Ring Road (ERR) in order to avoid any relocation of these underground services.

Western Sydney Aerotropolis Plan 2020

The EIS provides commentary in relation to the objectives of the WSAP in accordance with this section of the SEPP. Council has not undertaken a review of the veracity of this commentary.

Western Sydney Aerotropolis Precinct Plan, September 2024 (WSAPP)

The EIS Notes that the proposal does not comply with the following requirements of the WSAPP:

- *Location of the site relative to the Eastern Ring Road and proposed road network.*
- *Location relevant to proposed open space and stormwater/riparian network.*
- *Existing height limit of 24m.*

In relation to these identified variations to the WSAPP, Council again refers to comments raised in relation to the retrospective application of the Ingham Masterplan when it comes into effect, see point (1)(a) above.

In addition to the identified variations included in the EIS and supporting Appendices, the following requirements of the WSAPP are also not achieved:

(a) Regional Road Connection

The EIS does not explain how the proposal seeks provide WSAPP compliant road access to the broader precinct in accordance with 3.1 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 Western Sydney Aerotropolis Precinct Plan. Essential services and infrastructure is road access, water supply, sewer, electricity and stormwater infrastructure.” Council is concerned that the proposed local road within the site does not connect to a the regional WSAPP compliant road in relation to vehicular, pedestrian and active transport requirements. The proposal relies on an existing rural road (Badgerys Creek Road) for broader access and this proposed access does not satisfy the following sections of the WSAPP:

3.2 DS01, DS03 a, DS2, DS3 and DS5 (specifically in relation to connection to the broader road network).

4.1 LU03 b. and LU03 c, LU2 a, LU2 b, and LU2 c.

4.6 MF01, MF02, MF03. MF04, MF05 and both MF1 and MF3 specifically in relation to connection to the broader road network.

4.6.2 SH01, SH03, SH1 c, SH1 e, SH1 f and SH2 a.

In relation to the above it is noted that the proposal is in accordance with the road layout as amended by the Masterplan within the subject site. The proposal must also demonstrate how it is proposed to provide a logical and safe regional connection to a WSAPP complying element of the broader road, pedestrian and active transport network.

(b) 4.5 Blue-Green Infrastructure Framework

It appears that insufficient information has been provided to demonstrate how the proposal complies with this chapter of the WSAPP and what interim arrangements are being provided prior to the Masterplan basin network coming on line.

2. Flooding and Stormwater

Based on the submitted documentation, the proposed development is considered satisfactory, subject to compliance with stormwater management requirements. Accordingly, Council requests that the following condition be included in the development consent for this application.

Prior to Issue of Construction Certificate:

- a) Existing stormwater flows running through the site must be managed and conveyed downstream safely, ensuring no adverse flooding impact on the adjoining property.
- b) Stormwater drainage system of the proposed development must consider future development of upstream properties. The stormwater pipe system of the development must have adequate capacity to convey future upstream post-development flows.

c) 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.

d) Both interim and ultimate stormwater management measures must meet the objectives and targets outlined in the WSA DCP (2022) and the “Technical Guidance for Achieving Wianamatta-South Creek Stormwater Management Targets” (DPE 2022).

e) Interim measures must be implemented and maintained on-site to manage stormwater quality until the regional water quality basin network is established by Sydney Water. These measures must be consistent with the following documentation:

- Civil Engineering Report Incorporating Water Cycle Management Strategy for ALDI Sydney Automated Distribution Centre (Project No. 15146.01, Revision B, dated 30 April 2025, Costin Roe Consulting Pty Ltd).
- Drawing Nos. 22-1002-C2512, 22-1002-C2513, 22-1002-C2521, and 22-1002-C2522, Issue D, dated 12/04/2024, AT&L Pty Ltd (as part of the IPG Badgerys Creek Road Master Plan).

f) The proposed development must incorporate permanent on-site detention (OSD) basin to ensure that post-development stormwater runoff does not exceed pre-development flow rates. The detention basin must be constructed and maintained on-site in accordance with the following documentation:

- Costin Roe Consulting Pty Ltd: Drawing No. SDY-CRC-DRW-CV-400, Issue P3, dated 13/12/2024.
- AT&L Pty Ltd (submitted as part of the IPG Badgerys Creek Road Master Plan): Drawing Nos. 22-1002-C2512, 22-1002-C2513, 22-1002-C2521, and 22-1002-C2522, Issue D, dated 12/04/2024.

g) Gross pollutant traps (GPT) must be provided at the stormwater outlets leaving the proposed development site as indicated in the drawing by Costin Roe Consulting Pty Ltd (Reference: Drawing No. SDY-CRC-DRW-CV-400, Issue P3, dated 13/12/2024).

Conditions Relating to Use:

Ongoing maintenance of the stormwater system including the on-site detention (OSD) and water quality basins must be ensured to preserve its functionality and compliance with the approved stormwater management strategy as indicated in the Water Cycle Management Strategy by Costin Roe Consulting Pty Ltd (Reference: Project No. 15146.01, Civil Engineering Report Incorporating Water Cycle Management Strategy for ALDI Sydney Automated Distribution Centre, Revision B, dated 30 April 2025).

3. Environmental Health

Aldi Sydney Automated Distribution Centre Noise and Vibration Impact Assessment, Doc ref: TN980-01F02 SYD ADC NVIA (r3).docx , Revision Final prepared by Renzo Tonin & Associates dated 19th December 2024 (trim ref: 180747.2025);

Renzo Tonin & Associates Pty Ltd was engaged to undertake an acoustic assessment of the proposed development. According to the consultant, the report assesses noise and vibration impacts during the construction and operational phases of the development. The proposed operating hours for the development are 24 hours, 7 days per week.

Assessment criteria were derived from the NSW EPA's Noise Policy for Industry (2017). Consideration was given to the Interim Construction Noise Guideline prepared by the Department of Environment & Climate Change NSW dated 2009 and relevant sections of the NSW Road Noise Policy (2011) published by the NSW Department of Environment, Climate Change and Water NSW.

Construction noise levels were predicted to exceed the applicable construction noise management levels at receiver locations R16-R21. A Construction Environmental Management Plan comprising a Noise Management Plan is required for the development. Noise emissions from the operational phase of the project were predicted to comply provided that the mitigation measures recommended by the consultant are incorporated in the design and construction of the development.

Renzo Tonin & Associates Pty Ltd is a member firm of the Association of Australasian Acoustical Consultants (AAAC).

State Environmental Planning Policy (Transport and Infrastructure) 2021

When considering the nature of the proposed development, it is believed that further consideration of Clauses 2.100 and 2.120 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* is not required. However, the Department may wish to consider whether the proposed facility is a traffic generating development as outlined in Clause 2.122 and Schedule 3 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Noise Exposure Contour Map

The State Environmental Planning Policy (Precincts—Western Parkland City) 2021 Noise Exposure Contour Map confirms that the land is located within the ANEC 20-25 contour. *Australian Standard (AS) 2021:2015 Acoustics - Aircraft Noise Intrusion - Building Siting and Construction* explains that there are circumstances where a building of a particular type will contain spaces used for activities which would generally be found in a different type of building such as an office in an industrial building.

In these cases, Table 2.1 should be used to determine site acceptability, but internal design noise levels within the specific spaces should be determined by Table 3.3. The Department must consider whether potential aircraft noise impacts require further consideration by a suitably qualified acoustic consultant.

The Western Sydney Aerotropolis Development Control Plan 2022 would require the acoustic assessment to be prepared by a suitably qualified acoustic consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

475 Badgerys Creek Road Air Quality Assessment Aldi, SLR Project No. 610.032148.00001, Revision V.01 prepared by SLR Consulting Australia dated 18th December 2024

SLR Consulting Australia was engaged to undertake an air quality assessment for the proposed development. The consultant confirmed that the report was prepared to address the SEARs. Odour was not considered to be a significant source of emissions during construction or operation of the development and was not considered further.

According to SLR Consulting Australia, the air quality assessment was conducted in accordance with NSW EPA *Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales*. The air quality assessment confirms that the development will include a diesel refuelling system for refuelling of vehicles accessing the site comprising two 100,000L above-ground diesel storage tanks for truck refuelling and two 10,000L tanks for AdBlue storage.

The report's scope is inclusive of both construction and operational phases of the site's development. Potential air quality impacts were predicted to be adequately managed with the implementation of site-specific mitigation measures recommended by the consultant. The Department must also require preparation of Construction and Operational Environmental Management Plans by suitably qualified and experienced environmental consultants for the development to address the means by which the commitment in the environmental assessment reports will be fully implemented. The report was reviewed by Graeme Starke who is a Certified Air Quality Professional under the Clean Air Society of Australia and New Zealand.

Badgerys Creek Environmental Report 475 Badgerys Creek Road, Badgerys Creek NSW, Revision 4 prepared by Senversa Pty Ltd dated 17th June 2024

Senversa Pty Ltd was engaged to prepare an environmental report to assist the NSW EPA with closing out the Environment Protection Licence (EPL) for the site so that it is no longer regulated as a scheduled activity under the *Protection of the Environment Operations Act 1997*. The environmental report was prepared by Naomi Lukeman and reviewed by Jason Clay who are both certified under the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)).

Although the environmental report provides an overview of preceding site investigations (Preliminary Site Investigation (Senversa, 2020a) and detailed site investigation (Senversa, 2020c)), it is not presented in a format consistent with the reporting stages for contaminated land management specified within the document titled 'Consultants reporting on contaminated land: Contaminated Land Guidelines' updated 5th May 2020.

The document titled Badgerys Creek Environmental Report 475 Badgerys Creek Road, Badgerys Creek NSW, Revision 4 prepared by Senversa Pty Ltd dated 17th June 2024 concluded that the site is suitable for the proposed commercial/industrial use subject to recommendations comprising an unexpected finds protocol and Asbestos Management Plan. The consent authority must ensure that it has sufficient information to address Clause 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021* prior to determination of the Application.

Clause 4.6(2) of *State Environmental Planning Policy (Resilience and Hazards) 2021* requires the consent authority to consider a report specifying the findings of a preliminary investigation of land

if the proposed development involves a change of use on any land specified in subclause 4. With consideration for subclause 4 of *SEPP (Resilience and Hazards) 2021*, the Applicant intends to carry out development that would facilitate a change of use on land previously used for agricultural activities. Table 1 of the contaminated land planning guidelines identify agricultural/horticultural activities as potentially contaminating activities.

In this regard, the Application must be supported by a Stage 1- Preliminary Site Investigation for the land prepared or reviewed and certified by a suitably qualified environmental consultant. The Preliminary Site Investigation shall comply with applicable guidelines made or approved by the NSW EPA under the *Contaminated Land Management Act 1997* and identify all past and present potentially contaminating activities; identify potential contamination types; discuss the site condition; provide a preliminary assessment of site contamination; and assess the need for further investigations.

Where contaminating activities are suspected or known to have occurred, or if site history is incomplete, a Stage 2- Detailed Site Investigation shall be prepared or reviewed and certified by a suitably qualified environmental consultant. This investigation shall give regard to the potential effects of any contaminants on public health, the environment and building structures and shall meet the sampling density outlined in the NSW EPA sampling design guidelines for contaminated land (2022).

If the Stage 2-Detailed Site Investigation indicates that the site poses unacceptable risks to human health or the environment, a Remedial Action Plan shall be prepared or reviewed and certified by a suitably qualified environmental consultant in accordance with applicable guidelines made or approved by the NSW EPA under the *Contaminated Land Management Act 1997*.

Asbestos Management Plan 475 Badgerys Creek Road, Badgerys Creek NSW, Revision 2 prepared by Senversa Pty Ltd dated 9th November 2023

Clause 429(2) of the *Work Health and Safety Regulation 2017* requires a person with management or control of a workplace to ensure that a written plan (an asbestos management plan) is prepared for the workplace. In accordance with the recommendations of their Environmental Report, Senversa Pty Ltd prepared an Asbestos Management Plan for the land.

The person with management or control of the workplace must ensure that the submitted Asbestos Management Plan is readily accessible and regularly updated, reviewed and revised in accordance with the requirements imposed by the *Work Health and Safety Regulation 2017*.

Council's Environmental Health Section is not responsible for assessing compliance with the *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2017*. Therefore, further advice may be sought from SafeWork NSW in relation to this matter.

Construction Environmental Management Plan

A Construction Environmental Management Plan shall be prepared by a suitably qualified environmental consultant for the proposed development. Suitable management and control measures must be included within the Plan to ensure that there are no adverse impacts on the environment during construction. The CEMP must address all environmental aspects of the development's construction phases and include where relevant, but not be limited to, the following:

1. Asbestos Management Plan;
2. Project Contact Information;

3. Site Security Details;
4. Timing and Sequencing Information;
5. Site Soil and Water Management Plan;
6. Noise and Vibration Control Plan;
7. Dust Control Plan;
8. Health and Safety Plan;
9. Waste Management Plan;
10. Incident Management Contingency; and
11. Unexpected Finds Protocol.

Construction Phase Soil and Water Management Plan

A soil and water management plan shall be prepared for the construction phase of the proposal.

Site Plans

Detailed site plans for the development shall be submitted with the Application and include:

- Environmental safeguards such as trafficable bunds installed at the entry and exits of storage areas, vehicle, garbage bin and wash bays to prevent contamination of the surrounding environment;
- Sealed traffic areas to prevent dust emissions and tracking of sediment and other material from the site;
- The roof covering all storage areas, garbage bin bays, chemical storage areas and vehicle wash bays shall contain an overhang of at least 10° to prevent rainwater intrusion. Uncontaminated rainwater shall be directed from the canopy and other roofed areas into stormwater drains;
- The location of spill kits, stormwater pits and stormwater drainage infrastructure. A detailed drainage diagram shall be submitted with the Application to clearly identify the proposed location of surface drains, sewerage and stormwater infrastructure; and
- Manufacturer's specifications and the location of any pre-treatment devices to be installed at the subject premises.

The waste storage area shall be clearly identified in the site plans. The designated waste storage areas shall comply with the following requirements:

- a) The room shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor.
 - b) The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements.
 - c) The room must include a tight-fitting, self-closing door and mechanical ventilation.
- All containment measures including trafficable bunds shall be designed, installed and constructed in a manner which: permits the safe passage of personnel and vehicles, maintains effective containment capacity and minimises intrusive/offensive noise impacts arising from vehicle operation.

Vehicle Refuelling Facilities & Chemical Storage

The proposed development will contain vehicle refuelling facilities. Before the issue of a Construction Certificate, detailed site plans for the diesel storage and refuelling area are required to demonstrate compliance with relevant Australian Standards and/or other Best Practice Guidelines such as the 'Practice Note Managing Run-Off from Service Station Forecourts'

published by the NSW Environment Protection Authority dated June 2019. Detailed plans of the forecourt and chemical storage areas shall identify bunding, spill kit locations and drainage infrastructure. All work and storage areas where spillage may occur shall be bunded.

The capacity of the bunded area shall be calculated as being equal to 110% of the largest storage or process vessel/container in the area or 25% of total volume of the stored product for facilities storing small containers. Drainage within any fuel dispensing area may need to be connected to a pre-treatment device. The canopy covering the fuel dispensing and chemical storage areas shall have an overhang by 10° to prevent rainwater intrusion.

The Applicant will also be required to comply with the *Protection of the Environment Operations (Clean Air) Regulation 2022* and industry best practice and standards including but not limited to the Standards and Best Practice Guidelines for Vapour Recovery at Petrol Service Stations published by the NSW EPA dated March 2017.

Plans may also be required to demonstrate compliance with Australian Standard (AS) 1940–2017: The storage and handling of flammable and combustible liquids; AS/NZS 3833:2024 The storage and handling of mixed classes of dangerous goods, in packages and intermediate bulk containers; and if applicable, Australian Standard (AS) 1692-2006 Steel tanks for flammable and combustible liquids.

Before the issue of an Occupation Certificate, certification issued by a suitably qualified and experienced consultant shall be submitted to the consent authority certifying that the development complies with AS 1940:2017– The Storage and Handling of Flammable and Combustible Liquids and any other relevant Australian Standards, *Protection of the Environment Operations (Clean Air) Regulation 2022* and other Best Practice Guidelines applicable to the installation and operation of the diesel storage and refuelling area such as the ‘Practice Note Managing Run-Off from Service Station Forecourts’ published by the NSW Environment Protection Authority dated June 2019.

Forecourt Management Plan

A Forecourt Management Plan shall be prepared and submitted to the consent authority for the vehicle refuelling facilities at the site. The plan shall include details of daily operations and best management practices for the forecourt area (including any policies, procedures and staff training). Additional information is available in the ‘Practice Note Managing run-off from service station forecourts’ published by the NSW Environment Protection Authority dated June 2019.

Operational Environmental Management Plan

An Operational Environmental Management Plan (OEMP) shall be prepared for the proposed facility and be submitted to the consent authority for review. The Plan shall be written by a suitably qualified and experienced environmental consultant and address means by which the commitment in the environmental assessment reports will be fully implemented.

The EMP shall also provide a framework for managing and mitigating environmental impacts for the life of the proposal and make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures. The Plan must support recommendations proposed in the submitted technical reports whilst also addressing other risks to the environment.

The OEMP shall be prepared to meet the requirements of ISO 14001 and as a minimum address the following requirements:

- a) Provide the strategic context for the management of the development;
- b) Identify all the statutory requirements of the development and any specific environmental standards;
- c) Detail mitigation measures to minimise acoustic impacts;
- d) Specify mitigation requirements to maintain air quality;
- e) Outline mitigation measures to maintain water quality;
- f) Address sediment and erosion control during operation; and
- g) Include community consultation and complaints management procedures.

In this regard, the OEMP must include at least the following information: introduction, project description, environmental policy, EMP context, objectives, responsibilities, statutory and reporting requirements, environmental management activities, environmental training, emergency contacts, risk assessment and monitoring and review procedures, OEMP auditing and appendices. Individual sub-plans may be incorporated into a single comprehensive OEMP for the proposal. In addition, a Noise Management Plan is required to mitigate acoustic impacts. Further advice should be sought from an environmental consultant who is suitably qualified and experienced in the preparation of Environmental Management Plans.

No Vehicle Washing, Mechanical Repairs, Panel beating or Spray Painting

The Department shall impose conditions of consent to prohibit vehicle washing, mechanical repairs, panel beating or spray painting at the premises.

Appropriate Regulatory Authority

Schedule 1 of the *Protection of the Environment Operations (POEO) Act 1997* declares premises-based activities regulated by the NSW Environment Protection Authority (EPA). The Applicant shall confirm whether the proposed development includes any scheduled activities that will require an Environment Protection Licence from the NSW EPA (Integrated Development). In these circumstances, approval must be obtained from the NSW EPA before consent can be granted. The consent authority must refer the development application to the relevant public authority and incorporate the public authority's general terms of approval.

Regulated Systems

The installation, operation and maintenance of cooling water systems and warm water systems are regulated under the *Public Health Act 2010*. The Applicant must confirm whether regulated systems such as cooling water systems will be installed at the premises in accordance with the *Public Health Act 2010*, *Public Health Regulation 2022* and AS 3666.

Food Safety

If the premises will be used to store food for sale, the Application shall be supported by detailed floor and section plans demonstrating compliance with the Food Act 2003, Australia New Zealand Food Standards Code and Australian Standard (AS) 4674-2004 Design, Construction and Fit-Out of Food Premises.

Sewage Management

The Applicant is required to demonstrate that the development can be connected to a reticulated/ interim reticulated sewerage service. According to the Environmental Impact Statement, the proposed development will include an Interim Operating Procedure/Plan (IOP) with Sydney Water, essentially providing a pump-out system for wastewater from the site in the interim period.

Due to infrastructure constraints in the Growth Centre, Applicants are seeking approval to utilise IOPs to manage wastewater disposal in unsewered areas. It is the responsibility of the Department to assess wastewater servicing matters for the Growth Centre given that inadequate infrastructure is available to support increasing development in the area. The Department must therefore consider the likely impacts of the proposal and the suitability of the site for the development in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

4. Traffic

- a) The proposed operation of the subject site is 24 hours a day, 7 days a week. Heavy vehicle movements are expected to occur throughout the 24-hour period on typical weekdays. This continuous operation will help distribute heavy vehicle traffic more evenly across the day, thereby reducing congestion during morning and evening peak hours.

Should the Department not approve 24-hour operations, a reassessment of traffic impacts under reduced operational hours will be required, considering a worst-case scenario.

- b) The subject site fronts the future Eastern Ring Road corridor, classified as a future arterial road. In accordance with Clause 4.27 of the Western Sydney Aerotropolis (WPC SEPP), concurrence with Transport for NSW (TfNSW) is required.
- c) TfNSW is currently developing a strategic concept design for Badgerys Creek Road. As the proposed water and sewer infrastructure is to be located along this road, consultation is required with TfNSW for the design of these new utilities.
- d) The subject ADC site is not currently connected to utility infrastructure. The enabling works required to support the ADC are the responsibility of the Infrastructure Planning Group (IPG). Land subdivision, roadworks, and associated infrastructure must be completed prior to the commencement of ADC construction. Confirmation is required regarding the required enabling works and delivery timeline for ADC operation which includes (but not being limited to):
- Road No. 3;
 - Badgerys Creek Road/Road No.3 intersection;
 - Adequacy of pavement condition and associated pavement upgrade along Badgerys Creek Road for the planned haulage routes for heavy vehicles;
 - Any required National Heavy Vehicle Regulator (NHVR) approval for heavy vehicles to/from the subject site; and
 - Other planned roads to/from the future Eastern Ring Road and associated intersections.
- e) The proposed road network, including the roundabout at the intersection of Badgerys Creek Road and Road No. 3, must be designed to accommodate 30m Performance-Based Standards (PBS) Level 2 Type B vehicles. It should also be tested for 36.5m PBS Level 3 Type A vehicles. Turning path analysis for the longest vehicle (PBS Level 3) at this intersection must be submitted to Council for review.
- f) Road safety concerns are raised regarding the proposed heavy vehicle entry and exit points, which are directly opposite the intersections of Road No. 2 and Road No. 3. Due to the lack

of clear priority controls at these intersections, there is a risk of vehicular conflict between site traffic and general traffic. It is recommended that the heavy vehicle driveways be redesigned or offset from the intersections to mitigate potential conflicts and improve safety for vehicles entering and exiting the site. Parking restriction at the proposed driveways may be required to cater for heavy vehicle turning path.

- g) The proposed outbound exit point is located in close proximity to the intersection of Badgerys Creek Road and Road No. 3. To manage traffic movements safely, a raised median island should be constructed along Road No. 3, extending from the roundabout to at least 10 metres east of the proposed Road No. 2. This will restrict outbound movements to left-in/left-out only to minimise through traffic along Road No.3.
- h) A detailed green travel plan is to be prepared and submitted to Council for review as part of the consent conditions.
- i) Adequate street lighting should be provided along the frontage of subject site, particularly during nighttime. Detailed street lighting design should be submitted to Council for approval.

Other traffic related conditions are as follows:

- j) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018 for heavy vehicle usage.
- k) The applicant shall submit a Section 138 Roads Act application to Council for any proposed new roads and road work in, on or over a public road including the payment of application and inspection fees, to Council's Land Development and Transport Management Sections for approval.

Prior to the issue of the construction certificate for any roadwork, the Applicant must submit the design plans to the satisfaction of Council and provide a copy of the approved documents to the Certifier for information.

- l) An Operational Traffic Management Plan (OPTM) should be prepared by an accredited practitioner and submitted to and endorsed by Council's Transport Management Section as part of the development consent conditions. The OPTM is to include measures to manage traffic and parking impacts of the proposed day to day use and ensure safe vehicle movements on the subject site as well as surrounding roads.
- m) A Construction Traffic Management Plan (CTMP) detailing updated construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be prepared for the subject developments and submitted to and endorsed by Council's Transport Management Section prior to the issue of a Construction Certificate.

The CTMP is to outline the need for a Road Occupancy Permit issued by Council or Road Occupancy Permit issued by the Transport Management Centre.

Works within the road reserve shall not commence until the construction traffic management plan has been endorsed.

- n) All works within the road reserve shall be constructed by the applicant, at no cost to Council, and all signage is to be in accordance with the TfNSW Traffic Control at Worksites Manual and the TfNSW Delineation Guideline.
- o) If a works zone is required, an application must be made to Council's Transport Management Section. The application is to indicate the exact location required and the applicable fee is to be included. If parking restrictions are in place, an application to have the restrictions moved, will need to be made.
- p) Notice must be given to Council's Transport Management Section of any interruption to pedestrian or vehicular traffic within the road reserve, caused by the construction of this development. A Traffic Control Plan, prepared by a suitably accredited practitioner must be submitted to and approved by Council's Transport Management Section, at least 7 days prior to implementation. This includes temporary closures for delivery of materials, concrete pours etc.
- q) Applications must be submitted to and approved by Council's Transport Management Section for any road closures. The applicant is to include a Traffic Control Plan, prepared by a suitably qualified person, which is to include the date and times of closures and any other relevant information.
- r) All the construction vehicles shall enter and exit the site in a forward direction.
- s) Parking for all construction workers should be accommodated within the development site.
- t) Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall ensure that all works associated with a S138 Roads Act approval or S68 Local Government Act approval have been inspected and signed off by Liverpool City Council.
- u) All the approved roadworks, traffic control devices, pedestrian crossings, signposting, line marking and street lighting are to be completed to Liverpool Council requirements, at no expense to Liverpool Council or Transport for NSW.
- v) Council's on-street assets such as footpath shall be protected at all times. Any damages shall be rectified by the applicant, at no cost to Council, and to Council's satisfaction.

5. Urban Design

The Urban Design team reiterates the importance of the final IPG Master Plan, which will serve as the primary legislative framework guiding the design and assessment of any proposals within the Ingham site. However, it is noted that the IPG Master Plan has not been determined at the time this EIS package was lodged, making it challenging for a proper assessment.

Subject to the final endorsement of the IPG Master Plan, the DPHI assessing planner should ensure that the proposal is designed in accordance with the final IPG Master Plan and the DQS.

Council's Urban Design team requires a Public Domain Plan, including sufficient detail of boundary interfaces, to be submitted to Council for review and approval once the IPG Master Plan is finalised.

DPHI has advised Council that they will be further asking IPG to further improve the clarity of the DQS and to note that DCP (and Master Plan) controls will continue to apply and further that the updated DQS will not be renotified to Council.

6. Traffic & Transport

The Inghams Masterplan and ACHA provide an overarching assessment and design framework for development within the Masterplan area, however its application to each individual lot needs to be meaningfully considered in consultation with the stakeholder group.

No evidence has been provided that sufficient and meaningful collaboration has been undertaken to inform the design of the proposed development and to verify that the options taken are appropriate and consistent with the desires and needs of the Aboriginal stakeholders.

The applicant has submitted the original Aboriginal Cultural Heritage Assessment prepared by Ecological Australia with no addendum or supplementary report to consider the impacts of the proposal within the confines of the identified Aboriginal Cultural Heritage issues.

The EIS refers to work undertaken by Baker Archaeology, however this has not been submitted.

The EIS refers to work by Yerrabingin however the report has not been submitted and if this relates to the Inghams Masterplan, no addendum has been provided to indicate its application to the subject site.

It is recommended in consultation with traditional owners to review the landscaping plans and proposed plant lists as the list includes the following species which are **NOT** endemic to the area:

- a. Flindersia australis
- b. Fraxinus 'Urbanite'
- c. Hymenosporum flavum
- d. Correa Alba
- e. Sambucus gaudichaudiana
- f. Cymbopogon refractus
- g. Waterhousea floribunda
- h. Quercus sp.
- i. Jacaranda mimosifolia

Page 11 of the Design Report submitted by SBA identifies design inspirations based on the Design with Country principles, however as noted above it is unclear whether these have been supported by the Aboriginal stakeholders. The key principles identified are:

- j. Façade articulation

- k. Eco-tonal
- l. Restrained composition
- m. Light palette

The main emphasis of the design inspiration is around the use of light colours, representative of the natural tones of the Cumberland plains with a strong vertical emphasis with various elements to reduce bulk and scale through articulation.

Despite these design recommendations or principles, it is arguable that the proposed design has failed to adequately consider any of the principles established in the provided design.

Colour – The architects have implemented various shades of grey – restricted by the colourbond colour chart – grey cannot be classified as a warm toned eco-tonal colour which would be more reflective in greens, browns, reds and sands. It appears that the design, despite needing to respond to country and the environment is being constrained by the colour requirements of ALDI which is not appropriate.

Articulation – Due to the large expanses of wall area, it is difficult to see how minor changes in colour shades and by comparison to the wall area, small slots of glass would provide sufficient breakages in the various walls of the building. The development should seek to embrace materials outside of the standard colourbond wall cladding, materials such as Structural Insulated Panel Systems or CLT Panels and mass timber frames would provide a natural recycled timber solution that would break up the larger expanses of steel and increase the environmental performance of the building.

It is considered that the proposal has implemented the bare minimum design responses to Country despite opportunities which could have been discussed with the stakeholders to adequately embrace connecting with Country. These should have included:

- n. **Water Country:** excluding areas requiring heavy vehicle circulation, using a system like TRUEGRID with a compressive strength of 8,000 psi in combination with deco granite or pebble to provide permeable parking and footpaths rather than concrete.
- o. **Water Country:** removing the rigidity of the design to incorporate meandering paths and edges between surfaces simulating the moving water.
- p. **Water country:** not planting turf such as Kikuyu and use alternatives such as Dichondra repens, native violet, Australian daisy or similar native to the Cumberland plains. This modification will reduce maintenance requirements (i.e. mowing) as well as reduce water usage.
- q. **Sky country:** providing large areas of light wells in the ceiling of the warehouse and office structures would open the building up to natural light, reducing energy usage while allowing for a clear visual connection between the internal spaces and the sky, symbolic of the connection to songlines and ancestors within the context of country.
- r. **Sky country:** all lighting should be down facing rather than up facing to prevent light pollution which would impact on sky country and prevent a visual connection to the stars.

- s. **Move with Country** – it is apparent that the design of the proposed gathering space has not been undertaken in consultation with Aboriginal stakeholders. The area lacks a “natural” appearance with the choice of materials indicating highly process sandstone blocks rather than unrefined natural stone, further places of gathering are focused around circular spaces ensuring everyone is equal, the proposed design concept does not reflect this basic principle and appears to be a last minute decision of this is what we have.

There appears to have been minimal consultation, as well as a lack of meaningful consideration in the development of this design with the consultants seeking to justify elements which are standard in warehouse designs, lacking any innovation or considering of country and enhancing the landscape.

7. Public Art

Council notes that under the Draft IPG Bradfield Masterplan Public Art Concept DA the identified site needs to incorporate Artwork location B1 and B2.

ALDI Australia acknowledges and respects Australia’s First Nations peoples (Aboriginal and Torres Strait Islander peoples) as the Traditional Custodians of the Land upon which we operate our stores, distribution centres, regional offices and the national office. To ensure this acknowledgement and respect Council recommends that the proponent explore ways to translate meaningful public artwork into durable façade treatments, additions or highlights that reflect the history of the site and reinforces a Recognition to Country that responds to this landscape. Council notes that whilst new commissions could be undertaken, the existing relationship with Amy Kilby could facilitate meaningful collaborations with local artists and potentially support the process.

Council notes that given the scale and bulk mass of the proposed construction that public art treatments are incorporated across the significant southern and Eastern facades and that consideration is extended to the eastern facade. Council recommends that public art treatments are undertaken in collaboration with local artists and that these are endemic to the areas historic, contemporary and future connections with agricultural themes. It is recommended these themes are explored from a First Nations and transnational migrant perspectives.

8. Community Planning

Workers’ facilities & Safety

The proposal does not include adequate information on the facilities and amenities being provided for workers.

The SIA refers, ‘the facility will be highly automated, with approximately 80% of the internal processes performed unmanned.’

The proposal will provide 585 operational jobs during the operational phase. These comprise: Warehouse: 510 (split across three shifts), Main office: 75 offices plus ancillary staff, Maximum on-site at any one time: 350.'

'The operational jobs will be in the manufacturing and warehousing industries (light industries), aligning with the site's proposed land uses under the Precinct Plan and matching the high proportion of labourers, drivers, and technicians in Western Sydney as identified in section 4 (p 68).'

The floor plan indicates there will be an office space and dining area; however, it seems targeted for the office and ancillary staff (approx. 75).

Our research refers, depending on the type and place of work, following facilities are usually needed for the workers in the place of work: clean drinking water, access to toilets, hand washing facilities, dining/clean place to eat in the workplace. Further facilities, such as fully accessible showers and changing rooms, personal storage, sick room, small canteen may be neededⁱ.

We recommend identifying the required facilities for the 350 workers at a time and allocate those in the architectural plans.

An operational Plan of management (PoM) should be prepared adopting the maintenance and management of the facilities.

Currently provided office space is facing towards the parking area. It could provide a better and refreshing view if the dining and associated facilities are allocated on the opposite site facing the creek view.

CPTED principles of the premises should be adequately applied to review if the proposed height increase creates any potential risk of workers' safety and wellbeing, i.e. adequate lighting and security patrol at night for avoiding the risk of antisocial behaviours and safe movement of the shifting workers.

The SIA refers, *'the proposal's workers, customers, and visitors will also be within walking distance of other social infrastructure and spaces proposed by the broader IPG Master Plan'* (p61).

However, the SEE refers, the proposed IPG Master Plan development will be delivered over 7 indicative stages. The staging plan shows, proposed IDC will be developed at stage 1 while the local centre belongs to stage 7. If the local centre is developed, that might not be convenient for travelling from the ADC premises during working hours i.e. short lunch/other break time, extreme heat and other climatic conditions, different operating hours etc,

Required facilities for workers and staff should be provided in its own context and same premises from the beginning of the ADC operation.

9. Landscaping

The site falls within the area governed by the *Western Sydney Aerotropolis Development Control Plan 2022*. Upon review, the submitted landscape plan appears to be broadly consistent with the requirements of the DCP. However, there are two key points to note:

Tree Sizing

Given the scale of the site and the need to compensate for the reduction in canopy cover, it is recommended that all new tree plantings be a minimum size of 75L–100L. This will help ensure meaningful canopy replacement and contribute to the long-term landscape character of the area.

Retaining Wall Plantings

The landscape plan (refer to page 25) indicates the installation of a retaining wall around the site, which will incorporate small to medium-sized shrubs. To preserve the structural integrity of the retaining wall, it is advisable that only shrubs with shallow root systems be planted in these areas, as they are less likely to compromise the wall's stability over time.

10. Contributions

As outlined in the Master Plan Guideline (December 2021), the SSD approval can only be determined after the determination of the Master Plan, which can occur during the implementation stage of the Master Plan. Additionally, there is currently no executed VPA between Ingham Property Group and Council for local contributions and the delivery of essential local infrastructure, which is important to support the SSD development site.

Therefore, if this SSD approval progresses ahead of the Master Plan determination and before VPA execution, it is advisable to include a condition under the SSD requiring that a VPA be negotiated and executed with Council for the delivery of essential local infrastructure, in the absence of an executed VPA between Ingham and Council, before the issue of any Subdivision Works Certificate for this development site.

The Site is located within the Western Sydney Aerotropolis Precinct; therefore, the applicable Contributions Plan is the Liverpool City Council Aerotropolis s7.12 Contributions Plan 2024 (The Contributions Plan).

State Significant Developments (SSDs) are considered Development Applications (DAs) as per the DPHI's State Significant Development Guidelines: [State Significant Development Guidelines \(nsw.gov.au\)](https://www.nsw.gov.au/state-significant-development-guidelines).

Application of the S7.12 Contributions Plan

In accordance with Section 13 of the Contributions Plan, a Cost Summary Report will be required as part of the development application, outlining the estimated cost of carrying out the development.

As per Section 15 of the Contributions Plan, the type of Cost Summary Report required depends on the estimated cost of the development:

15. Who may provide a Cost Summary Report?

- a. If the cost is less than \$750,000, the report may be prepared by any Building Industry Professional.*
- b. If the cost is \$750,000 or more, the report must be prepared by a Quantity Surveyor registered with the Australian Institute of Quantity Surveyors.*

Please ensure the appropriate Cost Summary Report is provided in accordance with these requirements.

Council can undertake an assessment and provide comments on contributions once the cost estimates are submitted in accordance with the requirements outlined above.
