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Major Projects
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Sent via email: Sally.Munk@planning.nsw.gov.au

RE: 230 Martin Road, Badgerys Creek - Industrial Development (SSD-65529236)

Dear Sally Munk,

Thank you for the opportunity to comment on the proposed State Significant Development (SSD-65529236) of two proposed warehouses at 230 Martin Road, Badgerys Creek Precinct, Western Sydney Aerotropolis.

The scoping report has been reviewed, and matters for further consideration in the future Environmental Impact Statement are attached to this letter, and summarised into the following headings:

- General Planning Considerations
- Traffic and Transport
- Urban Design and Public Domain
- Natural Environment
- Environmental Health
- Land Engineering
- Contributions Planning

It is noted that further engagement will occur with Council during the assessment of the Environmental Impact Assessment.

If you have further questions, please feel free to contact Liana Pham, Strategic Planner, on 8711 7461, or phamli@liverpool.nsw.gov.au.

Kind regards,



Nancy-Leigh Norris
Executive Planner

Attachments: LCC Comments RE 230 Martin Road Industrial Development (SSD-65529236)

LCC Comments RE: 230 Martin Road, Badgerys Creek

1. General Planning Considerations

Pursuant to the Section 29 Schedule 1 of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP), the proposed development is in the Western Sydney Aerotropolis and has the Capital Investment Value above \$30 million, therefore it is a State Significant Development.

The site is Lot A in DP 406215, and is zoned Enterprise (ENT) and Environment and Recreation (ENZ) under the *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* (Precincts SEPP).

The proposed development of two warehouses encompasses approximately 78,850sqm of land located within the ENT Zone. The proposed uses of Warehouse and distribution centres and General Industry are not listed as prohibited in this zone, therefore are permissible with consent.

The proposed development is to demonstrate compliance with the following documents:

- Chapter 4 of Precincts SEPP;
- Western Sydney Aerotropolis Plan;
- Badgerys Creek Precinct Plan;
- Aerotropolis Development Control Plan; and
- Recognise Country: Guidelines for Development in the Aerotropolis.

2. Traffic and Transportation

A Traffic Impact Assessment (TIA) report is to be prepared in accordance with:

- Guide to Traffic Generating Development (TfNSW, 2002);
- Guide to Traffic Management Part 12: Integrated Transport Assessments for Development (Austroads, 2020); and
- The planned road network in accordance with the Western Sydney Aerotropolis Precinct plan, Western Sydney Aerotropolis Development Control Plan and associated Transport and Accessibility Management Plan.

The TIA report is to include the following (but not being limited to):

1. Daily and peak traffic movements which are likely to be generated by the proposed development including the impact on nearby intersections and the need / associated funding for upgrading or road improvement works (if required).
2. Details of the proposed access and layout of the parking associated with the proposed development including compliance with the requirements of the relevant Australian Standards (i.e. turn paths, sight distance requirements, aisle widths, etc).

3. Proposed number of car parking spaces and compliance with the appropriate parking codes.
4. Details of heavy vehicle movements and haulage routes, (including vehicle type and likely arrival and departure times).
5. Assessment of adequacy of Martin Road pavement conditions and road infrastructure to cater for increasing traffic movements generated from the subject development and other planned developments within the area.
6. Intersection performance analysis is to be carried out to assess cumulative traffic impacts of the proposed development and other planned developments within the area. The intersection performance analysis includes but not being limited to:
 - a. Elizabeth Drive and Martin Road intersection; and
 - b. Intersection of Martin Road/the proposed access roads to the subject site.
7. Please note that Transport for NSW is proposing to upgrade Elizabeth Drive and has recently placed on public exhibition an REF for the road upgrade. The REF on the road upgrade contains relevant current and forecast traffic volumes, which you refer to and use in your traffic impact assessment report.
8. If the proposed development is expected to generate significant traffic volumes and is proposed to be developed in the short term, before the intersection is signalised, then an assessment of interim and ultimate intersection treatment is required as part of the TIA.
9. The subject site is affected by the proposed collector road as per 7.12 Council's Aerotropolis Precinct Contribution Plan (Map 1). Confirmation is required for design requirements of this proposed collector road and associated the road reserve.
10. The Eastern ring road is planned to be a future principal arterial road. Part of the Martin Road, north to the subject site will be widened and form part of the Eastern ring road. Consultation is required with Transport for NSW for the design of the Eastern Ring Road and its connection to the remaining section of Martin Road which is fronting to the subject site. Both interim and ultimate access arrangements to the subject site are required to be identified and included in the TIA report.
11. Identification of the required road and intersection upgrades to facilitate the subject development.
12. Prepare a location-specific sustainable travel plan (eg 'Travelsmart' or other travel behaviour change initiative); and the provision of facilities to increase the non-car mode share for travel to and from the site. This will entail an assessment of the accessibility of the development site by public transport.

13. The provision of a construction traffic management plan for all demolition / construction activities, detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control measures.

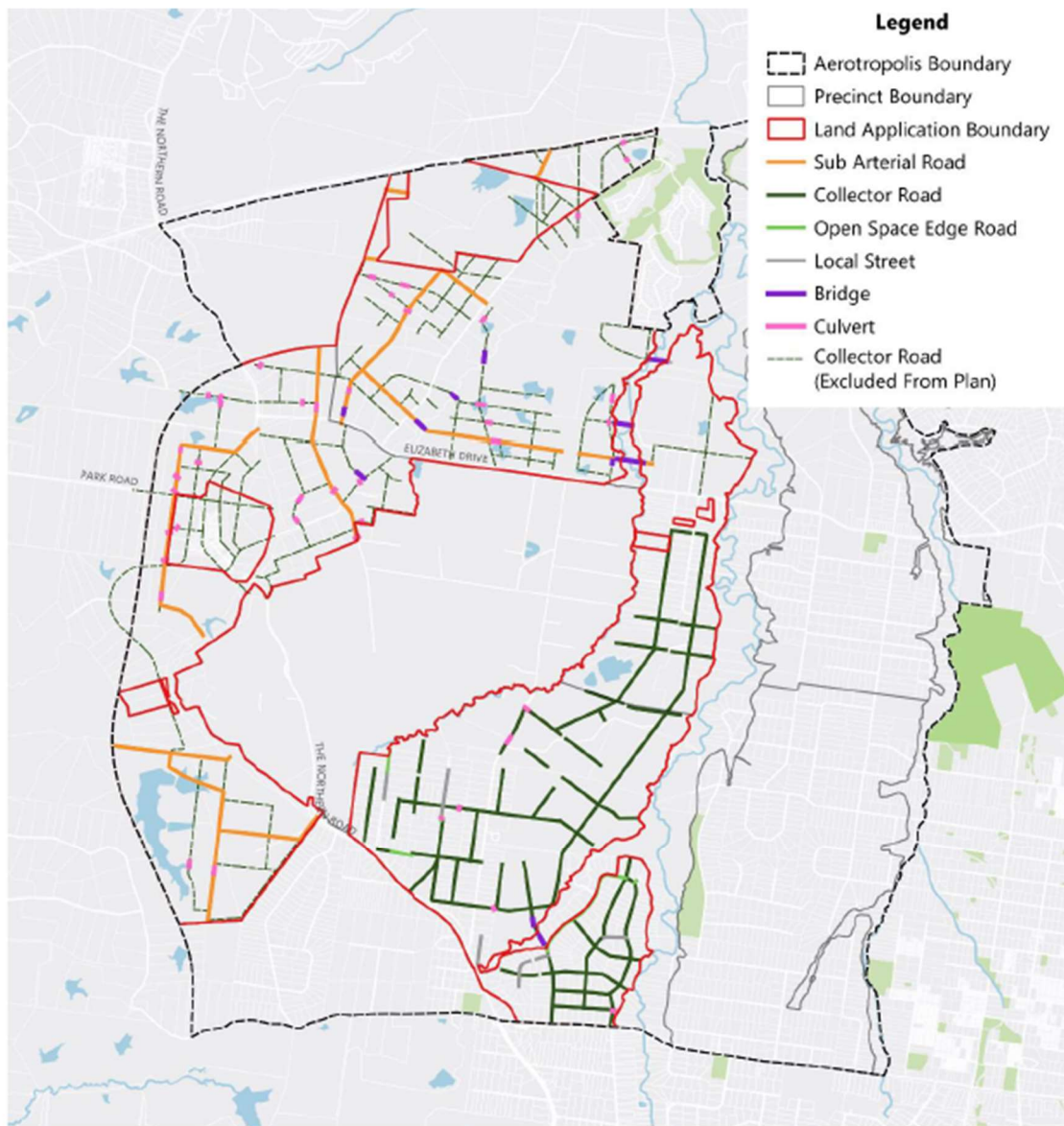


Figure 1. Road Infrastructure in Western Sydney Aerotropolis

3. Urban Design and Public Domain

The proposed development has been assessed from an Urban Design and Public Domain perspective with consideration the following design principles:

1. Context

The site is in a new industrial area and the existing character consists of rural land surrounded by mature trees and landscaping. The development will be one of the first of its kind, significantly impacting the future built environment. The design package must include a Visual Analysis and Visual Impact Assessment addressing the proposed development in its context. It must show the proposed landscape arrangements.

The development has not proposed any public domain design or tree planting within the streetscape. The design of the local road network must follow the Western Sydney Aerotropolis Development Control Plan, as below:

- Martin Rd - Typical Collector Road

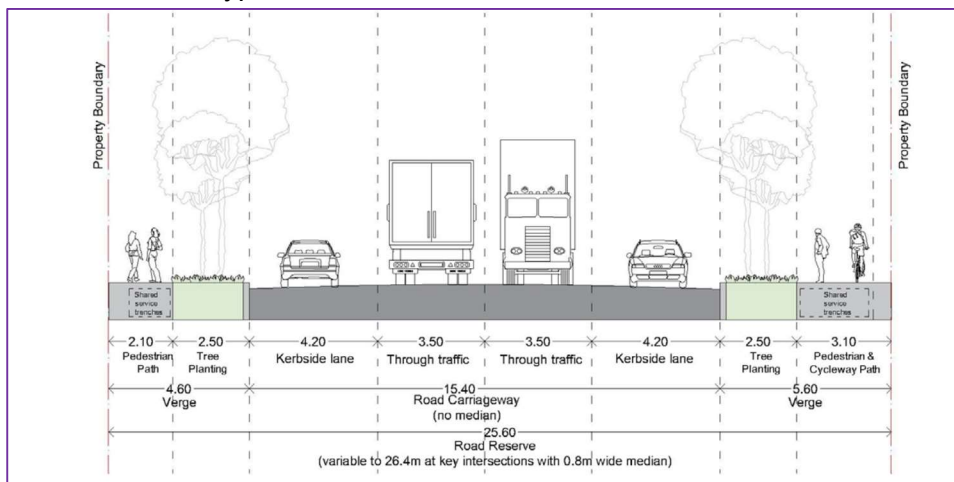


Figure 2: Typical Collector Road

- Park Rd - Typical Open Space Edge Road

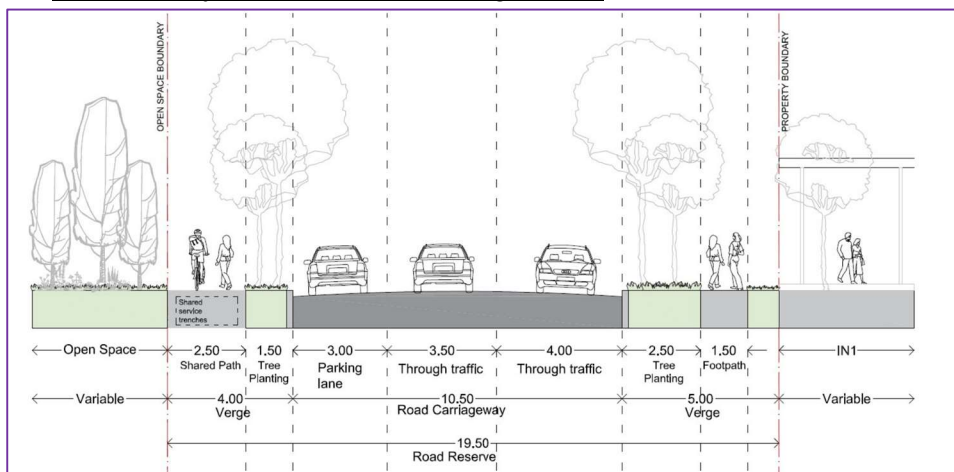


Figure 3: Typical Open Space Edge Road

The development must include the active transport link that connects with the WSA Proposed Biodiversity Link from the Wianamatta-South Creek as per the WS Aerotropolis Precinct Plan active transport network.

- Martin Rd - Cycle Paths on Collector Road
- Park Rd - Principal regional cycle path network (off-road)

Due to the proximity of the site to the Wianamatta-south Creek, an Aboriginal Cultural Heritage Assessment (ACHA) must be submitted to identify potential Aboriginal sites. This report must inform the design proposal considering the value of Connecting with the Country. No consideration for connecting with the Country has been proposed except for the individual public art at entrance points. Investigate the possibility of incorporating landscape features with high contributions to the Aboriginal community.

2. Sustainability

The proposal must be designed in such a way as to mitigate the effects of increasing urban heat. Reduction of the proposed hardstand pavement including the consolidation of vehicular access, must be investigated.

Light colour material that prevents heat absorption, low albedo materials and the installation of solar panels when possible is encouraged. Reduce the use of concrete as much as possible.

The proposed development should integrate Water Sensitive Urban Design principles into the design of the landscape and built form in accordance with the Western Sydney Aerotropolis Precinct Plan.

3. Landscape

Due to the scale and mass of the proposed building, the development must seek to replant a substantial amount of vegetation to restore the existing creeks, achieving high level of tree canopy coverage using native trees and vegetation to soften the visual impact of the development on the streetscape and to create high-quality landscape environments.

The planting schedule for the riparian corridor zone must be informed by a Vegetation Management Plan prepared by an appropriately qualified expert. The report must inform the landscape design and ensure that the proposal complies with the Aboriginal Cultural Heritage Assessment, Council's Tree Management Policy and other legislative requirements.

CDPD encourages the use of native species when possible.

4. Safety

Include pedestrian-only access for the proposed warehouse two including them in all floor plans and landscape plans.

Warehouse 1 proposes two truck entrances plus car access. For pedestrians and active transport users' safety driveways must be consolidated, allowing the opportunity for increasing landscaping in the north and east boundaries.

CPTED principles must be used throughout the design of the proposed development.

5. Amenity

When possible, the proposed outdoor area must be surrounded by high-quality landscape design and should include natural shade.

6. Aesthetics

Due to the nature of the development, the building facades must be constructed of high-quality materials and suitable finishes. When possible external finishes must be graffiti resistant.

Large walls or building mass extensions should be relieved using articulation, variation in construction materials, fenestration, or alternative architectural enhancements. The proposed facade treatment does not reflect the best architectural outcome possible. CDPD encouraged the proponent to investigate better-resolved facade designs, particularly in the east facade facing the proposed park road and the Wianamatta-south Creek corridor to create visual interest along the streetscape.

When large blank walls are unavoidable, the use of public art must be investigated to enrich and enliven the public and private domain. Ensure any provided public art is consistent with Council's Public Art Policy.

7. Public Art

It is required that the scoping document aligns or exceeds the objectives and Performance Outcomes and Benchmark Solutions identified in the Western Sydney Aerotropolis Development Control Plan 2.19 *Public Art* and 2.1.2 *Engagement requirements*.

Public art outcomes should align with Liverpool Council's endorsed Public Art Policy. In addition, cultural and creative outcomes should consider and align with *Revive* (National Cultural Policy), *Creative Communities* (NSW State Policy), *Create NSW Public Art Toolkit* and *Aboriginal Arts and Cultural Protocols*.

4. Natural Environment

The scoping report indicates the development is to be undertaken wholly on bio certified land. However, the current mapping that has been provided does not clearly display extent of impacts. The preliminary landscape plans indicates that there may be impacts within the non bio certified portion of the land, it is therefore recommended that further information of extent of impacts is provided for impacts within bio/non bio certified land.

In accordance with the *Biodiversity Conservation Act 2016*, S [7.9](#) a BDAR should be submitted if there are any impacts within non bio certified land unless the Planning Agency Head and the Environment Agency Head grant a waiver. The information may include, but is not limited to:

- A Biodiversity Assessment Report (BDAR) should be submitted to assess the subject sites biodiversity values and potential implications of the development. It should provide details on any potential impacts (both direct and indirect) to areas across the subject site and adjacent areas and follow the avoid, minimise and offset hierarchy in accordance with the Biodiversity Assessment Method (BAM).
- The BDAR is to be prepared by an accredited assessor. A list of accredited assessors is available from <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> Act.

5. Environmental Health

The following matters are to be considered in the EIS:

1. Amenity – Noise and Vibration

With consideration to the proposed development, additional guidelines and policies should be considered with the scope of the development which includes:

1. AS 2021-2015: Acoustics – Aircraft noise intrusion – building siting and construction;
2. AS/NZS 2107:2016 – Acoustics – recommended design sound levels and reverberation times for building interiors;
3. Construction noise and vibration should consider the following:
 - a. Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009,
 - b. Assessing Vibration: A Technical Guideline published by the Department of Environment and Conservation (NSW EPA), February 2006
 - c. Structural damage criteria as presented in German Standard DIN4150-Part 3 "Structural vibration in buildings – Effects on structures" and British Standard BS7385-Part 2: 1993 "Evaluation and Measurement for Vibration in Buildings.

4. Direction 3.5 Development Near Regulated Airports and Defence Airfields (Local Planning Directions NSW Department of Planning and Environment dated 20 February 2023);
5. Department of Infrastructure and Regional Development (2016) Western Sydney Airport Environmental Impact Statement (EIS); and
6. Updated details contained on Australian Government, Department of Infrastructure, Transport, Regional Development, Communications and the Arts at Western Sydney International Airport - Nancy-Bird Walton.

It is recommended that the acoustic assessment be undertaken by a suitably qualified and experienced acoustic consultant whereby 'suitably qualified' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm. The report's cover or title page must confirm membership details or include a watermark for the relevant certification body.

2. Site Contamination

1. A stage 1 preliminary site assessment must be carried out by a suitably qualified environmental consultant. The preliminary site investigation is to comply with guidelines made or approved by the NSW EPA under the Contaminated Land management Act 1997 and identify all past and present potentially contaminating activities; identify potential contamination types; discuss the site condition; provide a preliminary assessment of site contamination; and assess the need for further investigations.
2. If contaminating activities are suspected or known to have occurred, or if the site history is incomplete it may be necessary to prepare a Stage 2 – Detailed Site Investigation. This investigation shall give regard to the potential effects of any contaminants on public health, the environment and building structures and shall meet the sampling density outlined in the NSW EPA Contaminated Sites Sampling Design Guidelines (1995).

Where the Stage 2-Detailed Site Investigation indicates that the site poses unacceptable risks to human health or the environment, a Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced Contaminated Land Consultant in accordance with applicable guidelines made or approved by the NSW EPA under the Contaminated Land Management Act 1997. In these circumstances, the Remedial Action Plan shall be referred to Liverpool City Council for review.

Note: 'Suitably qualified and experienced contaminated land consultant' means someone who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.

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

3. Air quality/odour

The air quality/odour assessment is to be undertaken in accordance with the NSW EPA's Approved Methods for the Modelling and Assessment of Air Pollutants (revised 2016, published 2017), Technical Framework for the Assessment and Management of Odour from Stationary sources in NSW produced by the Department of Environment and Conservation November 2006, administered by the NSW Environment Protection Authority and any subsequent documents. Detailed guidance is also provided in the Technical Notes: Assessment and Management of Odour from Stationary Sources in NSW produced by the Department of Environment and Conservation November 2006, administered by the NSW Environment Protection Authority.

The assessment must include modelling of the odour impact at the nearest affected receptor. Recommendations resulting from the report shall be in accordance with AS/NZS 1668.1-2015, AS 1668.2-2012 (if required) and relevant NSW EPA Guidelines.

Note: A 'suitably qualified and experienced air quality consultant' is a person who is a Certified Air Quality Professional CAQP member administered by the Clean Air Society of Australia and New Zealand (CASANZ) or is a Certified Environmental Practitioner (CEnvP) administered by the Environment Institute of Australia and New Zealand (EIANZ).

The report's cover or title page must include membership details or include a watermark for the relevant certification scheme.

4. Operational Use

In addition to potential acoustic attenuation measures, it is recommended that an Operational Environmental Management Plan (OEMP) shall be prepared for the proposed facility and be submitted to Council for review.

The Plan shall be written by a suitably qualified and experienced environmental consultant and address means by which the commitment in the Statement of Environmental Effects and other environmental assessment reports will be fully implemented.

The OEMP shall also provide a framework for managing and mitigating environmental impacts for the life of the proposal and make provisions for auditing the effectiveness of the proposed environmental protection measures and procedures.

The Plan would support recommendations proposed in the submitted technical reports whilst also addressing other risks to the environment. The OEMP should be written to meet the requirements of ISO 14001 and as a minimum address the following requirements:

1. Provide the strategic context for the management of the development;
2. Identify all the statutory requirements of the development and any specific environmental standards;
3. Detail mitigation measures to minimise acoustic impacts;
4. Specify mitigation requirements to maintain air quality;

5. Outline mitigation measures to maintain water quality;
6. Address sediment and erosion control during operation; and
7. Include community consultation and complaints management procedures.

In this regard, the OEMP must include at least the following information: introduction, project description, environmental policy, EMP context, objectives, responsibilities, statutory and reporting requirements, environmental management activities, environmental training, emergency contacts, risk assessment and monitoring and review procedures, OEMP auditing and appendices. To assist regulation, it is requested that the individual sub-plans are incorporated into a single comprehensive OEMP for the proposal.

5. Regulated systems

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

6. Land Engineering

Onsite Detention may be required for the development. Water Sensitive Urban Design measures will be required.

Detailed stormwater drainage plans, DRAINS and MUSIC models will be required.

Full width road construction is likely to be required as part of this development for at least the full frontage of the site to Martin Road. Concept Civil road and drainage designs will be required.

7. Contribution Planning

The site known as 230 Martin Road, Badgerys Creek is currently not subject to any Contributions Plan.

In accordance with Section 66 of the *Environmental Planning and Assessment Regulations 2021* Council cannot determine any development application for development on land shown on the Land Application Map under *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 4 unless a Contributions Plan is in force or the developer has entered into a planning agreement for the matters that may be the subject of a contributions plan.

It is noted that the Draft Aerotropolis 7.12 Contributions Plan is undergoing a final review and seeking endorsement from the Minister of Planning. Council will not be accepting any planning agreements as the Plan nears gazettal.

If the Developer decides to enter a planning agreement to seek determination of the application, and since the development relates to a State Significant Development, it is strongly recommended for the developer to prepare and enter into a s7.4 planning agreement with the Minister of Planning for the application's determination.