

Our ref: SSD-70316465

Mr Liam Donsworth
Development Manager
HBB Property Pty Ltd
Suite 2, Level 1, 19 Broughton Street
KIRRIBILLI NSW 2061

31 January 2025

Subject: Request for Additional Information

Dear Mr Donsworth

I refer to the Department of Planning, Housing and Infrastructure's (the Department) letter of 13 December 2024, which advised the Department would be providing comments following the exhibition of the Environmental Impact Statement (EIS) for the proposed Burrah Park development (SSD-70316465).

Feedback from relevant sections of the Department, including the Government Architect NSW, has been compiled and you are requested to provide a response to the issues included in **Attachment 1** to this letter as part of your submissions report.

It is noted that there were some significant issues raised in the advice received from Council and government authorities during the exhibition of the EIS. Many of these matters are inter-related or require input of multiple parties. The Department is in the process of coordinating further discussions with relevant agencies and Council to discuss the key issues raised, and further advice will likely be provided after this has occurred.

If you have any questions, please contact David Schwebel on 9274 6400 or via email at david.schwebel@planning.nsw.gov.au.

Yours sincerely,



Chris Ritchie
A/Executive Director
Energy, Resources and Industry Assessments

Attachment 1

Road Network

- Further information and justification are required in relation to the proposed inconsistencies with the Precinct Plan. In particular, you are requested to respond to the following with regard to proposed changes to the road and transport network in section 4.6 of the Precinct Plan to address the requirements of section 4.39(2) of *State Environmental Planning Policy (Precincts—Western Parkland City) 2021* (WPC SEPP):
 - Provide further justification for the changes in road classification (i.e. from sub-arterial to collector / collector to local) and evidence of endorsement from Transport for NSW (TfNSW) and Penrith City Council (Council)
 - Consider alternate options for the road connection to the west of the site and intersection on Luddenham Road, in consultation with TfNSW, that are more consistent with the location shown in the Precinct Plan, which could reduce impacts on adjoining landowners, planned regional stormwater basins, provide a clearer east-west connection through the site and improve the interface with the proposed Aboriginal cultural space (as encouraged by the State Design Review Panel).
 - Provide evidence of consultation with all landowners to the west that will be impacted by any changes to the Precinct Plan road network, including road location and street hierarchy. It is noted that a development application has been lodged with Council at 812-844 Luddenham Road (DA4/0881), which may be impacted by the proposed relocation of one of the western road connections.
 - Provide evidence of consultation with Sydney Water in relation to any planned regional stormwater infrastructure on the western side of Cosgroves Creek
 - Resolve the issues with internal road designs with regard to bus route requirements as identified by TfNSW.
- Changes to road locations external to the site may have broader impacts on the precinct road network, surrounding landowners, planned infrastructure and high biodiversity value areas. Accordingly, if the requirements of section 4.39 of the WPC SEPP cannot be met, a masterplan or other formal amendment to the precinct plan may be required.
- Concurrence must be obtained from TfNSW in relation to the development, particularly for the connections to Elizabeth Drive and Luddenham Road, in accordance with section 4.27 of the WPC SEPP. Further consultation with TfNSW will be required to address the issues raised in their advice on the EIS.
- The Department notes the concerns raised in the agency advice in relation to the traffic assessment undertaken, including the likely mode share, capacity of the road network and proposed Elizabeth Drive intersection. It is considered that the required road connection from the site to Luddenham Road should be assessed and delivered as part of the Stage 1 development to ensure sufficient traffic capacity and access is available for the full development of the site and not be an impediment for future development of adjoining land.
- Adequate access to Elizabeth Drive and issues raised in relation to the intersection design must be resolved with TfNSW and Western Sydney Airport and evidence of endorsement of the design included in your response.

- The EIS refers to future development of the residual land to the north of the M12. Please provide further detail on the intended future use of this land with regard to the planned Outer Sydney Orbital corridor that applies to much of this land.
- Regarding the northern end of Estate Road 01 and the issues raised in the agency advice:
 - Provide confirmation from TfNSW about the form of road connection that will be achievable under the M12, including the alignment of this road to the north of the M12 and with consideration of the Outer Sydney Orbital corridor
 - Relocate the road corridor, including the northern roundabout, out of the Environment and Recreation zone and riparian zone as much as possible
 - Provide a temporary turning head at the end of Estate Road 01 within the site for the period until the road is extended.
- Undertake further consideration of a north-south road or pedestrian connection on the eastern side of the site, in line with Precinct Plan road network and advice from the State Design Review Panel.
- Provide further detail of all active transport links to existing and future routes, with further consideration of active transport needs from future uses within the site.
- Provide detail on pedestrian and active transport crossings throughout the estate street network to ensure pedestrian amenity and safety.
- Clarify whether any works, including in relation to the Elizabeth Drive intersection, are proposed within Lot 20 DP 1271571.
- Provide justification for not providing the park edge road along the property boundary to the M12.

Infrastructure

- Provide further consideration of the implications from changes to the location, quantity and classification of the roads, open space and other infrastructure subject to the *Penrith Aerotropolis Development Contributions Plan 2023*. Evidence of consultation with Council must be provided.
- Provide details of any proposed planning or works-in-kind agreements. Should a planning agreement be proposed with Council or the State, provide evidence that a letter of offer and/or draft agreement has been accepted.
- Quantify the changes in area of roads, open space and other infrastructure identified in the Precinct Plan and Council's Contributions Plan compared to what is proposed as part of the development. Identify what areas across the site are intended to be dedicated to and/or maintained by a public authority including Council and Sydney Water.
- The EIS proposes further consultation with infrastructure authorities and service providers. Provide evidence that all relevant parties are satisfied with the infrastructure proposed and the mechanism and timing for its delivery.
- The Infrastructure Staging and Delivery Plan must provide clear detail on all infrastructure proposed and specify how and when all infrastructure will be delivered, including cultural spaces, public art, roads, open space embellishment and stormwater. Any elements that the application is relying on to justify compliance with development controls and requirements should be delivered as part of the Stage 1 works to provide certainty that that these are provided.
- It is recommended that a Plan of Management is prepared that identifies a clear outline of developer-led/delivered items and a long-term strategy for the management of public domain

areas and embellishments, ongoing access and use of open space, and other infrastructure items.

- Clarify responsibility for maintaining the fire access track/active transport link proposed between some lots. The track between Lots 1.1 and 1.2 appears to be located partly across both lots.

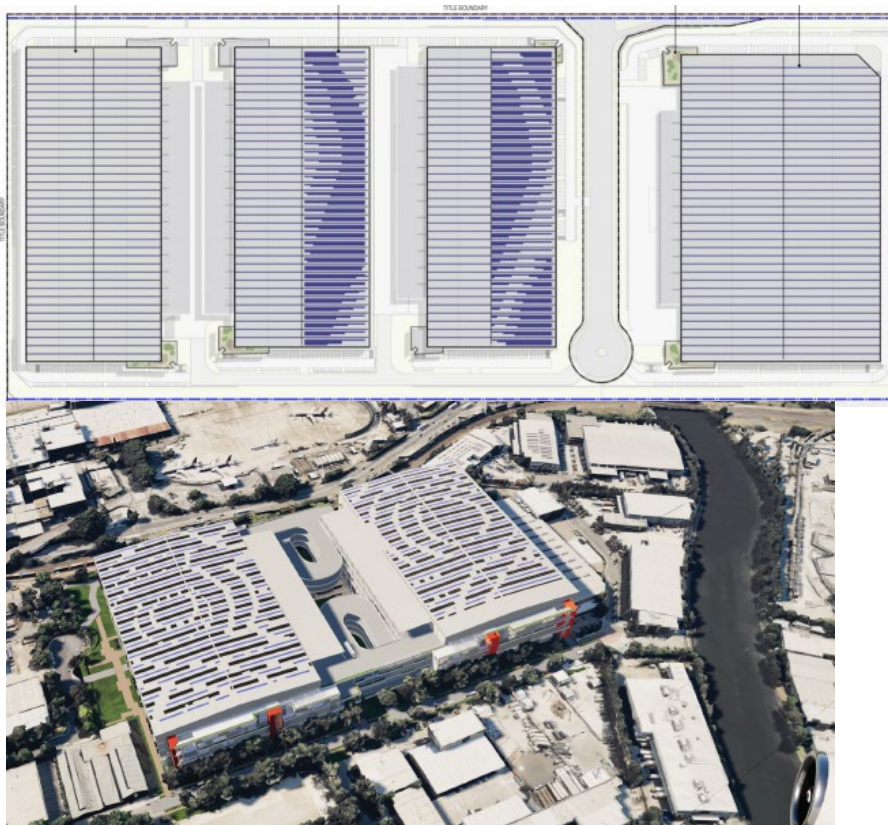
Land Uses

- The current concept masterplan comprises mostly standard warehouse-style building envelopes. Clarify how the concept development will ensure a variety of employment uses as identified in the vision for the Northern Gateway Precinct in the Western Sydney Aerotropolis Plan and Western Sydney Aerotropolis Precinct Plan.
- Section 7.14 of the Urban Design Report refers to office dominant tenancies shown in blue on the plan. Provide further detail on how the design and siting of these uses have been considered in the assessment of the development, including:
 - against relevant DCP controls
 - how these lots have been represented in the visual impact assessment
 - how these land uses will be implemented through the concept plan and design guidelines.
- Parts of the EIS package reference part of the site to be acquired by Canberra Data Centres, including in the Civil Infrastructure Report, which identifies that ‘there is a data centre proposed for four of the lots within the development site.’ Please clarify how this use has been considered in the design and assessment of the development, including:
 - the strategic vision for the Northern Gateway Precinct
 - environmental impacts, such as noise and air quality
 - consistency with urban design guidelines
 - capacity of services, including further consultation with Sydney Water on wastewater servicing capacity.
- Clarify whether tourist and visitor accommodation has been considered as a potential land use within the site due to the proximity to Western Sydney Airport.
- Provide further consideration of the open space needs for land users with site and how that is reflected in the proposed open space design, with regard to the issues raised by Council.
- Confirm whether there is part of a sediment basin for the M12 construction works located in the north of the site and how this will be managed as part of the construction of the development.
- Provide further justification that the proposed neighbourhood centre:
 - meets the requirements of Section 5.1 of the Precinct Plan, noting the area provided is smaller than what is allocated the Land Use and Structure Plan (Figure 3 in Precinct Plan)
 - provides for sufficient space and uses sufficient to service the site and accommodate the identified uses in the Social Impact Assessment and Infrastructure Strategy in the EIS
 - will be in place in time to support the initial stages of the development, including both proposed DHL sites and the Stage 1 warehouses.

Design Excellence

- Further information is required to assist the Department in its consideration of how the development achieves the design excellence matters in section 4.33 of the WPC SEPP, including

- justification that the development layout, including roads, earthworks and stormwater infrastructure, responds to the physical and cultural connection of the local Aboriginal community to the land
- how the form and external appearance of the development will improve the quality and amenity of the public domain, including presentation to open space and riparian corridors and major roads and interfaces with the public domain
- strategies to address bulk, massing and modulation of buildings, and ensuring architectural diversity across the concept masterplan site
- quality and permeability of the pedestrian and active transport network.
- Further consideration or design updates are required to respond to the advice provided by the State Design Review Panel, including:
 - deliver the road connection to Luddenham Road closer to the mapped position in the Precinct Plan to provide further separation from the identified cultural space
 - provide further details about active transport paths and connections and illustrate through sketches and diagrams the spatial quality and pedestrian experience of connections with surrounding areas/paths
 - consider siting of buildings and CPTED principles to ensure an amenable walking experience
 - provide a more detailed response to the visual appearance of the development form the M12, Elizabeth Drive and the air, with consideration of the strategic outcomes of the Western Sydney Airport Plan (section 7.3.2) to 'develop a major airport interface with attractive entry points to reflect the gateway to the Airport, and the first presentation to those leaving the Airport's main entrance/exit point'
 - consider improvement to rooftop presentation, including utilisation of solar panels as shown in below examples:



- provide north-south connectivity in the eastern part of the site, noting a local road is proposed around that area in the Precinct Plan road network
- provide further details about the landscape strategy in and around stormwater infrastructure, coordinated with the civil plans, including:
 - plans for planting within the riparian corridor and around basins
 - minimisation of hard surfaces, retaining walls, concrete culverts etc in the trunk drainage corridor to be more sympathetic to a 'naturalised' outcome
 - include shade trees along the shared pathways and provide more natural / pervious finishes to paths at pond and wetland edges
 - confirm design and location of any fencing around stormwater infrastructure.
- provide a soil strategy that responds to the SDRP advice (Point 12)
- further consideration of sustainability strategies, noting the proposed 5-star target was classified as 'unambitious' by the SDRP
- consider provision of openable windows for office areas for natural cross-ventilation.
- The Design Excellence Strategy (DES) should include a more detailed implantation plan that includes:
 - how the commitments will be enforced – e.g. governance arrangements for overseeing future development, leasing arrangements with tenants / developers of future stages
 - long-term governance and management of the public realm and commitments to Country
 - flow diagrams or timelines to illustrate how the process will work
 - arrangements to ensure that future developers / leaseholders will appoint suitably skilled design professionals
 - details on how the urban design guide will have a role in future developments.
- The DES includes a commitment to 'positively collaborate' with GANSW. This should be supported by more detail about how the collaboration process will work (e.g. a formal agreement to provide advice) and suitable arrangements for design review or alternatives to design review.
- Provide a Public Art Strategy that addresses the requirements of section 2.19 of the DCP, clearly identifies what is to be delivered and arrangements for ongoing management, and also responds to the concerns raised by Council.

Architectural and Landscape Plans

- As recommended by Council and the Bradfield Development Authority, further consideration should be given to the siting and design of buildings to better present to roads, open space and riparian corridors and improve opportunities for passive surveillance of these areas.
- As recommended by the SDRP, review the configuration of Superlots 3a and 3b to improve visibility of the neighbourhood centre and open space from the main entry/collector road.
- While the final location and design of driveways for concept lots will be subject to future detailed development applications, consideration must be given to how the proposed subdivision, built form and access arrangements across the concept plan provide for safe vehicle entry and exit and separation of heavy and light vehicles.
- Where possible, driveways should be located to connect from local roads rather than collector roads.
- Provide a formal draft subdivision plan that includes existing and proposed easements and land proposed for dedication.

- Provide a version(s) of the site plan/concept masterplan that has a clear overlay of the zoning, acquisition and any other relevant mapping that applies to the site.
- Provide further information in relation to the site canopy cover including:
 - identify the total canopy cover for the whole site, including within open space areas
 - if it is proposed to rely on canopy cover within open space areas, these trees should be delivered as part of the Stage 1 development to ensure compliance is achieved
 - provide a tree canopy strategy at an estate level to establish a framework for individual lots to ensure canopy coverage is maintained across future stages
 - confirm whether the development meets the DCP requirement for at least two medium trees or one large tree planted in the deep soil area for every 400m² of site area or part thereof.
- The non-compliance with on-lot canopy cover is suggested to be a result of Section 2.10.3 of the DCP. However, the DCP still permits denser planting if supported by a report prepared by a suitability qualified and experienced ecologist. Increase the canopy cover or provide further justification why additional on-lot tree canopy cannot be provided..
- Provide further information on the calculation of pervious surfaces across the concept development, including categorisation of deep soil, shallow soil, permeable pavement and hardstand, in accordance with PO8 of section 2.3.2 of the DCP. This should include road/street areas in the calculations as required by Note 2 in PO8.
- Provide further detail on how the development interface has been designed to be integrated with the completed M12 and upgraded Elizabeth Drive, including levels, any boundary retaining walls and landscape species and sizes. Landscaped setbacks should be in accordance with the DCP requirements and provide a buffer to screen the development from these major roads.
- Street tree planting must be in accordance with Council requirements, including for passively irrigated trees. As requested by Council, a street tree masterplan must be developed and endorsed by Council.
- The landscape plans and strategy must be reconciled with the civil infrastructure drawings so that there is no conflict with proposed infrastructure and sufficient deep soil is available for proposed planting, including in areas adjoining retaining walls, swales and underground pipes.
- The shared cycle ways and pedestrian paths shown in the landscape plans are not reflected in the civil drawings. Confirmation is required that these paths are practical when located around stormwater infrastructure or relying on joint use of basin maintenance tracks, including endorsement from Sydney Water. Ensure proposed earthworks and retaining walls, including those along the southern end of the central riparian/trunk drainage corridor, will not impede the location of these active transport paths.
- Confirm that Sydney Water is supportive of the access road to the sports field to the north of Lot 3.1 utilising the access track for the basin to the west of Lot 3.1 or provide suitable alternate access to this area.
- The dock office gross floor area (GFA) should be included in the total office GFA, not the warehouse GFA for each lot. Update the floor areas identified on the plans and in the EIS accordingly.
- Identify what areas are excluded from GFA calculations on the Stage 1 development plans.

- Identify what areas are proposed to comprise pervious paving on the Stage 1 plans. Also confirm that the identified amount of deep soil for each lot does not include areas of pervious paving.
- Include the location of proposed rooftop plant for each Stage 1 warehouses on the plans.
- Revise the Stage 1 architectural plans to address the following setback issues:
 - Lot 1.1 should be provided with the full 6m landscaped setback facing the main collector road in the south-east corner of that lot
 - The super awnings should be behind the required DCP building setback
 - For lots fronting a public road with a setback containing off-street car parking areas, the building setback should be a minimum of 13m.
- Outline how the development responds to Performance Outcomes PO2 and PO3 of section 3.3.4 of the DCP as it was not included in the Statutory Compliance Table.
- Confirm that solar access to communal areas, as required by section 3.3.5 of the DCP, is achieved by providing a shadow diagram for each Stage 1 warehouse.
- Consider improvements to the main estate signage to better incorporate the examples and materials included in the landscape report. Provide a plan showing the location of any estate signage.
- Provide details of any proposed illuminated signage across the development, noting section 3.4 of the DCP permits a maximum of one illuminated sign per elevation of each building.
- Consider options to reduce visual impact of fencing, including integration with landscaping or use of building edges as an alternative to continuous fencing.
- Provide lighting details in accordance with section 3.5 of the DCP, including for lighting of proposed open space and recreation areas.

Connection to Country and Cultural Heritage

- Provide a detailed response to how the development responds to the 'Recognise Country: Guidelines for development in the Aerotropolis' as required by section 4.28B of the WPC SEPP, including the Recognise Country Response Template.
- Clearly detail what aspects of the Connecting with Country Framework will be implemented in the Stage 1 development and then future stages, and how this will be implemented and maintained. References in the Statutory Compliance Table to deferring many of the responses to cultural requirements to 'the next phase of the project' does not provide sufficient certainty about whether suitable outcomes will be achieved.
- Provide further detail on how the Aboriginal cultural engagement, Connecting with Country Framework and consideration of the Country objectives and requirements of the WPC SEPP, Precinct Plan and DCP informed the spatial layout of the concept plan, the civil works (including earthworks, roads and stormwater infrastructure) and the on-lot architectural and landscape design.
- Ensure there is alignment between the nodes discussed in the Connecting with Country report and the landscape plans – both in public space and onsite.

Earthworks

- Provide further justification as to how the proposed earthworks and lot/pad sizes respond to the natural topography, as required by the Precinct Plan and DCP, noting proposed cut along the central ridgeline and fill in areas fronting Cosgroves Creek.
- Outline how suitable interfaces with Cosgroves Creek and the central riparian corridor will be achieved when detailed applications are submitted for the lots adjoining these areas, particularly in areas where battering is currently proposed along lot boundaries.
- A retaining wall over 4m in height is proposed along the western boundary of Lot 1.5 facing Basin F and the open space along Cosgroves Creek. This presents a poor interface towards this area and for the shared cycle path shown in this location on the landscape plans.
- As also raised by Council, provide further information to confirm that the road connection to the property to the east (Sydney University) will be achievable, particularly for the future extension of Estate Road 2. Please also provide further detail to confirm that the extent of cut proposed on the eastern site boundary will not impede or constrain development of the adjoining land to the east.
- Retaining walls must be minimised where possible within or adjoining the naturalised trunk drainage channel/riparian corridor.

Stormwater and waterway health

- Provide evidence of endorsement from Sydney Water for all proposed regional stormwater infrastructure and amendments to mapped locations in the WPC SEPP and Precinct Plan, including resolution of the design issues raised in their advice on the EIS.
- As also requested by Sydney Water and DCCEE Water, extend the central riparian corridor/trunk drainage channel to the Elizabeth Drive boundary and coordinate the civil plans with the landscape/active transport network and Elizabeth Drive stormwater basins.
- Provide a copy of the MUSIC modelling undertaken and all other information required to be submitted as part of a development application under Chapter 2 of the 'Technical guidance for achieving Wianamatta–South Creek stormwater management targets.'

Flooding

- It is noted that the Flood Planning Map under section 4.24 of the WPC SEPP identifies other areas within the site, not just along Cosgroves Creek, as within the 1 in 100 AEP flood extent. Further justification is required for development within these areas or why these areas have not been considered in the flood assessment.
- Clarify whether the flood assessment considered
 - flood impacts on pedestrian/shared pathways and open space embellishment, and
 - impacts on flooding from the proposed road crossing of Cosgroves Creek towards Luddenham Road.
- Update the consideration of evacuation in the flood assessment in response to the issues raised by DCCEE Biodiversity, Conservation and Science Group (BCS) and with regard to 'Support for Emergency management Planning - Flood Risk Management Guideline EM01.'

Noise

- The Noise Assessment must consider existing residential receivers within the Aerotropolis based on their current use when assigning the amenity level for these properties, not classify them as commercial receivers based on potential future uses. The assessment should also consider impacts to the Workers Hubertus Club on Adams Road.
- It is considered that the classification of receivers in the Twin Creeks estate as 'suburban' is not appropriate and that these are more consistent with the 'rural' classification under Table 2.3 of the Noise Policy for Industry based on the zoning of this area.
- It is recommended that consideration be given to the noise advice provided by the EPA on the EIS for SSD-69845208 (available [here](#)) and incorporate any relevant updates or considerations for the noise assessment approach for the Burrah Park development.
- Section 5.2 of the noise assessment recommends placing intensive operations within the western and central portion of the site. However, it is noted that the EIS suggests data centre uses are proposed in the north-east part of the site (Superlot 5b).
- For the Stage 1 development:
 - Clarify how Section 11.7 of the noise assessment factored in the required plant and refrigerated trucks to support temperature-controlled warehousing as identified in section 3.4.4.4 of EIS
 - Clarify if the assessment included concurrent side loading/unloading of larger heavy vehicles (e.g. B-triples).

Traffic

- Update the Traffic Impact Assessment to respond to the issues raised by TfNSW, Council and Western Sydney Airport, including in relation to modelling assumptions and design of the Elizabeth Drive intersection. Concurrence must be granted by TfNSW in accordance with section 4.27 of the WPC SEPP.
- Undertake further engagement with TfNSW in relation to the timing and requirements for external road upgrades, including Elizabeth Drive West and the Luddenham Road/Elizabeth Drive intersection, and how the development may need to be staged in order to manage impacts on the external road network.
- Provide a breakdown of light and heavy vehicle trips (including particular sizes/configurations of heavy vehicles) generated by the development over a 24-hour period.

Biodiversity

- Update the biodiversity reports in accordance with the issues raised by BCS and Council.
- Given the size of the site and scope for various design outcomes, investigate opportunities to protect and retain existing vegetation within development areas, where possible, in line with the objectives and outcomes of section 2.4.3 of the DCP rather than seeking earthworks across the entire area.

Aviation Safeguarding

- Provide a response to the aviation safeguarding issues raised by Western Sydney Airport. Noting their request to remove development within the Public Safety Area, please update the proposed

plans accordingly or provide sufficient detail to satisfy the requirements of section 4.23 of the WPC SEPP.

Air Quality

- Clarify that the mitigation measure relating to minimisation of exposed areas relates to 50% of each stage of works and that only one stage will be undergoing earthworks at one time. Given the size of the site, earthworks should be planned to ensure the minimal amount of exposed surfaces at any time.
- Construction mitigation/management measures should include implementation of real-time dust monitoring to ensure compliance with the identified criteria.
- The greenhouse gas assessment should extend to operational emissions, particularly from the Stage 1 warehouses.

Hazards and Risk

- For the concept proposal, it is noted that multiple warehouse buildings are located within each super lot. These warehouse buildings are either occupied with multi-tenancies or a single tenancy within a single, large-format warehouse. A clear lot boundary for individual warehouse buildings is not clearly defined within the super lot. Given the uncertainties of the actual footprint of the warehouse building and the separation distance to the surrounding warehouses, it is considered more appropriate that a risk assessment be prepared when these super lots are to be developed at a later stage. Alternatively, all warehouses within the concept plan (i.e. non-Stage 1 development) are to be subject to dangerous goods storage and handling thresholds at the placard quantities as set out in Schedule 11 of *Work Health Safety Regulation 2017* to minimize fire risk to the surrounding occupants.
- For the Stage 1 development, two of the proposed buildings are shown as being multi-tenant – WH 1.1a and 1.1b and WH 1.2a and 1.2b within Superlot 1a. The other Stage 1 building (WH 3.1) on Lot 3.1 is co-located with Lot 3.2 on Superlot 3a. As explained above, the Department does not consider the proposed DG quantities established based on GFA provided in the PHA is appropriate when considering the potential fire risk escalating to the adjoining tenants or warehouses. While it is acknowledged that the proposed quantities are relatively low, they are still above the placard quantities and may not be conservative enough and could cause impact to the neighbouring tenants. You are requested to consider revising the DG quantities limit for individual tenants to be at the placard quantities as set out in Schedule 11 of *WHS regulation 2017*. This would enable operation of each speculative warehouse while minimising risk to the surrounding occupants within the same lot.

Contamination

- Provide the remediation action plan referenced in the recommendations of the Stage 2 Detailed Site Investigation (DSI).
- Undertake an assessment of dam water and sediment as recommended by the DSI.

General

- Provide landowners consent for the development in relation to all works proposed.

- Update the Net Zero Statement to be consistent with Planning Circular PS 23-001 and the 'Net Zero Statement Technical Note'.
- Provide copies of the executed, final NABERS agreement.
- There is an error with the Accessibility Report file as it does not display correctly. Please review and resubmit.