



Our reference: InfoStore
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5 November 2021

Catherine Van Laeren
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Department of Planning, Industry and Environment
4 Parramatta Square
PARRAMATTA NSW 2150

Dear Cath

Draft submission to, amendments to SEPP (Western Sydney Aerotropolis) 2020, Open Space Needs Study, draft Aerotropolis Development Control Plan - Phase 2 and Luddenham Village Discussion Paper

Thank you for the opportunity to comment on the amendments to SEPP (Western Sydney Aerotropolis) 2020, draft Aerotropolis Development Control Plan Phase 2 and Luddenham Village Discussion Paper. However, it is disappointing that Council was not granted an extension to enable the matter to be reported to a Council meeting to seek an endorsed submission.

Noting that formal endorsement of this submission is subject to the determination of Council at the Ordinary Meeting of 22 November 2021, please find our **draft** submission attached for your consideration.

We would like to acknowledge that the exhibition of these documents highlights the considerable amount of work undertaken by Council officers and officers from both the Western Sydney Planning Partnership and Department of Planning, Industry and Environment (DPIE). We note that further consultation will also continue with Council on finalising the Precinct Plans, resolving the content of the DCP Phase 2 and the master planning guidelines

Whilst we understand that there is a need to finalise the planning package for the Western Sydney Aerotropolis to facilitate development within the Aerotropolis, it is imperative that further consideration be given to the proposed amendments to SEPP (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP), Open Space Needs Study, the draft Aerotropolis Development Control Plan Phase 2 and the Luddenham Village Discussion Paper before these documents are finalised.

If you have any further questions regarding this matter, please contact Glen Weekley, Executive Planner on [REDACTED] or [REDACTED]

Yours sincerely,

Natasha Borgia
City Planning Manager

Proposed amendments to SEPP (Western Sydney Aerotropolis) 2020

Further considerations need to be given to the following amendments:

Land Zoning and Land Reservation Acquisition Map

Zoning of Open Space and Stormwater Infrastructure

We support land identified for Publicly Accessible Open Space and Stormwater Infrastructure being identified on the Land Reservation Acquisition Map.

To maintain the transparency of our Environmental Planning Instruments, land identified for open space provision should be clearly identifiable on the Land Use Zoning map of the Aerotropolis SEPP. In the absence of the RE1 Public Recreation zone, the land identified as publicly accessible open space should be zoned as SP2 Publicly Accessible Open Space, or SP2 Local Open Space and SP2 Regional Open Space. We do not support the land being zoned Agribusiness, Enterprise or Mixed Use, if the intention is for this land to be used as publicly accessible open space.

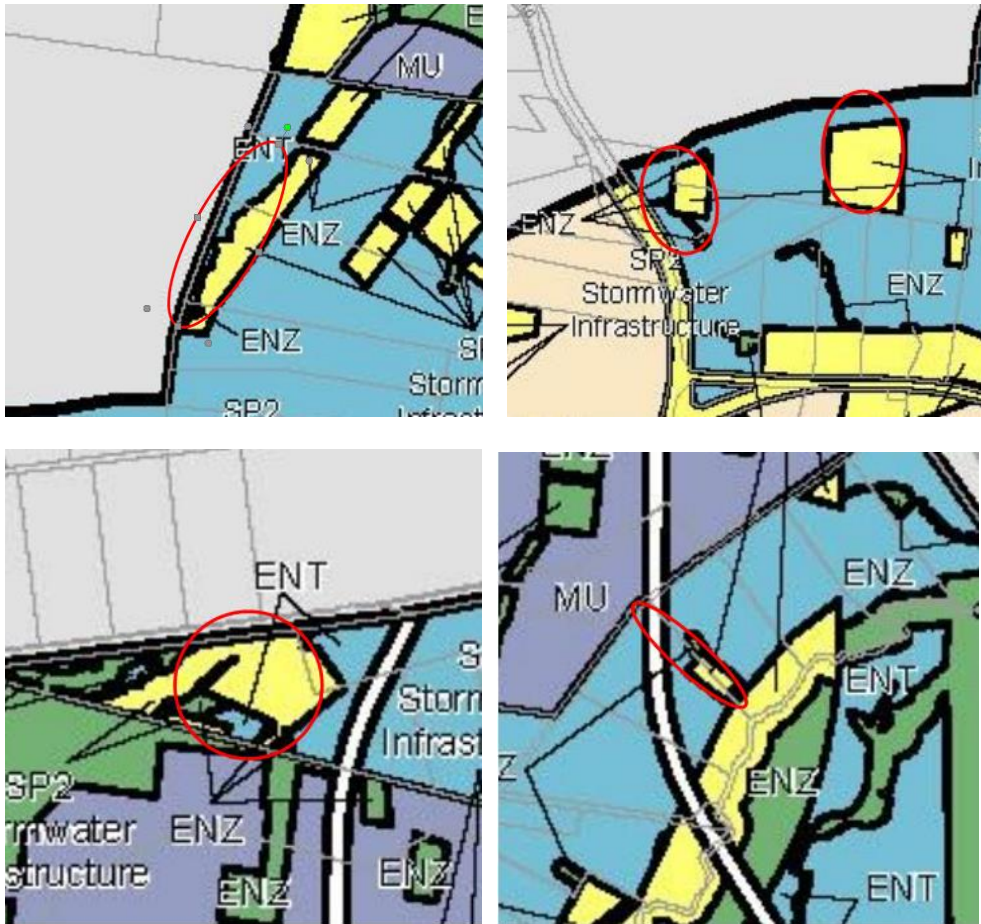
We fully support land required for stormwater infrastructure being zoned SP2 Stormwater Infrastructure on the Land Use Zoning Map. This is the practice elsewhere in New South Wales, where a Local Environmental Plan applies, and we do not see why a different approach would need to be undertaken in the Aerotropolis. As with our comments relating to the open space, land identified for stormwater infrastructure should be clearly identifiable on the Land Use Zoning map of the Aerotropolis SEPP. We do not support the land being zoned Agribusiness, Enterprise or Mixed Use, or the use of overlays, if the intention is for this land to be used as stormwater infrastructure.

Areas of undevelopable land

Due to the revision of the open space network, there are several parcels of land in the Northern Gateway Precinct that were previously identified as open space in the Aerotropolis Precinct Plan, and that are zoned Enterprise, that do not meet the minimum block size control of 150m x 150m of the Aerotropolis Precinct Plan due to the location of stormwater infrastructure and rendering these properties not being able to be developed.

The following map highlights the parcels that cannot be developed and the adjoining SP2 Stormwater Infrastructure Zone and the Land Reservation Acquisition affectation should also apply to these parcels of lands.

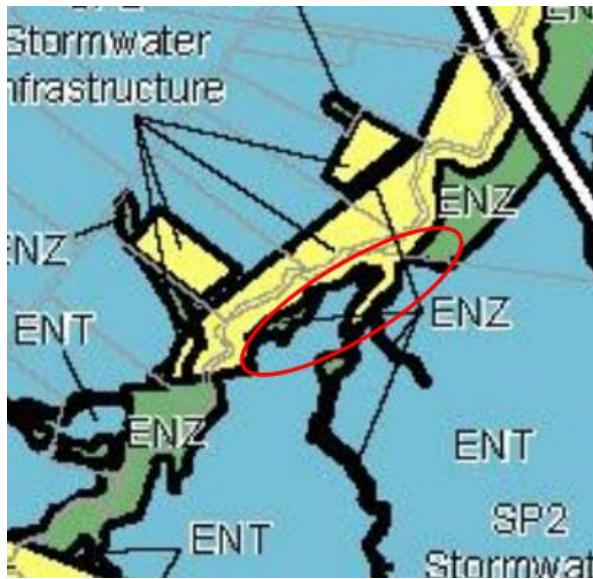
Land management of these parcels of land will be an issue if they remain in private ownership.



Map 1 Undevelopable Parcels due to location of Stormwater Infrastructure

There are also a couple of parcels of land that were previously identified as open space in the Precinct Plan that also appear to be undevelopable as they are isolated by the Outer Sydney Orbital Corridor and constrained by adjoining SP Stormwater Infrastructure zone or Environment and Recreation zone.

Unless these parcels of land are to be acquired as part of the Outer Sydney Orbital, these parcels should also be identified for acquisition as they are unable to be developed.



Map 2 Parcels of Enterprise zoned land isolated by the Outer Sydney Orbital

Changes to the eastern boundary of Wianamatta-South Creek Precinct and application of the Aerotropolis SEPP

The EIE does not provide an explanation as to why land located on the northern side of Elizabeth Drive that is in the Wianamatta-South Creek Precinct and located in the Penrith LGA, is not included in the proposed amendment and will not be regarded as a non-initial precinct, even though the adjacent Kemps Creek Precinct is a non-initial precinct.

Planning controls that apply to the Wianamatta-South Creek Precinct and the Kemps Creek Precinct should apply equally across both Precincts.

Acquisition of Publicly Accessible Open Space

Parcels of open space identified to be acquired by Council as local open space in the Northern Gateway Precinct are identified as Hilltop parks. These parks have been identified to provide opportunities for views and connection to Country. However, due to the topography of the land, the overall benefit of the open space to the broader community is reduced. It is unlikely that sporting facilities will be able to be located on this open space.

A further review of the open space in the Northern Gateway Precinct needs to be undertaken to ensure any land identified for local open space meets the needs of the community and is located on land that allows for a broad range of activities to be undertaken.

Acquisition of land for stormwater infrastructure

We support, in principle, the concept of a fully integrated water, wastewater, recycled water and trunk stormwater system in the Aerotropolis and acknowledge that the most effective way of achieving this is if the control of all aspects of the system resides with a single entity. Unfortunately, significant uncertainty remains about the implementation and operating arrangements and their consequential implications for Penrith City Council.

Key concerns include:

- In the absence of a stormwater strategy that deals with both water quality and quantity, we can't be certain that there is sufficient land allocated to address stormwater.
- There are assets located below the 1:100 which is against council policy.
- Uncertainty about asset scope means uncertainty about capital and operating expenditure – this creates a significant financial risk for Council.
- Uncertainty about what infrastructure Council will be able to recover through developer contributions – this creates potentially both a financial and legal risk.
- As a stormwater authority has yet to be determined there is a lack of clarity what the total development charges are going to be.
- It is not clear whether there is an expectation from a regional entity that it will access some of the Council revenue streams arising in the Aerotropolis e.g., rates or stormwater management charges.

The uncertainty over what authority will become the regional stormwater authority makes it difficult for Council to provide conclusive support to the amount of land being identified for acquisition.

Connection to Country

Whilst we support the introduction of the Connection to County guidelines, the requirements are unclear and do not provide the guidance required to allow a proponent to prepare a DA or Council to assess a DA. The proposed wording “duly considered” could also lead to differences in interpretation between assessing officers and applicants.

The Guidelines need to be refined to ensure that there is not unnecessary delay to the preparation and processing of Development Applications.

The following changes to the Guidelines are recommended:

- Figure 2 needs to be amended to adequately reflect the Development Application (DA) process and needs to place greater emphasis on pre-DA lodgement discussions. Most conversations about how a DA addresses the guidelines must occur pre-DA to allow for the conversation to be incorporated in the design and form part of the DA. This is especially important for engagement with traditional owners as DA processing requirements do not allow for engagement once a DA has been submitted.
- Any consultation with GANSW needs to occur before the lodgement of a DA. DA processing requirements do not allow for consultation with GANSW once a DA has been submitted.
- The guidelines should contain provisions that allow for an accredited consultant to assist in the preparation of a DA. With evidence of the accreditation being submitted with the DA.

Making and amending a Precinct Plan - Western Parkland City Authority to consider a Precinct Plan prior to approval by the Minister for Planning and Public Spaces

The proposed new clause will, on defined matters, require referral of a draft Precinct Plan to the Western Parkland City Authority (WPCA) and have regard to any comments received from the WPCA, prior to the Minister for Planning and Public Spaces approving a Precinct Plan.

We have serious concerns with this proposal as the Western Sydney Parkland Authority currently are functioning as a developer. It is inappropriate to be giving an Authority that is functioning as a developer this level of input into amendments to the Precinct Plan.

Amending a Precinct Plan

Whilst we support the expansion of the number of property owners that will be able to utilise the Master Planning Pathways to amend the Precinct Plan. The EIS does not discuss how minor amendments to address justifiable inconsistency will be undertaken.

The Master Planning Pathway (in the absence of seeing the guidelines) still could be considered overly onerous for smaller landowners that are seeking a minor, but justifiable amendment to the Precinct Plan. Landowners within the Aerotropolis should have the same right as a landowner outside of the Aerotropolis to seek minor but justifiable amendments to the planning controls that apply to the land.

Making and amending a master plan - Requirement to be consistent with an adopted Precinct Plan

This clause could be considered overly onerous due to the requirement to achieve a better planning outcome for the Master Plan site, surrounding land and the broader Aerotropolis and it could be interpreted the State Government is discouraging amendments to the Precinct. We strongly believe any amendment to the Precinct Plan should be required to:

- justify any inconsistency with the Precinct Plan,
- be consistent with the overarching principles of the Precinct Plan
- and should clearly demonstrate that it does not impact on surrounding landowners' ability to develop their land.

However, having to demonstrate that the Master Plan achieves a better planning outcome for the site, surrounding landowners and the broader Aerotropolis could be unachievable and could place a significant cost and time burden on an applicant.

Sydney Science Park

We are still unclear on the outcomes for Sydney Science Park (SSP). Evidence should support the statement regarding low density outside of the 1.2km to ensure that there is clarity for other landowners in the Aerotropolis on why this is unique to SSP.

There is still uncertainty surrounding the relationship of low-density development, the employment (science and research) and educational land uses that underpinned Council's support for SSP and Sydney Metro's need to activate the Metro Station through significant housing densities around the Station.

There is no discussion in the EIE on other controls such as the dwelling cap or non-residential floor space triggers and no discussion on what Sydney Metro considers are appropriate residential densities around the Metro Station.

Luddenham Village

The consideration of Luddenham Village and its role and purpose within the Aerotropolis has been an important element in Council's submissions to date and appreciate the work undertaken to engage with the community on this matter.

We support the principle of allowing additional permitted uses and expanding the boundary of Luddenham Village to promote the sustainability of Luddenham Village. However, the timing of the amendment to the Aerotropolis SEPP needs to coincide with the associated amendments to the Aerotropolis Precinct Plan, Aerotropolis Development Control Plan Phase 2 and the Aerotropolis Contributions Plan that will follow the finalisation of the Luddenham Village Plan.



This amendment to the Aerotropolis SEPP should be finalised after the Luddenham Village Plan has been finalised and amendments to Aerotropolis Precinct Plan, Aerotropolis Development Control Plan Phase 2 and the Aerotropolis Contributions Plan as a result of the recommendations have at least been public exhibited.

Development applications will not be able to be determined until a full suite of planning controls are in place, so finalising this amendment prior to the other work that needs to be completed will not facilitate development in the interim.

Master Planning Guidelines

The critical detail that will allow Council to determine the suitability of a some of the key amendments proposed in the EIE is contained in the Master Planning Guidelines. However, the Master Planning Guidelines are yet to be released.

The Master Planning Guidelines are a critical component of the planning package for the Aerotropolis as they appear to be providing the detail of how an amendment to the Aerotropolis Precinct Plan will be undertaken. The guidelines should be exhibited in conjunction with the EIE to allow Council and Industry to provide critical comment on the process to amend a Precinct Plan.

The absence of the Master Planning Guidelines makes it difficult for Council to support the finalisation of the planning package for the Aerotropolis.

Open Space Needs Study

We would like to make the following comments on the Open Space Needs Study:

- In the Northern Gateway Precinct, there are parts of lots that will be undevelopable due to the configuration of the stormwater infrastructure. The undevelopable part of the lot needs to be included as part of the stormwater infrastructure and the study updated to reflect the change.
- Sporting facilities may not be able to be provided on the local open space in the Northern Gateway Precinct due to the topography of the land. This will reduce the overall benefit of the open space to the broader community. A further review of the open space in the Northern Gateway Precinct needs to be undertaken to ensure any land identified for local open space meets the needs of the community and is located on land that allows for a broad range of activities to be undertaken.

Draft Aerotropolis Development Control Plan Phase 2

The DCP in its current format cannot be finalised. Verbal advice from DPIE has indicated that the DCP will not be finalised until next year and in consultation with Council. Below are the matters that require consideration and further consultation, with more details in Attachment one:

General

- Council has on numerous occasions requested that the DCP controls be tested to ensure they can deliver on the intended outcomes and objectives. This still has not been undertaken to date.
- The DCP in its current format is unusable as an assessment tool, Performance Outcomes and Benchmark Controls are filtered throughout the document instead of being in a relevant chapter, making it very easy for the reader to miss important controls. Off key concern is the filtering of the minimal subdivision controls throughout the DCP.
- Performance Outcomes and Benchmark Solutions are not direct and are open to interpretation. This could create differences in interpretation between assessment officers and applicants and could lead to increased processing times for Development Applications.
- There are several duplicate controls that conflict with other similar controls.
- The DCP lacks important subdivision controls, especially for agribusiness, industrial and bulky goods development, and appears only to contain maximum block controls as the primary subdivision control and some setback controls from key roads. There needs to be controls for minimum lot size, lot dimensions, lot orientation and earthworks treatments for the different types of development envisaged in the Aerotropolis.
- The DCP does not contain controls to address the interface between residential development and industrial development in Sydney Science Park and Twin Creeks, and agribusiness development in Luddenham Village.
- The DCP does not contain controls for detached dwellings, dual occupancies/attached dwellings or secondary dwellings that the EIE is proposing for Sydney Science Park and potentially Luddenham Village.
- Many of the links to associated guidelines or technical studies do not work. Some of the links are to Australian Standards which require a subscription.

Stormwater and flooding

- Clarification of the status of draft Integrated Water Management Plan (Draft Stormwater and Water Cycle Management Study Interim Report) (Sydney Water, 2020) is required given the report is referenced in the DCP.
- Clarification and additional details are still required on the regional stormwater management approach which is proposed in the DCP and supporting Water Cycle Study. There are still several details regarding timing of delivery, acquisition, funding, roles and responsibilities / governance, which are required to be worked through and resolved before Council can support the inclusion of this approach in the DCP.
- Details need to be provided to enable developers to comply with the new targets while transitioning to the regional approach (i.e. they would have to provide measures on part of their lot until they can connect to any future regional system).

- The DPIE EES Toolkit and Technical Guide to assist designers demonstrate compliance with the controls (for the Aerotropolis Precincts) is yet to be finalised. This document needs to be finalised prior to the finalisation of the DCP, as Council and other stakeholders need to be able to assess the suitability of the Toolkit and Technical Guide to determine if it assists to demonstrate compliance with the controls.
- Technical design guidance needs to be developed for passively irrigated trees and other vegetated stormwater treatment measures identified in the DCP. It will be important that design is done to the satisfaction of the future asset manager (e.g. Council) and they are fit for purpose. It should also be noted that the passively irrigated street trees proposed will have potential financial burdens that need to be considered for future management.
- In the case that the regional stormwater management approach is to be implemented, we are of the view that additional details about the minimum requirements for WSUD measures on-lot (i.e. closer to the development) also need to be included. Stormwater strategies should not solely rely on regional basins for stormwater management, and some WSUD measures should be required within the development footprint due to the multiple benefits they can provide (e.g. landscaping, cooling, provision of shade).
- The DCP does not address DPIE's new LEP flood controls – In particular, regional flood evacuation and climate change. The objectives do not align with the new LEP Flood controls. Flood related development controls within the Aerotropolis need to be the same as controls that apply to other land in the Penrith LGA.
- The DCP does not contain development controls for minimum floor levels for industrial and commercial development or other flood related development controls.
- The DCP does not contain controls for filling.
- Permeable pavement controls are not supported due to the clay-based soil structure. Permeable pavement could lead to Acid Sulphate soils.

Movement Network, Traffic and Transport

- Council's preference is for the future road hierarchy and road layout to be included in the DCP, not in the Aerotropolis Precinct Plan, as this is a key consideration for determining the future subdivision patterns. The cross sections for the different road types also need to be included in the DCP.
- The DCP requires the submission of a Travel Plan for certain developments however, Council has no mechanism to enforce or influence the implementation of the Travel Plan. We question the relevance of including the need to submit a Travel Plan if there is no mechanism to enforce the Travel Plan.
- The DCP requires the submission of a Travel Plan for commercial and industrial development of 3000m² or greater. However, there is a vast difference in traffic and trip generation from a 3000m² commercial development to a 3000m² industrial development. Industrial development needs to be separated from commercial development and the need for a travel plan based on the type of activity not purely floor area.

Car Parking

- The DCP contains both minimum and maximum parking rates outside of 800metres of a Metro and maximum parking rates within 800metres of a Metro. In the past, Council has sought the application of minimum controls. The inclusion of minimum controls outside of 800metres of a Metro Station only partly resolves Council's concern over an adequate level of car parking provision.
- Car parking rates for bulky goods development and childcare centres should not be based on distance from a metro station due to the car dependant nature of the developments. The rate should be a singular rate minimum rate applied across the Aerotropolis.
- The accessible parking rate needs to be increased or minimum rate provided. The accessible parking rate of 1% conflicts with the rate in 7.3.2 (PO2) of 2%.

Biodiversity

- The DCP appears to merge landscape design, native vegetation, and biodiversity into one environmental consideration when they are 3 distinct considerations for development and require their own specific controls. Due to this, the chapter contains conflicting controls. For example, Canopy spread targets do not match tree replacement controls.
- Terminology used in the DCP is inconsistent with standard industry terminology or is outdated terminology.

More detailed comments and recommendations on amendments to individual Performance Outcomes and Benchmark Solutions is contained in Attachment 1. Comments and recommendations on information contained in the appendices is contained in Attachment 2.

Luddenham Village Discussion Paper

We support the consideration of the future sustainability and viability of Luddenham Village in consultation with the community, as this is consistent with Council's previous submissions documents relating to the Aerotropolis over the years. The following are key matters for consideration:

- Options should have included planning controls so the community could determine the best option based on an understanding of the future urban form that the option would deliver.
- Due to the lack of planning controls, there will be a need for further consultation with community on the future urban form of the preferred option.
- There is no discussion on when or if further consultation will occur. Further consultation is required for the Luddenham Village Plan.
- The discussion paper does not clearly outline how the preferred option will be selected.
- The discussion paper does not provide sufficient analysis of the potential commercial opportunities, especially tourism-related land uses.
- There is no meaningful discussion on what floor space may be demanded/required for hotel and motel accommodation and serviced apartments etc.
- The work undertaken did not contain an analysis of villages close to international airports, it's not comparing 'apples with apples'.

- There is limited evidence provided to justify Scenario 3 and 4 and analysis of how they fit in with the other centres in the Aerotropolis. How will this impact Wallacia and Mulgoa.
- There is limited guidance on Agribusiness activities in the Village, given its intention is to be the heart of the agribusiness precinct – how does it integrate, what controls are proposed to address the interface between residential development and Agribusiness activities.
- Servicing – There is limited information in relation to connection to wastewater, further detail is needed on the timing of this connection. It would be misleading to suggest a growth scenario if the wastewater is not connected for another 10 years or so. The Discussion paper may falsely raise the community’s expectations on what they will be able to do with their land once planning controls have been finalised, even though timing of servicing is yet to be determine. Without access to key services, it is unlikely development will be able to occur.
- The discussion paper does not acknowledge the need for developer contributions to fund new or upgraded sporting and community facilities or public domain upgrades, that will be required if the community support the growth scenarios. It is difficult to determine what community infrastructure is required when there is a lack of certainty on what the future population will be.
- There is no discussion of how the implementation of the plan for Luddenham Village will be coordinated, especially future public domain works. The key issue of Luddenham Village being divided between two Local Government Areas is not discussed.

We are disappointed that this is not further advanced given that it has been raised consistently by Council in every submission. More detailed analysis that addresses the above comments is required to inform the preparation of the Luddenham Village Plan. We also believe that the Luddenham Village Plan should be presented to the community for feedback prior to the finalisation of the plan.

Other

The finalisation of the Aerotropolis Precinct Plan is also occurring in the background. Our concern is that changes to the Aerotropolis Precinct Plan that have been made post exhibition are unlikely to be exhibited prior to the finalisation of the Aerotropolis Precinct Plan.

Considering the Aerotropolis Precinct Plan has statutory weight under the Aerotropolis SEPP, landowners should be able to provide further comment on the changes made to Aerotropolis Precinct Plan. To maintain transparency in decision making, we believe that the amended Aerotropolis Precinct Plan should be publicly exhibited for a minimum of 28 days.

Infrastructure Contributions

The Aerotropolis Contributions Plan needs to be finalised concurrently with the other components of the Aerotropolis Planning Package to enable the timely determination of development applications.



Council has not been able to finalise the Contribution Plan as we are still waiting on the final inputs in relation to maps and land values. It is unlikely that the Contributions Plan will be able to be finalised until confirmation of which authority will be responsible for stormwater management has been determined. The State Infrastructure Contribution is also yet to be finalised.

It is unlikely that the Contributions Plan will be finalised by the end of the year to coincide with the finalisation of the Aerotropolis Planning Package. This may leave Council exposed in the interim or be forced to enter into individual Voluntary Planning Agreements to facilitate development until the Contributions Plan is finalised. Furthermore, Development Applications will not be able to be determined until the Contributions Plan is finalised and endorsed by Council or until planning agreements are executed which is a timely process.

There is also an urgent need for an infrastructure strategy to be prepared to facilitate the delivery and determine the funding of the initial infrastructure that is required to enable development.

Conclusion

We acknowledge that the exhibition of the Western Sydney Aerotropolis Planning Documents is an important step towards finalising the planning package for the Western Sydney Aerotropolis.

However, a further round of consultation is required once the Aerotropolis Precinct Plan, Luddenham Village Plan and the Master Planning Guidelines have been finalised as the full package of planning controls needs to be reviewed concurrently to determine their suitability to deliver the development outcomes desired in the Aerotropolis.

There are still a number of key issues that need to be resolved before Council Officers could make a recommendation to support the finalisation of the Aerotropolis Planning Package.



Attachment One

Comments and recommendations on the Draft DCP

Chapter 1

1.2 Aims of the Plan (p7 of 143)

Comment: Whilst this is generally supported, the aim should be to support development which demonstrates ecologically sustainable development.

Recommendation: It is recommended that the language of this aim be strengthened to require developments to demonstrate and to deliver ecologically sustainable outcomes rather than simply reduce their environmental impact. An ESD report must accompany the DA for certain development types/scales. The ESD report is to set out the sustainability initiatives i.e. solar panels, grey water or rainwater capture/re-use etc.

1.3 Adoption and commencement

Comment: - It is noted that the DCP will only apply to developments lodged after the DCP comes into force.

Recommendation: That the DCP also apply to development lodged although yet to be determined. This will ensure that development occurs in a rational manner and that DAs are not lodged in DA stages with structured development preceded by early works applications, permissible under the current controls. This will also ensure that development contributions are captured for the whole of a development.

1.3.3 Review of the DCP

Comment: It is not clarified what entity will establish or Chair the Working Group under which Penrith and Liverpool Councils will coordinate regular and periodic reviews of the DCP. It is suggested that the initial review at 5 years is too long.

Recommendation: That the time frame for review should initially be 3 years or as set by the Working Group. It is also recommended that the timeline for the establishment of the Working Group (and by whom) be set by the DCP and is to be within a minimum of 3 months from the date of the DCP coming into force.

Recommendation: That clarification be included as to the process (i.e. via the 'Working group') by which any document forming part of the Appendix may be amended, replaced or revoked.

1.5 Using this DCP

Comment: It needs to be clarified if the reference throughout the DCP to 'Master Plan' is interchangeable with 'Precinct Plan' for the purposes of applications.

1.5.2 Performance Based Approach

Comment: The use of the word 'flexible' in the introductory sentence to the clause is not necessary as the pathway for variations is clearly expressed in the following paragraph. The use of the word 'flexible' will likely set an unrealistic expectation that the approach is initially to be flexible, rather than seek to meet the performance criteria. Concern is raised in relation to the unconditional option detailing that, in order to qualify for a variance to the DCP, an applicant need only submit a written justification.

Recommendations: Delete the word 'flexible'. To avoid the case whereby a variance (no matter the scale) is achieved merely through the provision of a statement of justification, whether robust and adequate or not, it is recommended that the clause be amended to add that the consent authority must be satisfied that the written statement which justifies how the development is otherwise meeting the intent of both the objective and performance outcomes as listed in the DCP is achieved as a result of the variance.

Chapter 4 Stormwater, Water Sensitive Urban Design and Integrated Water Management

Section 4.1.2 PO2 – Benchmark Solution

Comment: Unknown why this species has been identified as a key species.

Chapter 5 Native Vegetation and Biodiversity

Comment: Titled 'Native Vegetation and Biodiversity' however content provided in Section 5.1, 5.4 and 5.5 relates to Landscaping and does not relate specifically to Biodiversity.

Recommendation: These sections should be in separate sections under relevant headings.

Section 5.1 Deep Soil and Tree Canopy

Comment: Section should not be here, as stated above, this section relates to Landscaping not biodiversity and should be moved to the relevant section.

Section 5.1.1 Objectives

Recommendation: wording change to the objective O1, suggested wording - "Provision of de-compacted deep soil zones to provide sufficient space for sustainable tree growth to increase the canopy cover across the aerotropolis".

Section 5.1.2

PO1 – Benchmark Solution

Recommendation: Additional point to be inserted - Deep soil planting areas are to be de-compacted before planting with no services to be installed within these zones.



Table 1 (needs reworking, suggested amendments)

Comment - Area for minimum tree canopy when compared to size of site area and the size of the tree to be planted potentially cannot be achieved, particularly if tree canopy is curtailed by buildings.

Recommendation: Minimum numbers of trees to be planted on a site should be provided. Planting requirements may also be dependent on replacement plantings should any trees be removed; this needs to be incorporated in the achievement of canopy cover.

Recommendation: In residential settings there should be a requirement to provide 1 tree in the front setback and one tree in the rear setback with appropriate deep soil to be provided in these locations.

Recommendation: In industrial/commercial areas the use of underground engineered tree pits could be used to achieve growing space for tree root but retain some trafficable surface above. Water harvesting principles could also be incorporated into this design.

Section 5.2 Protection of Biodiversity

Comment: This needs to be the lead section for this Chapter with Sections 5.2 & 5.3 being combined under the one heading.

Recommendation: rename to Vegetation and Biodiversity Management.

Recommendation: As previously stated, Sections 5.1, 5.4 and 5.5 to be moved to another section as they are Landscaping controls.

Section 5.2.2

Recommendation: PO1 – Benchmark Solution Point 1 should be updated to read – (sentence added at end of solution) “Asset Protection Zones (APZs) for bushfire protection purposes are to be located wholly within land zoned for urban purposes and in accordance with the biodiversity certification. Native vegetation is not to be pruned or removed to provide an APZ”.

PO3 - Benchmark Solution

Recommendation: Point 1 should be updated to read – (concise language, ensures longevity of the DCP) “Weed Eradication and Management Plan is required on land adjacent to areas avoided for biodiversity and are to include specific measures to manage the spread of weeds in threatened ecological communities and threatened flora and fauna populations”.

Recommendation: Point 2 should updated to read – (weed reference changed from environmental to priority weeds) “Subdivision design and bulk earthworks must minimise the likelihood of weed dispersion and include measures to eradicate priority weeds in accordance with the Council’s weed policy”.



PO5 – Benchmark Solution

Recommendation: Point 1 should be updated to read – (additional criteria added) “Avoid impacts to habitat features which provide essential habitat for native fauna including ground cover and shrub layers, emerging trees, mature trees, dead trees capable of providing habitat, natural drainage lines and rock outcrops and avoid impacts to soil within the Tree Protection Zone (TPZ) of the retained trees and the subject and neighbouring sites”.

Section 5.3 Protection of Trees and Vegetation

Comment: This section does not address any protection/removal of vegetation if it is less than 3.0 metres in height. It is suggested that this section mimics Part C2, Vegetation Management of the Penrith DCP regarding vegetation clearing or any other approved Vegetation Management Policy adopted by State or Federal Government (at least for land within the Penrith LGA).

Comment: The section also doesn't provide information in regard to what replacement planting would be required if trees/vegetation were permitted to be removed.

Section 5.3.2

PO1 – Performance outcome

Recommendation: Outcome wording to be updated to include native vegetation. Suggested wording – “All ridgeline canopy trees, riparian vegetation, trees of cultural, heritage or amenity significance and mature shade providing trees and associated native understory are retained.”

PO1 – Benchmark Solution

Recommendation: Point 1 should be amended to read – (Change in wording, trunk diameter and grammar) “All existing trees with any of the following attributes shall be retained:

- a. A height in excess of 3m; or
- b. A diameter breast height (DBH) (measured at 1.4m from natural ground level) of 100mm; or
- c. A spread of greater than or equal to 3m”.

Recommendation: Point 3 should be amended to read – (Change in wording permit swapped for consent) – “A person must not remove, clear, prune or otherwise cause harm to any tree or other vegetation without a relevant consent”.

PO2 – Benchmark Solution

Recommendation: Point 2 should be amended to read – (Change in wording invasive species and/or noxious weeds swapped for priority weeds) - “Development is designed to avoid impacts on trees, except for priority weeds in accordance with the Council's weed policy.”



Recommendation: Point 5 should be amended to read – (Additional wording to provide space for root and canopy growth) - “Existing trees have appropriate soil volumes and setbacks from buildings, footpath, road/kerb and gutter and services to provide sufficient space for root and canopy development to ensure the tree reaches its identified mature height and spread.”

PO3 – Performance outcome

Comment: The outcome is written in relation to the protection of trees on development sites, but the Benchmark Solution refers to a vegetation permit. A vegetation permit is not issued to remove trees under a DA, nor should trees be removed under a permit system just to facilitate development.

Comment: A system for the removal of trees not related to development has not been provided within this DCP. Unless tree removal not related to development is going to be managed under the individual LGA DCP’s/Tree policies, then this framework needs to be provided. Regarding the development of a Vegetation Management Policy for the pruning or removal of trees or vegetation it is recommended that the policy mimics Part C2, Vegetation Management of the Penrith DCP.

PO3 – Benchmark Solution

Recommendation: - Point 1 should be amended to read – (First point – wording change to the criteria) - “A tree removal permit will only be issued where:

1. The applicant demonstrates that chance of loss of life/property damage cannot be rectified through means other than the pruning or removal of the tree; or”.

PO4 – Benchmark Solution (wording change ‘minimised’ changed to ‘excluded’ and additional wording at the end of the statement).

Recommendation: Point 1 should be amended to read – Works and construction activities are excluded within the Tree Protection Zone (TPZ) of trees unless a qualified arborist has assessed the tree and provided guidelines as to how the work can be carried out with minimal risk to the long-term survival of the tree and this has been included in an approved Tree Protection Plan (Drawing and Specification).

PO5 – Benchmark Solution (Further consideration re the wording and implication of this Solution is required)

Comment: Point 2 - where it states that nest boxes will be installed to offset the loss of hollow-bearing trees at a ratio of 2:1. Further consideration is required to determine whether the installation of nest boxes will disrupt the already resident fauna species and the type of nest boxes installed and whether the type of nest boxes installed will increase the presence of avifauna that could result in contributing to a wildlife hazard.

Recommendation: It is suggested that the wording is updated to give Council discretion on when this requirement will be imposed. Alternatively, the DCP should provide examples of when this will not be imposed.



PO6 – Benchmark Solution (Additional point to be added)

Recommendation: Additional point to be inserted – If trees are removed from a site, replacement plantings are to be provided at a minimum of 3:1.

Section 5.4 Preferred Plant Species

Section 5.4.2

PO3 – Performance outcome (Additional point to be added)

Recommendation: Additional point to be inserted – If required, trees can be planted in underground engineered tree pits to provide sufficient underground space to sustain the tree to maturity and beyond.

Section 5.5 Street Tree Planting Requirements

Section 5.5.1

Section 5.1.1 Objectives

Recommendation: O3 – Additional objective to be added. Suggested wording – In preparation for planting the site is to be de-compacted to ensure that a growing environment capable of supporting the sustainable growth of a tree is provided.

Recommendation: O4 – Additional objective to be added. Suggested wording – Where site conditions require it adopt the use of underground engineered tree pits to harvest rainwater and provide sufficient space for the development of tree roots and avoid conflict with surrounding infrastructure.

Chapter 6 Access and Movement Framework

6.1 Street Network Function and Design

Recommendation: Include reference to the NSW Government Architect documents; Practitioners' Guide to Movement and Place, Better Placed and Greener Places.

Table 6.1.2 – Performance Outcomes and Benchmark Solutions

PO1 - Benchmark Solution 3

Recommendation: – in relation to the statement “Shared walking and cycling paths are only used in locations where desired pedestrian, cycling usage or place function is low, and shall be a minimum of 3m wide” is included. It must not be left to applicants to determine where shared walking and cycling paths are. DCP to provide Shared walking and cycling paths diagram and/or require these to be provided in consultation with the Council for the area.

PO2

Recommendation: Clarity must be provided in the DCP as to how future technologies are to be designed for and in what way an applicant could demonstrate alignment with the related Performance Outcome.



6.2 Active Transport Network

Table 6.2.2

PO1 - Performance Outcome

Recommendation: Insert requirement for applicants to address accessibility of pedestrian networks.

PO1 – 5. Performance Outcome

Comment: Reference to “*in all locations*” is in conflict with statement at Table 6.1.2 – PO1 which includes that “*Shared walking and cycling paths are only used in locations where desired pedestrian, cycling usage or place function is low, and shall be a minimum of 3m wide*”.

Table 2

Comment: It is not clear what the design intent is for required ‘mid-block connections’ for pedestrians and cyclists each 130-150m apart. How does development present (front) to these mid-block connections? The connections would need to be safe so that antisocial behaviour and opportunity for crime is discouraged noting that the enterprise zoning will be largely warehouse and distribution centres.

Recommendation: An image and diagram of a typical block layout for each Land Use would assist.

Chapter 7 Travel Demand Management and Parking

Table 7.3.2

PO4 – Performance Outcome

Comment: Clarity needs to be provided as to what circumstances “...*flooding or geological constraints preventing the use of basements*...” would constitute. Additional cost of basement construction due to dewatering or tanking construction requirements not considered to be a constraint.

Recommendation: Require sleeving of parking where visible from the public domain. Clarify circumstances preventing basement car parking.

Table 7.3.2

PO13 - Benchmark Solution

Recommendation: Include a minimum requirement for the number of Electric vehicle parking and charging stations. (i.e. 5% of all spaces).



Chapter 8 Building Siting and Design

8.3 Design for Safe Places

Section 8.3.1

PO2 – Performance Outcome

Recommendation: Include detail as to how developments providing 'mid-block connections' are to address CPTED Principles. Dark sky principles to be addressed for all lighting.

8.5 Signage and Wayfinding

Comment: The DCP needs to address advertising, billboards and advertising structures which are expected in the airport surrounds and along major roadways.

Comment: Figure 13 Types of Signage, page 79. This image indicates an awning that is too high. The maximum height of an awning is to be 4m.

Chapter 9 Flooding and Environmental Resilience and Adaptability

9.3 Bushfire Hazard Management

Section 9.3.2

PO1 – Benchmark Solution

Recommendation: Additional point to be added - Point 3 - The siting of a development shall not require the pruning of native vegetation to provide an APZ.

Chapter 15 Certain Land Uses

15.1 Mixed Use Development, Residential and Commercial Development

Comment: It is not certain what the relationship is between the DCP and SEPP 65 and the ADG where the DCP differs. This needs to be clarified. The ADG should prevail to the extent of any inconsistency.

15.1.2

B. Amenity and Sustainability

Comment: Preference is for 650sqm maximum. The proposal to accept 850sqm floor plates is not supported unless maximum floor plate depths are adopted to allow for articulated floor plates exceeding 650-750sqms.



Recommendation: Image at PO2 should include an articulated floor plate.

I. Multi Dwelling Housing Components – Setbacks

Comment: The minimum setback of 4.5m is not supported and is in conflict with the requirements and performance outcomes of other sections.

Recommendation: Minimum setback to be increased to 6m. This allows for canopy spread and shade. Upper floors to be setback 7m. Side setbacks to be a minimum of 3m to allow for privacy and solar access. This aligns with requirements at PO4.

15.11 Boarding Houses

Recommendation: Include design and built form controls as the SEPP does not provide these. Include the requirement for additional area of communal open space at a set rate for large boarding houses, noting the need for and reliance on private open spaces during the pandemic.

Attachment 2 – Comments and recommendation on the APPENDICES

The following comments relate to the Draft Western Sydney Aerotropolis Development Control Plan – Appendices.

General Comments

- Western Sydney Aerotropolis Landscape Species List duplicates a number of species. *Acacia pendula*, *Acacia parramattensis*, *Acacia decurrens* and *Acacia implexa* are replicated three (3) times in the list.
- Exotic species recommended for use in landscaping should have comments in the additional notes/ requirements column outlining where and what circumstances they can be used. Species such as *Pyrostegia venusta* (exotic vine species), if planted in areas adjoining occurrences of native vegetation could, establish in areas containing native vegetation and outcompete native species.
- It is recommended that the Landscape List includes columns to identify where the species is better suited to be used in Landscaping. i.e. what species are suitable as street trees and in different scenarios, for example where there is a footpath vs when there is no footpath.
- It is unclear why many of the native ground covers have additional notes/requirements noting 'Subject to monitoring and/or maintenance plan.' Further explanation should be included.
- The Appendix sets out information for supporting documentation for Development Applications and refers to Wildlife Hazard Assessment and Wildlife Management Plan for certain applications. Further details regarding the qualifications and experience of the consultant and the technical information and specifications required to be included in the report should be specified and included in the DCP. The Western Sydney Aerotropolis Draft Wildlife Management Assessment Report prepared for Western Sydney Planning Partnership prepared by Avisure dated May 2020 appears to be a comprehensive assessment that includes details regarding qualifications and consideration of what is required in the report.
- Construction Environmental Management Plan (CEMP) only addresses biodiversity and traffic. This needs to be amended to include other considerations such as air, water and other environmental considerations.
- D16 refers to the requirement for a Construction Environmental Management Plan for land subject to the Draft Cumberland Plain Conservation Plan. The use of the term CEMP specifically for biodiversity considerations may be confusing. A CEMP is usually an overarching Plan that includes sub-plans to address biodiversity, noise, dust and so on. Is there another term that could be directly associated with the biodiversity considerations rather than a CEMP being referred to under these circumstances. A CEMP is required where construction of the development has potential to cause noise, air, water and land quality impacts as well as impacts on flora and fauna.



D.9 Biodiversity Development Assessment Report

Text in draft DCP	Proposed change or issue identified
<ul style="list-style-type: none"> A Biodiversity Development Assessment Report (BDAR) is required when the impacts of a proposed development trigger the BDAR assessment on land subject to the <i>Biodiversity Conservation Act 2016</i>. The report is to apply the Biodiversity Assessment Method. 	<p><u>Comment:</u> I think there is a typo any maybe should read 'A Biodiversity Development Assessment Report (BDAR) is required when the impacts of a proposed development trigger the Biodiversity Offset Scheme (BOS) on land subject to be assessed in accordance with the <i>Biodiversity Conservation Act 2016</i>.'</p> <p><u>Comment:</u> Where the BOS applies to a proposal, an assessor must apply the BAM to assess impacts on biodiversity and document the outcomes in the Biodiversity Development Assessment Report (BDAR). The BDAR must accompany the development application for approval.'</p>
<ul style="list-style-type: none"> The report provides guidance on how a proponent can avoid and minimise potential biodiversity impacts and identifies the number and class of biodiversity credits that need to be offset to achieve a standard of 'no net loss' of biodiversity. 	<p><u>Comment:</u> This statement is unclear and should re-worded.</p> <p><u>Recommendation:</u> Reword. Recommended rewording: 'The report provides evidence on how the proponent has demonstrated the development has been designed to avoid and minimise impacts on biodiversity values and identifies the number and class of biodiversity credits that need to be offset to achieve a standard of 'no net loss' of biodiversity.'</p> <p><u>OR</u> A Biodiversity Development Assessment Report (BDAR):</p> <ul style="list-style-type: none"> Assesses the biodiversity values of the subject land and the impacts of the proposal on those values in accordance with the Biodiversity Assessment Method (BAM). Sets out the measures proposed to be taken to avoid or minimise those impacts Sets out the number and class of biodiversity credits that are required to be retired to offset the residual impacts. <p>The information required within the report is set out in the <i>Biodiversity Conservation Act 2016</i> (BC Act),</p>



Text in draft DCP	Proposed change or issue identified
	<i>Biodiversity Conservation Regulations 2017</i> (BC Reg) and Biodiversity Assessment Method (BAM).
<ul style="list-style-type: none"> A BDAR is required when an accredited ecologist has determined that the development will exceed the threshold for impact on native vegetation or where the development will impact an area mapped on the Biodiversity Values Map. 	<p><u>Comment:</u> This needs to be reworded as it is incorrect as this does not consider the Test of Significance and area clearing threshold. It is also incorrect as a person does not need to be accredited to provide advice on or determine whether the BOS applies.</p> <p><u>Recommendation:</u> Reword. Recommended re-wording:</p> <p>'The Biodiversity Offset Scheme (BOS) applies to a proposal for development, vegetation clearing or other activity that is likely to significantly affect threatened species, ecological communities or their habitats. There are three criteria for determining whether a proposal is likely to significantly affect threatened entities or their habitat – AOBVs, the BOS threshold and the threatened species Test of Significance. When the BOS applies, an assessor must apply the BAM and document the outcomes in a BDAR.'</p>
<ul style="list-style-type: none"> The report must be prepared by an ecologist accredited under the <i>Biodiversity Conservation Act 2016</i>. 	<p><u>Comment:</u> This should say 'The Biodiversity Development Assessment Report or Biodiversity Certification Assessment Report must be prepared by an Accredited Assessor under the <i>Biodiversity Conservation Act 2016</i>.</p>

D.23 Flora and Fauna Assessment

Text in draft DCP	Proposed change or issue identified
<ul style="list-style-type: none"> A Flora and Fauna Assessment is an assessment report that identifies all potential species located on the subject site and where applicable surrounds. This report is used to determine the potential impacts of a proposed development on the identified species. 	<p><u>Comment:</u> This point is not needed as it is addressed in other points</p>
<ul style="list-style-type: none"> Required for all developments where clearing is required. 	<p><u>Comment:</u> A Flora and Fauna assessment will be required if the development proposal has the potential to impact native vegetation,</p>



Text in draft DCP	Proposed change or issue identified
	rare or threatened biota or their habitat on land that is identified as non-certified. (Note: this point is recommended to be the first point)
<ul style="list-style-type: none"> Where wildlife impacts are likely to arise, the proponent may be requested to carry out additional fauna surveys to determine the likely impacts on biodiversity. Impacts may trigger the requirement to complete a Biodiversity Development Assessment Report (BDAR). 	<p><u>Comment:</u> This point is not required as this is covered in other points in regards to surveys and methods and triggers into the Biodiversity Offset Scheme.</p>
<ul style="list-style-type: none"> The assessment and fieldwork are required to be undertaken by suitably qualified and experienced consultants. 	<p><u>Comment:</u> The Flora and Fauna Assessment Report must be undertaken by a suitably qualified and experienced person; i.e. a person with tertiary qualifications in ecology, zoology or botany; with a minimum of 5 years experience in undertaking flora and fauna surveys and assessments; with a demonstrated knowledge of the flora and fauna that occurs in the Penrith local government area; and possessing appropriate licences or approvals under relevant legislation.</p>
Additional points	
<p><u>Comment:</u> The Flora and Fauna Assessment should outline all applicable provisions of local, state and commonwealth legislation relevant to biodiversity conservation required to be considered in the assessment.</p>	
<p><u>Comment:</u> The content and methods of a Flora and Fauna assessment should be consistent with Threatened Biodiversity Survey and Assessment Guidelines for Developments and Activities (Working Draft) (DEC 2004) and other species-specific NSW or Commonwealth guidelines identified as relevant to the site.</p>	
<p><u>Comment:</u> An objective assessment to determine whether the proposed works and development are likely to significantly affect any threatened species, populations or ecological communities or their habitats. This assessment is required under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>. The test of significance is set out in s. 7.3 of the <i>Biodiversity Conservation Act 2016</i>.</p>	
<p>If a proposed development under Part 4 of the EP&A Act is likely to significantly affect threatened species the biodiversity offsets scheme will apply and a Biodiversity Development Assessment Report must be prepared by an accredited assessor</p>	



D.48 Weed Eradication and Management Plan

Text in draft DCP	Proposed change or issue identified
<ul style="list-style-type: none"> A Weed Eradication and Management Plan is required for land subject to the Draft Cumberland Plain Conservation Plan. 	<p><u>Comment:</u> This point suggests that this only applies to land subject to the Draft Cumberland Plain Conservation Plan. However, in the main body of the DCP in Section 5.2.2 it states that 'Unless specified below, the benchmark solutions apply to both the Growth Centres SEPP certified land and land certified under CPCP.'</p> <p><u>Recommendation:</u> It is suggested that this point is updated to be consistent with the wording in the DCP 'Weed Eradication and Management Plan is required on land adjacent to areas avoided for biodiversity and are to include specific measures to manage the spread of weeds in threatened ecological communities and threatened flora and fauna populations.'</p>
<ul style="list-style-type: none"> The Plan is to be prepared by an ecologist and is to outline the weed control measures during and after construction. 	<p><u>Recommendation:</u> Update wording. Suggested wording: 'The Plan is to be prepared by a restoration ecologist or qualified bush regenerator or experienced person who has a minimum qualification of Certificate IV in Conservation and Land Management or equivalent. The plan is to outline the weed control measures during and after construction.'</p>
<p><u>Additional comments</u></p>	
<p>The Weed Eradication and Management Plan should include:</p> <ul style="list-style-type: none"> An inventory of all Weeds of National Significance, Priority and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation or density (i.e. low, medium, high or expressed as a percentage). A treatment schedule in tabulated form, specifying for each species: <ol style="list-style-type: none"> The method of treatment (mechanical or herbicide use); The rates of application methods of all herbicide treatments; The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and The timing of treatments. An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site. Details of any methods of disposal of weed material Details of monitoring and reporting requirements. 	



TREE MANAGEMENT

Term	Definition in proposed DCP	Proposed changes/Revised wording
Deep Soil	<p>A landscaped area with a minimum dimension of 3m, connected horizontally to the soil system and local ground water system beyond and is unimpeded by any building or structure above or below ground with the exception of minor structures. Minor structures are defined as</p> <p>(a) a path, access ramp or area of paving with a maximum width up to 1.2m</p> <p>(b) essential services infrastructure (such as stormwater pipes) with a maximum diameter up to 300mm</p> <p>(c) landscape structures (such as lightweight fences, light poles or seating) requiring a footing with a maximum size of up to 300mm x 300mm in cross section.</p>	<p><u>Recommendation:</u> Term to be changed to De-compacted Deep Soil</p> <p><u>Comment:</u> 3m - should this dimension be 3m square?</p> <p><u>Comment:</u> 3m square contradicts the requirement of 6m provided in the deep soil table in Section 5.1.2</p> <p><u>Comment:</u> Minor structures should not be permitted within the deep soil zone. The deep soil zone should be for root development only.</p> <p><u>Comment:</u> If the above point is refuted then minor structures should be required to be located on the periphery of the deep soil area and not be an impediment to root growth.</p>
Tree Protection Area	<p>The area (in m2) where development works have potential for impact to trees (including roots). The area may include protection fences and supplementary ground protection</p>	<p><u>Recommendation:</u> Additional point to be added: "The Tree Protection Area should be the same size as the Tree protection Zone unless a reduced area has been assessed and approved by an AQF (Australian Qualification Framework) Level 5 Arborist in accordance with AS4970 – 2009, Protection of trees on development sites in accordance with an approved Tree Protection Plan (Drawing and Specification)".</p>

D6 Arborist Report

Recommendation: - Amended wording – proposed wording below:

D6 Arborist Report

- An arborist report is to provide detailed information about trees that are proposed to be removed on the site or will be impacted by the development.
- The report shall be prepared by a suitably qualified arborist with a minimum AQF (Australian qualification Framework) Level 5 qualification and written

in accordance with *AS 4970-2009 Protection of Trees on Development Sites*.

- The report shall assess all trees on the subject site and neighbouring site where the designated Tree Protection Zone (TPZ - as calculated using *AS4970 – 2009*) of a tree intrudes into the subject site.
- The report should apply to all trees impacted, regardless of species and 'prominence' (prominence is subjective and open to individual interpretation).

D27 Landscape Plans

Comments:

- Typing error, one TPZ reference trio be removed D42 Tree Protection Plan
- The Tree Protection Plan (drawing and specification) identifies trees for retention through comprehensive arboricultural impact assessment of a proposed development and determines tree protection measures for trees on public and private land, on the subject and neighbouring sites.
- It provides protection measures for each stage of the development. Protection measures may need to be altered for development stages of the development.

Recommendation

- Additional clause to be added to state who should prepare the document and the standard it is to be written to.

D29 On-site Sewage Management /Wastewater Reports

Comment: Wastewater reports will need to include (but not be limited to) consideration of site topography, geology, flood potential and overland flows, buffer distances to features/buildings/infrastructure on site and also to watercourses, dams and bores (the applicable buffer distance to these may include those located off site)

Comment: There is no reference here to the need for approvals under section 68 of the Local Government Act 1993 and no reference to AS1547;2012 On-site domestic wastewater management. More guidance should be provided to highlight the need for the approval to install and operate OSSM systems and needs to include relevant references that provide guidance on wastewater design, assessment and installation, including Council's policy and 'A WaterNSW Current Recommended Practice 2019'.

Recommendation: Reference needs to be included that all domestic wastewater and greywater systems installed in NSW must be accredited by NSW Health.

Recommendation: Delete requirement for the report 'to be prepared by an Environmental Scientist or Engineer with a minimum of a bachelor's degree qualification'. This is considered unnecessarily restrictive as there may be satisfactory practitioners that do not possess a Bachelor Degree. Instead refer to an appropriately qualified and experienced person with demonstrated ability and experience in the field. (It could consider other and equivalent qualifications).

D33 Rail Noise Assessment

Comment: Need to correct erroneous reference to 800m. Development Near Rail Corridors and Busy Roads Interim Guideline' requires assessment within



80m. The guideline provides various screening tests to determine where a full noise assessment should be undertaken and also includes requirements for vibration assessment for vibration sensitive buildings within 60m of an operational track.

Recommendation: Delete reference to Classified Road here if this is to be a Rail Noise section. Or combine and refer generally to the 'Development Near Rail Corridors and Busy Roads Interim Guideline'. Classified and 'Busy Roads' have provisions different to rail noise and require consideration of traffic volume and speed as well as distance.

D42 Tree Protection Plan

Recommendation: Amend wording

- The Tree Protection Plan (drawing and specification) identifies trees for retention through comprehensive arboricultural impact assessment of a proposed development and determines tree protection measures for trees on public and private land, on the subject and neighbouring sites.
- It provides protection measures for each stage of the development. Protection measures may need to be altered for development stages of the development.
- The Tree Protection Plan (drawing and specification) shall be written by a suitably qualified arborist with a minimum AQF (Australian qualification Framework) Level 5 qualification and in accordance with *AS 4970-2009 - Protection of Trees on Development Sites*.

Appendix E: Reference Documents & Further Reading

Comment:

- Links to reference documents need to be valid and trustworthy.
- Links to Australian Standards documents need to be direct to the supplier of these (SAI Global) as they are subject to purchase and copyright.

E46 Waste Management Plan

Comment: Requirement for all WMP's to be prepared by a specialist of waste management is considered too onerous for all developments, for example, Demolition and Construction WMP's may be prepared by the applicant and do not generally require preparation by a waste Specialist.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>
Sent: Friday, 5 November 2021 11:01 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: penrith-city-council---draft-submission-on-amendments-to-sepp-aerotroplis-aero-dcp-lv-discussion-paper.pdf

Submitted on Fri, 05/11/2021 - 11:00

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Glen

Last name

Weekley

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Penrith 2750

Contact number

Submission file

[penrith-city-council---draft-submission-on-amendments-to-sepp-aerotroplis-aero-dcp-lv-discussion-paper.pdf](#)

Submission

Please find attached Penrith City Council's submission on the DCP. Our submission contains comments on the EIE, Aerotropolis DCP and the Luddenham Village Discussion Paper.

I agree to the above statement

Yes

Disclaimer

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SUBMISSION

Western Sydney Aerotropolis SEPP Amendments, Draft Phase 2 Development Control Plan and Associated Draft Planning Document and Guidelines

To the NSW Department of Planning, Industry and Environment (DPIE)

November 2021
File No: 20/08650

This submission outlines Fairfield City Council's response to the range of planning documents currently on public exhibition in relation to planning for the Western Sydney Aerotropolis.

Of relevance to Fairfield City are the following documents:

- Explanation of Intended Effects to amend Environmental Planning Instruments in relation to the Western Sydney Aerotropolis
- Aerotropolis Open Space Needs Study
- Draft Western Sydney Aerotropolis Development Control Plan – Phase 2
- Draft Aviation Safeguarding Guidelines – Western Sydney Aerotropolis and Surrounding Areas

1. SEPP Amendments and Aircraft Noise Restrictions

Changes proposed to the Aerotropolis SEPP are considered minor and inconsequential for land subject to aircraft noise restrictions in Horsley Park and Cecil Park. Council is disappointed that there are no changes proposed to the restrictions on new residential development within the ANEC 20 and above. Council again requests that imposed restrictions on land within the ANEC 20 and above be revised and that Western Sydney Airport Aircraft Noise Exposure Forecasts (ANEF) contours be finalised and adopted as a matter of urgency.

The draft Aviation Safeguarding Guideline on exhibition reinforces the stance to prohibit new subdivision and residential development within the ANEC 20 and above. The draft Guideline aims to protect community safety and amenity and safeguard the 24-hour operations of the Western Sydney International Airport. Specifically, the draft Guidelines state that no intensification of noise sensitive development (including residential development) will be permitted within the ANEC 20 and above contours. This includes, dual occupancies, secondary dwellings, and the subdivision of land for residential purposes that have not already been approved, will not be permitted.

During 2020-21, Council resolved on a number of occasions to continue to advocate on behalf of the community for removal of the above restrictions on residents of Horsley Park and Cecil Park, who have faced significant disadvantage as a result of introduction of the above measures. In light of this, Council again requests that changes be made to the aircraft noise restrictions applying to properties in these areas.

This request for change is supported by Council's own Aircraft Noise Strategy which was completed by Marshall Day Acoustics in April 2021 (attached). The Strategy found there are inconsistencies in the approach outlined in the SEPP when compared with existing, long-established planning policies for development in areas around Australian airfields that experience aircraft noise.

The land use planning control boundary should be based on an endorsed 20 ANEF contour for Western Sydney Airport to be used in conjunction with Section 2 of Australian Standard 2021 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction (AS 2021). Development applications for the construction of a dwelling or other noise sensitive development within the ANEF should be accompanied by an acoustic report prepared by a qualified consultant to demonstrate the proposed use can be designed to achieve the indoor design sound levels in AS 2021.

AS 2021 and the ANEF system should be used as the primary tool for land use planning in the vicinity of Australian airfields. Where a proposed residential development is located within an ANEF 20-25 contour, AS 2021 identifies this ‘zone’ as conditionally acceptable. Although a portion of the population may find that the land is not compatible with residential or educational uses, land use authorities may consider development appropriate provided there is incorporation of noise control features in the construction of the buildings to achieve the indoor design sound levels outlined in AS 2021.

For your consideration, please find attached to this submission the Horsley Park Urban Investigation Area (UIA) Aircraft Noise Strategy prepared by Marshall Day Acoustics in April 2021.

2. Draft Phase 2 Development Control Plan

Council is generally supportive of the objectives and controls contained within the Draft Phase 2 DCP for the Western Sydney Aerotropolis. It is noted that the provisions of the DCP also apply to land identified within the ANEC 20 and above and as discussed above, restrictions on residential subdivision and development that were previously permitted under Council’s planning controls are not supported.

Additionally, it is requested that a minor change be made to Section 9.1 Floodrisk Management - Performance outcome 2 within the 1% AEP Floodway and Critical Flood Storage Areas (Page 81). It is requested that “flood mitigation works” be added as permissible development.

The Department have previously advised Council that objectives and controls within the draft Aerotropolis DCP will likely be adopted to guide future development of lands surrounding the Aerotropolis precincts including lands within the Fairfield UIA. Accordingly, Council requests the Department and relevant State agencies continue to work with Council to progress finalisation of plans for the UIA.

3. Open Space Needs Study

This Study identified the revised amount and location of open space for the Aerotropolis Precincts and has been used to prepare an amended Land Reservation Acquisition Map in the Explanation of Intended Effect for the Aerotropolis SEPP, which is on exhibition. Council supports the completion of the Study and refinement of land to be acquired for open space purposes.

This has provided the community and land owners with some certainty and ensures that open space is located where it can be used for a variety of uses including parks, walking paths and bicycle paths, stormwater and environmental conservation.

Whilst it is acknowledged that the Study has responded to the concerns of residents, the rationale and processes used to determine the amount and location of open space is based upon yet to be finalised documents.

The GHD draft Social Infrastructure Needs Assessment and Audit and Study were used to set the benchmark for future open space planning around the Aerotropolis and it is recommended these studies be finalised and endorsed at a State level to ensure there is consistency with the future allocation of open space in Western Sydney around the Aerotropolis.

4. Conclusion

The exhibited Western Sydney Aerotropolis planning documents aim to provide greater certainty to existing residents and future developers of land within the Western Sydney Aerotropolis whilst supporting, promoting and safeguarding the future development of the Aerotropolis. Whilst the majority of exhibited planning material is supported.

Council maintains its strong objection to the unfair and costly development restrictions imposed on land that is within the ANEC 20 and above in Horsley Park and Cecil Park. In the absence of finalised and adopted ANEF contours Council again requests that the restrictions imposed on these lands be revised in line with the recommendations contained within the attached Aircraft Noise Strategy for Horsley Park and Cecil Park.

This position is also supported by the findings and recommendations of the Fairfield Aircraft Noise Strategy the highlights that the restrictions are above and beyond controls and standards applying to similar lands affected by aircraft noise at other Australian airports.

Thank you for taking the time to consider Council's views on this matter and should you have any questions please do not hesitate to contact Andrew Mooney on 9725



ANDREW MOONEY

ACTING MANAGER - STRATEGIC LANDUSE PLANNING

Attached - Aircraft Noise Strategy Horsley Park Urban Investigation Area (Marshall Day Acoustics – April 2021)



MARSHALL DAY
Acoustics 

AIRCRAFT NOISE STRATEGY
HORSLEY PARK URBAN INVESTIGATION AREA

Rp 001 20200802 | 20 April 2021

Project: **Aircraft Noise Strategy: Horsley Park Urban Investigation Area**

Prepared for: **Fairfield City Council**
PO Box 21
Fairfield NSW 1860

Attention: **Elizabeth Workman**

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1.0 INTRODUCTION

In April 2019, Fairfield City Council endorsed a preferred Structure Plan to enable increased residential density within Horsley Park Urban Investigation Area (UIA). Aircraft noise was identified as a matter requiring further investigation, as a portion of the land would be subject to future aircraft noise associated with the to be built, Western Sydney Airport.

Local planning provisions in New South Wales allow for residential development near airports and within relevant land use planning control boundaries, where an Aircraft Noise Strategy is in place and demonstrates that noise from the airport operations is not incompatible with the residential development.

Fairfield City Council has retained Marshall Day Acoustics Pty Ltd (MDA) to provide input into the development of an Aircraft Noise Strategy for the Horsley Park UIA.

This document outlines a recommended strategy for aircraft noise land use planning for the Horsley Park Urban Investigation Area (HPUIA).

2.0 LITERATURE REVIEW

A literature review of Australian and State government policies concerning land use planning and development requirements in the vicinity of airports affected by aircraft noise has been undertaken.

The review considered the following:

- Planning Provisions for local government areas (LGA) surrounding the existing Sydney (Kingsford Smith) Airport as well as the to be constructed Western Sydney (Nancy Bird Walton) Airport;
- Local planning provisions and requirements in other Australian states and territories; and
- Airport Masterplan requirement for Australia federally leased airports.

This section provides an overview of the key findings, with further details contained in Appendix B.

2.1 Australian Standard AS 2021

The literature review has identified the Australian Standard AS 2021 *Acoustics — Aircraft noise intrusion — Building siting and construction* (AS 2021) as the primary tool for land use planning in the vicinity of Australian airfields.

AS 2021 refers to the Australian Noise Exposure Forecast (ANEF) system, which is used in conjunction with published ANEF contours for a given airfield to:

- Assess whether proposed development in the vicinity of an airfield is acceptable, conditionally acceptable, or unacceptable
- Determine the sound insulation performance required for proposed building sites in conditionally acceptable locations, and
- Provide guidance on the type of constructions needed to achieve appropriate aircraft noise reductions for proposed development sites.

AS 2021 describes the 'acceptability' or otherwise for a proposed development, based on its location relative to the ANEF zone, outlined in Table 1.

Table 1: AS 2021 building site acceptability based on ANEF zones

Building Type	ANEF Zone of Site		
	Acceptable	Conditionally Acceptable	Unacceptable
House, home unit, flat, caravan park	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hotel, motel, hostel	Less than 25 ANEF	25 to 30 ANEF	Greater than 30 ANEF
School, university	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hospital, nursing home	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Public building	Less than 20 ANEF	20 to 30 ANEF	Greater than 30 ANEF
Commercial building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light industrial	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Other industrial	Acceptable in all ANEF Zones		

With regards to areas within the 20 to 25 ANEF contours, proposed residential land uses are conditionally acceptable provided a building is designed to meet the indoor design sound levels, likely through the inclusion of appropriate building envelope sound insulation measures.

Importantly, AS 2021 primarily relates to land use planning and the acceptability of new residential development, or changes to an existing residential land use (e.g. subdivision of residential land or extensions to an existing residential structure), and is not a test of acceptability of aircraft noise levels at existing residential sites.

2.2 State Environmental Planning Policy (SEPP) – Western Sydney Aerotropolis (WSA)

The *State Environmental Planning Policy (SEPP) – Western Sydney Aerotropolis (WSA)* (the SEPP) came into effect on 1 October 2020.

The following planning controls apply to properties within the Australian Noise Exposure Concept (ANEC) 20-25 contours of the Western Sydney Airport:

- Applications for the construction of a dwelling on a vacant parcel of land can only be accepted if the parcel already existed (was part of an approved subdivision) before 1 October 2020 or a development application for construction of a dwelling had been submitted to Council prior to 1 October 2020
- ‘Noise sensitive development’, including residential accommodation (dwellings, secondary dwellings and dual occupancy) and other categories (childcare centres, schools, places of worship and hospitals) are prohibited after 1 October 2020 subject to concessions listed under the previous dot point.

In addition to the above, the SEPP also states/requires that properties affected by the Obstacle Limitation Surface (OLS) from 26 April 2021 will require the following insulation measures for new residential development (including alterations to an existing house):

- Preparation of an acoustic report by a qualified consultant
- Compliance with the indoor design sound levels in *Australian Standard 2021:2015 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*.

The SEPP requirements are inconsistent with the planning provisions in LGA surrounding the Western Sydney (Badgerys Creek) airport site. Specifically, where planning provisions are provided in respective Local Environment Plans (LEP), the planning authority is to consider the use or potential future use of the Badgerys Creek site as an airport and that proposed noise-sensitive development be designed and constructed appropriately. The LEP refers to AS 2021 as the primary tool for guidance on land use planning in the vicinity of the Badgerys Creek site, and notes that development consent for residences is required where the proposed development is within the ANEF 20 contour for the proposed airport. The construction of residential dwellings is prohibited in land where the ANEF is above 25.

Where a proposed development within LGA surrounding the Western Sydney Airport (development application for construction of a dwelling submitted to Council after 1 October 2020) sits as well as within the relevant land control boundaries defined in the SEPP, it is not clear which planning control would take precedence, i.e. the SEPP or the LEP.

2.3 Key differences and discrepancies

The findings of the literature review have identified inconsistencies in the approach outlined in the SEPP when compared with existing, long-established planning policies for development in areas around Australian airfields that experience aircraft noise.

- AS 2021 and the ANEF system is the primary tool for land use planning in the vicinity of Australian airfields.
 - where a proposed residential development is located within an ANEF 20-25 contour, AS 2021 identifies this ‘zone’ as conditionally acceptable, i.e. Although a portion of the population may find that the land is not compatible with residential or educational uses, land use authorities may consider development appropriate provided that the incorporation of noise control features in the construction of the buildings to achieve the indoor design sound levels outlined in AS 2021
 - The SEPP however restricts residential development (proposed after 1 October 2020) within the ANEC 20-25 contours of the Western Sydney Airport
- There is no precedence to support the use of an OLS for aircraft noise land use planning
 - The OLS is defined in *Part 139 (Aerodromes) Manual of Standards 2019* (MOS 139) as follows:
 - ... a series of planes, associated with each runway at an aerodrome, that defines the desirable limits to which objects or structures may project into the airspace around the aerodrome so that aircraft operations at the aerodrome may be conducted safely The OLS identifies the airspace to be protected for aircraft operating during the initial and final stages of flight, or when manoeuvring in the vicinity of the airport
 - Aircraft noise is typically centred around flight tracks, due to the directionality and high level of attenuation at sideline locations to flight tracks
 - The proposed 13 km OLS buffer is therefore too conservative and a significant constraint on development in areas north and south of the Western Sydney Airport site; and
 - Conversely, the OLS buffer does not extend as far as the ANEC in line with the proposed runway alignment (east-west)

3.0 RECOMMENDATIONS FOR AN AIRCRAFT NOISE STRATEGY

The following considerations are provided as part of the development of the Aircraft Noise Strategy for the Horsley Park UIA:

- Adopt the endorsed Western Sydney Airport ANEF (once finalised and published) and provisions of Australian Standard 2021 *Acoustics – Aircraft Noise Intrusion – Building Siting and Construction* (AS 2021) as the primary assessment tool for assessing new noise sensitive development in the vicinity of the Western Sydney Airport
 - The land use planning control boundary shall be based on the endorsed 20 ANEF contour for Western Sydney Airport to be used in conjunction with Section 2 of AS 2021
 - Development applications for the construction of a dwelling or other noise sensitive development within the ANEF should be accompanied by an acoustic report prepared by a qualified consultant to demonstrate the proposed use can be designed to achieve the indoor design sound levels in AS 2021
 - Where a proposed development site, including a subdivision, is intersected by relevant land use contours, the following applies (as per Western Australia State Planning Policy 5.1 - Land use planning in the vicinity of Perth Airport):
 - For a site with an area less than 1,000 m², the noise exposure zone for the whole site shall be deemed to be the level to which most of the site is subject; and
 - For a site with an area greater than 1,000 m², the noise exposure zone shall be determined separately for the individual parts of the site into which it is divided by the relevant noise exposure contour(s).
 - Adopt the extent of N-contours and thresholds recommended in the *National Airports Safeguarding Framework* Guideline A to inform on a buffer zone as current interim guidance until such time that an ANEF is published. This would be in lieu of the OLS currently noted in the SEPP
- Where a dwelling or other noise sensitive development is proposed within one (1) or more of the following contours, an acoustic report prepared by a qualified consultant should be prepared to demonstrate the proposed use can be designed to achieve the indoor design sound levels in AS 2021:
- The 20 ANEC contour(s) (as outlined in the Environmental Impact Statement (EIS) for the Western Sydney Airport), refer Figure 1; or
 - 20 or more daily events greater than 70 dB L_{Amax} (N70 20 events contour); or
 - 50 or more daily events greater than 65 dB L_{Amax} (N65 50 events contour); or
 - 100 or more daily events greater than 60 dB L_{Amax} (N60 100 events contour); or
 - 6 or more events greater than 60 dB L_{Amax} between 11 pm and 6 am (N60 6 events night contour).

The Section 5 of the Western Sydney Airport EIS, Volume 4, Appendix E1, only presents N70 and N60 night contours for the two (2) runway operating modes, reproduced in Figure 2 to Figure 5 below. Reference N65 50 events and N60 100 events contours are not available. With reference to the other threshold contours, half of the Horsley Park UIA is covered by the N60 6 events night contour (approximated from the available contour sets), and that a small portion of the UIA is covered by the N70 20 event contours.

- Land titles for sites within any of the ANEF or NASF guideline contours described above should feature an aircraft noise disclosure statement. The aim is to help noise sensitive persons avoid finding themselves in a situation where they are unknowingly exposed to aircraft noise associated with future aircraft operations at Western Sydney Airport

Historically, there have been instances where developers of new residential estates in the vicinity of airports have prepared an Aircraft Noise Exposure Statement for future lot and dwelling owners in response to such land title disclosure statements. An example is provided below:

This property is situated in the vicinity of Western Sydney Airport and may be affected in the future by aircraft noise. Noise exposure levels are likely to increase in the future as a result of an increase in aircraft using the airport, changes in aircraft type or other operational changes. Further information about aircraft noise is available from the Western Sydney Airport website. Information regarding development restrictions and noise insulation requirements for noise affected property is available on request from the relevant local government offices.

Figure 1: Long term ANEC 20 contour coverage of the Horsley Park UIA site

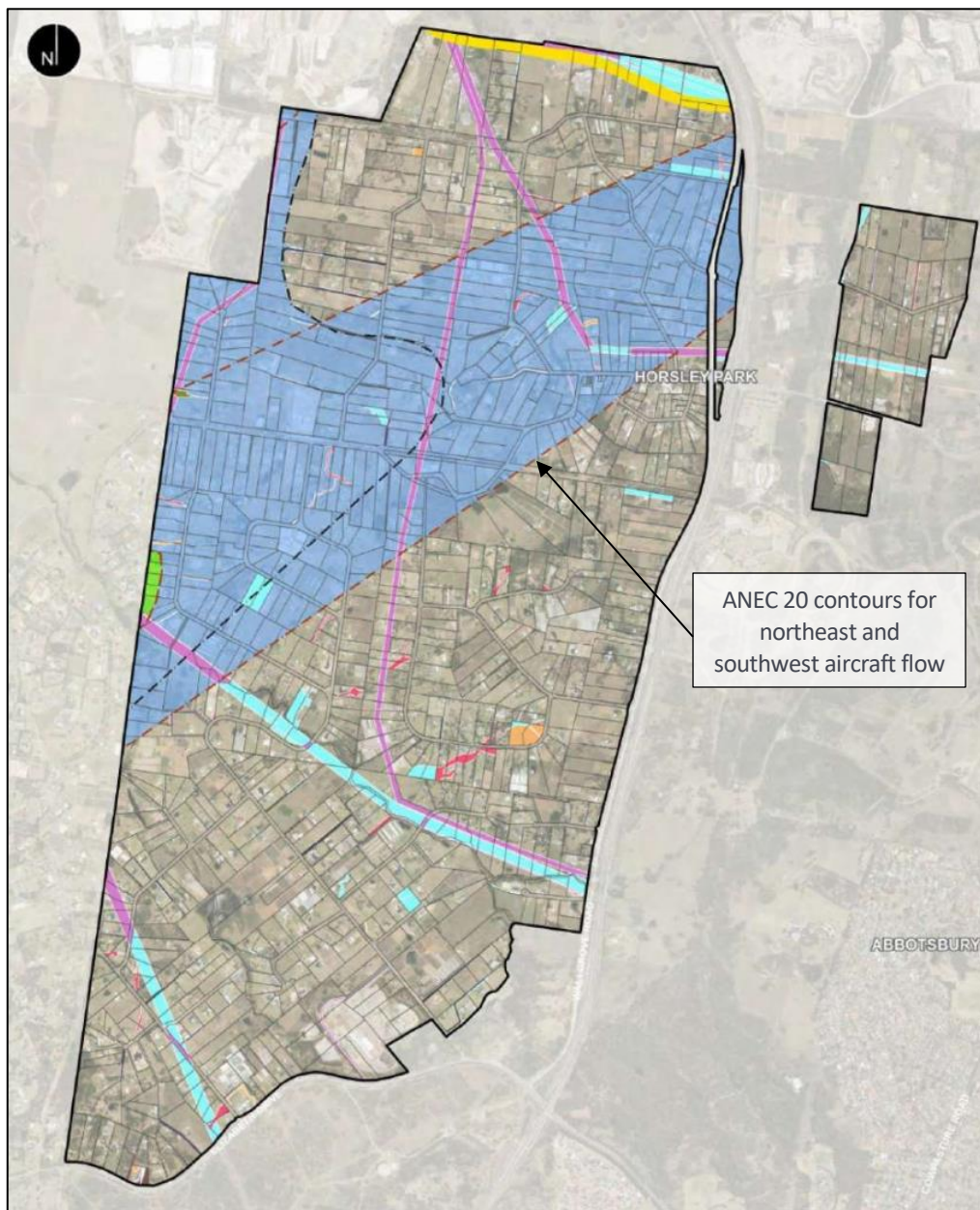


Figure 2: N70 contours – Long term Operating Strategy Prefer 05, Horsley Park UIA site coverage

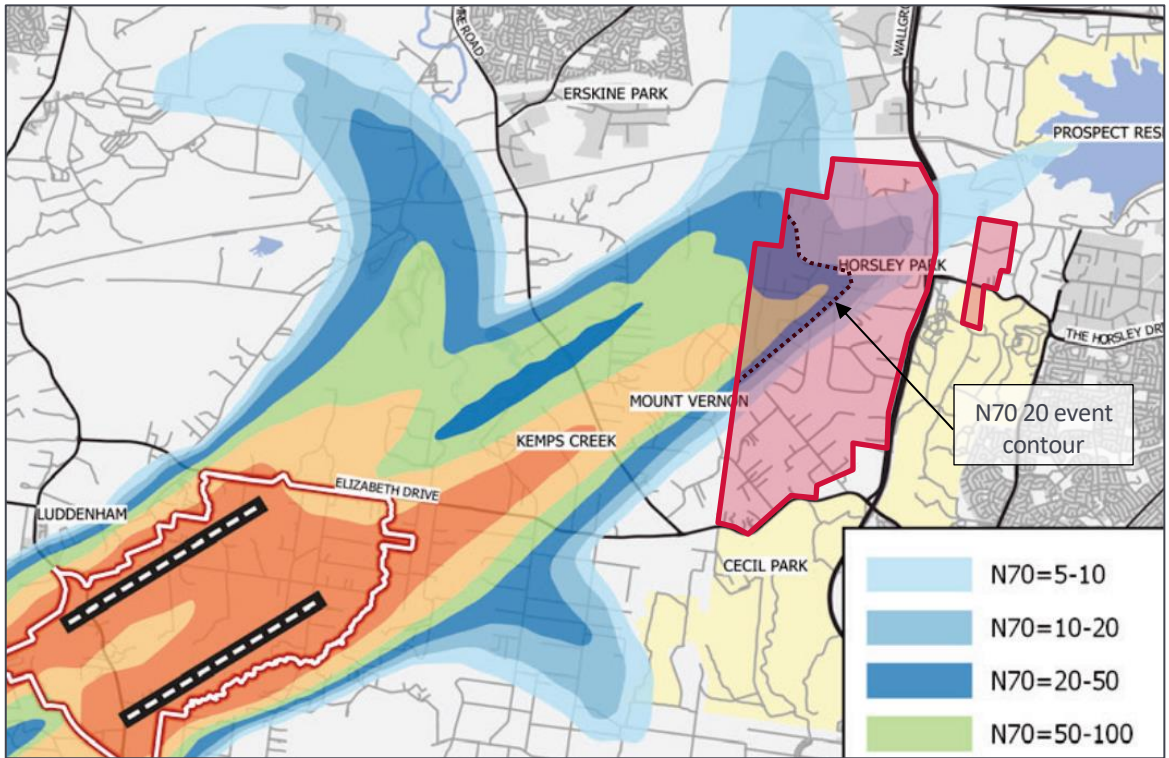


Figure 3: N70 contours – Long term Operating Strategy Prefer 23, Horsley Park UIA site coverage

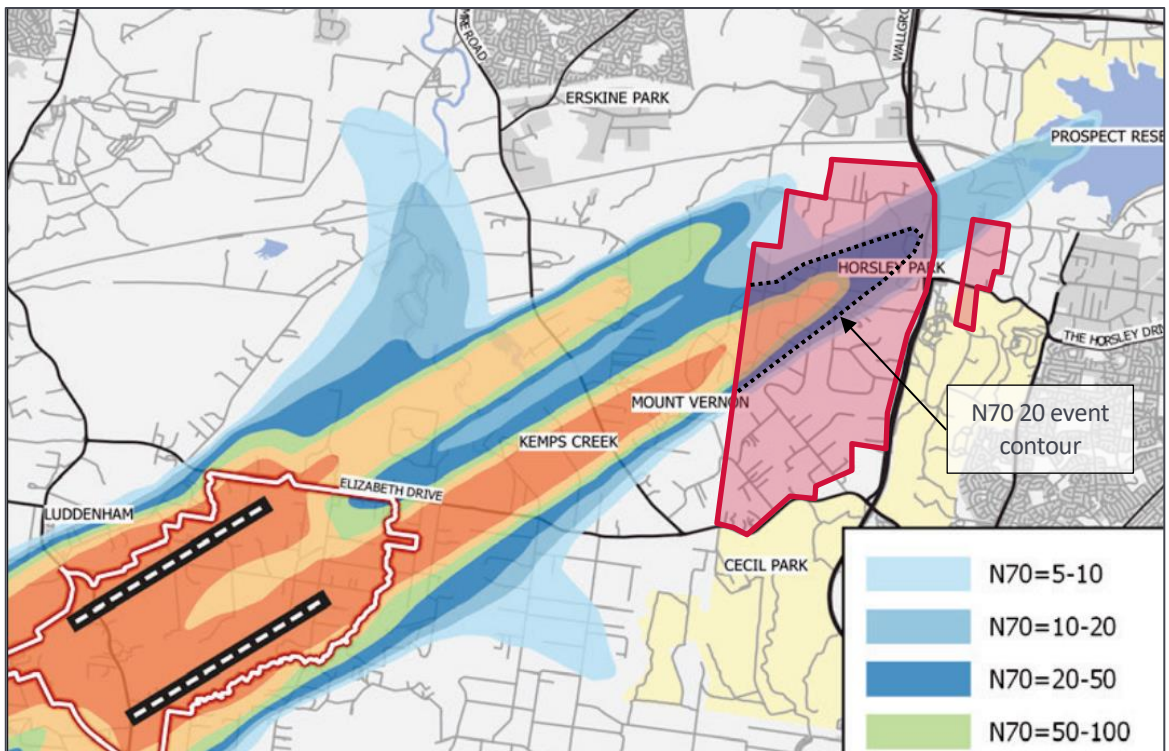


Figure 4: N60 night contours – Long term Operating Strategy Prefer 05, Horsley Park UIA site coverage

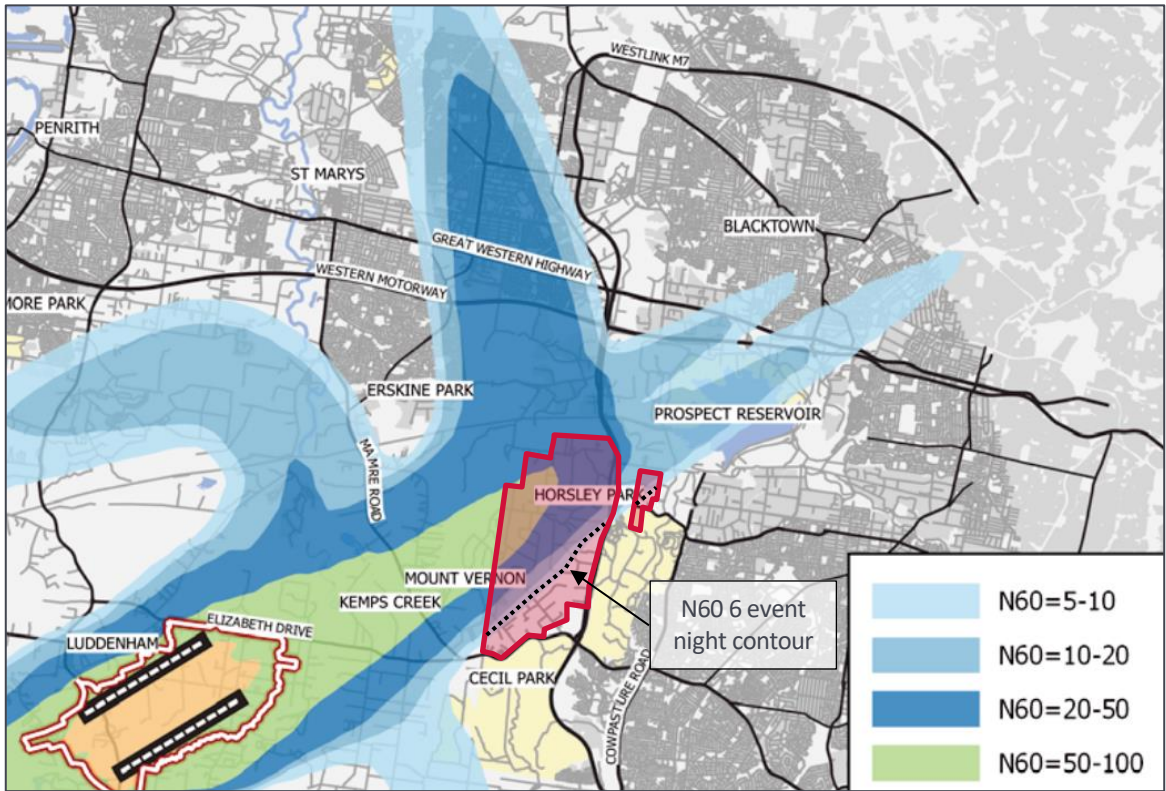
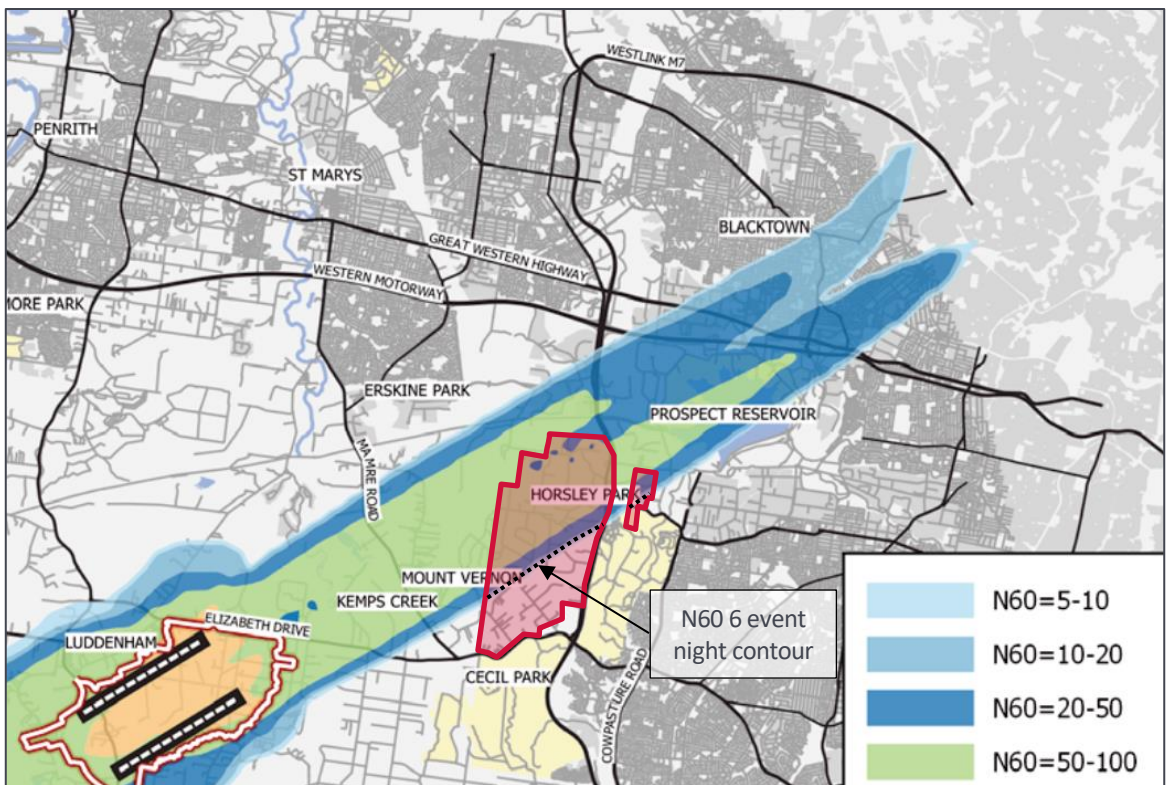


Figure 5: N60 night contours – Long term Operating Strategy Prefer 23, Horsley Park UIA site coverage



APPENDIX A REFERENCES

Airports Act 1996 (Cwth.)

Department of Environment, Land, Water and Planning, *Victorian Planning Provisions*

Department of Infrastructure, Transport, Cities and Regional Development (Department of Transport and Regional Services), 2000, *Discussion Paper: Expanding Ways to Describe and Assess Aircraft Noise*

Department of Infrastructure, Transport, Cities and Regional Development (then Department of Transport and Regional Services), 2003, *Going Beyond Noise Contours – Local Approaches to Land Use Planning Around Smaller Australian Airports – Discussion Paper*

Department of Infrastructure, Transport, Cities and Regional Development (then Department of Transport and Regional Services), 2003, *Guidance Material for Selecting and Providing Aircraft Noise Information*

Department of Infrastructure, Transport, Cities and Regional Development (then Department of Infrastructure, Transport, Regional Development and Local Government), 2009, *National Aviation Policy White Paper 2009: Flight Path to the Future*

Department of Infrastructure, Transport, Cities and Regional Development, 2016, *Principles for a National Airports Safeguarding Framework Guideline A – Measures for Managing Impacts of Aircraft Noise, The National Airports Safeguarding Advisory Group (NASAG)*

Department of Planning, Lands and Heritage, 2015, *State Planning Policy 5.1 - Land use planning in the vicinity of Perth Airport*

Department of Planning, Transport and Infrastructure, *Charles Sturt Council Development Plan*, consolidated 14 January 2021

Department of Planning, Transport and Infrastructure, *West Torrens Council Development Plan*, consolidated 21 May 2020

New South Wales Department of Planning, Industry and Environment, *Local Environmental Plans* (various)

Northern Territory Government, 2020, *The Northern Territory Planning Scheme (NTPS)*

NSW Government, 2020, *State Environmental Planning Policy (SEPP) – Western Sydney Aerotropolis*

Standards Australia, 2015, *Acoustics—Aircraft noise intrusion—Building siting and construction*, AS 2021-2015, Standards Australia, Sydney

Tasmanian Planning Commission, 2018, *Tasmanian Planning Scheme – State Planning Provisions*

The State of Queensland, Department of State Development, Manufacturing, Infrastructure and Planning, 2017, *State Planning Policy – state interest guidance material Strategic airports and aviation facilities*

Wilkinson Murray, 2016, *EIS Aircraft Overflight and Operational Noise*, Report No. 14168 Version E, Western Sydney Airport Environmental Impact Statement Volume 4, Appendix E1

APPENDIX B SUMMARY OF LITERATURE REVIEW

B1 Overview

The literature review has considered the following:

- Planning Provisions for local government areas (LGA) surrounding the existing Sydney (Kingsford Smith) Airport as well as the to be constructed Western Sydney (Nancy Bird Walton) Airport;
- Local planning provisions and requirements in other Australian states and territories; and
- Airport Masterplan requirement for Australia federally leased airports.

B2 New South Wales' Local Government Areas (LGA)

Planning provisions for local government areas (LGA) surrounding the existing Sydney (Kingsford Smith) Airport as well as the to be constructed Western Sydney (Nancy Bird Walton) Airport have been reviewed.

Planning provisions for the consideration of aircraft noise in these local government areas (LGA) are detailed within respective Local Environment Plans (LEP). The planning provisions contained within most local environment plans (LEP) indicate a consistent approach for land use planning in areas in the vicinity of the airport and affected by aircraft noise. Specifically, the approach adopted by the LGA for new or alteration to residential buildings is that a proposed development is to be consistent with Australian Standard AS 2021 *Acoustics—Aircraft noise intrusion—Building siting and construction (AS 2021)* as outlined in Table 2.

Table 2: Summary of LGA aircraft noise planning provisions for residential development

LGA	Aircraft noise planning provisions included in LEP	Consistent with AS 2021
<i>Surrounding Sydney Airport</i>		
Marrickville	Yes	Yes
Botany	Yes	Yes
Rockdale	Yes	Yes
Leichhardt	Yes	Yes
City of Sydney	Yes	Yes
Sutherland Shire	Yes	Yes ⁽¹⁾
<i>Surrounding Western Sydney Airport</i>		
Penrith	Yes	Yes
Liverpool	Yes	Yes
Blacktown	No	N/A
Fairfield	No	N/A
Camden	Yes	Yes
Campbelltown	No	N/A

Notes: (1) Allows for a new dwelling, or any alteration of or addition to an existing dwelling, on land in ANEF between 20 and 29 (inclusive) provided the building is designed in accordance with AS 2021

Local planning authorities around Western Sydney Airport

Where planning provisions are provided in respective LEP, the planning authority is to consider the use or potential future use of the Badgerys Creek site as an airport and that proposed noise-sensitive development be designed and constructed appropriately. The LEP refers to AS 2021 as the primary tool for guidance on land use planning in the vicinity of the Western Sydney Airport site, and notes that development consent for residences is required where the proposed development is within the ANEF 20 contour for the proposed airport. The construction of residential dwellings is prohibited in land where the ANEF is above 25.

Importantly, an ANEF for Western Sydney Airport has not been endorsed by Airservices Australia, and conditions of approval for the Airport, state:

The airspace and flight path design for the Airport, once developed, must include or be accompanied by noise modelling of a range of realistic airport capacity and meteorological scenarios

In contrast to the above, planning rules introduced by the NSW State Government under *State Environmental Planning Policy (SEPP) – Western Sydney Aerotropolis*, outline restrictions for ‘noise sensitive development’ (including residential development) in areas affected by the Australian Noise Exposure Concept (ANEC) 20-25 of the Western Sydney Airport, as well as aircraft noise insulation requirements for future residential development located within the extent of the Obstacle Limitation Surface (OLS) of the airport.

The State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (30 September 2020) states:

Development consent must not be granted to noise sensitive development if the development is to be located on land that is in an ANEF or ANEC contour of 20 or greater

However, it does note that:

...development consent may be granted to development for the purposes of dwelling houses on land that is in an ANEF or ANEC contour of 20 or greater if, immediately before the commencement of this Policy, there were no dwellings on the land, and development for the purposes of dwelling houses was permitted on the land...

And also that:

Development consent must not be granted to noise sensitive development on the following land unless the consent authority is satisfied the development will meet the indoor design sound levels—

(a) land shown on the Land Application Map that is not in an ANEF or ANEC contour of 20 or greater,

(b) land shown on the Obstacle Limitation Surface Map.

B3 Other Australian States and territories

Victoria

Planning provisions for areas surrounding Melbourne Airport are controlled using the Melbourne Airport Environs Overlay (MAEO). The MAEO is used as a planning tool for appropriate land use and development in the noise-affected areas surrounding the airport. Development principles are guided by AS 2021.

The extent of the MAEO is generally aligned with the relevant ANEF for Melbourne Airport, with planning requirements dependent on whether the development is within MAEO2 (broadly corresponding to the ANEF 20 contour) and MAEO1 (broadly corresponding to the ANEF 25 contour). However, as ANEF contours are updated every 5-10 years while the MAEO is not updated, there are instances when the precise extents of the two overlays and latest endorsed ANEF 20 and 25 contours may contradict, at which point the application and interpretation of the MAEO in lieu of the latest ANEF becomes a planning matter.

Also of note in Victoria is the inclusion of references the National Airports Safeguarding Framework (refer Appendix B5) within the planning system. This has implications in that alternative noise metrics (known as N-Contours or 'Number Above' contours) may also be considered in conjunction with ANEF contours when making certain planning decisions, e.g. rezoning of greenfield areas, where there is potential for future uses to be unnecessarily exposed to aircraft noise.

The N-contours are based on daily counts of aircraft movements that exceed given noise levels at a site, as opposed to the ANEF system which is based on a complex average of annual cumulative exposure to aircraft noise. Importantly though, the ANEF remains the primary noise metric applied in Victoria for statutory planning purposes through the Melbourne Airport Environs Overlay.

An Airport Environs Overlay also covers land surrounding Moorabbin Airport. Any new building constructed on land within the overlay must comply with any noise attenuation measures required by AS 2021.

Queensland

The main document covering land use planning around the Brisbane Airport is the *State Planning Policy – state interest guidance material Strategic airports and aviation facilities* (SPP) and applies to land in the vicinity of airports but does not apply to those airports or aviation facilities themselves.

The requirements of the SPP are that developments and associated activities are to be compatible with forecast levels of aircraft noise, using the ANEF system. Specifically, development within the 20 ANEF contour or greater is to be consistent with the provisions outlined in AS 2021.

The SPP states consideration is to be given to using both ANEF contours and alternative noise contours (e.g. N-contour and Australian Noise Exposure Concept mapping) *to inform strategic decisions*. The alternative noise contours are complementary tools that provide information of the frequency and loudness of aircraft noise events. However, the SPP notes they should not be used as a development assessment tool, as they may not have been subject to the same level of scrutiny from relevant authorities compared with the established ANEF system, including ANEF contours reviewed and endorsed by Airservices Australia.

South Australia

Planning provisions for local government areas (LGA) surrounding Adelaide Airport have been reviewed. Adelaide Airport is in the City of West Torrens, as is most of the land within the extent of the ANEF for the airport.

The two primary LGAs, City of West Torrens and City of Charles Sturt, and their respective development plans both require development within areas affected by aircraft noise to be consistent with the provisions of Australian Standard AS 2021 – *Acoustics - Aircraft Noise Intrusion – Building Siting and Construction*.

Of note however, is that the 'Areas affected by aircraft noise' shown in the City of West Torrens Development Plan overlay map is not aligned to the current ANEF for Adelaide Airport, which typically extends further. Therefore, there are instances where the ANEF contours and the overlay are not commensurate.

Western Australia

The main document covering land use planning around the Perth Airport is the *State Planning Policy 5.1 - Land use planning in the vicinity of Perth Airport* (SPP 5.1). The requirements within SPP 5.1 are based on the requirements outlined in AS 2021, with controls applying to land within the 20 ANEF noise contour. There is no restriction on zoning or development within noise exposure zones identified as *acceptable* (less than ANEF 20).

Specifically, for proposed residential development identified as *conditionally acceptable* (within ANEF 20-25), local planning schemes also require a 'notice on title' advising the potential site occupant of the potential for noise nuisance from the airport as a condition of any subdivision or planning approval.

Where a site is intersected by one or more noise exposure zones, the zoning is determined as follows:

- Where the site has an area less than 1,000 m², the noise exposure zone for the whole site shall be deemed to be the level to which most of the site is subject; and
- Where the site has an area greater than 1,000 m², the noise exposure zone shall be determined separately for the individual parts of the site into which it is divided by the relevant noise exposure contour(s).

Planning provisions for LGA surrounding Perth Airport have been reviewed, including local planning policies, the majority of which directly refer SPP 5.1.

Tasmania

Clauses C16.5 and C16.7 of the Tasmanian Planning Scheme State Planning Provisions refer to 'airport noise exposure areas' which are defined by overlay maps in the relevant Local Provisions Schedule. Decision makers are to also refer to the requirements of any airport masterplans and advice from the airport operator or Airservices Australia.

Section E25 of the *Clarence Interim Planning Scheme 2015* described the Airport Buffer Zone that applies around Hobart Airport. Section E25.1(b) implies that residential development within the ANEF 20 contour may be permitted, as the stated purpose of the zone is to:

identify land within the 20 ANEF Noise Forecast contour as an area which is or will be subject to high levels of aircraft noise, and to assist in shielding people from such noise by ensuring appropriate noise attenuation measures in houses;

Section E12 of the *Northern Midlands Interim Planning Scheme 2013* presents the Airports Impact Management Code that applies to Launceston Airport. When considering noise impacts, the objective of the Code is to ensure that noise impacts on use within the ANEF contours from aircraft and airports are appropriately managed, noting specifically that all new buildings are to 'comply' with AS 2021 and that:

Sensitive use (whether ancillary to other use or development or not) must not occur within the 25 ANEF contour.

Northern Territory

Local planning and development controls in the Northern Territory (NT) are outlined in *The Northern Territory Planning Scheme (NTPS) 2020*. The NTPS came into effect on 31 July 2020.

The main airfield in the NT is RAAF Base Darwin, a Royal Australian Air Force (RAAF) military air base, that also shares its runway with Darwin International Airport, for civil aviation purposes.

Part 3 of the NTPS outlines relevant overlays which identify areas of land that have specific development requirements. Part 3.5 discusses the LPA (Land in Proximity to Airports) overlay, with a purpose to:

..minimises the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport..

The LPA overlay applies to land that subject to an Australian Noise Exposure Forecast (ANEF) 20 value or greater as defined on the [current] ANEF, produced by the Department of Defence.

Where the overlay applies, the use and development of land requires consent, and in determining an application for the development of land, the consent authority is to have regard to the 'Building Site Acceptability Based on ANEF Zones' (Table 2.1) in AS 2021.

B4 Airport Masterplans

A high-level review has been undertaken of select Airport Masterplans prepared for Australian federally leased airports as required by Airports Act 1996.

The masterplans refer to ANEF contours which are to be used in conjunction with AS 2021 to inform land use planning around the airports. Reference is also made to the National Airports Safeguarding Framework for providing additional information on aircraft noise around the airport.

Of note for Canberra Airport is a draft planning direction under Section 117 of the Environmental Planning and Assessment Act 1979 requiring that no new residential development be approved within the ANEF 20 contour. However, the then Minister for Planning and the Environment, advised (June 2014):

"I have determined not to proceed with its [draft planning direction under Section 117] finalisation ... I am confident that planning pathways currently available will deliver an equivalent outcome without the need to introduce a new regulatory imposition via a minister direction".

In the latest Canberra Airport Masterplan, reference is made that the airport hopes to work with NSW Planning, Industry and Environment in the preparation of a Ministerial Direction to ensure "rezonings for large scale urban release within the Australian Noise Exposure Forecast 20 for Canberra Airport" do not occur into the future.

B5 National Airports Safeguarding Framework

The Commonwealth Government's National Airports Safeguarding Advisory Group (NASAG) has been responsible for the development of a *National Airports Safeguarding Framework* (the Safeguarding Framework). The Safeguarding Framework was endorsed by the Standing Council on Transport and Infrastructure in May 2012.

The Safeguarding Framework's stated purpose is:

To enhance the current and future safety, viability and growth of aviation operations at Australian airports

The Safeguarding Framework was prepared to provide guidelines to assist local governments in regulating and managing a range of issues including aircraft noise intrusion. Guideline A of the Safeguarding Framework, titled *Measures for Managing the Impact of Aircraft Noise*, states how the guidelines should be used, and notes:

Some States/Territories already have planning guidelines or policies in place and this document provides guidance for any reviews of those documents. For those without policies in place, these Guidelines (in addition to the associated Safeguarding Framework) will provide guidance for new policies.

Notwithstanding the above, the Safeguarding Framework provides specific guidelines relevant to:

- Rezoning of greenfield areas to permit noise sensitive uses;
- Rezoning of brownfield areas to permit noise sensitive uses; and
- Assessment of new development applications for noise sensitive uses within existing residential areas.

The Safeguarding Framework proposes the use of supplementary metrics for defining the extent of noise effects around airports in the form of Number Above values consistent with guidance provided by the Australian Department of Infrastructure, Transport, Cities and Regional Development (2000, 2003, 2009) and AS HB 149. The Number Above values referred to in the Safeguarding Framework include the N60, N65 and N70 values along with details of the number of such events.

The Safeguarding Framework does not supersede the ANEF system, but instead provides guidance in instances where policies do not currently exist, or for States/Territories conducting a review of established policies. The proposed guidelines apply to areas within:

- The ANEF is greater than 20;
- There are 20 or more daily events greater than 70 dB L_{Amax} (N70 20 events);
- Or 50 or more daily events greater than 65 dB L_{Amax} (N65 50 events);
- Or 100 or more daily events greater than 60 dB L_{Amax} (N60 100 events); and
- Or 6 or more events greater than 60 dB L_{Amax} between 11 pm and 6 am.

The Safeguarding Framework provides guidelines for general aviation airports or airports with low frequencies of scheduled flights. It notes that whether an ANEF is prepared for these airports, land use planning should take account of flight paths, the nature of activity on airports and/or 'number above' contours if available.

APPENDIX C SOUND INSULATION (INFORMATIVE)

C1 Overview

This section provides information on the likely nature of the sound insulation requirements of noise sensitive development in Horsley Park UIA.

The information provided references the Stage 1 (short-term), 2050 (medium term) and parallel runway (long term) ANECs in the Western Sydney Airport EIS.

This section is informative only, and future assessments of aircraft noise and building sound insulation measures must consider the latest available information for future Western Sydney Airport operations and specific future aircraft noise level predictions at the location under review.

Section 3.0 of AS 2021 presents a method of establishing the sound insulation requirements for spaces within a building. The method considers three key parameters:

- Aircraft noise level;
- Indoor design sound level; and
- Aircraft Noise Reduction.

C2 Aircraft noise levels

AS 2021 provides a procedure for determining the maximum aircraft noise levels at a development site based on a database of typical Australian aircraft and their estimated noise emissions at locations relative to an airport.

For future aircraft noise levels at Horsley Park, noise level estimates have been made based on aircraft types included in the noise technical report of the Western Sydney Airport EIS. Figure 6 presents an extract of the aircraft types and estimate of the number of daily movements in the short, medium and long term forecast assessments.

Figure 6: Extract of aircraft types and movements assumed in the Western Sydney Airport EIS Volume 4, Appendix E1

Table 2-3 shows predicted total aircraft movements per day for each EIS assessment year, while Table 2-4 shows a breakdown by aircraft family. Figure 2-3 shows the predicted number of movements for each hour of the day.

Note that because the synthetic schedules represent a typical busy day, the number of movements is slightly greater than an annual average for the relevant scenario. For example, in Stage 1 the estimated 63,000 movements per year represents an annual average of approximately 173 per day, compared with 198 in the schedule. This provides some conservatism in estimates of noise exposure.

Table 2-3 Total Predicted Daily Aircraft Movements by Type by Year

Assessment Year	Movements Per Day		
	Freight	Passenger	Total
Stage 1	28	170	198
2050	74	480	554
Lonh Term	104	1006	1110

Table 2-4 Predicted Daily Aircraft Movements by Aircraft Family by Year

Aircraft Family	Movements Per Day		
	Stage 1	2050	Long Term
Passenger Movements			
Airbus A320	100	176	378
Airbus A330	18	128	286
Airbus A380	-	4	8
Boeing 737	28	104	196
Boeing wide-body general	-	20	40
Boeing 777	4	26	78
DeHaviland DHC8	8	12	10
Saab 340	12	10	10
Freight Movements			
Airbus A330	2	2	2
Boeing 737	2	6	6
Boeing 747	10	28	38
Boeing 767-400	4	8	10
Boeing 767-300	-	4	6
Boeing 777-300	-	2	4
Boeing 777-200	-	4	6
Small Freight	10	20	32

For estimates of future aircraft noise levels at Horsley Park, reference is made to straight arrival and departure flight tracks that follow the extended runway centre lines. Figure 7 shows the indicative flight tracks relative to the site.

A range of noise levels have been predicted for sites immediately underneath a flight track (shown as a solid red line) and sites offset 1,000 m to the side of a flight track (shown as a dashed red line).

Figure 7: Assumed flight paths

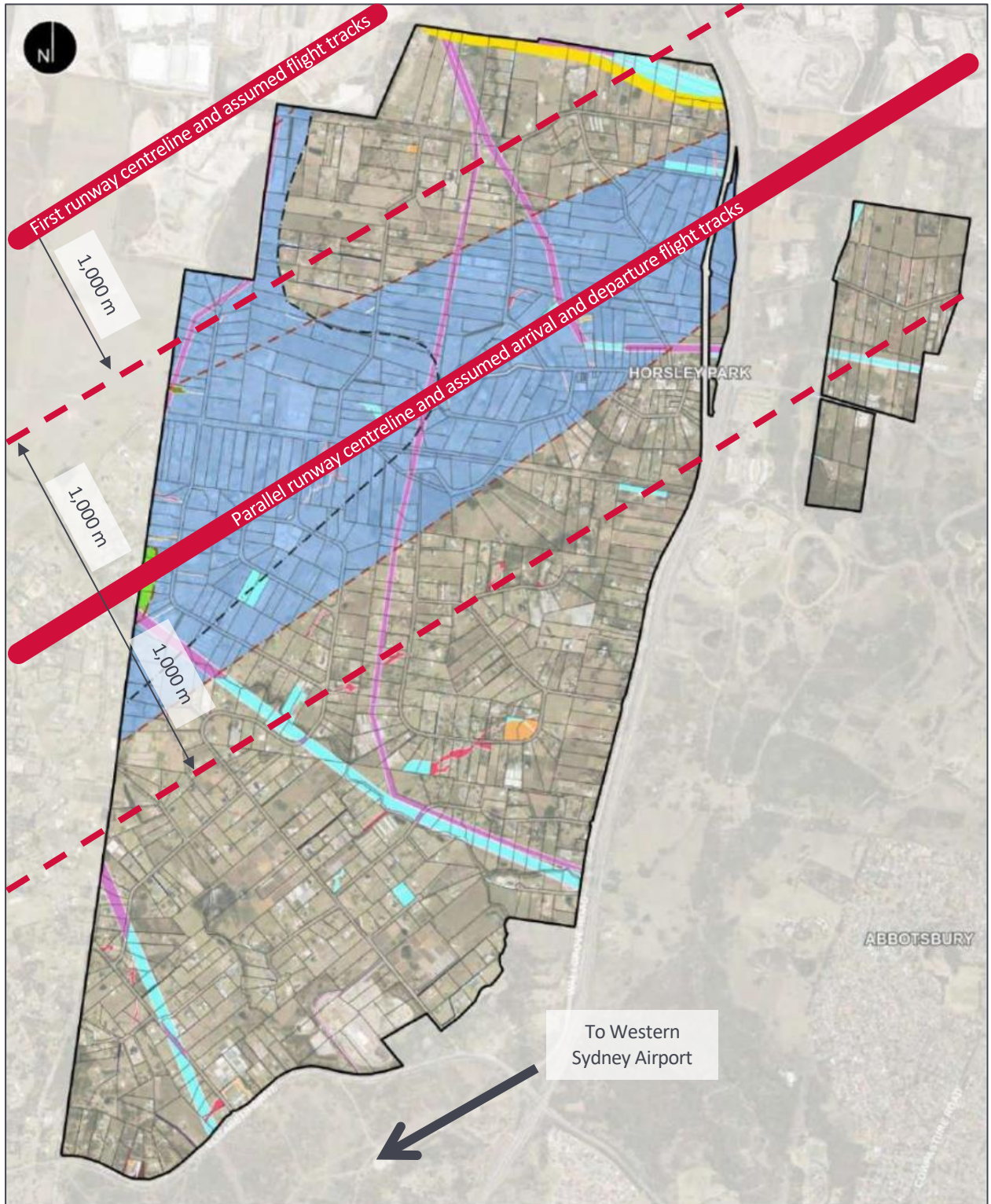


Table 3 presents the AS 2021 estimates of the range of aircraft noise levels that could be expected within 1,000 m of a flight track over Horsley Park. Noise levels at the higher end of the range occur directly below a flight path, and noise levels at the lower end of the range are representative of those locations at a sideline distance of 1,000 m from a flight track.

Table 3: AS 2021 estimated range of aircraft noise levels within 1,000 m of an arrival or departure flight track

Aircraft type	Arrival, dB L _{Amax}	Departure, dB L _{Amax}	Comments
Boeing 747-400 (long haul)	67 - 79	74 - 83	Likely to be the loudest aircraft type, but is being phased out of operation in Australia and will operate relatively infrequently
Boeing 767-300	65 - 77	73 - 77	Predicted noise levels anticipated to form the basis of building envelope sound insulation design.
Boeing 777-300	63 - 75	70 - 76	Similar noise levels to the Boeing 767
Airbus A330-301	63 - 74	70 - 75	Expected to be the loudest of the frequently occurring aircraft types
Airbus A380-841 (long haul)	70 - 74	70 - 75	Representative of noise levels from future large aircraft types other than the Boeing 747
Boeing 737-800	62 - 74	69 - 73	Third most common aircraft type
Airbus A320	59 - 70	62 - 67	Most commonly occurring aircraft type
SAAB 340	57 - 68	57 - 59	Propeller-driven aircraft type
DASH 8-300	50 - 61	50 - 53	Propeller-driven aircraft type

The highest predicted aircraft noise levels at the site are due to Boeing 747 movements, which was also predicted by the EIS. However, the EIS also notes in several places that Boeing 747 operations are being phased out at Australian airports and is likely to be replaced by quieter aircraft types, and that its inclusion in the EIS was a conservative approach to the assessment.

The predicted range of maximum noise levels, 70 – 75 dB L_{Amax} associated with large wide body jets is therefore likely to be representative of the typical highest noise levels experienced within 1,000 m of future aircraft flight tracks over Horsley Park.

This range of maximum noise levels have been considered as the basis of further discussion on insulating against aircraft noise intrusion.

C3 Indoor design sound level

AS 2021 recommends indoor design sound levels due to aircraft flyovers for different building types. The indoor design sound levels relevant to residential uses, including dwellings, temporary lodgings and nursing homes, are detailed in Table 4.

Table 4: AS2021 indoor design sound levels for noise sensitive uses

Building type and activity	Indoor design sound level, dB L_{Amax}
<i>Houses, home units, flats and caravan parks</i>	
Sleeping areas, dedicated lounges	50
Other habitable spaces	55
Bathrooms, toilets, laundries	60
<i>Hotels, motels, hostels</i>	
Relaxing, sleeping	55
Social activities	70
Service activities	75
<i>Hospitals, nursing homes</i>	
Wards, theatres, treatment and consulting rooms	50
Laboratories	65
Service areas	75

AS 2021 explicitly states that the indoor design sound levels are not intended to be used for measurement of adequacy of construction. Further, it notes that the indoor sound levels are intended for the sole purpose of designing adequate construction against aircraft noise intrusion and are not intended to be used for assessing the effects of noise. Reactions to noise levels are highly variable and subjective.

C4 Aircraft Noise Reduction

The Aircraft Noise Reduction (ANR) is a calculated or measured sound insulation value. For design purposes, it is the arithmetic difference between the predicted external aircraft noise level at a site and the indoor design level.

Based on the external and indoor design noise levels, the calculation for the Aircraft Noise Reduction (ANR) required by AS 2021 is shown in Table 5.

Table 5: ANR calculation

Building type and activity	Aircraft noise level, dB L _{Amax}	Indoor design sound level, dB L _{Amax}	ANR, dB
<i>Houses, home units, flats and caravan parks</i>			
Sleeping areas, dedicated lounges	70 - 75	50	20 - 25
Other habitable spaces	70 - 75	55	15 - 20
Bathrooms, toilets, laundries	70 - 75	60	10 - 15
<i>Hotels, motels, hostels</i>			
Relaxing, sleeping	70 - 75	55	15 - 20
Social activities	70 - 75	70	<10
Service activities	70 - 75	75	<10
<i>Hospitals, nursing homes</i>			
Wards, theatres, treatment and consulting rooms	70 - 75	50	20 - 25
Laboratories	70 - 75	65	5 - 10
Service areas	70 - 75	75	<10

Table 6 presents comments regarding achieving the ANR ratings shown in Table 5.

Table 6: Achieving ANR ratings

ANR	Comment
20 - 25	An ANR of 20 - 25 can be readily achieved with standard construction but will require the performance ratings of individual building envelopes to be verified. Sound insulation measures may include one or a combination of the following: <ul style="list-style-type: none"> – Higher density or multiple plasterboard ceiling linings – Higher density plasterboard or additional mass linings such as plywood or cement sheet to internal wall linings where lightweight facade construction is nominated for external walls. No additional treatment is expected to be necessary for masonry construction – Single or double glazing with a rating up to approximately R_w 35, such as 10 mm laminate single glazing or 6mm/12mm cavity/6 mm laminate double glazing, fitted with seals – External doors with perimeter seals
10 - 20	An ANR of 10 - 20 can be readily achieved by a modern building of basic construction with external windows and doors closed. No specific sound insulation measures likely to be necessary.
< 10	An ANR of 10 or lower can be achieved in a room with an open window. Therefore, no specific sound insulation measures likely to be necessary.

Regarding achieving the ANR for internal spaces, Section 3.3 of AS 2021 states:

In general, this will require that external windows and doors be kept closed since if these are opened for ventilation purposes the aircraft noise reduction of the building will be significantly reduced. If it is necessary to close windows and doors to comply with this Standard, building ventilation should be in accordance with the National Construction Code on the assumption that windows and doors are not openable.

External windows and doors are required to be closed to achieve ANR >10. Specialist advice should be sought from a mechanical engineer and building surveyor regarding the ventilation requirements of buildings. Any air intake or discharge paths associated with the ventilation system would need to be appropriately treated so that the overall sound insulation of the facade is not compromised.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>
Sent: Friday, 5 November 2021 1:04 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: submission-to-dpie---amendments-to-aerotropolis-planning-documents-aircraft-noise-strategy-uia---5.11.2021.pdf

Submitted on Fri, 05/11/2021 - 13:03

Submitted by: Anonymous

Submitted values are:

Submission Type

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Kerren

Last name

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Contact number

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Submission file

[submission-to-dpie---amendments-to-aerotropolis-planning-documents-aircraft-noise-strategy-uia---5.11.2021.pdf](#)

Submission

Please find attached Fairfield City Council's submission on the Western Sydney Aerotropolis Explanation of Intended Effects and draft Western Sydney Aerotropolis Development Control Plan Phase 2.

I agree to the above statement

Yes

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To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: wsroc-phase-2-dcp-submission-waste-and-resource-recovery.pdf

Submitted on Fri, 05/11/2021 - 16:20

Submitted by: Anonymous

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Please provide your view on the project

I am just providing comments

Submission file

[wsroc-phase-2-dcp-submission-waste-and-resource-recovery.pdf](#)

Submission

Thank you for the opportunity to provide comment on the draft Phase 2 DCP.

For any questions on this attached submission, please contact Amanda Bombaci, Regional Waste Coordinator at WSROC on [Redacted]

I agree to the above statement

Yes

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Waste and Resource Recovery in Western Sydney Aerotropolis Development Control Plan-Phase 2

Western Sydney councils have been working collaboratively to ensure the critical role of waste management and resource recovery is acknowledged in the planning system and is managed as the critical essential service that it is. Waste management and resource recovery services are unique in that they are delivered by local government, under NSW Government strategic direction and in partnership with the private sector.

It is essential that any planning documents relating to the Aerotropolis deliver the integration of residential waste services with the service provided by Penrith and Liverpool councils, promote waste avoidance and resource recovery across the spectrum of developments and ensure the principles of circular economy throughout. The relevant planning controls have been reviewed to ensure consistency with council servicing requirements, current best practice resource recovery and the most up to date research on waste and recycling technologies.

In this way, we strongly applaud recognising waste and resource recovery as an essential service and ensuring a safe and cost effective service can be provided by councils for residents of the Aerotropolis zone, through the following key principles, but note that they apply not just to waste or resource management facilities in 15.13:

O2. Recognise waste as a resource and the collection and transport of waste, repair, reuse, and recycling as an essential service in the Aerotropolis.

O3. Enable the collection and transport of waste and extractive materials in a manner that is safe, efficient, cost effective and does not negatively impact on liveability and the environment.

It is pleasing to see the introduction of circular economy controls to stimulate the development of more sustainable buildings and encouraging repair and the reuse, and recovery of materials at the end of life. Additionally, by specifically encouraging greater source separation of waste in the ongoing operation of the building, councils hope to see greater separation systems build into development proposals and increased recovery rates.

However, the following recommendations are made to improve the proposed controls:

1. P01-3 Stipulates the co-location of waste infrastructure on sites with multiple uses. It is essential that multi use developments have clearly separated and defined waste collection/storage sites that ensure commercial and residential waste services are kept separate and prevents crossover of use. Residents must not have access to commercial waste facilities, and vice versa, with separate bin rooms and infrastructure required. Similarly, more clarity is required on the intent of shared collection points and integration across buildings, such as in PO6-1a. Each separate building must have its own waste service for occupants.

2. While it is important to recognise the need for source separation of organics, P01-2 seems to require onsite processing of organics. Recent studies undertaken by WSROC on behalf of six western Sydney councils found onsite processing of organics in residential developments was not the most effective option, with most technologies requiring further collection, transfer and further offsite processing. Even onsite worm farming that allows land application requires more land than an residential flat building (RFB) would provide for output application. There is concern for the potential implications of onsite organics (pre) processing in residential developments, and the additional complexities this would add to organics servicing, including (but not limited to) access limitation, maintenance and servicing, education requirements, cost benefit and contamination management. Similarly, it is not clear why developments would require multiple organics processing options onsite (P02-6a) or if single lot or precinct anaerobic digestion would be intended for processing household generated organics wastes. It is recommended these be provided where proven viable.

3. To deliver on the requirement for onsite collection of waste from developments, further clarity in controls is required to ensure the access of councils' waste trucks onsite. It is essential that for onsite collections and the required access and egress that sites cater for heavy rigid vehicles. Suggested wording amendments can be found in the attached amendments below, to ensure consistency with Penrith and Liverpool Council's waste services, and the appropriate existing standards.

4. There is no logical reason for boarding houses to be exempt from safety and amenity provisions of waste storage and collection services. Boarding houses generate equal or greater volumes of waste to similar sized medium and high density residential dwellings and require adequate storage of waste and access to services to accommodate waste generated by residents. To ensure safe collection, local amenity and resource recovery, the same controls must be applied to boarding houses. As such, the exemption at P06-1a must be removed.

5. Consideration should be given to servicing of street litter bins adjacent to cycleways or on street parking. There is a need for litter collection trucks to stop adjacent to, or in very close proximity to litter bins to unload and empty bins. The provision of litter bins in pedestrian areas to provide improved amenity and pedestrian safety needs to be balanced with requirements for progression to new innovative smart and solar bins, and the collection requirements for servicing both traditional and advanced tech litter bins.

If not planned for adequately in these planning controls, the ramifications for residents and businesses are significant and costly, impacting community safety, local amenity and the ability to divert waste from landfill. This review seeks to ensure adequate waste and resource recovery controls within the Phase 2 DCP have been detailed to deliver sound planning and waste management outcomes. Further details on additional specific controls requiring amendment can be found in the Liverpool and Penrith Council submissions and WSROC supports these recommendations.

Detailed proposed wording changes

Section 7.3 Parking Design/Access and End of Trip Facilities

7.3.2	Performance Outcome	Benchmark Solution
PO8	Vehicle access arrangements and queuing areas on a site shall minimise any adverse impact on infrastructure, road networks, safety, adjoining properties, amenity, and street trees.	<ol style="list-style-type: none"> 1. No direct vehicular access is permitted to allotments from an arterial or sub-arterial road. This must be identified on the Section 88B instrument issued under the <i>Conveyancing Act 1919</i>. 2. Locate vehicle access points on the secondary frontage or rear lanes with access and egress points provided in a forward direction. 3. Where a site has frontage to a classified road, provide access to an alternate road. 4. Ensure that all vehicles can enter and exit in a forward direction. 5. Accommodate turning movements of the largest design vehicle to access the site, with consideration to servicing and heavy rigid vehicle garbage collection requirements.

Section 11.3 Waste Management and Recovery

11.3.1 Objectives

- O1. Incorporate well-designed and innovative waste and recycling facilities in the building design stage.

- O2. Encourage circular economy infrastructure **including but not limited to** reuse and repair facilities, sharing and leasing facilities, reverse vending machines and community recycling centres within the Aerotropolis.
- O3. Minimise the amount of waste generated and going to landfill.
- O4. Ensure waste services **and collection operations** occur in a safe, efficient, cost-effective and timely manner.
- O5. Maximise waste separation and resource recovery.
- O6. Provide innovative and best practice waste management collection systems and technologies for reuse, recycling, organics collection and product stewardship.
- O7. Provide waste and recycling facilities that do not impact on amenity for residents, neighbours and the public. **This includes but not limited to** visually unpleasant areas, noise, traffic and odours from waste collection services, while also ensuring facilities are accessible, **integrated wholly within the built form** and easy to use.
- O8. Ensure recycling can be easily separated on site, reused and if required, moved off site **responsive to Circular Economy Objectives**.

11.3.2 Performance Outcomes and Benchmark Solutions

11.3.2	Performance Outcome	Benchmark Solution
PO1	Waste management measures are implemented at lot and neighbourhood scale to support circular economy activities.	<ul style="list-style-type: none"> 6. Submit a waste management plan that details the quantity and type of waste generated and how this will be managed. 7. Incorporate, where possible, technologies such as vacuum extraction or on-site food processing. 8. Co-locate and integrate waste infrastructure on site with multiple uses by providing a single collection point for waste and recycling.
PO2	Waste and recycling facilities promote waste separation and reduce contamination. Materials are separated at source to achieve higher value recovery.	<ul style="list-style-type: none"> 1. Provide efficient waste separation technologies for general waste, recycling, organics and bulky waste storage awaiting collection. 2. Collection points (including, but not limited to, reverse vending machines and e-waste drop-off) must be located with adequate space for servicing, ease of use and to encourage the separation of waste material such as textiles, e-waste, glass, plastics etc. Collection points are documented in the waste management plan and are easily accessible. 3. Provide separate and enclosed storage for liquid, chemicals, and hazardous waste. 4. Where general waste chutes are used, provide for the collection of recycling and organic waste on each level within the building. 5. For residential development, each residence is internally fitted with an appropriate amount of storage space for waste separation into a minimum of 3 streams (e.g. general waste, organic and recycling). 6. Demonstrate that organic waste can be

		<p>managed and stored prior to collection within the building. Provisions may include but not limited to:</p> <ol style="list-style-type: none"> a. Multiple options for on-site organic waste to maximise recovery (e.g. communal composting, worm farms, individual composting, dehydrators); b. Organics disposal, storage and collection infrastructure is available to all households and collection contractors; c. Energy generation from organic waste (anaerobic digestion) at lot and precinct scale; d. Consolidated organic waste storage and collection infrastructure designed to minimise any potential odour and vermin risks. This include the provision of rooms that are temperature controlled and suitably
PO3	<p>The location of waste management is clearly indicated for each site and neighbourhood.</p>	<ol style="list-style-type: none"> 1. Provide uniform waste management design and colour coding in accordance with AS 4123 across residential and commercial developments. 2. Information signs in common areas clearly identify waste, recycling and organic bins and storage areas using symbols and universal communication standards. 3. Waste management systems are integrated wholly within the buildings-built form to support a heightened amenity and urban design outcome.
PO4	<p>Waste bins are provided to a level commensurate with waste produced for each development as outlined in Council's waste and recycling service.</p>	<ol style="list-style-type: none"> 1. Waste storage areas are designed to: <ol style="list-style-type: none"> a. Accommodate the required number and size of waste bins; b. Provide space for the bins to be accessed, rotated and manoeuvred for collection; c. Allow for future waste separation practices; and d. Account for different uses in mixed use development through the provision of separate and enclosed collection rooms and infrastructure for both residential and commercial uses. 2. Align building design and collection points with Council's waste and recycling services and collection fleets. 3. Allocate space for flexibility in services, including space for additional recycling options such as the collection of e-waste, textile, cardboard and soft plastics.

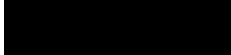
<p style="text-align: center;">PO5</p>	<p>Implement innovative waste management storage systems that are safe, healthy, and efficient.</p>	<ol style="list-style-type: none"> 1. Waste storage areas are to: <ol style="list-style-type: none"> a. Be well-lit and ventilated; b. Include water and drainage facilities for cleaning the bins and bin storage area; c. Be easily and conveniently accessible for all users and collection contractors d. Be located so residents do not have to walk more than 30m for access; e. Comply with the Building Code of Australia and relevant Australian Standards; and f. Refer to the <i>Better Practice Guide for Resource Recovery in Residential Developments</i>. g. Comply with Local Council Policy and contractual service provisions 2. Collection and loading points are to be: <ol style="list-style-type: none"> a. Level; b. Free of obstructions; Easily accessible from the nominated waste and recycling storage area. d. Be integrated wholly within the built form to support a heightened amenity outcome f. Be accessible by heavy rigid collection vehicles to permit entry and exit of the site in a forward direction g. Comply with the Building Code of Australia and Relevant Australian Standards h. Comply with Local Council Policy and contractual service provisions 3. Provide safe and efficient access to waste and resource recovery areas for residents, building managers and collection contractors. 4. Storage areas are designed to permit unobstructed accessible access 5. Ensure waste and recycling areas flexibly adapt to other types of waste and materials storage over time. Design waste and recycling facilities to prevent litter and contamination of the stormwater drainage system.
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PO6	Waste management storage systems minimise negative impacts on the streetscape, public domain, building presentation or amenity of pedestrians, occupants, and neighboring sites.	<ol style="list-style-type: none"> 1. Waste storage and collection areas are to: <ol style="list-style-type: none"> a. Integrate wholly within the developments built form (except for boarding houses) and where possible, across separate buildings; b. Not be visible from the street or public domain; c. Not adjoin private open space, windows, habitable rooms, or clothes drying areas; d. Be wholly located within a designated area of the building (may require more than 1 location); and e. Not be located within front setbacks. f. Comply with Local Council Policy and contractual service provisions 2. Collection points and systems are designed to minimise noise for occupants and neighbours during operation and collection.
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Submission ends

Since 2014, the NSW Environment Protection Authority (EPA) has funded Western Sydney Regional Organisation of Councils (WSROC) to develop and deliver the Western Sydney Regional Waste Avoidance and Resource Recovery Strategy (Strategy) on behalf of nine councils: Blacktown City Council, Blue Mountains City Council, Cumberland City Council, Fairfield City Council, Hawkesbury City Council, Liverpool City Council, Parramatta City Council, Penrith City Council and The Hills Shire Council.

The Strategy (now in its second iteration) was developed to outline future directions for resource recovery practices across Western Sydney, and to explore options for addressing common waste management challenges faced by councils in the region. This submission was prepared by the regional coordination team, hosted in WSROC, on behalf of participants in this regional collaboration to contribute to improved waste avoidance and resource recovery outcomes within planning frameworks. This submission supports the comments provided by Liverpool City Council and Penrith City Council in their submissions.



From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>
Sent: Friday, 5 November 2021 4:31 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: pcc-submission-(aerotropolis-dcp-exhibtion-comments.docx

Submitted on Fri, 05/11/2021 - 16:28

Submitted by: Anonymous

Submitted values are:

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Submission file

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Submission

For any enquiries on this submission, please contact Tracy Chalk at Penrith City Council on the provided email address or phone number.

I agree to the above statement

Yes

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MEMORANDUM

FROM: Penrith City Council

DATE: 5 November 2021

SUBJECT: Waste Services Comments – Western Sydney Aerotropolis Development Control Plan Exhibition

The Draft Western Sydney Development Control Plan provides detailed controls to inform the assessment of masterplans and development applications. Through the detailed provisions the document encourages developments with integrated waste collection infrastructure and service provisions to further enhance urban design, sustainability and amenity outcomes for the Aerotropolis Precinct.

Penrith City Council is a key local government area within the Western Parkland City that has undergone increased levels of urban densification. The Western City population is expected to increase from 740,000 in 2016 to 1.1 million by 2036 and expected to surpass 1.5million by 2056. Responding to the anticipated population growth Penrith LGA has been a key contributor towards the provision of infrastructure, transport, housing and employment to meet the objectives outlined the Aerotropolis Precinct and Greater Sydney Region Plan. Highlighting Penrith Councils key role within the new polycentric city with surrounding Councils including Liverpool and Campbelltown-Macarthur.

Penrith City Council has long been a pioneer in the adoption of sustainability initiatives, on-site service infrastructure and implementation of organics waste streams to residents throughout the local government area. This is observed within the field of waste planning through the ongoing development and support for the adoption of Legislation and Council Policy relating for waste infrastructure and service provisions within higher density developments. This has resulted in the adoption of Council policy which outlines development specific on-site infrastructure and service provisions to further support sustainable service operations. This policy has resulted in the removal of kerbside bin presentation and kerbside collection operations within medium and high-density developments. Further enhancing residential amenity, local character, retainment of landscaping, street tree canopies, deep soil, increased urban design outcomes and unobstructed frontages across developments.

Throughout this journey the development of Council policy and processes have further streamlined the review of development applications whilst supporting innovative service and collection infrastructure provisions responsive to NSWs Circular Economy and Urban Design objectives. Our experience in Penrith Council gives us confidence to offer the following refinements shown in red for your consideration:

Detailed proposed changes to Section 11.3

11.1.1 Objectives

01. Incorporate well-designed and innovative waste and recycling facilities in the building design stage.
02. Encourage circular economy infrastructure **including but not limited to** reuse and repair facilities, sharing and leasing facilities, reverse vending machines and community recycling centres within the Aerotropolis.
03. Minimise the amount of waste generated and going to landfill.
04. Ensure waste services **and collection operations** occur in a safe, efficient, cost-effective and timely manner.
05. Maximise waste separation and resource recovery.
06. Provide innovative and best practice waste management collection systems and technologies for reuse, recycling, organics collection and product stewardship.
07. Provide waste and recycling facilities that do not impact on amenity for residents, neighbours and the public. **This includes but not limited to** visually unpleasant areas, noise, traffic and odours from waste collection services, while also ensuring facilities are accessible, **integrated wholly within the built form** and easy to use.
08. Ensure recycling can be easily separated on site, reused and if required, moved off site **responsive to Circular Economy Objectives**.

11.1.2 Performance Outcomes and Benchmark Solutions

11.3.2	Performance Outcome	Benchmark Solution
PO1	Waste management measures are implemented at lot and neighbourhood scale to support circular economy activities.	<ol style="list-style-type: none"> 1. Submit a waste management plan that details the quantity and type of waste generated and how this will be managed. 2. Incorporate, where possible, technologies such as vacuum extraction or on-site food processing. 3. Co-locate and integrate waste infrastructure on site with multiple uses by providing a single collection point for waste and recycling.
PO2	Waste and recycling facilities promote waste separation and reduce contamination. Materials are separated at source to achieve higher value recovery.	<ol style="list-style-type: none"> 1. Provide efficient waste separation technologies for general waste, recycling, organics and bulky waste storage awaiting collection. 2. Collection points (including, but not limited to, reverse vending machines and e-waste drop-off) must be located with adequate space for servicing, ease of use and to encourage the separation of waste material such as textiles, e-waste, glass, plastics etc. Collection points are documented in the waste management plan and are easily accessible. 3. Provide separate and enclosed storage

		<p>for liquid, chemicals, and hazardous waste.</p> <ol style="list-style-type: none"> 4. Where general waste chutes are used, provide for the collection of recycling and organic waste on each level within the building. 5. For residential development, each residence is internally fitted with an appropriate amount of storage space for waste separation into a minimum of 3 streams (e.g. general waste, organic and recycling). 6. Demonstrate that organic waste can be managed and stored prior to collection within the building. Provisions may include but not limited to: <ol style="list-style-type: none"> a. Multiple options for on-site organic waste to maximise recovery (e.g. communal composting, worm farms, individual composting, dehydrators); b. Organics disposal, storage and collection infrastructure is available to all households and collection contractors; c. Energy generation from organic waste (anaerobic digestion) at lot and precinct scale; d. Consolidated organic waste storage and collection infrastructure designed to minimise any potential odour and vermin risks. This include the provision of rooms that are temperature controlled and suitably
PO3	The location of waste management is clearly indicated for each site and neighbourhood.	<ol style="list-style-type: none"> 1. Provide uniform waste management design and colour coding in accordance with AS 4123 across residential and commercial developments. 2. Information signs in common areas clearly identify waste, recycling and organic bins and storage areas using symbols and universal communication standards. 3. Waste management systems are integrated wholly within the buildings-built form to support a heightened amenity and urban design outcome.

<p>PO4</p>	<p>Waste bins are provided to a level commensurate with waste produced for each development as outlined in Council's waste and recycling service.</p>	<ol style="list-style-type: none"> 1. Waste storage areas are designed to: <ol style="list-style-type: none"> a. Accommodate the required number and size of waste bins; b. Provide space for the bins to be accessed, rotated and manoeuvred for collection; c. Allow for future waste separation practices; and d. Account for different uses in mixed use development through the provision of separate and enclosed collection rooms for both residential and commercial uses. 2. Align building design and collection points with Council's waste and recycling services and collection fleets. 3. Allocate space for flexibility in services, including space for additional recycling options such as the collection of e-waste, textile, cardboard and soft plastics.
<p>PO5</p>	<p>Implement innovative waste management storage systems that are safe, healthy, and efficient.</p>	<ol style="list-style-type: none"> 1. Waste storage areas are to: <ol style="list-style-type: none"> a. Be well-lit and ventilated; b. Include water and drainage facilities for cleaning the bins and bin storage area; c. Be easily and conveniently accessible for all users and collection contractors d. Be located so residents do not have to walk more than 30m for access; e. Comply with the Building Code of Australia and relevant Australian Standards; and f. Refer to the <i>Better Practice Guide for Resource Recovery in Residential Developments</i>. g. Comply with Local Council Policy and contractual service provisions 2. Collection and loading points are to be: <ol style="list-style-type: none"> a. Level; b. Free of obstructions; Easily accessible from the nominated waste and recycling storage area. d. Be integrated wholly within the built form to support a heightened amenity outcome f. Be accessible by heavy rigid collection vehicles to permit entry and exit of the site in a forward direction g. Comply with the Building Code of

		<p style="text-align: center;">Australia and Relevant Australian Standards</p> <p style="text-align: center;">h. Comply with Local Council Policy and contractual service provisions</p> <ol style="list-style-type: none"> 3. Provide safe and efficient access to waste and resource recovery areas for residents, building managers and collection contractors. 4. Storage areas are designed to permit unobstructed accessible access 5. Ensure waste and recycling areas flexibly adapt to other types of waste and materials storage over time. <p>Design waste and recycling facilities to prevent litter and contamination of the stormwater drainage system.</p>
<p style="text-align: center;">PO6</p>	<p>Waste management storage systems minimise negative impacts on the streetscape, public domain, building presentation or amenity of pedestrians, occupants, and neighboring sites.</p>	<ol style="list-style-type: none"> 1. Waste storage and collection areas are to: <ol style="list-style-type: none"> a. Integrate wholly within the developments built form (except for boarding houses) and where possible, across separate buildings; b. Not be visible from the street or public domain; c. Not adjoin private open space, windows, habitable rooms, or clothes drying areas; d. Be wholly located within a designated area of the building (may require more than 1 location); and e. Not be located within front setbacks. f. Comply with Local Council Policy and contractual service provisions 2. Collection points and systems are designed to minimise noise for occupants and neighbours during operation and collection.

Catherine Van Laeren
Executive Director, Central River City and Western Parkland City
Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Email: [REDACTED]

Dear Catherine,

Re: Submission on Aerotropolis Planning Package including amendments to SEPP (Western Sydney Aerotropolis) 2020, Open Space Needs Study, draft Aerotropolis Development Control Plan – Phase 2 and Luddenham Village Discussion Paper

Thank you for the opportunity to comment on the above documents relating to the ongoing planning of the Western Sydney Aerotropolis.

As previously advised, Council's next scheduled meeting to consider and endorse Liverpool City Council's submission is 24 November 2021. A copy of Council's endorsed submission will be forwarded to DPIE following the November Council meeting.

In the interim, please find attached a Council staff submission on the exhibited documents:

- Appendix A – Explanation of Intended Effects;
- Appendix B – Open Space Needs Study;
- Appendix C – Luddenham Village Options Paper.; and
- Appendix D – Phase 2 DCP.

Should you wish to discuss this matter further, please contact me on [REDACTED] or via email [REDACTED]

Yours sincerely,

[REDACTED]

David Smith
Director Planning and Compliance

Appendix A

Western Sydney Aerotropolis EIE

- **Changes to the alignment of the Agribusiness Precinct and North Luddenham Precinct Boundary and application of the Aerotropolis SEPP to certain land**

Council notes that this change is within the Penrith Local Government Area. Council supports the proposed precinct boundary and zoning adjustment.

- **Changes to the Wianamatta-South Creek Precinct and application of the Aerotropolis SEPP**

Council supports the proposed changes to the Environment and Recreation zoning (ENZ) as proposed. Council also considers that it is vitally important that the arrangements for stormwater management in the Aerotropolis and the broader catchment are consistent, and in principle, supports a regional stormwater authority to plan and manage stormwater in the Aerotropolis.

Whilst Council supports the rationalisation of the ENZ zone, and that land reverting to the previous zoning under the Liverpool Local Environmental Plan 2008 (LEP), it is important that the community is aware that existing affectations applying to the land may impact future development. This includes flooding impacts and aviation safeguarding controls in the Aerotropolis SEPP (including aircraft noise controls). Council would welcome the Department preparing clear community information fact sheets clarifying this point to ensure landowner expectations are managed appropriately.

- **Acquisition of the Open Space Network**

Council broadly supports the reduction in the open space network, as proposed. It is important that land identified for acquisition by a public authority for open space is appropriately identified and able to be funded through Council's Local Infrastructure Contributions Plan (LIC) or the Special Infrastructure Contribution (SIC).

Council also supports land identified for publicly accessible open space being identified on the Land Reservation Acquisition map. Council notes that with proposed land acquisition for open space, some lots seem to be fragmented or isolated, potentially leading to constrained sites with limited development potential. It is recommended that further clarity be provided in relation to these issues with specific consideration given to resolving issues relating to lots potentially fragmented or isolated.

Council prefers land required for acquisition for publicly accessible open space to be appropriately zoned for open space in the Aerotropolis SEPP as well as identified on the Land Reservation Acquisition map. This is consistent with how open space is zoned more broadly in the Liverpool local government area, and elsewhere in NSW.

- **Acquisition of land for Stormwater Infrastructure**

Council supports land identified for stormwater infrastructure being appropriately zoned SP2 Stormwater Infrastructure, and where that land is proposed to be acquired for a public purpose, being identified on the Land Reservation Acquisition map.

As outlined above, Council recommends that further clarity be provided in relation to potential fragmentation or isolation of lots due to future land acquisition for stormwater infrastructure.

Council notes that the Land Reservation Acquisition map does not identify all riparian land. The DCP identifies that most of the riparian land will be dedicated to Council along creek corridors. Council has concerns that a dedication requirement through the DCP is not a robust statutory mechanism. It is recommended that further consideration be given to the proposed mechanism to ensure the objectives can be achieved.

Council notes that the SP2 zone objectives do not seem to sufficiently align with the Western Sydney Aerotropolis Plan (WSAP) and the aims of the Aerotropolis SEPP relating to provision of the blue-green grid, particularly in areas proposed to be rezoned from ENZ and that are required for stormwater infrastructure, specifically relating to the ecological, scenic and recreation values of waterways. It is recommended that further consideration be given to how the ecological, scenic and recreation values of the riparian areas of Wianamatta-South Creek and Kemps Creek and their tributaries will be retained and enhanced under the SP2 objectives and further clarity on whether SP2 land is to be available for passive recreation and public access along major waterways.

- **Enabling previously permissible uses**

Council supports the proposal to include a new clause in the Aerotropolis SEPP that seeks to retain land uses that were permissible under the Liverpool LEP prior to the commencement of the Aerotropolis SEPP. Council also supports the requirement for any development to appropriately address the airport safeguarding provisions in the Aerotropolis SEPP. Council also supports recognition of existing use rights.

- **Development in ANEC/ANEF 20+ contour**

Council supports the “savings provision” in relation to subdivision development applications lodged before the commencement of the Aerotropolis SEPP.

- **Building restricted area**

Council supports the inclusion of “Building Restricted Areas” as it’s imperative for the safe and efficient operation of the airport. Council seeks clarification regarding the “relevant Commonwealth body” that Council will have to seek confirmation from that a development will not impact on the communication, navigation, and surveillance facilities within the identified area.

- **Clarification of buffer zones in the Aerotropolis in relation to complying development**

Council supports the clarification in relation to this matter, to ensure complying development certificates can continue to be issued.

- **Development by a Public Authority below the flood planning level for public infrastructure**

Council supports this amendment to exempt infrastructure delivered by or on behalf of a public authority from Clause 26(4) of the Aerotropolis SEPP. This will enable some stormwater infrastructure, pedestrian and cycle paths to be developed below the flood planning level where appropriate.

- **Additional protection of land to meet biodiversity certification requirements in the Aerotropolis Core and Badgerys Creek Precincts**

Council supports the protection of existing native vegetation in the above precincts to meet the biodiversity certification requirements under the Growth Centres Biodiversity Certification Order. It is noted that most of the additional land is identified on the Land Reservation Acquisition map for acquisition. Where that is not the case, clarity is sought on the method to ensure the ongoing protection of existing native vegetation under the Aerotropolis SEPP and DCP.

- **Vegetation clearing undertaken by a public authority**

Council supports the amendment to the Aerotropolis SEPP to include an additional clause, consistent with Clause 18A of the Growth Centres SEPP, to permit public authorities to clear land in the Aerotropolis, provided written notice is provided to DPIE outlining the specific outcomes to be achieved. This provides the necessary flexibility for Council, particularly regarding the provision of future public infrastructure.

- **Connection to Country**

Council supports the work of the Western Sydney Planning Partnership and DPIE in preparing the Western Sydney Aerotropolis Recognise Country Guideline. Council is, however, concerned about the utility of the Guideline in the assessment of future development applications, rather than a guideline to inform precinct planning and other strategic planning in the Aerotropolis.

The Aerotropolis SEPP amendment will require a consent authority to be satisfied that relevant development proposals have duly considered the Guideline. DPIE needs to ensure that this amendment to the Aerotropolis SEPP, and the guideline themselves, do not unnecessarily delay the preparation, assessment, and determination of development applications. It is recommended that additional guidance be provided as to the statutory weight of the guideline and what expert qualifications are required to provide a report addressing the guideline in support of any future development application.

- **Changes to Transport Corridors**

Council understands the changes to the Transport Corridors Map is required due to the progression by Transport for NSW (TfNSW) of the necessary technical assessments and detailed designs of several key transport corridors. Council considers that there is a lack of detail in relation to how individual lots are impacted by changes to transport corridors and the specific width of all corridors identified and considers that detailed GIS mapping be provided that identifies the impact of these changes at the individual lot level.

Council considers that, where TfNSW has finalised the location of corridors, that major corridors should be identified on the Aerotropolis SEPP Land Reservation Acquisition Map, where possible, and be appropriately rezoned SP2 Infrastructure.

- **New Part - Complying Development**

Council supports enabling some development in the Aerotropolis to be undertaken under the Complying Development approval pathway. However, Council considers further clarity is needed on how the following requirements are to be considered:

- *The application does not risk airport safeguarding;*
- *The application does not risk compromising the vision for the Aerotropolis managed through the Aerotropolis SEPP and Precinct Plan;*
- *The application does not discourage higher level use of land over time; and*
- *Are relevant to development types that are permitted across the Aerotropolis.*

For orderly assessment of future complying development applications (in accordance with Clause 1.19(1) of the Codes SEPP), the Aerotropolis SEPP must include sufficient mapping to allow for the clear identification of land that is (or is not):

- i. within a buffer area, or
- ii. within a river front area, or
- iii. within an ecologically sensitive area, or
- iv. environmentally sensitive land, or
- v. within a protected area

It is recommended that DPIE provide additional information in relation to the application of Clause 1.19(1) of the Codes SEPP. Council would suggest that, if the number of provisions within the Codes SEPP that are applicable are only limited, that these remain switched off, and instead, the Aerotropolis SEPP include an additional part for Complying Development.

- **Making and amending a Precinct Plan**

Council does not support the Western Parkland City Authority (WPCA) having a 'concurrence' or 'approval' role in considering a precinct plan prior to approval by the Minister for Planning and Public Spaces. The WPCA is not a planning authority, and it is therefore inappropriate that they have a 'concurrence' or 'approval' role in relation to precinct plans.

Council supports clarity regarding the mechanism to amend a precinct plan.

- **Ability for development to be inconsistent with a Precinct Plan and Master Plan**

Council supports appropriate flexibility when assessing a proposed development's consistency with a precinct plan. Clause 41 of the Aerotropolis SEPP currently 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.*

- **Making and amending a Master Plan**

Council is not able to appropriately comment on these changes without being able to review the master planning guidelines. It is suggested that the Aerotropolis SEPP requires a minimum required land area for master plan applications, as well as other appropriate parameters to guide such applications.

Clarity is required on whether other relevant planning instruments (i.e., proposed Design & Place SEPP including the ADG and UDG) will be applicable. It is suggested that the Aerotropolis SEPP clearly outline the requirements for assessing a master plan application and identify whether other planning instruments and guidelines will be applicable.

Clarity is also sought regarding what is meant by the statement "provide for high quality urban design OR sustainability outcomes such as incorporating high measures of energy reduction and environmental benefit". Reference to sustainable best practice measures including energy reduction would be welcomed.

The master planning process should not be altered to the effect that it can then be used as a means to circumvent the precinct plan and development control plan. If the master plan can be inconsistent with the precinct plan, this should only be in circumstances where a proposed planning response results in a *better outcome* in relation to the objectives of the WSAP and Aerotropolis SEPP. It is requested that this is made clear in the wording of the controls.

- **Schedule 1 Additional permitted uses**

Sydney Science Park

Sydney Science Park is in the Penrith City Council LGA and Council defers to comments from Penrith City Council on this matter.

Luddenham Village

Council supports the work undertaken by the Western Sydney Planning Partnership on commissioning the Luddenham Village Plan and supporting technical studies to ensure a sustainable future for Luddenham Village.

The timing of amendments to the Aerotropolis SEPP in relation to Luddenham Village should coincide with the finalisation of the Luddenham Village Plan, Precinct Plan and Stage 2 DCP. Further comments are provided in **Appendix C** in relation to the draft Luddenham Village Plan and supporting technical studies.

Appendix B

Aerotropolis Open Space Needs Study

Council is supportive of the development of the Aerotropolis Open Space Needs Study as an evidence basis for the appropriateness of the quantum of open space needed for the Aerotropolis.

Council broadly supports the reduction in the open space network, as proposed. It is important that land identified for acquisition by a public authority for open space is appropriately identified and able to be funded through Council's Local Infrastructure Contributions Plan (LIC) or the Special Infrastructure Contribution (SIC) and that there is an appropriate amount of publicly accessible open space for the future community.

Council also supports land identified for publicly accessible open space being identified on the Land Reservation Acquisition map. Council notes that with proposed land acquisition for open space, some lots seem to be fragmented or isolated, potentially leading to constrained sites with limited development potential. It is recommended that further clarity be provided in relation to these issues with specific consideration given to resolving issues relating to lots potentially fragmented or isolated.

Council prefers land required for acquisition for publicly accessible open space, to be appropriately zoned for open space as well as identified on the Land Reservation Acquisition map. This is consistent with how open space is zoned more broadly in the Liverpool local government area, and elsewhere in NSW.

Appendix C

Luddenham Village Discussion Paper

Council supports the work undertaken by the Western Sydney Planning Partnership on commissioning the Luddenham Village Plan and supporting technical studies to ensure a sustainable future for Luddenham Village.

Council reiterates its concern with the current zoning of Luddenham as Agribusiness. Council is particularly concerned with the potential residential amenity impacts if agribusiness uses establish in existing residential areas. Council does not consider the issue of “reverse sensitivity” has been appropriately considered in the future planning for Luddenham. Council remains of the view that the Agribusiness zone is not appropriate for the Luddenham Village and that more appropriate business and residential zones are reinstated.

The timing of amendments to the Aerotropolis SEPP in relation to Luddenham Village should coincide with the finalisation of the Luddenham Village Plan, Precinct Plan and Stage 2 DCP.

Council generally supports Option 4 as the most appropriate option to ensure the future sustainability and viability of Luddenham, provided airport safeguarding is properly considered, particularly regarding potential airport noise impacts on current and future residents of Luddenham. Council considers that in properly considering airport noise, there must be suitable planning controls in relation to new noise sensitive development, including outside the 20 ANEC/ANEF contour. Council notes that the Codes SEPP is limited in relation to appropriate noise management considerations and its applicability to Luddenham should be carefully considered.

Council has concerns as to how the potential 1,200 new dwellings will be appropriately serviced by reticulated sewerage and timing for the delivery of that infrastructure by Sydney Water.

The provision of up to 1,200 new dwellings within a walkable catchment to the north of the existing village would likely require densities that are not typical in the existing Luddenham Village and may have impacts on the Village’s character if not appropriately managed through appropriate planning controls. The community’s expectations must be carefully considered in future detailed plans for the village.

An appropriate contributions plan must also be developed, as the draft s7.12 Aerotropolis Local Contributions Plan has not considered additional residential development in Luddenham at the time it was developed.

Council strongly supports ongoing engagement with the Luddenham community as the Planning Partnership and DPIE refine the plans.

Appendix D

Western Sydney Aerotropolis Development Control Plan Phase 2

Council is in the process of undertaking a comprehensive review and analysis of the Stage 2 DCP and welcomes the Department's commitment to not finalise the DCP this year and to work collaboratively with Council on finalising the DCP.

Council will provide detailed comments on the DCP early in 2022. As a result, Council has not provided detailed comments on the DCP at this stage but will work collaboratively with DPIE to finalise the DCP next year.

Council's primary concern in relation to the draft Phase 2 DCP is ensuring the DCP strikes the right balance of providing sufficient detail for the assessment of development applications whilst being simple to navigate for both developers, the community and Council.

Draft Western Sydney Aerotropolis Development Control Plan 2021 - LCC Comments

Page(s)	Comment
	General Comment
Multiple pages	<p>There are 54 instances of the use of the word “should” in the DCP. The DCP represents controls for assessment and it is strongly recommended that all instances within the DCP where “should” is used must be amended to; “must” or “are to” or “is to” etc. The controls included within the DCP must be worded <i>as controls</i> if that is the intention. This wording change is recommended in order to prevent confusion during both the preparation and assessment of development applications and to reduce the likelihood of future litigation.</p> <p>Examples of “should” are found on pages 10, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 26, 30, 41, 44, 45, 46, 54, 73, 84, 109, 110, 116, 118, 119, 128, 131, 132, 134, and 135.</p>
Numbering	<p>The entirety of the DCP Requires a review in regard to numbering. Numbering must be consistent throughout the DCP and avoid repeat numbering that is only distinguished from other numbering within the tab by the use of sub-headings. All DCP controls must be logically identifiable by a Section and PO number or by a Section and BS number.</p> <p>There are multiple occasions where PO and BS within the same Section have identical numbering. This must be avoided.</p> <p>An example of this is 8.1.2 which has four (4) point PO1 which are only distinguishable by sub-headings. These PO's are supported by four (4) BS1, three (3) BS2, two (2) BS3 etc which makes referring to these points (especially during Land and Environment Court hearings) exceptionally time consuming and difficult.</p> <p>Please ensure that all PO's and BS's are distinguishable by unique numbering under each section. Additionally, please remove bullets/dot points or similar and provide with a suitable distinguishable letter/number.</p>
Appendices	Council should be provided with the opportunity to comment on the wording of any Appendices to the Phase 2 DCP.
	Contents
4	Table of contents includes errors in the text when referencing sections “15.13” Cemeteries and “15.14” New and Upgraded Waste or Resource Management Facilities. Ensure that the referencing errors are fixed before the DCP is finalised.
	1.1 Name of this Development Control Plan
7	The document is being referred to as the Draft Western Sydney Aerotropolis Development Control Plan 2021. Any reference to 'draft' should be removed once the document is finalised
	1.4 Where the DCP Applies
9	The land application map (Figure 1) on this page will need to be amended as some parcels of land along South/Wianamatta Creek are no longer considered to be part of the initial precincts.

	1.5 Using this DCP
10	<p>A performance-based approach to DA assessment is likely to foster increased subjectivity when determining the merits of any application.</p> <p>More prescriptive controls will be required for larger developments. Smaller 'infill' developments can rely on performance-based outcomes due to inherent site constraints. Consider providing controls along precinct lines. This will provide clarity regarding desired outcomes for each precinct, especially given that the DCP ties into the Precinct Plans.</p>
	1.6 Relationship to Other Documents and Controls
10	The DCP does not identify the applicability of Design & Place SEPP. The DCP should clearly outline the applicability of Design and Place SEPP (including ADG and UDG)
	2.1 Starting with Country
13 to 17	<p>This section is cumbersome and difficult to understand. It would be easier if 'Starting with Country' performance outcomes and benchmark solutions were simply redistributed throughout the DCP and placed under the appropriate subsections (e.g., landscape provisions in this section could simply be incorporated under sections 5.1-5.4 for clarity).</p> <p>Additionally, it is important that in any new development we acknowledge the First Nations history of the area. However, this must not be at the detriment of the settler/colonial history of the area. Both need to co-exist and not overpower each other. Place naming, street naming and consideration of landscape and structural layout should reflect a careful balance between First Nations and Colonial heritage.</p>
14	2.1.2 – PO1 references Section 1.2 of the Precinct Plan. Ensure any updated draft of the precinct plan provides this relevant section.
16	<p>Subsection 2.1.2(B) includes performance objectives and performance outcomes for 'Connecting to culture and Country through the Built Form'. However, it is unclear as to when social infrastructure would be delivered under the Social and Cultural Framework in the Aerotropolis Precinct Plan.</p> <p>Sites for Social Infrastructure should be identified in the Centres. Regional level facilities have not been considered as part of the Draft Western Sydney Aerotropolis Social Infrastructure Needs Assessment. The study recommended one regional facility in the Cultural Infrastructure Plan 2025+ (Create NSW, 2017) to meet the vision outlined for the Aerotropolis. During consultation with Create NSW it was suggested that this could include an Aboriginal Cultural Centre that could attract both domestic and international visitors.</p> <p>Clarification around the parameters of the Social and Cultural Framework are pertinent as the draft DCP notes (under PO1 of subsection 14.4.2) that social infrastructure is to be co-located or integrated with other community, recreational infrastructure, or public spaces (e.g., parks) to enable activation of the centre, encourage social connection, and accessibility to the green network.</p>

	<p>Additionally, the DCP notes Master Plans and sites of 20 hectares or more, within metropolitan, specialised and local centres (see Centres Hierarchy map in the Precinct Plan), should identify appropriate sites (location and size) for the provision of cultural infrastructure based on identified need (see Social and Cultural Framework in the Aerotropolis Precinct Plan). This includes specialised stand-alone infrastructure such as education, health and community facilities and services, as well as integrated spaces for gathering (see Sections 14.4, 15.5, and 15.6).</p> <p>Therefore, clarification around delivery timeframes is required to inform the aspirational objectives and outcomes of subsection 2.1.2(B).</p>
16	2.1.2 – PO2 – 1. References a “Centres Hierarchy Map” in the precinct plan. Ensure any updated draft of the precinct plan provides this relevant map.
17	The Aboriginal heritage sensitivity and potential conservation corridors map (Figure 2) is not easy to read, particularly the key. This should be revised, potentially changing it to a lift out A3 or providing a suitable GIS layer.
	3 Heritage
18 to 20	There appears to be nothing in the DCP relating to a requirement for heritage interpretation. There is an opportunity here for larger scale development, such as over 20 CIV to be required to develop a heritage interpretation plan which reflects the history of their site and the Aerotropolis area.
18	3.1.2 – PO2 – 2. References “heritage conservation corridors” in the precinct plan. Ensure any updated draft of the precinct plan provides this information.
	3.1 Aboriginal Cultural Heritage
18 to19	The document does not necessarily identify how Cultural Research should be undertaken to inform the "design with country" elements. Should they be using the OEH guidelines for Aboriginal assessment or is there another approach, further, what consultation should there be with stakeholders (should it actually be more a partnership where the developer is facilitating, and the First Nations community is determining the "Design with Country" principles for the site.
	4.1 Waterway Health and Riparian Corridors
24	<p>PO2 of subsection 4.1.2 makes reference to “key aquatic habitat”. For clarity, the term "key aquatic habitat" must be defined. Does it encompass all aquatic habitat, Key Fish Habitat, or something else?</p> <p>Additionally, benchmark solution No. 2 under PO2 of subsection 4.1.2 makes reference to “fauna rehabilitation”. Should this be changed to “habitat rehabilitation” instead?</p>
24	4.1 notes that “The Aerotropolis Precinct Plan specifies numerical performance criteria that has been developed by the NSW Government (DPIE,2021) for each of these flow components.” Ensure any updated draft of the precinct plan provides this information. Additionally, application lodgement requirements in relation to flows should be detailed here. What information is required to accompany a future development application to determine compliance with these controls?

24	04 – Identifies “water quality and flow objectives established in the precinct plan.” Ensure any updated draft of the precinct plan provides retains these objectives or alternatively include them as relevant objectives in the DCP.
24	<p>4.1.1 O1 identifies the “NSW Government’s Risk-based framework for considering Waterway Health Outcomes in Strategic Land-use Planning Decisions.” Page 3 of this Framework notes that: “The Framework is best implemented at the catchment or sub-catchment scale by an overall managing authority, such as a council, or regional or state agency.” This would suggest that it is not suitable for the framework to be a consideration at the DA stage. This Framework should be incorporated into the precinct plan and then supported by specific objectives and benchmark solutions in the DCP. The entirety of the framework should not be a requirement for assessment at the DA stage.</p> <p>A “risk-based approach” must be the foundation of the statutory planning controls (WSA SEPP) with supporting controls under the Precinct Plan and DCP. The DCP should not be the start point for risk based assessment. In this regard, it is strongly recommended that a catchment wide management response is provided in relation to catchment health, environmental flows, flooding regimes, biodiversity, riparian areas, and the management of the system in its entirety noting that the Aerotropolis stormwater disposal requires use and improvement of the natural system. How this system is managed consistently throughout the entirety of the catchment needs to be clearly stated prior to development commencing as drainage infrastructure is critical infrastructure in managing risk.</p> <p>Additionally the establishment of requirements for flood evacuation routes must be established – preferably at the precinct planning level.</p>
24	4.1.1 O2 and O3 – What are the DA lodgement requirements to demonstrate compliance with this objective. If a riparian flora and fauna report required? If so, this must be stated in the controls.
24	4.1.1 O4 - must identify the relevant sections of the Precinct Plan that apply to this objective and provide minimum lodgement requirements for DA’s to demonstrate compliance with this objective.
24	<p>4.1.1 O5 - Compliance with this objective would require public access along creeks and riparian areas. A mechanism for the establishment of continuous public access in these areas (especially where there are gaps in acquisition) needs to be provided (ideally in the WSA SEPP).</p> <p>Additionally, how can it be established at the DA stage that a proposal enhances “sustainability and liveability by embedding Aboriginal cultural knowledge into water management and infrastructure solutions?” What are the lodgement requirements to establish this? Is this objective supported by Performance Outcomes and Benchmark Solutions that are assessable at the DA stage?</p>
24	4.1.1 O7 – There is limited provision within the Performance Outcomes and no requirement under the Benchmark solution to support this objective. There is no requirement in the BS to reinstate or improve vegetation to “more natural conditions in highly modified waterways and riparian land while not increasing flood risk.” Suitable PO supported by BS need to be provided in the precinct plan in this regard and this must be guided by strong controls in the precinct plan.

24-25	<p>4.1.2 – PO1 – 1.a. identifies “watercourses with a High Ecological Value (HEV – as per the Aerotropolis Precinct Plan).” Ensure any updated draft of the precinct plan provides this HEV mapping.</p> <p>4.1.2 BS - All Strahler order streams should be mapped and provided in a GIS layer. This is especially necessary in relation to determining which Strahler Order 1 streams serve catchments greater than 15 hectares.</p> <p>Point c. needs to be reworded to provide clarity. It is suggested that this wording be: “Strahler Order 1 watercourses outside HEV areas with a catchment of greater than 15 hectares must be reinstated as a naturalised creek/drainage line with an appropriate VRZ.” The current wording indicates that these watercourses would be permitted to be moved but provides no rationale for considering this relocation. If a watercourse is moved, this would rely on an engineering solution which is unlikely to be in accordance with the associated PO of this control.</p> <p>Point d. references benchmarks for the natural state of riparian corridors and waterways under Appendix E of the DCP. These documents need to be made available to Council for consideration. Ideally any relevant benchmarks to return streams and riparian corridors to a natural state need to be included in the benchmark solutions of the DCP.</p> <p>2. Areas of “Proteaceae shrubs” are unlikely to be considered as part of any arboricultural assessment at the site analysis stage. There needs to be some mechanism for this to be picked up in an assessment. Either an ecological survey needs to be undertaken and mapping introduced in the Precinct Plan or alternatively it must be clearly stated that lodgement requirements for all DA’s are the provision of a Flora and Fauna report prepared by a suitably qualified ecologist.</p>
25	<p>4.1.2 PO2 – 1. These policies need to be reflected in specific benchmark solutions. Also, the documents referenced in Appendix E need to be made available to Council for consideration.</p> <p>Another point should be included here in requiring the removal of weeds from creeks, streams and riparian areas and the replacement with appropriate native planting.</p>
25	<p>4.1.2 PO3 – Is it the intention that waterways and public land be accessible by the public (in the form of footpaths for example)? If this is the case then this should be included as an additional point.</p>
4.2 Existing Artificial Waterbodies	
25	<p>4.2 notes that “Artificial waterbodies considered suitable and desirable for retention are mapped in the Precinct Plan.” Ensure any updated draft of the precinct plan provides this information.</p>
26	<p>4.2.2 – PO1 – 1 reference “Artificial Waterbodies Mapped in the Precinct Plan. Ensure any updated draft of the precinct plan provides this information.</p>
4.3 Stormwater Management and Water Sensitive Urban Design	
27	<p>4.3 The “Technical guide to demonstrate compliance with Wianamatta-South Creek waterway health objectives and stormwater management targets (DPIE 2021)” does not appear to be available on the Department Website. This guide should be released</p>

	to Council for further comment. Additionally, guidelines have the tendency to be ignored as they are guidelines and not controls. All relevant requirements of the guideline should be included as benchmark solutions under the DCP.
27	4.3 references “performance criteria for ambient water quality and stream flows specified in the Precinct Plan.” Ensure any updated draft of the precinct plan provides this information.
28	4.3.1 O3 requires that “overland flows are conveyed in a safe manner to the trunk drainage system.” This objective may be used as a justification to pipe a stream or overland flow path where it traverses private property, in the interests of safety. If this is not the intention of this objective, then the objective should be reworded.
27 to 28	<p>4.3.2 PO1 to PO11 – These performance objectives need to be supported by a benchmark solution requiring maintenance of the WSUD system for the life of the Development. If this falls on private land, there needs to be a requirement for an ongoing plan of management in relation to the WSUD to be provided to ensure compliance with the DCP requirements for the life of the development.</p> <p>If the system is to be dedicated to Council (or Sydney Water) then there needs to be a suitable funding arrangement to contribute to the lifetime cost of maintaining this system considered under relevant contributions plans.</p>
27 to 32	<p>It is noted that the DCP for stormwater management and water sensitive urban design (WSUD) is in accordance with the overarching principles for an integrated water management strategy for the Aerotropolis, which is the Stormwater and Integrated Water Cycle Strategy (Sydney Water, 2021). It is also noted that, to support implementation, the NSW Government will release the Technical Guide, which will outline the design principles for water sensitive urban design (WSUD).</p> <p>4.4 Management and Maintenance of Stormwater Infrastructure</p> <p>It is also noted that the regional infrastructure, such as trunk drainage and regional treatment systems could be delivered, owned, and maintained by the relevant stormwater authority. Where infrastructure is in private ownership or on private land, there is a need for access rights by the relevant stormwater authority for compliance purposes. Please also note that Penrith and Liverpool Councils will be providing a written response in relation to regional stormwater and open space to DPE in the coming days.</p> <p>Stormwater infrastructure, including street drainage and street trees, also requires regular management and maintenance to remain effective. These assets would be owned and managed by local councils, which is considered satisfactory.</p> <p>Additionally, all references to “Wianamatta-South Creek waterway health objectives and stormwater management targets (DPIE 2021)” should be considered to be reworded. Where this document references specific controls, these should be included as benchmark solutions under the DCP.</p>
31	PO10 requires development to be “consistent with the Precinct Plan Draft Stormwater and Water Cycle Management Study Interim Report.” Ensure any updated draft of the precinct plan provides this information and also that this report is provided in

	the final form (i.e. not “Draft” of “Interim”). Where this document references specific controls, these should be included as benchmark solutions under the DCP.
	4.4 Management and Maintenance of Stormwater Infrastructure
35	<p>4.4 notes that local drainage infrastructure “requires regular management and maintenance to remain effective” and further that “These assets would be owned and managed by local councils.” As noted above, Liverpool and Penrith Councils will provide a combined submission detailing Council’s views as to what Council considers to be Council drainage infrastructure and what drainage infrastructure must be the responsibility of the regional stormwater authority.</p> <p>In instances where acquisition is not envisaged and development is not proposed (thereby not triggering requirements for either the provision of legal access under PO2 or the dedication of land to Council under PO3), what is the mechanism for the undertaking of management and maintenance of this drainage infrastructure (both for Council and the regional stormwater authority)? The intention of the WSA Plans and the WSA SEPP is that the drainage of the Aerotropolis relies on natural drainage systems and for these to function appropriately this will require, as rightly pointed out by the DCP, maintenance and management. There needs to be a suitable mechanism to allow either Council or Sydney Water (as the regional stormwater authority) to maintain and manage this system for the entirety of the catchment, or, as a minimum, anything downstream of any development.</p> <p>If hold outs to development result in blockages to the natural drainage system (due, for example, to poor maintenance) and this results in upstream or downstream issues and/or risk, where is an appropriate statutory trigger for that land to be managed by Council/Sydney Water if it is in private ownership and Council/Sydney Water has no legal right to access the land? In such an instance, how will maintenance costs be funded?</p>
35	PO2 1 requires dedication of riparian land. This requirement must also be given statutory weight under the WSA SEPP to avoid this requirement being applied inconsistently. Additionally, where this control does not apply (i.e. for lots under 5000m ²) land owners should be provided with the option of dedicating land (in addition to the requirement under PO1). This will require the inclusion of appropriate land dedication provisions in any future contributions plan.
	5.1 Deep Soil and Tree Canopy
37	5.1.1 must include additional objectives – 02 Retain and enhance existing native trees, vegetation and biodiversity – 03 Retain and enhance existing habitat identified as endangered or critically endangered in the Cumberland Plain.
37	5.1.1 O1 references “more controls” under Section 3.2 of the Precinct Plan. Ensure any updated draft of the precinct plan provides this information or alternatively include these controls within the DCP.
37 to 38	Rear and side setbacks for multi-dwelling housing are 6m. However, 'small' trees are considered to have a canopy of approx. 6m. It appears that 'medium' and 'large' trees would be difficult to cultivate within the minimum setbacks. Given the small lot sizes and minimum setbacks provided, strongly consider a requirement for larger rear setbacks for residential development

37 to 38	Table 1 - Tree canopy, deep soil and tree planting requirements for the Aerotropolis identifies percentages of Minimum Tree Canopy Targets. These targets do not align with the target set by the Premier's Priority of Greening our City. The tree canopy targets should align with the tree canopy targets set out by Premier's Priority of 'Greening our City'. For lots greater than 3000m ² - a minimum 40% canopy cover should be mandated to achieve the broader targets.
	5.2 Protection of Biodiversity
38	The extent of applicable land is unclear. Clarify whether this section only applies to land that is biodiversity certified, or all land covered by the Growth Centres SEPP and Cumberland Plain Conservation Plan (including land that is not biodiversity certified, as indicated in figure 8).
38	5.2 refers to critically endangered plant communities of the Cumberland Plain as well as other threatened flora and fauna." If this habitat is not mapped in the Precinct Plan then it should be made clear in the DCP that the provision of a "Flora and Fauna Assessment" prepared by a suitably qualified Ecologist is to be submitted in support of every development application.
39	5.2.1 O1 references "relevant biodiversity certification." This area should be included on a map in the Precinct Plan.
39	Map on page 39 (Figure 8) will need to be amended as some parcels of land along South/Wianamatta Creek are no longer considered to be part of the initial precincts.
38 to 39	Objectives under subsection 5.2.1 do not mention the Cumberland Plain Conservation Plan. Include an objective with a reference to consistency with the Cumberland Plain Conservation Plan (similar to O4).
40	PO1 of subsection 5.2.2 makes reference to "environmental protected land". It is unclear whether this term relates to a certain land zone type, EPI overlay, or categorisation used in biodiversity certification orders (and associated documents). For clarity, define the term "environmental protected land" in accordance with the various terms used in EPIs, the Cumberland Plain Conservation Plan and biocertification orders.
40	5.2.1 O2 requires that development "mitigate residual impacts unable to be avoided or minimised." There should be no requirement for this wording on the basis of site coverage and permeability requirements for all sites. Any remnant native vegetation should be protected, and any development must be designed to ensure this. As such, please delete the wording "and mitigate residual impacts unable to be avoided or minimised."
40	Include additional benchmark solutions under PO1 of subsection 5.2.2 such as the construction of physical barriers, sediment control, minimising impacts of earthworks.
40	PO1 of subsection 5.2.2 makes reference to "targeted threatened species". For clarity, define the term "targeted threatened species". Does this apply to all known populations of threatened species? If not, identify which ones.
40	Benchmark solution No. 2 under PO2 of subsection 5.2.2 does not appear to achieve the performance objective of 'access for fence maintenance'. Expand benchmark solution No. 2 so that it makes reference to the construction of fences/barriers to protect species habitat, and to maintain fences in a functional condition.
40	Benchmark solutions provided under PO3 make no reference to biosecurity duties or the Cumberland Plain Conservation Plan. The management of weeds could also include reference to the required biosecurity duties (under the Biosecurity Act) and any proposed weed control strategies associated with the Cumberland Plain Conservation Plan (similar to PO4 solution 1 on pg. 41).

40	Benchmark solution No. 1 under PO3 of subsection 5.2.2 does not adequately consider weed spread. Weed spread should be managed via specific measures for all biodiversity avoided areas, not just those within the listed threatened plant species.
41	PO6 of subsection 5.2.2 makes reference to "targeted threatened species". For clarity, define the term "targeted threatened species". Does this apply to all known populations of threatened species or only those identified in the benchmark solutions?
41	Benchmark solution No. 1 under PO6 of subsection 5.2.2 indicates that setbacks would only apply if the camp or nest is within the development area. Also apply the setback management solutions to land that is adjacent to nests and camps located outside the development area.
42	Benchmark solutions under PO8 of subsection 5.2.2 appears to be an engineering/traffic design guideline (it also has outdated references to RMS). Additionally, benchmark solutions 1b and 4 appear to be duplicated.
5.3 Protection of Trees and Vegetation	
42 to 43	Tree replacement ratios are not captured in the objectives under subsection 5.3.1. The replacement ratios for trees should be mentioned in the objectives under subsection 5.3.1 to ensure compliance and enforceability. A minimum 3:1 tree replacement ratio should be applied all through the precinct.
43	The wording used for benchmark solutions under PO3 of subsection 5.3.2 suggests that tree removal permits are to be considered in isolation to the other items in the list. Consider replacing the "or" at the end of each point with "and" to ensure that all of the items on the list are applicable.
43	Change the 5.3.2 PO 1 (1)(b) from 500mm to 300mm. Also include "or" between points 1(a), (b), and (c).
43	PO2 – remove the phrase "wherever possible" from this performance objective.
43	PO3 – Please add the following: "Applications for tree permits must be supported by an Arboricultural report prepared by a AQF Level 5 qualified Arborist."
44	Benchmark solutions No. 4 and 5 under PO4 of subsection 5.3.2 do not relate to the stated performance outcome. Include a new performance outcome that requires the minimisation of harm to fauna during tree felling and vegetation clearance. Transfer solutions 4 and 5 to the new performance outcome.
44	PO5 under subsection 5.3.2 does not include any benchmark solutions relating to the monitoring and maintenance of nest boxes. A benchmark solution should be included so that a monitoring and maintenance program is considered to ensure an optimal outcome for all nest box installations.
44	Benchmark solution No. 4 under PO6 of subsection 5.3.2 uses the term "environmental offset". It appears that the term "replacement tree" or similar would be a more appropriate term than "environmental offset". Environmental offsets are typically recognised as measures that extend beyond simple tree planting.
5.4 Preferred Plant Species	
45	Benchmark solution No. 1 under PO1 of subsection 5.4.2 makes reference to Appendix B. Many of the common plant species identified in Appendix B require concurrence from an arborist confirming that they would not attract wildlife if planted within the 3km wildlife buffer zone. This may discourage the cultivation of common species that are prevalent in the parkland areas.

	The 3km wildlife buffer zone should be reconsidered and be limited to 1 or 1.5km for tree planting. Common tree species within the parkland areas should be allowed within the revised buffer zones with adequate maintenance plans put in place.
45	<p>Benchmark solutions No. 2 under PO1 of subsection 5.4.2 are not assessable benchmark solutions. It is recommended that these controls are deleted from the DCP.</p> <p>Benchmark Solution No 3 should include the following text at the end of this sentence “to retain existing native trees on the site.”</p> <p>Benchmark Solution No 4 should include the following text at the end of this sentence “with the intent of retaining existing native trees on the site.”</p>
	5.5 Street Tree Planting Requirements
47	<p>Perhaps another objective could be included here. Suggested: “O3 – Provide sufficient verge widths and lengths with appropriate soil volumes for the provision of (and retention of existing) native trees with a height and spread that achieves shading of footpath, road and adjoining lots to provide for visual amenity and the reduction of the urban heat island effect.”</p> <p>Further suggest “O4: All underground utility services and drainage lines are routed to ensure that street trees have full use of the available soil volume. Utility services and drainage lines are to be protected from root incursion.”</p> <p>In relation to this a further PO and BS will be required in relation to this objective as follows:</p> <p>PO – 4 All underground utility and drainage services are routed so as to be away from the street verge planting.</p> <p>BS 1– Where underground utilities and drainage services cannot be routed away from street planting, the utility service or drainage line is to be protected from root incursion by the inclusion of a root barrier around the underground utility or drainage line.</p> <p>BS 2 - Inspection and maintenance pits are to be provided at underground utility change of direction to allow ongoing maintenance of the utility without requiring trenching and disturbance of the street trees.</p>
47	<p>5.5.2 PO2 – This performance objective needs to be supported with benchmark solutions that have minimum requirements for street tree height and spread relative to street hierarchy and minimum required soil volumes to achieve this. In this regard the following additional BS are suggested:</p> <p>BS 1 - Minimum required mature tree height and spread for street types:</p> <p>Local Streets and Collector Streets: Minimum height 12m and minimum canopy spread 8m;</p>

	<p>Riparian Streets and Sub-Arterial Streets: Minimum 15m height and 12m spread; and Park Edge Streets and Arterial Roads: Minimum >20m height and 15m spread for Park edge streets and arterial roads.</p> <p>BS2 - Minimum required soil volumes for tree pits:</p> <p>Minimum 43.7m³ soil volume per tree pit Minimum 29.15m³ soil volume per street tree for all streets)</p> <p>(Note if the PO and BS suggested in this tab are included, then PO3 may be deleted.)</p>
47 to 48	<p>PO2 – The photographs provided in this performance objective provide no utility for the purpose of assessment (noting that none of the images show trees that are of a height and spread that actually provide for any shade to either the street or footpath).</p> <p>These photographs must be replaced with suitable sections for each road type under the Street Hierarchy detailing how trees of a suitable height and spread are to be provided for each road type. These sections should provide sufficient detail to show tree pit/verge planter dimensions, soil volumes, dimensioned tree heights, dimensioned tree spread, kerb and gutter location, footpath location and preferred location of underground services. Additionally, this part of the DCP should include a plan detailing location of services relative to tree pits/verge planters, the optimal routing of services to avoid Tree Protection Zones (TPZ) and where TPZ's cannot be avoided by underground services, the minimum requirements for the location of underground service inspection and maintenance pits that allow inspection/maintenance/replacement of a service without requiring trenching within the TPZ.</p> <p>(Note suitable sections are provided as BS in support of this this PO then PO3 may be deleted.)</p>
47 to 49	<p>All street tree plantings, including species and spacing, need to recognise the requirement for domestic waste collection to take place in a safe and efficient manner, within areas that allow residential development. Individual houses must retain at least 2 metres of unobstructed kerb space for the placement of domestic waste bins, that is within the reach of the grab arm standard side-lift waste truck. For multi-unit developments with individual bins for each household, 2 metres of unobstructed kerbside per household must be available that is within reach of the grab arm. For MUDs using bulk bins, then either off street collection must be available (preferred), or enough space that is free of trees must be available to safely pull a full-sized rear-lift HRV waste truck into the kerb and carry out the emptying of waste bins.</p> <p>Please clarify if the practical aspects of unimpeded and efficient waste collection have been incorporated in the positioning and selection of street trees. Ideally street hierarchy controls should require all developments to be serviced from a service lane that could provide for greater separation of street planting.</p>
6.1 Street Network Functions and Design	

50	If these controls only apply to sites >5000m ² , what are the street network requirements for sites that are not >5000m ² ?
50	6.1 references Section 4.3.5 of the Precinct Plan for “further guidance on street design and engineering standards.” Ensure any updated draft of the precinct plan provides this information.
50	6.1.1 – O1 references “Future Transport 2056 and the NSW Government’s Movement and Place Framework.” These strategic documents should not be items for consideration at the DA stage and any relevant requirements of these document should be included in the Precinct Plan or adopted as specific PO and BS under the DCP.
50	6.1.1 – O2 references a “street network plan as per the Precinct Plan.” Ensure any updated draft of the precinct plan provides this information.
50	6.1.1 – O4 requires that applications “prioritise the provision of public transport infrastructure to deliver the 30 minute city and meet current and future demand.” It is not the role of a DCP or development facilitated by DCP controls to provide for public transport. If it is the intention that development should not progress until suitable public transport is provided, then this needs to be included in the wording of the objective.
50	6.1.2 – PO1 references “street hierarchy in the Precinct Plan.” Ensure any updated draft of the precinct plan provides this information.
50	6.1.2 PO1 BS3 – Provision of a minimum 3m width for shared bicycle and footpaths must be shown in a suitable section. Road reserves must be of suitable widths to allow for vehicular and pedestrian movement and the provision of suitable verge canopy tree planting with suitable tree pit or verge dimensions and soil volumes. BS6 – If it is intended that “Hostile Vehicle Guidelines for Crowded Places” be assessed under the DCP, relevant controls under this guideline should be included as benchmark solutions.
51	Benchmark solutions No. 5 under PO2 of subsection 5.4.2 is not an assessable benchmark solution. It is recommended that this control is deleted from the DCP.
51	PO2 – 1. References “Section 4.3.5 Transport framework of the Precinct Plan.” Ensure any updated draft of the precinct plan provides this information.
	6.2 Active transport network and associated Performance Objectives
52 to 54	Ensure aims and objectives encompass adequate consideration of the needs of waste trucks, delivery trucks and large emergency vehicles. The usage of the streets by these vehicles may only be occasional, but they are important. Therefore, please clarify if the focus on cycling and pedestrians in the streetscapes will be balanced with the needs of larger vehicles carrying out essential services.
52	6.2.1 O1 references “active transport and public transport as outlined in the Precinct Plan.” This objective should outline where in the Precinct Plan this information is provided and must ensure any updated draft of the precinct plan provides this information.

54	<p>Table 2 should be accompanied by indicative sections and plans demonstrating how through block pedestrian links for each type of development are to be provided so as to provide appropriate;</p> <ul style="list-style-type: none"> - Crime Prevention Through Environmental Design - Canopy tree provision - WSUD - Lighting - Street furniture - Activation of adjacent uses
	7.1 Travel Demand Management
56	<p>Much of this section is instructional in nature. The benchmark solutions make reference to lodgement requirements and recommended conditions of consent. Incorporate lodgement requirements and recommended conditions of consent into a DA lodgement form or alternate guide instead.</p>
56	<p>7.1.1 – O1 requires future development to “Implement traffic demand management as stipulated in the Precinct Plan.” This objective should outline where in the Precinct Plan this information is provided and must ensure any updated draft of the precinct plan provides this information.</p>
56	<p>PO2 1(b) requires roads to generally conform with an “Indicative Layout Plan.” An Indicative Layout Plan is not provided.</p>
56	<p>PO2 – This section includes controls for the provision of temporary access. The provision of temporary access is wholly unsatisfactory in practice and should be discouraged in the strongest possible terms. The existing street network is manifestly unsuitable for the envisaged level of future development in the initial precincts. The majority of roads have no shoulder, no kerb and gutter, no drainage and are in poor condition. If road construction is left to the market, new roads will be developed in a jigsaw pattern to development frontages. Serious consideration needs to be given to how existing roads will be upgraded prior to development in the initial precincts. It is suggested that the envisaged future traffic volumes on existing streets be included in the Street Hierarchy provisions of the Precinct Plan and any identified classified road be the responsibility of TfNSW to fund the upgrade of these roads to classified road standard. Any other road that falls under Council control must be considered for upgrade on a needs basis with suitable availability for funding under the contributions plan or the capacity to require works in kind as part of the DA where funding is not available under the contributions plan. In this regard, it is suggested that PO2 and the associated BS be reworded as follows:</p> <p>PO2 – All development must demonstrate that suitable access is available from the site to the nearest classified road. A site will be considered unsuitable for development until suitable site access can be demonstrated.</p> <p>BS1 - All development must demonstrate that vehicular access from the site frontage via a permanent road to the nearest classified road. A permanent road is a road with a minimum provision of two-way road with</p> <ul style="list-style-type: none"> - kerb and gutter and;

	<ul style="list-style-type: none"> - road drainage and; - road carriageway widths in accordance with the road hierarchy requirements of the precinct plan <p>Development may not proceed until suitable access is provided.</p> <p>BS2 – Where suitable permanent road access is unavailable, suitable road provision may be provided by way of a works in kind agreement with Council.</p> <p>Following from the above, an additional PO may be added to provide clarity in relation to potential land locked Lots or lots that require access via neighbouring allotments to access an existing permanent road or classified road:</p> <p>PO3 - “Development will not be permitted for any development on land without a street frontage that provides direct and continuous access to the established street network. In this regard, any development is required to demonstrate a direct route from the site via a permanent road to an established classified road.”</p> <p>The benchmark solutions should read:</p> <ol style="list-style-type: none"> 1. Development is not permitted on land without a street frontage or that following development will not have a direct and permanent road link to a classified road. 2. Where development is proposed on a land locked allotment, development of this allotment will not be permitted unless the development application includes the construction of a permanent road to a classified road. In this instance adjoining lots required for road construction are to be included as part of the development application. Road (and associated civil) works are to form the first stage of development.
56	7.1.2 PO1 and BS1 requires the submission of a “Travel Plan.” What is a travel plan and who is suitably qualified to provide a Travel Plan in relation to the lodgement of a DA?
	7.2 Bicycle and Car Parking Rates
56	7.2.1 – Objectives O1, O2, O3, O4 and O5 all rely on the provision of suitable public transport provision. The timing of the establishment of proposed public transport infrastructure and the future establishment of additional necessary infrastructure will be required before compliance with these objectives can be achieved. It should be recognised that maximum car parking rates will need to be applied until such time as suitable public transport links are established.
57	Subsection 7.2.2 is redundant and should be deleted. It only tells the reader to make reference to Tables 3 & 4 and existing Australian Standards. Reference to travel plan is a lodgement requirement, not an assessable benchmark.
58	7.2.4 remove the word “generally” from the second paragraph.
	7.3 Parking Design/Access and End of Trip Facilities

61 to 67	Where the entry to a parking space is also the entry to a waste collection area, access should be possible via a PIN pad and code, to avoid the need for waste truck drivers to carry keys or access cards/fobs with them. Clarification that an access to waste collection areas within buildings will be straightforward and will not need access controls to be brought to site by waste operatives.
61	<p>7.3.1 O3 would suggest that car parking provision to precincts initially may be reduced over time as public transport is established. The capacity for such parking to revert to alternative uses would be dictated to whether the parking is fragmented ownership or not (e.g. under a strata plan).</p> <p>Supporting PO4 would suggest that this O3 above would only relate to lots where the provision of basement car parking was not possible. It is important that the DCP is clear that this only applies in instances where basement parking is not possible due to a site constraint, otherwise there is the high likelihood that this will be used as a method to avoid the provision of car parking within basement areas.</p>
61	PO1 under subsection 7.3.2 makes reference to existing Australian Standards and the installation of intercoms. It does not contain assessable benchmark solutions. The DCP must provide suitable assessable BS in this section.
63	<p>PO8 under subsection 7.3.2 makes reference to vehicle access arrangements. Full-sized waste trucks, as run by Council contractors, may struggle to enter and leave in a forward direction because of their length and turning circle. At present, the contractor's preference is to reverse into a waste collection point and leave in a forward direction. If enter and leave in a forward direction is definitely desired for all vehicles, regardless of size, consideration may have to be made to requiring the installation of suitable capacity vehicle turntables.</p> <p>Please clarify if there will be any benchmarks requiring all vehicles of all sizes to leave any site in a forward direction. Particularly, with regard to waste trucks and similarly sized vehicles.</p>
7.4 Servicing and Loading Design	
67 and 68	<p>Due to the common large allotment sizes within the Aerotropolis, it is recommended that all sites are provided with a service lane for the provision of servicing arrangements and basement car access. This will improve streetscape to primary and secondary frontages and will allow for servicing and parking to not conflict with pedestrian entrances to sites. As such it is recommended that the following be included:</p> <p>O6: All sites are to be designed so as to provide a service lane for vehicular access to site and basement parking, loading vehicles and waste vehicles.</p> <p>Reword:</p> <p>PO1 to read: "Provide on-site loading and servicing accessible from a service lane separate from the established road hierarchy. On site servicing must meet the demand generated by the development."</p>

	<p>Add:</p> <p>BS4 – All sites must be accessible by a service lane that provides direct vehicular access to a primary or secondary road frontage of the site. This lane is to be designed to allow all service vehicles required for the site to access the site and exit the site in a forward direction. Minimum road carriageway widths for two-way service lanes are 7m kerb to kerb. One way service lanes are only permitted if supported by a traffic and parking report prepared by a traffic engineer and supported by turning templated that demonstrate that all vehicles can enter and exit the site in a forward direction from the service lane.</p>
68 to 69	<p>Subsection 7.4.2 includes performance outcomes for loading areas. Waste collection is far more efficiently done at ground level than having to run large, heavy waste trucks down a ramp.</p> <p>Ramp gradients have to be shallower for large trucks, so more of the site is chewed up by ramps, and the clear head-heights required often create problems with floor to ceiling heights. A conventional underground parking area for regular vehicles will typically have a clear head height of 2.2 metres, a full-sized HRV waste truck requires 3.9 metres. Integration of a general resident parking area with a waste collection point often creates problems with waste trucks being blocked by poorly parked vehicles. The vast majority of the waste trucks being run by Council's contractor are HRVs, not MRVs, so designing developments with MRVs in mind is problematic. Uncertain what is being mooted by PO1 (Benchmark solution No.3), "<i>Waste and recycling bin rooms and collection points are located within the basement and have a floor to ceiling clearance of 6.5m to allow for the overhead mechanical loading of bins within the basement by garbage trucks.</i>" Existing waste trucks are either rear-lift (bulk bins), or side-lift (conventional household MGBs), they do not load from overhead - this seems to indicate that the waste is being dropped into trucks from above, this is not how any of the present fleet operates.</p> <p>Please clarify how waste loading is going to work, given that the overwhelming majority of the existing waste contractor fleet are HRVs not MRVs, with correspondingly larger dimensions, weights and turning circles. There is concern that the practicalities of safely manoeuvring large, heavy trucks with large turning circles in confined spaces has not been adequately considered, with consequent effects on waste loading efficiency.</p> <p>Loading of waste trucks with the current fleet is either side-lift or rear-lift, so if waste is to be loaded into trucks from above, that represents a complete departure from the present practices and will require a redesign of vehicles. Issues with required head heights and ramp grades of 1:8 as a maximum slope, will cause many issues with developers. Mixing underground carparks for general residents' vehicles and waste loading needs to be addressed. The issue of shared loading facilities between separate buildings needs to be clarified further and the practicalities of how that will work. Overall, would far rather see waste loading happen at grade and away from residents/tenants' vehicles, taking problems posed by ramps and poorly parked vehicles off the table.</p>

68	7.4.2 PO1 BS1 needs to be clarified to state that all vehicles must enter and exit the site in a forward direction.
	8.1 Building Setbacks and Interfaces
70	8.1 – all major rail and road corridors need to be provided to Council as a layer for Council's GIS.
70	8.1.2 setbacks to corridors are not shown under the benchmark solutions. These setback requirements must be provided as benchmark solutions.
70	Interface to major roads – is it the intention that development provide an active street frontage to all road frontages? It is recommended that this is the case to avoid development “turning its back” on major road corridors.
70	It is recommended that an interface with riparian corridors and ENZ land also be included. The activation of this land is required and development should not “turn its back” on this land. Riparian areas and ENZ zoned land should be celebrated and activated with all development impacted by riparian or ENZ (or SP1 drainage) being required to provide an active pedestrian frontage and built form to this land. Through site, cross site and adjoining site pedestrian linkages for riparian, ENZ and SP1 drainage land must also be required here if not done elsewhere.
72	Table 5 should provide canopy planting requirements and deep soil provision for setbacks for road interfaces. It is recommended that the entirety of these setbacks be provided for deep soils and that a minimum of one large canopy providing tree is planted for every 12m of frontage. This relies on vehicular access to sites being provided by service lanes in accordance with recommendations included in comments for page 67 and 68 above.
	8.3 Design for Safe Places
73	PO6 under subsection 8.3.2 do not include assessable benchmark solutions. Rather, they are conditions of consent. Delete all benchmark solutions relating to durability of materials, noting that they are standard conditions of consent already implemented by Council.
	8.4 View Sharing
75	8.4.2 - PO1 – 1. States that this benchmark solution should be complied with “where possible.” The “where possible” wording must be deleted as this provides too simple a reason for non-compliance. If a variation to the benchmark solution is sought, the applicant must demonstrate compliance with the performance objective and a merit-based assessment will be undertaken.
	8.5 Signage and Wayfinding
76 to 78	<i>Note:</i> Table containing performance outcomes and benchmark solutions makes reference to "8.6.2" in the first column instead of "8.5.2". This will need to be revised.
77 to 78	PO4 & PO6 under subsection 8.5.2 are not assessable benchmark solutions. Delete all benchmark solutions under PO4 relating to illumination levels, noting that they should be conditions of consent instead. Delete PO6 as this is a lodgement requirement which should be incorporates into a DA lodgement form or guide instead.
	9.1 Flood Risk Management
80	In order to adequately assess applications in accordance with O3 and O4, the DCP must refer to a flood evacuation route. A flood evacuation route must be shown in the Precinct plan. This route should be a series of classified roads and must be constructed prior to any development determinations being permitted.

80	O5 – Reword to read “To not allow development on land that is not compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change.”
80	O8 – Replace the word “Avoid” with “Not allow”
80	O7 – Replace “not intensified” with “Not permitted”
80	O9 – Replace “to Avoid” with “Not allow”
81	Subsection 9.1.2 refers to flood risk category “critical flood storage area”, which is inconsistent with the flood mapping of Wianamatta South Creek Flood Study 2020 by Advisian. The definitions of flood control areas need to be consistent with the definitions of the <i>NSW Floodplain Development Manual 2005</i> and the <i>Flood Prone Land Package</i> (e.g., use definitions such as “Flood Planning Area” and “Special Flood Consideration Area”)
81	It is noted that consideration has been given to concessional developments on floodway and critical flood storage areas under PO1 of subsection 9.1.2. The floodway needs to be clearly identified in the flood mapping and all forms of development on the floodway are to be prohibited. This is in accordance with the guidelines of NSW Floodplain Development Manual and Flood Prone Land Package. It is recommended to introduce a separate column for floodway and to show no development is permitted in this flood zone.
83	Performance objectives for ‘flood compatible materials for construction below the flood planning level’ and ‘emergency flood management (evacuation)’ should be added to subsection 9.1.2:
	9.2 Mitigating the Urban Heat Island Effect
84 to 85	This section includes general references to minimising cooling demand and heat absorbance. However, clear reference to National, State sustainability building standards is recommended, including benchmark targets for waste, energy, water to guide performance outcomes.
84	9.2.2 – PO1 – 5. Dot point 2 indicates “Where possible...” for tree canopy. The “where possible” wording must be deleted as this provides too simple a reason for non-compliance. If a variation to the benchmark solution is sought, the applicant must demonstrate compliance with the performance objective and a merit-based assessment will be undertaken.
85	Benchmark solution No. 7 under PO2 of subsection 9.2.2 includes modest targets for ‘cool roofs’. A target has been set for 50% of all rooftops to be either vegetated, light coloured or irrigated using harvested stormwater. However, an ideal target would be for 100% of all building roofs to become ‘cool roofs’ through combination of radiant heat barriers, reduced cooling costs and preventable UV heat absorption.
	9.3 Bushfire Hazard Management
86	This section does not include references to bushfire building safety standards. References to bushfire building safety standards should be included, particularly the upgraded National Construction code standards for bushfire and energy.
	9.4 Salinity
87	9.4.2 – PO3 – 2. Requires the landscape led design “where possible.” The “where possible” wording must be deleted as this provides too simple a reason for non-compliance. If a variation to the benchmark solution is sought, the applicant must demonstrate compliance with the performance objective and a merit-based assessment will be undertaken.

88	9.4.2 – PO6 – 1. Requires the retention of these soils “where possible.” The “where possible” wording must be deleted as this provides too simple a reason for non-compliance. If a variation to the benchmark solution is sought, the applicant must demonstrate compliance with the performance objective and a merit-based assessment will be undertaken.
	9.5 Acid Sulfate Soils
89	9.5 – The aerotropolis has not been subject to an Acid Sulfate Soils study so site constraints in this regard are not known. This section of the DCP needs to require the provision of a Geotechnical Report that includes a soil test of Acid Sulfate Soils affectation, to accompany all DA’s.
89	9.5.2 – PO3 – Specifies “Where possible, land development avoids excavation, dewatering and disturbance of acid sulfate soil.” The “where possible” wording must be deleted as this provides too simple a reason for non-compliance. If a variation to the performance outcome is sought, the applicant must demonstrate compliance with the objectives of this section of the DCP and a merit-based assessment will be undertaken.
	9.6 Erosion and Sediment Control
90 to 92	PO1, PO2, PO3 and PO5 under subsection 9.6.2 do not include assessable benchmark solutions. PO1 is a lodgement requirement. PO2 and PO3 are instructional and relate to post consent works. PO5 is includes a standard condition of consent. Therefore, delete PO1 and associated benchmark solution, noting that this should be incorporated into any DA lodgement form or guide. Delete PO2, PO3 & PO5 and their associated benchmark solutions, noting that the benchmark solutions should be conditions of consent instead.
	9.7 Contaminated Land
93	Entire section is recommended to be worded as per SEPP (Resilience and Hazards) 2021 e.g. (1) A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines. (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

	9.8 Odour
94	It is recommended that this section is reworded to identify existing approved uses within the aerotropolis that cause odour (e.g. waste disposal facilities, poultry farms, cattle feedlots, piggeries etc) and require that any proposed development that is affected by these existing uses be lodged with an Odour Report. Additionally, the DCP should be worded strongly enough to allow development to be refused if the land is adversely impacted by odour.
	9.9 Air Quality
94	Entire section is difficult to assess unless this section of the DCP requires the provision of an Air Quality report and identifies instances where such a report must be lodged in support of a DA.
	10.1 Protection of Operational Airspace
95	10.1.2 PO1 – some definitions are required in relation to the PO and BS. What is a turbulent plume? How is this assessed under a DA? Is a certain expert's report required?
	10.2 Noise
96	10.2.2 – Ensure this section required all DA's to be supported by a Acoustic Report prepared by a qualified Acoustic Engineer.
	10.3 Wildlife Hazards
98	PO1 – BS3 – this point needs to be clarified as to what is included and excluded in this regard. OSD must drain but does this also include regional basins?
98	PO2 – BS2 – To clarify this would mean that all DA's lodged within 3km of the Airport require an Ecological Assessment?
	11 Sustainability & Circular Economy
101	11.1.2 – PO3 – Change “where possible” to “Where utility services exist or where the existing utility system may be expanded...” Also add another Benchmark solution to this performance outcome – “Where available, or where the existing natural gas supply system may be expanded, all new development is to be connected to an underground natural gas supply.”
101 to 105	This part of the DCP only covers energy and waste (as per sections 11.1 and 11.2). There is no mention of water under any of the relevant sections. Include a dedicated section for water conservation under part 11 of the DCP.
	11.1 Energy
101	PO1 benchmark solutions under subsection 11.1.2 have not been numbered correctly. Therefore, start numbering from '1' instead of '2'. The first benchmark solution states that "All developments demonstrate how 100% renewable energy supply can be achieved by 2030, whether on or off site". However, there is no reference to renewable standards or targets. Is there a renewable energy roadmap study detailing how this can be achieved?
101	The targets and percentage mixture of energy efficiency for on-site renewables and offsite renewables are not clear. Benchmark solution No. 6 under PO1 of subsection 11.1.2 does not provide confidence that there will be much on-site

	renewable supply taking place, suggesting that it will be offset off-site - "Where the net zero energy target cannot be accommodated on site, the proponent must provide an offset e.g., with a Power Purchase Agreement".
102	<p>11.2.2 – PO2 – 1. States "where possible" this benchmark solution should be achieved. The "where possible" wording must be deleted as this provides too simple a reason for non-compliance. If a variation to the benchmark solution is sought, the applicant must demonstrate compliance with the performance objective and a merit-based assessment will be undertaken.</p> <p>Additional benchmark solution should be added requiring:</p> <ul style="list-style-type: none"> - Provision of a lifecycle of the development waste management plan indicating what recycled materials are proposed to be used within the design and what new elements of the design are capable of being recycled following the end of the useful function of the building. - Provide requirements for the inclusion of embodied carbon into the built form (e.g. encouraging the use of timber instead of concrete). - Consider the requirement for community batteries for larger developments.
	11.3 Waste Management and Recovery
103 to 105	This section includes minimal references to buildings being designed to minimise energy demand. Particularly, with regard to 5 stars energy ratings and the National and State Energy efficiency standards.
103	11.3.2 – PO1 – 2. Remove "where possible" from this benchmark solution. The "where possible" wording must be deleted as this provides too simple a reason for non-compliance. If a variation to the benchmark solution is sought, the applicant must demonstrate compliance with the performance objective and a merit-based assessment will be undertaken.
104	<p>PO4 under subsection 11.3.2 includes benchmark solutions for waste bin provision. However, there may be problems in mixed-use developments with mixing of domestic waste (paid for by residential lot owners) and commercial waste (paid for by commercial tenants).</p> <p>Therefore, any benchmark solutions would need to ensure that waste from commercial and residential premises are stored separately in any mixed-use development. Separate waste rooms must be provided for each to ensure that commercial tenants or their agents cannot enter the domestic bin room, and vice versa. All commercial tenants must engage a waste provider to deal with all the waste that their occupancy is producing.</p>
104	<p>PO5 under subsection 11.3.2 includes benchmark solutions for design of waste bin storage areas. However, drainage requirements for storage areas are unclear. Amend the benchmark solutions to ensure clarify that all drainage points for waste areas are sewer connected and protected by fine-grade gratings or drain covers, to prevent the entry of gross pollutants into the drainage system.</p> <p>Further, please clarify the minimum levels of illumination and ventilation for these storage areas, with reference to the relevant Australian Standard, or other recognised benchmark.</p>

	<p>Additionally, there is no mention of the issue of requirement for complementary strata by-laws in strata buildings, to channel and control the waste behaviours of residents in a way that support the aims of strata and Council and supports maximum recycling and the circular economy. DCP must be amended to state that strata by-laws within the relevant area are to fully support recycling, waste diversion and the correct use of waste infrastructure within the building by residents.</p>
105	<p>11.3.2 – PO6 – 1.a. requires waste storage areas to be integrated across separate buildings where possible. States that this benchmark solution should be complied with “where possible.” The “where possible” wording must be deleted as this provides too simple a reason for non-compliance. If a variation to the benchmark solution is sought, the applicant must demonstrate compliance with the performance objective and a merit-based assessment will be undertaken.</p>
	<p>12.1 Services and Utilities Design</p>
106	<p>12.1.2 Needs to include a clear PO requiring all services to be underground.</p>
106	<p>12.1.2 Needs to include a PO in relation to protecting underground services from tree root incursion. An associated BS is to include controls that require the provision of underground service maintenance pits that allow for the maintenance and repair of services without requiring the digging up of road reserves. Maintenance pits are to be provided at the change of direction of underground services. Connection pits in front of each development sits is also to be provided in order to allow service connection and maintenance without excessive trenching. (See comments provided above for page 47 in relation to street trees and underground service provision).</p>
	<p>14.2 Street Patterns</p>
115	<p>An objective must be introduced requiring all sites to be provided with lane access for service vehicles, loading vehicles and access to car parking for all mixed use, residential and commercial development.</p>
115	<p><i>Note:</i> Table containing performance outcomes and benchmark solutions makes reference to "6.1.2" in the first column instead of "14.2.2". This will need to be revised.</p>
115	<p>14.2.2 Must include controls for minimum road reserve widths for all road types under the street hierarchy under the Precinct Plan.</p>
	<p>14.3 Public Art</p>
115	<p>DCP states that "This section supplements Councils' public art policies and applies only to development greater than 20 hectares or with a capital investment value exceeding \$20 million." However, Council recommends that any development that seeks to embed public art is supported regardless of CIV or land area.</p> <p>To ensure diverse, unique and meaningful narratives are incorporated, public art should be considered for all investments. This will ensure that the diversity of the past, present and future communities are acknowledged and celebrated. Council recommends that a percentage of all capital investment is committed to public art within the western Sydney Aerotropolis to ensure unique and relevant outcomes. The design of public art should be embedded in the earliest design phases and should provide a commitment to engaging with local residents through engagement and mentoring opportunities. This will ensure a</p>

	<p>legacy which encapsulates the economical, activation and wellbeing aspects associated with public art for all associated developments.</p> <p>A public art strategy must be approved by relevant stakeholders for any development with an area of 20 hectares+ or with a CIV exceeding \$20 million. Any public art strategy will require a local and relevant focus and must provide clear commitments and deliverables.</p>
116	<p>It suggested that the following objectives are added to the list under subsection 14.3.1:</p> <ul style="list-style-type: none"> • Ensure that public art is authentic and meaningful to the site and surrounds and provides legacy opportunities to surrounding residents and associated LGA's through upskilling and increased economic opportunities. • Ensure public art is delivered by public artists • Artists should respond to the site and/or surrounding suburbs and be engaged at the earliest design phases to ensure coherency and creative outcomes that support the unique aspects of the Western Sydney Aerotropolis.
116	<p>Benchmark solution No. 1 under PO1 of subsection 14.3.2 makes reference to "The strategy" and benchmark solution No. 2 makes reference to "such development defined above". Reference to the "strategy" in benchmark solution No. 1 needs to be clarified (i.e., what is it?). Reference to "development defined above" needs clarification (i.e., simply state it is for development >20ha or >\$20mil CIV)</p>
116	<p>Benchmark solution No. 2 under PO1 of subsection 14.3.2 should be expanded to include the following to support greater job satisfaction and increase unique workplace experiences:</p> <p>d. In spaces identified for workers recreational time within the workplace.</p>
116	<p>Benchmark solution No. 3 under PO1 of subsection 14.3.2 states that "Different types of public art may be incorporated into the following aspects of development..." It is advised that these are not the only options available. The list inadvertently discourages public artists from exploring other options/locations for public art. Consider deleting this benchmark solution or rewording so that it is open to infinite options/locations.</p>
116	<p>PO2 of subsection 14.3.2 states that "Public art is provided to capture and reflect the qualities and essence of place, community values and the stories of past and present cultures, places, and people." However, its suggested that this performance outcome is expanded to also <i>explore aspirations and visions of residents, business and visitors.</i></p>
116	<p>PO3 of subsection 14.3.2 should be expanded to include the following benchmark solution regarding permanent art: "develop clear and concise agreements with artists/organisations on expectations and deaccession".</p>
116	<p>Benchmark solution No. 1 under PO3 of subsection 14.3.2 includes supplementary points g-j. This should be revised so that the supplementary points are listed a-d.</p>
	<p>14.4 Social Infrastructure</p>
117	<p>14.4 identifies that the Precinct plan provides "significance" (should be significant) guidance for (the) provision of social infrastructure. The relevant section of the Precinct Plan should be detailed and it must be ensured that any updated draft of the precinct plan provides this information.</p>

117	PO1 of subsection 14.4.2 includes benchmark solutions for connectivity to social infrastructure. However, it should include specific benchmarks for active transport connectivity to parks, open spaces and community facilities as well.
118	Benchmark solution No. 3 under PO3 of subsection 14.4.2 states, “ <i>where land availability is constrained, existing local open space is considered for active use where it can accommodate both active and passive uses</i> ”. However, adequate provision of open space is required, where open space (as per benchmarks) is dedicated for active and passive recreation purposes respectively. Provision of green open space for recreation purposes should be based on recommended benchmarking standards as conveyed during the preparation of the Draft Western Sydney Aerotropolis Social Infrastructure Needs Assessment report. Additional open space should be provided in addition to (without straining existing open spaces) the existing local open space to meet the needs of the future population. This is greenfield planning, so we should be reserving appropriate land aside for RE1.
15.1 Mixed Use Development, Residential and Commercial Development	
120	15.1.1 – O1 – states: “Implement the land use and built form strategy of height, FSR, density, land uses, and activation as outlined in the Precinct Plan.” Ensure any updated draft of the precinct plan provides this information or alternatively include these strategies as numerical controls under the DCP where relevant.
120	PO1 under subsection 15.1.2(A) includes a referencing error in the text when describing where to find a list of building elements. Ensure that the referencing error is fixed before the DCP is finalised.
121	Benchmark solution No. 4 under PO2 of subsection 15.1.2(A - Relationship to the public domain) makes reference to ‘active frontage’. However, the criteria for active frontage has not been clarified in the DCP (i.e., what is considered to be an active frontage?)
120-121	15.1.2 must be updated to provide minimum front boundary setback requirements for development frontages each road hierarchy type identified in the Precinct Plan. The “diagram showing the transition between ground floor level and street level” must be of a legible size and must include clear labels identifying property boundaries and setback areas. A separate section should be provided for each of the road types in the road hierarchy under the precinct plan.
121	15.1.2 PO2 – Must include a BS to provide for continuous awnings to pedestrian frontages for development in the Enterprise and Mixed use zones.
122	15.1.2 PO2 – BS1 a. This controls need to read clearly that the minimum boundary setback to the podium is 3m and clarity needs to be provided as to whether this setback also applies to new internal roads that are not on a boundary. It is recommended that the 3m setback provision relates to both existing street boundaries and future proposed street boundaries.
123	15.1.2 – C – PO1 – Podium 1.b. notes that “Zero front and rear setbacks are provided unless stated otherwise in the Precinct Plan.” The relevant section of the Precinct Plan must be referenced in the DCP and it must be ensured that any updated draft of the precinct plan provides this information. Alternatively, these controls may be included within the DCP.
123	Including two point “a.” and “b.” within PO1 – 1 makes these points difficult and confusing to refer to in planning reports, notices of determination, statements of facts and contentions etc. It is requested that points within the DCP are appropriately differentiated in this regard.

123	15.1.2 – C – PO1 – 1. Tower b. notes “A primary street setback between 3m and 6m is provided. A rear setback of 3m and 6m is provided unless stated otherwise in the Precinct Plan.” This section of the Precinct plan must be referenced in the DCP. It must be ensured that any updated draft of the precinct plan provides this information. Additionally, the urban design outcomes of this control must be thought through. Is there a street hierarchy that determines the required tower setback? If so, this should be identified as without this detail in the controls, all towers will seek larger tower footprints and go with the minimum 3m setback. This comment also applies to PO1 – 2 – Tower b. and c.
123	15.1.2 – C – PO1 – 1. Tower controls need to provide a clear requirement for minim separation of tower elements in instances where more than one tower is provided as part of a development or where a neighbouring tower is insitu.
124	15.1.2 E. PO1 BS1 a. should also provide provisions for those buildings in centres that so provide a setback from the street boundary. A continuous unbroken awning to the footpath must be required in all centres.
125	PO1 and PO2 under subsection 15.1.2(F - Development in walking Catchments) do not clearly define the catchment area around Mass Transit corridor / key sites. The catchment area should be measured by actual travel path distance rather than a catchment radius. This should also be defined – i.e. is walking distance 400m? 800m?
125	15.1.2 G PO1 – BS1. d. what are “culture responsive housing requirements?”
127	15.1.2 J. Consider including PO3 here with the wording: PO3: All multi-dwelling developments are to be provided with a heavily landscaped streetscape and front building setbacks with vehicular access limited to one driveway crossing for every street frontage. BS1 – All car parking spaces for multi-dwelling development is to be from a single vehicular crossing per street frontage. BS2 – All service vehicles, including garbage vehicles are to access the site via a service lane a minimum width of 7m within the site to allow all servicing of the site to be undertaken away from any primary frontage, secondary frontage or parallel frontage. BS3 – Multiple driveway crossings will be considered for internal service lanes where it can be demonstrated that sufficient lane frontage is provided for the presentation of all bins to the laneway for collection.
129	15.1.2 M. PO1 – BS 1. Change “floor above” to “the floor above.”
129	15.1.2 N. PO1 – BS Note – remove note reference to attics. Attics should not be encouraged and number of storeys (or building height controls under the precinct plan) should regulate height.
	15.2 Industrial, Agribusiness, Specialised Retail /Bulky Goods Uses
131	15.2.1 O1 states: “Implement the land use and built form strategy of height, FSR, density, land uses, and activation as outlined in the Precinct Plan.” Ensure any updated draft of the precinct plan provides this information or alternatively include these strategies as numerical controls under the DCP where relevant.
131	O8 refers to “visual and functional qualities as outlined in the Precinct Plan.” Ensure any updated draft of the precinct plan provides this information and the location of this information in the Precinct Plan is clearly stated in the DCP. Alternatively, include this information in the DCP.

131	<p>15.2.2 – PO1 C. – 1. States “All buildings in Industrial Areas are to be set back a minimum of 10 m from the front property boundary unless otherwise specified in the Aerotropolis Precinct Plan.” This section of the Precinct Plan must be referenced. Alternatively any other requirements of the Precinct Plan should be included as benchmark solutions in the DCP. Additional BS points should be added to this control and should read:</p> <p>BS 3 - The 10m front setback must be landscaped for the full frontage with the exception of pedestrian access pathway and any driveway crossing must. Two way driveway crossings will be limited to 12m in width.</p> <p>BS4 – All front boundary fencing must be provided at the front building alignment in order to create a consistent landscaped street character in the front setback areas across the frontage of all developments.</p>
132	<p>PO1 & PO2 under subsection 15.2.2(D - Built Form) do not clearly outline the building façade treatments for modulation of built form. Appropriate performance outcomes requiring built form / façade modulations should be recommended to reduce large expanses of blank facades and generate more interest/character within the built form. Built form modulations could include treatments using landscaping, colour, patterns and public art elements.</p>
	<p>15.3 Night-time Economy Uses</p>
134	<p>Night-Time Economy – live music, eating and dining options in a 24 hour city require 24 hour operation of public transport. It is recommended that the night time economy uses cease a minimum of 1 hour prior to the cease of public transport options in the evening to allow hospitality staff/bar staff etc to shut down, clean up etc and still have time to catch the last train/bus.</p>
134	<p><i>Note:</i> Table containing performance outcomes and benchmark solutions makes reference to "15.5.2" in the first column instead of "15.3.2". This will need to be revised.</p>
134	<p>Consider adding performance objectives and benchmark solutions that cater for live music and activation at night time (without any restrictions on operational hours or location).</p>
134	<p>Benchmark solution No. 2 under PO4 of subsection 15.3.2 is quite vague. For clarification, provide examples of how this benchmark solution relating to 'connecting to country' can be achieved.</p>
	<p>15.4 Outdoor Dining</p>
135 to 136	<p><i>Note:</i> Table containing performance outcomes and benchmark solutions makes reference to "15.6.2" in the first column instead of "15.4.2". This will need to be revised.</p>
	<p>15.5 Childcare Centres</p>
136	<p><i>Note:</i> Table containing performance outcomes and benchmark solutions makes reference to "15.7.2" in the first column instead of "15.5.2". This will need to be revised.</p>
	<p>15.6 Education Facilities</p>
136 to 137	<p><i>Note:</i> Table containing performance outcomes and benchmark solutions makes reference to "15.8.2" in the first column instead of "15.6.2". This will need to be revised.</p>
	<p>15.7 Places of Public Worship</p>

137 to 138	<i>Note:</i> Table containing performance outcomes and benchmark solutions makes reference to "15.9.2" in the first column instead of "15.7.2". This will need to be revised.
	15.8 Animal Boarding or Training Establishments
138 to 139	<i>Note:</i> Table containing performance outcomes and benchmark solutions makes reference to "15.10.2" in the first column instead of "15.8.2". This will need to be revised.
139	Benchmark solution No. 3 under PO1 of subsection 15.3.2 is a lodgement requirement. This should be deleted and included in a DA lodgement form or guide instead
	15.9 Roadside Stalls
139 to 140	<i>Note:</i> Table containing performance outcomes and benchmark solutions makes reference to "15.11.2" in the first column instead of "15.9.2". This will need to be revised.
	15.10 Sex Services and Restricted Premises
140	<i>Note:</i> Table containing performance outcomes and benchmark solutions makes reference to "15.12.2" in the first column instead of "15.10.2". This will need to be revised.
	15.11 Boarding Houses
141 to 142	<i>Note:</i> Table containing performance outcomes and benchmark solutions makes reference to "15.13.2" in the first column instead of "15.11.2". This will need to be revised.
141	Expand benchmark solution No. 1 of PO1 under subsection 15.11.2, to include a provision discouraging external bedroom doors that open out directly into the public domain, side or rear setbacks of the building. This will protect neighbours from any adverse amenity impacts and is consistent with controls recently adopted by Liverpool Council.
	15.12 Tourist and Visitor Accommodation
142	Introduction does not specify that this particular section provides supplementary controls. The introductory paragraph for this section should highlight that the controls mentioned in this section are supplementary controls relating to the building use. All other development controls will apply in addition to these controls. <i>Note:</i> Table containing performance outcomes and benchmark solutions makes reference to "15.14.2" in the first column instead of "15.12.2". This will need to be revised.
	15.13 New and Upgraded Waste or Resource Management Facilities
143	<i>Note:</i> Should section 15.13 Cemeteries be reinserted into the final DCP, then this entire section should be redefined as "15.14" in accordance with the table of contents. <i>Note:</i> Table containing performance outcomes and benchmark solutions makes reference to "15.16.2" in the first column instead of "15.14.2". This will need to be revised.
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	Appendix B

24 to 25	The Western Parkland City Vision - Government Commitment Areas map (Figure 1) appears to be duplicated.
26	Table 1 - No distinction is made between introduced species and indigenous species. To assist with species selection, locally indigenous species could be identified within the table.
	Appendix D
41	Details under D.9 (Biodiversity Development Assessment Report) are inconsistent with legislative requirements. Revise 3rd dot point to be consistent with BDAR triggers specified within legislation (i.e., also include reference to assessments of significance and prescribed impacts).
44	Provisions under D.17 (Dam De-watering Plan) give no consideration to weed and pest species. Include "weed and pest species management" as a dot point.
45	Provisions under D.23 (Flora and Fauna Assessment) are ambiguous and limited in scope. Clarify in 1st dot point if only threatened species are considered or all species. Clarify in 2nd dot point if only native vegetation clearing is considered or all vegetation including exotic species. Include habitat features, such as dead trees, as a trigger for a flora and fauna assessment. Include the requirement for Flora and Fauna Assessments to prescribe measures to minimise impacts, and justification for not preparing a BDAR.
51	Provisions under D.48 (Weed Eradication and Management Plan) are ambiguous and limited scope. Clarify what is intended by "land subject to the CPCP". All land within the Plan area? Nominated areas? Only some categories such as Strategic Conservation Areas?