

# First Building, Bradfield City Centre

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State Significant Development Assessment SSD-25452459

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# Glossary

Abbreviation	Definition
<b>ACHAR</b>	Aboriginal Cultural Heritage Assessment Report
<b>Applicant</b>	Western Parkland City Authority
<b>AQIA</b>	Air Quality Impact Assessment
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>BCA</b>	Building Code of Australia
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>BHA</b>	Bushfire Hazard Assessment
<b>CASA</b>	Civil Aviation Safety Authority
<b>CEMP</b>	Construction Environmental Management Plan
<b>CIV</b>	Capital Investment Value
<b>CNMP</b>	Construction Noise Management Plan
<b>Council</b>	Liverpool City Council
<b>CTMP</b>	Construction Traffic Management Plan
<b>DA</b>	Development Application
<b>Demolition</b>	The removal of buildings, sheds and other structures on the site
<b>Department</b>	Department of Planning and Environment (DPE)
<b>Development</b>	The development as described in the EIS and RTS for the construction and operation of an advanced manufacturing and research facility, including site preparation works, site access, parking, landscaping and other ancillary works
<b>DPE Water</b>	Department of Planning and Environment - Water Group
<b>draft Phase 2 DCP</b>	draft Western Sydney Aerotropolis Development Control Plan 2021
<b>EHG</b>	Environment and Heritage Group of the Department (formerly Environment, Energy and Science Group)
<b>EIS</b>	Environmental Impact Statement titled <i>First Building – Bradfield City Centre Advanced Manufacturing Research Facility, 215 Badgerys Creek Road, Bringelly</i> , prepared by KEYLAN Consulting Pty Ltd dated November 2021
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000

<b>EPBC Act</b>	Environment Protection and Biodiversity Conservation Act 1999
<b>EPI</b>	Environmental Planning Instrument
<b>ESD</b>	Ecologically Sustainable Development
<b>DGs</b>	Dangerous Goods
<b>Growth Centres SEPP</b>	State Environmental Planning Policy (Sydney Region Growth Centres) 2006
<b>GSC</b>	Greater Sydney Commission
<b>Heritage</b>	Heritage NSW, Department of Planning and Environment
<b>LALC</b>	Local Aboriginal Land Council
<b>LGA</b>	Local government area
<b>Metro Station</b>	Bradfield City Centre Metro Station, as per Infrastructure Approval SSI-10051
<b>Minister</b>	Minister for Planning
<b>NVIA</b>	Construction and Operational Noise and Vibration Impact Assessment
<b>PBP</b>	Planning for Bush Fire Protection 2019
<b>Phase 1 DCP</b>	Western Sydney Aerotropolis Development Control Plan 2020
<b>Planning Secretary</b>	Secretary of the Department of Planning and Environment
<b>Precinct Plan</b>	Western Sydney Aerotropolis Precinct Plan
<b>RAPs</b>	Registered Aboriginal Parties
<b>RTS</b>	Response to Submissions titled <i>Submissions Report - State Significant Development Application (SSD 25452459)</i> prepared by KEYLAN Consulting Pty Ltd dated September 2022
<b>SDRP</b>	State Design Review Panel
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP</b>	State Environmental Planning Policy
<b>SEPP 33</b>	State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
<b>SOHI</b>	Statement of Heritage Impact
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>Sydney Metro WSA project</b>	Sydney Metro - Western Sydney Airport project as approved under Infrastructure Approval SSI-10051
<b>TfNSW</b>	Transport for NSW

<b>WSA SIC</b>	Western Sydney Aerotropolis Special Infrastructure Contributions Area
<b>WSAC</b>	Western Sydney Airport Corporation
<b>WSAP</b>	Western Sydney Aerotropolis Plan

# Executive Summary

## Introduction

This report details the Department of Planning and Environment's (the Department) assessment of a State significant development application (SSD-25452459) for the First Building, Bradfield City Centre. Western Parkland City Authority (the Applicant) proposes to construct and operate an advanced manufacturing and research facility (the proposed development) at 215 Badgerys Creek Road, Bringelly in the Liverpool local government area (LGA).

The proposed development (the development) would be the first built structure in the newly established Bradfield City Centre in the Western Sydney Aerotropolis (Aerotropolis). The development would support the growth of the advanced manufacturing sector within the Aerotropolis by housing shared hi-tech manufacturing equipment for research and development for a broad range of users to encourage investment in the region. The development would also serve as a public interface for the Aerotropolis while the rest of the Bradfield City Centre is being developed and would also include exhibition spaces and a public viewing area.

The development has a capital investment value of \$36.4 million and is expected to generate 150 construction jobs and 60 operational jobs.

## Site Context

The site is located 44 kilometres (km) west of the Sydney CBD and 17 km west of Liverpool and covers approximately 3.63 hectares (ha) within the larger 114.9 ha Bradfield City Centre site. The site is zoned ENT Enterprise and MU Mixed Use under the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP). The nearest sensitive receivers are located immediately adjacent and to the west of the site and are characterised by rural-residential uses. The nearest waterway is Thompsons Creek, which is located along the south-east boundary of the site.

## Statutory Context

The development is classified as State significant development (SSD) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves construction and operation of a research and development facility that meets the criteria in Clause 11(a) of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Consequently, the Minister for Planning is the consent authority for the proposed development under section 4.5(1) of the EP&A Act.

## Engagement

The Department exhibited the EIS for the development from Thursday 19 November 2021 until Thursday 16 December 2021. During the exhibition period, the Department received four submissions from the public (two private businesses and two individuals) and advice from 10 government authorities, including Liverpool City Council. No objections were received.

Key issues raised in public submissions related to the future surrounding road design. Concerns raised in the government advice related to design excellence, landscaping, waterway health and strategic planning. The Department requested the Applicant address the matters raised in submissions and government authority advice in a Response to Submissions (RTS).

The Applicant submitted an RTS on 6 September 2022 with updates to key specialist reports, clarification of access and parking, changes to landscaping plans and responses to strategic planning



matters raised. The RTS was prepared with input from Liverpool City Council, the Department's Environment and Heritage Group and other State government agencies.

### Assessment

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development. The Department has identified the key issues for assessment as being design, traffic and transport and stormwater.

### Design Excellence

Under the Aerotropolis SEPP, developments in the Aerotropolis are required to ensure the highest standard of architectural, urban and landscape design is achieved, with key consideration given to Aboriginal cultural heritage. The DA was subject to the State Design Review Panel (SDRP) process and went through two SDRP sessions, with one held prior to lodgement and the second during exhibition of the DA.

The Applicant presented a Country-centred design for the proposed built form, which was guided by themes including Water and Healing Country. The development has been designed to incorporate fluid lines and a large roof structure to respond to the surrounding landscape. The development also prioritises permeable surface and local endemic species in its landscaping design, which also includes raingardens and other water elements.

On review of the final iteration of the development, the SDRP was supportive of the Applicant's design approach to designing with Country and considered the design to be of high architectural merit. The Department agrees with the SDRP that the design is appropriate to the type and location of the building within a rural setting, as well as in the future context of the Bradfield City Centre. The Department has recommended conditions of consent to ensure the design elements provided in the architectural plans and landscape plan are implemented. The Department's assessment concludes the development exhibits design excellence.

### Transport and Traffic

The site is not expected to generate operational traffic that will impact on the local road network. However, as the rest of the Bradfield City Centre develops and the Metro Station becomes operational, the Applicant anticipates that private vehicle usage will reduce as more sustainable travel options become available. The Department worked closely with Transport for NSW (TfNSW) (including Sydney Metro) and the Applicant throughout the assessment process to ensure the development could appropriately respond to the opening of major public transport infrastructure within close proximity of the site and the associated shift in access mode towards public and active transport options.

The Applicant is committed to reducing private vehicle usage to the site by reducing car spaces from 50 at the beginning of operation, to 18 spaces following the opening of the Sydney Metro Bradfield City Centre Station (Metro Station). In its advice, TfNSW was supportive of this approach, recommending a Green Travel Plan to promote active and public transport access to the site for employees and site users.

The Department has recommended conditions including the preparation and implementation of a living Operational Traffic Management Plan to guide the development away from private car usage, in consultation with TfNSW, allowing for the reduction in car parking spaces following the opening of the Metro Station.

The Department's assessment concludes the development will have minimal impact on the surrounding road network and will provide sufficient car parking, while also allowing for transition to the sustainable transport vision of the Aerotropolis as the Bradfield City Centre develops.

### Stormwater Management

To help protect and restore the waterway health within the Wianamatta-South Creek catchment, new developments in the Aerotropolis are required to implement stormwater management infrastructure demonstrating compliance with the waterway health objectives and targets established by the NSW Government. Currently, there is no regional stormwater strategy in place for the Aerotropolis. As such, the Applicant proposes an interim stormwater management system capable of complying with the waterway health objectives and targets, but it has also designed the development to be able to connect into any future regional stormwater infrastructure.

The Applicant worked closely with the Department's Environment and Heritage Group (EHG) to refine its interim stormwater management strategy and modelling. The stormwater management strategy comprises three bioretention basins and three wetlands, plus an additional wetland as a contingency measure if land immediately to the west of the site is subsequently developed. EHG reviewed the updated stormwater management strategy and was supportive of the approach, recommending conditions including erosion and sediment controls during construction and the implementation of a Stormwater Management Plan

The Department considers the revised stormwater management strategy is appropriate as an interim solution and is capable of complying the waterway health targets and objectives. The Department also considers the development has been designed to integrate with any future regional stormwater strategy for the broader Bradfield City Centre. The Department has formalised EHG's recommendations and concludes that with the appropriate mitigation measures in place, the development would not adversely impact waterway health in the Aerotropolis.

### *Summary*

The Department's assessment concluded that the impacts of the development can be mitigated and/or managed to ensure an acceptable level of environmental performance, subject to the recommended conditions of consent. Overall, the Department's assessment has concluded the development would:

- support the development of the advanced manufacturing sector in Western Sydney, and if successful paves the way for a large-scale advanced manufacturing and research facility to be built
- be consistent with the strategic direction for the site under the Aerotropolis SEPP
- represent an investment of \$36.4 million in the Liverpool LGA and provide 150 full-time equivalent construction jobs and 60 operational jobs.

Consequently, the Department considers the development is in the public interest and is recommended for approval, subject to conditions.



# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	The Department's Assessment .....	1
1.2	Development Background .....	1
1.3	Site Description .....	2
1.4	Surrounding Land Uses .....	3
1.5	Western Sydney Aerotropolis .....	3
1.6	Other approvals – Sydney Metro .....	4
<b>2</b>	<b>Development .....</b>	<b>6</b>
2.1	Description of the Development .....	6
2.2	Physical Layout and Design .....	7
2.3	Access Roads and Parking .....	7
2.4	Applicant's Need and Justification for the Development .....	8
<b>3</b>	<b>Statutory Context .....</b>	<b>13</b>
3.1	State Significance .....	13
3.2	Permissibility .....	13
3.3	Consent Authority .....	13
3.4	Other approvals .....	13
3.5	Mandatory Matters for Consideration .....	13
3.6	Aerotropolis SEPP .....	14
3.7	Public Exhibition and Notification .....	15
3.8	Objects of the EP&A Act .....	15
3.9	Ecologically Sustainable Development .....	17
3.10	Biodiversity Development Assessment Report .....	18
3.11	Commonwealth Matters .....	18
<b>4</b>	<b>Strategic context .....</b>	<b>19</b>
4.1	The Greater Sydney Region Plan – A Metropolis of Three Cities .....	19
4.2	Western City District Plan .....	19
4.3	Western Sydney Aerotropolis Plan .....	20
4.4	Western Sydney Aerotropolis Precinct Plan .....	21
<b>5</b>	<b>Engagement .....</b>	<b>22</b>
5.1	Consultation .....	22
5.2	Submissions and Advice .....	22
5.3	State Design Review Panel .....	24
5.4	Response to Submissions .....	24
<b>6</b>	<b>Assessment .....</b>	<b>26</b>
6.1	Design Excellence .....	26
6.2	Traffic and Transport .....	30

6.3	Stormwater Management.....	32
6.4	Other issues .....	35
<b>7</b>	<b>Evaluation.....</b>	<b>44</b>
<b>8</b>	<b>Recommendation.....</b>	<b>46</b>
<b>9</b>	<b>Determination.....</b>	<b>47</b>
	<b>Appendices .....</b>	<b>48</b>
	Appendix A – List of Documents.....	48
	Appendix B – Considerations under Section 4.15 of the EP&A Act .....	49
	Appendix C – Consideration of Environmental Planning Instruments .....	50
	Appendix D – Key Issues - Community Views .....	57
	Appendix E – Recommended Instrument of Consent .....	58
	Appendix F – Voluntary Planning Agreement.....	59

# 1 Introduction

## 1.1 The Department's Assessment

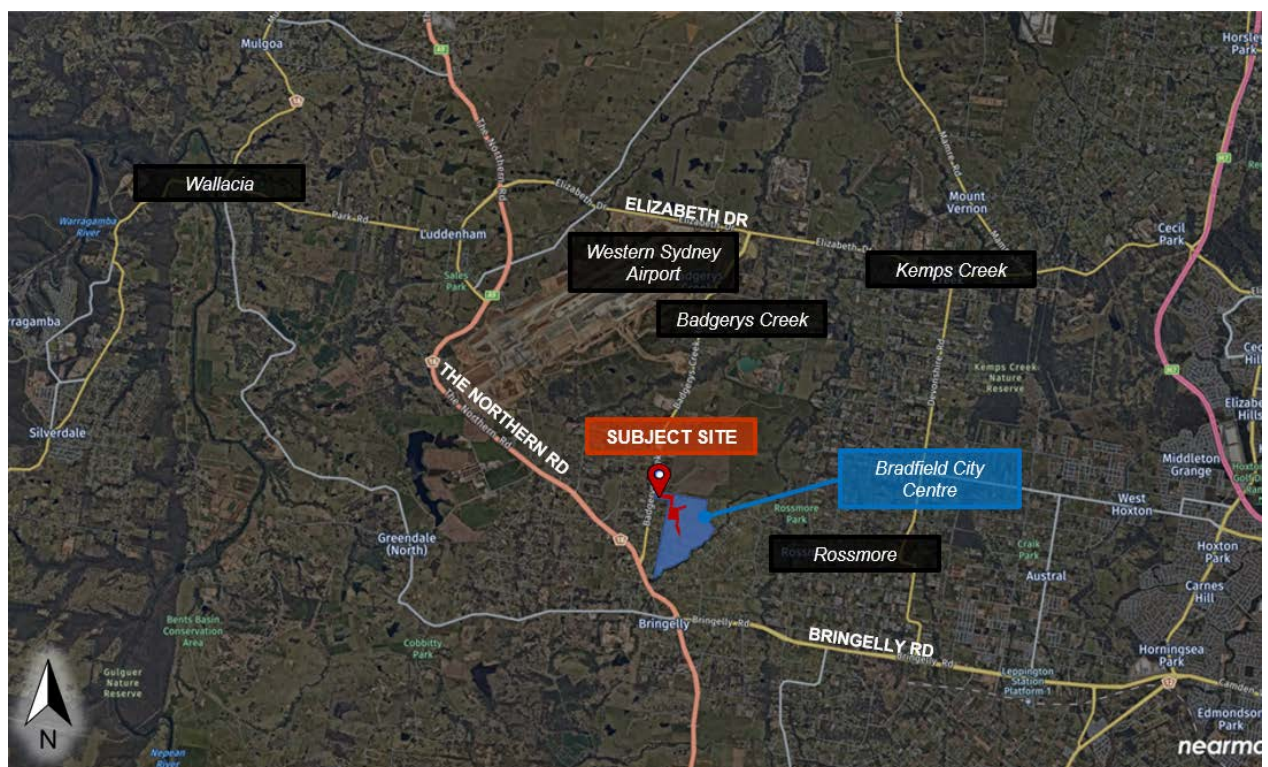
This report details the Department of Planning and Environment's (the Department) assessment of the State significant development (SSD-25452459) for the First Building, Bradfield City Centre. The proposed development (the development) involves the construction and operation of an advanced manufacturing research facility, including site preparation works, site access, parking, landscaping and other ancillary works.

The Department's assessment considers all documentation submitted by the Western Parkland City Authority (the Applicant), including the Environmental Impact Statement (EIS) and Response to Submissions (RTS), submissions received from the public and advice from government agencies. The Department's assessment also considers the legislation and planning instruments relevant to the site and the development.

This report describes the proposed development, surrounding environment, relevant strategic and statutory planning provisions and the issues raised in submissions. The report evaluates the key issues associated with the development and provides recommendations for managing any impacts during construction and operation.

## 1.2 Development Background

The Applicant is seeking development consent to construct and operate an advanced manufacturing research facility also known as the First Building (the development) at 215 Badgerys Creek Road, Bringelly (the site) in the Liverpool local government area (LGA) (see **Figure 1**).



**Figure 1 | Regional Context**

The development would be the first built structure in the newly established Bradfield City Centre in the Western Sydney Aerotropolis (the Aerotropolis). The Aerotropolis forms part of the Western Parkland City, a polycentric city (i.e. multiple centres) which also incorporates the established centres of Liverpool, Greater Penrith and Campbelltown-Macarthur. The Aerotropolis will surround the new Western Sydney International (Nancy Bird Walton) Airport (Western Sydney Airport) and is anticipated to become a hub for industry such as advanced manufacturing and agribusiness. The development of the Aerotropolis would assist in establishing the region as an economic corridor with an ability to attract globally significant defence and aerospace activities.

The Applicant is a NSW Government authority responsible for the delivery of the Western Parkland City, which includes the Aerotropolis. The Applicant recently acquired the site from the Commonwealth Government to develop the Bradfield City Centre, including the development.

The development would support the growth of the advanced manufacturing sector within the Aerotropolis by housing shared hi-tech manufacturing equipment for research and development for a broad range of users to encourage investment in the region. Examples of advanced manufacturing activities that may occur within the development include robotics, nanotechnology or additive manufacturing (e.g. 3D printing). Large scale or commercial manufacturing activities are not proposed under this development application (DA). The Applicant anticipates that following this proposal, a large-scale Advanced Manufacturing and Research Facility may also be developed immediately to the south of the development as part of a separate and future application.

In its initial phase, the development would also serve as a public interface for the Aerotropolis while the rest of the Bradfield City Centre is being developed. For this reason, the development would also include a publicly accessible information and event space area in addition to the research and development component.

### 1.3 Site Description

The site comprises 3.63 hectares (ha) within the larger 114.9 ha Bradfield City Centre site and is located approximately 44 kilometres (km) west of the Sydney CBD and 17 km west of Liverpool (see **Figure 1** and **Figure 2**). The site is approximately 2.5 km south-east of the Western Sydney Airport, which is currently under construction.

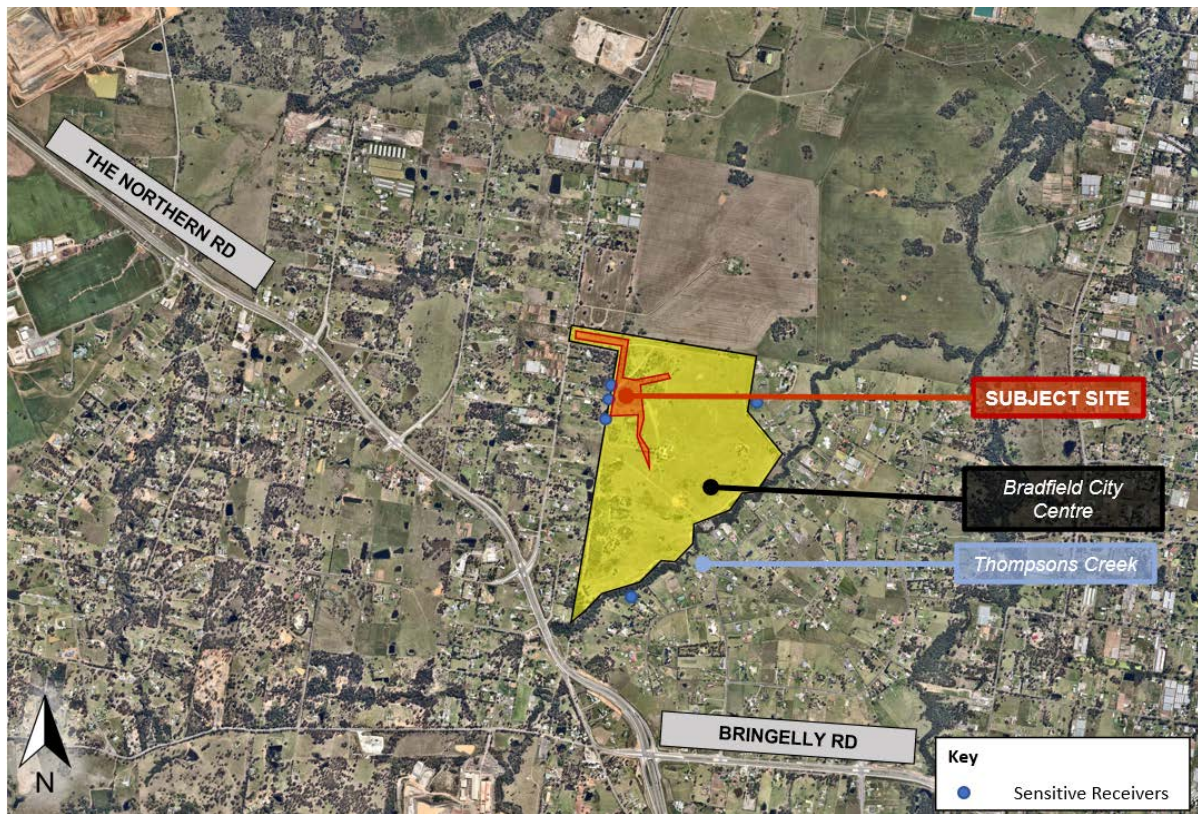
The site is zoned ENT Enterprise and MU Mixed Use under the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP). The site is legally described as part Lot 101 in DP 1282948. It is noted the lot and plan number changed during the assessment process as a result of a subdivision not associated with the DA.

The site features large expanses of cleared land with small stands of native vegetation along the western edge of the site. The land generally slopes from the north-west of the site to the east and south-east. The site was previously used by the Royal Australian Air Force as a radio receiving station. Several structures relating to the historical use of the site as a radio receiving station are still present.

Access to the site is via an 80 metre (m) wide access handle road off Badgerys Creek Road, which is a regional road that links to the Northern Road and Elizabeth Drive.

The nearest waterway is Thompsons Creek, which is located along the south-east boundary of the site. Thompsons Creek forms part of the Wianamatta-South Creek corridor, which is anticipated to develop over time as an interconnected blue-green corridor comprising privately owned land, sporting fields, walking trails and waterways.





**Figure 2 | The site**

### 1.4 Surrounding Land Uses

The site is situated in a rural-residential locality in south-west Sydney (see **Figure 2**) and is immediately bounded by:

- large rural residential properties immediately to the west of the site and Badgerys Creek Road
- Thompsons Creek and the Northern Road to the south-west and south-east of the site
- large rural residential properties to the east of the site including the State heritage listed Kelvin Park Homestead
- cleared rural land to the north of the site.

The suburbs of Bringelly and Rossmore are located to the south and south-east of the site and includes a mix of intensive agricultural uses such as greenhouses and poultry farming.

### 1.5 Western Sydney Aerotropolis

As described in **Section 1.4**, the Aerotropolis is expected to become the central economic hub of the emerging Western Parkland City. Strategic planning in the Aerotropolis has been framed around a landscape-led approach underpinned by the Aerotropolis SEPP and the Western Sydney Aerotropolis Plan, whereby the Wianamatta–South Creek corridor and an expansive network of green and blue corridors shape the city’s structure and built form, while also respecting and connecting with Country.

The 11,200 hectare (ha) sits within the Penrith and Liverpool LGA and will contain 10 precincts, including the Bradfield City Centre (see **Figure 3**) where the subject site is located.

## Bradfield City Centre

The Bradfield City Centre will be the city centre of the Aerotropolis, providing a dense urban environment centred around the proposed Bradfield City Centre Metro Station (Metro Station). The development would be located within walking distance of the Metro Station, which would form part of a new 23 km metro rail line between St Marys Station on the Sydney Trains network and the Bradfield City Centre, via the Western Sydney Airport. In the long term, there is also potential for the Metro station to provide further rail connections as part of the future potential South West Rail Link Extension and East West Rail Link.

The Applicant is responsible for the delivery of the remainder of the Bradfield City Centre, which is likely to be subject to the master plan process pathway under the Aerotropolis SEPP, which has the potential to change planning pathways for future development in the city centre.

A master plan application for the Bradfield City Centre has not yet been formally lodged with the Department.

In addition to the Metro Station, the future surrounds of the site are planned to consist of a network of dense cycling and high frequency bus routes, providing green travel links within the Aerotropolis and the surrounding area. The AMRF site will also adjoin Fifteenth Avenue to the north, one of the Aerotropolis' planned rapid bus corridors, providing fast service to other centres in Western Sydney.



**Figure 3 | Bradfield City Centre – Future Context**

### 1.6 Other approvals – Sydney Metro

As part of the planning for the Aerotropolis, the Western Sydney Infrastructure Plan includes major upgrades to The Northern Road and construction of the M12 Motorway. In addition, the Sydney Metro Western Sydney Airport (SSI-10051) (Sydney Metro WSA project) was approved by the then Minister



for Planning and Public Spaces on 23 July 2021. Preliminary construction works have commenced on the Metro, including construction works surrounding the Metro Station, which is located within close proximity to the site. As part of these preliminary works, a new access road is under construction to provide access to the Metro Station from Badgerys Creek Road through a new roundabout intersection. The development's interaction with this access road is discussed in more detail in **Section 2.3** and shown in **Figure 4**.

## 2 Development

### 2.1 Description of the Development

The major components of the proposed development are summarised in **Table 1** and shown in **Figure 4** to **Figure 8**, and described in full in the EIS and RTS included in **Appendix A**.

**Table 1 | Main Components of the Development**

Aspect	Description
<b>Development Summary</b>	Construction and operation of an advanced manufacturing research facility, including workspaces, manufacturing hall, exhibition spaces, landscaping, parking and ancillary works.
<b>Building</b>	<ul style="list-style-type: none"> <li>The First building would comprise a combined gross floor area (GFA) of approximately 2,840 m<sup>2</sup>, including: <ul style="list-style-type: none"> <li>1,009 m<sup>2</sup> GFA manufacturing space</li> <li>1,054 m<sup>2</sup> GFA of office and meeting space.</li> </ul> </li> <li>Building height: Relative Level 95.7 m</li> <li>Site coverage: 55.2%</li> </ul>
<b>Site Preparation Works</b>	Site preparation works would include: <ul style="list-style-type: none"> <li>vegetation clearing</li> <li>remediation and bulk earthworks</li> <li>installation of drainage infrastructure and services</li> <li>establishment of access roads and site drainage</li> </ul>
<b>Equipment</b>	The development may include the following equipment: <ul style="list-style-type: none"> <li>industrial robot/collaborative robot/conveyor and continuous</li> <li>automation</li> <li>virtual reality/augmented reality suites</li> <li>microscopes, metrology and measuring</li> <li>digital technology (CAD/DM/PLM/MES)</li> </ul>
<b>Parking and Access</b>	<ul style="list-style-type: none"> <li>50 at grade spaces (18 permanent and 32 temporary spaces)</li> <li>Site access would be provided from Badgerys Creek Road via a pan handle access and roundabout</li> </ul>
<b>Construction timeframe</b>	<ul style="list-style-type: none"> <li>Demolition – three months</li> <li>Earthworks – three months</li> <li>Construction – six months</li> </ul>
<b>Traffic</b>	<ul style="list-style-type: none"> <li>Construction – 30 light vehicles and five heavy vehicles a day</li> <li>Operational – 14 light vehicles trips per hour at peak. Heavy vehicles limited to service, delivery and maintenance vehicles at approximately 2-week intervals</li> </ul>
<b>Road and intersection works</b>	<ul style="list-style-type: none"> <li>Construction of preliminary roads (Central West Loop and Innovation Drive) which would match the planned formation of city road alignments</li> </ul>

Aspect		Description
		<ul style="list-style-type: none"> <li>The pan handle access road and roundabout connecting to Badgerys Creek Road would be constructed as part of the Sydney Metro WSA project</li> </ul>
<b>Infrastructure Services</b>		<ul style="list-style-type: none"> <li>interim sewage facility</li> </ul>
<b>Landscaping</b>		<ul style="list-style-type: none"> <li>Landscaping designed to meet the objectives of the Western Sydney Aerotropolis Plan 2020 using species endemic to the Cumberland Plain along street frontages and throughout the site.</li> <li>Installation of green roof and public viewing platform above the roof.</li> </ul>
<b>Hours of operation</b>		24 Hours a day, Seven days a week
<b>Capital investment value</b>		\$36,369,574
<b>Employment</b>		150 full-time equivalent construction jobs and 60 operational jobs

## 2.2 Physical Layout and Design

The physical layout and design of the development is shown in **Figure 4** to **Figure 8** and comprises the following:

- a large manufacturing hall housing advanced manufacturing equipment and storage
- dedicated workspaces relating to the manufacturing hall operations, alongside workspaces for independent tenancies
- a central public spine, which would primarily function as a public lobby between the manufacturing hall and workspaces and public exhibition space. The central public spine is an internal link connecting the parking to the east and the main western entry and is designed to be a flexible space to allow for gatherings, talks and events
- Western Forecourt, which would be located beside the main western entry and is designed to host external events, exhibitions and food trucks
- public amenities within the building and community outdoor space
- a public viewing platform located on the roof.

## 2.3 Access Roads and Parking

The development includes the construction of temporary and permanent roads to facilitate access to the First Building from Badgerys Creek Road. The development would include the construction of the following road infrastructure (see **Figure 4** and **Figure 5**):

- widened carriageway on the southern side of the Sydney Metro access track
- road in a north-south direction between the Sydney Metro WSA project access track and the First Building (Central Loop West)
- road in an east-west direct along the northern side of the First Building (forming part of the future Fifteenth Avenue)

- road in an east-west direction along the southern side of the First Building
- permanent service road running north-south through the middle of the site.

Parking on-site would consist of 18 permanent parking spaces and 32 temporary spaces, for a cumulative total of 50 at grade spaces at the commencement of operation of the development. The temporary parking spaces on-site are proposed to be removed once the Metro Station is fully operational.

## 2.4 Applicant's Need and Justification for the Development

Planning and development of the Bradfield City Centre as the core of the Aerotropolis is currently underway. The Aerotropolis will serve a key role alongside the Western Sydney Airport in attracting trade, logistics and advanced manufacturing to the Western Parkland City.

The First Building would be the first development within the Aerotropolis to encourage future growth and investment in the new city, which would help support the Applicant's strategic vision for the Western Parkland City.

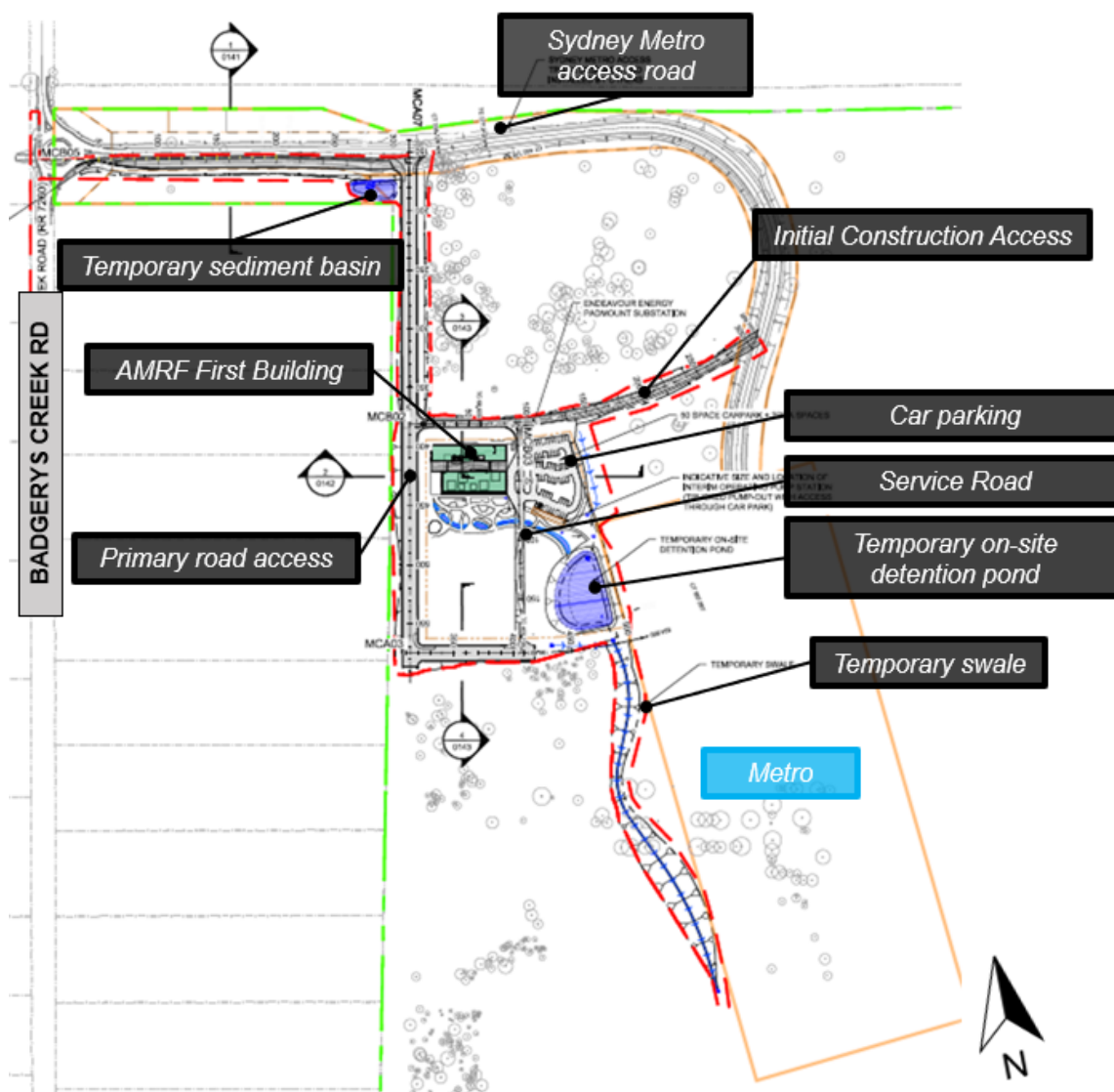
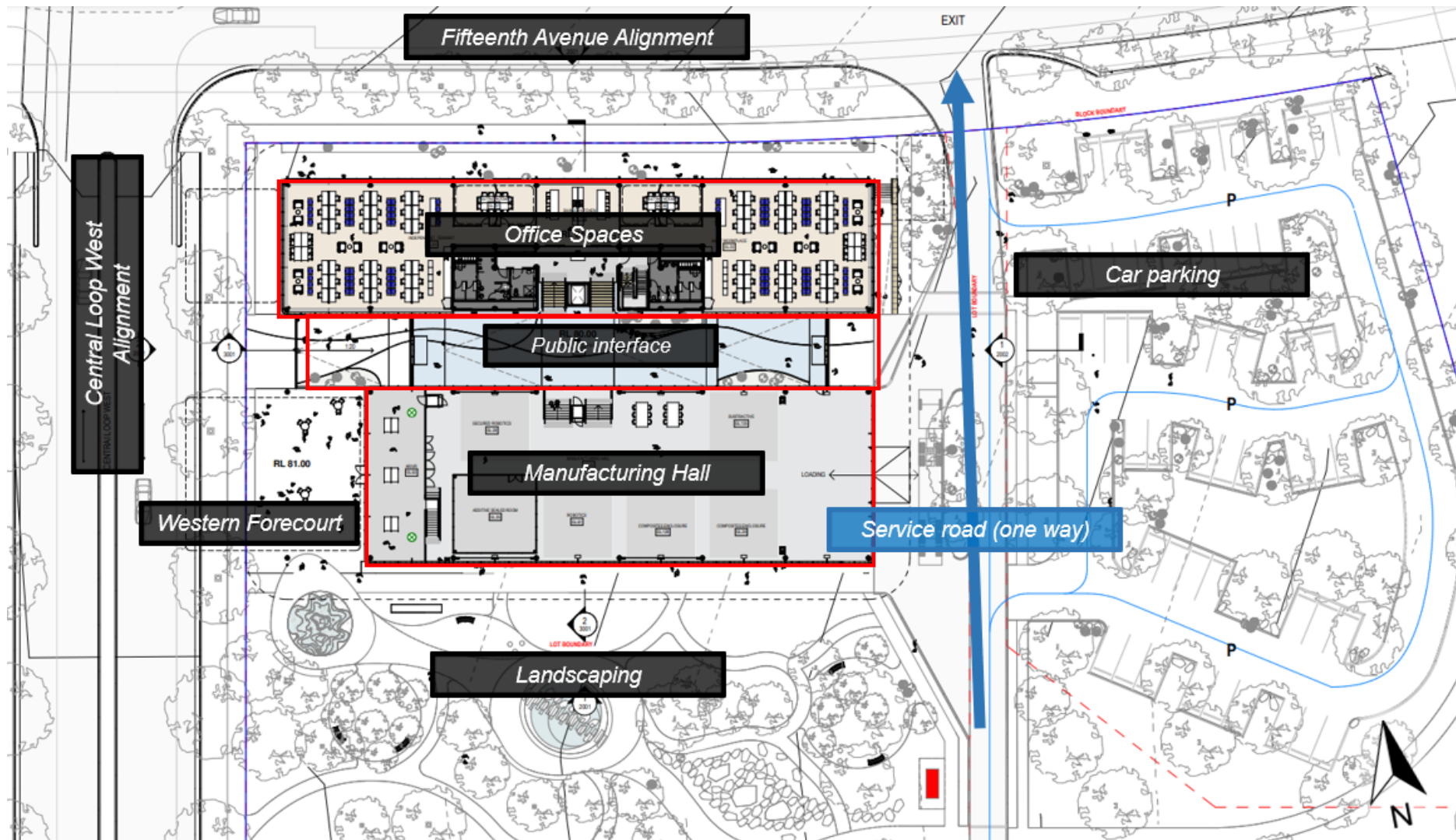
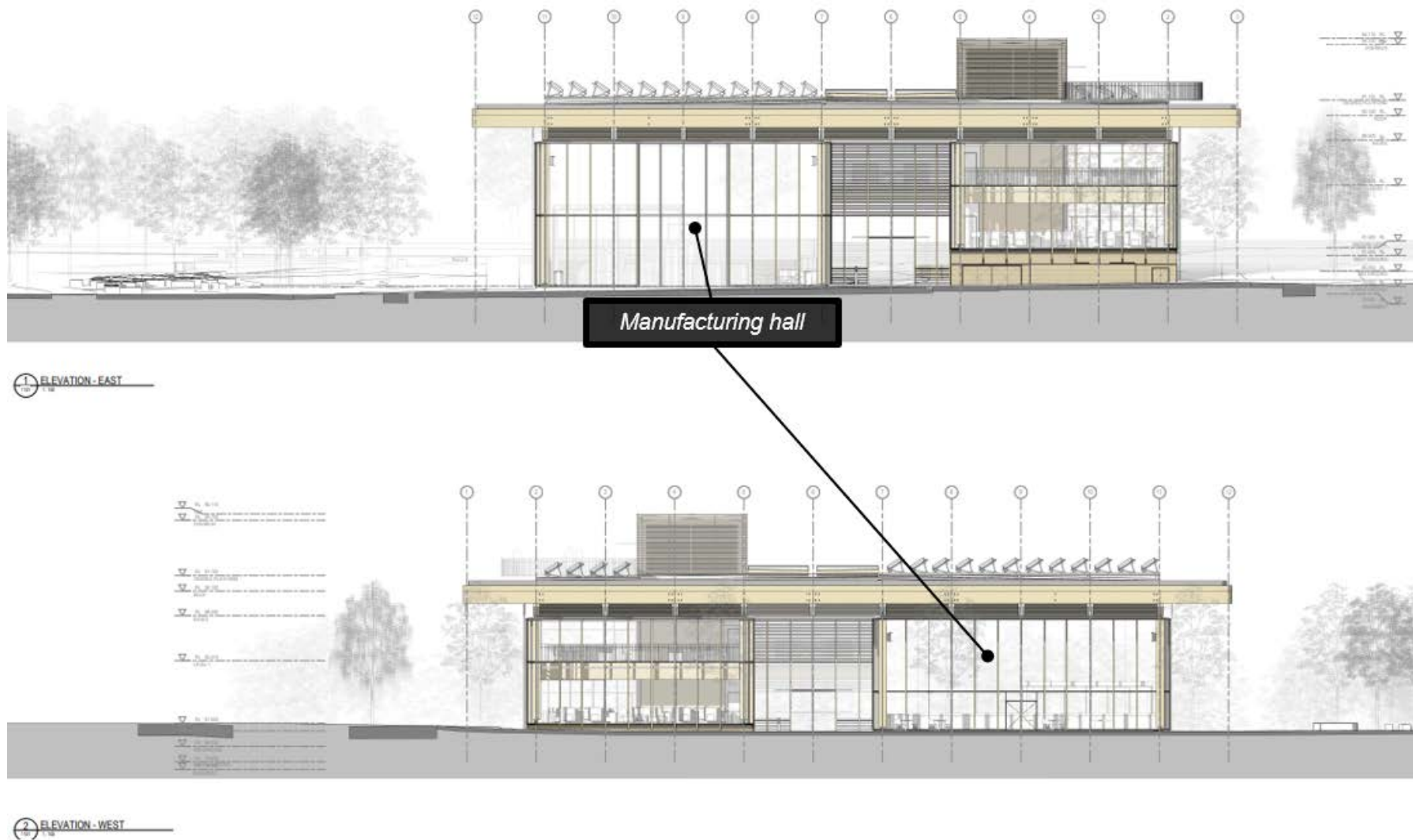


Figure 4 | Site Layout

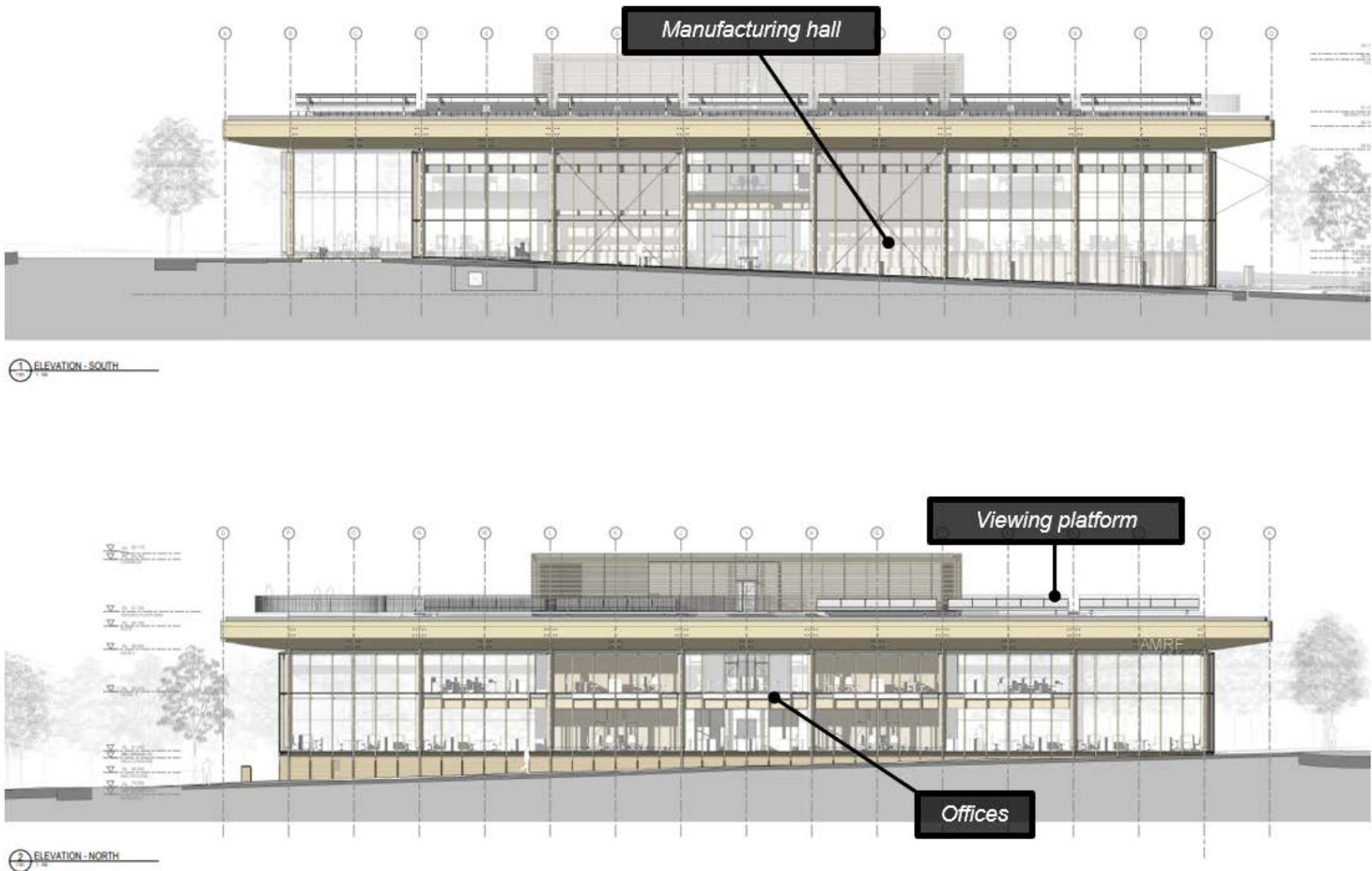


**Figure 5 | Building Layout and Carparking**



**Figure 6 | East and West Building Elevations**





**Figure 7 | North and South Building Elevations**

	<p>a) Eastern Elevation. Looking towards manufacturing hall and public spine</p>
	<p>b) View through the public spine</p>
	<p>c) Manufacturing Hall</p>

**Figure 8 | Artistic Impressions of the Development**

## 3 Statutory Context

### 3.1 State Significance

The proposal is State significant development pursuant to section 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it has a capital investment value of over \$30 million for the purpose of a research and development facility, which meets the criteria in Clause 11(a) of Schedule 1 in State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

### 3.2 Permissibility

The Land is zoned ENT (Enterprise) and MU (Mixed Use) under the Aerotropolis SEPP. The development is best characterised as a 'high technology industry' and is permissible with consent in the ENT and MU zones. Therefore, the Minister or a delegate may determine the carrying out of the development.

### 3.3 Consent Authority

The Minister is the consent authority for the development under section 4.5 of the EP&A Act. On 9 March 2022, the Minister delegated the functions to determine SSD applications to the Director, Industry Assessments where:

- the relevant local council has not made an objection, and
- there are less than 15 unique public submissions in the nature of objections, and
- a political disclosure statement has not been made by the Applicant.

Of the four submissions received, none objected to the proposed development. Council did not object to the development. No reportable political donations were made by the Applicant in the last two years.

Accordingly, the application can be determined by the Director, Industry Assessments under delegation.

### 3.4 Other approvals

Under section 4.42 of the EP&A Act, other approvals may be required and must be approved in a manner that is consistent with any Part 4 consent for the SSD under the EP&A Act.

The Department has consulted with and considered the advice of the relevant public authorities, including TfNSW and Western Sydney Airport Corporation (WSAC) in its assessment of the development and included suitable conditions in the recommended consent.

### 3.5 Mandatory Matters for Consideration

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a DA. The Department's consideration of these matters is set out in **Section 5** and **Appendix B**.

Under section 4.15 of the EP&A Act, the consent authority, when determining a DA, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the proposed development.

Since lodgement of the DA, the majority of NSW State Environmental Planning Policies (SEPPs) have been consolidated into 11 policies. The consolidated SEPPs commenced on 1 March 2022, with the



exception of State Environmental Planning Policy (Housing) 2021, which commenced on 26 November 2021.

The SEPP consolidation does not change the legal effect of the repealed SEPPs, as the provisions of these SEPPs have simply been transferred into the new SEPPs. Further, any reference to an old SEPP is taken to mean the same as the new SEPP. For consistency, the Department has considered the development against the relevant provisions of several key EPIs as in force when the DA was lodged, including:

- Aerotropolis SEPP
- SRD SEPP
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C**. The Department is satisfied the proposed development generally complies with the relevant provisions of these EPIs.

### **3.6 Aerotropolis SEPP**

The Aerotropolis SEPP is the principal EPI relating to the development. It provides a statutory planning framework for development in the Aerotropolis by giving effect to the Western Sydney Aerotropolis Plan (WSAP) (discussed in **Section 4**), setting out development controls and the permitted or prohibited land uses. The Aerotropolis SEPP also aims to recognise the physical and cultural connection of the Aboriginal community to the land and to minimise the impact of development on vegetation and waterway health.

As discussed above, since the lodgement of the DA, the Aerotropolis SEPP has been repealed with its contents carried over into Chapter 4 of the State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (Western Parkland City SEPP) on 1 March 2022. Section 4.51 of the Western Parkland City SEPP states that Chapter 4 does not apply to DAs lodged prior to its commencement. As the DA was lodged but not determined prior to 1 March 2022, the Aerotropolis SEPP continues to apply, including the then Land Zoning Map.

The contents of these strategic documents are discussed in further details in **Section 4**.

#### **Precinct Plan**

Under the Aerotropolis SEPP, development consent must not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied that the development is consistent with the precinct plan. Since lodgement of this DA, the Western Sydney Aerotropolis Precinct Plan (Precinct Plan) has been approved by the Minister. However, it does not apply to the development due to the above savings and transitional arrangements. As such, the consent authority is to consider several matters in clause 42 of the Aerotropolis SEPP prior to determination. This is considered in **Appendix C**.

#### **Design Excellence**

Part 5 of the Aerotropolis SEPP sets out design excellence provisions to ensure the highest standard of architectural, urban and landscape design is achieved for development in the Aerotropolis. For proposals that are SSD, development consent must not be granted unless:

- a design review panel reviews the development
- the consent authority takes into account the findings of the design review panel
- the consent authority is of the opinion the development exhibits design excellence.

Two State Design Review Panel (SDRP) sessions for the development were held on 7 October 2021 and 13 December 2021, respectively. The findings of the SDRP and the Department's consideration of whether the development exhibits design excellence is provided in **Section 6.1** and in **Appendix C**.

### Other Considerations

The Aerotropolis SEPP requires the consent authority to consider several other matters in addition to those discussed above when determining the DA, including matters relating to airport safeguards and transport corridors. Detailed consideration of these matters is provided in **Appendix C**.

### Development Control Plans

A Development Control Plan (DCP) has been prepared to provide detailed planning and design guidelines to support the planning controls in the Aerotropolis. The site currently is subject to the Western Sydney Aerotropolis Development Control Plan 2020 (Phase 1 DCP) (came into force 1 October 2020), with the draft Western Sydney Aerotropolis Development Control Plan 2021 (draft Phase 2 DCP) set to replace this in future.

While DCPs do not apply to SSD under Clause 11 of the SRD SEPP, the Department has nonetheless considered the relevant provisions of the DCPs in its assessment of the development in **Section 6** of this report.

## 3.7 Public Exhibition and Notification

In accordance with section 2.22 and Schedule 1 to the EP&A Act, the DA and any accompanying information of an SSD application are required to be publicly exhibited for at least 28 days. The application was on public exhibition from **Thursday 19 November 2021** until **Thursday 16 December 2021**. Details of the exhibition process and notifications are provided in **Section 5.1**.

## 3.8 Objects of the EP&A Act

In determining the application, the consent authority must consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 1.3 of the EP&A Act. The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application. The objects of relevance to the merit assessment of this application are discussed in **Table 2** below.

**Table 2 | Considerations Against the Objects of the EP&A Act**

Object	Consideration
(a) <i>to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of</i>	<p>The development would promote the social and economic welfare of the community through increased development investment and the creation of 60 operational jobs. The development will also act as a catalyst for attracting investment into the Bradfield City Centre and creating new innovative jobs and allowing for the management of Country by the local Aboriginal groups.</p> <p>The development would also promote a better environment by providing significant native landscaping and natural water elements throughout the site.</p>

Object	Consideration
<i>the State's natural and other resources,</i>	The facility would also be used for public and community events to promote social cohesion.
<i>(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,</i>	<p>The Department has considered the ESD principles in its assessment of the development. The development has been designed to outperform NABERS five star energy rating through the use of numerous strategies. This includes resilient and water efficient landscaping, green roof, rain and grey water harvesting and reuse, and use of recycled and low carbon building materials. Further the development also proposes to install solar panels with the ability of providing 100% of the facility's power needs.</p> <p>The Department's assessment has considered all socioeconomic and environmental considerations in a holistic approach and is satisfied the development could avoid potentially serious or irreversible environmental damage while providing tangible socio-economic and environmental benefits. The Department is satisfied the development could be carried out in an ESD compliant manner</p>
<i>(c) to promote the orderly and economic use and development of land,</i>	The development is a permissible use and promotes the orderly and economic use of the land by being the first development in the Bradfield City Centre, creating a development catalyst for the larger city centre and aligning with the vision for innovative employment uses near public transport.
<i>(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities,</i>	<p>The site is on land that is biocertified for development under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). This means the development footprint avoids impact on land with high biodiversity values.</p> <p>The development incorporates a building and landscaping design that integrates into the natural landscape, using a diverse range of plant types endemic to the local area.</p>
<i>(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),</i>	One of the aims of the Aerotropolis SEPP is to recognise the physical and cultural connection of the local Aboriginal community to the land and to incorporate local Aboriginal knowledge, culture and tradition into the development. The development promotes the sustainable management of built and cultural heritage of the area by incorporating Aboriginal cultural heritage values into the building and landscaping design. Aboriginal Cultural heritage values are also assessed in Section 6 of this report.
<i>(g) to promote good design and amenity of the built environment,</i>	Under the Aerotropolis SEPP, the development is subject to a State design review panel to ensure design excellence is achieved. The facility has been designed to set the standard for the development of the broader Bradfield City Centre and Aerotropolis.
<i>(h) to promote the proper construction and maintenance of buildings, including the</i>	The Department has recommended a number of conditions of consent to ensure the construction and maintenance of the Development is undertaken in accordance with the relevant legislation, guidelines, policies and procedures. This is expanded on in <b>Section 6</b> .



Object	Consideration
<i>protection of the health and safety of their occupants,</i>	
(i) <i>to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State</i>	The Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other State government authorities and Council. This is consistent with the object of sharing the responsibility for environmental planning between the different levels of government in the State.
(j) <i>to provide increased opportunity for community participation in environmental planning and assessment.</i>	The application was exhibited in accordance with Schedule 1 clause 9 of the EP&A Act to provide public involvement and participation in the environmental planning and assessment of this application

### 3.9 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle*
- (b) *inter-generational equity*
- (c) *conservation of biological diversity and ecological integrity*
- (d) *improved valuation, pricing and incentive mechanisms.*

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended. The development has been designed to include ESD principles through the use of resilient and water efficient landscaping, green roofs, rain and grey water harvesting and reuse, and use of recycled and low carbon building materials.

The development is located on land that is certified under the 2007 Biodiversity Certification Order for the Growth Centres SEPP. The site does not contain remnant vegetation that has been zoned for protection under the Aerotropolis SEPP at time of lodgement. As such, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats.

The Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

### **3.10 Biodiversity Development Assessment Report**

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (the BC Act), SSD applications are to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the development is not likely to have any significant impact on biodiversity values.

As described above, the site is on land certified under a biodiversity certification order. Section 8.4(2) of the BC Act states that an assessment of the likely impact on biodiversity of development (including SSD) on biodiversity certified land is not required for the purposes of Part 4 of the EP&A Act. Further, Section 8.4(3) of the BC Act states that the consent authority when determining a DA in relation to development on biodiversity certified land under Part 4 of the EP&A Act, is not required to take into consideration the likely impact on biodiversity of the development carried out on that land.

As such, an assessment of biodiversity impacts is not required and a BDAR was not submitted with the DA.

### **3.11 Commonwealth Matters**

Under the EPBC Act, assessment and approval is required from the Commonwealth Government if a development is likely to impact on a matter of national environmental significance, as it is considered to be a 'controlled action'.

As stated above, the Applicant was not required to prepare a BDAR for the proposal as the site is located on land that has received biodiversity certification under a Biodiversity Certification Order issued in 2007 by the then Minister Assisting the Minister for Climate Change, Environment and Water. In February 2012, the then Minister for Sustainability, Environment, Water, Population and Communities announced the Commonwealth is satisfied the conservation and development outcomes achieved through the Growth Centres program will satisfy the requirements under the EPBC Act. As such, the Applicant determined a referral to the Commonwealth Government was not required.

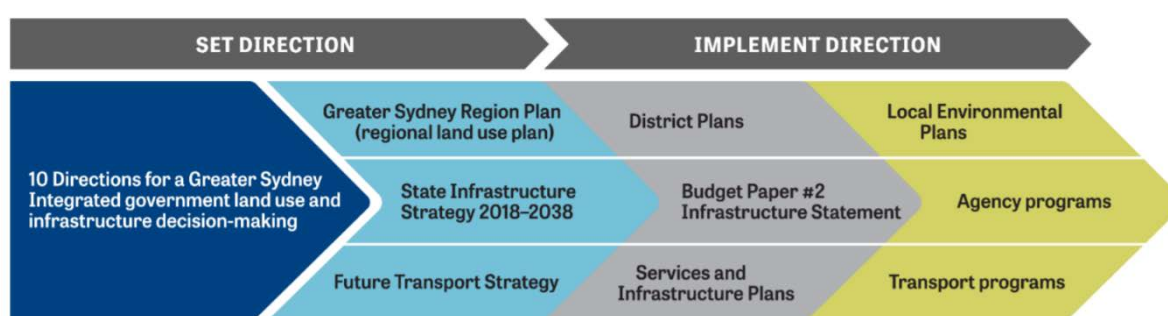
## 4 Strategic context

### 4.1 The Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018, the Greater Sydney Commission (GSC) released the Greater Sydney Region Plan: A Metropolis of Three Cities (the Region Plan) which forms part of the integrated planning framework for Greater Sydney (see **Figure 9**). The Region Plan is built on a vision of three cities:

- the Western Parkland City
- the Central River City
- the Eastern Harbour City.

The 40-year vision to 2056 brings new thinking to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth.



**Figure 9 | Integrated Planning for Greater Sydney**

The development is located within the Western Parkland City and would assist in achieving a number of key directions and objectives identified in the Region Plan, in particular:

- **Objective 20**, which aims to ensure the Western Sydney Airport and the Aerotropolis are economic catalysts for the Western Parkland City. As the development would be centrally located within the Aerotropolis, it would help to attract key industries including advanced manufacturing as well as tertiary institutions and research facilities to the region.
- **Objective 22**, which aims to provide investment and business activity in city centres. The development would be the first building in the newly established Bradfield City Centre and its primary use is to generate investment in the advanced manufacturing sector.

### 4.2 Western City District Plan

In March 2018, the GSC released five District plans designed to guide the delivery of the Region Plan. The district plans set out the vision, priorities, and actions for the development of each District.

The site is located within the Western City District within the Liverpool LGA. The Western City District Plan is a 20-year plan to manage growth in Western Sydney in the context of economic, social, and environmental matters to achieve the 40-year vision for Greater Sydney. It is a guide to implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The development would assist in achieving Planning Priorities W8 and W11 as it would help to realise potential industry and business opportunities, investment and jobs within the Aerotropolis, particularly in the manufacturing, professional, scientific and technical services.

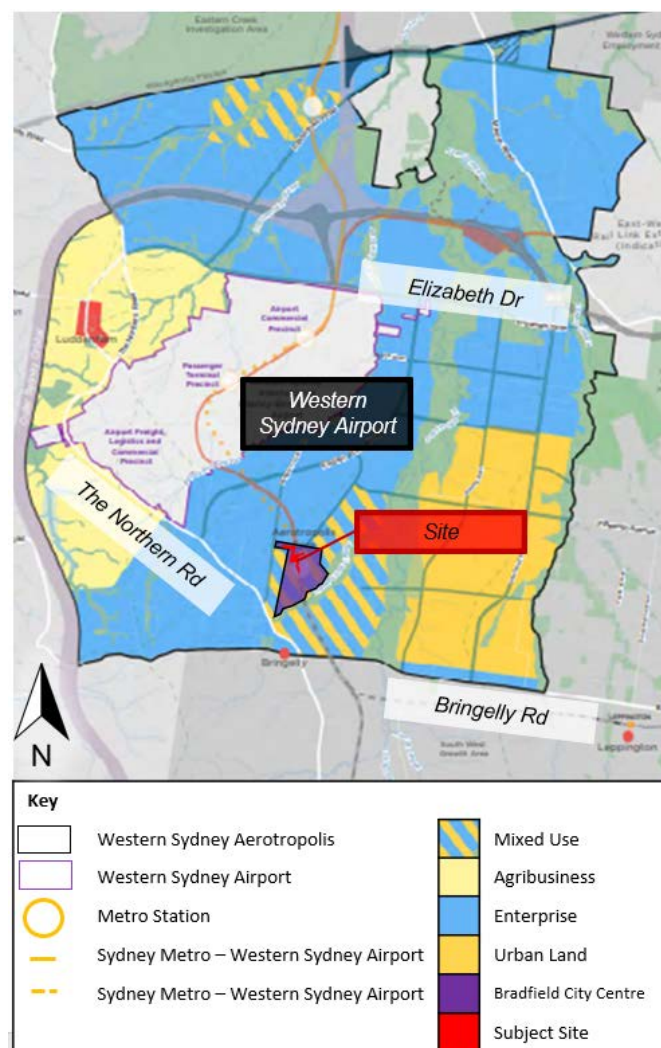
### 4.3 Western Sydney Aerotropolis Plan

The WSAP aims to integrate the Aerotropolis within the Western Parkland City and provides a planning framework for the Aerotropolis by establishing the vision, principles, objectives and intended land use planning outcomes for the ten precincts located within the Aerotropolis. Four of these precincts are considered 'Initial Precincts' and consist of the Aerotropolis Core, Wianamatta-South Creek Corridor, Northern Gateway, Badgerys Creek and Agribusiness precincts.

The plan describes the sequenced approach to precinct planning and identifies a high-level transport framework and blue-green infrastructure. The plan also emphasises a connection to country and a landscape led approach to urban design and planning.

**Figure 10** provides a spatial representation of the high-level land uses, environmental assets and transport infrastructure within the Aerotropolis. The development is located within the Aerotropolis Core on land zoned Mixed Use and Enterprise under the Aerotropolis SEPP.

The development would assist meeting the objectives of the WSAP, including Objective 2 by facilitating employment opportunities, and Objective 3, by providing a form of development compatible with airport operations.



**Figure 10 | Aerotropolis Structure Plan**

#### **4.4 Western Sydney Aerotropolis Precinct Plan**

The Western Sydney Aerotropolis Precinct Plan (Precinct Plan) was published on 24 March 2022 and came into effect on that day under State Environmental Planning Policy (Precincts – Western Parkland City) 2021, with the aim of providing finer grain requirements for the Aerotropolis. As the Precinct Plan is not in force under the Aerotropolis SEPP, the Precinct Plan does not apply to this DA.

Regardless of the applicability, the Department has taken into consideration the Precinct Plan when considering the development. The development would assist in meeting the broad principles of connecting with Aboriginal people and Country, and facilitating innovative employment uses within close proximity to future public transport

## 5 Engagement

### 5.1 Consultation

The Applicant, as required by the Planning Secretary's Environmental Assessment Requirements (SEARs), undertook consultation with relevant local and State authorities as well as the community and affected landowners. The Department undertook further consultation with these stakeholders during the exhibition of the EIS and throughout the assessment of the application. These consultation activities are described in detail in the following sections.

#### Consultation by the Applicant

The Applicant undertook a range of consultation activities throughout preparation of the EIS including:

- letterbox drop of adjoining properties and newsletter distribution to 2,500 residences around the Bradfield City Centre area
- virtual community drop-in forums between 25 October and 3 November 2021 and social media engagement
- direct consultation with relevant Government authorities.

#### Consultation by the Department

After accepting the DA and EIS for the development, the Department:

- made it publicly available from **Thursday 19 November 2021** until **Thursday 16 December 2021** on the Department's website
- notified landowners in the vicinity of the site about the exhibition period by letter
- notified and invited comment from relevant State government authorities and Liverpool City Council (Council) by letter.

### 5.2 Submissions and Advice

During the exhibition period, the Department received four submissions from the public (two private businesses, two individuals) and advice from 10 government authorities, including Council. No public submissions objected to the proposal, one submission supported the proposal and three public submissions provided comments only. The two community members who made a submission live within 5 km from the proposal.

A summary of the submissions and government advice is provided below and a link to the full copy of the submissions and advice is provided in **Appendix A**.

#### Key Issues - Government Authorities

**Council** did not object to the proposal but raised a number of matters to be resolved prior to determination of the application. These included additional details on proposed earthworks, consistency with the Aerotropolis SEPP in relation to designing and delivering green and blue grid infrastructure, access roads and pedestrian linkages through the site, built form and amenity. Council also raised concerns regarding the Applicant's proposal to install an interim operating pump station for sewage management and requested the Applicant demonstrate a connection to the Sydney Water reticulated sewer system is available.

**Transport for NSW (TfNSW)** provided comments in relation to the development's interaction with the Metro Station construction works, noting that an agreement is currently in place between TfNSW and



the Applicant. TfNSW also commented on temporary works within the major infrastructure corridor identified under the Aerotropolis SEPP and the proposed Bradfield Metro Link Road (Fifteenth Avenue South) and signalised intersections throughout the precinct. Further information was requested around the SIDRA modelling, proposed green travel plan and construction traffic management.

**Heritage NSW – Aboriginal Cultural Heritage (Heritage NSW)** noted a preliminary Aboriginal Cultural Heritage Assessment (ACHAR) had been prepared to inform the development of the Bradfield City Centre masterplan and that additional test excavations within the subject site were yet to be carried out. Heritage NSW requested the Applicant complete the consultation requirements with registered Aboriginal parties (RAPs) and complete the test excavations on the subject site to confirm the conclusions of the predictive modelling. Heritage NSW also noted that archaeological test excavations would need to be completed for the broader Bradfield City Centre site.

**Heritage Council NSW** did not request further information but noted the development is unlikely to impact the State heritage listed items 'Kelvin' and the 'Church of Holy Innocents'.

**Western Sydney Planning Partnership** commented on the development's consistency with the provisions of the Aerotropolis SEPP, Draft Aerotropolis Precinct Plan and Draft Phase 2 DCP. It also noted the Applicant may need to obtain concurrence from TfNSW and the Planning Secretary prior to determination of the application.

**Civil Aviation Safety Authority (CASA)** advised that while the site is within the 125.5 m Obstacle Limitation Surface contour, it would not need to assess the development from a height perspective. CASA confirmed it does not object to the building design and did not recommend any conditions.

**Environment and Heritage Group (EHG)** (formerly Environment, Energy and Science) did not raise any concerns regarding biodiversity or flooding impacts. However, EES provided comments around waterway health and the Applicant's stormwater management strategy requesting additional information to determine the stormwater quality targets set by the Draft Phase 2 DCP can be achieved.

**Sydney Water** provided advice on the water servicing requirements of the development in relation to wastewater, potable water and recycled water. Sydney Water also recommended several water efficiency measures that may be implemented for the development.

**Department of Planning and Environment – Water Group (DPE Water)** advised that it had no comments on the development.

**Rural Fire Service (RFS)** did not object to the development subject to the recommendations in the Bushfire Report contained within the EIS being incorporated in the recommended conditions of consent.

### **Key Issues - Private Businesses**

**Endeavour Energy** did not object to the development but provided advice around network capacity/connection, flooding and drainage impacts on Endeavour-owned infrastructure and vegetation management.

**WSAC** did not object to the development but requested further information on wildlife and waste management particularly measures to limit wildlife attraction at the site. WSA also advised that approvals may be required under the *Airports Act 1996* should there be any intrusions into the prescribed airspace.

## Key Issues - Public Submissions

Two submissions were received from the public regarding the proposed road construction of Central Loop West and Innovation North. Both submissions noted that the proposed road reserves and finish levels of the Central Loop West should align with a number of properties along Badgerys Creek Road, while Innovation Road may need to be moved slightly to ensure the intersection with Central Loop West aligns with several properties located on Badgerys Creek Road.

### 5.3 State Design Review Panel

The SDRP is an independent design quality evaluation process led by the NSW Government Architect, in which a panel of design and built environment experts provide feedback on a project's design to deliver better design outcomes. Two SDRP sessions have been held for the development.

The initial SDRP session was undertaken on 7 October 2021 prior to lodgement of the DA. The SDRP provided a number of recommendations to address the following aspects of the development:

- connecting with country and landscape design, including incorporating water elements in the landscape and building design and developing initiatives for the empowering and enterprise of the local Aboriginal community
- block structure and how the design of the development and its immediate surroundings can inform the design of the wider masterplan for the Bradfield City Centre
- architecture, including the types of building materials, access and security and ESD measures proposed for the development.

A second SDRP session was held on 13 December 2021 during exhibition of the DA, in which the Applicant presented an amended design incorporating the recommendations provided by the SDRP.

During the second session, the SDRP commended the quality of the architectural design presented and recommended continual refinement of particular design elements as it relates to connecting with Country and ESD measures. The Applicant provided a further response to the SDRP's second round of recommendations as part of its Response to Submissions (RTS) (see Section 5.4). No further SDRP sessions were required.

### 5.4 Response to Submissions

On 6 September 2022, the Applicant provided a final RTS on the issues raised during the exhibition of the development (see **Appendix A**). The RTS was supported by updated documentation and information in response to the matters raised during the exhibition. Key updates included:

- updates to noise assessments, sustainability design report, contamination assessments and visual impact assessment
- confirmation of completion of Aboriginal cultural heritage consultation
- updated stormwater strategy and modelling
- updated the lot and plan number details as a result of a recent subdivision (not associated with this DA)
- clarification of the delivery and staging of infrastructure
- inclusion of arboriculture assessment and updated landscape plans.

The RTS was prepared by the Applicant in collaboration with the Department, the relevant State agencies and Council. This resulted in agencies and Council providing comment to the Applicant throughout the preparation of the RTS. A summary of the final comments provided by the agencies and Council are provided below.

**Council** raised further concerns regarding the removal of trees, the level of earthworks required and the impact the proposal may have on water ways. Council also noted the future road and pedestrian network should consider the blue green grid outlined in the Precinct Plan. Council ultimately provided suggested conditions relating to tree retention and /or relocation.

**TfNSW** raised no further concerns and recommended conditions requiring the Applicant to implement a Construction Traffic Management Plan (CTMP), Green Travel Plan and ensure that road signage meets TfNSW's requirements. It also requested a Safety Risk Assessment be endorsed by Sydney Metro.

**EHG** recommended several conditions regarding stormwater management including requiring the Applicant to prepare and implement a Stormwater Management Plan demonstrating that it achieves the relevant water targets and makes provision for connection into a future Bradfield City Centre stormwater system. EHG also recommended several conditions to ensure trees are retained where possible and replaced where this is not possible.

**Heritage NSW** advised it had no further comments.

**WSCA** advised the responses to its concerns were acceptable and recommended its previous comments regarding wildlife attraction be conditioned.

**CASA** advised it has no comment on the RTS.

The Department has considered the issues raised in submissions, the RTS and the supplementary concerns raised, in its assessment of the development in **Section 6**. A summary of the Department's consideration of community views is provided in **Appendix D**.

## 6 Assessment

The Department has considered the EIS, the issues raised in the submissions, the Applicant's RTS and supplementary information in its assessment of the development. The Department considers the key assessment issues are:

- Design Excellence
- Traffic and Transport
- Stormwater

A number of other issues have also been considered. These issues are considered to be relatively minor and are assessed in **Table 4** under **Section 6.4**.

### 6.1 Design Excellence

As discussed in Section 3.6, DAs in the Aerotropolis are required to consider the design excellence provisions under the Aerotropolis SEPP. This is to ensure the highest standard of architectural, urban and landscape design is achieved for development in the Aerotropolis.

The Applicant proposes a development design that has considered the design excellence provisions under the Aerotropolis SEPP. As discussed in **Section 5.3**, the development design has been through two rounds of SDRP reviews. The Applicant's EIS and RTS details the design process and amendments that have occurred as a result of the SDRP process.

In determining whether the development exhibits design excellence, the Minister, as the consent authority, must consider whether:

- the development responds to the physical and cultural connection of the local Aboriginal community to the land
- a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved
- the form and external appearance of the development will improve the quality and amenity of the public domain
- the development detrimentally impacts on view corridors.

The Department has assessed the development against these considerations, which is discussed in further detail below.

#### Connection to Country

The site is located on Dharug Country and within the Wianamatta-South Creek catchment, which is characterised by gentle undulations with ridges and valleys that create numerous ephemeral creeks and waterways. Additionally, the Cumberland Plain Woodland, which occurs on and around the site, is an important feature of Western Sydney and an endangered ecological community.

The EIS presented a Country-centred design for the proposed built form and landscaping, which was prepared by Hassell in collaboration with Djinjama, an Indigenous cultural design and research firm. The design was guided by several themes responding to the site's natural features, including but not limited to:

- Water – waters of the Wianamatta are considered to be sacred

- Healing Country – restoring the Cumberland Plain.

The proposed built form has incorporated water elements through the use of fluid lines and no sharp edges, and the large roof structure, which is supported by columns and glass panels, has been designed to look like tree stands within the Cumberland Plain (see **Figure 11**). The development is intended to work with the topography using a series of level changes, while building materials with natural textures and warm colours such as timber, glass and rammed earth (compacted raw materials such as soil), have been selected that respond sensitively to the Cumberland Plain.

The proposed landscaping would maximise the extent of permeable surfaces, while re-establishing the ecology and landscape of the Cumberland Plain by using endemic species. Water would also be a key landscape feature across the site which would include rain gardens, swales and sculptural and interpretive water elements (see **Figure 11**).

#### Character of Cumberland



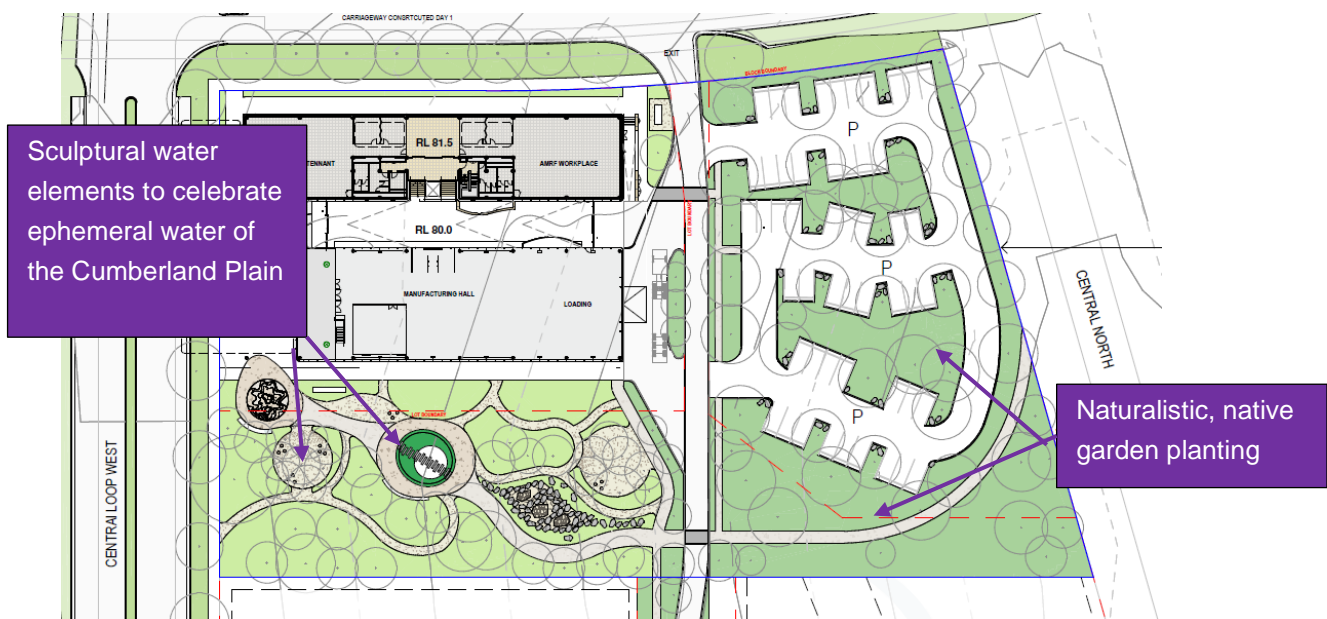
#### Landscape Flowing Through



Responding to Country, and the character of Cumberland Plain. Columns articulated to reflect the tree stands and clusters of trees which are unique to this landscape.

A roof plane 'as the tree canopy' providing shade to the spaces below, allowing the building facade to be highly transparent allowing the sense of the landscape flowing and continuing underneath.

#### a) Examples of key design responses for the First Building (above)



#### b) Proposed landscaping including water elements

**Figure 11 | Proposed design elements**



The SDRP supported the Applicant's approach to connecting and designing with Country and further recommended the Applicant consider ways to further develop the ephemeral water elements, retain mature trees where possible and develop initiatives for empowering the local Aboriginal community.

In its RTS, the Applicant provided a revised landscaping design incorporating seasonal swales, dry/wet basins (i.e. dry creek beds) to mirror the natural water processes in the landscape. The Applicant has also committed to developing a formal partnership agreement with the Gandangara Local Aboriginal Land Council (LALC) for the ongoing management of the landscape. This would include traineeships, apprenticeships and an Indigenous garden. The Department has incorporated the Applicant's commitments in the recommended instrument.

While Council did not object to the development, Council raised concerns about the Applicant's design response to the existing topography, waterways and significant trees on the site. Council requested further information on how the proposal connects with Country and integrates with the natural landscape, noting the proposed earthworks and civil works would result in the change in levels and alterations to the drainage catchment.

In response to Council's comments, the Applicant reiterated the built form responds to the topography through level changes within the building enabling at grade access for ground floor uses at the eastern and western entrances. The Applicant's RTS also noted the civil designs are based on the architectural design plans, which were developed in accordance with the connection to Country principles. Further, the extent of earthworks proposed is considered necessary to ensure the development integrates with the future masterplan. Nonetheless, the Applicant advised the building has been appropriately sited to ensure earthworks are minimised.

### **Architecture and ESD**

As shown in **Figure 8**, the proposed built form would be a low-rise structure that has been designed to not only reflect the existing rural-residential context but also its future context as an urban pavilion in the Bradfield City Centre. As the Bradfield City Centre evolves, the EIS notes the development would provide relief from surrounding large scale and dense urban buildings to form a focal point or landmark for the public to gather.

The visual appearance of the development is intended to be an almost transparent structure to enable community engagement, particularly with the internal operations of the development, and to promote clear views through the building and into the surrounding landscape. To achieve this, a range of building materials are proposed including timber, rammed earth, glass and light grey concrete.

The proposed layout, orientation and configuration of the development is based on several factors including minimising solar heat gain and ensuring workspaces have access to natural daylight. The principles of ESD have also been embedded into the proposed design and construction of the development including:

- use of building materials that are low in embodied carbon such as timber and rammed earth
- installation of a green roof and solar panels to generate electricity
- rainwater capture and water sensitive urban design
- modular design of the building for future expansion, if required.

In terms of public amenity, the development proposes a public viewing platform and central public spine (see **Figure 11**). The public spine would be an internal link connecting carparking in the east to the western entry and forecourt. The public spine and the western forecourt area would be used for public events and exhibitions and would enable pedestrian access to the Metro Station.

The SDRP supported the architectural design and requested that some elements be further developed including how the façade performs in relation to radiant heat. The SDRP also highlighted other elements be addressed such as security and access.

The Applicant's RTS confirmed the building design, particularly the northern roof overhang, would protect the northern façade in the hottest months and would be enough to achieve the required comfort levels. However, to protect from glare, the Applicant has committed to installing internal blinds to the north and west of the building, which has been incorporated in the recommended instrument.

### Visual Amenity

The site is located within a rural-residential area which, over time, will transform into employment/enterprise and mixed land uses with maximum building heights up to 75 m. The EIS included a visual impact assessment which identified visual receivers and views mainly to the immediate east and west of the site that may be impacted by the development (see **Figure 2**). Receivers to the immediate east are likely to remain in the longer term and include the State heritage listed item – Kelvin Homestead (see **Table 4**: European Heritage).

The assessment found the development integrates with the surrounding context, adopting a building height below the existing trees, reducing bulk and scale impacts and preserving the existing rural landscape outlook for receivers to the east. Most view impacts were assessed as negligible to minor, with any impact felt by these receivers to be short term. In the future context of the Bradfield City Centre, which will contain mixed use buildings ranging in height from 55 - 75 m, the development is unlikely to be visible particularly to eastern receivers as the maximum building height of the development would be 16.7 m. As such, the development is unlikely to result in adverse visual impacts at these receivers.

No concerns were raised in submissions about visual amenity.

### Department's Consideration and Conclusion

The Department has considered the Applicant's EIS, RTS and the advice provided by the SDRP in determining whether the development exhibits design excellence.

The Department considers the proposed built form and landscaping responds sensitively to its surrounding environment, with design elements such as water and earth playing a central role in the development's Country-led design. For example, the use of timber, glass and ephemeral water elements throughout the structure enables the development to connect and blend in with the surrounding landscape.

Further, the development responds to the topography of the site through a series of level changes within the building to enable it to sit comfortably in the landscape. While the development will require some civil works, the Department notes the Applicant has sited the development where minimal earthworks (as far as practicable) can occur and where significant stands of trees can be avoided.

The Department agrees with the SRDP's views that the Applicant's approach to designing with Country is appropriate and acknowledges the Applicant's commitment to ensuring the local Aboriginal people can remain connected to the land through a proposed partnership with the Gandangara LALC. As such,

the Department considers the development responds to the physical and cultural connection of the Aboriginal people to the land.

The development's combination of design elements to the façade, use of sustainable building materials and proposed landscaping strategy provide a high-quality urban design outcome which would not detrimentally impact on the views of the nearest sensitive receivers. The Department considers the design has balanced the functional requirements of the building as a research and development facility while also serving as a public space and future landmark for the Aerotropolis.

The Department acknowledges the development being the first building in the Aerotropolis would set the standard for urban, landscape and architectural design for the broader Aerotropolis. The Department agrees with the SDRP that the design is appropriate to the type and location of the building within a rural setting, as well as in the future context of the Bradfield City Centre. The Department has recommended conditions of consent to ensure the design elements provided in the architectural plans and landscape plan are implemented.

As such, the Department's assessment concludes the development exhibits design excellence.

## **6.2 Traffic and Transport**

The construction and operation of the development would generate additional traffic, which has the potential to impact on the safety and operational performance of the surrounding road network.

### **Vehicle Access**

Construction access to the site is proposed to be gained from Badgerys Creek Road (see **Figure 4**) via a roundabout and access road being delivered as part of the Sydney Metro WSA project. This road is currently operational.

Upon commencement of operations, the development will gain vehicle access to the Sydney Metro access road through construction of a north-south access road and intersection to the north of the development. This access road will generally align with the future street layout of the Bradfield City Centre. As part of the intersection works, the Applicant also proposes to carry out some additional physical works on the south side of the Sydney Metro access road in order to allow for future upgrades.

The Applicant provided a swept path analysis demonstrating the development will provide access and manoeuvrability for a 19 m articulated vehicle, the largest vehicle planned to access the site.

Council recommended that site access and driveways be in accordance with Australian Standards.

TfNSW provided advice recommending line marking, signposting, signalised intersections and speed limits are to be approved by TfNSW. TfNSW also raised concerns with proposed driveways to the development seeking to gain access off the future Fifteenth Avenue road.

### **Traffic Generation and Sustainable Transport**

Given the planned changes to the transport character of Bradfield City Centre and the area surrounding the site (as discussed in **Section 1.5**), the Applicant assessed several different traffic scenarios and their impact. These scenarios included pre Metro Station, and three post Metro Station scenarios in the short, medium and long terms.

#### *Pre Metro Station*

Given the development is planned to be the first building of the Bradfield City Centre and will commence operation prior to the Metro Station and other public transport options being available, the Applicant

calculated trip generation on the assumption that all trips to and from the site would be by private vehicle. The assessment estimated that the development would result in 14 vehicle trips per hour in the morning peak and 11 vtp/h in the evening peak, requiring a total of 50 car parking spaces to service the development.

As the pre Metro Station scenario would see the most vehicle trips, the Applicant used this scenario to assess the development's worst case impact on the road network. Given the relatively low vehicle trip generation, the Applicant found the development would not impact on the Badgerys Creek Road roundabout's Level of Service (A) and as such, would not require any intersection upgrades.

In its advice, TfNSW requested the Applicant undertake SIDRA modelling of the Badgerys Creek Road / The Northern Road intersection to the south of the site, given potential queuing from the Badgerys Creek Road roundabout. In its RTS, the Applicant advised Badgerys Creek Road / The Northern Road intersection was located more than 1.3 km south of the roundabout and with the low rates of traffic generation, queuing entering the roundabout would not impact on the intersection. TfNSW reviewed the response and provided no further comments regarding traffic modelling.

#### *Post Metro Station*

Following the completion of the Metro Station adjacent to the site, the development's car mode share of trips is expected to reduce and as such, both parking requirements and vehicle trip generation will also reduce. The Applicant has three post Metro scenarios in the short, medium and long terms developed using mode share scenarios within the WSAP. Each scenario is expected to reduce car mode share, as further public transport options become available and active transportation links are formed in the Bradfield City Centre. The expected light vehicle trip generation and mode share of each scenario is summarised in **Table 3**.

**Table 3 | Traffic Generation Scenarios**

Scenario	Car Mode Share AM	Car Mode Share PM	AM vtp/h	PM vtp/h
Short Term	65%	65%	9	7
Medium Term	50%	49%	6	6
Long Term	34%	32%	4	4

As part of the reduction in car mode share, the Applicant also envisions the reduction of car parking spaces needed on site. After the opening of the Metro Station, the Applicant plans to reduce the vehicle parking spaces to 18 within 12 months, guided by a Green Travel Plan and to remain in-line with the draft Phase 2 DCP maximum car parking requirements.

In its advice, TfNSW provided several recommendations on the contents and implementation of the Green Travel Plan, including making it a living document, ensuring it is updated regularly when public and active transport links in the area are improved. In its RTS, the Applicant supported the travel plan recommendations put forward by TfNSW.

### **Department's Consideration and Conclusion**

The Department has considered the transport and traffic aspects of the development in the EIS and RTS as well as the advice from Council and TfNSW.

The Department supports the Applicant's traffic assessment and commitments to reduction in private vehicle usage as the Bradfield City Centre develops and sustainable travel options improve. In the worst case pre- Metro Station scenario, the development would have minimal impacts on the surrounding road network and provide sufficient car parking and access for employees and visitors to the site.

The Department acknowledges that, while the subject site is currently in a rural setting, the Bradfield City Centre will transition into a walkable, sustainable transport orientated precinct. As such, the Department supports the Applicant's planned trip modal shift towards active and public transport and considers it to align with the Aerotropolis's Phase 1 DCP. The reduction in car parking to 18 spaces also aligns with the maximum car parking rate under the draft Phase 2 DCP, being 22 spaces. There are no minimum car parking rates within the draft Phase 2 DCP.

The Department has recommended conditions that will require the Applicant to create and implement a living Operational Traffic Management Plan to guide the development away from private car usage, in consultation with TfNSW, allowing for the reduction in car parking spaces following the opening of the Metro Station. The Department notes that any road markings will be required to gain approval from the relevant roads authority outside of the development assessment process.

Overall, the Department's assessment concludes the development will have minimal impact on the surrounding road network and provide sufficient car parking, while allowing for transition to the sustainable transport vision of the Aerotropolis as the Bradfield City Centre grows.

### **6.3 Stormwater Management**

The development would result in increased impervious surfaces across the site, which has the potential to impact stormwater quality and increase stormwater volumes discharged from the site. Increased runoff has the potential to impact downstream catchments if not controlled by an adequate stormwater management system.

Currently, the site is undeveloped and mostly comprises pervious areas. The highest point of the site is on the western boundary which falls towards the east and south. The site is characterised by two catchments – whereby runoff from the northern end of the site (i.e. the development's access roads) drains north into a different tributary, while runoff from the southern end of the site (building, car parking and hardstand areas) drains to the south and south-east towards Moore Gully and Thompsons Creek.

#### **Waterway Health Objectives and Targets**

New developments in the Aerotropolis are required to implement stormwater management infrastructure that demonstrates compliance with the waterway health objectives and targets established by the NSW Government. These objectives and targets are set out within the draft Phase 2 DCP and the final Precinct Plan for the Aerotropolis. The objectives and targets aim to:

- protect or restore waterway health within Wianamatta-South Creek and its tributaries
- ensure development is integrated with water cycle management measures
- manage stormwater flow and quality
- enable a transition to regional water infrastructure, where feasible.



The waterway health objectives and targets are required to be met by developments during the construction and operational phases. Stormwater quality targets involve a reduction in gross pollutants (such as litter and coarse sediment), suspended solids, phosphorus and nitrogen compared to an unmitigated development. Stormwater flow targets for the operational phase of the development involves limiting the amount of stormwater discharged from the site to the local waterway. The draft Phase 2 DCP outlines a number of acceptable solutions for Water Sensitive Urban Design (WSUD) to retain and treat stormwater within the development, including rainwater/stormwater harvesting, on-site irrigation, bioretention and use of naturalised trunk drainage paths.

### **Regional Stormwater Approach in the Aerotropolis**

The NSW Government is considering a regional-scale approach to waterway health and stormwater management for the Aerotropolis and has appointed Sydney Water as the regional water management authority. However, at this stage there is no regional stormwater infrastructure in place, and as such stormwater management must be addressed on-site.

### **Proposed Stormwater Management Approach**

Initially, the Applicant proposed a stormwater management strategy comprising of on-site detention basins and swales to manage the flow and quality of stormwater. Unfortunately, this system could not demonstrate compliance with the waterway health objectives and targets. EHG's primary concerns were around the MUSIC modelling inputs as this would dictate the stormwater infrastructure required for the site. As such, the Applicant worked closely with EHG to refine the MUSIC model and stormwater management strategy and identified additional WSUD measures that could be implemented on-site.

In its RTS, the Applicant presented a revised stormwater management strategy comprising the following elements (see **Figure 12**):

- three bioretention basins on the northern, eastern and southern ends of the site varying in area from 5 m<sup>2</sup> to 400 m<sup>2</sup>
- installation of three wetlands across the site ranging from 300 m<sup>2</sup> to 1,500 m<sup>2</sup> in area.

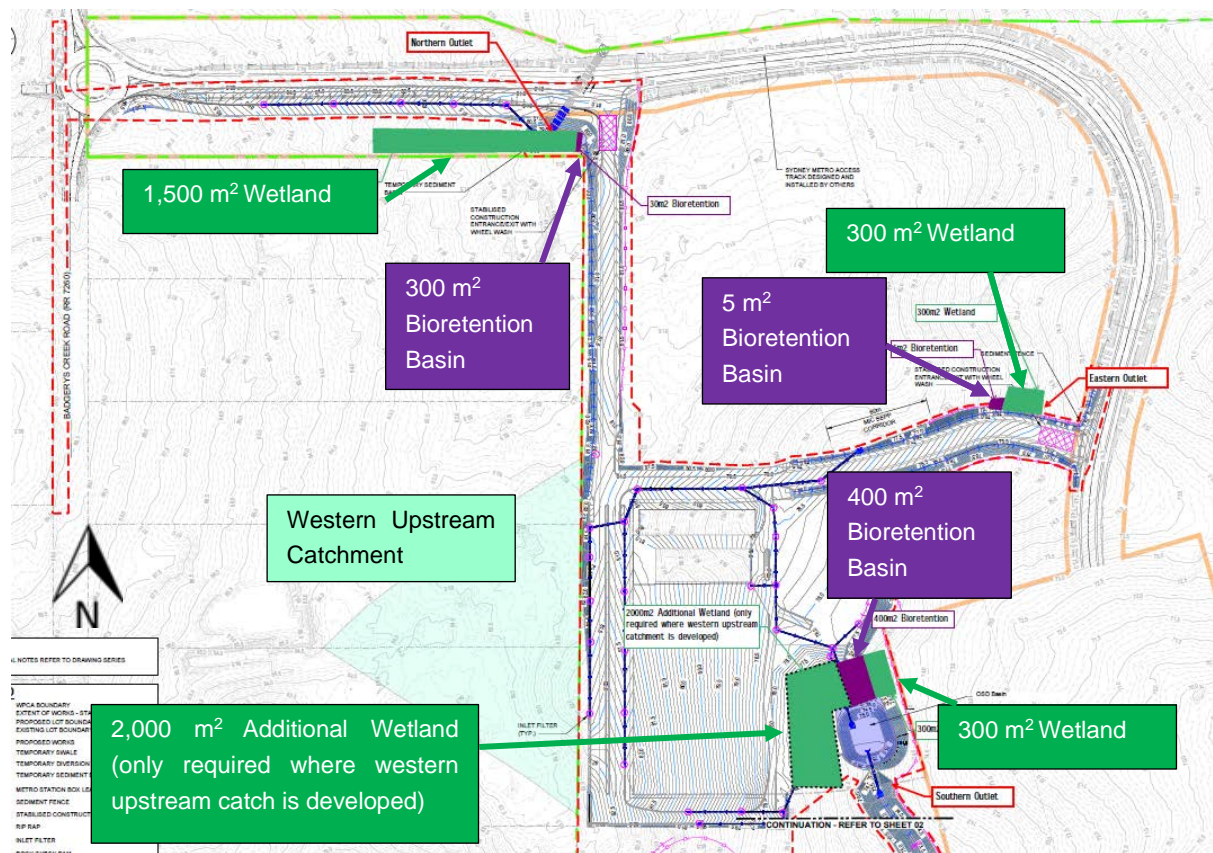
The Applicant also emphasised the proposed stormwater management strategy would be an interim solution until the development can connect to a regional stormwater system once it is available. The Applicant advised it has considered what infrastructure would be required to connect to a regional stormwater system, which has been incorporated into the building's design.

EHG reviewed the Applicant's revised stormwater management strategy and MUSIC model noting that the MUSIC model relies on the catchment to the west (see **Figure 12**) remaining undeveloped to demonstrate compliance with the waterway health targets and objectives. If this land is developed in the immediate future, EHG was concerned that the Applicant's stormwater management system may no longer comply with the waterway health objectives and targets.

To rectify this issue, the Applicant proposed an additional wetland (2,000 m<sup>2</sup>) as part of its stormwater design and model, however this would only be delivered if the upstream catchment to the west of the site is developed. EHG accepted this approach and was satisfied the development can comply with the waterway health objectives and targets. EHG did not raise any further comments and provided several recommendations, requiring the Applicant to:

- implement construction phase erosion and sediment control measures to achieve the construction phase stormwater targets

- prepare and implement an operational stormwater management plan, which would describe the stormwater management strategy and how it will be monitored and measured against the waterway health objectives and targets.



**Figure 12 | Proposed Stormwater Management System**

### Department's Consideration and Conclusion

The Department has considered the Applicant's revised stormwater management strategy in conjunction with EHG's advice and is of the view that the development is capable of achieving compliance with the waterway health objectives and targets.

The Department agrees with the implementation of additional WSUD measures (i.e. wetlands) as recommended by EHG. Additionally, should the catchment to the west of the site be developed in the immediate future, the Department is satisfied the development can continue to comply with the waterway health targets and objectives with the addition of the 2,000 m² wetland. As such, the Department considers the revised stormwater management strategy is appropriate as an interim solution for managing stormwater quality and volumes generated by the development. The Department also considers the development has been designed to integrate with any future regional stormwater strategy for the broader Bradfield City Centre.

To ensure that in the interim, the development achieves the required waterway health objectives and targets, the Department has adopted EHG's recommendations particularly the requirement for the Applicant to prepare a Stormwater Management Plan prior to the commencement of operation. This plan would detail how the development would achieve and maintain compliance with the targets, including monitoring measures.

The Department's assessment concludes that with the appropriate mitigation measures in place, the development would not adversely impact waterway health in the Aerotropolis.

## 6.4 Other issues

The Department's assessment of other issues is provided in **Table 4**.

**Table 4 | Assessment of Other Issues**

Findings	Recommendations
<b>Aboriginal Cultural Heritage</b>	
<ul style="list-style-type: none"> <li>To assess the potential impacts of the proposal on Aboriginal cultural heritage, the Applicant prepared a preliminary Aboriginal Cultural Heritage Assessment Report (ACHAR) in accordance with relevant Heritage NSW guidance.</li> <li>The ACHAR was prepared for the wider Bradfield City Centre area, which the subject development site is located within.</li> <li>As part of the ACHAR, a full coverage survey of the Bradfield City Centre area was undertaken with representatives of Registered Aboriginal Parties. The survey resulted in the identification of two previously unrecorded Aboriginal sites, an isolated find and associated area of Potential Archaeological Deposit and a low-density artefact scatter containing four artefacts.</li> <li>A Test excavation was also undertaken for the First Building subject area. The ACHAR found there were no registered Aboriginal objects and/or places located within or in close proximity of the First Building subject area and that the land was highly disturbed with low potential of containing Aboriginal objects.</li> <li>The ACHAR made several recommendations in relation to the First Building site area including closing out consultation with RAPs and implementing an unexpected finds protocol for human remains.</li> <li>Heritage NSW reviewed the ACHAR and concurred with its findings and recommendations, raising no concerns and recommending consultation with RAPs be finalised.</li> <li>In its RTS, the Applicant provided a memo prepared by the Applicant's heritage consultant which confirmed that all consultation requirements with RAPs for the development have been completed and no further assessment is required.</li> <li>The Department is satisfied the Applicant's ACHAR and test excavation have been prepared in accordance with the relevant Heritage NSW guidance and have incorporated the views and advice of the Registered Aboriginal Parties.</li> <li>The Department notes that consultation for the broader Bradfield City Centre ACHAR is still yet to be undertaken but would be completed as part of the masterplan application.</li> <li>A condition has been recommended to ensure the Applicant prepares and implements an unexpected finds protocol.</li> <li>The Department's assessment concludes the proposed development is unlikely to have any adverse impacts on Aboriginal cultural heritage and any unexpected finds during construction can be suitably protected and managed.</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>implement an unexpected finds protocol as part of a Construction Environmental Management Plan (CEMP).</li> </ul>
<b>European Heritage</b>	
<ul style="list-style-type: none"> <li>Two State heritage listed items are located within the vicinity of the development: <ul style="list-style-type: none"> <li>Kelvin homestead (Item #00046), which is located approximately 500 m east of the site</li> <li>Church of the Holy Innocent (Item #02005), which is located approximately 4 km south east of the site.</li> </ul> </li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>implement an unexpected finds protocol.</li> </ul>

## Findings

## Recommendations

- The EIS included a Statement of Heritage Impact (SOHI), which assessed the impact of the development on these heritage items.
- The SOHI noted the development would have no physical impact on the two heritage items, however there is a minor impact to the settings and views from the Kelvin homestead as the rural setting of the site and surrounds contributes to the significance of this heritage item.
- The SOHI notes the Applicant has minimised the impact to the Kelvin Estate through the use of sensitive design elements such as glass and natural materials and use of form and scale.
- The Heritage Council of NSW did not raise any concerns and agreed with the findings of the SOHI.
- While the development would be visible to the Kelvin homestead, the Department considers the development is located a fair distance from the heritage item and the proposed design elements respond well to the surrounding natural, rural and built environment, which would be appropriate in minimising the impact to the setting and views from the Kelvin Estate.
- No specific conditions relating the State heritage listed items are proposed in the recommended instrument, however the Department has recommended standard conditions requiring the Applicant to implement an unexpected finds protocol during construction.
- The Department's assessment concludes that any impacts to heritage items would be appropriately managed.

## Noise

- The development has the potential to result in noise impacts to the surrounding residential receivers particularly during construction, with the nearest receivers located approximately 40 – 60 m west of the site boundary.
- The RTS included a Construction and Operational Noise and Vibration Impact Assessment (NVIA) prepared by WSP Australia.

### Construction Impacts

- During construction, the main noise sources would be from equipment and machinery, heavy vehicles and generators during key construction activities such as demolition and excavation.
- Construction works would be undertaken over a period of 12 months during standard daytime hours of 7:00 AM to 6:00 PM Monday to Friday and 8:00 AM to 1:00 PM on Saturdays.
- The NVIA modelled several construction scenarios and found that predicted noise levels at the three closest receivers on the western boundary would exceed the recommended noise management levels of 48 dB(A) by up to 36 dB(A) during standard daytime hours. Of the three receivers, only two would also exceed the highly noise affected criteria of 75 dB(A) by up to 7 dB(A).
- The NVIA noted the assessment was conservative and based on the simultaneous operation of equipment. However, the Applicant clarified that in reality it is unlikely that all equipment would run simultaneously, or that noise levels above 75 dB(A) would be sustained for greater than a few days for each of the four construction stages.
- To manage these exceedances, the Applicant has committed to implementing feasible and reasonable measures which would form part of a These measures include:
  - avoiding simultaneous operation of noisy plant
  - directing noise emitting plant away from sensitive receivers
  - implementation of respite periods
  - active community consultation particularly before noisy activities.

Require the Applicant to:

- prepare and implement a CNMP
- adhere to standard construction hours
- adhere to the requirements of the Interim Construction Noise Guideline
- adhere to operational noise limits



## Findings

## Recommendations

- The NVIA also considered cumulative noise impacts associated with the construction of the Metro station as construction activities may occur at the same time. The NVIA anticipated that any increase in levels is likely to be minimal (up to 3 dB louder) and should be monitored as part of the CNMP.
- Council did not object but sought further clarification on the mitigation measures to be implemented by the Applicant. No public submissions raised concerns about construction noise.
- The Department acknowledges the receivers immediately to the west of the site would be impacted by construction noise; however, these works are temporary in nature and high noise generating activities would likely be limited to a few days for each construction stage.
- Nonetheless, the Department considers the range of mitigation measures outlined in the NVIA to be appropriate in managing construction noise. As such, the Department has recommended the Applicant prepare a CNMP which incorporates these noise mitigation and management measures.
- Additionally, the Department has also recommended limiting construction works, particularly high noise generating works, to standard daylight hours only.
- The Department's assessment concludes the noise impacts during the construction of the development can be appropriately managed through best practice noise management and the recommended conditions of consent.

### Operational Impacts

- During operation, the main noise sources would be from mechanical plant, unloading and loading activities and car park noise. At the time of assessment, details on mechanical plant and internal equipment were not yet finalised so the NVIA considered a conservative assessment of noise contributions from these sources.
- Operational noise hours are proposed to be 24 hours, 7 days a week, however, the development would primarily function as a research and development facility with no large scale/commercial manufacturing activities proposed.
- Under a worst-case scenario, the predicted noise levels at the nearest sensitive receivers would meet the relevant criteria for day (43 dB(A)), evening (40 dB(A) and night-time (38 dB(A)). Given night-time noise was below the relevant Noise Planning for Industry threshold, a sleep disturbance assessment was not considered necessary.
- The Department has reviewed the Applicant's analysis and considers the NVIA to provide an acceptable assessment of potential noise impacts associated with the development's operation and suitable mitigation measures. The Department has subsequently incorporated the NVIA's project noise trigger levels into the recommended conditions of consent
- The Department concludes that subject to the recommended condition of consent, the operation of the development would not result in adverse noise impacts to surrounding sensitive receivers.

### **Construction Traffic**

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>• Construction access is proposed to utilise the existing Sydney Metro access road, to the east of the development, following a similar alignment to the future Fifteenth Avenue (see <b>Figure 4</b>).</li><li>• The Applicant's Traffic Impact Assessment found traffic generation during construction is expected to consist of 30 light vehicles during peak hours, and five heavy vehicle trips to the site spread throughout the day.</li><li>• The Applicant carried out SIDRA modelling which demonstrated construction traffic would not have an impact of the A Level of Service the future</li></ul> | <p>Require the Applicant to:</p> <ul style="list-style-type: none"><li>• prepare and implement a CTMP</li><li>• liaise with Sydney Metro on security risk.</li></ul> |
|---|--|



## Findings

## Recommendations

roundabout is expected to operate at. To manage any residual impacts caused by construction traffic, the Applicant also committed to preparing and implementing a CTMP.

- Council recommended a CTMP be prepared and implemented.
- TfNSW also recommended a CTMP be prepared and endorsed by TfNSW and Sydney Metro along with several other conditions to address the site's proximity to the Metro station, including:
  - work with Sydney Metro to ensure the development's construction does not impact on Sydney Metro construction works
  - prepare a Security Risk Assessment in consultation with Sydney Metro to ensure the development does not pose a security risk to the Sydney Metro WSA project.
  - liaising with TfNSW for work in the Major Infrastructure Corridor.
- In its RTS, the Applicant advised it was working with TfNSW on a Security Risk Assessment with TfNSW, having received in principle support for it.
- The Department has reviewed the EIS and RTS in relation to construction traffic and considers the construction of the development to have minimal impact on the local traffic network.
- While it is acknowledged construction vehicle traffic will be low, to ensure construction traffic works between the development and Sydney Metro WSA project, the Department recommended a condition requiring the Applicant to prepare a CTMP. In addition, a condition requiring the Applicant to liaise with Sydney Metro on security risk is also recommended.
- The Department's assessment has concluded that, subject to the implementation of the recommended conditions, the development's construction would have minimal impacts on the surrounding road network and TfNSW's assets and construction.

## Air Quality

- The construction and operation of the development has the potential to result in air quality impacts to surrounding sensitive receivers. The EIS included an Air Quality Impact Assessment (AQIA) which assessed potential air pollutant emissions associated with the construction and operation of the development.

### Construction

- Over a construction period of approximately 12 months, dust and particulate emissions may be generated during standard earthworks and the construction of building and ancillary structures and infrastructure.
- The AQIA found that construction would not exceed the relevant dust impact assessment criteria at surrounding sensitive receivers. The AQIA recommended implementing a variety of management and mitigation measures to suppress dust emissions, such as covering stockpiles and dampening material when excessively dusty, as part of a CEMP for the site.
- No comments were made regarding air quality impacts during construction by Council.
- The Department has reviewed the AQIA and is satisfied air pollutant emissions associated with the construction of the development would be appropriately managed through the Applicant's commitments in the EIS and recommended conditions, including requiring the Applicant to prepare a CEMP and to take all reasonable steps to minimise dust generation such as the use of effective dust suppression measures.
- The Department's assessment concludes the temporary air quality impacts associated with the construction of the development would be acceptable,

Require the Applicant to:

- take all reasonable steps to minimise dust generated during all stages of construction works
- ensure the development's emissions comply with relevant legislation for air pollutant emissions and prohibit the emission of offensive odour
- ensure the mitigation measures recommended in the AQIA are implemented.

subject to the implementation of a site-specific CEMP and all reasonable and feasible measures by the Applicant to minimise dust.

#### Operation

- The primary source of emissions during operation relates to the use of specialised equipment and machinery such as industrial robots, continuous automation and conveyors which would be housed within the building.
- The AQIA found that operational emissions would result in minimal incremental effects at surrounding sensitive receivers and would continue to meet the relevant impact assessment criteria. It recommended several mitigation measures including installing suitable air emission control devices on any air outlets and ensuring these are regularly serviced and maintained.
- Council reviewed the AQIA and noted that an odour assessment had not been undertaken.
- In its RTS, the Applicant responded to Council's comments noting that the activities expected to occur within the development (virtual reality suites, automation demonstrations etc), are not expected to produce any noticeable odour.
- The Department has reviewed the Applicant's analysis and considers the AQIA has provided an appropriate assessment of potential air quality impacts associated with the operation of the development and identified suitable mitigation measures.
- The Department has subsequently recommended a condition which requires the installation and operation of on-site equipment be carried out in line with best practice to ensure that the development complies with the relevant requirements of the Protection of the Environment Operations (Clean Air) Regulation 2021.
- Subject to the implementation of this condition and the commitments made by the Applicant, the Department's assessment concludes the operation of the development would not result in adverse air quality impacts to surrounding sensitive receivers.

#### **Flooding**

- The site is located in close proximity to Thompsons Creek and Moore Gully.
- The development would involve some earthworks particularly to facilitate the proposed stormwater management infrastructure, which has the potential to result in creek and overland flow flooding.
- The EIS included a flood assessment which assessed the worst-case flood event scenarios of 0.5% and 1% annual exceedance probability. The assessment found the site is unlikely to be impacted by flooding from Thompsons Creek or Moore Gully.
- The flood assessment also found that the site is impacted by local overland flows which may be impacted in large rain events, causing some ponding of water on the roadways. However, the finished floor level of the development would be located above the expected pooling level. Additionally, the proposed stormwater management system has been designed to capture these overland flows, which would reduce pooling.
- EHG advised it had no concerns regarding the flood assessment and Council recommended the stormwater management system be designed to take these overland flows. The Applicant agreed to this recommendation.
- The Department has reviewed the Applicant's flood assessment and concurs with EHG that it demonstrates the site is not at risk of flooding for worst case flood events. Any remnant overland flow can be appropriately managed by the stormwater management system proposed by the Applicant. A condition

Require the Applicant to:

- implement the stormwater management system to manage stormwater flows.

## Findings

## Recommendations

requiring the Applicant to prepare and implement a stormwater management system has been recommended in **Section 6.3**.

- The Department's assessment concludes the site would not be impacted by creek flooding and overland flow paths can be managed by the installation of a stormwater management system.

## Contamination

- The EIS included a Preliminary Site Investigation prepared in accordance with the requirements of the *Contaminated Land Management Act 1997* recommending a detailed site inspection be carried out to determine if a Remedial Action Plan or Site Management Plan was required to make the site suitable for its intended use.
- Council raised concerns with the level of detail provided in the EIS and as such requested a detailed site investigation be undertaken prior to issuing consent to assess the risk of contamination on site.
- In its RTS, the Applicant provided a detailed site investigation report. The report found through the collection of soil, groundwater and sediment samples, that there was no indication of significant contamination and no further assessment or a remedial action plan were required, which was accepted by an accredited site auditor.
- The report recommended an expected finds protocol be implemented into the CEMP.
- Council raised no further concerns relating to contamination matters.
- The Department has reviewed the contamination assessment contained in the EIS and RTS and considers it acceptable and that the site is reasonably clear of contamination and suitable for the proposed use.
- To ensure any potential unexpected contamination finds are appropriately managed, the Department has recommended a condition requiring the Applicant prepare and implement an unexpected contamination finds protocol as part of the CEMP.
- The Department's assessment concludes the site is suitable for its intended use, subject to the recommended conditions of consent.

Require the Applicant to:

- prepare and implement an unexpected finds protocol

## Bushfire

- The site is located on land that is identified as bush-fire prone land.
- The EIS included a Bushfire Hazard Assessment (BHA) which assessed the development against the provisions of the RFS guideline 'Planning for Bush Fire Protection 2019' (PBP).
- The BHA noted the predominant bushfire threat to the development would be woodland and unmanaged grassland, however with the progressive development of the Aerotropolis the grassland hazards would be considered temporary.
- The Applicant has adopted several bushfire protection measures for the development as per the PBP including provision of Asset Protection Zones and adequate access for firefighting vehicles and water supply.
- RFS reviewed the BHA and did not raise any concerns. RFS advised the recommendations contained within the BHA should be incorporated in the recommended consent.
- The Department acknowledges the risk of bushfire will decrease over time as the Aerotropolis develops. The Department accepts the findings of the BHA and the recommendations contained therein and the advice of the RFS.

Require the Applicant to:

- implement bush fire protection measures in the BHA.

Findings	Recommendations
<p>Accordingly, the Department has incorporated the recommendations of the BHA into the recommended conditions of consent.</p> <ul style="list-style-type: none"> <li>The Department considers the development meets the requirements of the PBP and concludes that bushfire risks associated with the site can be appropriately addressed by the Applicant and through the recommended conditions of consent.</li> </ul>	
<b>Development Contributions</b>	
<p><i>Regional Contribution</i></p> <ul style="list-style-type: none"> <li>The site is located within the Western Sydney Aerotropolis Special Infrastructure Contributions Area (WSA SIC), which came into effect on 25 March 2022. The Applicant is required to make a contribution towards the provision of infrastructure in the Aerotropolis.</li> <li>The Applicant confirmed that it intends to make a monetary contribution to meet its obligations under the WSA SIC. A condition formalising this requirement has been included in the recommended instrument.</li> </ul> <p><i>Local Contributions</i></p> <ul style="list-style-type: none"> <li>Clause 271 of the EP&amp;A Regulation states that a DA within the Aerotropolis cannot be determined unless a local contributions plan is in place, or the Applicant has entered into a planning agreement with a planning authority that addresses the matters that may be part of such a plan.</li> <li>At the time of writing this report, a section 7.12 contributions plan for the Aerotropolis was not in place. A draft section 7.12 plan was, however, exhibited by Council and Penrith City Council in November 2020.</li> <li>As such, the Applicant proposed to enter into a planning agreement with the Minister to meet clause 271.</li> <li>The Department consulted closely with Council to ensure the amount and timing of monetary contributions to be paid is acceptable. While the planning agreement is between the Applicant and Minister, it is noted the contributions will be directed to Council for the purposes of funding local infrastructure.</li> <li>The planning agreement between the Applicant and the Minister was executed on 3 September 2022. A copy of the agreement is included in Appendix F The Department's assessment concludes contributions required by the Applicant for its development will be satisfied and have been addressed by the recommended conditions of consent.</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>satisfy their obligations under the WSA SIC.</li> </ul>
<b>Hazards</b>	
<ul style="list-style-type: none"> <li>The EIS states the development does not involve works that are potentially hazardous and would not store dangerous goods or hazardous materials on-site.</li> <li>The Department acknowledges the conclusions of the EIS and considers the development does not trigger the requirements of SEPP 33.</li> <li>Notwithstanding, the Department has recommended standard conditions that should the development store dangerous goods (DGs) on-site, that it must be below the SEPP 33 thresholds and be stored in appropriately bunded areas.</li> <li>The Department's assessment concludes the hazards and risks associated with the development are negligible.</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>store DGs below SEPP 33 thresholds</li> <li>store DGs in bunded areas.</li> </ul>
<b>Western Sydney Airport Consideration</b>	
<ul style="list-style-type: none"> <li>The development is located close to the new Western Sydney Airport, which is currently under construction.</li> </ul>	<p>Require the Applicant to:</p>

Findings	Recommendations
<ul style="list-style-type: none"> <li>The development includes landscaping incorporating locally native species and has also nominated an external waste storage area.</li> <li>WSAC provided advice in relation to wildlife hazards, recommending waste facilities be designed to discourage wildlife, and landscaping be in accordance with Appendix B of the draft Phase 2 DCP. WSAC also noted that the development does not appear to impact on the Obstacle Limitation Surface and recommended fill be non-putrescible.</li> <li>The Department has considered the comments by WSAC and has recommended conditions to ensure that waste enclosures are designed in a way to limit wildlife attraction and for the Landscape Management Plan to provide details demonstrating how the species selection would not attract wildlife.</li> <li>The Department has also recommended conditions to ensure any fill brought onto site is either virgin excavated natural material or excavated natural material.</li> <li>The Department has considered the information provided by the Applicant and WSA's advice and is satisfied the development will not impact on the operation of the Western Sydney Airport and can meet WSA's requirements, subject to the recommended conditions of consent. The Department's assessment concludes the development would not impact on the operation of the future airport.</li> </ul>	<ul style="list-style-type: none"> <li>manage waste and landscaping to ensure they discourage wildlife attraction</li> <li>ensure fill imported to site is clean.</li> </ul>

### Tree Removal and Landscaping

<ul style="list-style-type: none"> <li>The development would result in the removal of existing vegetation including 193 existing trees to make way for the building, carpark and road infrastructure (including the road reserve for the future Fifteenth Avenue extension).</li> <li>While 193 trees have been earmarked for removal, the development footprint largely avoids areas of the site that contain existing native vegetation zoned for protection under the Aerotropolis SEPP.</li> <li>A BDAR was not prepared because the site and the broader Bradfield City Centre is biocertified under the 2007 biodiversity certification order (see Section 3.10).</li> <li>Council raised concerns with the number of trees to be removed, particularly those trees with high and medium retention value. Council suggested whether some of these trees could be transplanted or retained.</li> <li>The SDRP also noted in its advice that the Applicant should develop a robust planting strategy demonstrating contribution to tree canopy targets under the draft Phase 2 DCP.</li> <li>In its RTS, the Applicant provided an Arborist Report to identify the vitality and current retention value of the existing tree population. Of the 193 trees, the report identified 10 trees of high retention value and 84 trees of medium retention value.</li> <li>The Applicant has committed to minimising the disturbance and removal of medium and high value trees by looking at options during detailed design to either avoid clearing these trees or potentially transplanting them.</li> <li>The Applicant also provided a revised landscaping plan which considered establishing native vegetation and tree canopy cover within the site with species representative of the Cumberland Plain. This also includes replanting any trees lost so that there is no net loss.</li> <li>Council and the SDRP did not raise any further issues.</li> <li>The Department considers the Applicant has appropriately sited the building and car park to minimise vegetation removal as far as practicable.</li> </ul>	<p>Require the Applicant to:</p> <ul style="list-style-type: none"> <li>prepare and implement a Landscape Management Plan for the development</li> <li>measures to protect/retain trees.</li> </ul>
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## Findings

## Recommendations

- The Department notes the majority of trees earmarked for removal are located within the Fifteenth Avenue road reserve. Further regeneration of the area to the north of the building and Fifteenth Avenue is proposed to be undertaken in the future and would be dealt with via the master plan application.
- The Department has formalised the requirement for the Applicant to prepare and implement a Landscape Management Plan and agrees the Applicant should investigate options to retain or transplant (where possible) trees of high and medium retention value. The Department has recommended conditions to this effect including a requirement for the Applicant to prepare a Tree Retention Plan.
- The Department's assessment concludes the Applicant has provided adequate landscaping for the development and considers any tree removal can be appropriately managed by the Applicant, subject to conditions.

## 7 Evaluation

The Department's assessment of the application has fully considered all relevant matters under section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ecologically sustainable development.

The Department has considered the development on its merits, taking into consideration strategic plans that guide development in the area, the EPIs that apply to the development, advice received from the relevant public authorities, including Council, and submissions from the public.

The development involves the construction and operation of an advanced manufacturing and research facility in the newly established Bradfield City Centre in the Aerotropolis. The development is needed to support the growth of the advanced manufacturing sector in the region and once built, will initially serve as a public interface for the Aerotropolis while the rest of the Bradfield City Centre is being developed. The Applicant has designed the development to be consistent with the WSAP and the draft Phase 2 DCP, particularly in regard to complying with parking requirements and waterway health targets.

None of the State government agencies, Council or the community have objected to the proposal and the Department has sought to address any issues raised through consultation with both the government authorities and the Applicant.

The Department's assessment considered design excellence, traffic and access and stormwater to be the key matters for consideration.

In terms of design excellence, the development design has been amended and revised through the SDRP process. The proposed built form and landscaping has been designed to respond sensitively to its surrounding environment with the use of natural building materials and level changes in the building to enable it to sit comfortably in the landscape. Additionally, design elements like the use of timber and water elements are central to the Applicant's Country-led design. As such, the Department has formed the view the development exhibits design excellence.

The development is not anticipated to result in adverse traffic impacts during the initial phases of the development. As the rest of the Bradfield City Centre develops and the Metro Station becomes operational, the Applicant anticipates that private vehicle usage will reduce as more sustainable travel options become available. As such, in the longer term, the Applicant proposes a reduction in the number of parking spaces from 50 to 18 spaces. The Department has recommended the Applicant prepare an operational traffic management plan which would include a parking strategy to facilitate parking reductions once the Metro Station opens.

The development has been designed to ensure stormwater is appropriately managed onsite, using a number of bioretention basins and wetlands in order to comply with waterway health objectives and targets. The development has also been designed to connect to any future regional stormwater infrastructure once it is available. The Department has recommended the Applicant prepare a stormwater management plan to demonstrate the development is meeting waterway health objectives and targets.

The Department has also recommended a range of detailed conditions to address any residual noise, air quality, Aboriginal and European heritage and contamination impacts associated with the

construction and operation of the development. The Department has also recommended conditions for the payment of special infrastructure contributions for the Aerotropolis.

Overall, the Department's assessment has concluded the development would:

- support the development of the advanced manufacturing sector in Western Sydney. If the development is successful, it would pave the way for a large-scale advanced manufacturing and research facility to be built
- be consistent with the strategic direction for the site under the Aerotropolis SEPP
- represent an investment of \$36.4 million in the Liverpool LGA and provide 150 full-time equivalent construction jobs and 60 operational jobs.

The Department considers that these benefits can be realised without any significant amenity of environmental impacts and therefore, considers the development is in the public interest and should be approved, subject to conditions.

## 8 Recommendation

For the purpose of section 4.38 of the *Environmental Planning and Assessment Act 1979*, it is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report
- **accepts** and **adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision (see **Appendix D**)
- **grants** consent for the application in respect of First Building, Bradfield City Centre SSD-25452459, subject to the conditions in the attached development consent (**Appendix E**)
- **signs** the attached development consent and recommended conditions of consent (see **Appendix E**).

Prepared by:  
Pamela Morales and Thomas Bertwistle  
Industry Assessments

**Recommended by:**



8 September 2022

**Pamela Morales**  
Principal Planning Officer  
Industry Assessments

**Recommended by:**



9 September 2022

**Joanna Bakopanos**  
Team Leader  
Industry Assessments

## 9 Determination

The recommendation is **Adopted** by:



9 September 2022

**Chris Ritchie**

Director

Industry Assessments



# Appendices

## Appendix A – List of Documents

The Department has relied upon the following key documents during its assessment of the proposed development:

### Environmental Impact Statement

- 'First Building – Bradfield City Centre Advanced Manufacturing Research Facility, 215 Badgerys Creek Road, Bringelly' prepared by KEYLAN Consulting Pty Ltd dated November 2021

### Submissions

- All submissions and advice received from relevant public agencies and the general public

### Response to Submissions

- 'Submissions Report - State Significant Development Application (SSD 25452459)' prepared by KEYLAN Consulting Pty Ltd dated September 2022

### Statutory Documents

- Relevant considerations under section 4.15 of the EP&A Act (see **Appendix B**)
- Relevant environmental planning instruments, policies and guidelines (see **Appendix C**)

All documents relied upon by the Department during its assessment of the application may be viewed at: <https://www.planningportal.nsw.gov.au/major-projects/projects/first-building-bradfield-city-centre>

## Appendix B – Considerations under Section 4.15 of the EP&A Act

**Table 5 | Matters for Consideration under Section 4.15 of the EP&A Act**

Matter	Consideration
<p>a) the provisions of:</p> <p>i.) any environmental planning instrument, and</p> <p>ii.) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p> <p>iii.) any development control plan, and</p> <p>iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</p> <p>iv.) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</p>	<p>Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the development is provided below.</p> <p>Under clause 11 of the SRD SEPP, development control plans do not apply to State significant development.</p> <p>A Planning Agreement was executed between the Minister for Planning and the Applicant on 3 September 2022.</p> <p>The Department has assessed the development in accordance with all relevant matters prescribed by the regulations, the findings of which are contained in this report.</p>
b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the development in detail in <b>Section 6</b> of this report. The Department concludes that all environmental impacts can be appropriately managed and mitigated through the recommended conditions of consent.
c) the suitability of the site for the development,	
d) any submissions made in accordance with this Act or the regulations,	All matters raised in submissions have been summarised in <b>Section 5</b> of this report and given due consideration as part of the assessment of the development in <b>Section 6</b> of this report.
e) the public interest.	The development would generate up to 150 jobs during construction, 60 jobs during operation and direct \$36.4 million in capital investment in the Liverpool local government area. The environmental impacts of the development would be appropriately managed via the recommended conditions. The Department considers to the development is in the public interest.

## Appendix C – Consideration of Environmental Planning Instruments

To satisfy the requirements of section 4.15(1) of the EP&A Act, the following EPI's were considered as part of the Department's assessment:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)
- State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)

### State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP identifies certain classes of development as SSD. The proposal is State significant development pursuant to section 4.36 of *Environmental Planning and Assessment Act 1979* (EP&A Act) because it involves development with a capital investment value of over \$30 million for the purpose of a research and development facility, which meets the criteria in Clause 11(a) of Schedule 1 SRD SEPP.

### State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The ISEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to certain types of infrastructure development, and providing for consultation with relevant public authorities about certain types of development during the assessment process.

TfNSW's comments are detailed in **Section 5** of the report.

The Department has consulted and considered the comments from relevant public authorities, including extensive consultation with TfNSW and Sydney Metro.

### State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP 33)

SEPP 33 aims to identify developments with the potential for significant off-site impacts, in terms of risk and/or offence. A development is defined as potentially hazardous and/or potentially offensive if, without mitigating measures in place, the development would have significant risk and/or adverse impact on off-site receptors.

The Applicant seeks consent for the construction and operation of a research and development facility. The EIS did not identify any potentially hazardous or potentially offensive development under Clause 3 of SEPP 33. Therefore, SEPP 33 does not apply to the development and the Department has not recommended any hazard related conditions, other than standard requirements to ensure the Applicant complies with all relevant requirements in relation to the storage of chemicals, fuels or oils used on site and that should any dangerous goods be brought onto the site, they are stored below the thresholds in the Applying SEPP 33 guidelines.

### **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)**

SEPP 55 aims to provide a State-wide approach to the remediation of contaminated land. In particular, SEPP 55 aims to promote the remediation of contaminated land to reduce the risk of harm to human health and the environment by specifying:

- under what circumstances consent is required
- the relevant considerations for consent to carry out remediation work
- the remediation works undertaken meet certain standards and notification requirements.

The Applicant provided a detailed site investigation report. The report found through the collection of soil, groundwater and sediment samples, that there was no indication of significant contamination and no further assessment or a remedial action plan were required, which was accepted by an accredited site auditor. The Department is satisfied the development is consistent with the aims, objectives and provisions of SEPP 55.

### **draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP)**

The draft Remediation SEPP seeks to retain the key operational framework of the current SEPP 55, while also adding new provisions relating to changes in categorisation and introducing modern approaches to the management of contaminated land. The development has been assessed against SEPP 55 (see above), and the Department is satisfied the development would be consistent with the draft Remediation SEPP.

### **State Environmental Planning Policy No. 64 – Advertising Structures and Signage (SEPP 64)**

SEPP 64 aims to ensure that outdoor signage is compatible with the desired amenity and visual character of an area, and provides effective communication in suitable locations, that is of a high-quality design and finish.

The EIS stated that minimal signage is proposed as part of the development, limited to wayfinding and building identification. The Department has recommended a condition requiring signage to be in accordance with the EIS.

### **State Environmental Planning Policy (Western Sydney Aerotropolis) 2020**

The Aerotropolis SEPP is the principal EPI relating to the development. It provides a statutory planning framework for development in the Aerotropolis by giving effect to the WSAP, setting out development controls and the permitted or prohibited land uses. The Aerotropolis SEPP also aims to recognise the physical and cultural connection of the Aboriginal community to the land and to minimise the impact of development on vegetation and waterway health. The Department has considered the relevant provisions of the Aerotropolis SEPP in **Table 6** to **Table 10** and concludes the development is consistent with the Aerotropolis SEPP.

**Table 6 | Compliance with the clause 24 of Aerotropolis SEPP - Airspace Operations**

Matter	Consideration
<p>(3) Development consent must not be granted to development to which this clause applies unless—</p> <p>(a) the consent authority has consulted the relevant Commonwealth body, and</p> <p>(b) the relevant Commonwealth body advises the consent authority that—</p> <p>(i) the development will penetrate the prescribed airspace but it does not object to the development, or</p> <p>(ii) the development will not penetrate the prescribed airspace.</p>	<p>The Department has consulted with CASA and WSAC both of which advised that the development will not penetrate the prescribed airspace.</p>

**Table 7 | Compliance with the clause 29 of Aerotropolis SEPP – Transport Corridors**

Matter	Consideration
<p>(1) Development consent must not be granted to the following development unless the consent authority has obtained the concurrence of Transport for NSW—</p> <p>(a) development on transport corridor land with a capital investment value of more than \$200,000,</p> <p>(b) development that involves the penetration of ground to a depth of at least 2 metres below ground level (existing) on land within 25 metres (measured horizontally) of transport corridor land.</p>	<p>The Department has consulted closely with TfNSW during the assessment of the development. TfNSW raised no concerns in its latest letter, recommending conditions relating specifically to the Major Infrastructure Corridor. These have been included in the Department's recommended conditions of consent.</p>
<p>(3) Development consent must not be granted to development with a capital investment value of more than \$200,000 on land in the 400 metre zone unless the consent authority has consulted Sydney Metro about the following—</p> <p>(a) the appropriateness of the development in relation to planned</p>	<p>The Department consulted closely with TfNSW (including Sydney Metro) on the development. TfNSW raised no concerns in its latest letter, recommending conditions relating to the timing of construction works in relation to the Metro Station. These have been included in the Department's recommended conditions of consent.</p>



train stations, including the service capability of planned train stations and the provision of sustainable transport options,

(b) the timing of the carrying out of the proposed development and the timing for constructing train stations,

(c) the effect of the development on planned train stations.

**Table 8 | Compliance with the clause 33 of Aerotropolis SEPP – Design Review Panel**

Matter	Consideration and Comments
(2) Development consent must not be granted to the development unless—	The development has been through two State Design Review Panel sessions as outlined in <b>Section 5.3</b> , concluding the development achieves a high design quality.
(a) a design review panel reviews the development, and	The Department has considered the developments design and outcome of the SDRP sessions in its assessment (see <b>Section 6.1</b> ) and concludes the development demonstrates design excellence.
(b) the consent authority takes into account the findings of the design review panel, and	
(c) the consent authority is of the opinion that the development exhibits design excellence.	

**Table 9 | Compliance with the clause 35 of Aerotropolis SEPP – Design Excellence**

Matter	Consideration and Comments
(1) In considering whether development exhibits design excellence for the purposes of this Part, the consent authority must have regard to the following matters—	
(a) whether the development responds to the physical and cultural connection of the local Aboriginal community to the land,	The Department has considered how the development responds to connection of the local Aboriginal community to the land. The Department considers the development to respond to the connection of the local Aboriginal community to the land, as outlined in <b>Section 6.1</b> .
(b) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,	The development has been through a rigorous SDRP design process. The Department considers the development to demonstrate a high standard of design as outlined in <b>Section 6.1</b> .

(c) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The development went through a rigorous design exercise as part of the SDRP process, including consideration of public domain. The Department considers the development to demonstrate a high standard of consideration to public domain as outlined in <b>Section 6.1</b> .
(d) whether the development detrimentally impacts on view corridors.	The Department considered view corridors in its design assessment in <b>Section 6.1</b> . The Department considers the impacts on view corridors to be in line with that envisioned under the WSAP and as such does not consider the development will have detrimental impacts on view corridors.
(2) The consent authority must also have regard to how the development addresses the following matters—	
(a) the suitability of the land for development,	The development is proposed to be located in the Bradfield City Centre and is zoned Enterprise with the strategic vision of the area to become an innovative employment centre. The Department considers the land to be suitable for the development as outlined in <b>Sections 4 and 6</b> .
(b) the existing and proposed uses and use mix,	The proposed use is a research and development facility and is a permissible land use. The Department considers the land use to be consistent with the zoning and vision of the Bradfield City Centre as outlined in <b>Section 4</b> .
(c) Aboriginal heritage,	The Department has considered Aboriginal heritage in its assessment in <b>Section 6</b> and consulted with Heritage NSW on Aboriginal cultural heritage matters. The Department considers the development to have been designed with regards to Aboriginal heritage and has recommended conditions relating to unexpected finds of cultural items.
(d) the relationship of the development with other buildings (existing or proposed) on the same site or neighbouring sites in terms of separation, setbacks, amenity and urban form,	The development went through a rigorous design process in consultation with the NSW Government Architect. The Department has considered the potential of future developments in the AMRF.  The Department has considered the architectural design including street frontage, bulk, massing and modulation in <b>Section 6.1</b> and concludes the development demonstrates a high standard of architectural design.
(e) the bulk, massing and modulation of buildings,	
(f) street frontage heights,	

(g) environmental performance and amenity standards, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,	The Department has considered environmental impacts in <b>Section 6</b> .  The Department's assessment concludes that the development will not have an unacceptable impact on amenity of surrounding residential properties, subject to implementation of recommended conditions.
(h) the achievement of the principles of ecologically sustainable development,	The Department considers the proposal to demonstrate ESD, as outlined in <b>Section 3.9</b> .
(i) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,	The Department has considered traffic and parking impacts at <b>Section 6</b> and concludes the proposal is appropriately designed and would not have adverse impacts in this regard.
(j) the impact on, and proposed improvements to, the public domain,	The proposal includes significant landscaped spaces.
(k) the impact on special character areas,	The Department considers the development will not impact on special character areas.
(l) achieving appropriate interfaces at ground level between the building and the public domain,	The Department has considered interface with the public domain in <b>Section 6.1</b> and concludes the development will have appropriately address and integrate into the future Bradfield City Centre.
(m) architectural diversity where the development is to consist of more than 2 buildings.	The proposal consists of one building only.

**Table 10 | Compliance with the clause 42 of Aerotropolis SEPP - Development prior to precinct plan**

Matter	Consideration
Development consent must not be granted to development to which this clause applies, unless the consent authority has considered whether the development—	
(a) is consistent with the aims of this Policy, and	The development is consistent with the aims of the Aerotropolis SEPP as it will provide innovative employment opportunities in line with the Western Sydney Aerotropolis Plan (see Section 3) and is considered to provide connection to country through design (see <b>Section 6.1</b> ).

(b) will result in further fragmentation of land holdings, and	The development is located within close proximity to the Metro Station and aligns with the WSAP and Aerotropolis SEPP's transport network plan.
(c) will hinder the orderly and co-ordinated provision of infrastructure that is planned for the land to which this Policy applies, and	The development is adjacent to a Major infrastructure Corridor and as such has consulted closely with TfNSW. The Department has recommended a number of conditions to ensure that the development will not hinder the development of the corridor.
(d) is incompatible with, or will adversely affect, the long-term operations and development of the Airport, and	The Department has consulted with both CASA and WSAC on the development, with neither raising significant concern. The development site is located within the Bradfield City Centre precinct, away from the airport. The Department has recommended a number of conditions relating to attraction of wildlife to ensure the development does not impact airport operations.
(e) appropriately takes into account the development and infrastructure in areas adjacent to the development, and	The Department notes the development is the first building within the Bradfield City Centre. The Department has considered the proximity to the Metro Station and WSA Metro project in its assessment and has recommended conditions to ensure the development does not impact on this infrastructure.
(f) will be adequately serviced by public utility infrastructure.	The Department has considered utility infrastructure in its assessment and has recommended conditions to ensure the development appropriately connects to public utilities in the future.

## Appendix D – Key Issues - Community Views

The Department publicly exhibited the original EIS from Thursday 19 November 2021 until Thursday 16 December 2021.

During the exhibition period for the original EIS, the Department received four submissions from the public (two special interest groups, two individuals) and advice from ten government authorities, including Council. All of the public submissions provided comments only.

The issues raised by these public submissions and how each issue has been addressed is summarised in **Table 11**.

**Table 11 | Department's Consideration of Community Views**

Issue	Consideration
<b>Future Road Connectivity</b>  Road construction should allow for future connectivity for future development along Badgerys Creek Road.	<p>The development includes a north-south access road running roughly parallel to Badgerys Creek Road, with the private access road being in a similar alignment to the future Central Loop West road.</p> <p>The Applicant noted while this access road follows the alignment of Central Loop West road, the final detailed design and alignment of the road will be confirmed during the development of the Bradfield City Centre Masterplan and will address access to other properties at that time.</p> <p>The Department's assessment concludes that future road connectivity of the Bradfield City Centre is not a relevant matter for consideration as part of the First Building Bradfield City Centre DA.</p>



## **Appendix E – Recommended Instrument of Consent**

The recommended conditions of consent for SSD-25452459 can be viewed on the Department's website at: <https://www.planningportal.nsw.gov.au/major-projects/projects/first-building-bradfield-city-centre>

## **Appendix F – Voluntary Planning Agreement**

The executed voluntary planning agreement for SSD-25452459 can be viewed on the Department's website at: <https://pp.planningportal.nsw.gov.au/svpa/under-consideration/215-badgerys-creek-road-bringelly-2556-western-parkland-city-authority-planning-agreement>