

Ms Kiersten Fishburn
Secretary – Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Email: office.secretary@dpie.nsw.gov.au

Dear Ms Fishburn,

**Re: Ingham Property Group Master Plan – 475 Badgerys Creek Road, Bradfield –
Liverpool City Council Submission**

Liverpool City Council (“Council”) welcomes the opportunity to provide commentary on the publicly-exhibited Ingham Property Group (“Ingham”) Master Plan for 475 Badgerys Creek Road, Bradfield. Our high-level comments on the Master Plan are provided below, with a more detailed submission provided in **Attachment 1**.

Council has previously provided detailed comments (**Attachment 2**) to the Technical Assurance Panel (TAP) in April 2024 to the previous iteration of the Ingham Master Plan. It should be noted that these comments were included as caveats to assist the lodgement of the Master Plan by the TAP and it is requested that these same comments are reviewed and addressed as part of the Master Plan assessment.

Council provides the following high-level comments for consideration by the Department of Planning, Housing and Infrastructure (DPHI) that will require further amendments to the submitted Master Plan to satisfy our concerns. It should be noted that Item 1 has been raised previously by Council and is yet to be addressed by the Proponent.

- (1) The location of the road layout must be amended to ensure that sufficient Lot and road separation is provided from riparian areas (including any regional stormwater infrastructure within and adjacent to these areas) to allow these areas to be provided in a naturalised state, without the provision of retaining walls.

Council does not agree to the provision of retaining walls within public land or adjacent to road reserves and will not agree to any ownership or associated liability and maintenance of retaining walls should these be supported by the DPHI.

- (2) No Complying Development pathway should be submitted for the site until:
 - (a) road, active transport, pedestrian access and public transport is available to the site in accordance with the Western Sydney Aerotropolis Precinct Plan (4 September 2024) – under existing conditions, Badgerys Creek Road does not provide this required level of service which is a safety risk, particularly for pedestrians and cyclists attempting to access the site, as well as problematic from both a multimodal and social equity perspective;

(b) A reticulated, gravity fed Sydney Water sewer line is available; and

(c) A suitable Voluntary Planning Agreement has been negotiated.

Council is committed to working with the DPHI and the Proponent in relation to satisfactorily resolving the issues raised in our submission.

Should you require any further information on this matter, please do not hesitate to contact Mark Hannan, Council's Manager City Planning, via phone on 0467 800 714 or email at hannanma@liverpool.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Lina Kakish', written in a cursive style.

Lina Kakish

Director Planning and Compliance

Attachments

Attachment 1

IPG Master Plan – 475 Badgerys Creek Road, Bradfield – Council Submission

Attachment 2

Tranche 5 of IPG Master Plan – Council Submission – April 2024

Attachment 1 – Liverpool City Council – Detailed Submission

Liverpool City Council Comments

Thank you for the opportunity to provide commentary in relation to the Ingham Property Group (“Ingham”) Master Plan for 475 Badgerys Creek Road, Bradfield.

This response is structured to generally show Council comments that require an action under a numbered paragraph. These comments are included below.

Master Plan

Council notes that the “Western Sydney Aerotropolis Master Plan Guidelines Guideline to Master Planning in the Western Sydney Aerotropolis, December 2021” (Guidelines) require Master Plans to comply with the Western Sydney Aerotropolis Plan 2020 (WSAP), State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Western Sydney Aerotropolis Precinct Plan, 4 September 2024 (WSAPP) and the Western Sydney Aerotropolis Development Control Plan (DCP), or result in a better planning outcome where amendments are proposed. The comments below are in accordance with the Guidelines.

Western Sydney Aerotropolis Plan (2020)

The Guidelines require Master Plans to ensure that “Development applications must demonstrate consistency with the Western Sydney Aerotropolis Plan (section 275C of the EP&A Regulations). The master planning process is not a mechanism to amend the WSAP.”

Council had previously raised issues in relation to how the WSAP should be addressed as part of the final comments presented to the TAP and adopted as caveats to the lodgement of the Master Plan for assessment. These comments have generally been addressed in the Planning Report supporting the Master Plan proposal.

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

The Guidelines require master plans to ensure that “Development applications and applications for a Complying Development Certificate must comply with the Aerotropolis SEPP (sections 4.15 and 4.26 of the EP&A Act). The master planning process may propose a concurrent amendment to the SEPP, including the enablement of complying development. Any master plan will be required to also demonstrate compliance with other applicable SEPPs.”

Council would note that 4.39 (1) of State Environmental Planning Policy (Precincts – Western Parkland City) 2021 (SEPP) requires that “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.” On this basis Council considers that any application for a CDC must also be compliant with the Precinct Plan.

A review of the civil engineering plans, lodged to demonstrate how CDC’s for roads and civil works may be proposed to satisfy the SEPP and Precinct Plan requirements would suggest that the proposal does not currently meet the requirements of the Precinct Plan. The two main issues relate to:

- (1) The Master Plan lack does not demonstrate how the initial stages of the road network on site will connect to Precinct Plan compliant roads outside the site. Stage 1 of the Master Plan connects to Badgerys Creek Road. Badgerys Creek Road does not comply with the Precinct Plan (in terms of road reserve widths and provision of; road pavement, active transport, pedestrian links, landscaping and street drainage). Council requests that

development on site should not be permitted until Badgerys Creek Road is upgraded to provide a suitable connection to another precinct plan compliant point of the road network. At this stage, the nearest precinct plan compliant road is The Northern Road.

- (2) The Master Plan does not demonstrate how compliance with the Western Sydney Aerotropolis Precinct Plan (WSAPP) is achieved, especially in relation to the objectives and requirements under 4.5 Blue Green Infrastructure. In this regard, the blue infrastructure (stormwater infrastructure) appears to be over-engineered, negating the opportunity for the appropriate natural transition between park edge streets and local roads adjoining the blue-green grid and adjacent landscaped areas, stormwater infrastructure and waterways. Council requests that the Master Plan be amended to ensure that sufficient setbacks from the waterways to the private lots are provided to ensure that the transition from; lot boundary, to road reserve, to blue-green grid (including areas of stormwater infrastructure) is achieved using appropriate landscaped batters. Council does not support the use of retaining walls in these areas on the basis of non-compliance with 4.39(1) of the SEPP and Section 4.5 of the WSAPP. Council also strongly objects to retaining wall use in riparian areas where these impact on local roads due to safety, maintenance and liability issues.
- (3) It is requested that the Complying Development Controls are not switched on for the site until it can be demonstrated that the site will satisfy Clause 4.49 Public Utility Infrastructure of the SEPP.

In relation to the changes the Master Plan Proposes to State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Council requests that the following comments are addressed as part of the Master Plan assessment:

- (4) In relation to the proposed changes to permit Exempt Development council requests that:
 - The Exempt Development Map should be amended to prohibit exempt development within local road reserves.
 - Any changes to permit exempt development should be based on State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The proposal to utilise State Environmental Planning Policy (Transport and Infrastructure) for exempt development provisions is not supported as the T&I SEPP relates predominately to infrastructure provision on behalf of public authorities. The Codes SEPP is more appropriate to regulate private development in terms of exempt development.
 - First use and change of use must be subject to complying development as a minimum to ensure that acoustic amenity is maintained in accordance with the Masterplan.
 - Demolition should be complying development as per the Demolition Code under Part 7 of State Environmental Planning Policy (Exempt and Complying Development Codes 2008).
 - Construction of fences and gates up to 5m high is problematic for crime prevention through environmental design and street activation reasons. This should not be complying development.
 - Paving should not be installed if this decreases landscaping or deep soil provision on a lot.

- Pedestrian Ramps, Paths and Stairways should not be installed if this decreases landscaping or deep soil provision on a lot.
 - A Switch Room or Security Booth should not be installed if this decreases landscaping or deep soil provision on a lot.
 - A Truck Marshalling Area should not be installed if this decreases landscaping or deep soil provision on a lot.
 - A Truck Weighbridge should not be installed if this decreases landscaping or deep soil provision on a lot.
 - A wash bay should not be installed if this decreases landscaping or deep soil provision on a lot. Additionally any wash bays must be appropriately bunded and drain to a Sydney Water gravity fed sewer line.
 - A Water Tank should not be installed if this decreases landscaping or deep soil provision on a lot.
- (5) Land Reservation Acquisition Map – Council does not object to the changes to the map; however it is requested that sufficient area is set aside for the provision of regional basins to ensure that these are established through the use of appropriate batters.
- (6) Land Zoning Map, Council does not object to the change to the Zoning Map to identify an SP2 Infrastructure Zone for the use of a substation.
- (7) Transport Corridors Map – Council does not object to the proposed changes to this map. Council requests that complying development under the Master Plan is not permitted until Badgerys Creek Road is upgraded to the standards required under the WSAPP and associated DCP.

Western Sydney Aerotropolis Precinct Plan (4 September 2024)

The Guidelines require master plans to ensure that “Development applications must demonstrate consistency with the precinct plan (section 275C of the EP&A Regulations and section 41 of the SEPP), however, the master planning process may propose a concurrent amendment to the precinct plan, where it can be demonstrated it is consistent with the Aerotropolis Planning Framework and that the master plan achieves a superior planning outcome.”

Council notes that amendments to the Precinct Plan must result in a superior planning outcome. The Master Plan proposes amendments to the following Figures under the Precinct Plan:

Figure 3 – Land Use Structure Plan

The “Discussion Paper – Amendments to Western Sydney Aerotropolis Precinct Plan and Development Control Plan” notes (p 9) that the proposed realignment of roads under the Land Use Structure Plan “is an opportunity to adjust these alignments to align with property boundaries, where feasible, for a better place and design outcome, as well as more feasible lots for development and subdivision.” In general, the realignment of roads to consider existing property boundaries is supported. However;

- (8) Council does not support the increase in developable lot size where this results in insufficient separation between riparian areas, Sydney Water Regional drainage infrastructure and Council’s Road network as this results in the provision of retaining walls within areas that are identified for naturalised watercourses under the current strategic

planning framework. This is not a better planning outcome in accordance with the Master Plan Guidelines. Council requests that the road network is realigned to ensure that a minimum batter of 1H:4V is provided to council roads and a suitable batter (subject to Sydney Water Requirements) is provided to regional basins to ensure a landscape led response to the riparian network on the site. This will require amendment to all proposed WSAPP maps that detail the location of roads on the site.

- (9) In relation to the deletion of the current WSAPP mapped “Education” layer, insufficient justification has been provided in the supporting documentation as to why this required educational land should be removed and replaced as a permitted use in a local centre. The former requires the provision of educational uses, while the latter merely permits educational uses. Council requests that additional justification is provided for this change.

Figure 5 – Blue-Green Infrastructure

- (10) Refer to comment (8) above.

- (11) Sydney Water have advised that regional basin design will only provide detention for the purpose of stormwater quality.

On-Site Stormwater Detention has been provided at regional stormwater basins in the form of wetland/storage. Regional stormwater basins are managed by Sydney Water, and these basins do not have a detention function. As such, the master plan shall have a provision of on-site detention to attenuate peak post development flow to the peak predevelopment level for a range of storm events including the 20% AEP, 5% AEP and 1% AEP storm events. On-site detention system shall be located outside Sydney Water’s regional basin system.

Council request that the proponent and DPHI liaise with Council to identify an appropriate approach that can be adopted within the Masterplan controls to ensure that these post development flow targets are achieved.

Figure 6 – Total Water Cycle Management

- (12) Refer to comment (8) and (11) above.

Figure 8 – Transport Network

- (13) Refer to comment (8) above.

- (14) Trip generation - The TMAP report adopts a trip generation rate of 0.18 and 0.16 vehicular trips per 100 m² GFA to calculate vehicular trip generation from industrial uses. Due to lack of public transport service to the subject site, it is recommended that 0.5 trips per 100 m² is to be used to estimate vehicular trips generated from the subject developments.

It is noted that some lots are intended to be used as large retail distribution centre(s) such as ALDI. The development trip generation estimates as part of the master plan are likely to be underestimated compared to the cumulative traffic generated from site-specific developments.

- (15) Access arrangement - It is noted that a priority-controlled intersection is proposed on Badgerys Creek Road to cater for sequence 2 developments (maximum development yield of 146,000 m² of GFA). Due to road safety concerns, particularly for heavy vehicles movements, the roundabout intersection should be provided prior to an OC being released for the first development within the master plan site or any CDC being granted.

Consideration should be given to make provision for a dual circulation roundabout or traffic signals at the intersection of Badgerys Creek Road/Road 03 to cater for the expected traffic generated from some major developments such as ALDI automated distribution centre.

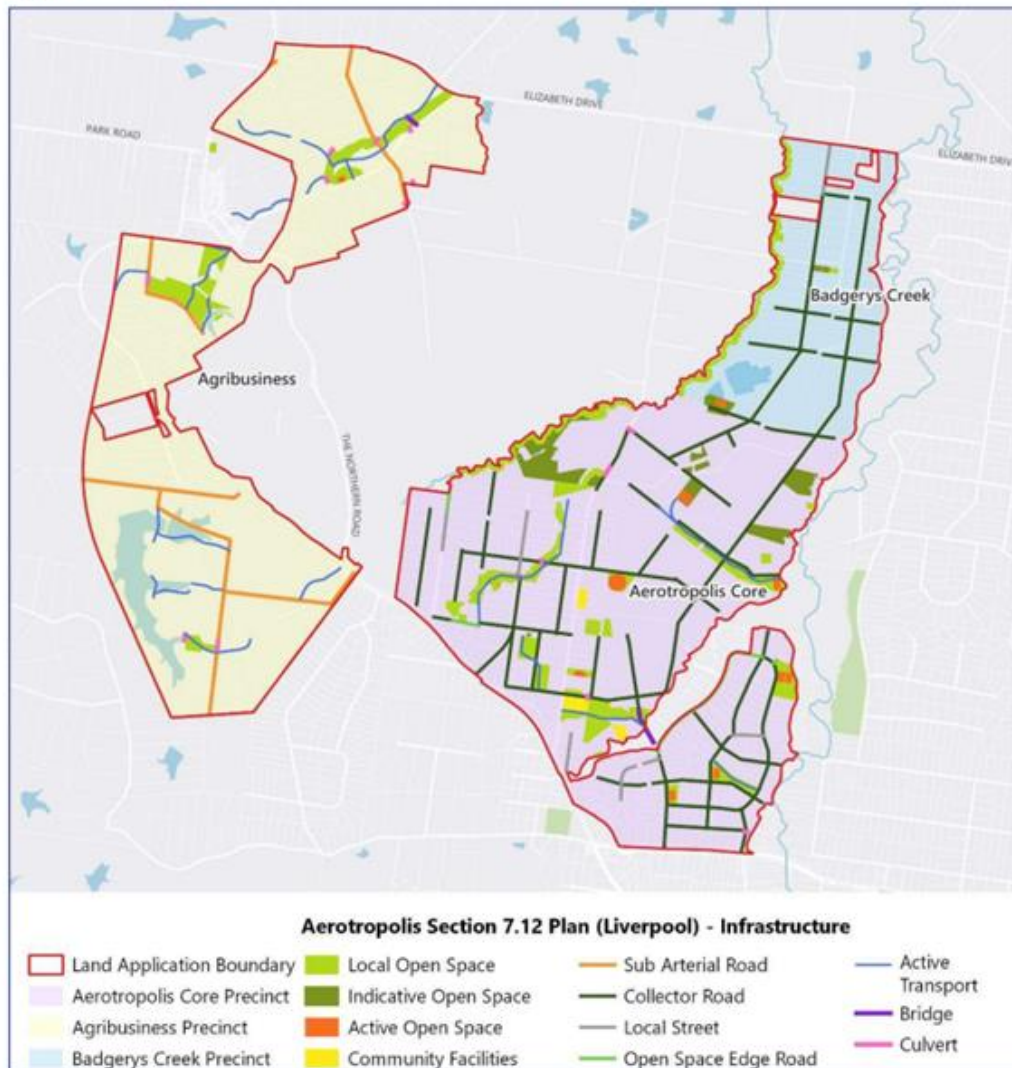
Design of the proposed intersection layout is to be approved by Council with associated SIDRA modelling analysis and turning path.

- (16) Road network - The proposed collector and local roads should be constructed in accordance with the aerotropolis DCP with the provision of all pedestrian, active transport and public transport links as identified in the WSAPP.

Confirmation is required regarding the collector roads and its length on the subject site as per Aerotropolis s7.12 Contributions Plan 2024 as well as delivery mechanism.

It appears that there is a discrepancy on the length and locations of collector roads between “Figure 6 – Local Infrastructure” (p19 of the “Draft infrastructure delivery strategy”) and Figure 21 Liverpool Infrastructure Plan (in the Liverpool 7.12 Contributions Plan) see:

Figure 21 - Liverpool Infrastructure Plan



The 7.12 contributions plan has only allowed for road provision in the mapped locations and in accordance with the road length mapped. The amendments proposed under the Masterplan will impact on this mapping.

- (17) Planning agreement for staging infrastructure - A draft planning agreement is to be prepared by the proponent in consultation with Council for the required staging local infrastructure and the maximum development yields permissible for each stage.
- (18) Construction Traffic Management Plan Framework - A Construction Traffic Management Plan Framework (CTMP) is to be prepared to outline the requirements for preparing a site-specific CTMP.
- (19) Green Travel Plan Framework - A Green Travel Plan Framework and template are to be prepared for the master plan area which includes the following (but not being limited to):
 - a) Transport mode share targets for different types of land uses
 - b) A nominated travel coordinator for travel demand management action plans in the precinct.
 - c) Contact details of the coordinator(s) should be provided to Council once a building is operating.
 - d) The framework is to be reviewed every 3 years with travel behaviour surveys to be carried out as part of the review.
 - e) A transport access guide is to be prepared which includes available public and active transport, car park, EV charging location, car share membership information, and available parking and travel demand management tools and provided to the public.
 - f) Guideline to prepare a site-specific green travel plan for each site.
 - g) Registration method of green travel plans by building users and implementation plans.
 - h) Transport mode and usage surveys every five years within the master plan precinct. The survey and review report are to be submitted to Council and TfNSW for review.
 - i) A site-specific green travel plan is to be conditioned as part of CDC application.
- (20) Referral mechanism to TfNSW - Ongoing referral/approval process for the proposed lots adjacent to the ERR/Metro Blvd/Badgerys Creek Road should be agreed by TfNSW.
- (21) Street lighting - It is noted that multifunction poles (smart pole) are proposed for the masterplan site. Council supports the proposed multifunction poles. The operation and maintenance responsibility of these streetlights are to be agreed between Council, Endeavour Energy and the proponent.

Figure 9 – Active Transport Network

- (22) Refer to comment (8) above.

Figure 10 – Street Hierarchy

- (23) Refer to comment (8) above.

- (24) Council requests that any changes to the street hierarchy and layout that impacts on adjoining properties (noting that this may impact multiple properties) should be specifically notified to affected landowners and that written consent be sought from these landowners. This is necessary to ensure that any amendment to the WSAPP will result in a consistent layout that does not require future amendments to the WSAPP street alignments on neighbouring or nearby properties.

Figure 11 – Centres Hierarchy

Noted.

Figure 12 – Height of Building

It is unclear from the Master Plan and the supporting documents what the rationale and planning justification for the maximum high bay warehouse height limit of 52.5 metres is.

- (25) Council requests that a planning justification, demonstrating how a better planning outcome is to be achieved in accordance with the Master Plan guidelines for the proposed maximum height on the site.
- (26) The height controls must clearly state that building heights are to be calculated from existing natural ground level. In this regard, Council requests that DPHI ensure that the wording of the CDC height controls ensure that this outcome is realised.
- (27) The proposed reference masterplan (Figure 34 in the Master Plan Report (MPR)) identifies potential high bay development for lots 5-7, lot 10 and lots 21-22. However, the proposed Height Controls (Figure 25 in the MPR) expand this designation to include additional lots 8-9 and lots 19-20. This increased area for high bay warehousing raises concerns, as the relevant technical studies, including the indicative master plan layout (Figure 34 in the MPR), GFA Plan (Figure 28 in the MPR), Concept Design layouts (pp. 79-81 of Appendix T) and overshadowing impacts (pp. 82-85 of Appendix T), are based solely on the lots nominated in the reference masterplan for the high bay option. It is recommended to revise the Height Controls Map (Figure 25 in the MPR) to reduce the areas designated for high bay warehousing to align with the indicative master plan layout (Figure 34 in the MPR). Alternatively, justification with supporting technical studies must be provided for the additional areas designated for high bay warehousing.
- (28) HOB Control for High Bay Warehousing The rationale for capping the height control for high bay warehousing development within the Enterprise and Light Industry zone at 52.5m, equivalent to the proposed height control for the new Local Centre, requires further clarification. Furthermore, case studies of high bay warehousing illustrated in the Architectural Design Statement (Appendix T, pp. 90-92) indicate the highest building height of 45m in built examples. Therefore, the proposed HOB for high bay warehousing needs further justification.

Given high bay warehousing typically involves a reduced building footprint, there is an opportunity to minimise hardstand areas and incorporate additional landscape areas and true deep soil zones. To enhance on-site amenity and address the increased density, it is strongly recommended to introduce additional landscape setbacks for lots designated for high bay warehousing.

Figure 13 – Floor Space Ratio

Noted.

General comments:

- (29) The “Connecting with Country” consultant needs to review their report and check references to Gandangara. The clan or nation name is referred to as Gundungurra with Gandangara being the Land Council but not a separate nation in its own right.
- (30) No heritage interpretation strategy has been prepared. This needs to be provided to govern all interpretation across the site with particular reference to First Nations and the Inghams occupation of the site.

Western Sydney Aerotropolis Development Control Plan

The Guidelines require that “Master plans and any subsequent development applications must be consistent with the DCP, except where an inconsistency is approved as part of a master plan (clause 43(3)(c)). Any inconsistency will need to be justified as part of the master planning process and the Minister is required to consider the nature of the inconsistency before approving the master plan. Complying development must comply with relevant development standards specified in the DCP unless an inconsistency is approved as part of an approved a master plan.”

Council have reviewed the proposed changes to the DCP, identified throughout the Master Plan under the headings “Alternative Benchmark Solution” and “Additional Control,” in accordance with the Master Planning Guidelines. This assessment is included below:

- (31) General Comment – References to “additional control” should be reworded to be consistent with the DCP as either “Additional Performance Outcome” or “Additional Objective.”
- (32) General comment – All proposed “Additional Benchmark solutions” (and any proposed “Additional Performance Outcomes” or “Additional Objectives”) art to be numerically labelled. The current use of dot points is not supported as it will make referencing points more difficult (as will be evidenced below when the whole dot point is required to be reproduced for reference purposes).
- (33) General comment – Identified “Principles” on pages 6, 37, 45, 47, 48, 49, 50, 51, 84, 86, 94 and the identified principles under multiple tables within the Master Plan do not provide clarity in relation to how these principles are to be applied as development controls. Council requests that where required, identified principles are adopted either into relevant; objectives and requirements (as per the Western Sydney Aerotropolis Precinct Plan); objectives, performance outcomes and benchmark solutions (as per the DCP format) or; as specific Complying Development Controls (under Section 13 of the Master Plan). Council requests that if the Master Plan is amended in accordance with this comment, that Council be provided additional opportunity to comment. Additionally it is requested that a matrix of all master plan controls is provided for easy reference. The planning report should provide justification as to how the proposed changes to the planning controls will result in a better planning outcome in accordance with the Guidelines.
- (34) Alternative benchmark solution under 7.3.8 reads *“Temporary access to Lot 23 within the Badgerys Creek Road Master Plan can be provided off BMLR through a left-in, left-out access arrangement. Access to Lot 23 will be further investigated if access becomes available through adjoining lands. Access via adjoining allotments is to be considered in the first instance”* (Master Plan p74). Council assumes that the referenced “Lot 23” refers to “Lot 723” in the subdivision plan supporting the Master Plan. It is assumed that this alternative benchmark solution is being proposed to allow access to this Lot without

requiring consideration of Section 2.6, Benchmark Solution 1 of the DCP. TfNSW should provide comment in relation to this proposed alternative benchmark solution. Council questions the need for this additional benchmark solution. The affected lot is part of Stage 5 of the development and it is likely that access will be available from the eastern adjoining Lot by the time Stage 5 is being developed. Should a temporary left-in, left out arrangement for this lot be required, this can be a subject of a relevant DA at the time that is assessed on its merit and with the benefit of a clear understanding as to how long “temporary” might be. An additional benchmark solution is not required to resolve this issue at this stage.

- (35) A further additional benchmark solution under 7.3.8 seeks to address the arterial road issue and is worded as follows; *“Direct vehicle access to properties from Aerial or Sub-Arterial roads is not permitted, except for Lot 23 where temporary access will be required until alternative access becomes available through adjoining lands. Development of Lot 23 shall consider options for current and future access from adjoining lands and any temporary access granted shall be removed when other access becomes available. Approval for the temporary access must be obtained from the relevant roads authority”* (Master Plan p74). As noted above, this alternative benchmark solution is unnecessary and should be deleted.
- (36) Section 7.3.8, the Alternative Benchmark Solution that reads *“Heavy vehicle access and staff and visitor parking access can be provided through the same driveway for Lot 2 and Lot 14 within the Master Plan (refer to Figure 32), only”* (Master Plan p74), is unnecessary as this issue can be assessed on its merit as part of a development application in accordance with the relevant objectives and performance outcomes.
- (37) Section 7.3.8, the Alternative Benchmark Solution that reads *“Where the development has less than 15% deep soil zone for the site, permeable pavers can be used to make up for the shortfall to achieve the minimum required pervious area . It must be clearly demonstrated that 15% deep soil targets cannot be achieved through options testing and that any relevant Australian Standards are met to the satisfaction of an appropriately qualified engineer. The use of permeable pavers is considered acceptable, provided the water is treated to prevent contaminants from entering the stormwater system”* (Master Plan p74). This additional benchmark solution is not supported as there should be no reason why development should not be able to satisfy the minimum 15% deep soil requirement. In the unlikely event that a future development cannot achieve the 15% minimum deep soil provision, this can be considered on merit through a development application.
- (38) The two additional controls under “7.3.9 Access arrangements to Lot 23” (Master Plan p745) are both unnecessary for the reasons provided above.
- (39) The additional control under “7.3.10 Development for Enterprise and Industry” (Master Plan p75) is unnecessary as this duplicates existing controls under, Section 3.2, Performance Outcome 2, Benchmark Solution 6 of the DCP.
- (40) The additional control under “7.3.11 Non-Residential Development in Centres” (Master Plan p75) should also specify that awnings and any support or structural elements must not project into the road.
- (41) The alternative benchmark solution under “7.3.11 Non-Residential Development in Centres” (Master Plan p75) that reads “Road design for Collector Roads within the

Badgerys Creek Road Master Plan is to be consistent with the typical arrangements shown in Figure 41 (Typical is a duplication of the first dot point benchmark solution under '7.3.8 Road Design for Arterial and Sub Arterial Roads' and should be deleted.

- (42) 8.4.1 Overarching Stormwater and Basin Strategy (Master Plan page 94) includes a range of principles. Council agrees that the "All storm water basins are to be vegetated as per Sydney Water Guidelines to ensure when dry, the basins appear to bleed into surrounding open space" however it appears from the Civil Plans that this principle will not be achieved. There are multiple instances as to where pits within dry basins are significantly elevated above the surrounding ground level and multiple basins include significant retaining walls (rather than naturalised batters). Council recommends that the civil plans are to be amended so as to be in accordance with this principle and the strategic planning framework for the Western Sydney Aerotropolis.
- (43) 8.4.3 Water Sensitive Urban Design includes an alternative benchmark solution which specifies that *"Within riparian corridor 3 of Badgerys Creek Road Master Plan, which is defined as the eastern corridor, along the Wianamatta-South Creek alignment (refer to Figure 62 Riparian Corridor of the Master Plan), Strahler stream order 2 corridors can be interrupted to support the delivery of land uses and a riparian street as anticipated under the Precinct Plan, provided stormwater modelling can achieve appropriate measures to mitigate reduced flows as a result of the breach."* This control is unclear and Figure 63 does not provide sufficient supporting detail to identify what this control is attempting to achieve. Additional information is requested in relation to this control.
- (44) 8.4.3 Water Sensitive Urban Design includes an alternative benchmark solution which specifies that *"Stormwater infrastructure can be located within land identified as non-certified land within the Master Plan if it can be demonstrated no adverse impacts to biodiversity can be achieved."* This control is not supported as it will require an amendment to biodiversity certification approvals.
- (45) 8.4.3 Water Sensitive Urban Design includes an alternative benchmark solution which specifies that *"Active transport paths and supporting public domain amenities within the Eastern and Central Riparian Corridors of the Badgerys Creek Road Master Plan can encroach the inner 50% provided consistency with the riparian corridors objectives in the Vegetation Management Plan (VMP) (Appendix F of the Master Plan) are maintained and achieved, in relation to ecological restoration and vegetation delivery. These encroachments can be delivered in accordance with the indicative locations identified in Appendix F of this Master Plan."* Council objects to the inner 50% of the riparian corridors being used for purposes other than riparian corridors and riparian planting. This change does not represent a better planning outcome and will continue to result in a Master Plan that impinges on riparian areas in order to maximise the size of development lots.
- (46) 8.4.3 Water Sensitive Urban Design includes an alternative benchmark solution which specifies that *"Vehicular access to lots adjoining the Western and Central Riparian Corridors of the Master Plan, or where there is a zero-lot setback to the street can be delivered in the form of a road crossing."* It is unclear what this control is attempting to achieve. It is considered that all lots would achieve vehicular access in the form of a road crossing. Additional clarification is requested in relation to this suggested alternative benchmark solution.
- (47) 8.5.2 Tree Canopy Cover and Deep Soil includes an alternative benchmark solution which specifies that *"Tree species selection within the Badgerys Creek Road Master Plan must*

ensure tree heights are no greater than the permissible height of buildings, and must be guided by wildlife risk mitigation measures.” Council notes that there should be no reason why trees should not grow higher than permissible building heights and there are already sufficient controls in the DCP that relate to wildlife risk. It is suggested that this alternative benchmark solution is deleted.

- (48) 8.5.4 Tree Planting includes three alternative benchmark solution which essentially repeat controls already included within the DCP. Council requests that this duplication is avoided and these alternative benchmark solutions are deleted.

- (49) It is noted that the overall canopy coverage has increased compared to the previous iteration. The Urban Design Report – Appendix D (p.90) compiles the tree canopy coverage in a single table. However, the Master Plan does not include the tree canopy target for Riparian Corridors, which aims to achieve 50%-52% coverage.

It is recommended that the Master Plan provides an overall tree canopy cover target for the entire site, including specific targets for various land uses, to ensure clarity and alignment with the Urban Design report. This should be supported with appropriate alternative benchmark solutions under 8.5.2 and 8.5.4 and appropriate CDC controls.

- (50) The landscape and deep soil component of additional setbacks for high bay warehouses should increase in proportion and minimise hardstand areas. This should be supported with appropriate alternative benchmark solutions under 8.5.2 and 8.5.4 and appropriate CDC controls.

- (51) To avoid inconsistency throughout the masterplan, additional benchmark solutions under 8.5.2 and 8.5.4 should adopt the relevant changes identified under relevant pages of the masterplan. For example, the response to tree planting in parking areas, inconsistencies have been identified in the Masterplan (pp. 166, 233, and 287). The proponent is requested to confirm whether island planter beds will be provided at a rate of one planter bed per 10 car spaces or 5 car spaces and clarify whether the minimum dimension will be 1.5m or 2.5m. As stated elsewhere in this response, car park island tree pits must have sufficient dimensions and soil volume to demonstrate appropriate shading of the hard stand areas.

- (52) 8.5.6 Airport Safeguarding includes an alternative benchmark solution which specifies that “Landscape species within the Badgerys Creek Road Master Plan are to be delivered in accordance with the planting strategy, planting typologies and species selection in Section 8.5.3.2 of the Master Plan.” Council generally supports the species listed, however will note further comments in relation to street tree planting in the complying development discussion below, specifying that further large tree options be identified for street tree planting in accordance with Appendix B of the DCP.

- (53) 10.1 Social Infrastructure Indicative Locations includes a range of Additional Controls in relation to the type, location and delivery of social infrastructure. Council requests that this section be amended to identify triggers for the timing of this development. Ideally complying development applications would cease at an identified stage of the Master Plan development, pending the delivery on site of required social infrastructure.

- (54) Figure 91 Indicative Social Infrastructure Locations specifies that the proposed long day care will be adjacent to the intersection of a classified road. This location would be potentially impacted by environmental health and safety concerns. This location must be

amended. It is recommended that the location of the long day care centre is relocated so as to be adjacent to the local park the Local Park.

- (55) The updated Master Plan report refers (p 130), the indicative location of the long day care remains in the same location. We re-iterate our recommendation to address the concerns. In relation to 10.2 Public Art Strategy, Council recommends that the public art locations under Figure 92 and Figure 93 are deleted and replaced with figures to be determined in a concept development application to be lodged with and determined by Liverpool City Council. Council will also require that public art is to be of a commensurate scale as the building on which the public art is located. Council further notes that the TAP required an approach to public art to be agreed with Liverpool City Council prior to the lodgement of the Master Plan. Council as part of this process identified that a concept development application would be the only way to appropriately manage public art in relation to the CDC pathway.

- (56) Response to wind – It is recognised that it will be challenging to establish ‘tangible’ controls for assessing wind safety, as each case will differ. The proposed design principles and considerations for wind safety outlined in the Master Plan and Appendix T – Architectural Design Statement are supported.

However, while preparing ‘tangible’ controls may be difficult, it is essential to ensure that each development achieves a comfortable wind environment. To achieve this, a wind assessment report must be submitted for each DA and CDC. This report must be prepared by a qualified wind consultant to ensure design quality in this regard.

- (57) Design Quality Controls - Council reiterates that the Design Quality Strategy is relatively complex to navigate from an assessment perspective due to the limited use of ‘numerical’ controls and the unclear relationship between the Design Quality Strategy, the Master Plan, and the DCP.

For example, the Masterplan Section 6 outlines design principles and includes some numerical controls for built form, such as setbacks and GFAs for each lot, whilst the Design Quality Strategy Section 14.4 also outlines general building design principles across several sections, but these are predominantly descriptive and lack tangible controls to measure / evaluate design outcomes. Another example is the soft landscape and deep soil outlined in the Design Quality Strategy Section 14.4.6, Table 29, which do not stipulate numerical controls to evaluate compliance. A third example is found in Design Quality Strategy Section 14.4.5, Table 27, which specifies that the development should have dedicated footpaths along the interface of the riparian corridor. However, the indicative master plan layouts do not incorporate this design feature, nor is it reflected in Chapters 6-9 or the Masterplan.

The above examples are just a few of many that highlight the challenges when using the Master Plan and Design Quality Strategy. The duplication of design principles and the inconsistent approach to measurable or countable controls for each design element create uncertainty and confusion regarding which document or chapter serves as the primary ‘tool’ for guiding the design and assessment process.

In summary, the Design Quality Strategy is challenging to use as it is primarily ‘qualitative’ rather than ‘quantitative’, lacking numerical controls for measuring the design element and envisioned design outcomes. Additionally, the extensive cross-referencing across the entire Master Plan package risks compromising design outcomes.

To improve usability and ensure clarity, it is strongly recommended to simplify the controls, principles and objectives into a single, consolidated section for easy reference. If cross-referencing is unavoidable, it is highly recommended to include an introductory section, flowchart, or matrix to guide the use on the hierarchy and application of different reference documents for each design element. This should clearly outline how WAP SEPP, Precinct Plan, Stage 2 DCP, IPG Master Plan, and Design Quality Strategy interrelate, and clearly state which document takes precedence in case of inconsistencies occurred. Same strategy should be implemented for Complying Development Code.

- (58)c) Inconsistencies have been identified regarding the Design Quality Review and requirements within the Draft Master Plan package.

For example, MPR Table 19 specifies that for Key Sites, 'If a large scale development is proposed on a key site then a Design Review Panel is the applicable review process instead of an Independent Architect Peer review.'

However, the Planning Report Table 12 only outlines that 'Independent Registered Architect Peer Review' for all key sites, regardless of whether they are Large Scale.

Furthermore, the Design Quality Requirements for Key Sites fail to explicitly specify a DRP for Large Scale developments in any Design Quality Review process. This omission creates ambiguity about the appropriate review pathway for such developments.

- (59) Design Verification Checklist - A Design Verification Checklist has been prepared; however, it is noted that it includes only limited design elements and lacks numerical controls for assessment. This raises concerns that CDC developments may not achieve the same level of design outcomes as those assessed through the DA process.

- (60) Design Excellence - Council reiterates concerns regarding the selection process for Design Review Panels (DRP) outlined in Table 19 of the MPR:

'The design review panel members are selected by the proponent from the list of GANSW panel member.'

It is noted that this proposed DRP process for sites identified in the IPG Master Plan will be directly managed by GANSW, rather than through the existing Liverpool Design Excellence Panel (LDEP). The LDEP may have a stronger understanding and knowledge of the local context, which could lead to more informed design outcomes.

The exclusion of LDEP and Council representatives from this design review process may diminish design outcomes by limiting local insight and collaboration. Additionally, clarity is needed on the consent authority for these 'Large Scale' developments under the threshold. It remains uncertain whether Liverpool City Council will retain this role or if it will be transferred to DPHI.

- (61) Master Plan referencing errors – While Council have generally not reviewed the Masterplan for referencing errors, the following has been identified:

- 9.4.1 Text references Figure 80 however this should be Figure 84.
- 9.4.2 The text should reference the "eastern parcel" as per the associated Figure 86.
- 9.5.1 Text references Figure 80 however this should be Figure 87.

Complying Development

In accordance with the Master Planning Guidelines, complying development applications must demonstrate compliance with the SEPP, Precinct Plan and DCP, except as amended by the Master Plan.

A review of Section “12.2 Complying Development Amendment” raises the following issues:

- (62) Design Verification Checklist - A Design Verification Checklist has been prepared for CDC developments; however, it is noted that it includes limited design elements (compared to those outlined in the Design Quality Strategy) and lacks numerical controls for assessment and using this checklist. In relation to 4.2.8 Design Quality Strategy (DQS), it is challenging to assess compliance with the DQS as it adopts a principle-based approach, which significantly lacks ‘measurable’ controls for the Certifier to assess the outcome for each design element.

A review of “Section 13 Complying Development” of the Master Plan raises the following issues:

- (63) Section “2.2 General Requirements for complying development” must specify that complying development is to comply with SEPP (Precincts – Western Parkland City) 2021.
- (64) Section “2.2 General Requirements for complying development” must specify that complying development is to comply with the Western Sydney Aerotropolis Precinct Plan.
- (65) Section “2.2 General Requirements for complying development” must specify that complying development is to comply with the Western Sydney Aerotropolis Development Control Plan.

Alternatively, Council requests that the Department be satisfied that the complying development controls, as worded in the Master Plan, will result in development that is compliant with the SEPP, Precinct Plan and DCP (or in compliance with these documents, where amended by the Master Plan).

In relation to the above, the following issues are noted with the complying development controls included under Section “13 Complying Development Code: of the Master Plan:

- (66) Section “2.2 General Requirements for complying development” point (f) specifies that complying development “Not be potentially hazardous industry or potentially offensive industry, within the meaning of State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 3.” In this regard, Council recommends that The Applicant shall confirm whether dangerous goods will be stored at the premises and if the requirements of Part 3, *State Environmental Planning Policy (Resilience and Hazards) 2021* apply to the development. This will trigger a development application and to address the requirements of Part 3, *State Environmental Planning Policy (Resilience and Hazards) 2021*, the Proponent may be required to prepare a preliminary screening procedure and/or Preliminary Hazard Analysis for the proposal.

- (67) General comments - The triggers for a CDC are inconsistent across the Master Plan package, creating uncertainty in determining when a CDC is applicable.

The specific standards outlined for a CDC appear insufficient compared to the more comprehensive controls detailed in the MP, raising concerns about the ability to achieve comparable design outcomes through the CDC process. Specific examples are provided below.

- (68) Section “2.3. Land on which complying development may not be carried out: specifies that:

2. Complying development may not be carried out on land highlighted as being constrained on the Land Constraints Map (See Appendix A to the Master Plan), unless otherwise specified in this Section. This includes the following land:

(c) Local Open Space and Drainage, Regional Park and Infrastructure (Note see 2.3.2 below).

Council notes that there is no land identified as “Local Open Space and Drainage” on the SEPP Land Reservation Acquisition Map. Council will not agree to acquire any Local Open Space and Drainage land on the site as this is not identified under the SEPP. On this basis, all reference to “Local Open Space and Drainage” land in the Master Plan should be removed.

It is also noted that Regional Park is also not identified under the SEPP Land Reservation Acquisition mapping. On this basis it is further recommended that 2(c) be reworded to only refer to “stormwater infrastructure.”

- (69) Section 2.4 Noise requires compliance with “Section 6.11.1 of the Master Plan.” Any acoustic report should consider all existing sensitive receivers and also consider the non-initial Kemps Creek precinct to the east. Council’s notes that the Acoustic Report supporting the masterplan was completed as a high-level assessment, the report does not identify and evaluate the type and magnitude of acoustic impacts associated with the proposed development.

Consequently, sufficient analysis was not completed of feasible and reasonable mitigation measures to reduce potential acoustic impacts associated with the proposed development. Without a defined noise mitigation strategy, the type and extent of residual noise impacts remains uncertain.

Due to the high-level nature of the assessment, there is considerable uncertainty over the accuracy and extent of the noise impact from the proposed development. Further investigations are required to ascertain the nature and extent of potential acoustic impacts associated with the proposed development and reduce uncertainty in the adequacy of any required mitigation measures.

In accordance with the proposed complying development certificate approach, the consultant indicated that it would be the responsibility of each applicant, tenant or operator to provide a noise assessment to the satisfaction of the Private Certifying Authority (PCA) to assess noise emissions from their site and demonstrate that the noise allowances for their specific lot can be achieved for each noise catchment area. Similarly, further assessment is required of construction noise, vibration and traffic noise.

It would be appropriate for applications involving development on land affected by aircraft noise to be supported by an acoustic report and plans prepared or reviewed and certified by a suitably qualified acoustic consultant. This approach would facilitate a site-specific assessment and ensure that the recommendations provided by the suitably qualified acoustic consultant are incorporated into the design and construction of the proposed development. The consent authority would be able to impose a condition on the development consent requiring written certification prepared by a suitably qualified acoustic consultant to be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of an Occupation Certificate.

All future applications involving development that has the potential to cause offensive noise or potentially impact upon human health and amenity shall also be supported by acoustic reports prepared by suitably qualified acoustic consultants. To ensure consistency with Council's requirements, acoustic reports shall be prepared or reviewed and certified by a suitably qualified acoustic consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Apart from aircraft noise, acoustic assessments for noise sensitive developments (as defined in clauses 2.100 and 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021) may be required if located in the vicinity of a rail corridor or busy road. Applications must identify the rail corridor and classified roads including their indicative offset distance. The acoustic assessment must be prepared or reviewed and certified by a suitably qualified acoustic consultant who is a member of the Australian Acoustical Society or employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.

Applications for noise-generating development shall also be supported by noise management plans prepared under the supervision of a suitably qualified and certified acoustic consultant to ensure that the activities are undertaken in an environmentally satisfactory manner.

- (70) 2.5 Air Quality - Detailed air quality modelling is required to define and quantify potential air quality impacts associated with the proposed development. In addition, the surrounding area contains existing uses that have the potential to generate odour and other associated impacts which may affect the amenity of land intended for development.

According to SLR Consulting Australia, this report presents an assessment of:

- Potential air quality impacts on future occupants of the Site, associated with regional background air quality and identified existing and future air emission sources in the vicinity of the Site; and
- Potential air quality impacts on existing and future sensitive receptors surrounding the Site, associated with air emissions from activities that may be undertaken within the Site based on the current Master Plan

The scope of this report is limited to the operational phase of the site and does not address construction-related impacts during the site's development. In this regard, future Applications for the site's development must be supported by Construction and Operational Environmental Management Plans prepared by suitably qualified and experienced environmental consultants to address the means by which the commitment in the environmental assessment reports will be fully implemented.

Based upon the findings of their field odour surveys, the Department must consider whether a more refined odour impact assessment will be required for the proposed development.

- (71) Section "2.6 Certification" specifies that:

(c) For any complying development application lodged with Council for local roads and infrastructure, local stormwater works, subdivision of land and public domain works and landscaping where it is to be owned or dedicated to a public authority, the timeframe for assessment shall be 40 days.

Council stresses that DPHI should note that the determination of local roads is normally subject to a Development Application, where the road network and associated drainage infrastructure and landscaping works are assessed for compliance with the strategic planning framework. The CDC process is usually reserved for assessing the DA approved road in relation to engineering standards.

From an assessment perspective, both the strategic planning framework (and relevant amendments to the strategic planning framework under the masterplan) and relevant engineering guidelines will have to be considered under the CDC. Council also notes that there is no opportunity for alternative solutions to be negotiated under the CDC process and the proposal must comply in all respects with the relevant controls. A review of the current Civil Plans (issue E) would note that these plans do not fully comply with either the strategic planning framework or the engineering standards. On this basis, Council questions the utility of using the CDC framework for local roads on the basis that compliance with the Masterplan (and Precinct Plan and DCP where the masterplan is silent) will be difficult.

- (72) Section “2.6 Certification” also specifies that these CDC’s are required to be assessed in 40 days. It is likely that these applications will have a level of complexity that will limit the ability of Council to reach a determination within the 40 day period.
- (73) Section “4.2.1. General Standards” under Section “4 New Buildings and Additions Code” notes that CDC’s must comply with “The Design Quality Strategy is contained at Section 14 of the Master Plan.” Council requests that all relevant controls included in Section 14 of the Master Plan (e.g. building envelope, setback, landscape etc.) are included as prescriptive CDC controls.
- (74) Section “4.2.2. Waste Storage and Collection” it is recommended that point 6 include the following additional requirement:
 - (iv) not be visible from a public place.
- (75) Section “4.2.2. Waste Storage and Collection” it is recommended that point 7 is amended to apply to the entirety of development on the site.
- (76) Table 1 under Section “4.3.1. Specific Standards” should specify a minimum landscaped setback provision of 6m for “Lots fronting a public road with a setback containing loading dock manoeuvring areas and associated hardstand” and “Lots fronting a public road with a setback containing off street car parking areas” in accordance with the DCP. (It is recognised that this is also included under 4.3.3.)
- (77) Part 4.3.1 Specific Standards for Enterprise and Industry locations and specific controls under 4.3.1.1 (i) High bay warehousing built form control, nominate that the built form control for high bay warehousing only limits the maximum gross building footprint area. However, the Masterplan includes additional indicative massing and built form parameters for high bay warehousing lots (Figures 85 and 89 on page 123 and 127 respectively). The deletion of these additional built form controls (site planning layout and structure) will diminish the design outcomes carried out from the Master Plan and its associated technical studies.
- (78) 4.3.1.2 GFA for CDC developments is significantly contradictory to Table 19 in the Masterplan (page 154) regarding the GFA trigger for a CDC development. For example, small and medium scale developments in Table 19 reference significantly lower GFA

thresholds as triggers for CDC, creating inconsistency in the application of controls. It is highly recommended to adhere to the triggers outlined in Table 19 for CDC controls.

(79) 4.3.2 Building Setbacks - Inconsistencies have been noted between Table 1 (Page 165) and Figure 2 (Page 166), such as setback to collector road (Road 03) and secondary road frontages (A definition of “secondary road” is not provided. Additionally, this category is not used in the road network plan.)

(80) 4.3.2 Building Setbacks - It is suggested to limit any built structures or elements, other than landscaping, from encroaching into the landscape setback areas to preserve the intent and functionality of landscape setbacks.

The tables are generally difficult to use compared to the building setback diagram as different road typologies were used. It is suggested to simplify this section by prioritising the use of the building setback diagram for clarity and ease of reference.

(81) 4.3.3 Landscape Setbacks - It is highly recommended to replace the road typologies to match road numbers in Figure 2 for easy referencing. Additionally, the landscape setbacks to the rear and side boundaries are contradictory to the 3m setback requirements nominated in the Appendix T – Architectural Design Statement Report (p.26), the Master Plan section 8.5.5, and Design Quality Principles in the DQS (Masterplan, p. 233). The tables are generally difficult to use compared to the building / landscape setback diagram as different road typologies were used. It is suggested to simplify this section by prioritising the use of the building setback diagram for clarity and ease of reference

(82) Section “4.3.3 Landscaped Setbacks” specifies that;

2. Tree planting in the form of island planter beds shall be provided at a rate of one planter bed per 10 car spaces with planting at a minimum dimension of 1.5m wide, within car parks to reduce the heat island effect of hard surfaces.

This control will require the provision of canopy shading for a 25m long section of hard stand area (i.e. 10 car parking spaces). A 1.5m tree pit is not sufficient to allow for the growth of a mature tree with a suitable canopy spread to shade this pavement area. It is recommended that the tree pit be the same size as a vehicle hard stand space (i.e. 2.5m x 5.5m).

(83) Section “4.3.5 Loading and Access,” point 8 specifies:

8. For industrial and warehouse uses, heavy vehicles must be separated from staff and visitor parking areas, except where provided for in the provisions with this Master Plan.

This point must identify the relevant provisions of the Master Plan.

(84) 4.4 Development Standards for the local centre, 4.4.1 Development Standards specifies a proposed cap of 4900m² for CDC development in the local centre (which is supported) however, it does not include an accompanying building height control tied to the GFA for a CDC. Figure 97 – Planning Pathway Plan in the Masterplan (page 145) stipulates that buildings under 48m in height could potentially qualify for a CDC. This discrepancy raises concerns about ensuring that both GFA and building height controls are appropriately aligned to maintain consistency and design intent.

(85) Section “4.4.2 Built Form and Setbacks” point 1 (ii) specifies that:

(ii) In accordance with the setbacks identified within the Design Quality Strategy prepared by Urbis, with an extract of the relevant figure reproduced at Figure 3 below.

A third party report should not be referred to under the CDC controls. If additional setback controls are identified in the Design Quality Strategy in addition to Figure 3, these controls should also be included in the Complying Development Code.

- (86) 4.4.2 Built form and setbacks - critical design considerations / elements have been overlooked for this type of development, including landscaping design, deep soil zones, tree canopy coverage, design and delivery of laneway / through site link, and interface treatments etc. These elements are documented in detail within the Masterplan and should also be included under this section of the CDC controls.
- (87) Section “4.4.3 Parking” is to identify crossing locations for vehicles to enter basement car parking areas. While vehicle crossing points are identified in Figure 3 this must be supported by relevant text. Council also notes that the CDC controls miss a significant opportunity for vehicle crossing points to be minimised through the sharing of basements.
- (88) It is recommended that Section “4.5. Internal alterations across whole site” include the following additional point:
2. Not result in any increase to GFA.
- This point is necessary as warehouse development have the potential for mezzanine levels to be added.
- (89) Section “6 Subdivision Code,” Council agrees that any subdivision application must demonstrate compliance with Section 7 Earthworks, Section 8 Retaining Walls; Section 9 public domain and landscaping; Section 11 local roads and road infrastructure; and Section 13 local stormwater works of the Code. Council further recommends that any subdivision application also complies with Council’s recommended amendments to the wording of these sections of the code, see below.
- (90) Section “6 Subdivision Code,” Council raises issue with the provision of retaining walls to regional stormwater basins directly adjoining Council’s local roads. If these roads and basins are not redesigned to include appropriate batters, Council recommends that the master planned precinct is subdivided by way of community title so the safety, liability and maintenance burden of this design is the responsibility of the proponent.
- (91) Section “7 Earthworks Code,” Council requests that the code is amended to be, at minimum, consistent with the permitted retaining wall heights under the DCP, or ideally, provide maximum cut/fill heights that are less than those permitted under the DCP. As a minimum, Council recommends that the “+/- 2 metre tolerance from existing ground level” text is removed. Earthworks should comply with the 6m standard, any “tolerance” beyond this figure should require a development application.
- (92) Section “7 Earthworks Code,” Council requests that the code is amended to require that a salinity report and a salinity management plans is provided for all riparian areas and all local roads and infrastructure adjoining riparian areas, as these areas are identified as areas of potential high salinity.
- (93) Section ‘8 Retaining Walls Code,’ Council recommends that the following point is deleted; “8. The wall must be designed accordance with the Sydney Water Scheme Plan where the retaining wall is within or around the regional trunk stormwater drainage infrastructure.”

The provision of retaining walls to regional basins is not in accordance with the landscape led, connecting to country and naturalised channels approach of the strategic planning framework (WSAP 2020, WSAPP September 2024 and DCP) and will not result in a better outcome for the site, contrary to the Master Planning guidelines.

- (94) Section “9 Public Domain and Landscaping Code,” Council recommends that all controls relating to public domain and landscaping are included in either the Complying Development Code, or a detailed referenced to a relevant page numbers within the Master Plan is provided. The current approach of providing multiple reference pages across the Master Plan and supporting reports is confusing.
- (95) Section “9 Public Domain and Landscaping Code,” Council recommends that a control be provided that nominates a minimum on lot deep soil provision for landscaping in line with the DCP, i.e. 15%.
- (96) Section “9 Public Domain and Landscaping Code,” Council recommends that a control be provided detailing specific tree pit soil volumes that will ensure that the nominated 50% tree canopy coverage for road reserves will be achieved. The Public Domain and Landscaping Report Dated 19th June 2024, prepared by Site Image states that, “Ideally soils will have: 500 mm depth that is freely draining (i.e. not waterlogged). (Best practice tree planting details allow for a minimum 700mm total depth) & adequate nutrients, aeration and water retention and be un-compacted” (p84). If a 50% road reserve canopy coverage is to be achieved, this tree pit design requirement must be included in the complying development code.
- (97) Section “9 Public Domain and Landscaping Code,” 9.1, 1. (1) states that “Tree Species to be planted must be selected from the Wildlife Risk and Exempt Species (Pages 20-22).” This is contrary to the nominated plant schedules identified on pages 275, 293, of the Masterplan respectively. Council is concerned that the nominated exempt tree species list has limited options for canopy provision that will be capable of achieving the nominated 50% canopy coverage for road reserves within the master planned area. Furthermore, concern is raised that the overall landscaping palette identified in the Master Plan will not be achieved due to limitations placed on site planting by the exempt species list identified in this section of the code. Council requests that this control be reworded to require tree species to be consistent with all trees within the nominated planting schedule under the landscape master plan and the nominated exempt species in Appendix B of the DCP, noting that the submitted “Biodiversity Management Plan,” prepared by EcoLogical, Dated 21 June 2024, includes sufficient ongoing monitoring and management to enable all listed species in Appendix B, including species identified as “Only within 3km wildlife buffer, where supported by ecologist report, confirming landscape design minimises wildlife attraction.” On this basis it is requested that all species within Appendix B are identified as being available for on lot, riparian area, lake surrounds and street tree planting.
- (98) Section “9 Public Domain and Landscaping Code,” Council recommends that a control be provided in relation to the maintenance of landscaping within the riparian corridor. Ideally the control should require the provision of a plan of management to be lodged for determination as part of the CDC.
- (99) Section “9 Public Domain and Landscaping Code,” Council recommends that a control be provided reinforcing the general requirement that work not be permitted under CDC in the ENZ zone.

- (100) Section “9 Public Domain and Landscaping Code,” all referencing mentioned in this section lacks sufficient detail compared to the comprehensive information outlined in the Masterplan. For instance, point (ii) refers to the Landscape Masterplan (p. 2 of Appendix B – p.268 in the MPR), which does not provide any written requirements or tangible controls that a certifier can rely upon. Similarly, points (vi) and (vii) only reference overall indicative maps without offering any specific details or measurable guidelines, making it difficult to apply these references effectively during assessment and certification processes.
- (101) Section “10 Artwork and Sculptures Code” must include the following additional development standard, “5. Public Art must comply with the determination conditions of the Concept Development Application, to be determined by Liverpool City Council.” In negotiations with the proponent prior to the lodgement of the Master Plan application, it was agreed that Council’s significant issues relating to the process by which public art was proposed would be solved by providing simplification and clarity through a concept development application. The proponent is encouraged to lodge this concept DA prior to the determination of the Masterplan, so the Master Plan can reference the relevant concept DA number.
- (102) Section “11 Local Roads and Road Infrastructure Code,” specifies that local roads and infrastructure must be developed in accordance with the “Civil Works Site Plan (prepared by AT&L May 2024 which is reproduced at Appendix B of the Master Plan).” Council requests that reference to the Civil Plans are deleted as these Civil Plans do not satisfy Council’s requirements in relation to vehicle and pedestrian safety, maintenance requirements and liability. In this regard there are multiple instances of retaining walls supporting road reserves, which is not supported.
- (103) Section “11 Local Roads and Road Infrastructure Code,” specifies that the roads must be in accordance with the designs in the DCP as amended by the Masterplan and must be consistent with the road design outcomes of the DCP. Council notes that the current civil plans do not satisfy the DCP performance outcome to be “safe” and in accordance with the indicative cross-sections. Further amendment to the civil plans will be required to eliminate retaining walls for regional basins on the low side of local roads. Council objects to retaining walls on the low side of Council’s local road reserve and will require any retaining wall on the high side of the road to be located on private property.
- (104) Section “11 Local Roads and Road Infrastructure Code,” – Placeholder for Engineering and Traffic & Transport comments.
- (105) Section “12 Lighting Code,” Council requests that DPHI ensure that the wording of this section of the code complies with clause 4.22 of State Environmental Planning Policy (Precincts – Western Parkland City) 2021.
- (106) Section 13 “Local Stormwater Works Code,” notes under 13.2, 1. That works must be in accordance with the “Basin Catchment Plan contained in the Civil Engineering Drawing prepared by AT&L May 2024,” as noted above, Council objects to the use of retaining walls for regional basins where these adjoin local roads. Following redesign of the regional basins to provide for batters, it is likely that the current version of the Basin Catchment Plan will require some amendment.
- (107) Section “14 Other Subdivision Code”

- (108) Section “15 Tree and Vegetation Management Code,” specifies that this part of the code only applies to tree removal to facilitate complying development and will not apply to any trees “planted in response to the requirements for tree planting in connection with Sections 4 or 9 of this Code.” This wording suggests that tree and vegetation management will only apply to initial subdivision and development works and any trees and vegetation planted for new development will not be permitted to be removed under this part of the code. On the basis that on-lot Canopy coverage is only required to be 15% under the Master Plan this result is supported. This outcome would be clearer with the addition of the following wording to this section: “Any tree or landscaping removal for vegetation established under the masterplan will require determination by way of a development application.”
- (109) Section “16 Temporary public roads, construction and haul roads and associated ancillary works,” 16.2, 2. Specifies that temporary roads must be “connected to the existing stormwater drainage system.” This is problematic as the site currently does not have an existing drainage system. It is recommended that this point be amended to require connection to an established drainage system that meets water quality and quantity requirements.
- (110) Section “17 Signage Code,” Council recommends that the signage controls are entirely consistent with the complying development requirements for signage under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- (111) Section “Complying development conditions,” Council recommends that Section 18.1.1. Protection of adjoining areas requires that work satisfy Workcover requirements and that any works on allotment boundaries include the provision of a dilapidation report.
- (112) Section “Complying development conditions,” Council recommends that 18.1.6. Run Off and Erosion Controls requires development to comply with a site and work specific Environmental Management Plan that satisfies the requirements of the Master Plan, DCP and Wianamatta technical guidelines to ensure that erosion and sedimentation does not impact on watercourses.
- (113) Section “Complying development conditions,” Council recommends that 18.1.6. Run Off and Erosion Controls requires development to comply with Managing Urban Stormwater: Soils and construction (the Blue book) published by Landcom and in accordance with EPA best practise.
- (114) Section “Complying development conditions,” Council recommends that 18.1.8 Utility Services requires that complying development is not permitted until the land or lot subject to the development has; a gravity draining, reticulated Sydney Water sewer system, underground electricity supply, access to a Sydney Water mains water supply and access to a Sydney Water recycled water mains supply.
- (115) Section “Complying development conditions,” Council recommends that 18.1.9 Bonds, is calculated in accordance with Council’s adopted Fees and Charges at the time of payment.
- (116) Section “Complying development conditions,” Council recommends that 18.1.10. Maintenance Bond is calculated in accordance with Council’s adopted Fees and Charges at the time of payment.

- (117) Section “Complying development conditions,” Council recommends that 18.1.11 Public Art requires the provision of public art on the site to be wholly in accordance with the conditions of a concept development application for public art, approved by Liverpool City Council and further, that no complying development certificate be determined on site until the concept development application is approved by Liverpool City Council.
- (118) Section “Complying development conditions,” Council recommends that 18.2.2 (2) providing requirement for work outside of standard hours for construction is deleted, as there is no method of enforcement as to how noise controls will be implemented and managed.
- (119) Section “Complying development conditions,” Council recommends that 18.2.4. Demolition includes the requirement for a provision of a dilapidation report.
- (120) Section “Complying development conditions,” Council recommends that 18.2.5. Maintenance of Site requires all materials storage to be outside the tree protection zone of trees listed for retention.
- (121) Section “Complying development conditions,” Council recommends that 18.2.6. Earthworks is not undertaken within the tree protection zone of a tree listed for retention.
- (122) Section “Complying development conditions,” Council recommends that 18.2.7. Drainage Connections include the requirement for connection to be to an approved gravity fed stormwater system.
- (123) Section “Complying development conditions,” Council recommends that 18.2.8. Contamination Discovered During Works be amended to require works to stop and a Development Application for remediation works to be lodged.

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

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

- (124) Section “Complying development conditions,” Council recommends that 18.3.5. Operational Environmental Management Plan is amended to list the relevant “suitable qualification” of the person undertaking the OEMP. The OEMP must address means by which the commitment in the Environmental Impact Statement/Master Plan and supporting environmental assessment reports and supporting documentation will be fully implemented.
- (125) Section “Complying development conditions,” Council recommends that consideration must be given to the proposed design, construction and layout of the premises to ensure that the facility is able to be operated in an environmentally satisfactory manner. This would include the incorporation of appropriate safeguards in the design and construction of the facility to prevent the generation of wind-blown dust and contamination of overland flow and surface waters. A soil and water management plan is required for the Project’s construction phase.

- (126) Section “Complying development conditions,” Council recommends that if the premises will be used to store food for sale, the Application shall be supported by detailed floor and section plans demonstrating compliance with the Food Act 2003, Australia New Zealand Food Standards Code and Australian Standard (AS) 4674-2004 Design, Construction and Fit-Out of Food Premises.
- (127) Section “Complying development conditions,” Council recommends that the proposed development must include provisions to ensure that all waste bins are in enclosed areas and provided with fixed lids to minimise the potential to attract wildlife that may pose a hazard to aircraft. The Department must consider imposing the following construction requirements for the waste storage areas to ensure that they can be maintained in a hygienic condition with minimal impact to human health and the environment:
- The rooms shall be fully enclosed and provided with a concrete floor, and with concrete or cement rendered walls coved to the floor;
 - Provided with a hose cock for hosing the garbage bin bay and a sewerage drainage point in or adjacent to the bin storage area. The drainage point should have a fine grade drain cover sufficient to prevent coarse pollutants from entering the sewer. If the hose cock is located inside the bin storage bay, it is not to protrude into the space indicated for the placement of bins;
 - The room shall have a floor waste which is to consist of a removable basket within a fixed basket arrestor and is to comply with Sydney Water requirements; and
 - The room must include a tight-fitting, self-closing door and mechanical ventilation.
- (128) Section “Complying development conditions,” Council advises that the installation, operation and maintenance of cooling water systems and warm water systems are regulated under the Public Health Act 2010. The Applicant must confirm whether regulated systems such as cooling water systems will be installed at the premises in accordance with the Public Health Act 2010, Public Health Regulation 2022 and AS 3666.
- (129) Section “Complying development conditions,” Council recommends that 18.3.6. Engineering Certificate be amended to specify that the Engineering Certificate is prepared by a registered Engineer within the relevant field to which the certificate relates (e.g. structural for the built form, electrical for the wiring etc).
- (130) Section “Complying development conditions,” Council recommends that 18.5.1. Hours of Operation is amended to require that operation outside standard hours of operation (7am to 7pm Monday to Saturday) must be supported by an acoustic report from a registered and certified acoustic consultant demonstrating that the operation of the use will not result in noise amenity impacts on any nearby residential or sensitive receivers.
- (131) Section “Complying development conditions,” Council recommends that 18.5.2. Lighting be worded to ensure that lighting that triggers Commonwealth concurrence under SEPP (Precincts – Western Parkland City) 2021 is obtained prior to the determination of the CDC.
- (132) Section “Complying development conditions,” Council raises concerns that section 18.5.4. Noise may result in some sensitive receivers and neighbouring residential properties experiencing amenity loss. Council recommends that the Department review the masterplan requirements in this regard.

- (133) (128) Section “Complying development conditions,” the Department shall consider whether the proposed development must comply with requirements imposed by the Water Management Act 2000.
- (134) Operational Traffic Management Plan (OPTM) - An Operational Traffic Management Plan (OPTM) should be required as part of the standard conditions to a CDC application. The OPTM is to include measures to manage traffic and parking impacts of the proposed day to day use and ensure safe vehicle movements on the subject site as well as surrounding roads. Council approval of the OPTM should be required for all CDC’s.
- (135) Section 138 Roads Act application - The applicant shall submit a Section 138 Roads Act application to Council for any proposed new public roads and road work in, on or over a public road including the payment of application and inspection fees, to Council’s Land Development and Transport Management Sections for approval.

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

General comments

- (136) In addition to the general strategic comments provided above, Council would repeat the final comments that were provided by Council as part of the technical assurance panel process and those comments that were required to be addressed as part of the TAP Decision letter and report. This response was provided in “Appendix O - RFIs for the draft Ingham master plan to proceed to lodgement.” Council requests that the Department ensure that these comments and caveats are resolved as part of the Master Plan assessment and that Council is advised and consulted in relation to any outstanding issues during the assessment period.
- (137) As per the submitted “Draft Infrastructure Delivery Strategy” dated June 2024, the applicant has indicated their intention to enter into a Voluntary Planning Agreement (VPA) with Liverpool City Council (local open space, collector roads and associated drainage) with offsets against S7.12 charges.
- However, no Letter of Offer was ever submitted as part of this Master Plan. As per the Liverpool Planning Agreements Policy, and Practice Notes prepared by the Department of Planning, this must first be lodged before commencing negotiations.
- As per LCC’s Fees and Charges, there are fees for the Lodgement of a Letter of Offer, and the Preparation of a Voluntary Planning Agreement. This payment must be made and receipted prior to Contributions Staff assessing the associated documentations.
- (138) To determine land use suitability and improve confidence in the planning decision being made, it is recommended that the Master Plan is supported by a Site Audit Statement and Site Audit Report prepared by a NSW EPA Accredited Site Auditor.
- (139) Schedule 1 of the Protection of the Environment Operations (POEO) Act 1997 declares premises-based activities regulated by the NSW Environment Protection Authority (EPA). The Applicant shall confirm whether the proposed development includes any scheduled activities that will require an Environment Protection Licence from the NSW EPA (Integrated Development). In these circumstances, approval must be obtained from the NSW EPA before consent can be granted. The consent authority must refer the

development application to the relevant public authority and incorporate the public authority's general terms of approval.