

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-74191717 – Badgerys Creek Industry Park

Dear Sally,

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

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

The proposal is not supported at this stage as the SSDA does not provide sufficient information, nor does it commit to the provision of sufficient works to demonstrate that utility and road infrastructure provision to facilitate the development will be available when required. This fundamental issue must be addressed prior to any determination of the proposal.

Council's Strategic Planning Team have provided a high level overview of the proposal and note the following:

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

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:

(a) 4.39 Development must be consistent with precinct plan

Comments relating to issues with WSAPP consistency are discussed under Point (3) below. The proposal does not demonstrate compliance with the Western Sydney Aerotropolis Precinct Plan, September 2024 (WSAPP) and as such, is not supported.

(b) 4.49 Public utility infrastructure

The “Infrastructure Delivery Plan” prepared by Infrastructure & development consulting, dated February 2025 provides commentary in relation to utility infrastructure provision. Insufficient information has been provided in relation to the provision of utility services in accordance with the requirements under this clause. It is requested that certainty in relation to the timing of utility provision is provided prior to any determination of the proposal.

In relation to potable water the report noted (p8) that *“A feasibility application has been lodged with Sydney Water to confirm the servicing requirements for the site.”*

Comment: Council requests that the feasibility application is determined and certainty in relation to the timing of availability of a potable water provision is provided prior to any determination of the proposal. Any works provided within the road reserve must be in accordance with the requirements of the DCP in relation to shared trenching and location of services in accordance with the final road reserve design identified under the DCP and WSAPP.

In relation to the provision of a sewer connection the report noted (p8) that *“A feasibility application has been lodged with Sydney Water to confirm the servicing requirements for the site.”*

Comment: Council requests that the feasibility application is determined and certainty in relation to the timing of availability of a sewer provision is provided prior to any determination of the proposal. Any works provided within the road reserve must be in accordance with the requirements of the DCP in relation to shared trenching and location

of services in accordance with the final road reserve design identified under the DCP and WSAPP.

Electricity connection will require the provision of a substation which is noted to be available in 2027. Further the report notes (p140) that *“EE has indicated that the development will be required to underground existing overhead powerlines on Lawson and Martin Roads as part of establishing connections from both streets. These works are anticipated to occur during construction of the site.”*

Comment: The provision of underground conduits for electricity should be conditioned to occur concurrently with the construction of the road to negate the potential for abortive works and to streamline the provision of infrastructure in a logical manner.

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 and requests that the determination authority consider this as part of the SSDA assessment..

Western Sydney Aerotropolis Precinct Plan September 2024 (WSAPP)

(a) Chapter 2

Chapter 2.1 Precinct Plan objectives, Objective 10 requires that

Provide landscaped, safe, activated, interesting and healthy streets that prioritise pedestrian, cycle and public transport movements.

The proposal does not satisfy this objective in that it is not providing any streets. This is discussed in more detail in comments relating to Chapter 3 of the WSAPP, below.

Additionally there are significant areas along both the Lawson and Martin Road frontages where high retaining walls will address the street frontage. This will result in a poor outcome that will not allow a safe and activated street.

Comment: It is recommended that the plans are amended to significantly reduce the height of retaining walls to the street to allow for passive surveillance from the pedestrian footpath to the frontage of the site and visa-versa.

(b) Chapter 3

The submitted EIS does not demonstrate how the proposal will satisfy the requirements of the WSAPP in relation to road connection to the broader network. The proposal does not demonstrate compliance with Chapter 3 of the WSAPP in this regard. The development must demonstrate the provision of a WSAPP compliant road reserve on site with the capacity to provide all regional vehicular, pedestrian and active transport connections on site and the availability of a WSAPP compliant road reserve connected to the existing regional system.

In this regard, the proposal must demonstrate that a WSAPP compliant connection will be available;

- linking the site to an upgraded Elizabeth Drive via Lawson Road as an interim solution and
- providing access to the Eastern Ring Road from the Lawson Road access to the site via a TfNSW approved intersection/intersections likely via Lawson Road and Pitt Street.

The “Infrastructure Delivery Plan” prepared by Infrastructure & development consulting, dated February 2025 does not demonstrate how the proposal will demonstrate compliance with the WSAPP and the provision of a logically provided regional road network. The Infrastructure Delivery Plan notes that;

The upgrade of Martin Road is not proposed to be delivered by ESR (p16); and further that

ESR is not proposing to deliver the upgrade to Lawson Road fronting the site. (p16)

It is a requirement of the WSAPP that the proposal satisfy the broader regional vehicular, active transport and public transport connectivity for the site. In the current form, the proposal seeks consent for “four (4) warehouse and distribution buildings comprising a total of 90,895 m² of warehouse and ancillary office GLA” (EIS p 13) with temporary access provided by both Lawson Road and Martin Road. Both these roads are currently rural local roads that are not capable of supporting a logistics use of this nature and do not satisfy the requirements of the WSAPP for regional road provision.

Comment: On this basis, Council does not support the proposal in the current form. It is requested that the proposal is amended to demonstrate how a WSAPP compliant road (including active transport and public transport) will be provided between the subject site and the broader regional network within the timeframe of any future SSDA determination. While there are likely multiple options for the proponent to demonstrate compliance, Council would recommend the following approach:

- (i) Confirm with TfNSW the timing of the availability of WSAPP compliant upgrades to Elizabeth Drive;
- (ii) Provide for the construction of the road reserve for the full frontage of the site in Lawson Road to the northern extent of Lawson Road identified under the Liverpool s7.12 Aerotropolis Contributions Plan; and
- (iii) Liaise with relevant private Landowners provide an interim connection from Lawson Road to Elizabeth Drive for that portion of Lawson Road not identified under the Liverpool s7.12 Aerotropolis Contributions Plan; and
- (iv) Liaise with TfNSW in relation to the provision of a suitably designed Elizabeth Drive/Lawson Road intersection as an interim arrangement prior to the provision of the Eastern Ring Road and associated access intersections.

Further commentary in relation to Chapter 4 of the WSAPP in relation to stormwater, heritage and design excellence is provided in commentary from Council’s Floodplain Management Engineering team, Heritage Team and Council’s Urban Design Team respectively.

2. City Design and Public Domain

Council's Urban Design team provided comments on the SEARs package, which were incorporated into Council's Response Letter dated 14 August 2024. However, the current EIS package does not include any responses to these comments. The DPHI assessing planner is to confirm whether these comments have been adequately addressed, or if they are considered acceptable to remain unresolved.

It is noted that the EIS scheme remains largely similar to the original SEARs scheme, particularly in relation to the site planning layout and the continued lack of consideration for the surrounding context. Thus, key concerns raised previously at the SEARS stage remain applicable to the current proposal and should be considered by the DPHI assessing planner. Key concerns include:

- The omission of east-west local streets within the site, as indicated in Figure 10 of the Western Sydney Aerotropolis Precinct Plan (WSA Precinct Plan)
- Non-compliance with canopy tree coverage and deep soil zone requirements (**not supported by SDRPs twice**)
- Non-compliant retaining walls (**supported by SDRPs**)
- Lack of consideration for an active transport network within and around the site
- Lack of details regarding the public domain and interface treatments.

Council's Urban Design team remains unconvinced by the proponent's claim that meeting the DCP requirement of canopy target would compromise the viability of the development and reiterates the importance of meeting the minimum requirements of 25% canopy cover and 15% deep soil zones, as required in the WSA DCP. The SDRPs have also supported this position, emphasising these elements as essential to achieving design excellence. Until these requirements are met, the proposal cannot be considered to demonstrate design excellence.

Additionally, it is worth mentioning that the majority of the WSA precinct falls within the 3km wildlife buffer zone (Figure 9, WSA DCP). Section 2.10.3 of the WSA DCP clearly outlines benchmark solutions for mitigating wildlife hazards, and DOES NOT prescribe a reduction in the canopy target as a preferred approach.

Therefore, the DPHI assessing planner is encouraged to seek further advice from Council's Environmental Team and DPHI's internal experts on how to appropriately balance the canopy target with wildlife hazard mitigation.

Regardless of design and deliver of surrounding road networks (including primary arterial road, sub-arterial road and collector road), Council's Urban Design team requires a submission of the Public Domain Plan. This plan must include sufficient detail on boundary interface treatments and proposed road layouts and should be clearly illustrated on the Landscape Plans for Council's review and approval.

3. Community Planning

Workers' facilities & Safety

The proposal didn't include adequate information on the facilities and amenities being provided for the workers.

Regarding operation management, the SIA refers, '*The proposal would deliver 873 jobs, which are direct employment opportunities for the local and regional community (p72).*'

We do not know that how many workers will be in the premises at a time.

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

Our research refers, depending on the type and place of work, following facilities are usually needed for the workers in a 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.

The proposal should include a Plan of management (PoM) outlining key operational details and management of the industry park, i.e. trading hours, workers' facilities, access control, safety and security of the premises, access to emergency health care and on-site food and drink premises (Café/canteen).

CPTED principles should be adequately applied in the design and operation of the industry park for managing any potential risk of workers' safety and wellbeing, i.e. adequate lighting and security patrol at night for a safe movement of the shifting workers.

The scoping report states the proposed Master Plan development will be delivered over 2 indicative stages. Stage 1 will include 2 warehouses while the 3rd warehouse, ancillary offices and communal spaces will be delivered in stage 2.

We do not know the gap between two stages. The required facilities for workers and staff should be provided in its own context and same premises from the beginning of the industry park operation.

SIA Recommendations

The SIA has provided some useful recommendations which aligns with our feedback and should be incorporated in the proposal. i.e. *Design*

- *Ensure marked pedestrian crossings at key points across the access road and carparks to ensure safety of pedestrians.*
- *Develop a Plan of Management (PoM) with key stakeholders' input, outlining hours of operations and security procedures.*

- *Prepare a lighting strategy to ensure all street frontages, site and building entrances, site accessways (particularly pedestrian access routes), warehouse internal areas, stairwells, elevators, and indoor and outdoor communal areas are well-lit and comply with Australian Standards (p71).*

Accessibility

The site is not accessible by public transport which will lead this proposal to a car-oriented development promoting inequity and exclusion particularly for the workers with constrained abilities.

The SIA refers, 'Currently, public transport options at the site are limited to a single bus service that operates between Badgerys Creek and Liverpool. This service runs several times throughout the day, typically on an hourly basis. The closest bus stop to the site is situated on Elizabeth Drive, about 1km North of the site. This limited public transport availability underscores the need for thoughtful planning to enhance connectivity and accessibility as part of the development process' (p21).

The potential of arranging complementary/subsidized staff bus service could bring a solution until the site becomes accessible by established and frequent public transport networks.

4. Flooding

Infrastructure and Development Consulting (IDC) Pty Ltd has prepared the stormwater design and an Integrated Water Management Plan (IWMP) for the proposed Badgerys Creek Industry Park (Project Reference: 24-109; *Integrated Water Management Plan – Badgerys Creek Industrial Park*, 85 Martin Road, Badgerys Creek; Revision D; dated 24 February 2025). However, the current stormwater strategy is considered unsatisfactory and requires revision for both interim and ultimate development scenarios to address the following issues:

- The proposed development site is divided into four sub-catchments. Under existing conditions, stormwater runoff from three sub-catchments discharges onto Lawson Road and flows toward Badgerys Creek, while runoff from the remaining sub-catchment discharges onto Martin Road and flows toward South Creek.
- In the interim scenario, all stormwater runoff from the site is proposed to be diverted through the northern catchment outlet onto Lawson Road. This redirection is acceptable only if the post-development outflow does not exceed the pre-development flow of the northern catchment.
- The current design shows post-development outflows exceeding pre-development flows during both the 1% and 10% Annual Exceedance Probability (AEP) storm events. Specifically, Table 10 in Appendix MM of the IWMP indicates:
 - **1% AEP:** Post-development = 2.29 cumec; Pre-development = 2.06 cumec
 - **10% AEP:** Post-development = 1.2 cumec; Pre-development = 0.91 cumec

Therefore, the interim stormwater design must be revised to ensure post-development flows do not exceed pre-development flows for all storm events. Table 10 should also be updated to include pre- and post-development flows for the 20%, 10%, 5%, and 1% AEP storm events.

- As there are no regional flood detention basins within the Aerotropolis precinct, permanent on-site detention (OSD) basins are required to manage post-development flows. The ultimate stormwater design must incorporate permanent OSD basins for each of the four sub-catchments.
- Civil plans must include a conceptual ultimate stormwater plan for the entire site. Detailed plans and specifications for the OSD basin systems must be included in the civil drawing set.
- Gross Pollutant Traps (GPTs) must be installed at all stormwater outlets leaving the site. Civil plans must show the locations and provide necessary details for all GPTs.

5. Environmental Health

Report on Detailed Site (Contamination) Investigation Proposed Industrial Development 85 Martin Road, Badgerys Creek, Project 230554.00 prepared by Douglas Partners Pty Ltd dated 19th December 2024

Douglas Partners Pty Ltd was engaged to undertake a Stage 2 Detailed Site Investigation of the subject premises. The broad objective of the investigation was to assess the suitability of the land for the proposed development. Whilst the report includes a desktop assessment of available records and a review of preceding site investigations completed by JKE, 2023, the document is identified as a detailed investigation of the land rather than a combined preliminary and detailed site investigation.

With consideration for the site history, contaminants of potential concern identified by the consultant included: heavy metals, TRH, BTEX, PAH, OCP, OPP, PCB, phenols, volatile organic compounds, PFAS and asbestos. The analytes for this investigation were selected based upon the consultant's knowledge of the site and generally conformed with Schedule B2- Guideline on Site Characterisation, Appendix A of the *National Environment Protection (Assessment of Site Contamination) Measure 1999 as amended 2013*. Site assessment criteria for groundwater were developed with reference to the NEPC (2013) and the Australian and New Zealand Governments (ANZG) 'Australian and New Zealand Guidelines for Fresh and Marine Water Quality' 2018 (ANZG, 2018).

Data Quality Objectives and Quality Assurance and Quality Control were established for the investigation. Site assessment criteria were derived from the *National Environmental Protection (Assessment of Site Contamination) Measure 1999 as amended 2013*. The consultant explained that the QA/QC results were adequate and the data quality for the investigation was acceptable.

To ensure that the land is suitable for the proposed residential use, the consultant concluded that the site required remediation in accordance with a Remedial Action Plan to address asbestos contamination. Validation sampling will be required to determine the effectiveness of the proposed remediation methods. The report was peer reviewed by Paul Gorman who is a site contamination specialist under the Environment Institute of Australia and New Zealand Inc Certified Environmental Practitioner Scheme.

Remediation Action Plan Proposed Industrial Development 85 Martin Road, Badgerys Creek, Project 230554.00 prepared by Douglas Partners Pty Ltd dated 20th December 2024

The Remediation Action Plan Proposed Industrial Development 85 Martin Road, Badgerys Creek, Project 230554.00 prepared by Douglas Partners Pty Ltd dated 20th December 2024 provides a summary of preceding contamination investigations undertaken at the premises. The RAP addresses unacceptable land contamination risks associated with asbestos impacted soils and remaining areas of environmental concern.

The overall objective of the RAP is to provide a methodology to render the land suitable for the proposed development. According to the consultant, the preferred remediation option comprises on-site encapsulation of contamination. Douglas Partners Pty Ltd concluded that the site can be made suitable for the proposed development if remediated and validated in accordance with the submitted Remediation Action Plan.

The RAP was reviewed and certified by Paul Gorman who is certified under the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) which complies with Council's lodgement requirements.

Badgerys Creek Industry Park Air Quality Impact Assessment, SLR Project No.: 610.032060.00003, Revision v1.0 prepared by SLR Consulting Australia dated 4th December 2024

SLR Consulting Australia was engaged to undertake an air quality assessment for the construction and operational phases of the proposed development. The consultant confirmed that the report was prepared to address the SEARs.

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 report's scope is inclusive of both construction and operational phases of the site's development.

Potential air quality impacts associated with the construction phase of the development were predicted to be adequately managed with the implementation of site-specific mitigation measures. 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 Ali Naghizadeh who is a Certified Air Quality Professional under the Clean Air Society of Australia and New Zealand.

85 Martin Road, Badgerys Creek Noise Impact Assessment, SLR Project No.: 610.032060.00002, Revision 1.0 prepared by SLR Consulting Australia dated 3rd April 2025

SLR Consulting Australia 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. 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 also predicted to exceed the nominated assessment criteria at receiver locations when considering existing acoustic amenity.

SLR Consulting Australia is a member firm of the Association of Australasian Acoustical Consultants (AAAC).

RECOMMENDATION

To mitigate potential risks to human health and the environment, it is requested that the Department takes the following matters into consideration when assessing the Application:

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.

State Environmental Planning Policy (Resilience and Hazards) 2021

In accordance with Clause 4.6(1) of *State Environmental Planning Policy (Resilience and Hazards) 2021*, the consent authority is required to consider contamination and the need for remediation when determining an Application. If the land requires remediation, it must be satisfied that the land will be remediated before the land is used for that purpose. Furthermore, 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. It is the responsibility of the consent authority to consider the requirements of Clause 4.6 of *State Environmental Planning Policy (Resilience and Hazards) 2021*.

According to the Detailed Site Investigation Project 230554.00 prepared by Douglas Partners Pty Ltd dated 19th December 2024, *it is likely that the land has been previously used for agricultural activities*. Agricultural/horticultural activities are identified as potentially contaminating activities in Table 1 of the contaminated land planning guidelines. The Department must consider whether the Application involves a change of use on any of the land specified in Clause 4.6(4) of State Environmental Planning Policy (Resilience and Hazards) 2021. It will be important to establish whether this requirement is applicable to the proposed development as the pre-condition requiring consideration of a preliminary investigation of the land must be met prior to determination of the Application.

Although a cap and contain strategy may be a cost-effective remedial strategy, it is not generally endorsed by Council's Environmental Health Section. Onsite management of contamination would require the preparation of a Long-Term Environmental Management Plan. The preferred remediation option comprising onsite containment and management of contamination would also result in a contaminated land notation on the property's planning certificate. The Environmental Health Section generally attempts to deter Applicants from adopting a remediation strategy which results in the land being encumbered by a Long-Term Environmental Management Plan and planning notation.

Site Audit

The proponent is responsible for investigating contamination issues on the land and demonstrating to the planning authority that approval should be granted. The contaminated land planning guidelines confirm that site auditors can assist a planning authority by commenting on or verifying information provided by the proponent regarding site assessment, remediation or validation.

Given the proposed remediation strategy, the Applicant is required to engage a site auditor to confirm adherence to relevant standards, procedures and guidelines and provide greater certainty about the information on which the consent authority is basing its decision.

In this regard, the Application shall be accompanied by a Section B Site Audit Statement and Site Audit Report prepared by a NSW EPA Accredited Site Auditor confirming that:

- The nature and extent of contamination has been appropriately determined at the proposed development site;
- The investigation, remediation or management plan is appropriate for the intended purpose; and
- The site can be made suitable for the proposed land use in accordance with the Remediation Action Plan and management plan.

The Site Audit Statement shall also confirm that the investigation reports were carried out in accordance with the contaminated land planning guidelines and all other applicable guidelines. If remediation is to include a cap and contain strategy, it is requested that the site auditor reviews the Long-Term Environmental Management Plan for ongoing management of the site.

Long-Term Environmental Management Plan

If remediation is to include a cap and contain strategy, a copy of the Long-Term Environmental Management Plan must be submitted to the consent authority and site auditor for review.

Contaminated site reports shall be prepared or reviewed and certified by a suitably qualified environmental consultant 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.

Acoustic Assessment

An objective of the NSW EPA's 'Noise Policy for Industry' (2017) is to promote the use of best-practice noise mitigation measures that are feasible and reasonable where potential impacts have been identified. Section 1.6 of the NSW EPA's 'Noise Policy for Industry' (2017) also requires consideration of residual noise impacts comprising noise levels that exceed the project noise trigger levels after the application of feasible and reasonable noise mitigation measures. A noise mitigation measure is feasible if it can be engineered and is practical to build and implement, given project constraints such as safety and maintenance requirements.

Where the project noise trigger level is exceeded, the acoustic consultant is required to assess the feasible and reasonable mitigation measures that could be implemented to reduce noise to the relevant project noise trigger levels. If it is unreasonable to achieve these levels, the NSW EPA's Noise Policy for Industry (2017) suggests that achievable noise levels should be identified. It is not mandatory to achieve the project noise trigger levels but the Policy confirms that the assessment should provide justification if they are unable to be met.

It is the Applicant's responsibility to demonstrate that the selected mitigation measures are appropriate and to justify any mitigation measures proposed as part of the acoustic assessment. According to the NSW EPA's Noise Policy for Industry (2017), residual noise impacts are identified after all feasible and reasonable source and pathway noise mitigation measures have been considered.

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.

State Environmental Planning Policy (Resilience and Hazards) 2021

The Applicant shall confirm whether dangerous goods will be stored at the premises and if the requirements of Part 3, *State Environmental Planning Policy (Resilience and Hazards) 2021* apply to the development. To address the requirements of Part 3, *State Environmental Planning Policy (Resilience and Hazards) 2021*, the Proponent may be required to prepare a preliminary screening procedure and/or Preliminary Hazard Analysis for the proposal.

Food Safety

If the premises will be used to prepare or store food for sale, the Application shall be supported by detailed floor and section plans of the food preparation area and food storage areas 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.

Regulated Systems

The Applicant shall 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.

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.

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 Refuelling, Vehicle Washing, Mechanical Repairs, Panel beating or Spray Painting

The Department shall prohibit vehicle refuelling, vehicle washing, mechanical repairs, panel beating or spray painting at the premises.

Sewage Management

The Applicant is required to demonstrate that the proposed development can be connected to a reticulated/ interim reticulated sewerage service.

6. Traffic & Transport

The development proposal is an “Out of Sequence Development” within the Priority 1 area where essential infrastructure is not yet available or planned to be provided when required to service the development.

Traffic is a concern for Council, noting this development is expected to generate a significant proportion of heavy vehicle movement on an hourly basis. The roads are currently “rural” roads which are not designed to accommodate high numbers and weight of truck movements.

1. Sears Item: **details of road upgrades**, *infrastructure works or new roads or access points required for the development, in accordance with the outcomes of consultation with Transport for NSW and Liverpool City Council, including interim and ultimate site access arrangements*

- a. The applicant has not proposed any road upgrades to improve the condition of Martin Road fronting their development, in that regard the following should apply as a “Condition of Consent” or “equivalent”:
 - i. Prior to the issue of a Construction Certificate, the applicant is to prepare a dilapidation report of Martin Road fronting the development by a suitably qualified individual, to inform Council on the condition of the road pavement associated with 85 Martin Rd (full frontage of the development including Stage 2 frontage).
 - ii. Prior to the issue of the Occupation Certificate, the applicant must carry out all road-based improvements identified in the post dilapidation report identifying the improvements required and agreed to by Council, including the full road width pavement and associated ancillary works (drainage etc).

2. Lawson Road – Upgrade:

- a. The applicant has not proposed any road upgrades to improve the condition of Lawson Road fronting their development, in that regard the following should apply as a “Condition of Consent” or “equivalent”:
 - i. Prior to the issue of a Construction Certificate, the applicant is to prepare a plan detailing the full width reconstruction of Lawson Road fronting their development at 85 Martin Rd, Badgerys Creek for Council approval
 - ii. Prior to the issue of the Occupation Certificate, applicant must carry out the full width reconstruction of Lawson Road fronting their development at 85 Martin Road, Badgerys Creek to Council’s satisfaction.
 - iii. Prior to the issue of a Construction Certificate, the applicant is to prepare a dilapidation report of Lawson Road (from the northern property line) to the intersection with Elizabeth Drive by a suitably qualified individual, to inform Council on the condition of the road pavement associated with access to 85 Martin Rd, Badgerys Creek from Elizabeth Drive.
 - iv. Prior to the issue of the Occupation Certificate, the applicant must carry out all road-based improvements identified in the post dilapidation report identifying

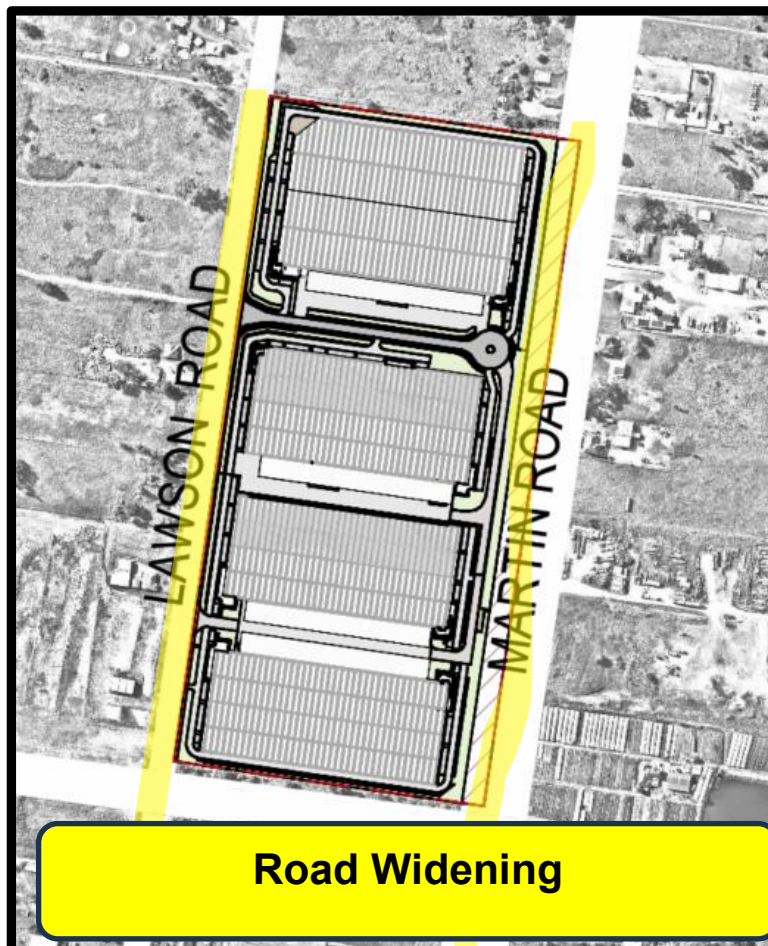
the improvements required and agreed to by Council, including the full road width pavement and associated ancillary works (drainage etc).

3. Pitt Road – Upgrade

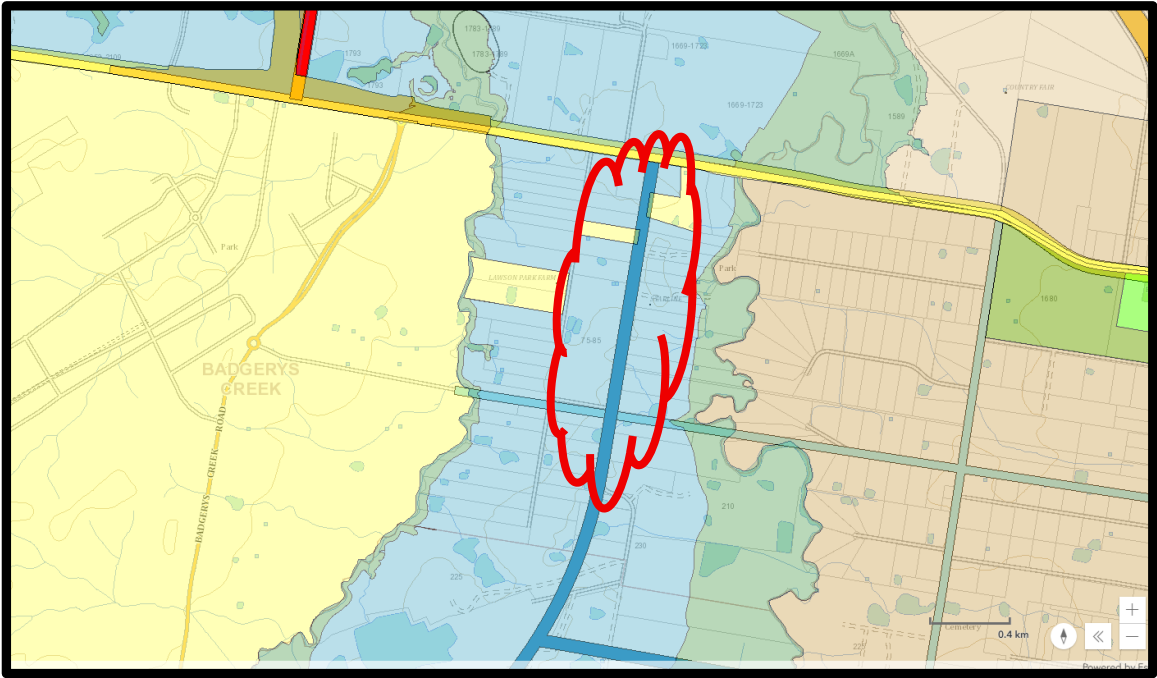
- a. The applicant has not proposed any future interim road upgrades to facilitate the future access requirements of 30.0m A-Double; 26.0m B-Double and 20.0m Articulated Vehicles and Heavy Rigid Vehicles to and from the development to the future eastern Ring Road when direct access to the Eastern Ring Road is no longer permitted.
 - i. The re-alignment of Cuthel Street to form the NEW Pitt Street connection between Lawson Road and the Eastern Ring Road.
 - ii. The applicant should be encouraged to work with their neighbours to accelerate the partial construction of Pitt Street in readiness for Heavy vehicle Access when the Eastern Ring Road is operational.

Reference Information:

Ref A: Road Setbacks to enable future Road Widening



Ref B: Eastern Ring Road (Alignment and Impacted Properties)



Ref C: Collector Road – Cross Section

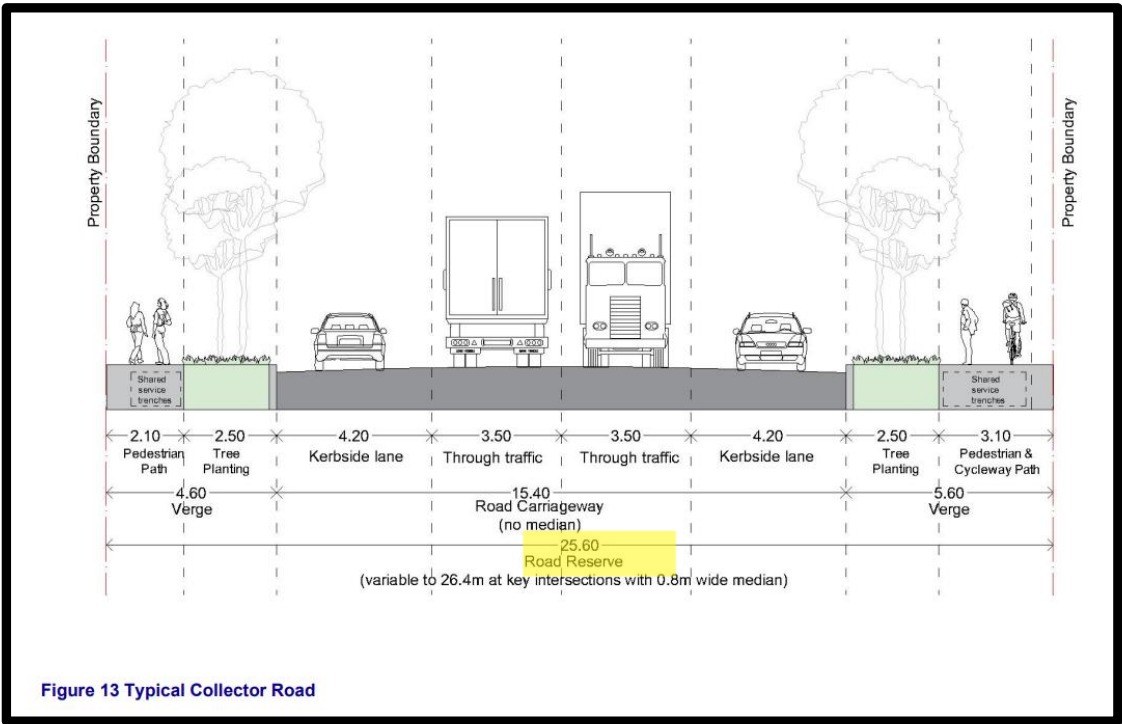
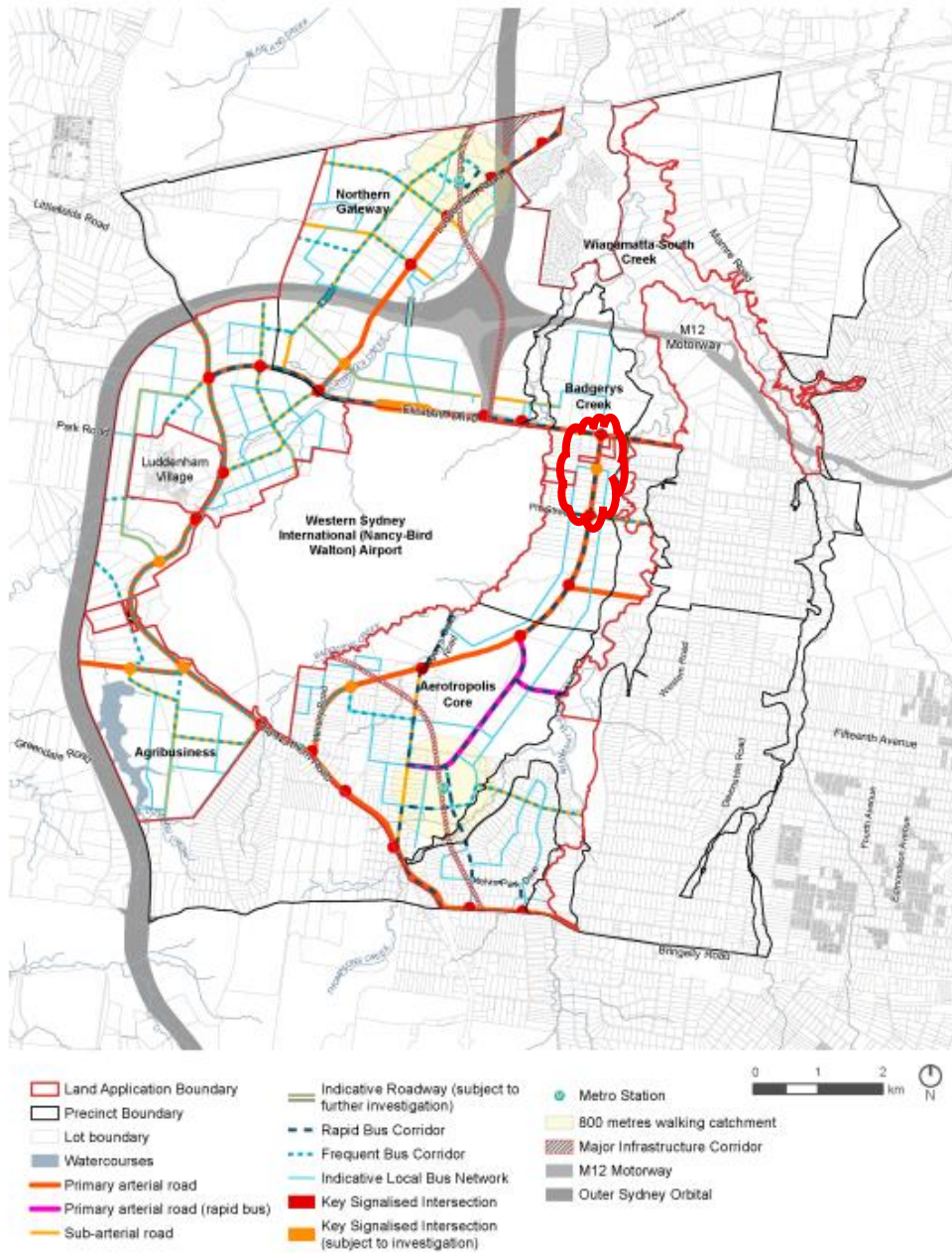


Figure 13 Typical Collector Road

Figure 8: Transport Network



3.3 Out of Sequence Development

Where a developer proposes to develop land that is within Priority Area 2 or Priority Area 3, or in parts of Priority Area 1 where essential infrastructure is not yet available or planned to be provided when required to service development, the consent authority is required, in consultation with utilities providers and Transport for NSW, to determine whether consent can be granted with reference to the requirements below.

Objectives

- OS01 To enable development that does not yet have access to essential infrastructure to proceed where an applicant proposes to deliver essential infrastructure.
- OS02 To avoid additional and inefficient costs to government and utilities providers arising from development that does not align with the planned delivery of infrastructure.
- OS03 To ensure that out of sequence development does not unduly impact the orderly and efficient development of other land.

Requirements

- 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.
- OS3 Applicants for development under Requirement OS1 must demonstrate, to the satisfaction of the consent authority, that out of sequence development does not unreasonably impact on the ability of adjoining or nearby land owners to develop their land in accordance with the Precinct Plan, or result in unreasonable impacts on the environment of adjoining land.

7. Natural Environment

Biodiversity Values

- The subject lot is mapped as biodiversity certification land.
- According to the Fisheries NSW spatial Data Portal, Freshwater Fish Community and Key Fish Habitat are present within the South Creek. The lot is located within the sub catchment of the South Creek.

Western Parkland City SEPP and Aerotropolis DCP

- The lot is located within 3 km of a Wildlife Buffer Zone.

Biodiversity Conservation Act 2016

- Within the Biodiversity Certified Land, the requirement for a site-by-site assessment of biodiversity impacts under state legislation is not applicable to the SSD, in accordance with Section 8.4 of the Biodiversity Conservation Act 2016.

Western Parkland City SEPP and Aerotropolis DCP

- All sites' activities, including pre-construction, during, and post construction phases, should be carried out in accordance with the relevant sections of the Aerotropolis Phase 2 Development Control Plan.

Additional Recommendations

- The table below outlines further recommendations aligned with "Impacts on the Natural Environment" from Table 48 - Environmental Impact Summary under Section 7.5: Environmental Impacts of the Environmental Impact Statement (EIS), ESR Martin Road, dated May 2025 (Record Number: 201525.2025).

Overview of Additional Recommendations

- Appoint a licensed and qualified terrestrial and aquatic ecologist to oversee vegetation removal and dam dewatering activities. The ecologists should provide a report with photographic evidence of any fauna recorded. Additionally, incorporate supplementary stormwater management measures to enhance water quality and protect the natural environment.

Document	Reference point	Recommendations
Environment Impact Statement- EIS ESR Martin Road	Page 25 Figure 4 Arial photograph of the site	Vegetation Removal It appears that a significant amount of green space and vegetation will need to be removed. Therefore, it is recommended that a licensed and experienced

dated May 2025	<p>Page 24</p> <p><i>Vegetation – The site is predominantly grassed, with two large, dense clusters of bamboo defining the northern and southern portion of the site as part of the former operations as a bamboo plantation.</i></p> <p>And</p> <p><i>Hydrology - Three dams are identified on the site near the western boundary.</i></p> <p>Page 47 3.5.2 Tree Removal</p> <p>Page 45 6.4.2.2 Tree Removal</p>	<p>ecologist with in-situ and ex-situ wildlife management expertise be engaged.</p> <p>A comprehensive report detailing the types and number of fauna rescued, the release locations, and supported by photo-based evidence should be submitted to the Council.</p> <p>Dam Dewatering</p> <p>The dam dewatering protocol should be adhered to. A qualified and licenced ecologist with both, in-situ and ex-situ wildlife management experience particularly in aquatic pests and native fauna should be engaged.</p> <p>The ecologist should also have experience with both native and exotic semi-aquatic and aquatic plant species management.</p> <p>A comprehensive report detailing the types and number of fauna rescued, the release locations, and supported by photo-based evidence should be submitted to the Council.</p>
<p>Appendix CC - Landscape Pans</p> <p>Record number 201537.2025</p>	<p>Page 2</p> <p>L.SK.01</p>	<p>Stormwater management</p> <p>It is recommended to incorporate raingardens/ biofiltration or bioretention systems, integrated with water quality improvement measures, around the pond, to treat stormwater before it enters the POND.</p>

<p>Environment Impact Statement- EIS ESR Martin Road dated May 2025</p>	<p>Page 63 Water Management</p>	<p>Stormwater runoff and surface runoff from impermeable surfaces, including buildings roof, parking areas and roads, should be captured and diverted to the raingarden systems. The systems should be located in areas such as PM11, PM2A or PM12 areas or around the internal side perimeter of the subject land depending on final designs decisions.</p>
<p>SSDA Scoping Report July 2024 v.2 Final Record Number 255682.2024</p>	<p>Page 26 Dam De-Watering Plan</p>	<p>Dam dewatering report</p> <p>The Project Aquatic Ecologist should prepare a summary report suitable for submission to Council within 7 days of completing the aquatic fauna relocation works.</p> <p>The report should detail that the works have been completed according to this aquatic fauna handling procedure, and would include information relating to the location of the dam, the licences held by the staff involved in the works, the number and type of native species relocated, location of release point/s for native fauna, the number and type of exotic species dispatched, and aquatic/semi-aquatic weed treatment and control works.</p> <p>Photographic evidence of various steps in the procedure must be included. Photos should include site conditions before and after, types of both native and pest fauna identified for example, aquatic, semi-aquatic, terrestrial and avian fauna (water birds), their release point, species rescued or dispatched, aquatic and semi-aquatic weed treatment/control.</p> <p>If phytophthora present, dam water should be tinkered offsite.</p> <p>Record the estimated volume of water released or tinkered off site from the dam.</p> <p>Identify if groundwater discharge is occurring from the base of the dam, or if dewatering activities have activated any aquifers. If such conditioned are identified, the mitigation measures to be implemented and notify, and implement further directions provided by Sydney Water and WaterNSW accordingly.</p> <p>Provide this report to Council.</p>

As above	Page 3 – 5, L.SK. 3 – 4	It is recommended to select plant species relevant to the local ecological communities.
As above	Page 8, L.SK.07	It is recommended to incorporate rainwater harvesting systems for irrigation purposes, along with passive irrigation through raingardens, as outlined above.
As above	Page 22, L.SK.110 Diagram 02 Carpark Tree Pit	Incorporating a raingarden as suggested above, with a river gravel channel, either beneath or alongside the structural soil underneath, can provide passive irrigation and natural water filtration opportunities. Similarly, most of the proposed landscaped areas can benefit passively irrigated, high nutrient sequestrations, and water quality improvements.
Appendix BB – Land Use and Biosecurity Risk Assessment Record number 201535.2025 And 85 Martin Road SSDA Scoping Report July 2024 v.2 Final Record Number 255682.2024	Page 3 Map1: Study Area Page 8 Site preparation works	The dam dewatering protocol should be adhered to if the dam contains water, and a dam dewatering report should be submitted to council. Stormwater management should incorporate water quality improvement measures, such as raingardens, biofiltration and bioretention systems, prior to any surcharge being discharged into the existing flow line crossing Martin Road, as depicted the Map 1: Study Area, or before stormwater is directed into the public drainage systems.

Appendix F - Mitigation Measures Table Record Number 201543.2025	Page 5 Water Management	Ensure that the bioretention basin is integrated with a functional water quality improvement system before stormwater and overall surface runoff enter the proposed pond/wetland, or before any additional surcharge is discharged into the natural flowline or public stormwater drainage systems.
Appendix MM - Integrated Water Management Plan Record number 201567.2025	Page 22 Figure 6 – Proposed Quality Water Banin Layout	<p>The diagram should incorporate a sediment basin upstream of the bioretention system, to capture sediment and suspended solids, preventing them from entering the pond and accumulating on the pond bed, which could potentially lead to system to failure.</p> <p>Ensure that the stormwater (SW) lines (shown in blue), which are connected at the bottom layer of the wetland and detention basin, remain unblocked over the long term.</p> <p>Ongoing maintenance should be programmed.</p>

8. Contributions

Application of the S7.12 Contributions Plan

This site is located in the Western Sydney Aerotropolis and is therefore subject to The City of Liverpool Aerotropolis S7.12 Contributions Plan 2024 (Aerotropolis CP) adopted 24 July 2024. A Section 7.12 Levy of 4.6% applies to the Site.

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. Furthermore, the Cost Summary Report needs to be prepared in accordance with Section 208 Determination of proposed cost of development—the Act, s 7.12(5)(a) of Environmental Planning and Assessment Regulation 2021.

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?

1. *If the cost is less than \$750,000, the report may be prepared by any Building Industry Professional.*

2. *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.

Timing of payment of the contributions

Contributions are required to be paid to Council for development approved prior to the issuing of the Construction Certificate.

Voluntary Planning Agreement (VPA)

The development may require entering into a Voluntary Planning Agreement (VPA) for the widening of Lawson Road.
