



Subject: [Redacted]
FW: Submission on behalf of Australian Native Landscapes - 210 Martin Street, Badgerys Creek - Western Sydney Aerotropolis Draft Precinct Plans and Explanation of Intended Effects

Date: Monday, 1 November 2021 12:04:57 PM

Attachments: [image001.jpg](#)
[image002.jpg](#)
[image004.jpg](#)
[Final Letter to NSW DPIE re Badgerys Creek - DoP 1 Nov 2021.pdf](#)

Importance: High

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[Redacted] Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.



[Redacted]

Sent: Monday, 1 November 2021 11:42 AM

[Redacted]
[Redacted]
[Redacted]

Subject: Submission on behalf of Australian Native Landscapes - [Redacted], Badgerys Creek - Western Sydney Aerotropolis Draft Precinct Plans and Explanation of Intended Effects

Importance: High

Dear Executive Director

Please find attached a submission prepared on behalf of Australian Native Landscapes in respect of their development at [Redacted], Badgerys Creek.

Could you kindly acknowledge receipt of our submission as we note the generic email address for the DPIE does not appear to be functioning.

Kind regards
Denis

Denis Smith
Director, Planning and Property



[Redacted]

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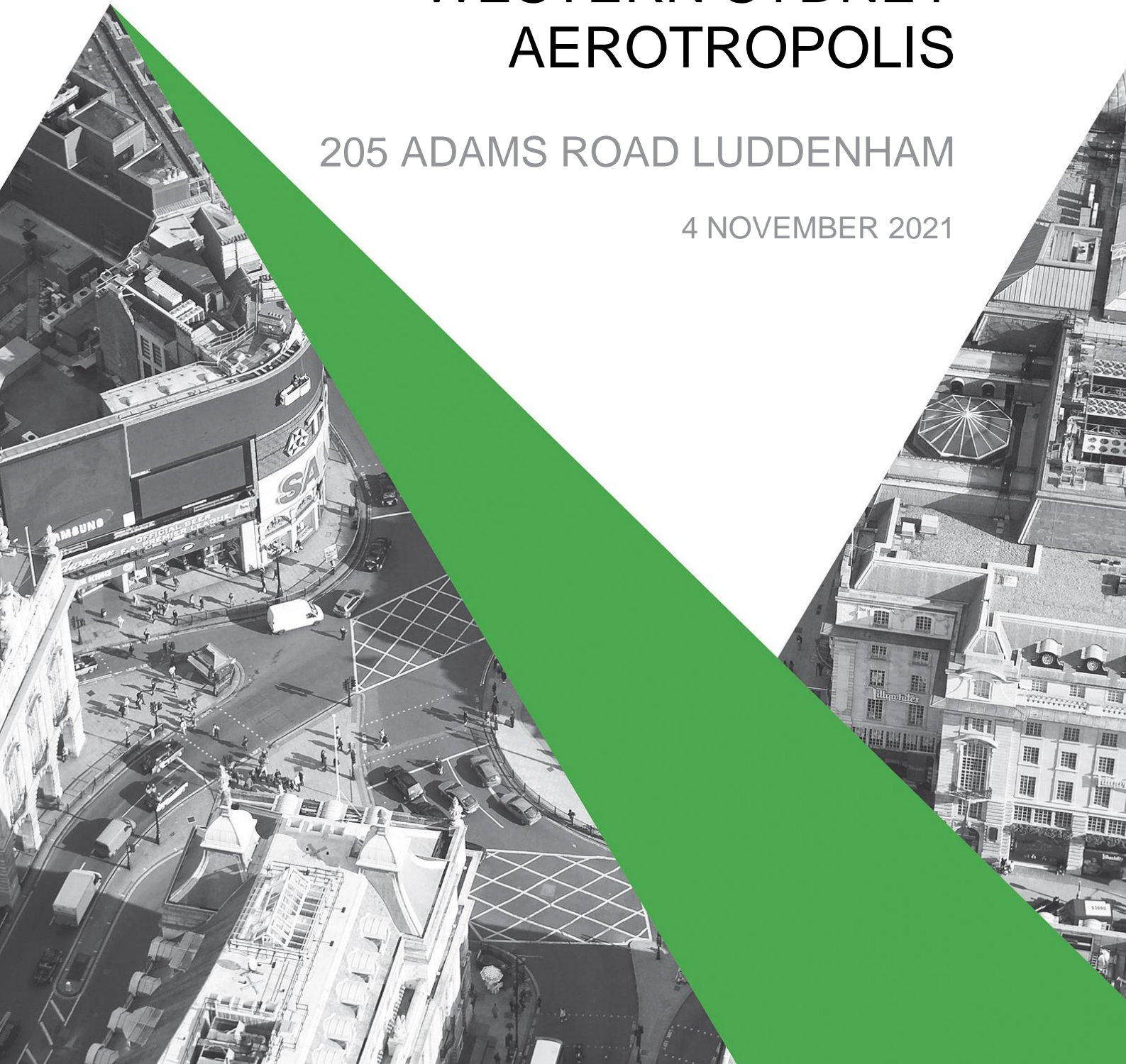
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SUBMISSION: WESTERN SYDNEY AEROTROPOLIS

205 ADAMS ROAD LUDDENHAM

4 NOVEMBER 2021



QUALITY ASSURANCE

PROJECT: Submission: Western Sydney Aerotropolis

AUTHOR: Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
3 November 2021	Draft - Internal Review	Draft	SF	SF
4 November 2021	Final	Final	SF	SF

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PRELIMINARY

This report is prepared by Think Planners Pty Ltd, on behalf of the Blacktown Workers Club, in response to the NSW Department of Planning's Western Sydney Aerotropolis Explanation of Intended Effect, Luddenham Village Discussion Paper, Open Space Needs Study and Western Sydney Aerotropolis Development Control Plan – Phase 2.

This submission specifically relates to land at 205 Adams Road Luddenham which is located within the Agribusiness Precinct. The site is more than 10 hectares in total area and is currently zoned partly Agribusiness and partly Environment and Recreation under the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020.

This submission raises several key issues, namely the out-of-sequence approach to strategic planning, inconsistencies within the plan and some site specific concerns relating to the draft Development Control Plan. Further refinement and review are needed in order to facilitate the successful creation of the Aerotropolis through delivery of a coherent planning framework.

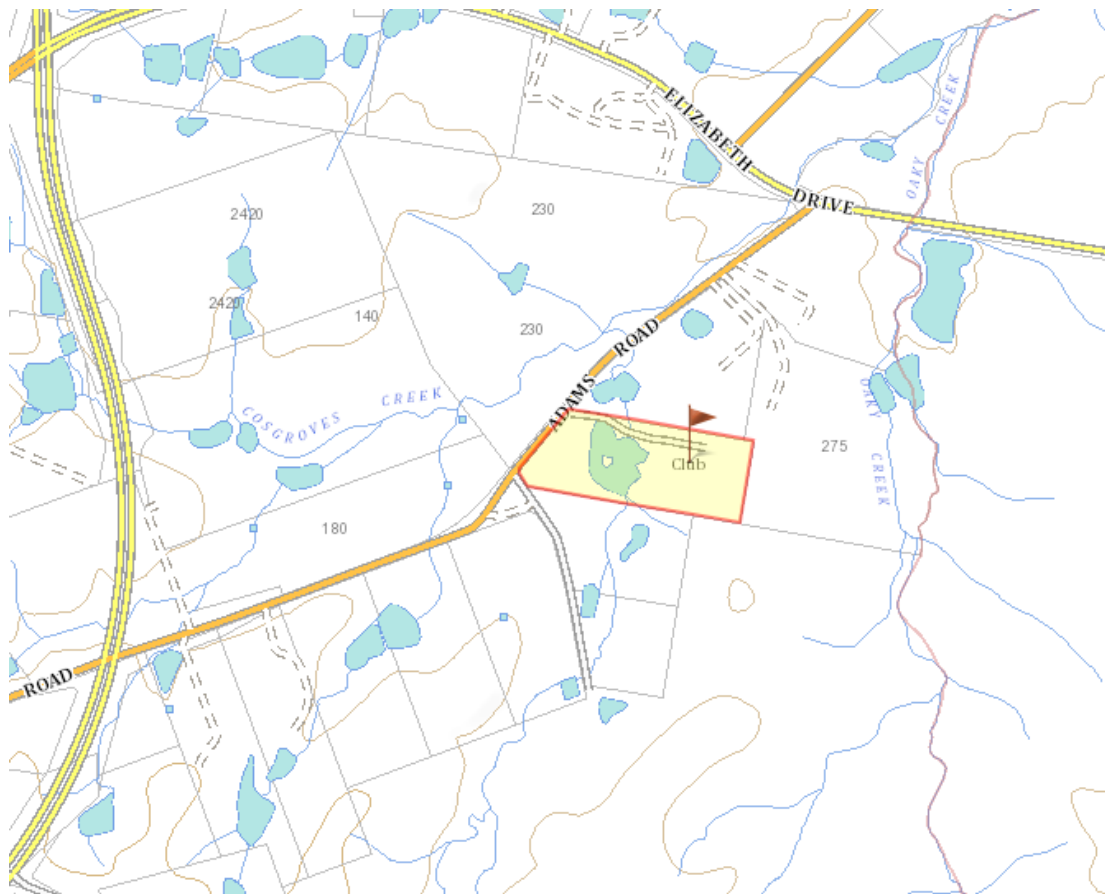
LAND AT 205 ADAMS ROAD LUDDENHAM

SUBJECT LAND

The subject land is located at 205 Adams Road Luddenham (Lot 2 DP 623799) and is 10.18 hectares in size located at the north-eastern corner of the intersection of Adams Road and Anton Road. The land is currently known as the Hubertus Country Club and has been developed as a registered club since 1994. The subject land has been owned and operated by the Blacktown Workers Club since 2015. The subject site adjoins the Western Sydney International (Nancy-Bird Walton) Airport.

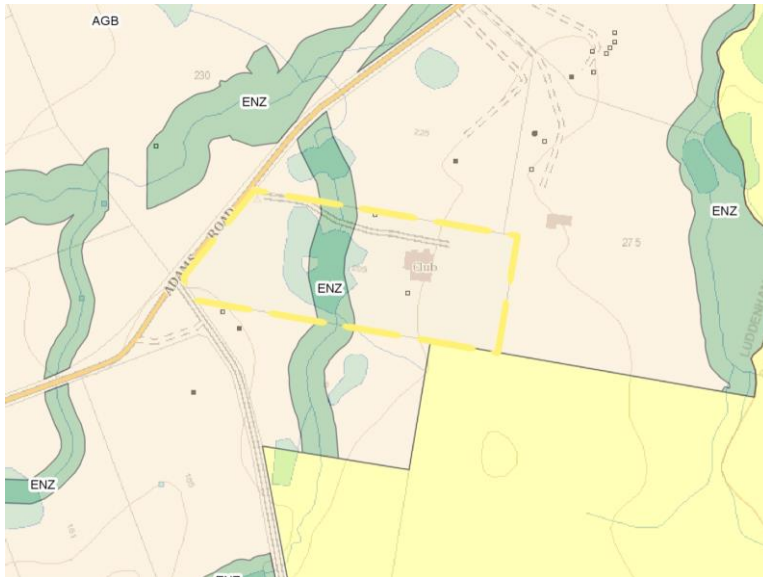
The land at 205 Adams Road forms part of the Agribusiness Precinct and the site is shown in Figure 1 below.

Figure 1: Aerial Map for land at 205 Adams Road Luddenham – Six Maps



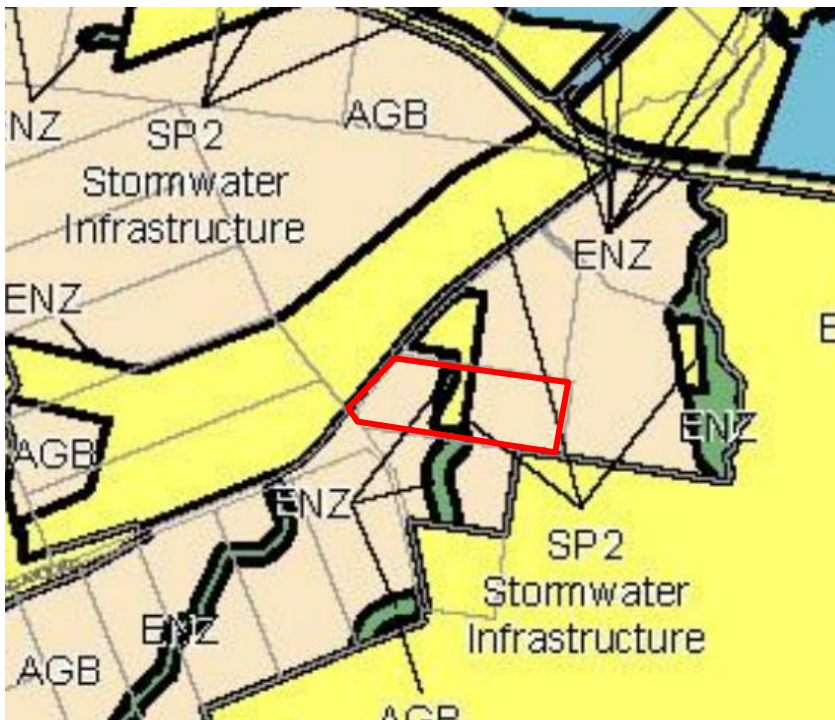
The site is currently zoned partly Agribusiness and partly Environment and Recreation under the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020. The zoning is shown in Figure 2 overleaf.

Figure 2: Current zoning map extract (NSW Planning Portal)



The site is proposed to be zoned partly SP2 Stormwater Infrastructure and partly Agribusiness under the draft zoning maps.

Figure 3: Proposed zoning map extract (NSW Planning Portal)



 Subject land

SUBMISSION DISCUSSION | DRAFT WESTERN SYDNEY AEROTROPOLIS EXPLANATION OF INTENDED EFFECT, AND WESTERN SYDNEY AEROTROPOLIS DEVELOPMENT CONTROL PLAN – PHASE 2

This submission raises 4 key discussion points which are discussed in detail below as they relate to land at the 205 Adams Road Luddenham.

ISSUE 1: SEQUENCE FOR THE PUBLISHING OF STRATEGIC PLANNING DOCUMENTS

The ability to provide valuable feedback on the draft changes to the State Environmental Planning Policy (Western Sydney Aerotropolis) and draft Development Control Plan is difficult to do given the absence of a revised Precinct Plan. The draft Precinct Plan was on exhibition until February 2021 and this document contained misaligned and incomplete information that has been reported in the several hundred submissions that were received by the NSW Department of Planning. A revised precinct plan is due to be published at the end of 2021 however, in the absence of a coherent Precinct Plan it is difficult to make meaningful comments on the finer grain detail contained within the draft Development Control Plan.

For example, there are details about the road design and setbacks required to specific roads included in the draft Development Control Plan. The proposed road layouts and hierarchy is contained within the Precinct Plan. Without the adoption of a revised Precinct Plan landowners are unable to assess the impact of road design requirements on their properties. The same concern also applied to the setback requirements published within the draft Development Control Plan. In the absence of a revised Precinct Plan which identifies which are the arterial and sub arterial roads, there is no ability to comment on setback requirements that may or may not impact on the subject land.

The sequence for finalising and publishing strategic planning documents is clearly outlined in Figure 1 of the DCP (copy provided overleaf) demonstrates how the draft Development Control Plan is the final policy document. It would be more logical to place the draft Development Control Plan on exhibition after the revised Precinct Plan is published. Clarification and more specific details about when the proposed revised Precinct Plan are going to be published is critical.

Figure 4: Extract from the draft Western Sydney Aerotropolis Development Control Plan

Element	Purpose	Status
Western Sydney Aerotropolis Plan Government Strategic Planning Framework	<ul style="list-style-type: none"> Vision, Structure Plan, planning objectives and principles for the Aerotropolis Aligns with the Region Plan and District Plan Informs Precinct Plans and Master Plans in the Aerotropolis 	Finalised
State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 Planning instrument created under EP&A Act	<ul style="list-style-type: none"> Objectives and key controls for development in Aerotropolis Zones land broadly to permit or prohibit land uses Framework for precinct and master planning 	Finalised Proposed amendment subject to this EIE
Precinct Plan Mandatory plan created under Aerotropolis SEPP	<ul style="list-style-type: none"> Aligns with the WSAP Finer grain structure planning and principles for precinct development Development applications must be consistent with this plan 	Draft exhibited in November 2020 – March 2021 Anticipated to be finalised late 2021
Master Plan Optional plan created under Aerotropolis SEPP for large sites (over 100ha)	<ul style="list-style-type: none"> Aligns with Precinct Plans Unlocks a complying development pathway by setting detailed development and design criteria for permitted development 	Guidelines to be published late 2021
Development Control Plan (DCP) Phase 1 and Phases 2 Guideline created under EP&A Act	<ul style="list-style-type: none"> Guidance and fine grain development considerations Development objectives, performance outcomes and benchmark solutions 	Phase 1 DCP finalised Phase 2 DCP to be exhibited September 2021 Anticipated to be finalised late 2021

Figure 1: Western Sydney Aerotropolis Planning Framework

ISSUE 2: MISALIGNMENT OR CONTRADICTING INFORMATION

The existing zoning map in Figure 2 shows the site as having an existing area of ENZ zoning which has been amended in the revised zoning map to SP2. It is unclear if this means the land is to be acquired in the short term and used for public reaction such as cycleways and the like. This area of land dissects the land owned by the Blacktown Workers Club as such there are concerns about security and access within this site. Further details to clarify the intent behind this revised zoning is requested.

Further, there is a general sense of confusion as some landowners have opposed the proposed SP2 Infrastructure zoning of their land and advice provided by the NSW Department of Planning advises that it is going to be recommended that the SP2 Infrastructure be an overlay map rather than a zoning of the land. Essentially this means that the current zone that applies to the land under the Aerotropolis SEPP would be retained. Further clarification about this matter is necessary and critical.

There is a detailed table of comments and sections where clarification is required provided in the following section of this report. In general, there are several areas within the draft Development Control Plan that need further refinement.

ISSUE 3: SUPPORT FOR THE AGRIBUSINESS ZONE

The suite of documents published are a step forward in establishing the planning policy framework to ensure the success of the Agribusiness zone within the Aerotropolis. The NSW Department of Planning is to be commended on the work completed to date on the Aerotropolis planning package providing a strategic planning framework to guide future development within the broader precinct. The Aerotropolis is the most significant planning exercise undertaken in many years that will stand to greatly enhance the livelihoods of the Western Sydney community. The owners of land at 205 Adams Road Luddenham welcome any opportunity to be involved in shaping the future planning for the area.

ISSUE 4: ADDITIONAL PERMITTED LAND USE RECOMMENDATION

The Blacktown Workers Club made earlier representations to the NSW Department of Planning relating to proposed changes to the Schedule 1 Additional Permitted Land Uses contained within State Environmental Planning Policy (Western Sydney Aerotropolis). A copy of this representation is attached to this letter and summarised below.

In the Commissioner's recently published Aerotropolis Independent Community Commissioner's Report, recommendations relating to existing land use rights have been included in recommendation 15. Recommendation 15 advises to include additional land uses (which will not impact on future airport operations) to the allowable existing uses to enable landowners to continue even if these uses may be prohibited under the new zoning, which is a sensible approach in the context of the NSW planning framework.

This recommendation is relevant to the Hubertus Country Club which is categorised as a Registered Club which has become an existing use right development due to the Agribusiness zone that was implemented under State Environmental Planning Policy (Western Sydney Aerotropolis). In the Agribusiness zone Registered Clubs are prohibited development.

The purpose of this representation is to seek to have the subject land included within the Schedule 1 Additional Permitted Uses of State Environmental Planning Policy (Western Sydney Aerotropolis) for the purposes of a Registered Club. This aligns with the principle outlined in recommendation 15 of the Commissioners Report which has subsequently been reviewed by the NSW Department of Planning, Industry and Environment and supported in principle.

DETAILED COMMENTS AND RECOMMENDATIONS

The following table has been prepared to highlight some of the key comments and recommendations. Please note this is by no means an exhaustive list.

Western Sydney Aerotropolis Draft DCP October 2021		
Clause	Topic, Clause	Questions/Comments
1.6	<p>Relationship to Other Documents and Instruments</p> <p>For strategic context, this DCP and subsequent amendments should be read in conjunction with:</p> <ul style="list-style-type: none"> a. The Western Sydney Aerotropolis Plan (WSAP); b. State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP); c. The Western Sydney Aerotropolis Precinct Plan (Aerotropolis Precinct Plan); d. Ministerial Directions 3.5 and 7.8; e. Recognise Country: Draft Guidelines for Development in the Aerotropolis; and f. Draft Aviation Safeguarding Guidelines – Western Sydney Aerotropolis and Surrounding Areas. 	<p>The draft Precinct Plan was on exhibition until February 2021 and this document contained misaligned and incomplete information that has been reported in the several hundred submissions that were received. A revised precinct plan is due to be published at the end of 2021 however, in the absence of a coherent precinct plan it is difficult to make meaningful comments on the finer grain detail contained within the draft Development Control Plan.</p> <p>Refer to previous examples detailed in this submission.</p>
2.1	<p>Starting with County</p> <p>Draft Aerotropolis Precinct Plan Heritage Map (p59): The whole site is shown to have “Low” Aboriginal Cultural Sensitivity that centres around the Environmental Protection Zone.</p> <p>F Draft Aerotropolis Precinct Plan ig 60 (p195) shows a section of Moderate Sensitivity along the west portion of the site (Adams road) that centres around Cosgroves Creek.</p>	<p>In this plan the subject site is shown as Low Aboriginal Cultural Sensitivity.</p> <p>In this plan the subject site is shown as Moderate Aboriginal Cultural Sensitivity.</p> <p>Again, these inconsistencies make it difficult to provide meaningful feedback on the plan.</p>

	<p>Q: <i>Figure 3 Heritage Items within Initial Aerotropolis Precincts (Listed and Unlisted/Potential)</i></p> <p>Map p23 shows an “unlisted item” close to the SW corner of the site on Adams/Anton road intersection.</p>	<p>The subject site is shown in the vicinity of an unlisted item. How can additional details of this be obtained?</p>
4.2.2 PO1	<p>Artificial waterbodies mapped for retention in the Precinct Plan are retained through the development process.</p> <p>Note: A water licence from the Natural Resources Access Regulator (NRAR) may be required for artificial water bodies.</p>	<p>This section of the DCP requests that artificial water bodies be retained yet section 10.3 of the same DCP requests that the same dam needs to be able to be fully drained within 48 hours to ensure that wildlife are not attracted to the site. Clarification about which control takes precedent would be helpful in the planning controls.</p>
6.1	<p>Street Network Functions and Design</p>	<p>Clarification of street network and street hierarchy required to proceed with design including understanding of total width of road dedication, revised site boundaries and required setbacks.</p>
7	<p>Travel Demand Management and Parking</p>	
7.2.4 and 7.3.2	<p>Accessible parking</p>	<p>These two sections of the DCP contradict where one asks for 1% accessible parking and the other asks for 2% - please clarify which control is relevant.</p>
8	<p>Building Siting and Design</p>	
8.1	<p>Building Setbacks and Interfaces</p> <p>Table 5</p>	<p>In the absence of a revised Precinct Plan the hierarchy of roads is not able to be determined, therefore the impact of any building setbacks cannot be established. Again, this reiterates the reason the out of sequence publishing of planning policies has caused confusion.</p>
P01	<p>3. Any stormwater detention within the 3km and 8km wildlife buffer is designed to fully drain within 48 hours after a rainfall event.</p>	<p>This contradicts previous clauses/mapping regard dams and waterways, ecology. There is SP2 zoning of the land which was previously ENZ zoning which would encourage the retention of the existing on site dam. This provision and 4.2.2 are contradictory.</p>
11.1.2	<p>PO3</p>	<p>This section of the DCP requests that gas be investigated as an alternative source of energy which is outdated and seems in direct conflict with the provisions that relate to using renewable energy and targets set to 2030. Gas is not a renewable energy source.</p>
15.1.2	<p>C.P01</p>	<p>The setback clauses in this section contradict the setback clauses found in Clause 6.1 of the same DCP. Clarification is needed and further refinement.</p>
15.14.2	<p>PO3</p> <p>Tourist and visitor accommodation are</p>	<p>The control seeks to allow tourist and visitor accommodation where it is located 400m from public transport however there are no details of the future</p>

located close to public transport to provide a high level of amenity to guests.

public transport (e.g. rapid bus) infrastructure that is going to be delivered. In this case the provisions would be better written to detail the aim of the control i.e that future tourist and visitor accommodation should be provided with adequate transport rather than a prescriptive control as it is currently written.

In this case the subject site at 205 Adams Road may be ideal for backpackers accommodation being so close to the airport however this control seeks to preclude this future use.

CONCLUSION

The primary focus for the development of the Blacktown Workers Club land at 205 Adams Road Luddenham is to continue to operate the Hubertus Club, provide expanded Club related facilities and other complementary development on this land. The Blacktown Workers Club has a vision to deliver community infrastructure and services that provide for the recreational needs and conveniences.

We look forward to your response on this issue and wish to be kept informed of the progression of the request. In the meantime, should you require any additional details I can be contacted at schandel@thinkplanners.com.au.

Yours faithfully,



Schandel Fortu

24 September 2021

Fiona Christiansen

NSW Department of Planning, Industry and Environment

Email: fiona.christiansen@planning.nsw.gov.au

AEROTROPOLIS INDEPENDENT COMMUNITY COMMISSIONER'S REPORT | ADDITIONAL PERMITTED LAND USE RECOMMENDATION

Dear Fiona

This letter provides representation on behalf of the Blacktown Workers Club who are the owners of 205 Adams Road Luddenham. This letter is also following the submission (copy attached) from the Blacktown Workers Club on 5 February 2021 regarding the draft Precinct Plans for the Aerotropolis. The subject land is legally described as Lot 2 DP 623799 and is currently known as the Hubertus Country Club. The subject land has been owned and operated by the Blacktown Workers Club since 2015.

In the Commissioner's recently published Aerotropolis Independent Community Commissioner's Report, recommendations relating to existing land use rights have been included in recommendation 15. Recommendation 15 advises to include additional land uses (which will not impact on future airport operations) to the allowable existing uses to enable landowners to continue even if these uses may be prohibited under the new zoning- which is a sensible approach in the context of the NSW planning framework.

This recommendation is relevant to the Hubertus Country Club which is categorised as a Registered Club which has become an existing use right development due to the Agribusiness zone that was implemented under State Environmental Planning Policy (Western Sydney Aerotropolis). In the Agribusiness zone Registered Clubs are prohibited development.

The purpose of this letter is to seek to have the subject land included within the Schedule 1 Additional Permitted Uses of State Environmental Planning Policy (Western Sydney Aerotropolis)- for the purposes of a Registered Club. This aligns with the principle outlined in recommendation 15 of the Commissioners Report which has subsequently been reviewed by the NSW Department of Planning, Industry and Environment and supported in principle.

The site currently contains and has a long history of development consents dating back to 10 September 1991 (reference 405/1991) for the Hubertus Country Club House, indoor and outdoor firearm ranges, caretaker's cottage, dam, landfill, shade structure/s and associated car parking area. All of which are still active components of the Club's operations and service to the community.

Future development work at the Hubertus Country Club can be carried out under the existing use rights provisions however, listing the existing use within the Schedule 1 Additional Permitted Uses is the most appropriate planning mechanism to recognise the current land use activities which will not impact on future airport operations.

An extract from the NSW Government's Initial Response to the Independent Community Commissioner's Report is provided in the table below for reference.

Extract from Initial Response to the Independent Community Commissioner's Recommendations			
Commissioner's Recommendations	Preliminary Response	Pathways for Delivery	Timeframes
Recommendation 15: Include additional land uses to the allowable existing uses in the zonings to enable landowners to continue residential and other low impacts uses for land (for example an additional dwelling storey, a shed etc.) even if these uses may be prohibited under the new zonings. These transitional uses must consider and not impact future airport operations.	Supported in principle. Subject to further investigation	<p>Aerotropolis – Responding to the Issues report.</p> <p>Community Guidelines – Existing Use Rights and Permissible Land Uses.</p> <p>Amendment to the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020</p>	<p>Aerotropolis – Responding to the Issues report: Q4 2021</p> <p>Community Guidelines – Existing Use Rights and Permissible Land Uses: Q4 2021</p> <p>State Environmental Planning Policy (Western Sydney Aerotropolis): Q4 2021</p>

The Commissioner's Recommendations and the initial response provided by the NSW Government is endorsed by the owners of 205 Adams Road Luddenham.

CONCLUSION | NEXT STEPS

The purpose of this letter is to seek to have the subject land included within the Schedule 1 Additional Permitted Uses of State Environmental Planning Policy (Western Sydney Aerotropolis) for the purposes of a Registered Club.

The landowners would also like to request to have a meeting with the representatives from the Department of Planning, Industry and Environment to discuss both this submission and the future masterplan for the site.

We look forward to your response on this issue and wish to be kept informed of the progression of the request. In the meantime, should you require any additional details I can be contacted at schandel@thinkplanners.com.au.

Yours faithfully,



Schandel Fortu

5 February 2021

Western Sydney Aerotropolis Team

NSW Department of Planning, Industry and Environment

Dear Sir / Madam

We are writing to provide our commentary to the Draft Aerotropolis Precinct Plan which is currently on public exhibition until 26 February 2021. Blacktown Workers Club are the owner of Hubertus Country Club at 205-215 Adams Road Luddenham (L2, DP623799), a Club which has operated successfully since its construction in 1995 and which continues to provide for the local community to this day.

With the airport currently under construction the Club recognises that change to the area is inevitable but remain firmly committed to operating Hubertus Country Club for the local community now and into the future.

Generally we support the strategies proposed in the Draft Aerotropolis Precinct Plan including the delineation between *employment zone centre* and *agribusiness*, however there are some aspects that specifically affect our land that we remain concerned over.

1. **Road Network.** The indicative road network shown on figure 22 of the draft precinct plan shows a street hierarchy and network from primary arterial roads to local streets. Cl3.3.8 of the draft precinct plan notes that "*higher order roads are fixed*", and referencing figure 22, relevant higher order roads appear to be Adams Road and Anton Road. This is understood and supported.

However figure 22 also indicates a *lower order* road directly through the existing club building which we do not support. The operation of the Club, together with the community events that the Club operates, requires a spatial configuration of the land that would be severely disadvantaged by a proposed road through the middle of it.

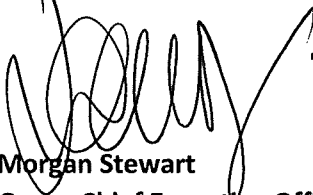
Imposing a road structure onto land is understood where land may be currently undeveloped, which is generally the case of much of the precinct, and particularly where those uses will change with the application of the agribusiness zoning. However in the case of the Club, there is quite a substantial building already on the site and the use of that land and existing club building will not change. The Club will continue to operate and as such we do not support the application of a road through the Club.

2. **Existing Dam.** The Club currently has an active sub-group that uses the existing dam extensively for model boating purposes. The precinct plan appears to completely remove this dam, replacing it with a far narrower green strip and two roads.

The existing dam is an important part of the Club's cultural and community and we do not support the aspect of the draft precinct plan proposal that requires its effective removal.

Thank you for the opportunity provide our commentary. We recognise that this process is at its beginning and would welcome the opportunity for more detail discussion over the intentions for the land.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Morgan Stewart', written over a faint, illegible background.

Morgan Stewart
Group Chief Executive Officer
BLACKTOWN WORKERS CLUB GROUP



SUBMISSION: WESTERN SYDNEY AEROTROPOLIS

4 NOVEMBER 2021



QUALITY ASSURANCE

PROJECT: Submission: Western Sydney Aerotropolis

AUTHOR: Think Planners Pty Ltd

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PRELIMINARY

This report is prepared by Think Planners Pty Ltd, on behalf of the [REDACTED] [REDACTED] in response to the NSW Department of Planning's Western Sydney Aerotropolis Explanation of Intended Effect, Luddenham Village Discussion Paper, Open Space Needs Study and Western Sydney Aerotropolis Development Control Plan – Phase 2.

This submission specifically relates to land at [REDACTED] which is located within the Agribusiness Precinct. The site is more than 10 hectares in total area and is currently zoned partly Agribusiness and partly Environment and Recreation under the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020.

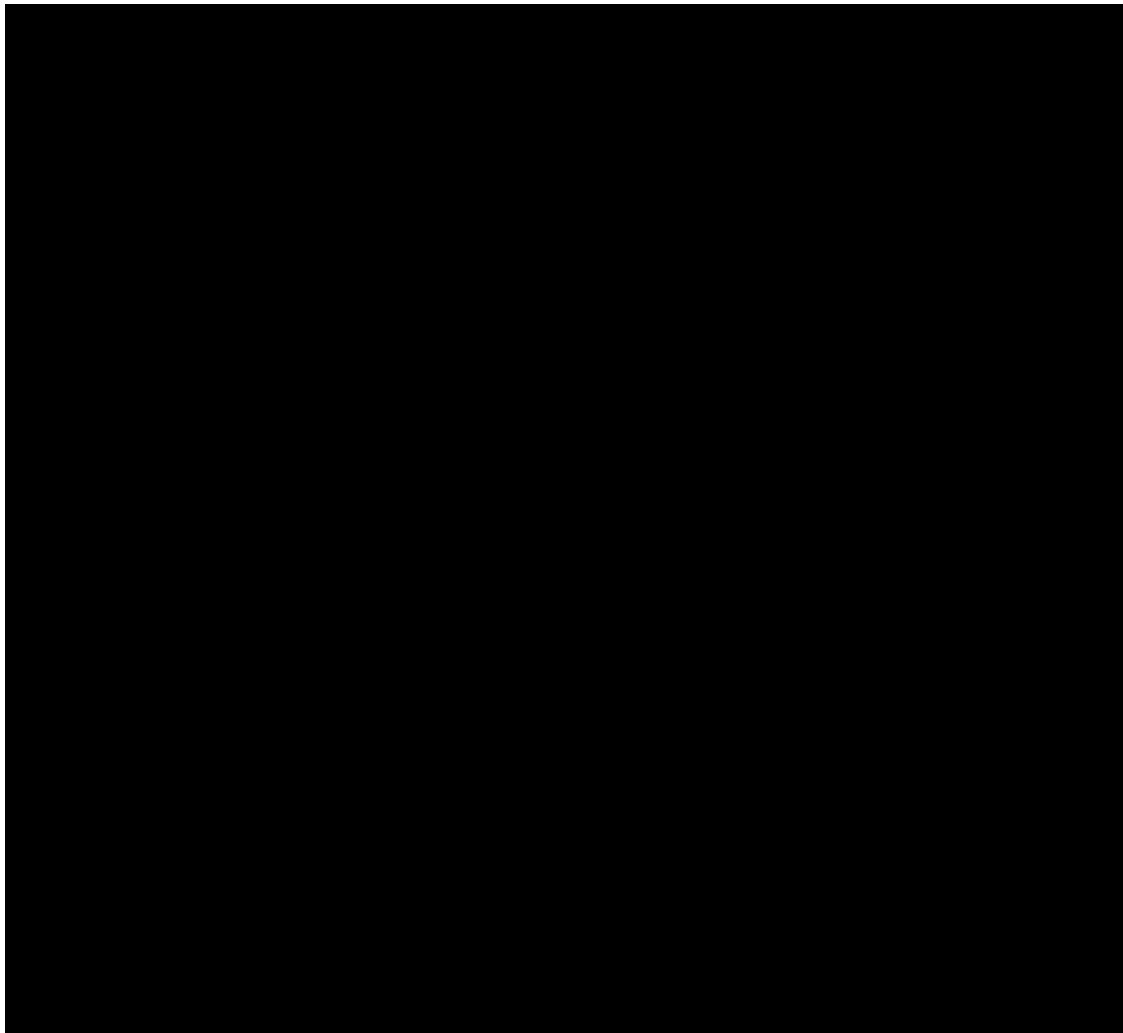
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LAND AT [REDACTED]

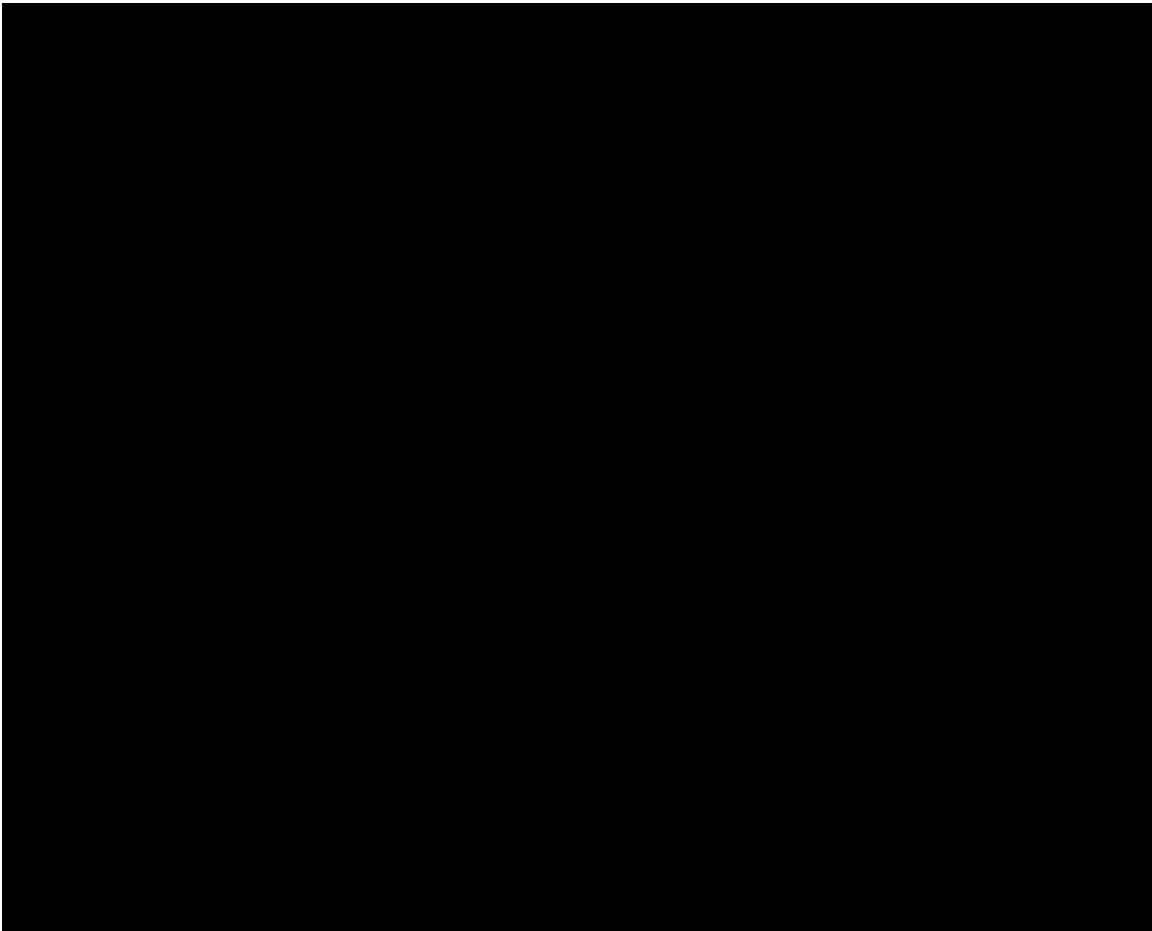
SUBJECT LAND

The subject land is located at [REDACTED]
[REDACTED] in size located at the [REDACTED]
[REDACTED] The land is currently known as the [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The land at [REDACTED] forms part of the Agribusiness Precinct and the site is shown in Figure 1 below.



The site is currently zoned partly Agribusiness and partly Environment and Recreation under the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020. The zoning is shown in Figure 2 overleaf.



SUBMISSION DISCUSSION | DRAFT WESTERN SYDNEY AEROTROPOLIS EXPLANATION OF INTENDED EFFECT, AND WESTERN SYDNEY AEROTROPOLIS DEVELOPMENT CONTROL PLAN – PHASE 2

This submission raises 4 key discussion points which are discussed in detail below as they relate to land at the [REDACTED].

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The ability to provide valuable feedback on the draft changes to the State Environmental Planning Policy (Western Sydney Aerotropolis) and draft Development Control Plan is difficult to do given the absence of a revised Precinct Plan. The draft Precinct Plan was on exhibition until February 2021 and this document contained misaligned and incomplete information that has been reported in the several hundred submissions that were received by the NSW Department of Planning. A revised precinct plan is due to be published at the end of 2021 however, in the absence of a coherent Precinct Plan it is difficult to make meaningful comments on the finer grain detail contained within the draft Development Control Plan.

For example, there are details about the road design and setbacks required to specific roads included in the draft Development Control Plan. The proposed road layouts and hierarchy is contained within the Precinct Plan. Without the adoption of a revised Precinct Plan landowners are unable to assess the impact of road design requirements on their properties. The same concern also applied to the setback requirements published within the draft Development Control Plan. In the absence of a revised Precinct Plan which identifies which are the arterial and sub arterial roads, there is no ability to comment on setback requirements that may or may not impact on the subject land.

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Figure 4: Extract from the draft Western Sydney Aerotropolis Development Control Plan

Element	Purpose	Status
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Precinct Plan Mandatory plan created under Aerotropolis SEPP	<ul style="list-style-type: none"> Aligns with the WSAP Finer grain structure planning and principles for precinct development Development applications must be consistent with this plan 	Draft exhibited in November 2020 – March 2021 Anticipated to be finalised late 2021
Master Plan Optional plan created under Aerotropolis SEPP for large sites (over 100ha)	<ul style="list-style-type: none"> Aligns with Precinct Plans Unlocks a complying development pathway by setting detailed development and design criteria for permitted development 	Guidelines to be published late 2021
Development Control Plan (DCP) Phase 1 and Phases 2 Guideline created under EP&A Act	<ul style="list-style-type: none"> Guidance and fine grain development considerations Development objectives, performance outcomes and benchmark solutions 	Phase 1 DCP finalised Phase 2 DCP to be exhibited September 2021 Anticipated to be finalised late 2021

Figure 1: Western Sydney Aerotropolis Planning Framework

ISSUE 2: MISALIGNMENT OR CONTRADICTION INFORMATION

The existing zoning map in Figure 2 shows the site as having an existing area of ENZ zoning which has been amended in the revised zoning map to SP2. It is unclear if this means the land is to be acquired in the short term and used for public reaction such as cycleways and the like. This area of land dissects the land owned by the Blacktown Workers Club as such there are concerns about security and access within this site. Further details to clarify the intent behind this revised zoning is requested.

Further, there is a general sense of confusion as some landowners have opposed the proposed SP2 Infrastructure zoning of their land and advice provided by the NSW Department of Planning advises that it is going to be recommended that the SP2 Infrastructure be an overlay map rather than a zoning of the land. Essentially this means that the current zone that applies to the land under the Aerotropolis SEPP would be retained. Further clarification about this matter is necessary and critical.

There is a detailed table of comments and sections where clarification is required provided in the following section of this report. In general, there are several areas within the draft Development Control Plan that need further refinement.

ISSUE 3: SUPPORT FOR THE AGRIBUSINESS ZONE

The suite of documents published are a step forward in establishing the planning policy framework to ensure the success of the Agribusiness zone within the Aerotropolis. The NSW Department of Planning is to be commended on the work completed to date on the Aerotropolis planning package providing a strategic planning framework to guide future development within the broader precinct. The Aerotropolis is the most significant planning exercise undertaken in many years that will stand to greatly enhance the livelihoods of the Western Sydney community. The owners of land at [REDACTED] welcome any opportunity to be involved in shaping the future planning for the area.

ISSUE 4: ADDITIONAL PERMITTED LAND USE RECOMMENDATION

[REDACTED] made earlier representations to the NSW Department of Planning relating to proposed changes to the Schedule 1 Additional Permitted Land Uses contained within State Environmental Planning Policy (Western Sydney Aerotropolis). A copy of this representation is attached to this letter and summarised below.

In the Commissioner's recently published Aerotropolis Independent Community Commissioner's Report, recommendations relating to existing land use rights have been included in recommendation 15. Recommendation 15 advises to include additional land uses (which will not impact on future airport operations) to the allowable existing uses to enable landowners to continue even if these uses may be prohibited under the new zoning, which is a sensible approach in the context of the NSW planning framework.

This recommendation is relevant to the [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] This aligns with the principle outlined in recommendation 15 of the Commissioners Report which has subsequently been reviewed by the NSW Department of Planning, Industry and Environment and supported in principle.

DETAILED COMMENTS AND RECOMMENDATIONS

The following table has been prepared to highlight some of the key comments and recommendations. Please note this is by no means an exhaustive list.

Western Sydney Aerotropolis Draft DCP October 2021		
Clause	Topic, Clause	Questions/Comments
1.6	<p>Relationship to Other Documents and Instruments</p> <p>For strategic context, this DCP and subsequent amendments should be read in conjunction with:</p> <ul style="list-style-type: none"> a. The Western Sydney Aerotropolis Plan (WSAP); b. State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP); c. The Western Sydney Aerotropolis Precinct Plan (Aerotropolis Precinct Plan); d. Ministerial Directions 3.5 and 7.8; e. Recognise Country: Draft Guidelines for Development in the Aerotropolis; and f. Draft Aviation Safeguarding Guidelines – Western Sydney Aerotropolis and Surrounding Areas. 	<p>The draft Precinct Plan was on exhibition until February 2021 and this document contained misaligned and incomplete information that has been reported in the several hundred submissions that were received. A revised precinct plan is due to be published at the end of 2021 however, in the absence of a coherent precinct plan it is difficult to make meaningful comments on the finer grain detail contained within the draft Development Control Plan.</p> <p>Refer to previous examples detailed in this submission.</p>
2.1	<p>Starting with County</p> <p>Draft Aerotropolis Precinct Plan Heritage Map (p59): The whole site is shown to have “Low” Aboriginal Cultural Sensitivity that centres around the Environmental Protection Zone.</p> <p>F Draft Aerotropolis Precinct Plan ig 60 (p195) shows a section of Moderate Sensitivity along the west portion of the site (Adams road) that centres around Cosgroves Creek.</p>	<p>In this plan the subject site is shown as Low Aboriginal Cultural Sensitivity.</p> <p>In this plan the subject site is shown as Moderate Aboriginal Cultural Sensitivity.</p> <p>Again, these inconsistencies make it difficult to provide meaningful feedback on the plan.</p>

	<p>Q: <i>Figure 3 Heritage Items within Initial Aerotropolis Precincts (Listed and Unlisted/Potential)</i></p> <p>Map p23 shows an “unlisted item” close to the SW corner of the site on Adams/Anton road intersection.</p>	<p>The subject site is shown in the vicinity of an unlisted item. How can additional details of this be obtained?</p>
4.2.2 PO1	<p>Artificial waterbodies mapped for retention in the Precinct Plan are retained through the development process.</p> <p>Note: A water licence from the Natural Resources Access Regulator (NRAR) may be required for artificial water bodies.</p>	<p>This section of the DCP requests that artificial water bodies be retained yet section 10.3 of the same DCP requests that the same dam needs to be able to be fully drained within 48 hours to ensure that wildlife are not attracted to the site. Clarification about which control takes precedent would be helpful in the planning controls.</p>
6.1	<p>Street Network Functions and Design</p>	<p>Clarification of street network and street hierarchy required to proceed with design including understanding of total width of road dedication, revised site boundaries and required setbacks.</p>
7	<p>Travel Demand Management and Parking</p>	
7.2.4 and 7.3.2	<p>Accessible parking</p>	<p>These two sections of the DCP contradict where one asks for 1% accessible parking and the other asks for 2% - please clarify which control is relevant.</p>
8	<p>Building Siting and Design</p>	
8.1	<p>Building Setbacks and Interfaces</p> <p>Table 5</p>	<p>In the absence of a revised Precinct Plan the hierarchy of roads is not able to be determined, therefore the impact of any building setbacks cannot be established. Again, this reiterates the reason the out of sequence publishing of planning policies has caused confusion.</p>
P01	<p>3. Any stormwater detention within the 3km and 8km wildlife buffer is designed to fully drain within 48 hours after a rainfall event.</p>	<p>This contradicts previous clauses/mapping regard dams and waterways, ecology. There is SP2 zoning of the land which was previously ENZ zoning which would encourage the retention of the existing on site dam. This provision and 4.2.2 are contradictory.</p>
11.1.2	<p>PO3</p>	<p>This section of the DCP requests that gas be investigated as an alternative source of energy which is outdated and seems in direct conflict with the provisions that relate to using renewable energy and targets set to 2030. Gas is not a renewable energy source.</p>
15.1.2	<p>C.P01</p>	<p>The setback clauses in this section contradict the setback clauses found in Clause 6.1 of the same DCP. Clarification is needed and further refinement.</p>
15.14.2	<p>PO3</p> <p>Tourist and visitor accommodation are</p>	<p>The control seeks to allow tourist and visitor accommodation where it is located 400m from public transport however there are no details of the future</p>

located close to public transport to provide a high level of amenity to guests.

public transport (e.g. rapid bus) infrastructure that is going to be delivered. In this case the provisions would be better written to detail the aim of the control i.e that future tourist and visitor accommodation should be provided with adequate transport rather than a prescriptive control as it is currently written.

In this case the subject site at [REDACTED] may be ideal for backpackers accommodation being so close to the airport however this control seeks to preclude this future use.

CONCLUSION

The primary focus for the development of the Blacktown Workers Club land at [REDACTED]

We look forward to your response on this issue and wish to be kept informed of the progression of the request. In the meantime, should you require any additional details I can be contacted at [REDACTED]

Yours faithfully,

[REDACTED]

24 September 2021

[REDACTED]

[REDACTED]

[REDACTED]

AEROTROPOLIS INDEPENDENT COMMUNITY COMMISSIONER'S REPORT | ADDITIONAL PERMITTED LAND USE RECOMMENDATION

Dear Fiona

This letter provides representation on behalf of the [REDACTED]
[REDACTED] This letter is also following the
submission (copy attached) from the [REDACTED]
regarding the draft Precinct Plans for the Aerotropolis. The subject land is legally
described as [REDACTED]
[REDACTED]
[REDACTED]

In the Commissioner's recently published Aerotropolis Independent Community
Commissioner's Report, recommendations relating to existing land use rights have
been included in recommendation 15. Recommendation 15 advises to include
additional land uses (which will not impact on future airport operations) to the allowable
existing uses to enable landowners to continue even if these uses may be prohibited
under the new zoning- which is a sensible approach in the context of the NSW planning
framework.

This recommendation is relevant to the [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

The purpose of this letter is to seek to have the subject land included within the
Schedule 1 Additional Permitted Uses of State Environmental Planning Policy
(Western Sydney Aerotropolis)- [REDACTED]. This aligns
with the principle outlined in recommendation 15 of the Commissioners Report which
has subsequently been reviewed by the NSW Department of Planning, Industry and
Environment and supported in principle.

[REDACTED]

[REDACTED]

An extract from the NSW Government’s Initial Response to the Independent Community Commissioner’s Report is provided in the table below for reference.

Extract from Initial Response to the Independent Community Commissioner’s Recommendations			
Commissioner’s Recommendations	Preliminary Response	Pathways for Delivery	Timeframes
Recommendation 15: Include additional land uses to the allowable existing uses in the zonings to enable landowners to continue residential and other low impacts uses for land (for example an additional dwelling storey, a shed etc.) even if these uses may be prohibited under the new zonings. These transitional uses must consider and not impact future airport operations.	Supported in principle. Subject to further investigation	Aerotropolis – Responding to the Issues report. Community Guidelines – Existing Use Rights and Permissible Land Uses. Amendment to the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020	Aerotropolis – Responding to the Issues report: Q4 2021 Community Guidelines – Existing Use Rights and Permissible Land Uses: Q4 2021 State Environmental Planning Policy (Western Sydney Aerotropolis): Q4 2021

The Commissioner’s Recommendations and the initial response provided by the NSW Government is endorsed by the owners of [REDACTED]



CONCLUSION | NEXT STEPS

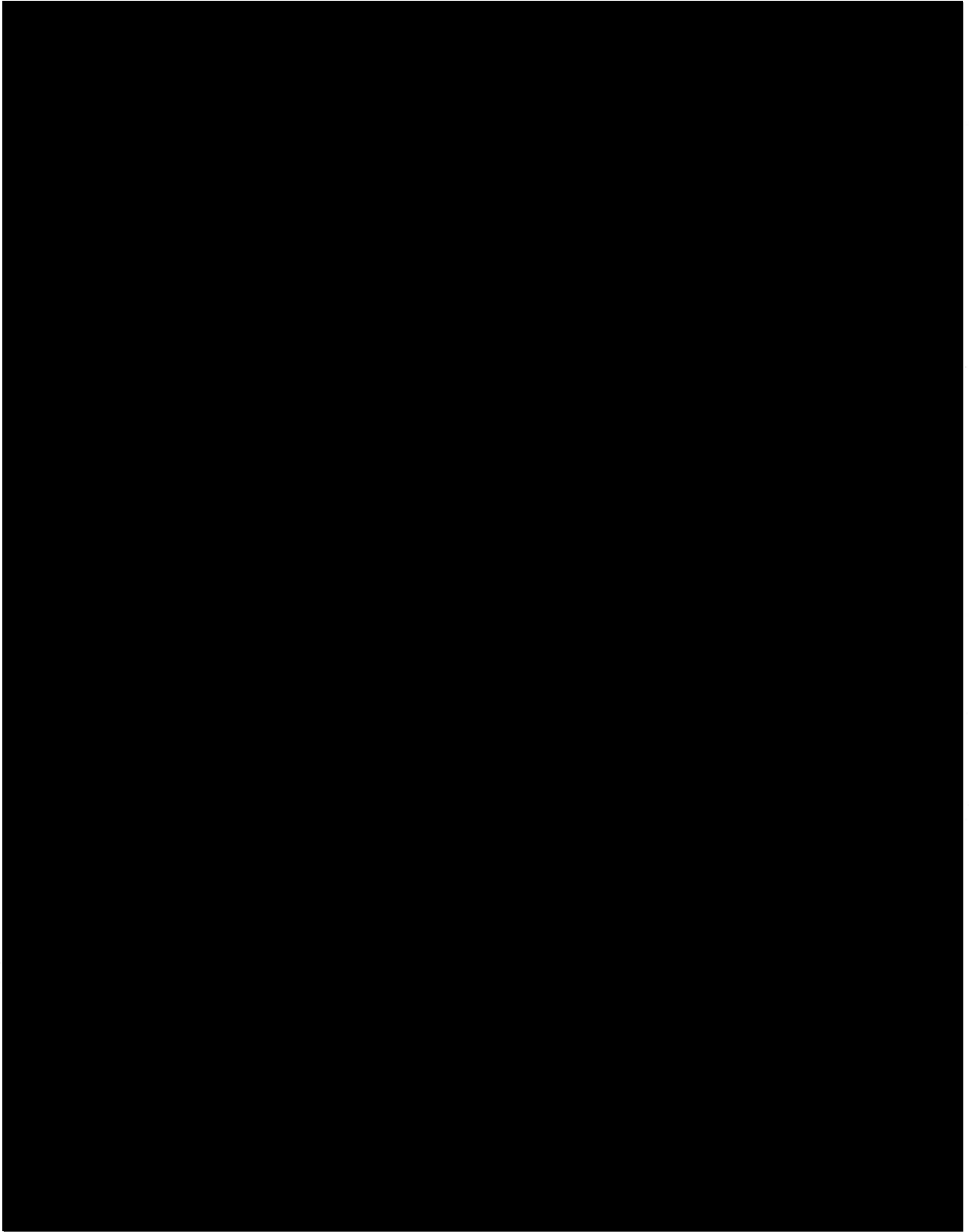
[REDACTED]

The landowners would also like to request to have a meeting with the representatives from the Department of Planning, Industry and Environment to discuss both this submission and the future masterplan for the site.

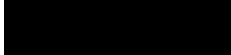
We look forward to your response on this issue and wish to be kept informed of the progression of the request. In the meantime, should you require any additional details I can be contacted at [REDACTED]

Yours faithfully,

[REDACTED]







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 10:44 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: 05112021-udia-nsw-submission-on-aerotropolis-planning-package.pdf

Submitted on Fri, 05/11/2021 - 10:42

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

[Redacted Name]

I would like my submission to remain confidential

Yes

Info

[Redacted Info]

Submission file

[Redacted Submission File]

Submission

Submission from the [Redacted] The submission covers both the EIE and DCP, in the one submission. Has also been uploaded to individual portal for the EIE.

I agree to the above statement

Yes

Disclaimer

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, on behalf of **Liverpool City Council**.

Attention: NSW Department of Planning, Industry and Environment
4 Parramatta Square,
12 Darcy Street
Parramatta, NSW, 2150

Dear Sir/ Madam,

SUBMISSION ON THE DRAFT AEROTROPOLIS DEVELOPMENT CONTROL PLAN (DCP) – [REDACTED]

This submission has been prepared by Land Evolution Pty Ltd on behalf of [REDACTED]

[REDACTED] Their property is located within the Northern Gateway Precinct and is directly impacted by the proposed Development Control Plan (DCP). The owner intends to develop the property and as such has engaged us to undertake a review of the DCP. As a result, we have identified the concerns that are listed below.

1.0 INTRODUCTION & ADMINISTRATION

- We note that the DCP cannot be considered in full, without review of the Precinct Plans. There have been substantial changes to the draft precinct plans resulting in a reduction in open space and realignment of road corridors. We need the ability to review both the DCP and the amended precinct plans at the same time to understand and provide feedback on the implications to individual landholdings.
- The draft DCP is too detailed for the purpose of application. We recommend rationalising and simplifying the guidelines.
- The specifications throughout the DCP are extremely expensive and reduce typical yields for similar developments in other areas. This puts investors in the region at an economic disadvantage and could see potential investment in employment opportunities deterred from the area.
- Section 1.1.3 requires 5 yearly reviews of the DCP. We have concern that some of the conditions in the DCP are overly onerous and will limit investment in development throughout the Aerotropolis. As such we request that an initial review be completed within 12 months of exhibition and that all reviews be exhibited for comment by industry organisations and landowners as their feedback is vital to meeting the aims of the DCP.
- Section 1.5.2 notes that the DCP has adopted a performance-based approach. We object to this approach as it does not provide certainty around outcomes and will likely lead to significant re-design costs and delays because of interpretation by different assessing officers. The DCP needs to be a guideline that provides both the intention of the control and the prescribed control. This provides a clear way forward and allows developers to seek variations to the DCP controls if they still meet the intentions. This way developers have the opportunity to submit a fully complying DA or seek specific variations.

2.0 RECOGNISE COUNTRY

- Section 2.1 states that “The performance outcomes and benchmark solutions provided in Section 2.1.2 are to be read in conjunction with the *Recognise Country: Draft Guidelines for Development in the Aerotropolis*.” However, these guidelines have not been released. It is unreasonable to expect feedback on this section of the DCP without the relevant guidelines being available.
- Section 2.1.2 calls for an engagement outcomes report to be provided with any masterplan, SSD or DA submission. This is understandable for masterplans and SSD however, there is a shortage of qualified professionals to undertake these reports and the stakeholder groups

are not set up to handle the volume of DA submissions likely to be made. In many circumstances, these DA's will be minor in nature (i.e. a change in use or retaining wall) and providing these reports could be overly onerous to development investment and may not be required to achieve the necessary outcomes. We recommend that DPIE specify types of development that need to provide an outcomes report i.e. with a value greater than \$1M or more than 500m² floor space.

3.0 HERITAGE

- No Comments

4.0 STORMWATER, WATER SENSITIVE URBAN DESIGN AND INTEGRATED WATER MANAGEMENT

- In general, the controls are new to the industry and have many issues to be resolved including significant cost, changes to other standards and agreements etc. The entire stormwater strategy needs to be further developed with industry to achieve a suitable outcome.
- Section 4.2 states that dams must be retained as part of development purposes. Clarity is needed here to understand if this only relates to dams mapped as suitable. Also, the investigations on dams completed to date are not accurate enough to enforce this condition. There should be a mechanism to report on the suitability of dams for retention as part of a DA.
- P02 requires mapped waterbodies to be rehabilitated. This will likely be an extremely expensive exercise and will likely significantly impact feasibility and investment through the Aerotropolis. It would likely be more cost effective, efficient, and safer to purpose-build waterbodies rather than retrofitting existing waterbodies.
- P03 requires water bodies to be designed to ensure public safety and address wildlife attraction. Standards or guidelines need to be further defined to demonstrate how this can be achieved.
- P03 also pushes the ongoing management of the dams to future asset owners (i.e. business) this is an additional financial burden putting the end user at a further economic disadvantage.
- Section 4.3 advises that the NSW Government will release the *Technical guide to demonstrate compliance with Wianamatta-South Creek waterway health objectives and stormwater management targets (DPIE, 2021)*. This needs to be considered with the conditions in the draft DCP, not separately.
- Many Objectives under 4.3.1 have never been implemented in NSW planning before and there is not enough details on how this can be addressed in a DA. For example, integrating water cycle management with servicing infrastructure at the scale of the individual landowner.
- The performance outcomes under Section 4.3.2 are generic and refer to general targets or reports. In order for these to be successfully implemented more specific, clear and measurable performance outcomes are required.
- P03 is a new measurable for development that is untested. It is not clear how compliance could/would be achieved.
- P04 introduces a raft of new conditions that are untested, and it is not clear how compliance could be achieved.
- P04 requires the developer to collect water from permeable runoff for re-use. This is odd practice particularly since floor space ratios enforce a high permeable area. Enforcing a high permeable then underlining it with a drainage system to collect all the water seems counterproductive. Increasing the impermeable surface would improve feasibility and investment take-up while also making collecting the water much easier through gutters, drains etc.
- P08 has a formatting error in the Benchmark solution

- Management of the excessive stormwater management controls is proposed to fall to the landowners in many circumstances. This is an additional financial burden on the future business that will hinder development uptake & business success. Many businesses will likely opt not to maintain the systems properly due to financial constraints which could mean they would become significant hazards, particularly as systems become old and need significant repairs etc.
- 4.4.1 O2 lists a requirement to ensure that wildlife strikes are appropriately managed. Flying animals will be attracted to the high volume of water bodies in the area. The only way to manage wildlife strikes would be to cover up the water bodies with nets etc. This would be a terrible visual outcome for an urban environment and another maintenance issue. How can this be managed/enforced?

5.0 NATIVE VEGETATION AND BIODIVERSITY

- The criteria for tree preservation is overly onerous and is not conducive to development of the Aerotropolis as a business hub. High value ecological areas have been protected with the ENZ zoning. Seeking to protect individual isolated trees will have significant ramifications on development feasibility and is not appropriate for the scale of development on land that has been bio-certified.
- Section 5.5.2 PO1 - The street tree specifications are expensive, will become a significant maintenance issue and likely will not perform as intended for the following reasons:
 - o Filter media does not provide trees with the stability needed to withstand conditions in western Sydney. There will likely be a high rate of trees falling over that is a risk life and property.
 - o The filter media layers are extremely expensive and there is already a shortage of the raw materials in Sydney to meet the demand.
 - o Tree pits that expand under roads often do not pass standard roller tests required by the local councils, even with the products available to support the weight of the road. In industrial areas with significant heavy traffic there will be a very high pavement failure rate.
 - o Retention of water underground will contribute to pavement failure and will conflict with subsoil drainage required to keep water away from road pavements.
 - o The design will conflict with services (Electrical, telco, gas, water and stormwater) and will also increase the need for digging around services for maintenance issues.
 - o Service trenches are backfilled with sand that will naturally drain the water storage areas.
- Backfilling street tree pits with structural soils in medians could be a better detail from a structural perspective and would still help trees reach full canopy coverage.

6.0 ACCESS AND MOVEMENT FRAMEWORK

- Endeavour Energy and Councils do not currently have agreements in place for supply and maintenance of smart poles. This leads to alternative street lighting networks that are privately owned by Councils. These do not form part of the streets opening conference agreements and lead to coordination, approval and construction issues. Work is needed to further develop the strategy between key stakeholders, including industry.

7.0 TRAVEL DEMAND AND PARKING

- S7.3.2 PO11 Use of pervious surface in parking is not appropriate in industrial areas with high use of heavy vehicles.
- S7.3.2 PO13 The Endeavour Energy & Council standards & standing agreements are not set up to incorporate the electric vehicle parking or most smart technology. These have typically been part of a private network throughout Western Sydney.

8.0 BUILDING SITING & DESIGN

- S8.1.2 PO1(5) – The restriction on visibility of back of house uses (including storage) from roads should only apply to retail areas. It would not be applicable to industrial areas that required high volumes of outdoor storage as a function of the intended businesses.
- Table 5 setbacks are excessive in many circumstances as is the deep soil profiles proposed on them. It renders significant amounts of quality development land useless.
- 8.5.2 PO1 – 1 identification sign per business is not enough in many circumstances. For example, corner lots where they address multiple frontages. There needs to be more flexibility for businesses to have appropriate signage. Also, a maximum size of 10m² for buildings with multiple tenancies is too small to achieve the types of preferred signage (sculptural etc.)
- Table 6 – Signage placement and design is appropriate at a small pedestrian level, but larger and higher signs are required for wayfinding from a distance (i.e. in a vehicle).

9.0 FLOODING AND ENVIRONMENTAL RESILIENCE AND ADAPTABILITY

- Many of the controls are appropriate for residential, retail and office uses, but not for industrial type uses like around the agribusiness precinct.
- 9.2.2 PO1
 - o Not all grassed areas and trees need to be irrigated. If appropriate tree species are selected the conditions will be appropriate for them to succeed once they are established.
 - o The Permeable pavements are not appropriate in industrial type areas with heavy vehicles. They simply won't withstand the vehicle load over time.
- 9.2.2 PO2
 - o The control that 50% of rooftops are to be vegetated, light coloured or irrigated is not appropriate. The majority of rooftops should be solar as there is likely to be a high daytime demand for power through the area and net zero emission targets have been set under Section 11. Also, irrigated and vegetated rooftops are prone to waterproofing issues which could be an ongoing maintenance burden.

10.0 AIRPORT SAFEGUARDING

- 10.3.2 PO2 is a contradiction to the landscaping intentions throughout the rest of the DCP. The DCP requires extensive deep soils, tree planting and significant canopies along with maintaining or offsetting (onsite) tree hollows, nesting boxes and water bodies. In locations close to the airport this is not appropriate from a safety perspective and needs to be clarified throughout the document. Perhaps there is an exclusion zone within 3km of the airport.

11.0 SUSTAINABILITY AND CIRCULAR ECONOMY

- No Comments

12.0 SERVICES AND UTILITIES

- Proposed road reserves are significantly wider than existing road reserves. This will pose a significant issue with all services needing to be relocated. Then lead in services will need to be relocated several more times as they will not have the carriageways acquired to locate them in the final position prior to development.
- 12.1.2 PO2 requires all additional utility infrastructure to be identified at the planning phase, however you cannot lodge many of the applications without a DA or a PPN (which requires a DA). Specifically, you cannot apply for sewer and water with Sydney Water or Electrical with Endeavour Energy. Telecommunications and gas are generally aligned with electrical design so should not progress without it. Because of this we cannot provide any accurate servicing information at the planning phase. It also takes over 3 months to get a feasibility application assessed by Sydney Water which will cause more planning delays.

- All standard services would clash with the deep soil and tree planting details in the DCP. The sections do not consider when services cross roads. Service trenches are also backfilled with sand which will drain the tree pits.
- PO3 requires services to achieve minimum cover to WSUD features (i.e. tree pits) this will push all services lower and will result in:
 - o A lot of service clashes
 - o Significant rock excavation at expensive rates that also slows development
 - o Deeper stormwater treatment basins due to deeper stormwater pipes
 - o Much deeper sewer lines that will not be safely accessible or possible to maintain. This will mean they will have to be concrete encased at additional extra costs.
- PO5 Adopts a dig once policy. This will not be possible unless all road corridors are acquired by government up front and service lead ins can be located in their ultimate location through undeveloped land.
- 12.2 A telecommunications facility needs to be defined.
- 12.3.2 Avoiding planting trees within 3m of a watermain contradicts the other details provided in the DCP and isn't required. Planting closer to watermains has been done everywhere with minimal issues.
- Stormwater harvesting requirements are onerous and there is not a clear specification on how they could be achieved.

13.0 SMART PLACES

- Endeavour Energy and Councils do not currently have agreements in place for supply and maintenance of smart poles. This leads to alternative street lighting networks that are privately owned by Councils. These do not form part of the streets opening conference agreements and lead to coordination, approval and construction issues. Work is needed to further develop the strategy between key stakeholders, including industry.

14.0 BENCHMARKS FOR LARGER SITES, SUBDIVISION OR MASTERPLANNING

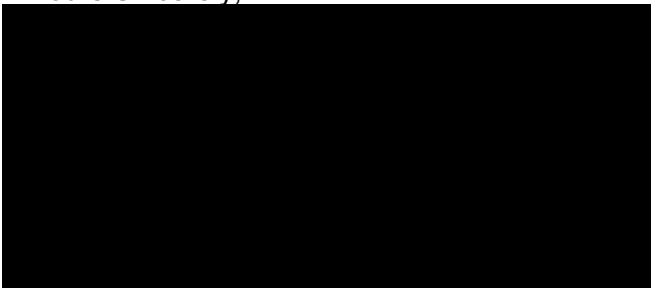
- Controls need to be more specific about where they apply. Is this just for sites greater than 100Ha that meet the requirements for master planning?

15.0 CERTAIN LAND USES

- No comments

Should you have any queries please do not hesitate to contact us.

Yours Sincerely,





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 12:07 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: 211101_70-eaton-road-luddenham-dcp-submission-final.pdf

Submitted on Fri, 05/11/2021 - 12:05

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name



I would like my submission to remain confidential

Yes

Info



Please provide your view on the project

I support it

Submission file



Submission

This submission has been made by Land Evolution Pty Ltd on behalf of the purchaser that has exchanged contracts to purchase the site.

I agree to the above statement

Yes

Disclaimer

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, on behalf of **Liverpool City Council**.

5 November 2021

Brett Cornish
Managing Director
Cornish Group
[REDACTED]
DRUMMOYNE NSW 2047

Dear Brett,

[REDACTED], LUDDENHAM [REDACTED]
PLANNING FOR WESTERN SYDNEY AEROTROPOLIS PUBLIC EXHIBITION

Introduction

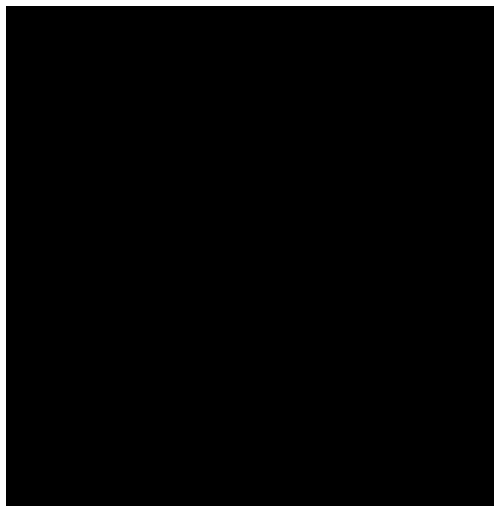
We refer to your request to:

- Review the proposed amendments to State Environmental Planning Policies relating to the Western Sydney Aerotropolis (on exhibition until 5 November 2021); and
- Prepare submissions on Cornish Group's behalf to the Department of Planning, Infrastructure and Environment in relation to the subject property.

We have reviewed the exhibited documents, *Explanation of Intended Effects* and *Open Space Needs Study*, and make the following submissions for consideration:

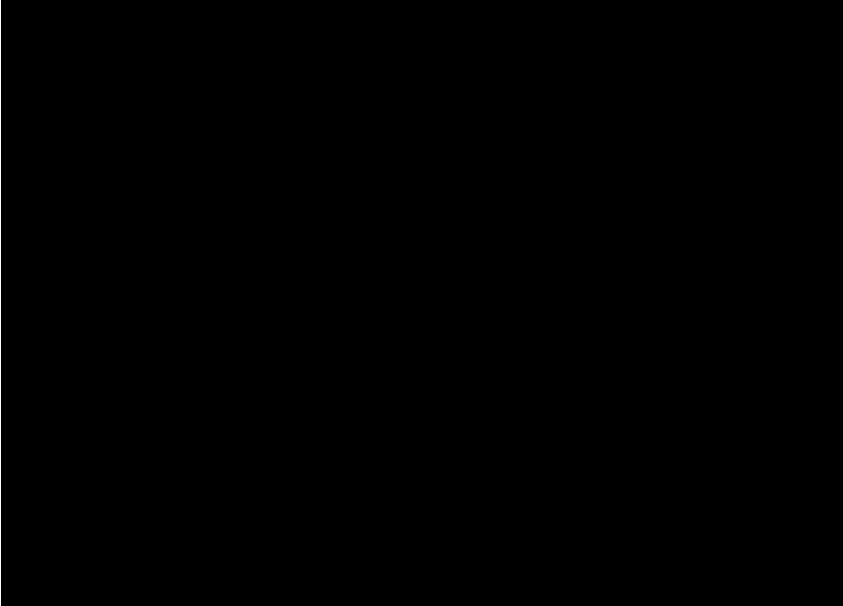
Issue 1 the extent of proposed SP2 zoned land affecting the property

Broadly speaking, the proposed land use zoning amendments replace the existing *Environment & Recreation* zone affecting the land with a *SP2 Stormwater Infrastructure* zone, with additional land included in the proposed zoning. This amounts to approximately 45,300m² or 37% of the property's area. We have assumed that the additional area (circled red in the map extract below) is intended to be used for water quality treatment purposes, i.e. bioretention basins.



This appears to unreasonably burden the subject property for the following reasons:

- The natural catchment related to the subject property is shown in the figure below. This catchment covers a total area of 18.8 hectares. The western portion of the catchment, opposite the subject property on Luddenham Road, includes steeply sloping land prohibitive to achieving developable area efficiencies for *Enterprise* zone land uses.



- Even without considering the constraints to developable area in the western portion of the catchment, high-level calculations of the potential bioretention areas required for the natural catchment indicate that the proposed SP2 'bioretention' area (approximately 17,400m²) is significantly greater than that we would expect, being approximately 3,800m². The table below, based on an assumed bioretention rate of 2% of the total catchment area, compares the proposed SP2 'bioretention' area proposed with what we would expect to be the required treatment area.

Catchment Area (ha)	Expected bioretention basin area (m²)	Proposed SP2 'bioretention' area (m²)*	Difference (m²)
18.8	3,754	17,400	10,268

In addition to the above, the proposed SP2 'bioretention' areas are located in an area of the subject property capable of achieving developable area efficiencies and superior to other parts of the catchment. Whilst acknowledging that part of these SP2 'bioretention' areas are where the existing earth dam is located on the subject property, removal of the dam and its restoration to pre-existing levels would create highly efficient developable area for *Enterprise* zone land use purposes.

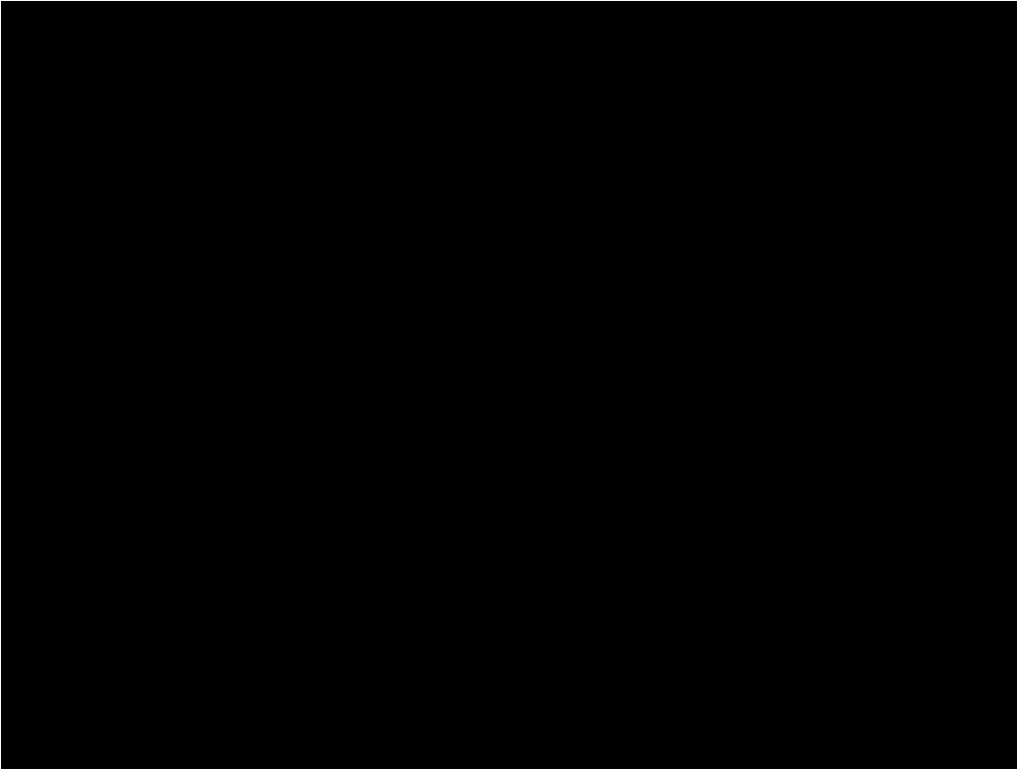
Based on the above, we would recommend that:

- The extent of SP2 'bioretention' areas affecting the property is reduced to be in line with that we would expect to be required for the catchment area, i.e. 3,800m².
- The location, at least in part, of the required bioretention area be reconsidered with a view to reduce the extent of highly efficient developable area on the subject property consumed by stormwater infrastructure. The potential to locate bioretention areas in the western, less-efficient developable areas of the catchment should be investigated as part of the above review.

We also see an opportunity to reconsider the location of any bioretention area as part of a recommended review of the revised open space network, which is discussed below.

Issue 2 Revised Open Space network

Overall, we commend and congratulate the open space network review. The proposed revision of the open space network removes the proposed open space area on the southern boundary of the subject property and midway along its Cosgroves Creek boundary (circled **red** on the map extract below).

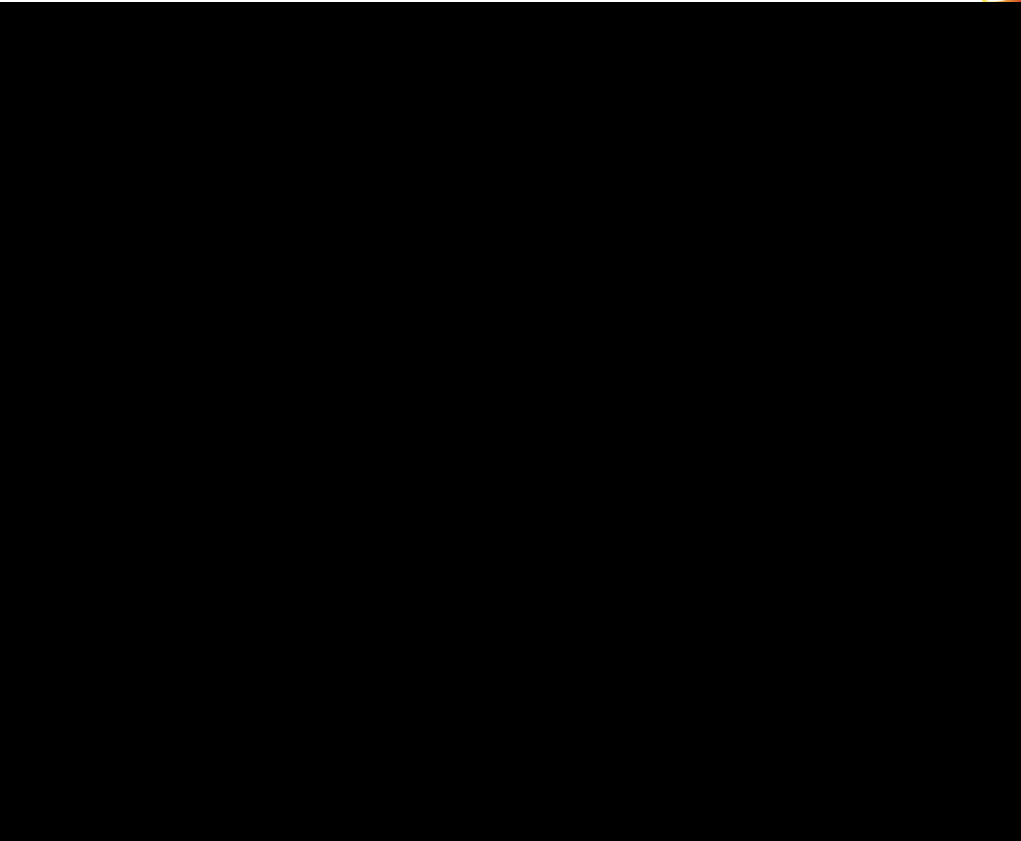


Having said this, we provide the following for consideration.

recommend the following further amendment, as well as an associated amendment to the location of any proposed SP2 'bioretention' area over the subject property:

We assume that the 'gap' midway along the Cosgroves Creek boundary of the subject property is to make provision for a future bridge crossing over Cosgroves Creek and enabling access connections within the Northern Gateway Precinct. There also appears to be another proposed access crossing further south and (circled **blue** on the map extract above). We understand that these connections are not SIC funded and unaware as to whether they are the subject of Local contributions funding.

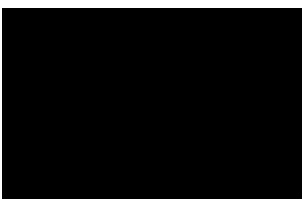
We consider that there is an opportunity to reduce the number of crossings as a result of the Open Space Network review. We recommend that consideration be given to providing a single 'gap' for an access crossing at the common boundary of the subject property and the adjoining property to the south ([REDACTED]) in lieu of the above 2 crossings. This would enable location of a link road at the common boundary between the 2 properties. This is illustrated in the figure below.



We believe this would achieve a positive environmental outcome through reducing the number of creek crossings without at the same time unacceptably compromising connectivity within and external to the Precinct. It would also offer a higher degree of equity between landowners over infrastructure by sharing the road at a common boundary along with overall 'cost of development' savings resulting from 1 less crossing. Subject to detailed investigation there may also be an opportunity to relocate some (if not all) of any SP2 'bioretention' areas adjacent to the proposed 'common boundary' road to enable further development efficiencies.

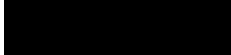
We trust that the above assists. If there are any questions or if anything further is required please contact us.

Yours sincerely,



Paul Hume
Senior Town Planner





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 12:31 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: 322005_le001_cornish-northern-gateway-submission_final.pdf

Submitted on Fri, 05/11/2021 - 12:19

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Caroline

Last name

Brown

I would like my submission to remain confidential

No

Info

Email



Address

PO Box 1175

Suburb/Town & Postcode

Rozelle NSW 2039

Contact number



Please provide your view on the project

I support it

Submission file

[322005_le001_cornish-northern-gateway-submission_final.pdf](#)

Submission

, LUDDENHAM 
PLANNING FOR WESTERN SYDNEY AEROTROPOLIS PUBLIC EXHIBITION

To Whom It May Concern,

Please accept the attached submission, sent on behalf of Cornish Group.

We would very much welcome an opportunity to meet with relevant WSAP representatives to discuss the submission components.

Yours Faithfully,

Caroline Brown

I agree to the above statement

Yes

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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 12:38 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: 211101_735-luddenham-road-luddenham-dcp-submission-final.docx

Submitted on Fri, 05/11/2021 - 12:36

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name



I would like my submission to remain confidential

Yes

Info



Please provide your view on the project

I support it

Submission file



Submission

This submission has been lodged by Land Evolution Pty Ltd on behalf of the landowners



I agree to the above statement

Yes

Disclaimer

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1 November 2021

Attention: NSW Department of Planning, Industry and Environment
4 Parramatta Square,
12 Darcy Street
Parramatta, NSW, 2150

Dear Sir/ Madam,

SUBMISSION ON THE DRAFT AEROTROPOLIS DEVELOPMENT CONTROL PLAN (DCP) – [REDACTED]

This submission has been prepared by Land Evolution Pty Ltd on behalf of [REDACTED]. Their property is located within the Northern Gateway Precinct and is directly impacted by the proposed Development Control Plan (DCP). The owner intends to develop the property and as such has engaged us to undertake a review of the DCP. As a result, we have identified the concerns that are listed below.

1.0 INTRODUCTION & ADMINISTRATION

- We note that the DCP cannot be considered in full, without review of the Precinct Plans. There have been substantial changes to the draft precinct plans resulting in a reduction in open space and realignment of road corridors. We need the ability to review both the DCP and the amended precinct plans at the same time to understand and provide feedback on the implications to individual landholdings.
- The draft DCP is too detailed for the purpose of application. We recommend rationalising and simplifying the guidelines.
- The specifications throughout the DCP are extremely expensive and reduce typical yields for similar developments in other areas. This puts investors in the region at an economic disadvantage and could see potential investment in employment opportunities deterred from the area.
- Section 1.1.3 requires 5 yearly reviews of the DCP. We have concern that some of the conditions in the DCP are overly onerous and will limit investment in development throughout the Aerotropolis. As such we request that an initial review be completed within 12 months of exhibition and that all reviews be exhibited for comment by industry organisations and landowners as their feedback is vital to meeting the aims of the DCP.
- Section 1.5.2 notes that the DCP has adopted a performance-based approach. We object to this approach as it does not provide certainty around outcomes and will likely lead to significant re-design costs and delays because of interpretation by different assessing officers. The DCP needs to be a guideline that provides both the intention of the control and the prescribed control. This provides a clear way forward and allows developers to seek variations to the DCP controls if they still meet the intentions. This way developers have the opportunity to submit a fully complying DA or seek specific variations.

2.0 RECOGNISE COUNTRY

- Section 2.1 states that "The performance outcomes and benchmark solutions provided in Section 2.1.2 are to be read in conjunction with the *Recognise Country: Draft Guidelines for Development in the Aerotropolis*." However, these guidelines have not been released. It is unreasonable to expect feedback on this section of the DCP without the relevant guidelines being available.
- Section 2.1.2 calls for an engagement outcomes report to be provided with any masterplan, SSD or DA submission. This is understandable for masterplans and SSD however, there is a shortage of qualified professionals to undertake these reports and the stakeholder groups

are not set up to handle the volume of DA submissions likely to be made. In many circumstances, these DA's will be minor in nature (i.e. a change in use or retaining wall) and providing these reports could be overly onerous to development investment and may not be required to achieve the necessary outcomes. We recommend that DPIE specify types of development that need to provide an outcomes report i.e. with a value greater than \$1M or more than 500m² floor space.

3.0 HERITAGE

- No Comments

4.0 STORMWATER, WATER SENSITIVE URBAN DESIGN AND INTEGRATED WATER MANAGEMENT

- In general, the controls are new to the industry and have many issues to be resolved including significant cost, changes to other standards and agreements etc. The entire stormwater strategy needs to be further developed with industry to achieve a suitable outcome.
- Section 4.2 states that dams must be retained as part of development purposes. Clarity is needed here to understand if this only relates to dams mapped as suitable. Also, the investigations on dams completed to date are not accurate enough to enforce this condition. There should be a mechanism to report on the suitability of dams for retention as part of a DA.
- P02 requires mapped waterbodies to be rehabilitated. This will likely be an extremely expensive exercise and will likely significantly impact feasibility and investment through the Aerotropolis. It would likely be more cost effective, efficient, and safer to purpose-build waterbodies rather than retrofitting existing waterbodies.
- P03 requires water bodies to be designed to ensure public safety and address wildlife attraction. Standards or guidelines need to be further defined to demonstrate how this can be achieved.
- P03 also pushes the ongoing management of the dams to future asset owners (i.e. business) this is an additional financial burden putting the end user at a further economic disadvantage.
- Section 4.3 advises that the NSW Government will release the *Technical guide to demonstrate compliance with Wianamatta-South Creek waterway health objectives and stormwater management targets (DPIE, 2021)*. This needs to be considered with the conditions in the draft DCP, not separately.
- Many Objectives under 4.3.1 have never been implemented in NSW planning before and there is not enough details on how this can be addressed in a DA. For example, integrating water cycle management with servicing infrastructure at the scale of the individual landowner.
- The performance outcomes under Section 4.3.2 are generic and refer to general targets or reports. In order for these to be successfully implemented more specific, clear and measurable performance outcomes are required.
- P03 is a new measurable for development that is untested. It is not clear how compliance could/would be achieved.
- P04 introduces a raft of new conditions that are untested, and it is not clear how compliance could be achieved.
- P04 requires the developer to collect water from permeable runoff for re-use. This is odd practice particularly since floor space ratios enforce a high permeable area. Enforcing a high permeable then underlining it with a drainage system to collect all the water seems counterproductive. Increasing the impermeable surface would improve feasibility and investment take-up while also making collecting the water much easier through gutters, drains etc.
- P08 has a formatting error in the Benchmark solution

- Management of the excessive stormwater management controls is proposed to fall to the landowners in many circumstances. This is an additional financial burden on the future business that will hinder development uptake & business success. Many businesses will likely opt not to maintain the systems properly due to financial constraints which could mean they would become significant hazards, particularly as systems become old and need significant repairs etc.
- 4.4.1 O2 lists a requirement to ensure that wildlife strikes are appropriately managed. Flying animals will be attracted to the high volume of water bodies in the area. The only way to manage wildlife strikes would be to cover up the water bodies with nets etc. This would be a terrible visual outcome for an urban environment and another maintenance issue. How can this be managed/enforced?

5.0 NATIVE VEGETATION AND BIODIVERSITY

- The criteria for tree preservation is overly onerous and is not conducive to development of the Aerotropolis as a business hub. High value ecological areas have been protected with the ENZ zoning. Seeking to protect individual isolated trees will have significant ramifications on development feasibility and is not appropriate for the scale of development on land that has been bio-certified.
- Section 5.5.2 PO1 - The street tree specifications are expensive, will become a significant maintenance issue and likely will not perform as intended for the following reasons:
 - o Filter media does not provide trees with the stability needed to withstand conditions in western Sydney. There will likely be a high rate of trees falling over that is a risk life and property.
 - o The filter media layers are extremely expensive and there is already a shortage of the raw materials in Sydney to meet the demand.
 - o Tree pits that expand under roads often do not pass standard roller tests required by the local councils, even with the products available to support the weight of the road. In industrial areas with significant heavy traffic there will be a very high pavement failure rate.
 - o Retention of water underground will contribute to pavement failure and will conflict with subsoil drainage required to keep water away from road pavements.
 - o The design will conflict with services (Electrical, telco, gas, water and stormwater) and will also increase the need for digging around services for maintenance issues.
 - o Service trenches are backfilled with sand that will naturally drain the water storage areas.
- Backfilling street tree pits with structural soils in medians could be a better detail from a structural perspective and would still help trees reach full canopy coverage.

6.0 ACCESS AND MOVEMENT FRAMEWORK

- Endeavour Energy and Councils do not currently have agreements in place for supply and maintenance of smart poles. This leads to alternative street lighting networks that are privately owned by Councils. These do not form part of the streets opening conference agreements and lead to coordination, approval and construction issues. Work is needed to further develop the strategy between key stakeholders, including industry.

7.0 TRAVEL DEMAND AND PARKING

- S7.3.2 PO11 Use of pervious surface in parking is not appropriate in industrial areas with high use of heavy vehicles.
- S7.3.2 PO13 The Endeavour Energy & Council standards & standing agreements are not set up to incorporate the electric vehicle parking or most smart technology. These have typically been part of a private network throughout Western Sydney.

8.0 BUILDING SITING & DESIGN

- S8.1.2 PO1(5) – The restriction on visibility of back of house uses (including storage) from roads should only apply to retail areas. It would not be applicable to industrial areas that required high volumes of outdoor storage as a function of the intended businesses.
- Table 5 setbacks are excessive in many circumstances as is the deep soil profiles proposed on them. It renders significant amounts of quality development land useless.
- 8.5.2 PO1 – 1 identification sign per business is not enough in many circumstances. For example, corner lots where they address multiple frontages. There needs to be more flexibility for businesses to have appropriate signage. Also, a maximum size of 10m² for buildings with multiple tenancies is too small to achieve the types of preferred signage (sculptural etc.)
- Table 6 – Signage placement and design is appropriate at a small pedestrian level, but larger and higher signs are required for wayfinding from a distance (I.e. in a vehicle).

9.0 FLOODING AND ENVIRONMENTAL RESILIENCE AND ADAPTABILITY

- Many of the controls are appropriate for residential, retail and office uses, but not for industrial type uses like around the Northern Gateway Precinct.
- 9.2.2 PO1
 - o Not all grassed areas and trees need to be irrigated. If appropriate tree species are selected the conditions will be appropriate for them to succeed once they are established.
 - o The Permeable pavements are not appropriate in industrial type areas with heavy vehicles. They simply won't withstand the vehicle load over time.
- 9.2.2 PO2
 - o The control that 50% of rooftops are to be vegetated, light coloured or irrigated is not appropriate. The majority of rooftops should be solar as there is likely to be a high daytime demand for power through the area and net zero emission targets have been set under Section 11. Also, irrigated and vegetated rooftops are prone to waterproofing issues which could be an ongoing maintenance burden.

10.0 AIRPORT SAFEGUARDING

- 10.3.2 PO2 is a contradiction to the landscaping intentions throughout the rest of the DCP. The DCP requires extensive deep soils, tree planting and significant canopies along with maintaining or offsetting (onsite) tree hollows, nesting boxes and water bodies. In locations close to the airport this is not appropriate from a safety perspective and needs to be clarified throughout the document. Perhaps there is an exclusion zone within 3km of the airport.

11.0 SUSTAINABILITY AND CIRCULAR ECONOMY

- No Comments

12.0 SERVICES AND UTILITIES

- Proposed road reserves are significantly wider than existing road reserves. This will pose a significant issue with all services needing to be relocated. Then lead in services will need to be relocated several more times as they will not have the carriageways acquired to locate them in the final position prior to development.
- 12.1.2 PO2 requires all additional utility infrastructure to be identified at the planning phase, however you cannot lodge many of the applications without a DA or a PPN (which requires a DA). Specifically, you cannot apply for sewer and water with Sydney Water or Electrical with Endeavour Energy. Telecommunications and gas are generally aligned with electrical design so should not progress without it. Because of this we cannot provide any accurate servicing information at the planning phase. It also takes over 3 months to get a feasibility application assessed by Sydney Water which will cause more planning delays.

- All standard services would clash with the deep soil and tree planting details in the DCP. The sections do not consider when services cross roads. Service trenches are also backfilled with sand which will drain the tree pits.
- PO3 requires services to achieve minimum cover to WSUD features (i.e. tree pits) this will push all services lower and will result in:
 - o A lot of service clashes
 - o Significant rock excavation at expensive rates that also slows development
 - o Deeper stormwater treatment basins due to deeper stormwater pipes
 - o Much deeper sewer lines that will not be safely accessible or possible to maintain. This will mean they will have to be concrete encased at additional extra costs.
- PO5 Adopts a dig once policy. This will not be possible unless all road corridors are acquired by government up front and service lead ins can be located in their ultimate location through undeveloped land.
- 12.2 A telecommunications facility needs to be defined.
- 12.3.2 Avoiding planting trees within 3m of a watermain contradicts the other details provided in the DCP and isn't required. Planting closer to watermains has been done everywhere with minimal issues.
- Stormwater harvesting requirements are onerous and there is not a clear specification on how they could be achieved.

13.0 SMART PLACES

- Endeavour Energy and Councils do not currently have agreements in place for supply and maintenance of smart poles. This leads to alternative street lighting networks that are privately owned by Councils. These do not form part of the streets opening conference agreements and lead to coordination, approval and construction issues. Work is needed to further develop the strategy between key stakeholders, including industry.

14.0 BENCHMARKS FOR LARGER SITES, SUBDIVISION OR MASTERPLANNING

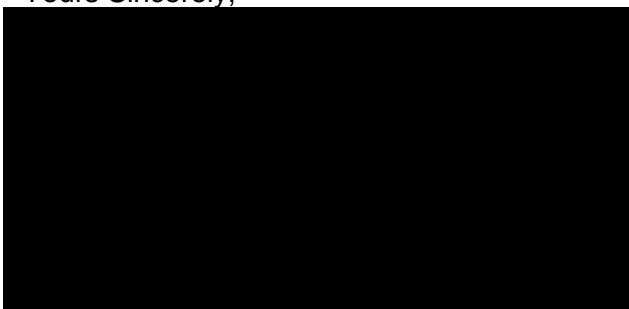
- Controls need to be more specific about where they apply. Is this just for sites greater than 100Ha that meet the requirements for master planning?

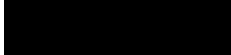
15.0 CERTAIN LAND USES

- No comments

Should you have any queries please do not hesitate to contact us.

Yours Sincerely,





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 2:33 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: suttons_eie-draft-dcp-submission_final.pdf

Submitted on Fri, 05/11/2021 - 14:32

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Suttons

Last name

Motor Management

I would like my submission to remain confidential

No

Info



Address



Suburb/Town & Postcode

Badgerys Creek

Please provide your view on the project

I object to it

Submission file

[suttons_eie-draft-dcp-submission_final.pdf](#)

Submission

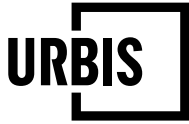
See attached letter of submission.

I agree to the above statement

Yes

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5 November 2021

Ms Kiersten Fishburn
The Secretary
Department of Planning Industry and Environment
Locked Bag 5022,
Parramatta NSW 2124

Dear Ms Fishburn

SUBMISSION ON THE EIE, OPEN SPACE STUDY AND PHASE 2 DCP

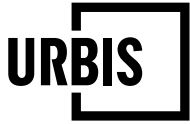
This submission has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of Suttons Motor Group (**Suttons**) in response to the latest set of planning documents released for the Aerotropolis. This submission will also reiterate the shortfalls of these documents in providing clarity on some ongoing issues presented in the submission to the Precinct Plans.

The following documents were released on the 8 October and are on exhibition until November 4, 2021.

- Explanation of Intended Effect – Amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis (EIE)
- Western Sydney Aerotropolis Open Space Needs Study (OS Needs Study)
- Draft Western Sydney Aerotropolis Development Control Plan, Appendices and Discussion Paper (draft DCP)
- Recognise Country- Draft Guidelines for the Aerotropolis
- Aviation Safeguarding Guidelines- Western Sydney Aerotropolis and Surrounding Areas
- Aerotropolis Responding to the Issues (RTS)

As a landowner within the Aerotropolis, Suttons welcomes the opportunity to comment on the above documents which seek to ensure the efficient delivery of the Badgerys Creek Precinct. It is critical to ensure that the above amendments to the Western Sydney Aerotropolis Environmental Planning Instruments and the introduction of the Phase 2 DCP, provide the right balance to enable flexibility in planning controls that will maximise development potential and contribute to the broader Western Parkland City Vision. It is considered critical that the release of the documents enables the delivery of enterprise uses, to facilitate investment and early activation around the Western Sydney Airport, and establish the building blocks that will transform this area into Sydney's third CBD.

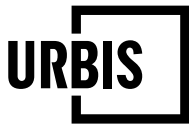
Whilst we commend the release of these documents, there are still significant shortfalls in the provided information that will limit development possibilities.



This submission will outline some key recommendations that will enable the efficient delivery of infrastructure and development, characteristic of the overall vision for the Badgerys Creek Precinct.

This submission has been divided into the following key sections:

- **The Exhibited Documents:** A brief overview of the delivery and role of these documents;
- **About Suttons:** Overview and history of the client and its site in the Badgerys Creek Precinct;
- **Summary of Recommendations;**
- **Submission;**
- **Conclusions and Next Steps.**



1. THE EXHIBITED DOCUMENTS

The planning documents listed above have been placed on exhibition in two separate packages. The first package includes the EIE and Open Space Needs Study and the second package includes the draft DCP and various accompanying guidelines and documents.

The EIE and Open Space Needs Study relate to proposed amendments to three key State Environmental Planning Policies relevant to the Aerotropolis including:

- *State Environmental Planning Policy, (Western Sydney Aerotropolis) 2020,*
- *State Environmental Planning Policy, (Western Sydney Employment Area) 2009, and,*
- *State Environmental Planning Policy (State and Regional Development) 2011.*

The amendments are intended to respond to:

- Recommendations made by the Independent Community Commissioner (Roberta Ryan) outlined in her report in September 2021,
- Submissions made in relation to the draft Aerotropolis Precinct Plans, and,
- General review of the planning framework and necessary amendments and clarifications within the Aerotropolis SEPP.

The accompanying Open Space Needs Study has generally informed the proposed zoning changes outlined in the EIE in respect to land identified for acquisition for open space and stormwater infrastructure.

The second package of exhibited documents includes the draft Phase 2 DCP which, when adopted is intended to replace the current Phase 1 DCP. The purpose of the draft DCP is to provide guidance and fine grain development considerations including development objectives, performance outcomes and benchmark solutions.

The exhibited documents also include the appendices and a discussion paper which outlines the priority matters that DPIE are seeking focused feedback for through the submissions. These matters are outlined below:

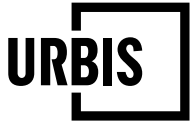
1. Performance – based approach

- Will the performance standards provide additional flexibility?
- Are there areas where prescriptive standards are more appropriate?
- Are there benchmarks or standards that are difficult to achieve?

2. Document Structure

- Is the current draft DCP difficult to navigate? Are there ways navigation can be improved?
- Should the draft DCP be restructured based on development type?
- Is it clear which provisions would apply to your development?

3. Feasibility



- Are there particular benchmarks or controls that will impact on feasibility? If so, can you please provide details on the impacts and any suggestions to mitigate them?
- Are there other ways to achieve the aspirational outcomes that are proposed in the draft DCP?

4. Connection to Country

- Will the threshold of \$20 million in value or 20 hectares in land area capture the right development applications to achieve the vision for Aerotropolis?
- Do you have other suggestions on how we can ensure that Connecting to Country objectives are achieved?

Also on exhibition with the Draft DCP are two additional guidelines relevant to the framework including:

- Recognise Country – Draft Guidelines for the Aerotropolis
- Aviation Safeguarding Guidelines – Western Sydney Aerotropolis and Surrounding Areas.

Both guidelines are referenced in the relevant DCP and provide additional controls to be considered by development in relation to these matters.

Both tranches of the exhibited documents highlight that the evolving planning framework for the Aerotropolis is not a business-as-usual approach. The intention of the documents is that they be exhibited for 28 days with a view to finalising all documents including the draft Precinct Plans by late 2021.

2. ABOUT SUTTONS

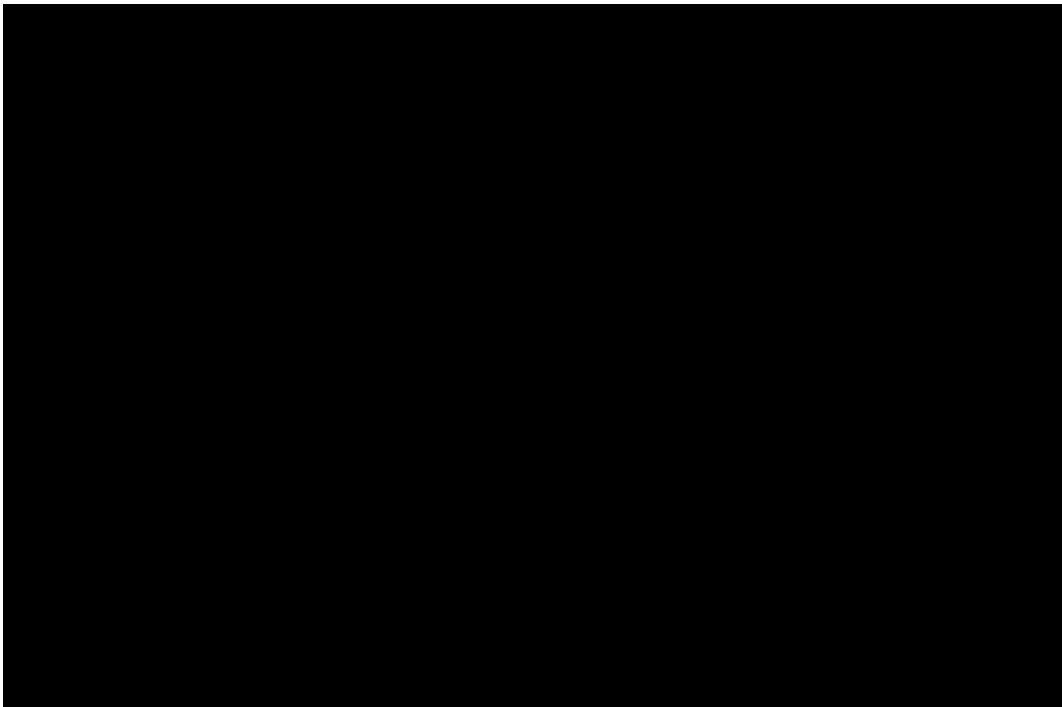
Suttons Motor Group (**Suttons**) was established in the early 1940's by the Sutton family. The Motor Group is still a family-owned and operated business. Today, Sutton's operates 24 franchised motor vehicle dealership sites covering 27 different franchises. Sutton's is renowned for their spirit of service and their inclusive culture has been shaped through their concern for people and their commitment to excellence.

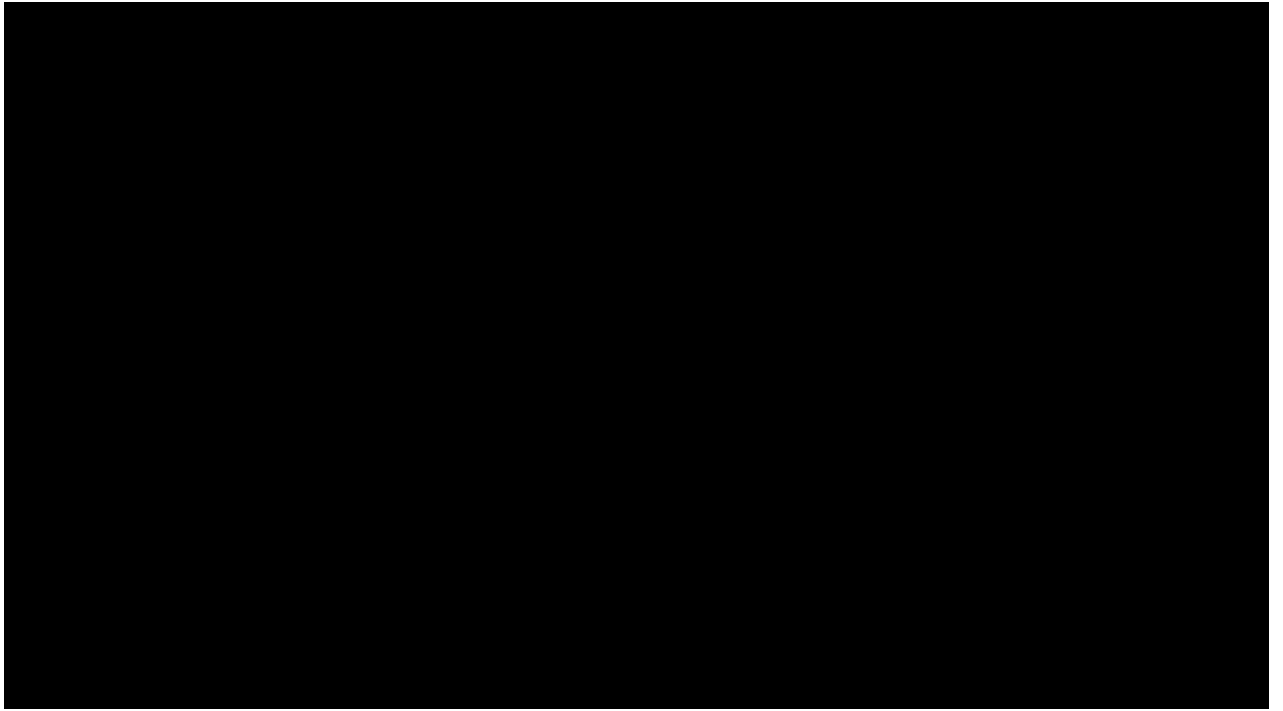
2.1. ABOUT SUTTON'S LANDHOLDING

Suttons owns [REDACTED], Badgerys Creek (the site), also known as [REDACTED]. [REDACTED] The current zoning is Enterprise under the *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP)*. The site location and zoning are shown at Figure 1 below. The site is adjacent to two allotments that are zoned SP2 – Infrastructure (Western Sydney Airport). Elizabeth Drive runs along the northern frontage of the subject site and is also zoned SP2 Infrastructure.

[REDACTED] access to the property via Elizabeth drive will be difficult to implement due to the increased speed along Elizabeth drive as a result of its upgrade and its proximity to the new signalised intersection (including left slip lane) at Elizabeth Drive and Martin Road. Based on current road design guidance used in NSW (Roads and Maritime Supplement to Austroads Guide to Road Design Version 2.0), it is likely that any access points will be restricted to left-in / left-out on Martin Road. Therefore, ensuring access to the site via Martin Road will be essential to the functionality of the site.

Figure 1 Site Location





3. SUMMARY OF RECOMMENDATIONS

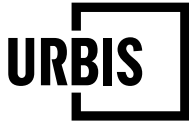
Based on the review of the 2 packages of documents, we request the following recommendations to be addressed prior to finalisation:

Tranche 1 (Explanation of Intended Effect (EIE) and the Open Space Needs Study)

1. Any amendment to the ASEPP should include an amendment to the current design excellence requirement to exclude certain types of development which require specific designs to suit end user functionality such as motor vehicle showrooms and other related land uses, which may exceed the CIV thresholds for design review/competitions but do not necessarily require or benefit from a specific design excellence outcome.
2. The WSPP and TfNSW must urgently engage with the affected land holders (including Suttons) on the design and planning phase for the Eastern Ring Road to resolve any discrepancy from the strategic design and detail design of this major arterial road.
3. Any SEPP amendment must identify any land to be acquired for the purposes of these key roads as a matter of priority, to ensure certainty for future development adjacent to these key road corridors.
4. As a commercial operator any future development will broadly support the implementation of the Guideline and will be required to incorporate Connection to Country principles into any future development.
5. Suttons support the expansion of complying development, however, note that this should be broadened to allow complying development consistent with the precinct plan for commercial development under the changes being proposed under the Building Business Back Better Framework. Further expansion of complying development would provide a significant boost to investment and the early activation of the Aerotropolis.
6. The role of the WCPA in the precinct plan process must not conflict with their role to attract investment and opportunity and master plan Government owned land.
7. Detail of how clause 4.6 will enable variations to the precinct plan must be exhibited prior to gazettal. A simpler way would be to adopt a requirement for development to be consistent with the objectives of the precinct plan.
8. Noting that this requirement is absent from the exhibited planning documents, DPIE must clarify whether this minimum amalgamation requirement will remain within the revised Precinct Plan.

Tranche 2 (Draft Aerotropolis Phase 2 DCP, Appendices and Discussion Paper)

9. The controls within the draft DCP should be rationalised in both number and wording. The DCP must be a simple and clear document which is easy to be implemented by both the development industry and assessment officers.
10. The draft DCP must be re-exhibited alongside the revised Precinct Plan to enable the industry to provide feedback on how a development application may be assessed against the entire planning framework.
11. The DCP must be the principal document for development assessment. The number of referenced reports and guidelines must be reduced with relevant controls incorporated to the corresponding section of the draft DCP.



12. The controls must be clearer on the thresholds for Connecting to Country in Section 2.1.2. The \$20 million threshold must be increased to ensure that traditional custodians and knowledge holders are not overburdened by the quantum of projects it is required to be involved in which may delay development on smaller sites.
13. The controls must anticipate and provide flexibility for certain land uses that require specific end user outcome and that require variations to these prescriptive solutions and performance outcomes relating to parking design and access.
14. The controls for specific land uses should contemplate land uses that would be consistent along main roads / enterprise corridors such as motor vehicle showrooms, vehicle repair stations etc. This would give the opportunity for some relaxation of access, setback and other controls which might unnecessarily impact upon the reasonable development of this critical supporting land uses.
15. Building setbacks must not impact on the ability to utilise this setback for specific land uses such as motor vehicle displays associated with motor vehicle showrooms and other related land uses such as vehicle repair stations.
16. The draft DCP must contemplate and outline flexibility to these pervious area controls where specific land use typologies require alternate arrangements.

4. SUBMISSION

The EIE outlines the proposed amendments to several State Environmental Planning Policies (SEPPs) relating to the Western Sydney Aerotropolis, including:

- *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020*
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009*
- *State Environmental Planning Policy (State and Regional Development) 2011*

The amendments are intended to respond to the recommendations made by the Independent Community Commissioner and Submissions made in relation to the draft Aerotropolis Precinct Plans. The relevant amendments are detailed below.

4.1. AMENDMENTS TO THE ASEPP

The following amendments are relevant to the subject site at 10 Martin Road.

4.1.1. Design Excellence

The EIE is silent on any amendment to clause Design Excellence requirements. As it stands, motor vehicle showrooms with a CIV of \$20 million would be required to undertake a design review panel process to address and satisfy design excellence.

In addition, any development over \$40 million CIV would be required to undertake an architectural design competition. These clauses have the potential to significantly impact land uses that require specific designs to suit end user functions such as motor vehicle showrooms. Suttons notes that all car and truck franchises have what's called a "corporate identity" (CI) which dictates certain aspects of the building design including showroom size, signage, external and internal finishes and colours etc. While there is always some flexibility in the building design, there are standard requirements that must be met which would make a design excellence competition unreasonable or unnecessary.

We note that this requirement was not foreshadowed in the original EIE for the ASEPP, appearing only in the final gazetted version.

The ASEPP must therefore be amended to enable the consent authority to deal with these types of developments on merit. This could be achieved by excluding certain land uses from the design excellence clauses or alternatively including the following sub clause to clauses 33 and 34 of the ASEPP. This sub clause is similar to many other design excellence clauses currently within Local Environmental Plans across Sydney:

"A design excellence review / An architectural design competition is not required if the consent authority or planning secretary is satisfied that it would be unreasonable or unnecessary in the circumstances of the development"

Recommendation

1. Any amendment to the ASEPP should include an amendment to this requirement to exclude certain types of development which require specific designs to suit end user functionality such as motor vehicle showrooms and related land uses, which may exceed the CIV threshold but not necessarily benefit from a specific design excellence outcome.

4.1.2. Part 2 Permitted and Prohibited Development

The EIE addresses amendments to Part 2 Permitted and Prohibited Development in the WSA SEPP. The acquisition of the Open Space Network and Acquisition of Land for Stormwater Infrastructure is reflected in a new SP2 Zoning and will be displayed in the final Precinct Plans and Aerotropolis SEPP. Whilst extensive areas for acquisition are identified for open space and stormwater which do not affect the landholding, the EIE is silent on any land that may be required for either the Eastern Ring Road or Elizabeth Drive.

As noted in previous submissions there has been a significant lack of coordination between the WSPP and TfNSW on the Eastern Ring Road and Elizabeth Drive Upgrade access arrangements which will prevent viable development from occurring.

The WSPP and Transport for NSW must provide for access off Martin Road to the site to ensure access to Elizabeth Drive towards the east and identify appropriate acquisition arrangements. This will ensure that any development of the site is viable and not prevented by uncertainty resulting from the Elizabeth Drive or Eastern Ring Road upgrades.

Recommendations

2. Any SEPP amendment must identify any land to be acquired for the purposes of these key roads as a matter of priority, to ensure certainty for future development adjacent to these key road corridors.

4.1.3. Part 4 Development Controls – General

Connection to Country:

It is proposed that the Aerotropolis SEPP include a new clause which will require a consent authority to be satisfied that relevant development proposals have duly considered the Guidelines. It is intended the Guidelines will be considered for developments that have the potential to change the landscape, such as subdivision, major industrial or commercial buildings. It is also noted that there are new provisions within the draft DCP relating to Connection to Country supported by a new Connection to Country Guideline for development.

Suttons broadly support the implementation of the new Connection to Country framework and view this as a positive element to be integrated into the planning controls for the Aerotropolis.

Recommendation

3. As a commercial operator any future development will broadly support the implementation of the Guideline and will be required to incorporate Connection to Country principles into any future development.

Changes to transport corridors:

Transport for NSW has progressed the technical assessment and detailed design of several transport corridors and has requested DPIE amend these transport corridors in the Aerotropolis SEPP. These corridors include:

- M12;
- Outer Sydney Orbital Stage One;
- Luddenham Road; and
- Sydney Metro Station in Aerotropolis Core Precinct

No further details are provided with respect to the Elizabeth Road Upgrade and the Eastern Ring Road Upgrade. Clarification is required regarding the expansion requirements and design for the upgrade and the impact that this will have for the landholding at 10 Martin Road. The Eastern Ring Road is identified as a primary arterial road in Fig. 3. Primary arterial roads function as freight and through traffic routes, with limited direct access points from private developments. Primary Arterials roads require a 60-metre-wide corridor and typically consist of a 2-3 lane carriageway in each direction plus turning lanes.

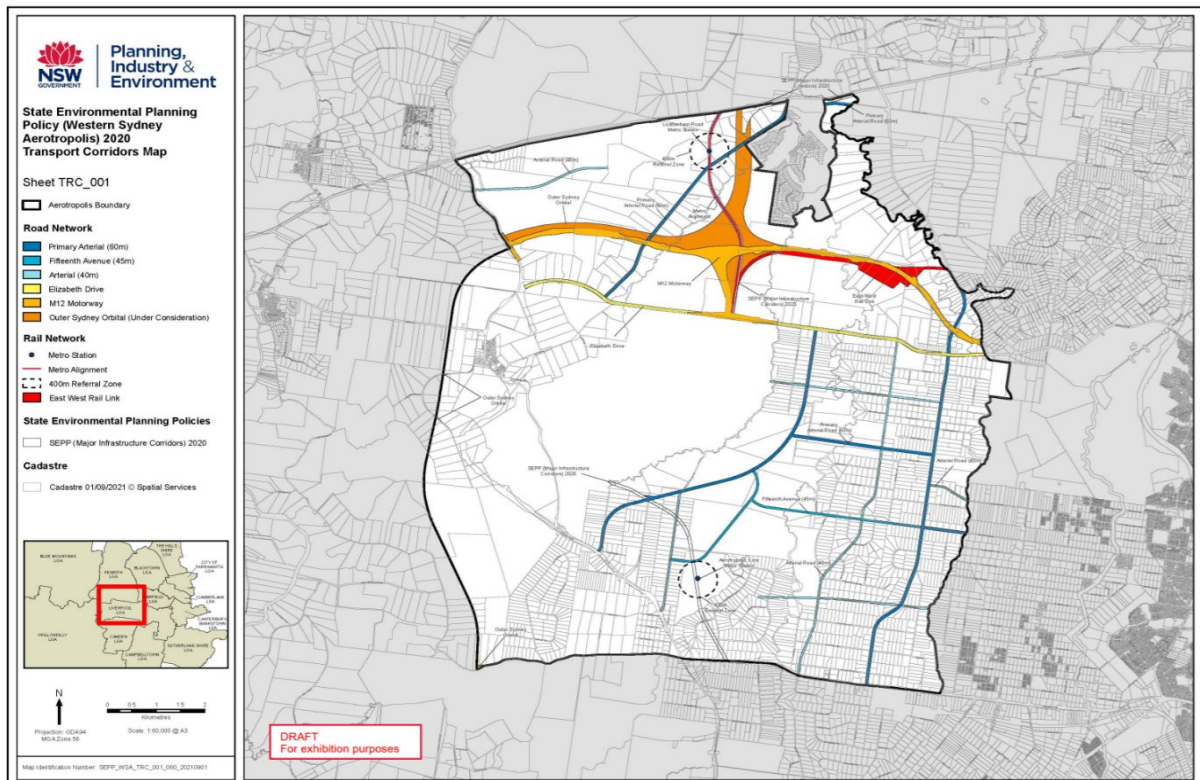
The WSPP and TfNSW must urgently engage with the affected land holders (including Suttons) on the design and planning phase for the Eastern Ring Road to resolve any discrepancy from the strategic design and detail design of this major arterial road. Any changes which would require an immediate update of the Aerotropolis SEPP and draft Precinct Plan must be undertaken to ensure appropriate acquisition, corridor protection and delivery can occur in an efficient and timely manner. Certainty must be provided to all affected landowners to minimise the risk of future land sterilisation.

Given the revised Precinct Plan has not been exhibited it is not possible to determine whether the ring road network has been refined and whether this will impact the site at [REDACTED]. If the Eastern Ring Road and Elizabeth Drive upgrades are to infringe on the development potential at [REDACTED] it is essential that this is communicated in a timely matter.

Recommendations

4. The WSPP and TfNSW must urgently engage with the affected land holders (including Suttons) on the design and planning phase for the Eastern Ring Road to resolve any discrepancy from the strategic design and detail design of this major arterial road.

Figure 3 Transport Corridors Map



Source: DPIE Explanation of Intended Effects

4.1.4. New Part- Complying Development

It is proposed that the Aerotropolis SEPP be amended to enable some complying development under the Codes SEPP, where it is considered the codes:

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

It is noted that the ‘proposed Complying Development Codes and additional provisions to be introduced to the Aerotropolis’ do not include provisions from Part 5A Commercial and Industrial (New Buildings and Additions) Code of the Codes SEPP. This omission limits the scope of new commercial development that can be undertaken as complying development.

There is also no reference in the EIE to the range of Complying Development Reforms being considered by DPIE under the Building Business Back Better framework noting that new controls are

being proposed for commercial development zones B5 Business Development, B6 Enterprise Corridor and B7 Business Park, which serve a similar purpose to the Enterprise Zone.

In our opinion, the Aerotropolis provides DPIE a significant opportunity to showcase the success of implementing new complying development controls and by doing so provides for the continued growth of large format commercial and retail development and contributes to the early activation of the Aerotropolis.

Recommendation

5. Suttos support the expansion of complying development, however, note that this should be broadened to allow complying development consistent with the precinct plan for commercial development under the changes being proposed under the Building Business Back Better Framework. Further expansion of complying development would provide a significant boost to investment and the early activation of the Aerotropolis.

4.1.5. Role of the Western Parkland City Authority (WPCA)

The EIE indicates a new clause will be inserted in the Aerotropolis SEPP which will require a Draft Precinct Plan involving 'defined matters' be referred to the Western Parkland City Authority (WPCA) for comment prior to its determination by the Minister for Planning and Public Spaces.

We note that new provisions are proposed which increase the role of the WPCA to review and approve a Precinct Plan including amendments.

We can see a benefit to increasing the role of the WPCA if the Precinct Plan is appropriately interrogated by the WPCA to ensure it does not impact upon national and global business and ensures that the Precinct Plan promotes investment and supports jobs intensive land uses.

However, there is a potential conflict with the increased role of the WPCA noting that their role is to attract investment and opportunity and master plan government owned land especially given that the EIE does not specify the decision-making powers that will be given to the WPCA.

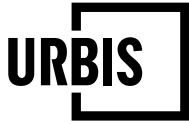
Further information is required to fully understand the potential implications of this clause. It is requested the proposed wording of the new clause is provided to enable a more comprehensive review and considered response to this matter prior to the finalisation of the updated Aerotropolis SEPP.

Comment

6. The role of the WPCA in the precinct plan process must not conflict with their role is to attract investment and opportunity and master plan Government owned land.

4.1.6. Amending a Precinct Plan vs Minor Variations

The EIE recognises that the ASEPP is silent on how a Precinct Plan may be amended. It also correctly clarifies the error in the draft Precinct Plan which suggested that a Precinct Plan could be amended via a 'Planning Proposal' by the acknowledgement that a Precinct Plan *is not an*



environmental planning instrument under the Environmental Planning and Assessment Act 1979 (EP&A 1979)

The previous submission noted the potential inflexibility created by the wording of the SEPP which required development to be consistent with a Precinct Plan. New provisions will be included to clearly outline how a Precinct Plan may be amended via the expanded master plan process.

Given the size of the site, the ability to amend a Precinct Plan via the Master Plan process would not be available to Suttons. Due to this, we note that the EIE specifies that DPIE are considering applying clause 4.6 of the Standard Instrument to the Aerotropolis SEPP as a means to vary a requirement in a Precinct Plan.

The EIE is silent on what would constitute a minor inconsistency. It is also questioned whether clause 4.6 can be legally applied given that it relates to variations to development standards which by definition must be within an environmental planning instrument.

Suttons welcomes the ability to be able to vary the requirements of a Precinct Plan. Detail of how clause 4.6 will enable variations to the precinct plan to be exhibited for public comment prior to gazettal. Rather than a rigid statutory framework similar to clause 4.6 variation DPIE should consider an alternative requirement for development to demonstrate consistency with the objectives of the precinct plan

Where a development has minor inconsistencies with a Precinct Plan, the EIE outlines a process whereby flexibility can be applied via a clause 4.6 variation request. An inconsistency must be justified by demonstrating a better outcome can be achieved and that the change is reasonable and will not result in additional environmental impacts.

Recommendation

7. Detail of how clause 4.6 will enable variations to the precinct plan must be exhibited prior to gazettal. A simpler way would be to adopt a requirement for development to be consistent with the objectives of the precinct plan.

4.1.7. Master Planning

Suttons notes the potential change to the Master Plan pathway which would make it available to sites less than 100ha. There is also a change to the ownership requirements removing the requirement for the site to be 70% in single ownership.

Suttons welcomes and supports this change to the Master Plan process being a smaller landowner. However, given the size of the site will not be applicable to any future development unless amalgamation with adjacent sites is considered which is deemed unlikely given the adjacent land parcels are zoned SP2 and are owned by WSA.

5. RESPONDING TO THE ISSUES REPORT

This report includes responses to some of the recommendations from the Independent Community Commissioner, as well as the way forward on the planning issues raised in the Aerotropolis Planning Package. The NSW Government acknowledges that this report does not address all the Independent Community Commissioner's recommendations and identifies specific areas that need additional consideration to address these recommendations.

Lot Severance

The draft precinct plans were critiqued for their unclear presentation regarding the placement of roads and open space. As such, the road network is being revised and will be shown in the final precinct plans to be released in December 2021. The road and open space networks are being reviewed and realigned with current property boundaries, and where possible will be changed to run along property boundaries to minimise lot severance and maximise development area for landowners.

Site Amalgamation

No response was made in relation to the proposed amalgamation plan applicable to the Badgerys Creek Precinct and the requirement to amalgamate sites to a minimum 5ha. This matter should be addressed as a matter of priority to ensure certainty for development of lots that are less than 5ha.

Notwithstanding this, we note that the responding to the issues report, EIE and draft Phase 2 DCP are silent on the 5ha minimum site amalgamation requirement within the draft Precinct Plan. As noted, based on this clause, in order to develop the Suttons site, it would be required to be amalgamated with adjacent land that is currently zoned SP2 and owned by the Commonwealth.

This is clearly an unacceptable outcome. The future development of this key site adjacent to two major roads and clearly suited to a range of future uses being contemplated by Suttons must not be sterilised as a result of this minimum amalgamation requirement.

Recommendations

8. Noting that this requirement is absent from the exhibited planning documents, DPIE must clarify whether this minimum amalgamation requirement will remain within the revised Precinct Plan.

6. WESTERN SYDNEY AEROTROPOLIS DEVELOPMENT CONTROL PLAN 2021 – PHASE 2 DRAFT

The Draft Western Sydney Aerotropolis Development Control Plan 2021 has been prepared in accordance with Part 3, Division 3.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000* (Regulation). The purpose of the draft Phase 2 DCP is to provide fine grain development considerations including: development objectives, performance outcomes and benchmark solutions.

The previously exhibited draft precinct plan and Stage 1 DCP failed to provide the level of detail required for landholders to properly assess the viability of their landholdings. The Built Form controls identified in this DCP aim to provide clarity regarding how development may proceed in the Western Sydney Aerotropolis.

A summary of the matters affecting 10 Martin Road are presented in the following sections.

6.1. COMPLEX CONTROLS AND DOCUMENT STRUCTURE

The draft DCP intends to implement a performance-based approach to development assessment within the Aerotropolis. This approach is intended to provide a level of flexibility where benchmark solutions are provided to deliver specific performance outcomes and objectives. DPIE are seeking feedback on the following questions and issues:

- *Will the performance standards provide additional flexibility?*
- *Are there areas where prescriptive standards are more appropriate?*
- *Are there benchmarks or standards that are difficult to achieve?*

Suttons welcomes a more flexible approach however the 3-tier performance based approach makes the DCP word heavy and complex to assess against. We note that the draft Phase 2 DCP provides:

- 200+ Objectives
- 250+ Performance Outcomes and
- 1100+ Benchmark Solutions

Whilst some controls may only apply to certain types of development, this is a significant number of controls for development to consider. We also note that in many instances the controls are unclear and verbose and comprise multiple subsections and long paragraphs.

The performance outcomes and benchmark solutions should be simple and clear to interpret. It will not be feasible to prepare 'traditional' compliance assessment tables for future planning applications based on the current DCP. To encourage flexibility, we would recommend a simpler two-tier approach and a reduction / simplification of the wording of the benchmark solutions.

The document structure is highly complex and references over 85 additional reports and guidelines required to be considered by development in addition to the draft DCP. We note that this equates to over 10,000 + pages of additional reading.

Recommendations

- 9 The controls within the draft DCP should be rationalised in both number and wording. The DCP must be a simple and clear document which is easy to be implemented by both the development industry and assessment officers.
- 10 The draft DCP must be re-exhibited alongside the revised Precinct Plan to enable the industry to provide feedback on how a development application may be assessed against the entire planning framework.
- 11 The DCP must be the principal document for development assessment. The number of referenced reports and guidelines must be reduced with relevant controls incorporated to the corresponding section of the draft DCP.

6.2. CONNECTION TO COUNTRY

The application of requirements outlined in Section A of 2.1.2, Connecting to culture and Country through cultural landscape applies for all development proposals with a site of 20 hectares or more in size or a capital investment value of more than \$20 million. Whilst a development concept has yet to be progressed for the site, it is possible that it will exceed \$20 million CIV.

We note that 20 Hectares and \$20 million are not comparable thresholds. As a threshold, \$20 million is relatively low and will capture a significant number of developments. It is important to understand what level of engagement with Traditional Custodians and Knowledge Holders will be appropriate for projects of 20+ hectares or \$20 million?

Can Traditional Custodians and Knowledge Holders accommodate engagement with Proponents and their teams for multiple \$20 million projects within the same Country?

This has the potential to result in engagement fatigue and delays to smaller development applications and development sites that may still trigger the \$20 million threshold.

Recommendations

- 12 The controls must be clearer on the thresholds for Connection to Country in Section 2.1.2. The \$20 million threshold must be increased to ensure that traditional custodians and knowledge holders are not overburdened by the quantum of projects they are required to be involved in which may delay development on smaller sites.

6.3. TRAVEL DEMAND MANAGEMENT AND PARKING

6.3.1. Parking Design/ Access and End of Trip Facilities

Section 7 of the DCP relates to Parking Design and Access. Most notably the DCP includes the following controls which could impact upon the future use of the site for a motor vehicle showroom:

- At grade parking to be located behind built form or to the side and rear of development.
- Parking is not to be located in the landscape setback or deep soil area and is to be screened.
- No direct vehicle access from arterial or sub arterial roads (Elizabeth Drive and Martin Road / Eastern Ring Road).
- Tree planting required within car parking areas (1 tree per 5 spaces).
- Pervious surfaces required for at grade parking and driveway design.

These controls do not contemplate specific land use typologies that Suttons may envision such as motor vehicle showrooms and vehicle repair stations which require visible hardstand and access points fronting main roads such as Elizabeth Drive and Martin Road/Eastern Ring Road. Pervious surfaces and landscaping are also not considered appropriate within hardstand areas associated with new vehicle display areas.

Recommendations

13. The controls must anticipate and provide flexibility for certain land uses that require specific end user outcomes that require variations to these prescriptive solutions and performance outcomes relating to parking design and access.

6.4. BUILDING SITING AND SETBACKS

6.4.1. Building Setbacks and Interfaces

Section 8 of the DCP outlines the performance outcomes and benchmark solutions for Building Siting and Setbacks. The following controls may directly impact upon the future use of the site as a motor vehicle showroom.

- Built form is to be located at an appropriate distance and setback from major roads.
- Buildings do not address Elizabeth Drive as a 'Back Interface'.
- The interface is landscaped to complement the intent of the Western Parkland City. Development is set back to allow deep soil planting of trees and understorey between the road and the development-built form.

The draft DCP also requires a 20m setback from a classified road. The requirements for deep soil and site permeability has the potential to limit any development within this setback. This may have implications for structures and hard paved surfaces that are usually required by land uses associated with motor vehicle sales and repairs.

Motor vehicle showrooms and repair stations are common land uses in Enterprise Corridors adjacent to transport and trade gateways such as WSA. It will be critical that the DCP acknowledges that these types of land uses are equally important to the activation of the Aerotropolis and must be considered in the formulation of the controls.

Recommendations

- 14. Building setbacks must not impact on the ability to utilise this setback for specific land uses such as motor vehicle displays associated with motor vehicle showrooms and other related land uses such as vehicle repair stations.

6.5. BENCHMARKS FOR LARGER SITES, SUBDIVISION OR MASTER PLANNING

6.5.1. Targets for site coverage, perviousness and quantum of public domain

This control applies to sites greater than 5,000sqm and as such would apply to the Suttons landholding. These controls require all non-built upon areas to be pervious. What this means is that any hardstand areas that would ordinarily be required for motor vehicle showroom use would be required to be permeable (i.e. permeable paving, landscaping, deep soil areas etc.). It is clear that these general controls do not contemplate alternate site arrangements to suit specific land use typologies.

Urban Typology	Site Cover	Perviousness
Employment business, commercial and light industrial	60%	40%

Recommendations

- 15. The draft DCP must contemplate and outline flexibility to these pervious area controls where specific land use typologies require alternate arrangements.

6.6. CERTAIN LAND USES

6.6.1. Industrial, Agribusiness, specialised retail/ bulky good uses

Section 15.2 of the DCP stipulates specific land use controls for industrial, specialised retail and bulky goods uses that would be most relevant to the desired future land use for a motor vehicle showroom and/or vehicle repair station.

We note that the DCP still relies upon the built form strategy for the height, FSR, density, land uses and activation outlined in the precinct plan. This limits the flexibility of future developments to seek innovative solutions to development.

The DCP provides specific benchmark solutions and design guidelines for specialised retail centres, however the benchmark solutions are still quite broad in nature.

The following controls may be relevant to the subject site:

- Storage, truck parking and operations, and back of house areas are to be screened.
- Larger format buildings provide built form interest to minimise visual bulk.
- Larger format buildings provide a street address with clear entries and active uses located to the street frontage.
- Ensure flexible building design to ensure buildings can be converted for a range of uses.
- Bulky Goods are located alongside major roads in accessible areas with landscaping.
- Encourage flexible building design to ensure buildings can be converted for a range of uses.
- Development is to provide high ceilings of at least 4m and adaptable open planning for the ground and first floors to cater for different future uses of the building. The DCP controls encourage flexible building design and promote transitional development.

The location of the site along major roads is generally compatible with the requirements of the draft DCP. However, the DCP specifies where an allotment has a frontage to a classified road and a secondary road, the development is to provide vehicle access from the secondary road and provide trees to parking areas. As the subject site fronts two classified roads provisions must be made to ensure accessibility to the site is retained from at least one classified road.

Recommendations

16. The controls for specific land uses should contemplate land uses that would be consistent along main roads / enterprise corridors such as motor vehicle showrooms, vehicle repair stations etc. This would give the opportunity for some relaxation of access, setback and other controls which might unnecessarily impact upon the reasonable development of this critical supporting land uses.

7. CONCLUSION

Suttons generally supports the Western Sydney Aerotropolis vision and its aim to achieve a prosperous Aerotropolis in the short, medium and long term. However, whilst the release of the two tranches of documents including the Explanation of Intended Effects, Open Space Needs Study and the draft Phase 2 DCP with its various accompanying guidelines and documents have provided clarity regarding some issues, there are still matters raised within previous submissions that have not yet been addressed including:

- Detail around the Eastern Ring Road and Elizabeth Drive Upgrade including any acquisition arrangements and,
- Clarification around the requirement to amalgamate sites to a minimum 5ha in the Badgerys Creek Precinct.

There are also major shortfalls present within the exhibited documents that will impact upon the feasibility of development at 10 Martin Road. These include:

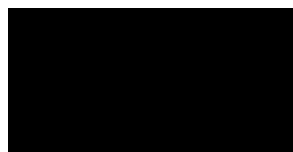
- Failure to address design excellence requirements for specific land use typologies,
- Lack of detail around any acquisition arrangements and SP2 Zoning related to the future Eastern Ring Road and Elizabeth Drive,
- Clarity around what constitutes a minor inconsistency with a Precinct Plan and wording of any future clause that enables variation to a Precinct Plan,
- Parking, landscaping and setback controls that do not contemplate specific land uses that may be suited to Enterprise Corridors such as Elizabeth Drive and Martin Road (Eastern Ring Road) and,
- Onerous and unfeasible site coverage/permeability requirements.

We request the consideration of comments and recommendations contained within this submission prior to the finalisation of the planning documents currently on exhibition. Particularly, we seek clarification regarding the Elizabeth Drive and Eastern Ring Road upgrades and the impact that this will have on the Suttons landholding.

Suttons welcomes the opportunity to contribute and collaborate further to the planning of Western Sydney and welcomes further discussion to ensure the success of the Aerotropolis.

Should further consultation be required, we welcome the opportunity to work with the NSW DPIE to resolve key issues and ensure that the vision for the Badgerys Creek Precinct is achieved, whilst also enabling Suttons to progress with the development of its site.

Kind regards,

A large black rectangular redaction box covering the signature area.

Andrew Harvey
Director

A black rectangular redaction box covering contact information.

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 3:28 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: 2116-letter-to-department-of-planning-04.11.2021.pdf

Submitted on Fri, 05/11/2021 - 15:25

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

gerard

Last name

turrisi

I would like my submission to remain confidential

No

Info

Email

Address

po box 96

Suburb/Town & Postcode

haberfield

Contact number

Please provide your view on the project

I object to it

Submission file

[2116-letter-to-department-of-planning-04.11.2021.pdf](#)

Submission

see attachment

I agree to the above statement

Yes

Disclaimer

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, on behalf of **Liverpool City Council**.

4 November 2021

Department of Planning, Industry and Environment
Western Sydney Aerotropolis Precincts Submission
Locked Bag 5022
PARRAMATTA NSW 2124

Dear Sir/Madam,

**RE: SUBMISSION TO THE WESTERN SYDNEY AEROTROPOLIS PRECINCT
NOVEMBER 2021**

We act on behalf of the owner of land (Naro Pty Ltd) located at [REDACTED], Luddenham, being [REDACTED]

My client has owned this land since the 1980's and over the years a number of compulsory acquisitions have occurred including recently, road widening that has resulted in the mother lot [REDACTED] being divided by The Northern Road into two parcels.

Our firm has been engaged to provide a submission to the Aerotropolis Precinct Strategy. Figure 1 below illustrates the area of land in which I am representing as part of this submission.



Figure 1 – Subject site relating to this submission.

■ **Sydney Office**
Suite 15, Level 1
469-475 Parramatta Rd
Leichhardt NSW 2040

■ **Brisbane Office**
3A Cambridge Street
West End QLD 4101

t. 02 9569 1100
f. 02 9569 1103
e. gat@gatassoc.com.au
w. www.gatassoc.com.au

The Department would be aware that our firm made a submission on behalf of the owner on the 11 March 2021 and we provide a copy of that document as part of this submission.

Although it is acknowledged that changes have been made to the current plan that took into consideration our earlier submission, with some of the land being retained for Agribusiness, it is our submission that the changes have not gone far enough and there are some fundamental planning principles that have not been considered.

My client's site is being affected by several varying land use zones, which include infrastructure such as Stormwater, open Space, Environment and Recreation and Agribusiness.

A review of the Land Use map, which is attached at Figure 2, illustrates that my clients' site (in red) is being broken up quite significantly by a series of varying land uses.

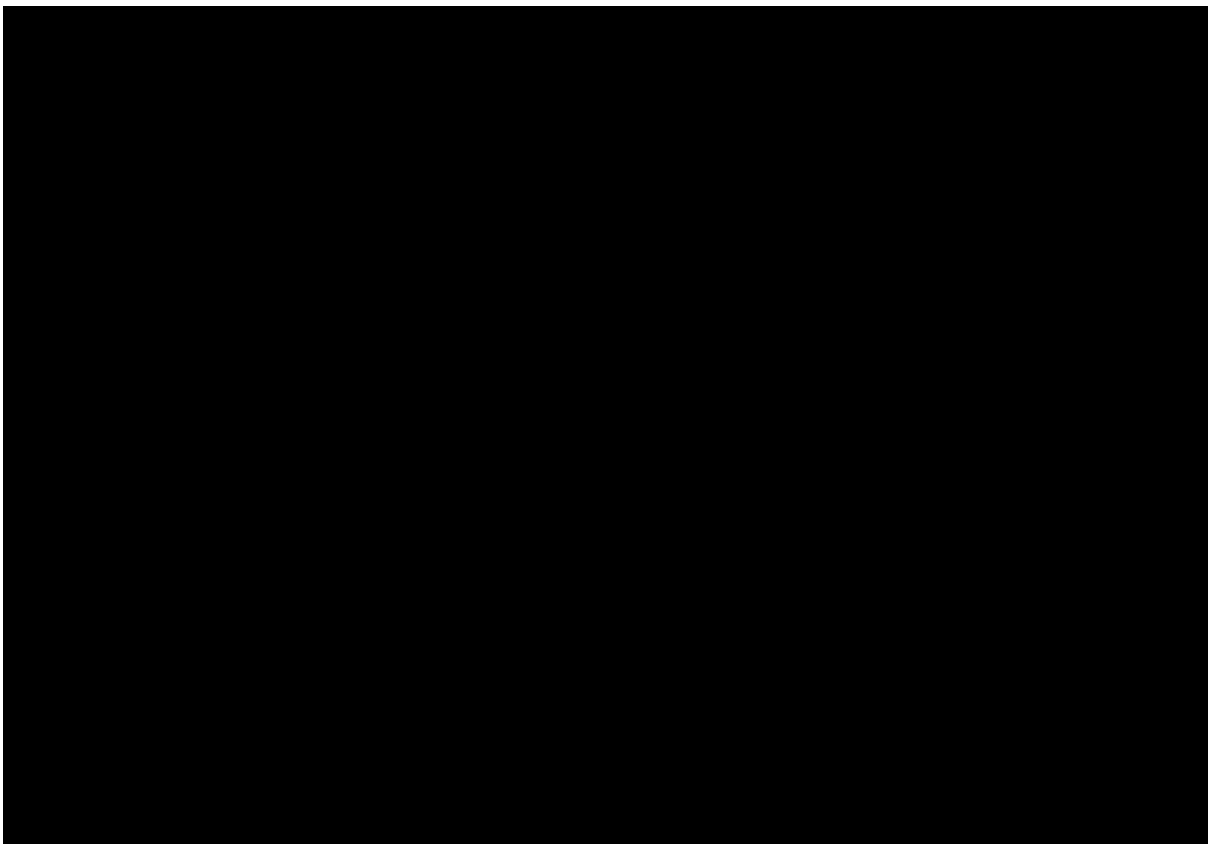


Figure 2 – Fragmentation of the site created by various land zonings.

This creates a series of fundamental issues relating to land fragmentation as well as serviceability, from an access point of view. This will be discussed in more detail as part of this submission.

The Aerotropolis document titled "Responding to the Issues" dated October 2021 acknowledges that the open space network has been determined in a manner that provides for recreational spaces such as playing fields, picnic areas, cycle paths for the current and future community. The provision of open space must have in our submission functionality and a public benefit that has a purpose. When you apply this principle to the subject site, we question some of the rationale behind the location of the proposed open space.

For instance, the document now provides for a slither of open space along the north eastern boundary of the subject site along the old section of The Northern Road, directly opposite the

existing retail hub of the Luddenham Village. This lineal provision of open space does not meet function, nor does it have any connectivity with other open space.

Figure 26 of the “Western Sydney Aerotropolis Open Space Needs Study” illustrates existing parks as well as new parkland. It is noted that the parkland also includes the area set aside for stormwater infrastructure. The use of stormwater infrastructure as open space is a general practice and there is no disagreement that the dual use of those areas should be encouraged. This allows this space to be used for paths for both pedestrians and bikes and a space the community can use for recreation.

On my clients site it is noted that there is a significant amount of land being set aside for stormwater purposes and some of that land is situated on the high side of the site. That is, above the lower lying land that would form part of the stormwater function. Given this, the use of this land, by the nature of its width, will mean its function is not only for stormwater, put also for open space. This impose is significant in terms of land area and given its use for open space, as well as for stormwater purposes, we question the need to provide for a lineal park along The Northern Road.

As Figure 26 also indicates, there is existing open space located to the north of my client’s site and is known as the Sales Park. This is shown in figure 3 below and noted as area 1.

As the aerial photographs indicate and reinforced in Figure 3 below, there is a number of churches, a cemetery and Progress Hall located directly north of our site. This is noted as area 3 in figure 3. This area is being identified as Environmental and Recreational land.

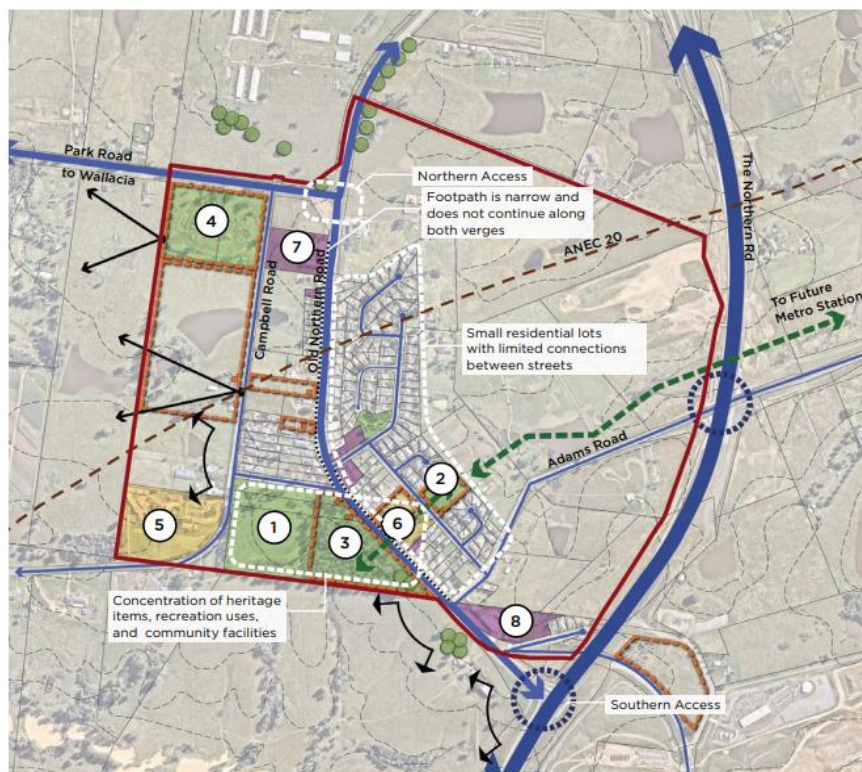


Figure 3 – Luddenham Village site features.

In referring to Figure 26, contained within the “Open Space Needs Study” and reproduced in Figure 4 below, one can clearly see that there is an opportunity to create an appropriate linkage of open space with the drainage system located to the east of the Luddenham Village through the church/cemetery land given most of this land is vegetated.

As Figure 3 illustrates, the mapping in the report identifies this area as a “concentration of heritage items, recreation uses and community facilities”. The provision of this link is a far more proactive and logical proposition rather than simply providing a linear park along The Northern Road.

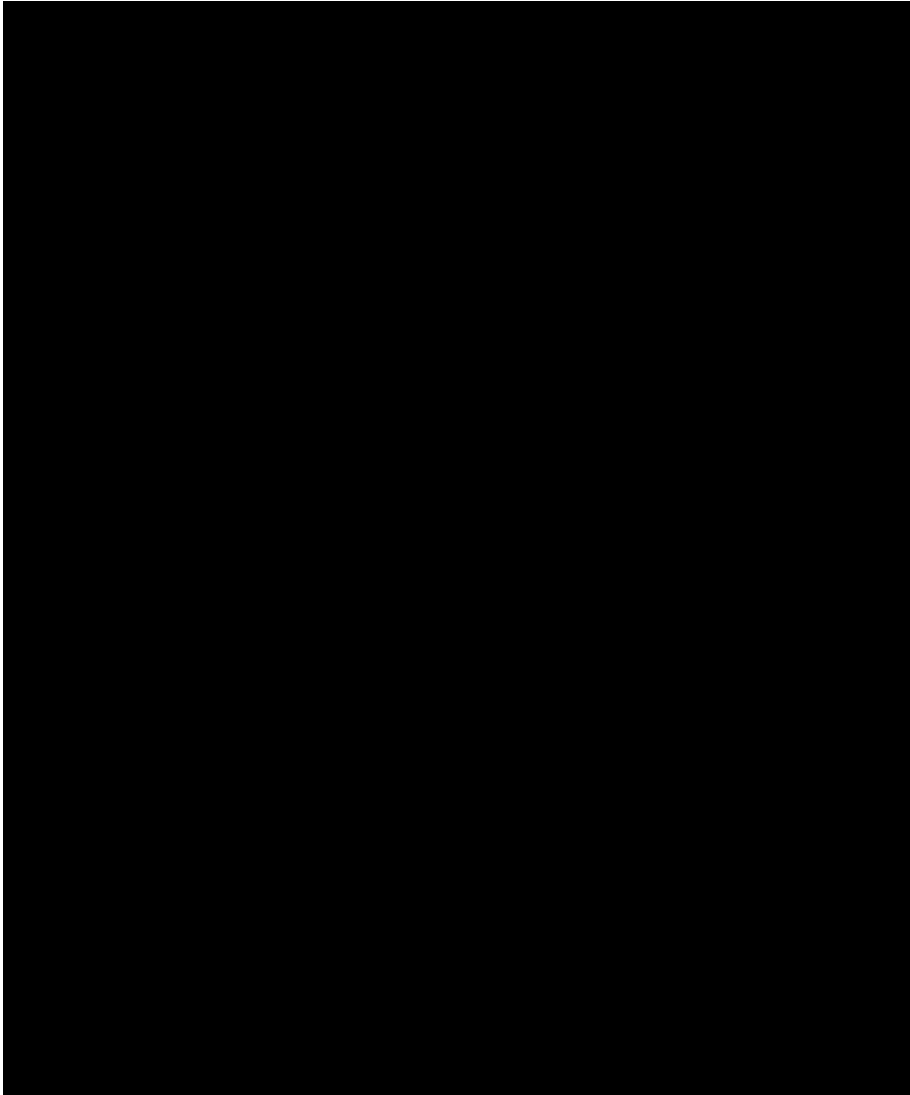


Figure 4 – Existing and proposed open space.

It is clear through Table 14 of the “Open Space Needs Study” that the linear park has been set aside, in my view, not for its function as open space but for scenic and cultural values. It is our submission that this can be achieved through appropriate development control standards which would allow separation and setbacks of built form off The Northern Road to obtain scenic views and to address cultural values.

It is a matter of fact, as evidenced through the photographs provided in the original submission that anyone standing along The Northern Road will be looking down over built form and therefore the scenic value is district rather than local. This is acknowledged by the documentation prepared by the Department which refers to the views available from this point to the Blue Mountains.

The provision of linear open space does not provide connectivity. It is a linear park which links to nothing. The provision of open space and a greater use of the land to the north of our site provides connectivity and biodiversity outcomes. Our site has no vegetation as evident by the aerial photographs along this stretch of land and hence no biodiversity value. If the purpose is to provide a “viewing platform” for scenic views, this can be provided by a small pocket park opposite the existing retail hub along The Northern Road together with the built form controls stated earlier.

The stated principle that this open space provides a landscape and parkland entry as a gateway into the village can be achieved through appropriate setbacks and landscaping outcomes, with a pocket park rather than identifying open space land along the whole length of The Northern Road.

The provision of the linear park will cut off road access to the remaining land set aside for Agribusiness purposes and does not achieve, in our submission, the objective of the Planning Act, which is to promote the orderly and economic use and development of land. Any suggestion that the utilisation of road access through the western side of the site, through other sites, does not respect the topography of the land nor does it consider the timing of such infrastructure given there is no road access. As stated in our earlier submission, the proximity of this site to the airport and in particular, to the western entry of the airport should be given a higher strategic value.

The proposed open space along The Northern Road needs to be considered in the context of the Luddenham Village plan and should form part of any consideration of the appropriateness of this land being set aside for open space purposes.

We note in the Luddenham Village Discussion Paper that there is still an ongoing process to determine the way Luddenham Village should be developed and as part of that process, there are a number of key things in which the government needs to resolve, these being identified on page 4 of the Luddenham Village Discussion Paper, and repeated below:

- *What parts of Luddenham we need to protect,*
- *What Luddenham could contribute to the Aerotropolis,*
- *What Luddenham should look like in the future, and*
- *How Luddenham could grow in the future.*

Given the location of this site, which actually abuts the Luddenham Village, any planning of my client’s site should have regard to the Luddenham Village. That being said, there are some fundamentals the Luddenhem Village Discussion Paper has underplayed and has taken a conflicting view as to the location of existing services.

The discussion paper identifies that retailing occurs in three (3) main locations along The Northern Road and although this may be the case, it is extremely important to acknowledge that the main and the largest retail location is in fact directly opposite my clients’ site and evident through the photos provided in the March 2021 submission. From a commercial

perspective, the heart of the Luddenham Village is towards the intersection of The Northern Road with the new realignment.

Figure 5 of the Discussion Paper and reproduced as Figure 5 in this submission, illustrates that the area which fundamentally has the main retail area has been set aside for a future entry from the airport and could include café, club, and hotel. It is our view that the document, which seems to imply the main area for shops and services should be to the north, fails to acknowledge the southern end is the main shop and services area. There is little to no retailing to the north of the Luddenham Village and therefore to suggest that the Luddenham Village be broken into two (2) retail precincts makes no planning sense given the scale and size of the Luddenham Village, both currently and in the future.



Figure 5 – Place outcomes

Figure 5, of the Luddenham Village Discussion Paper as reproduced above, reinforces my earlier comment of connectivity of open space with the green links, shown in the green dotted line, being provided through the Luddenham Progress Hall and associated churches and cemetery. Any suggestion that the open space along The Northern Road provides connectivity is incorrect. It simply provides scenic value which can be achieved through appropriate planning controls because it's use from a functionality perspective does not meet the test.

The other critical issue of concern is the acquisition process. We note that in responding to the "Issues Paper" dated October 2021 the State Government has indicated that the acquisition of

land will be done through Councils. The document also makes reference in general terms that acquisition will occur when land owners are ready however this is problematic and these are general motherhood statements, which from an implementation perspective cannot be facilitated. Based on available information, there are no documents that show how Council will have appropriate funding for this acquisition process and there are no funding mechanisms or plan showing rates or the like for various elements for this infrastructure. From the information provided, to enable acquisitions to occur at an earlier stage there needs to be a contribution plan or funding strategy otherwise development will not occur. This would mean that development will actually be prolonged and land owners and particularly larger land holders, like my client, would be immensely disadvantaged because the orderly and economic development of land will not occur because there is no mechanism from a funding perspective to acquire the land. In essence, it's a "chicken and egg" debate which will occur through the development of this land which we respectfully submit is not practical, logical or appropriate. There needs to be clear direction and actionable outcomes.

As previously stated in our earlier March 2021 submission, other than a small portion of land to the south western corner of the site, there is no environmental or biodiversity value on the land. Therefore, the principles to achieve biodiversity or environmental outcomes on this site through the zoning of this land is fundamentally not true. One that basis, to set aside significant areas of land for infrastructure where this land could be better utilised for employment purposes, given its immediate proximity to the airport seems to make no planning sense.

As stated, there is a greater ability to potentially rationalise these infrastructure/open space areas rather than cutting the land into smaller parcels. This point was reinforced in Figure 2 that illustrates how my clients land is being broken down into parcels of land that does not facilitate development but simply sterilises the land.

The above concerns and the position my client are being placed fundamentally goes against all the principles of planning 101 in so far as you do not break up land which is capable of development where you have significant land ownership because land fragmentation prevents the orderly and economic development of land. Yet, some of the proposed land uses over this site goes against those principles.

It is also noted that the acquisition map does not reflect all the land that needs to be acquired. The Environment and Recreational land to the south western corner of the site has been excluded and should form part of the acquisition process, including any zoned Environment and Recreational land. There has been no consideration of the slither of land on the southern side of the realigned Northern Road. This is illustrated in Figure 5 of this submission. This land is still being set aside for Agribusiness purposes however access to this land is problematic. This land should form part of an acquisition process for the airport as access to this land is only through, as evident in the photographs in the early submission (Photo No.15), a 3 metres high by 3 metre wide tunnel under the realigned Northern Road.

We are extremely concerned that no one from the Government has walked or has set foot on this land to understand the issues and the topography. There seems to be a reliance on aerial images.

We request and have suggested on many occasions, a site inspection.

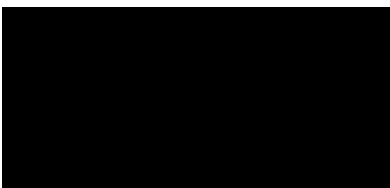
In summary, the area set aside for stormwater infrastructure is far more extensive in size and will be used for open space purposes as well. Given this and the fragmentation of this land, we respectfully submit that the open space along the entire length of The Northern Road is not

required and at best, a small pocket park as a viewing platform, with appropriate built form controls, would achieve the same planning outcomes. This outcome would allow better access to the Agribusiness land and a better interface/connection to the main retail hub of Luddenham Village.

We also respectfully submit that a acquisition strategy be made public with values, typical of a standard Contribution Plan which reflects the strategy.

Should you have any questions we would be more than happy to assist. We welcome a meeting to discuss given my client is one of a few larger based land owners in the area and is significantly being impacted by open space and infrastructure zonings.

Kind regards,






Gerard Turrisi
GAT & Associates
Plan 2116


11 March 2021

Department of Planning, Industry and Environment
Western Sydney Aerotropolis Precincts Submission
Locked Bag 5022
PARRAMATTA NSW 2124

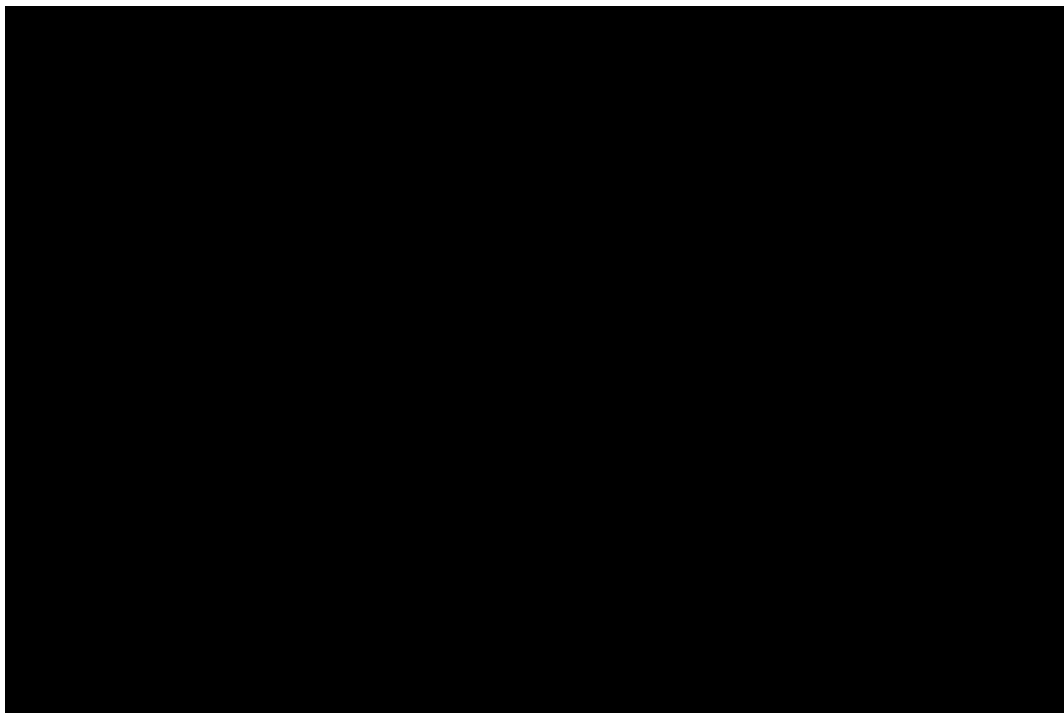
Dear Sir/Madam,

**RE: SUBMISSION TO THE DRAFT AEROTROPOLIS PRECINCT PLAN
NOVEMBER 2020**

We act on behalf of the owner of land (Naro Pty Ltd) located at 



My client has owned this land since the 1980's and over the years a number of compulsory acquisitions have occurred including recently, road widening that has resulted in the mother lot  being divided by The Northern Road into two parcels.

Our firm has been engaged to provide a submission to the Draft Aerotropolis Precinct Plan. Figure 1 below illustrates the area of land in which I am representing as part of this submission.



■ **Sydney Office**
Suite 15, Level 1
469-475 Parramatta Rd
Leichhardt NSW 2040

■ **Brisbane Office**
3A Cambridge Street
West End QLD 4101

■ 02 9569 1100
■ 02 9569 1103
e. gat@gatassoc.com.au
w. www.gatassoc.com.au

After reviewing the Draft Precinct Plan, we strongly oppose the land being set aside for open space and we respectfully submit that the land should maintain its zoning as identified under State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (SEPP(WSA)2020).

As stated, the subject land is currently zoned under the recently made SEPP (WSA) 2020 as AGB Agribusiness and in part, being a small area, ENZ, Environment and Recreation.

It is our submission that the land has never been identified, in its totality, as having environmental value, otherwise the site would have been zoned ENZ under SEPP (WSA) 2020.

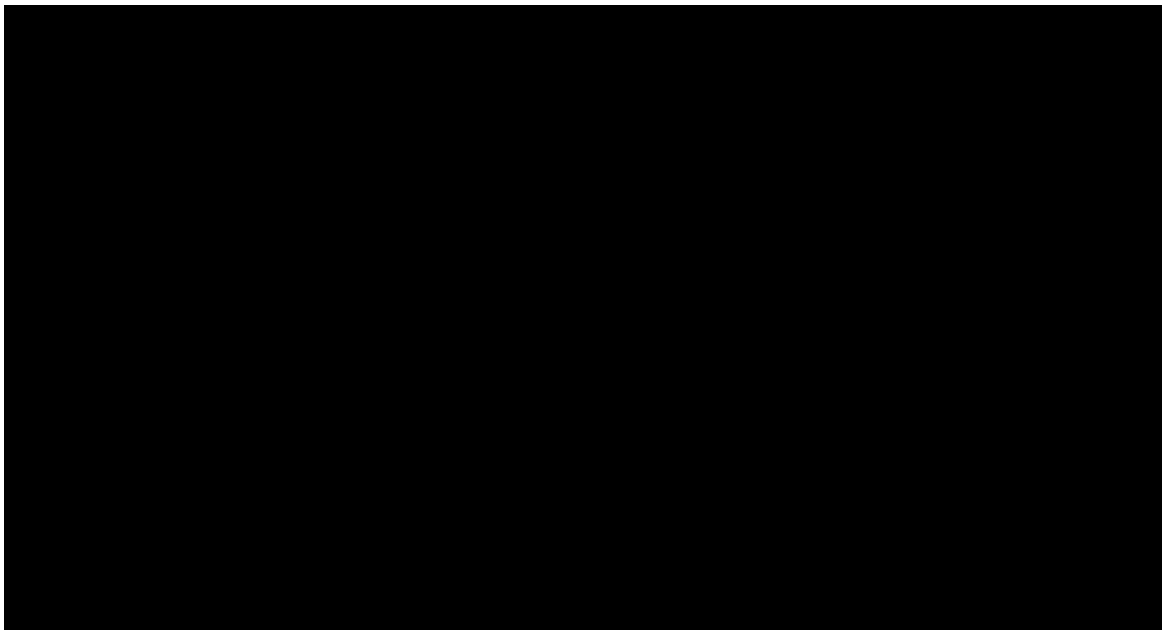
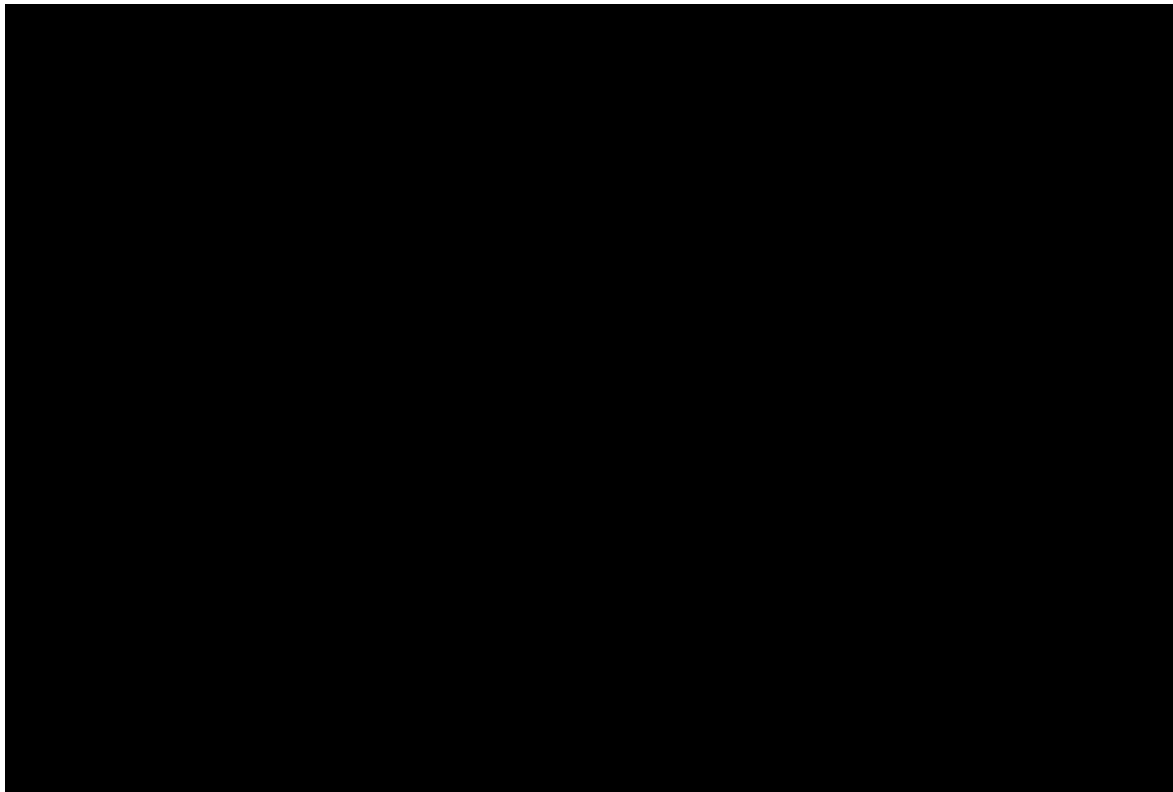


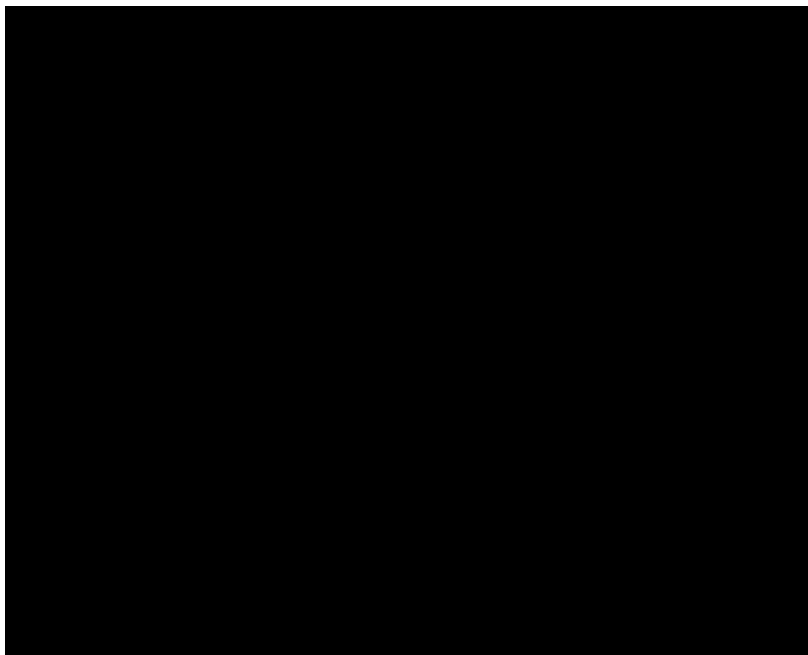
Figure 2: SEPP(WSA)2020 Zoning Map in the context of my client's site.

My client's land is generally clear of any significant vegetation as evident in the aerial photographs provided below and has been pasture improved over many years as part of livestock grazing. The site has little environmental benefit for it to be entirely set aside for recreational purposes. As will be detailed, there are no natural corridor linkages.

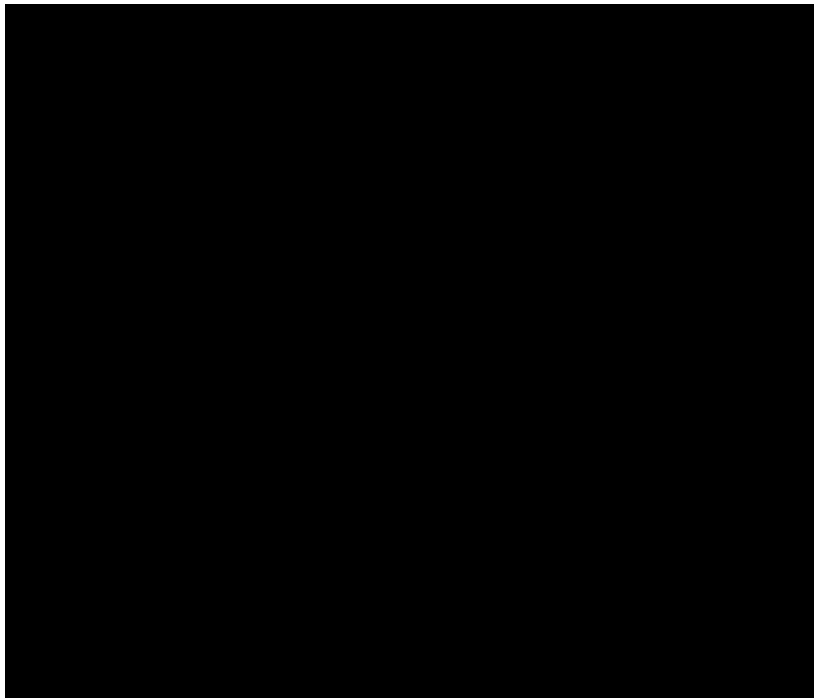


Aerial Image No. 1 – Subject Site

Aerial Image No. 1 shows the subject site, which excludes the realigned The Northern Road. It illustrates there is little vegetation over the site. The aerial shows a significant area as grass land. The dry creek lines and areas around the farm dams, including a pocket of vegetation to the south west corner of the site are the only vegetated areas. These areas correlating with the Biodiversity Map under SEPP (WSA) 2020.



Aerial Image No. 2



Aerial Image No. 3

Aerial Image Nos. 2 and 3 reinforce from a more micro perspective that there is very little vegetation on this site. We have also marked the location of the dam walls. Without these walls, there would be no water on this land.

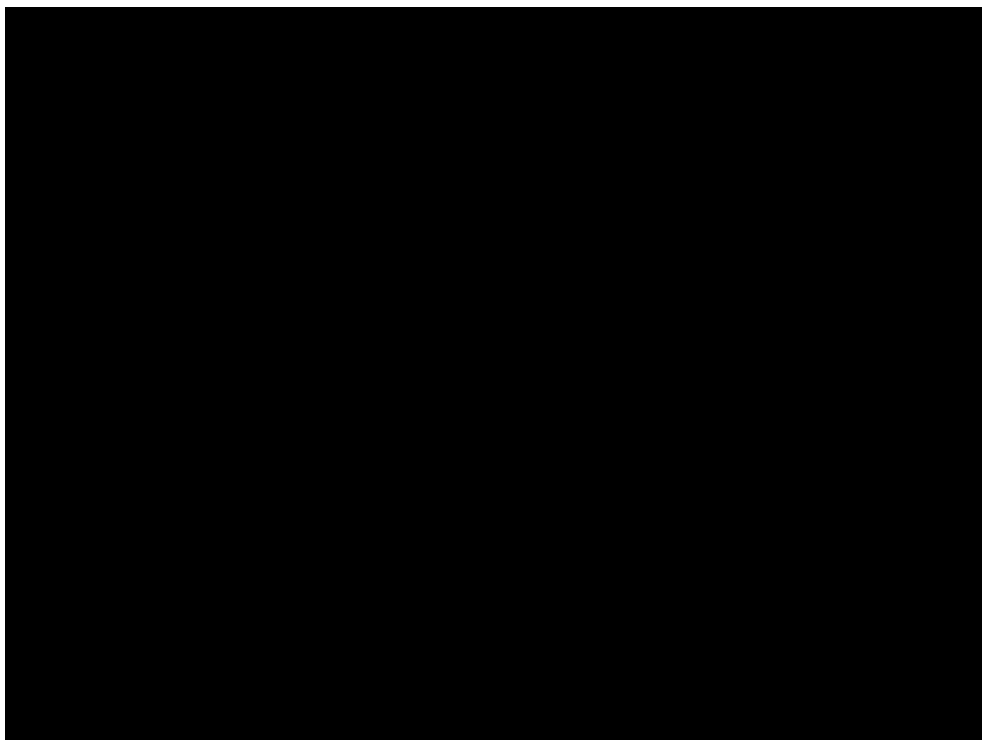


Photo 1

Photo 1 identifies the subject site looking from the Luddenham shops over The Northern Road. Note the existing two storey houses on the subject site which are below the road level. The Northern Road is the ridge line.

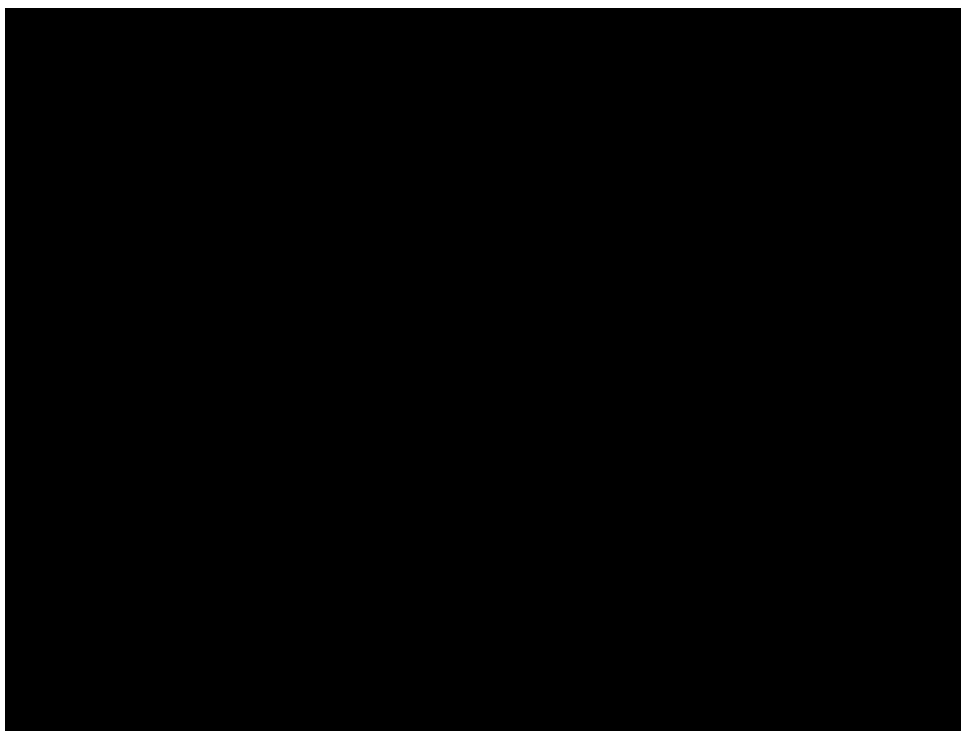


Photo 2

Photo 2 shows the Luddenham shops directly opposite the subject site. This is the retail/commercial hub of the Luddenham Village.

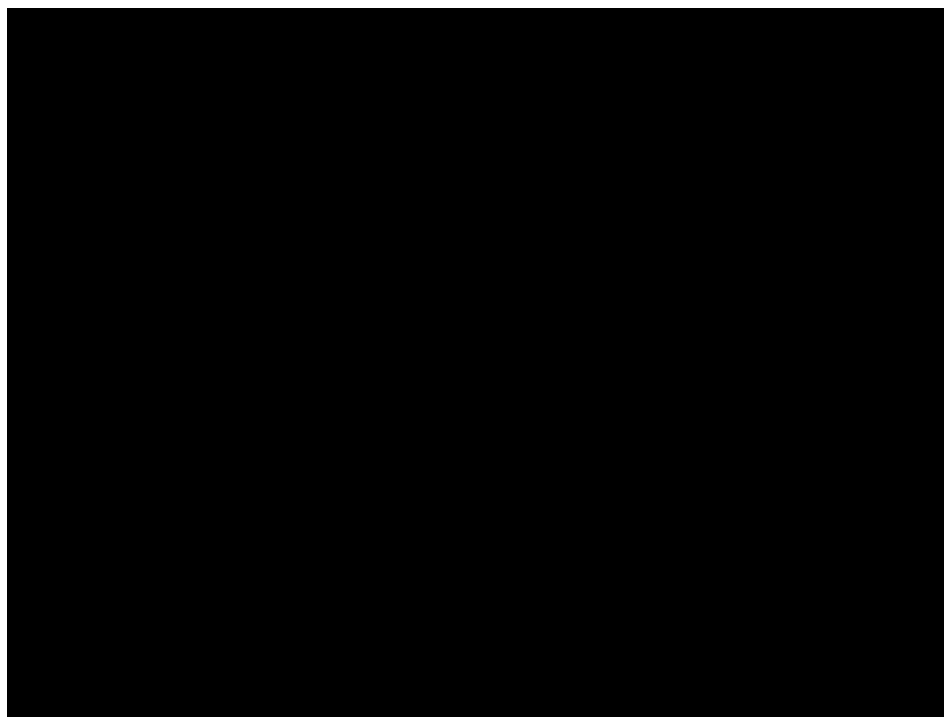


Photo 3

Photo 3 illustrates the shops located along the ridge. The photo is taken from the front area of the existing houses. This is the retail/commercial hub that sits on the ridge. The site does not sit on the ridge.

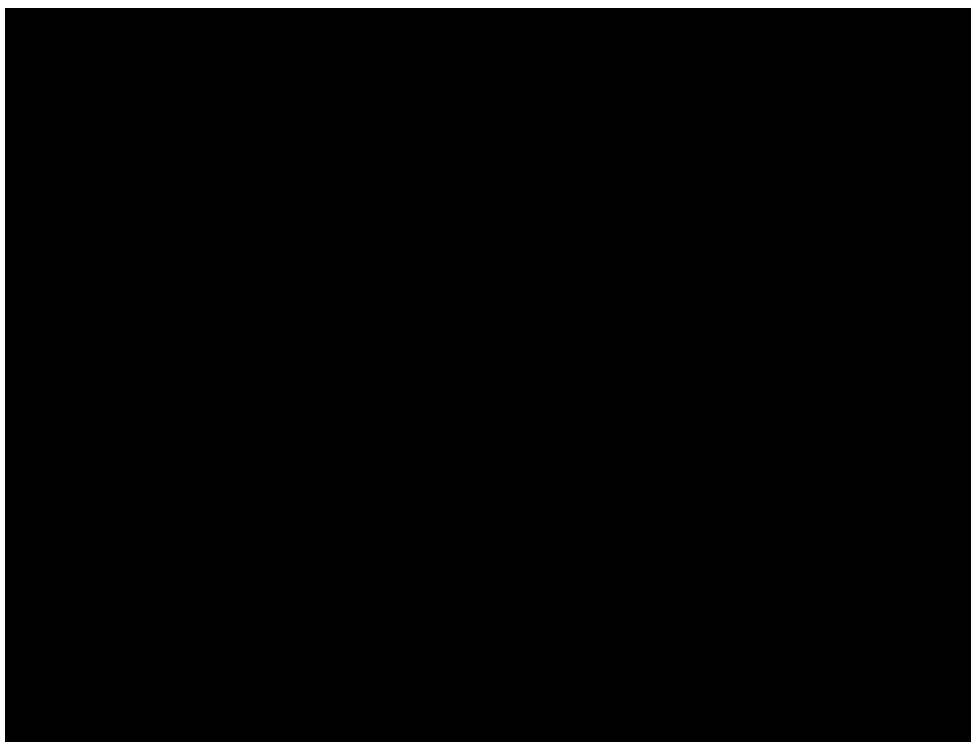


Photo 4

Photo 4 shows the entry into the Luddenham shops, directly opposite the subject site.

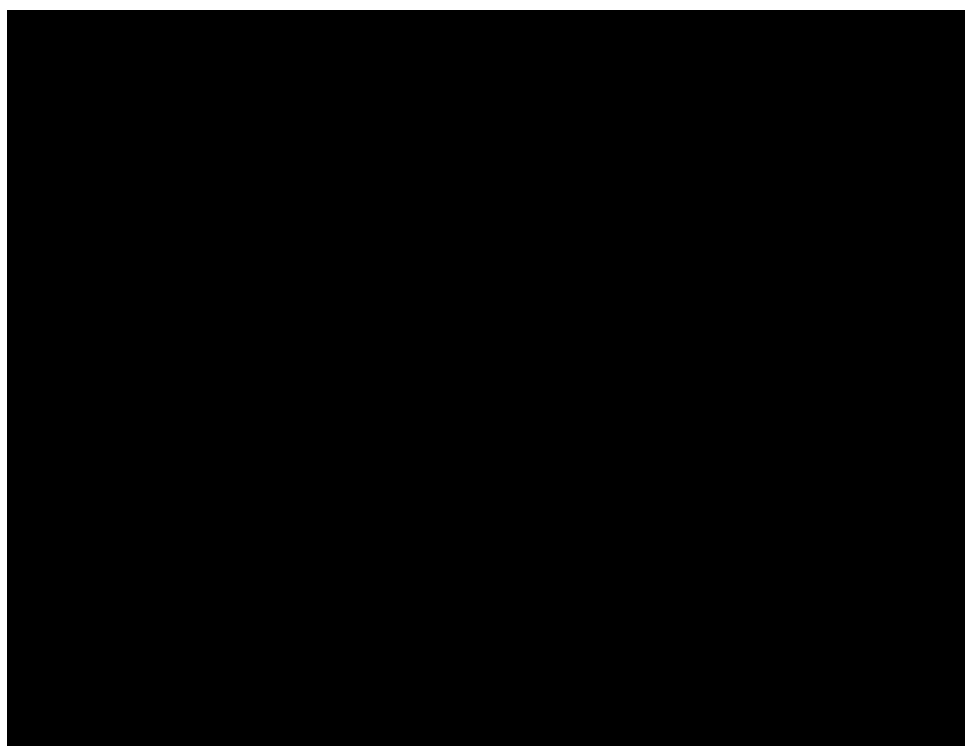


Photo 5

Photo 5 illustrates in the distance, the signalised intersection of the old The Northern Road with the new realignment of The Northern Road that provides direct access to the freight and logistical entry to the airport site. This photo illustrates the upgraded infrastructure that allows easy access from this site.

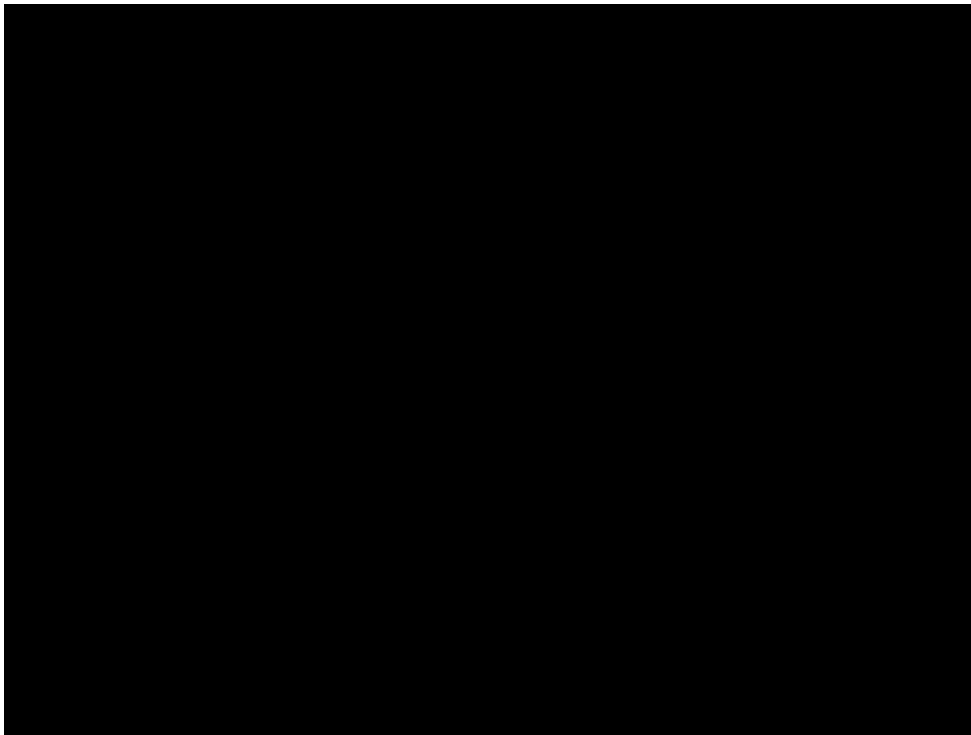


Photo 6

Photo 6 identifies the airport site as being constructed, reinforcing the site's proximity to my client's site, which is also reinforced in Figure 1.

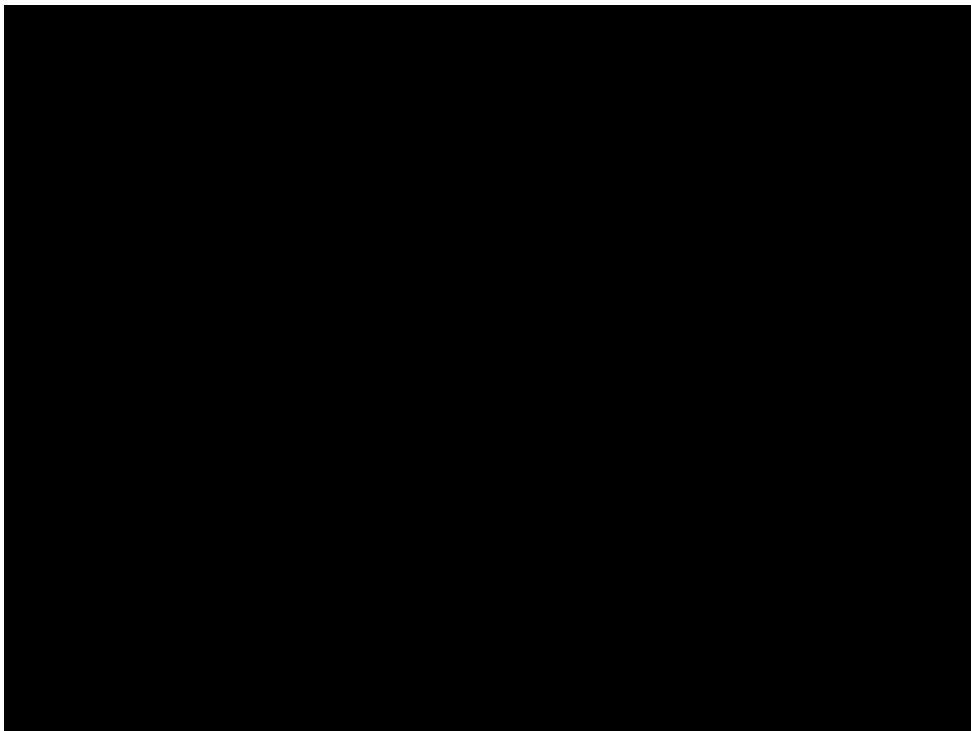


Photo 7

Photo 7 reinforces the undulating nature of the land form which consists of natural depressions (dry creek lines) with vegetation located along these depressions. They are not natural wet areas.

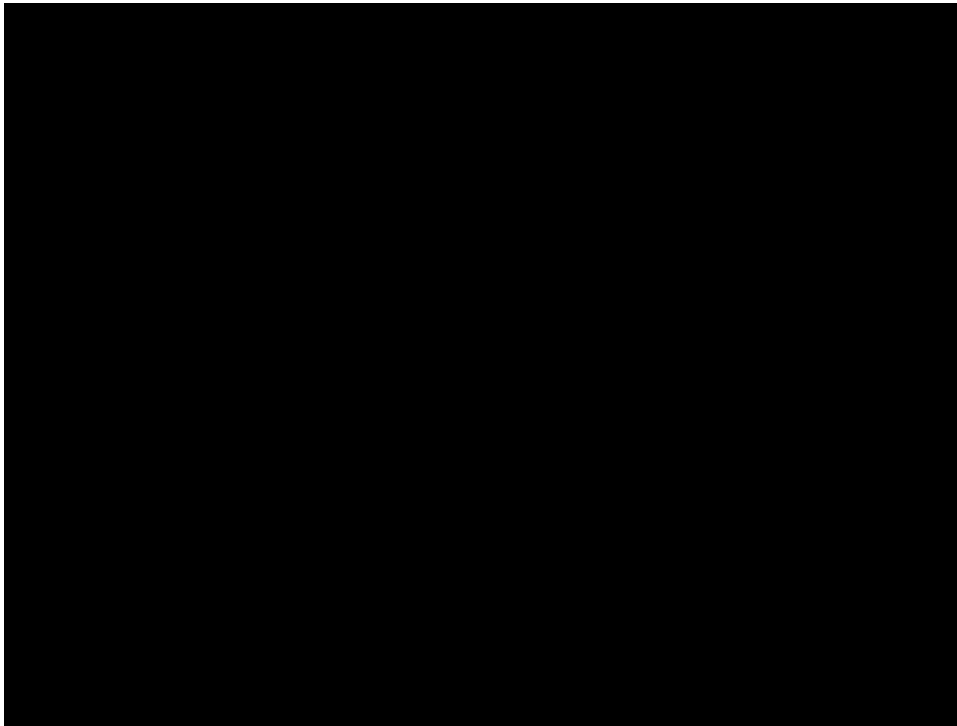


Photo 8

Photo 8 illustrates development along the ridge, namely the Luddenham shop/commercial village noting the amount of significant grass land used by my client for grazing, reinforcing limited vegetation on this site.

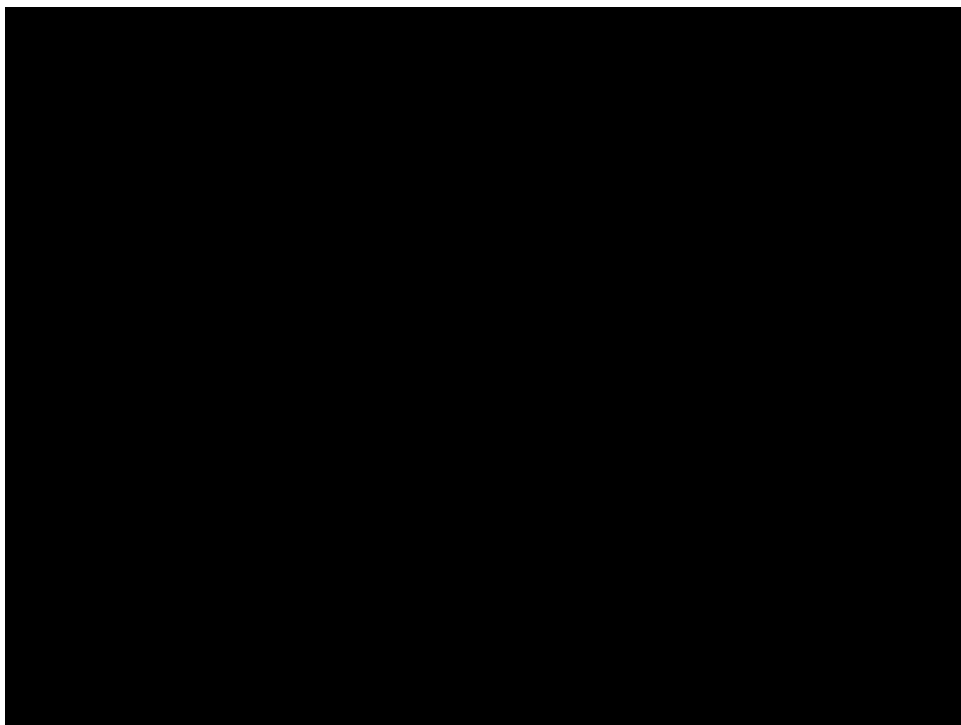


Photo 9

Photo 9 shows again another dry creek on the site with some vegetation within those depressions.

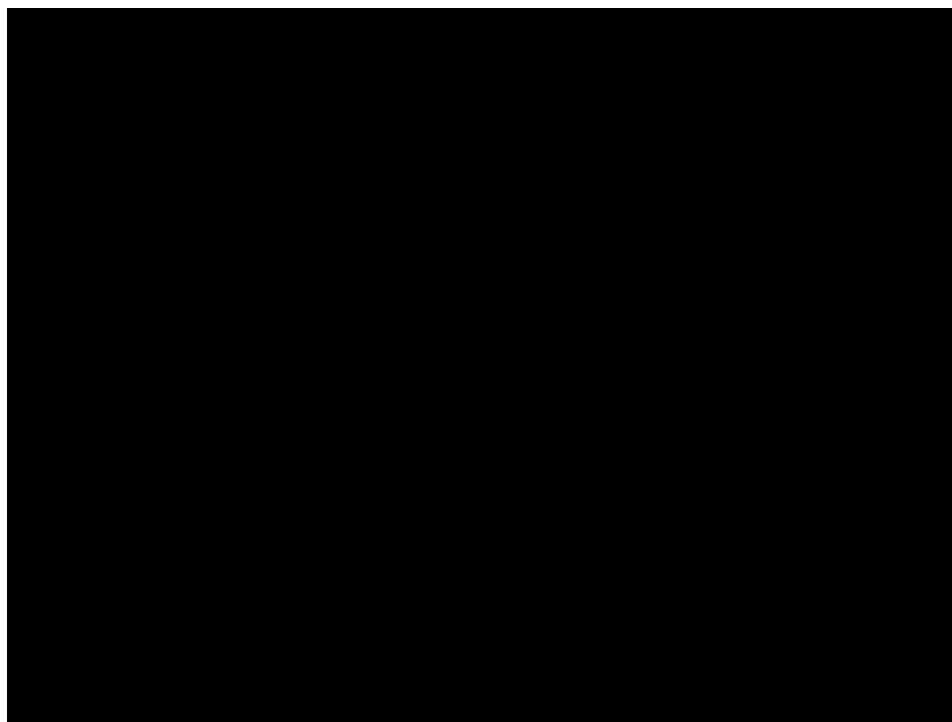


Photo 10

Photo 10 reinforces that the water bodies located on the land are man-made dams. Hence water holes are for cattle. If these dams did not exist, they would be dry creek lines. The photo also shows large areas of grazing paddocks.

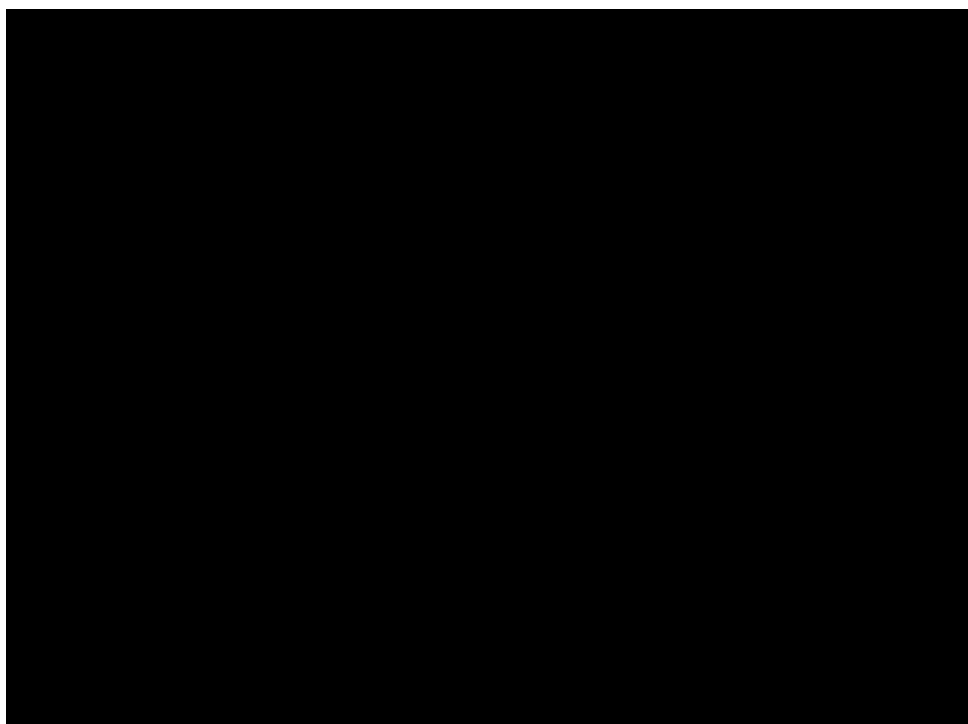


Photo 11

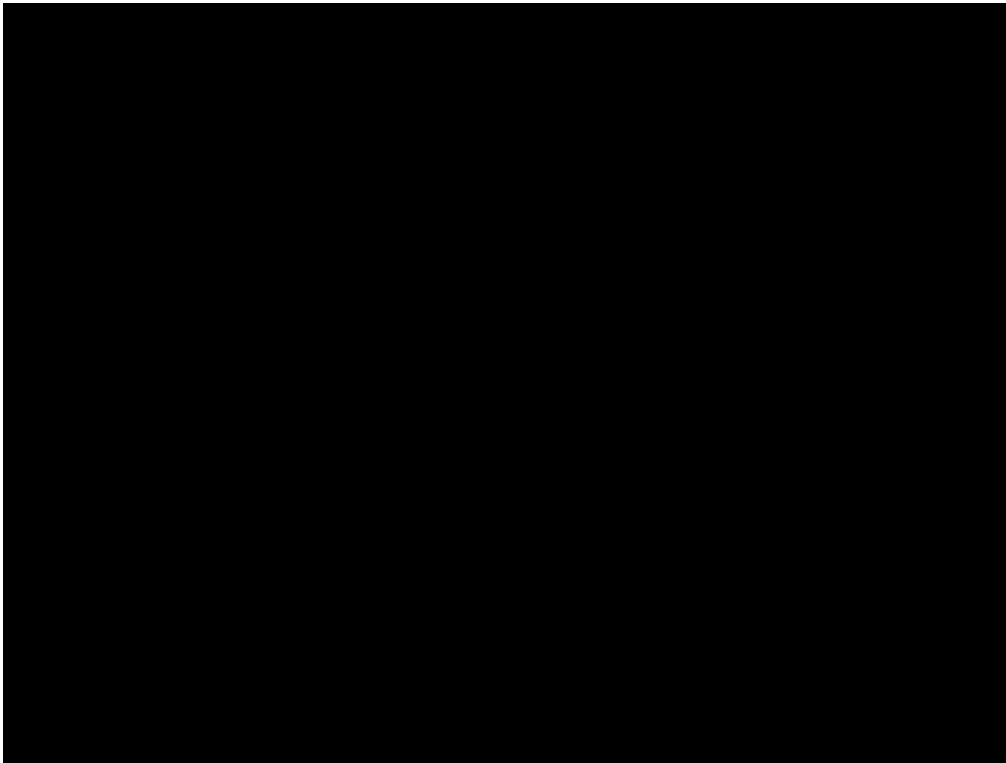


Photo 12

Photographs 11 & 12 illustrate the extent of area set aside for grazing. There is little to no vegetation.

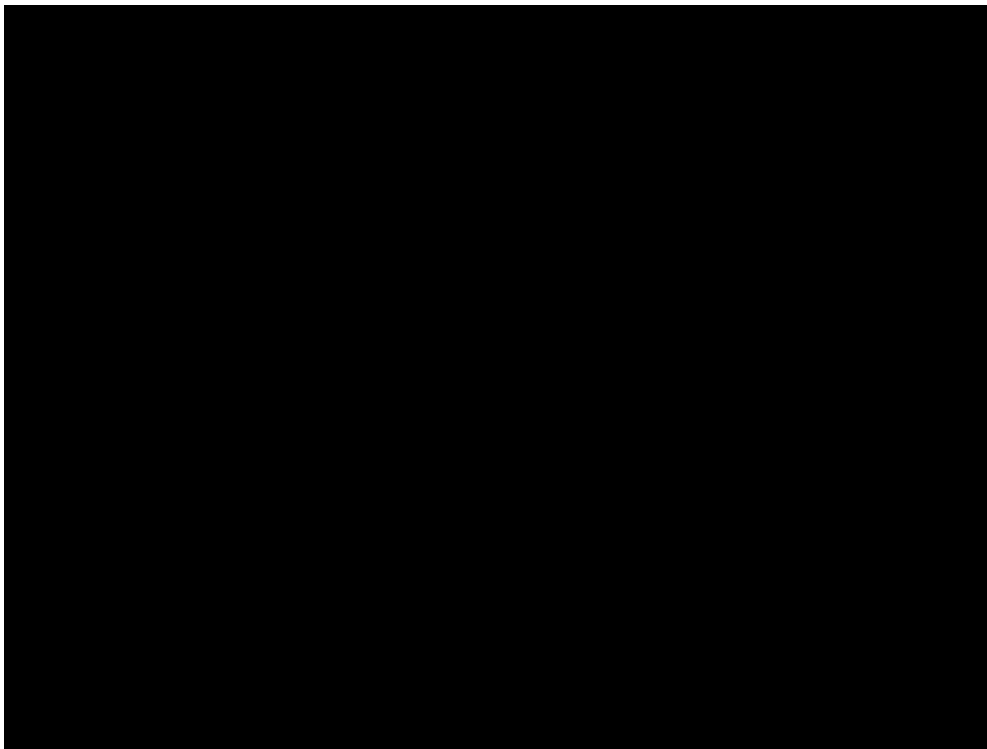


Photo 13

Photo 13 shows another example of a dry creek line and the undulating nature of the land form.

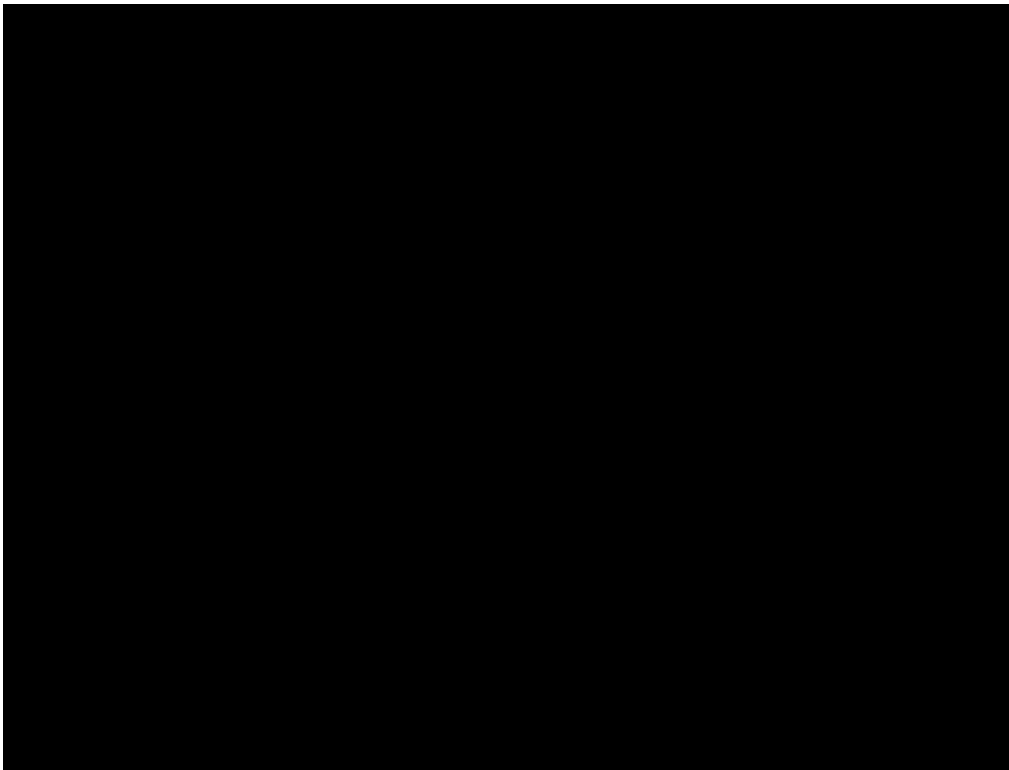


Photo 14

Photo 14 illustrates the subject site noting that the airport site is at a level consistent with the highest point of the subject site. The remaining land is lower and less visible.

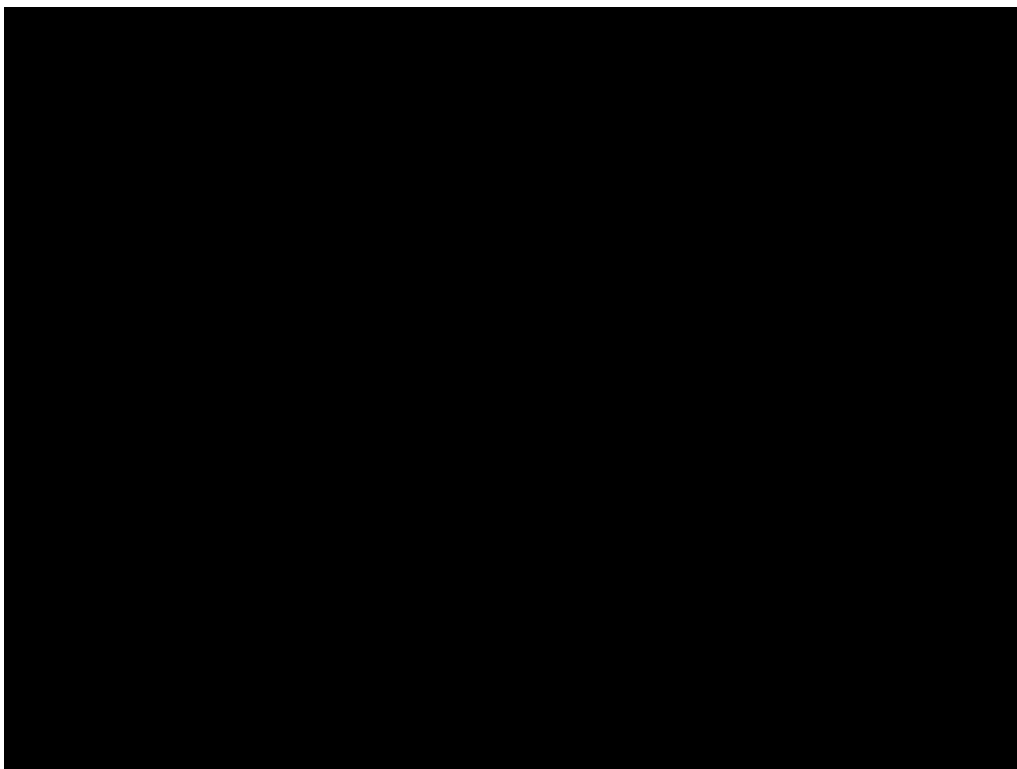


Photo 15

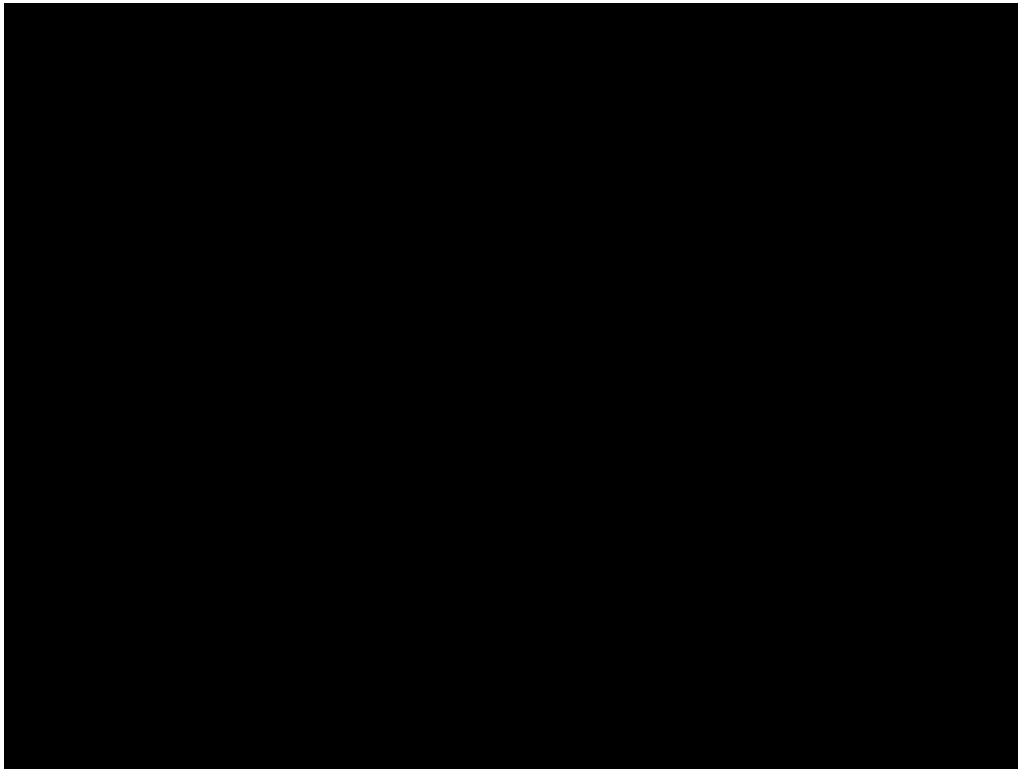


Photo 16

Photographs 15 & 16 illustrate how the new The Northern Road sits above the subject site. The dam seen in Photo 16 is man-made.

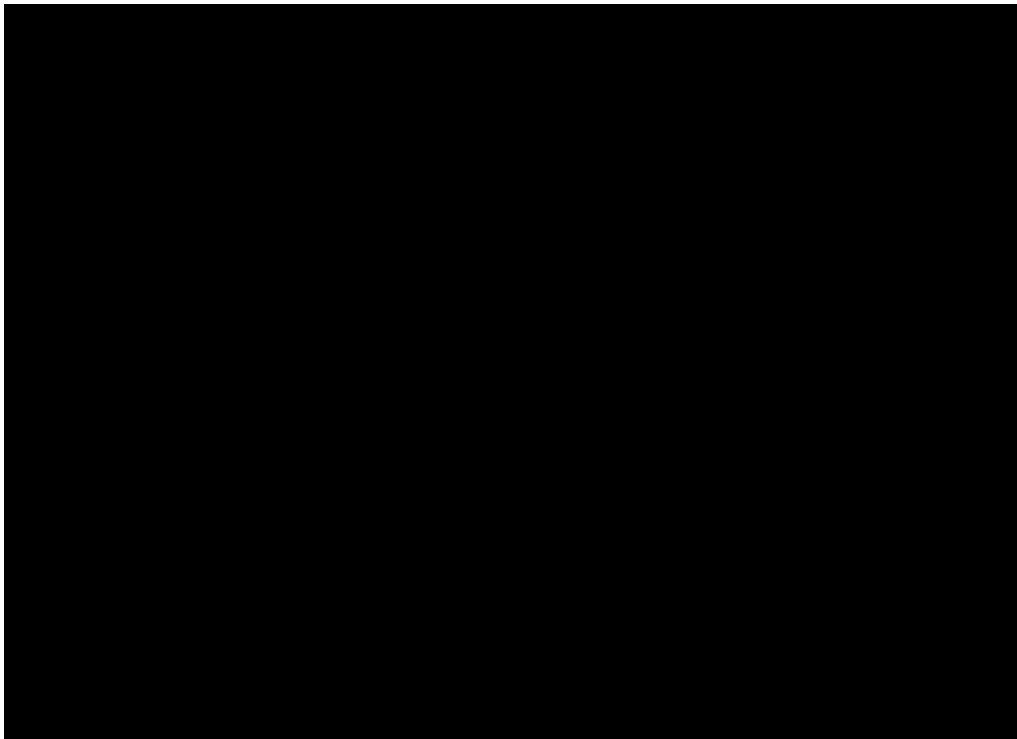


Photo 17

Photo 17 shows another example of a dry creek line.

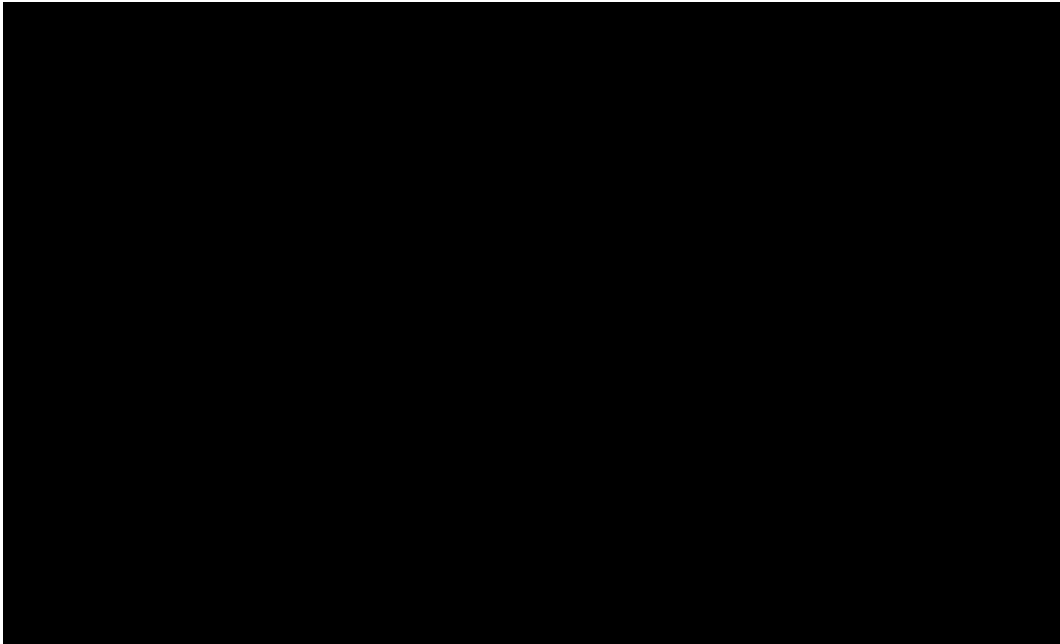


Photo 18

Photo 18 reinforces large tracks of land which are cleared and available for development with no significant vegetation on it. The vegetation which is visible is mapped under SEPP (WSA) 2020 as Biodiversity and Environment and Recreation. The remaining land is not constrained.

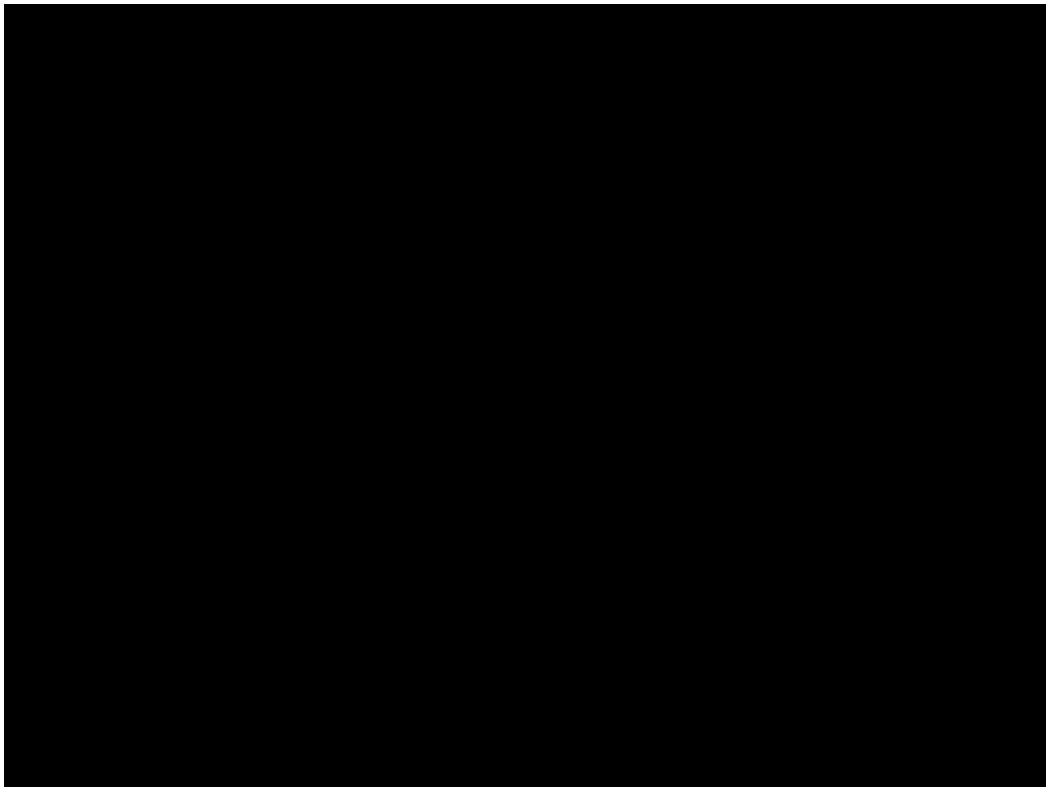


Photo 19

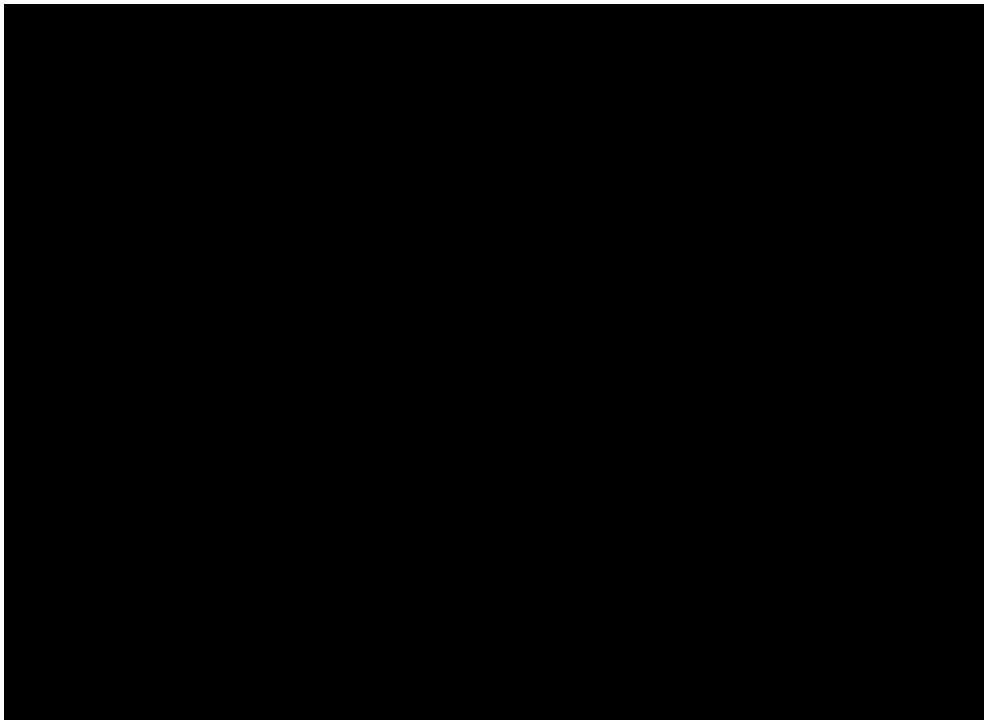


Photo 20

Photographs 19 & 20 identifies vegetation mapped for Environment and Recreation and is being retained.

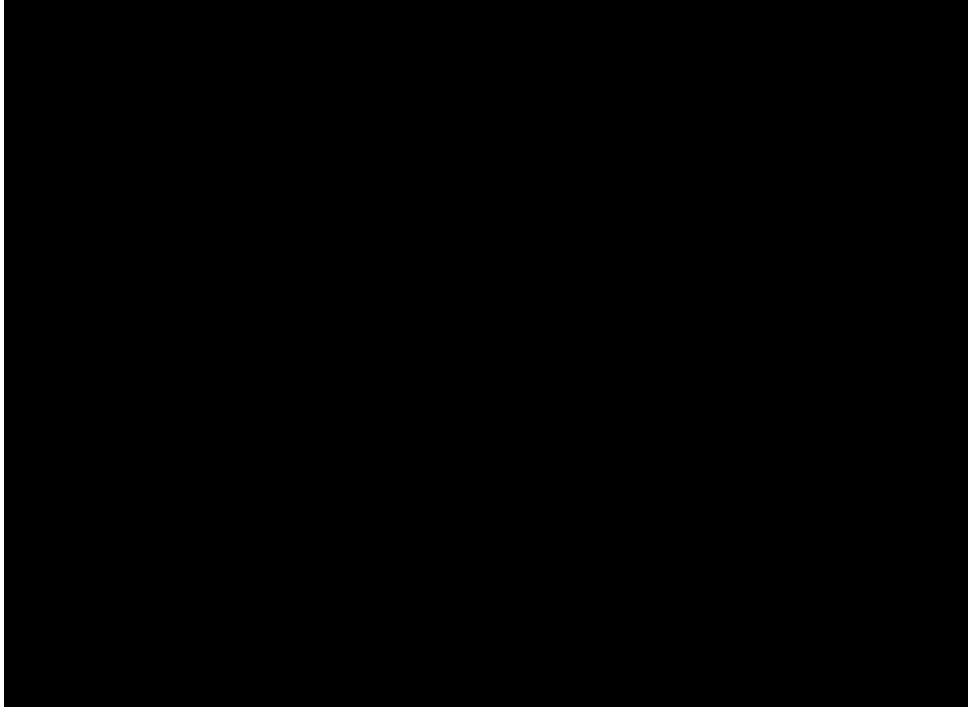


Photo 21

Photo 21 shows the man-made dam with The Northern Road above, being the ridge line, with construction works for the airport visible on the ridge. This photo also reinforces the levels between the two sites are in places lower than the airport site.

Under SEPP (WSA) 2020, the subject site is shown, in part, as having high “*Biodiversity Value*”. This occurs to the south western corner of the site and in part within the depressions contained within the site. This has been illustrated in the photos above. This means that the remaining portion of the land is therefore not restricted and is capable of being developed. Figure 3 illustrates the area as identified in the mapping as biodiversity.

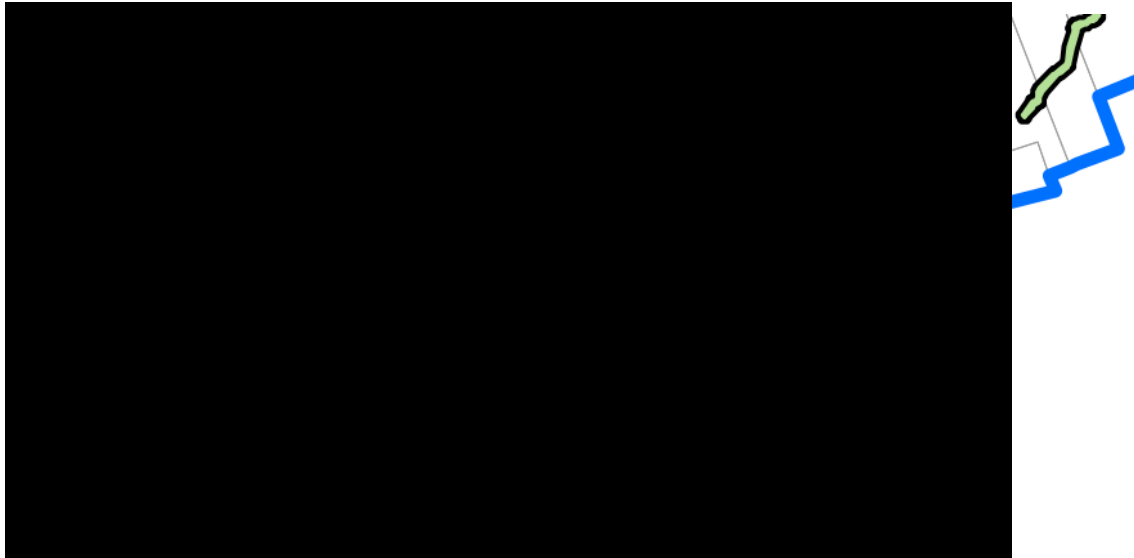


Figure 3: *SEPP(WSA)2020 High Biodiversity Value Areas*

The proximity of the subject site to the Western Sydney International Airport gives greater justification for it to be set aside for agribusiness, noting that the access to the airport will be off The Northern Road. See Figures 4 and 5.

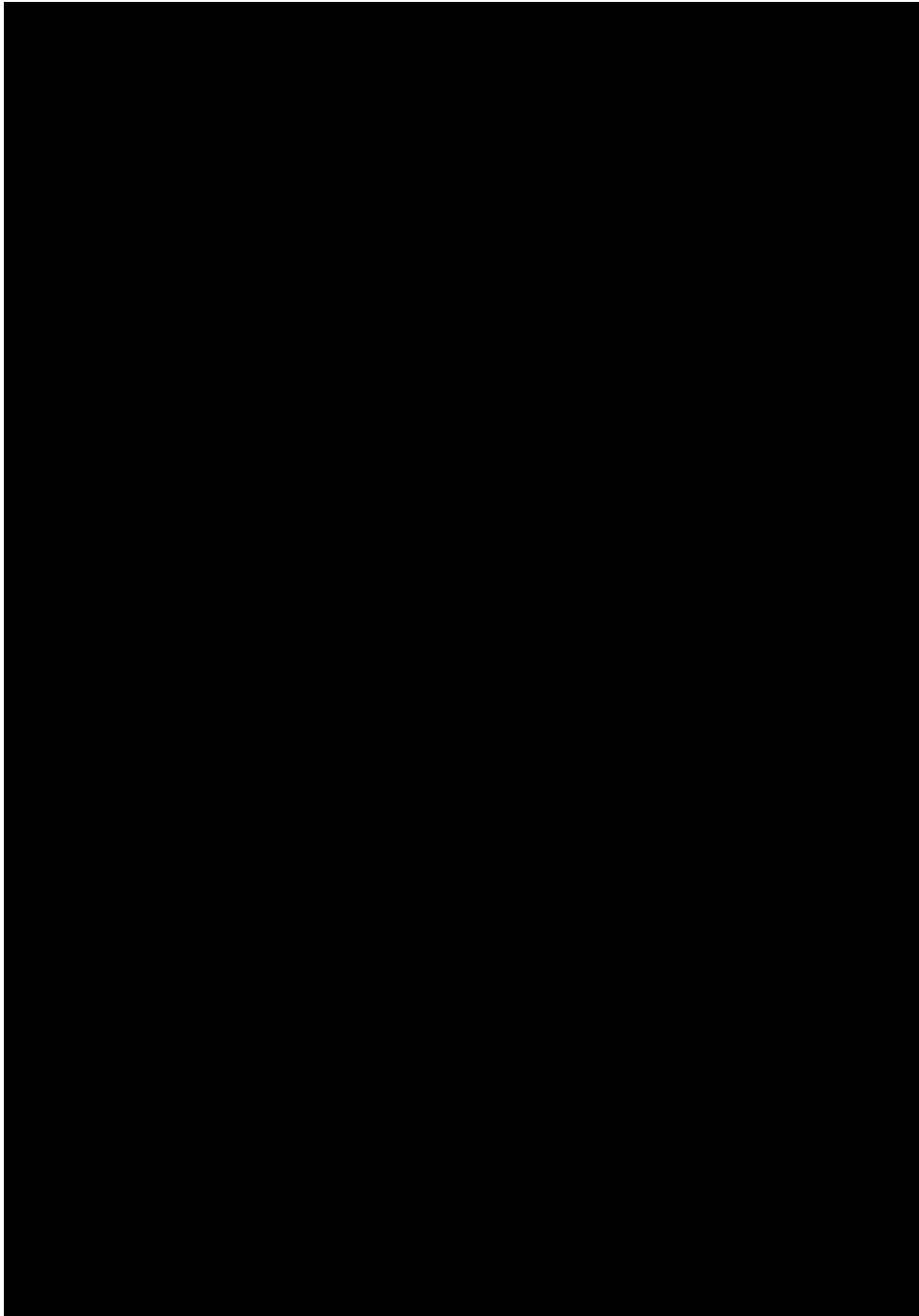


Figure 4 – Structure Plan within the Draft Precinct Plan

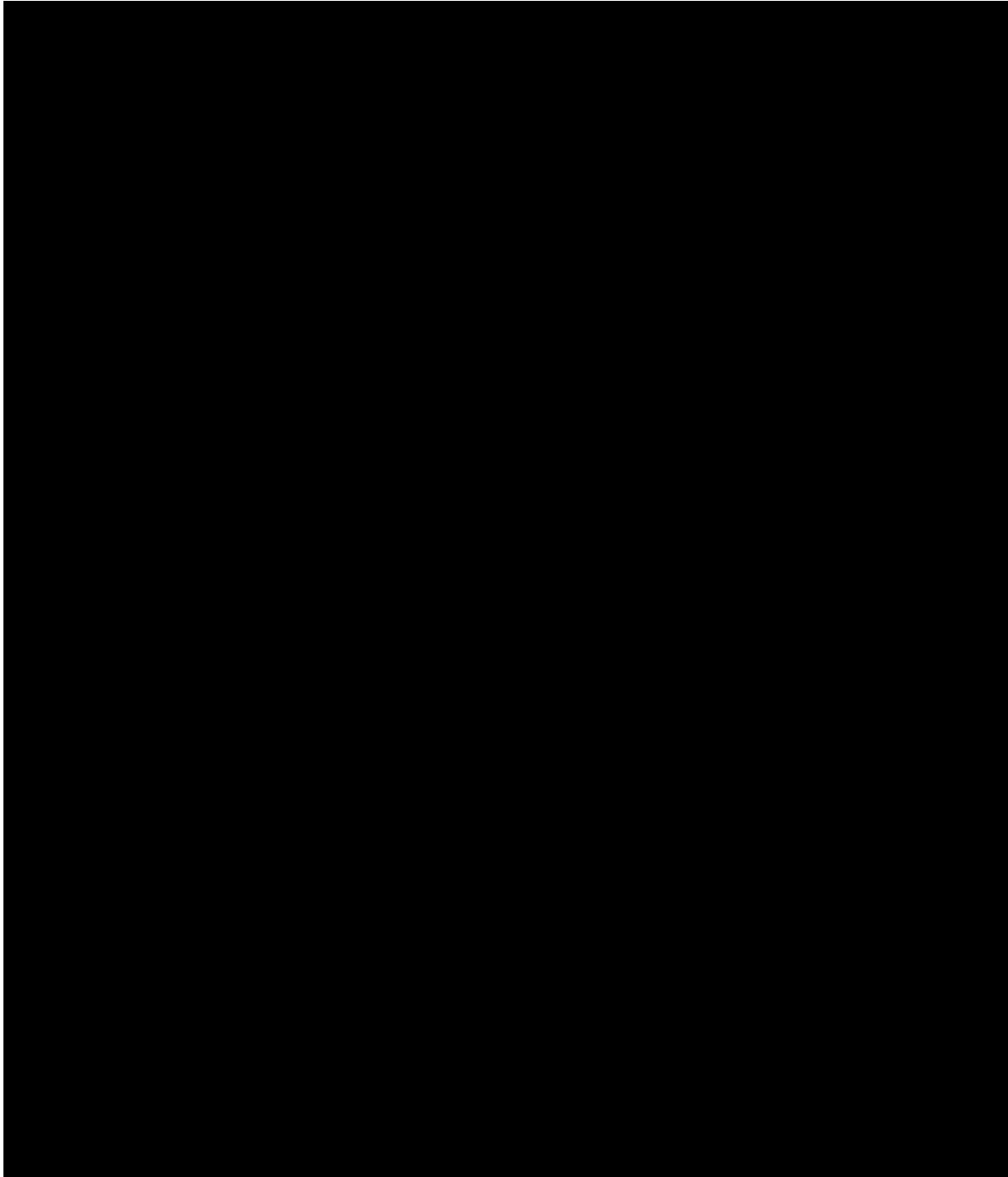


Figure 5 – Draft Precinct Plan of the Development Layout

From a transportation perspective, employment land on the western side of the airport site is a far better proposition given the location of the entry to the air freight and logistic uses within the airport site. The zoning map reflects this employment use and, in our submission, this is why the land is zoned Agribusiness. See zoning map at Figure 2.

Furthermore, it is important to note that my client's land is sandwiched between the Outer Sydney Orbital and the airport site and with the upgrade of The Northern Road, reinforces its benefit as employment land next to the airport. Therefore, this land has greater strategic value and is more desirable for employment purposes. Hence, this is why it fits within an Agribusiness zoning as identified in the original structure plan for the airport site (Western

Sydney Aerotropolis) Stage 1 Initial Precincts and its zoning under SEPP (WSA)2020. The original Structure Plan is attached as Figure 6 for reference.

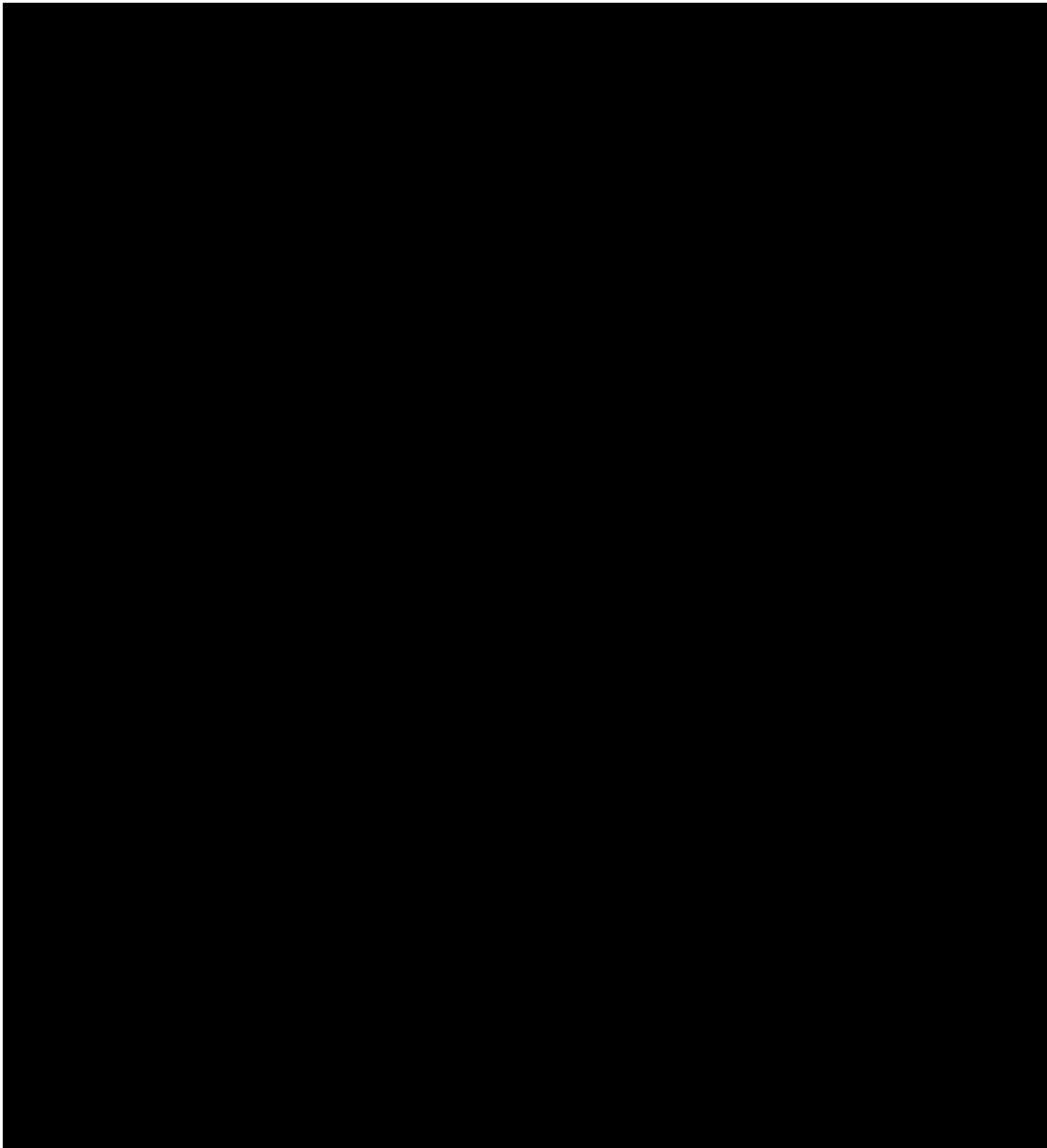


Figure 6 – Original Strategic Plan of Stage 1

In referencing figure 6, the structure plan illustrates the subject site as agricultural and agribusiness land. Unlike the Wianamatta South Creek corridor, where there is significant environmental land, as shown on the Structure Plan, it was always reasonable for that land be zoned for open space purposes and to create appropriate linkages/corridors. On our site, there is no actual open space connectivity or linkages. Therefore, the current structure plan and current zonings are a logical proposition given this site's location to the Luddenham Village, (which extends opposite my client's property given the retail/commercial hub), access to the airport site and the fact this site adjoins the airport land.

These points are also reinforced in the current structure plan map contained within the Draft Precinct Plan which forms part of the exhibited document, and identifies the areas that are considered of value (refer to Figure 4 of this submission). As the Structure Plan shows, other than the south western corner of the site and the dry creek lines/depressions, it was never mapped for either Environment or Recreational purposes. On that basis, to change the land from employment purposes to open space, where there is no environmental constraint/value, also evident by the Biodiversity mapping or linked to any vegetated corridors, seems to make no planning sense.

The structure plan acknowledges that Ropes Creek, Kemps Creek, Badgerys Creek, Western Sydney parklands and South Creek all contribute to an open space network combining recreation, stormwater management and biodiversity. Land to the western side of the airport site is generally divorced from that open space corridor. To now consider a piecemeal approach in terms of providing additional open space where there is no strategic merit for it to be used for open space purposes, is not sound planning.

Under the structure plan, the subject site is identified as the Northern Luddenham precinct. The plan acknowledges the land as being suitable for employment purposes given its proximity to the Outer Sydney Orbital, agricultural and agribusiness opportunities and the Western Sydney airport. This area, from the early stages of strategic planning for the airport, has identified this land as Agribusiness, that encourages high technology and research, logistics and development associated with food production and processing. Given the proximity of the site to the airport and of greatest importance, its ownership as one large holding, this site should be maintained for employment purposes as it provides greater opportunity for redevelopment, as site amalgamation is not an issue. To restrict this site as open space and to try to create corridors, which don't exist, does not seem to be a logical decision given that the structure plan and zoning of this land would indicate otherwise, that is, that the western corridor should be set aside for an agricultural and agribusiness precinct.

Development within the agricultural and agribusiness area includes agricultural products, intensive horticultural farming, food processing and food resource and technology. To create green areas within this precinct can still be linked to horticultural farming, food processing and the like. One does not need to simply set aside one large area, especially when there is limited mapped vegetation on the site as evident by the photographs provided. The sterilisation of this land for open space within some sort of a broader context is irresponsible in our submission.

The Western Sydney planning partnership document titled the "Draft Aerotropolis Precinct Plan" dated November 2020 identified Key drivers. One of the Key drivers (Driver No. 2) is a Landscape-led outcome, It states, *"The connected natural system of Wianamatta-South, Badgerys, Kemps, Cosgroves and Duncans Creeks will be retained and optimised to create a connected, walkable and liveable city"*.

None of those creeks falls on my client's site. Duncan Creek is further to the west and south west. This area of land was never foreshadowed for anything other than for employment purposes reinforced by the earlier studies and the adopted structure plan associated with the Western Sydney Aerotropolis land use and infrastructure implementation plan, hence its current zoning under SEPP (WSA) 2020.

The area, which is now proposed to be set aside for open space on my client's site does not fall within that driver and therefore to identify our site as open space is in our submission inappropriate. Furthermore, the draft precinct plan should not conflict with the zoning made

under the SEPP(WSA)2020. The land does not have any creek lines and with respect, the depression on the land, especially on my client's site, is through the undulating nature of the land. This has been demonstrated in the photographs provided which illustrate the dry creek lines. There is no natural ecosystem which exists and the retention of water on my client's site is generated through the damming of the depressions to create water holes for livestock, which currently utilise the land.

There are no natural or vegetated corridors, which is clearly different to the areas identified under Key driver No. 2.

The draft Precinct Plan identifies that the objectives associated with agricultural and agribusiness precinct is to locate land uses, which are value added in the context of industries, freight and logistics that benefit from access to the Outer Sydney Orbital and air side access to the airport. Access for freight is on the western side of the airport site and again this site's close proximity to that direct access reinforces why this land should be kept for employment purposes. Therefore, this site meets these objectives and to identify this land for any other purpose does not have any value in our submission.

The subject site is removed from significant creek corridors and is removed far enough that it doesn't impact or support the healthy, liveable or sustainable communities within the existing water corridors.

The zoning of this land for employment is not in conflict with native vegetation, tree canopy or other significant vegetation. As the aerial photos and photographs clearly illustrate, the site is cleared with very limited vegetation even within the depressions. The area to the south west of the site is identified of significance and rightly, should be incorporated for the purposes of open space however the remaining portion of the site should be maintained as zoned under SEPP(WSA)2020. The open space zoning should only be confined to the south western part of the site and the dry creek lines/depressions.

Figure 7, being an image from the draft Precinct Plan reinforces the points made above. That is, Cosgrove, Badgerys and Wianamatta South Creeks are removed from the site from a catchment perspective given the old The Northern Road and the new The Northern Road is the boundary of those catchments. The subject site, with its dry creek lines, is the beginning of the feeders into Duncan Creek but Duncan Creek, as identified, is some distance away as illustrated in Figure 7.



Figure 7: Creek Lines as Mapped

The Precinct Plan makes reference to opportunities and challenges and it is our submission, this site meets more opportunities than challenges. The opportunities is it's accessibility, its land holding size, being one of a handful of large land holdings in the precinct, the fact it has very limited site constraints such as biodiversity and its connection to the airport given it's proximity abutting the airport land.

There is no valued connectivity on this site in terms of existing vegetation or biodiversity values which would create corridors or to regenerate the land for any other purpose. The sites proximity to the Luddenham Village reinforces that the suitability of this land for employment purposes makes more sense given its proximity being directly opposite the retail/commercial hub of the village. The key retail/commercial uses of the Luddenham Village are opposite my client's site and not within the area mapped "local convenience" within the village as illustrated in Figure 29 of the draft Precinct Plan.

There is no impact on heritage over this land. The mapping of Aboriginal Cultural Sensitivity is based on an assumption that there may be artefacts because there is a view that the depressive are creek lines, however as stated, these are not wet creek lines but natural depressions.

The principles of developing a blue green corridor along creek lines is one which clearly is an opportunity to maximise water management and to provide for appropriate wildlife corridors and the like. It is our submission, evident through the aerial photos and site photographs provided, that the creek lines are best described as dry creeks and the retention of water in the system has occurred due to man-made dams, which are evident in the aerial photos and photographs provided.

There is limited vegetation, as stated, and therefore there are no blue green corridors. The subject site falls out of the Wianamatta South Creek Corridor, which is considered to be of regional ecological significance and the green spine within the Aerotropolis. This point has been reinforced in Figure 7 of this submission and comments made to that Figure. This site, being on the western side of the airport land, falls outside of this corridor. It is also important to note that even with the land being zoned for Agribusiness, this does not preclude the ability for the land to maintain some form of vegetation through the provision of built form controls. This is acknowledged and accepted in our submission via the Environment and Recreation zoning under SEPP (WSA) 2020. We are not seeking to change this, however, to simply sterilise the entire land from an employment perspective does not make any planning sense when there is no ecological rationale or benefit to do so. It does not form part of any established biodiversity mapping or any identified corridors.

There is still opportunity in the corridors zoned as Environment and Recreation to increase urban tree canopies and to support this, one can holistically, through built form controls introduce additional tree canopy outcomes. . It is also important to note that Cosgrove Creek terminates on the eastern side of Luddenham Village and does not extend through the subject site in a manner which has been portrayed in the precinct plans. The Northern Road is the ridgeline and creates a clear delineation of the topography between the catchments. This has been illustrated in the attached photographs.

This land can be set aside for employment purposes while ensuring an increase in tree canopy and the retention of landscapes to mitigate heat island effect through the development of built form controls within the employment land as part of the Precinct Plan. Controls such as street trees and landscape percentages on development sites can achieve such outcomes. It would be in our submission more appropriate to share the responsibility/outcome of urban tree canopies through the whole precinct rather than simply identifying areas within the employment lands.

The site is not flood affected and, on that basis, it is more desirable for employment utilisation. The land is undulating and provides natural depressions rather than wet creek lines. Therefore, there is more than ample opportunity for the site to be redeveloped as it has no constraints. When one reviews the riparian corridors within the precinct plan, it is our submission that this site does not meet the objectives. That is, the site has no vegetation or riparian zones to maintain as there are no water bodies on this site other than dams which are man made. There is no need to retain or integrate high value riparian corridors into the precinct as identified in the mapping, other than to the south western corner of the site and this is being retained. The issue of maintaining a healthy creek system is in our submission not relevant on this particular site given these are dry creeks with little to no vegetation. So, when one reviews the relative objectives of the actual riparian corridor outcomes, identified

in the draft precinct plan, this site is not in conflict with them and reinforces that the land for the purposes of employment is a far more superior outcome compared to it being used as open space.

Figure 14 of the Precinct Plan identifies Undisturbed Soil Networks and identifies the subject site as being undisturbed soil within creeks, riparian corridors and broader landscapes parklands. It is our submission that this is a false representation of the land. There are no wet creek lines or significant corridors on the subject land and as stated what is of significance has been mapped under the SEPP and zoned for Environment and Recreation. There is no proposal to change this. The land has been pasture improved and over time the land has been recontoured so to say that the land has not been disturbed is again incorrect. There has been earthworks along the depressions to create the dams and there has been in the past substantial movement of soil on the premises to facilitate it's use for grazing purposes.

From a land use perspective, the area on the western side of the airport has always been identified in the structure plan as agricultural and agribusiness as stated previously. Residential and commercial land uses have been identified on the other side of the airport, to the east. To create open space for people working in this area, given its employment status and the type of uses proposed, seems to apply a false assumed need as population of employees to land area will be significantly less in this area compared to the eastern side of the Precinct. Given this site is clearly removed in terms of connectivity to the greater population of the area we question the need for open space of this size in this area. Residential areas from an accessibility point of view are removed from this area. Employment in a commercial zone has greater population per land area. Adopting other principles like tree canopy along public streets will still maintain appropriate canopy and public domain outcomes without the need to restrict this land for open space purposes, while still allowing cycleways and the like to still provide recreational outcomes. This approach would align with the actual precinct objectives in terms of the public domain and canopy cover objectives.

It is also considered that the location of the open space on this site is disconnected to the existing and future residential demand given its proximity and location. Therefore, the provision of open space of this scale does not seem to be well planned given the sites proximity to the airport and more importantly the connection from a logistical point of view to the commercial entry to the Western International Sydney Airport site.

It is also important to note that the area being identified as open space actually has a disconnect to the western parklands city nor does it connect flood planning because this land is actually not flood prone land. It doesn't connect with any corridors to justify its proposed use under the Draft Precinct Plan. Therefore, to identify this land as open space is in our view inappropriate. The inclusion of water in the landscape images through the Draft Precinct Plan paints a picture that simply does not exist and is evident through the site photographs.

Figure 16 within the Precinct Plan stipulates the site is of high ecological value. It is with respect that the water bodies and waterways identified have been illustrated far more significantly (visually) on the map than in reality. This has been demonstrated by our submission via the attached aerials and photos. There are no natural corridors, which this plan would indicate, from a water body perspective, given the dry creek lines. We respectfully submit there is no highly ecological value in terms of the waterways on our site and is not dependent upon any ecological systems outside of our site, other than the land identified to the south west which we respectfully submit could be included as being retained for open space purposes.

It is acknowledged within the precinct plan, under the requirements for biodiversity and vegetation, that it proposes to retain and protect 227.1 ha of Existing Native Vegetation. However, the vegetation on this site is not classified as being of value and on that basis, when one reviews the corridors, this aligns with land to the immediate north and east of the system where the creek systems are more significant.

The fact that the site is undulating does not prevent it to be appropriately designed and facilitated through appropriate built form controls for employment purposes. The site's location with its interface with the village and its access to new road infrastructure, in my view, supports connectivity from a land use perspective between the village and employment uses on this land. As stated on multiple occasions, it is acknowledged that a small portion of the land to the south west is of significance and should be kept for open space purposes, including the depressions zoned as Environment and Recreation in the SEPP (WSA) 2020.

Objectives under the scenic controls such as increasing tree canopy can be still achieved through employment lands and there may be appropriate points on the site where one maintains some view corridors noting that the undulating fall of the land would still enable buildings to be below the ridgeline, being The Northern Road. Luddenham Village and the airport site already sit along the ridgeline and they will still be visible from a broader catchment. As the photographs show, the airport site and the retail/commercial hub of Luddenham Village generally sit above the subject site.

The requirement for scenic and cultural connection is to retain high quality vegetation and as stated on numerous occasions, this is not the case here. The site is not in conflict with the requirements BG1 and BG2 of Section 3.2.9 of the Draft Precinct Plan and aligns with BG4.

These requirements are as follows:

- BG1 Retain high quality vegetation on ridgelines and implement tree planning initiatives for ridgelines.* **[Not Applicable]**
- BG2 Locate local parks along ridgelines to coincide with existing, high quality stands of vegetation.* **[Not Applicable]**
- BG4 Avoid new urban land uses, including residential or employment uses, on ridgelines; instead, focus them below the ridgelines to preserve views to and from ridges.* **[Site is below the ridge line]**

The suggestion of locating parks along ridgeline needs to coincide with existing and high quality strands of vegetation and again this is not the case on this site and therefore the justification to identify this land as open space has no strategic merit. As stated, there is more than adequate opportunity to locate built form below the ridgeline due to the undulating nature of the land and therefore view corridors can be maintained. This land would not be in conflict with the scenic and cultural connection as identified in the Draft Precinct Plan.

As previously stated, the site is below the ridge line and both the airport site and Luddenham Village generally sit above the subject site.

There is no objection in having open space as shown within Figure 18 of the draft Precinct Plan that aligns with the Environment and Recreation zoning under SEPP (WSA) 2020.

View corridors can also be achieved over the site with viewing corridors designated along the dry creek lines, which are also zoned as Environment and Recreation, while still maintaining employment land. That is, to use built form controls to deliver environmental outcomes.

The mapping over this site, which indicates existing remnant vegetation is illustrated far more broadly than the reality as illustrated in the aerial photographs and photographs where the vegetation is limited. The current Environment and Recreation zone aligns with the dry creek lines and to show in Figure 18, large vegetated areas, is a false representation of what is on the ground.

The potential corridor to the south western corner of my client's site does not take into account the Outer Sydney Orbital route, which will divorce any link to the west. If one is seeking to enhance corridors/linkages, it would be as documented in Figure 8 of this submission.

In addition, various images/figures within the draft Precinct Plan show vegetation over this site but again, the aerial photographs and photographs illustrate that this is not correct. Therefore, the starting point is not a site that is heavily vegetated.

As a general strategy, the Precinct Plan identifies appropriate cycleways and again cycleways can also be provided through urban land/employment land to maintain a network of connectivity through the precinct. The land does not need to be zoned for open space to provide such infrastructure. Again, this can be clearly achieved and is available through design.

The site is located on a signalised intersection as identified in the bus network plan and therefore maintains and reinforces an appropriate connection along The Northern Road to the freight and logistic entry to the airport site. This has also been illustrated in the photographs provided.

It is also considered more appropriate, if more open space is required, that this be provided around residential and/or commercial zones rather than the broader agribusiness employment lands which focusses on agricultural and/or agribusiness type uses given population numbers v's land area as previously detailed.

The provision of open space on the fringe of the Precincts is a more logical proposition rather than placing it on this site as this land is not taking advantage of its strategic location and its proximity to the airport and particularly its proximity to the freight and logistic entry.

Again, if open space is required to create linkages, then the land to the immediate south of the airport (Enterprise land as per the structure plan) should connect with the eastern corridors where there is significant native vegetation. If a square metre rate would need to be applied, then one would submit that you would consider the agribusiness land to the south of the airport site rather than to the north west as it has greater connectivity to open space and connects with Duncan Creek. In addition, it must be noted that the Outer Sydney Orbital route, which would be the west of this precinct, would create a disconnect to the so called, open space corridor, which is being developed on the western side of the precinct. There will be no direct connectivity and the Outer Sydney Orbital route would actually destroy that outcome while land to the south would still allow for the extension of a corridor through adjoining land even those outside of the SEPP (WSA) 2020 land. This has been illustrated in Figure 8 below.

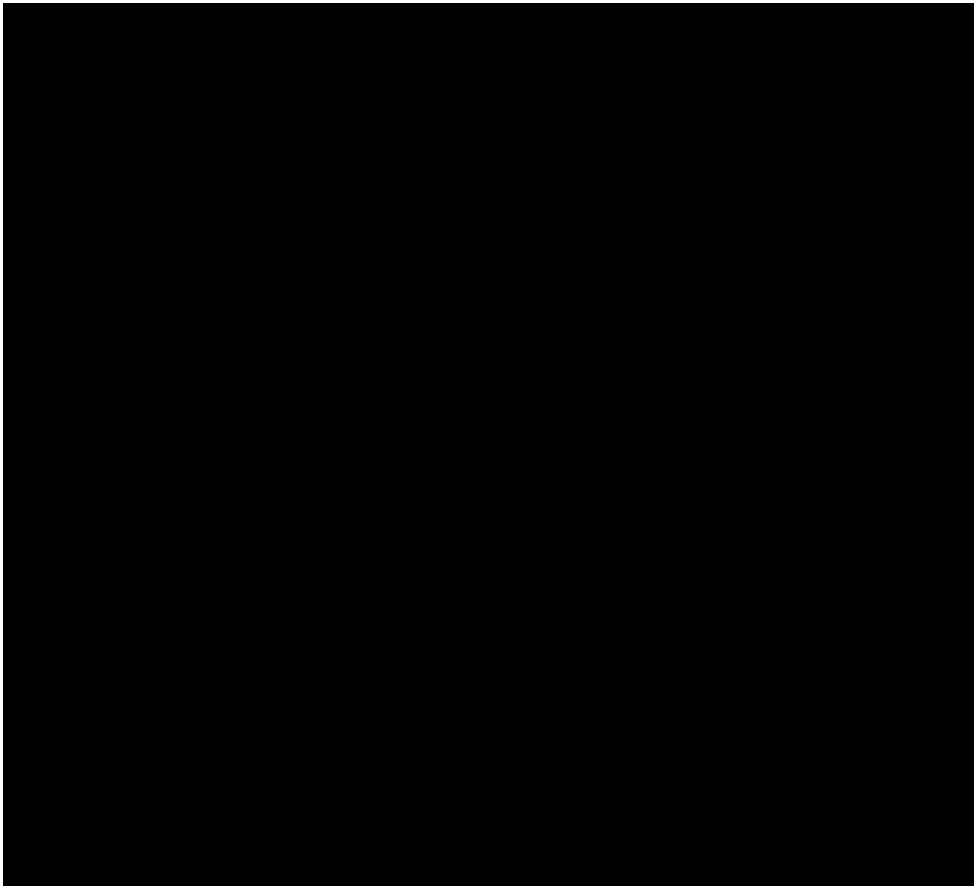


Figure 8: Open Space Linkages

As the precinct plan acknowledges, land use and built form frameworks are underpinned and are formed by land zones and the fact that the site in our submission is appropriately zoned for Agribusiness, supports a far better proposition than open space for the reasons as identified in this submission.

The other important issue is land ownership. This is a significant land holding in terms of size, in one ownership, and to be able to coordinate and facilitate land when it is fragmented is somewhat problematic. This would not be an issue for this site. Therefore, the redevelopment of the site for employment purposes in such close proximity to the airport would be a lost opportunity being such a large land holding and would be conflicting with sound planning principles.

It is interesting to note that Figure 29 of the draft Precinct Plan, which identifies Hierarchy of Centres, seems to relocate the retail/commercial uses of the Luddenham Village further away than it's current location. The retail/commercial uses are more directly opposite the subject site and therefore have a strong link to this site. The proximity of the existing village in terms of its local convenience would therefore underpin, and also have some logic in terms of its connectivity to the airport and to the subject site.

It seems to me that the Precinct Plan acknowledges its significance within the agribusiness precinct but at the same time seems to be relocated, which is incorrect. As the aerial photo and photographs indicate, when you have a look along the Luddenham Village the key convenience and activities are actually located opposite the site and not in the location as identified by Figure No. 29. It would be more appropriate to acknowledge the existing centre

in its current position and have built form around the centre, as an appropriate transition to the agribusiness uses which would also take advantage of The Northern Road and future Outer Sydney Orbital routes.

Under the open space topology, nature parks, have been identified on the subject site. These are parks that will be designed to protect and preserve areas with native vegetation and/or will be used for retaining and managing stormwater flow through the precinct. In the first instance, it should be noted that the subject site has limited existing native vegetation and the depressions are dry creek lines rather than a wet creek system. Therefore, the subject site and the requirements which categorises nature parks, are not met.

Figure 41 of the draft Precinct Plan does not reflect the topography of the site and the area shown in blue which indicates waterways is factually incorrect to the actual terrain and catchment area as evident in the aerial photos and photographs.

As the image shows below, Figure 9, the land to the south of The Northern Road – New Alignment is owned by my client and forms part of the mother lot and is connected by a tunnel as shown in Photo 15. At the time of acquisition by RMS, they refused to acquire this land and argued it was usable notwithstanding its width and length. It is our submission that this land should have been acquired by the RMS (now Transport NSW) or by the Airport Authority given it is sandwiched between The Northern Road and the airport site.

We respectfully submit, this land needs further discussion as it has no functional use due to the realignment of The Northern Road. The land to the east of the mother lot, as shown in Figure 1, also consists of small pockets left over from various acquisitions over the years and leaves this land isolated. These pockets also need reconsideration. These pockets should be acquired by the Government.

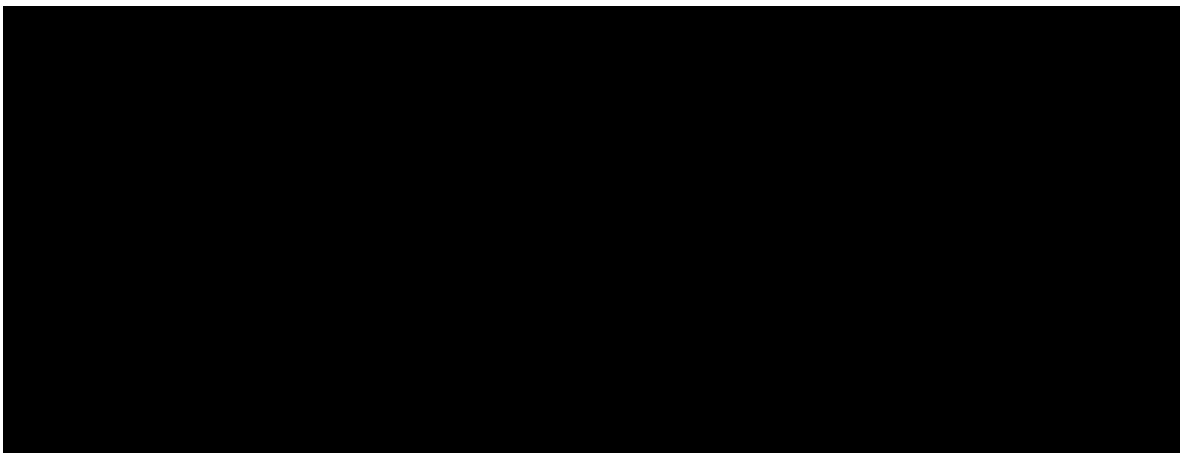


Figure 9: Southern Parcel

Precinct planning needs to achieve orderly development and one key driver which restricts development is the fragmentation of land. This site is a significant area in one ownership and would not require amalgamation to facilitate bigger and broader employment opportunities. On that basis alone, there is no planning rationale or logic under the Precinct Plan to justify this land for the purposes of open space. The Precinct Plan in other areas enforces site amalgamation but, in this area, it is not required, which is therefore a positive opportunity.

As the plan also indicates in Figure 60 of the Draft Precinct Plan, there is low Aboriginal heritage sensitivity over the majority of the subject site and on that basis, there seems to be a question mark as to why one would therefore identify this site as open space as it's another example that the site has little to no constraints over it. It also reinforces that the high and moderate areas of value occur along the creek lines reinforcing a clear delineation between natural depressions and the fall of the land to the riparian corridors.

The Western Sydney Aerotropolis Plan Finalisation Report dated September 2020 provides a land zone being the Western Sydney Aerotropolis precinct and has identified the subject site as agricultural business which we submit is the appropriate zoning of the land. We note that there is some environment and recreational land which has been identified to the south western corner of my client's site and even if one took a conservative position and incorporates some of the larger depressions, where there are dams, it is pretty evident that the majority of the land is available and can be used for employment purposes.

There is greater connectivity in terms of open space corridors to the southern edge of the agribusiness precinct compared to my client's site and is further reinforced by the fact that when one looks at the existing creek lines and corridors to the north and east of the airport site, that they are far more significant to the ones on the subject land. It is those corridors in our submission that should be focused on to be retained, regenerated and expanded rather than focussing on my client's site.

When one reviews SEPP(WSA)2020, one of its aims is to promote sustainable orderly and transformational development in the Western Sydney Aerotropolis. The removal of this site for employment purposes would be in direct conflict with this aim.

The objectives of the Agribusiness Zone are as follows:

Agribusiness Zone

1 Objectives of zone

- *To encourage diversity in **agribusiness**, including related supply chain industries and food production and processing that are appropriate for the area.*
- *To encourage sustainable and high technology **agribusiness**, including agricultural produce industries.*
- *To enable sustainable agritourism.*
- *To encourage development that is consistent with the character of Luddenham village.*
- *To maintain the rural landscape character and biodiversity of the area.*

Future land uses still need to meet these objectives and the objectives requiring the need to maintain the rural landscape and biodiversity value of the area is still being met even if this land is being developed for employment purposes as mapped within SEPP (WSA) 2020.

Clause 27 of the SEPP(WSA)2020 includes provisions to preserve trees and vegetation in Environment and Recreational zones, including Cumberland Plain. Given the mapping has set what is of high biodiversity value, the Precinct Plan introduces a level of retention which is more onerous than the SEPP, which we submit conflicts with the Planning Act. Clause 27 ensures the protection of vegetation and therefore the area being set aside beyond this is an unreasonable and unnecessary impose.

Clause 40 of the SEPP(WSA)2020 requires Precinct Plans to be consistent with this policy. It

is our submission, this Precinct Plan goes beyond the mapped areas that have been set aside as having value and therefore, the Precinct Plan is in conflict with this provision.

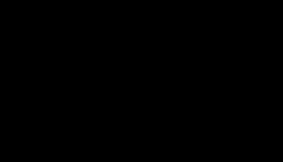
In conclusion we provide the following summary as to why this land should not be used for open space. The points are not in any particular order.

- The area of biodiversity value has been mapped under SEPP (WSA) 2020 with the majority of the site being cleared of constraints.
- The land that should be set aside for open space is the land zoned for Environment and Recreation under SEPP (WSA) 2020.
- The Precinct Plan should not be in conflict with SEPP (WSA) 2020 and setting the entire land aside for open space is in conflict with the zoning of the land.
- The site is at the door step of the airport, with easy access to the freight and logistic entry of the airport, access to the Outer Sydney Orbital, access to upgraded road infrastructure, namely The Northern Road.
- The site contains limited vegetation with the land grazed and pasture improved over many years. The land form is undulating creating dry creek lines/depressions.
- There is no significant vegetation corridors on this site or linkages to significant creek lines, as identified under the mapping.
- The site is in one ownership and does not require site amalgamation.
- The property is generally below the ridge line.
- On the basis of population of employees in this area, based on the type of uses, large areas of open space is not required here. This should be located in residential and commercial zones and/or to areas of significant environmental value like the creek lines to the north and east of the site.
- There is no heritage or flooding constraints over this site.

The Department has not articulated how this land will be acquired, being the mechanism. We also would like the Department to consider the cost of acquisition of this land for open space, which it is not constrained and zoned for agribusiness. The value of this land would be at the highest and best use and in balance the economical and orderly development of the land, given it has no environmental value together with the lack of demand in this area for open space, does not support any other options but that in which the land has been zoned for.

It is our submission that this land should be maintained for agribusiness purposes as zoned by SEPP (WSA) 2020. We are simply asking to keep the land use as recently adopted.

Kind regards,



Gerard Turrisi
GAT & Associates
Plan 2116

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 3:43 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: greenfields-submission-to-dcp.pdf

Submitted on Fri, 05/11/2021 - 15:24

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Greenfields Development Company No. 2 Pty Ltd

Last name

c/- Urbis

I would like my submission to remain confidential

No

Info

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Contact number

Please provide your view on the project

I object to it

Submission file

[greenfields-submission-to-dcp.pdf](#)

Submission

Please find attached file

I agree to the above statement

Yes

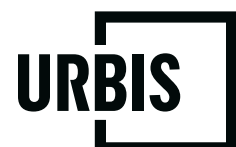
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SUBMISSION TO WESTERN SYDNEY AEROTROPOLIS DRAFT PHASE 2 DCP

Prepared for
GREENFIELDS DEVELOPMENT COMPANY
5 November 2021



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Jennifer Cooper
Project Code	P%36305
Report Number	DCP Submission-01

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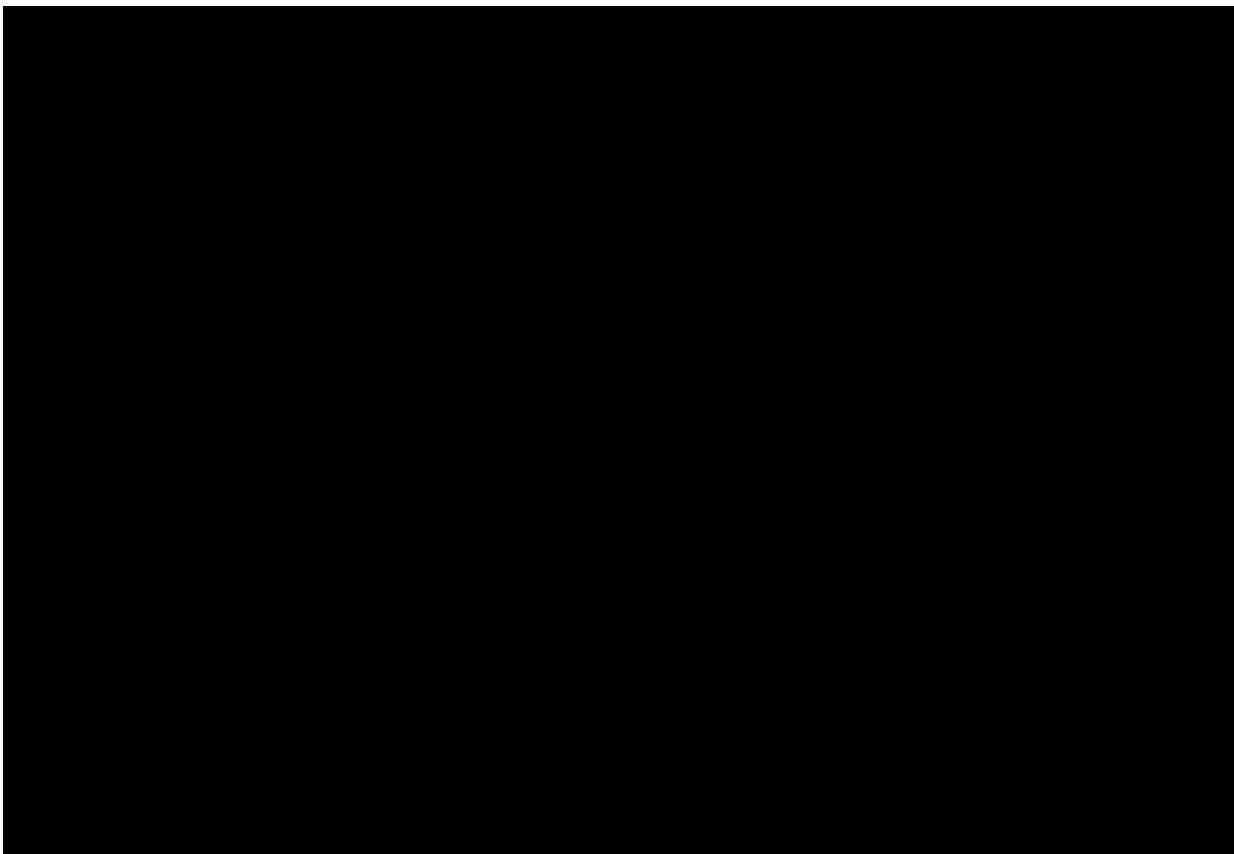
OVERVIEW OF SUBMISSION

This submission has been prepared on behalf of Greenfields Development Company No. 2 Pty Ltd ('Greenfields') and in response to the public exhibition of *Western Sydney Aerotropolis Development Control Plan 2021 – Phase 2 Draft* dated October 2021 ('the draft Phase 2 DCP').

The submission responds to the Key Questions and Issues within *Western Sydney Aerotropolis Development Control Plan 2021: Discussion Paper on the Phase 2 Draft* dated October 2021 ('the Discussion Paper'). It also includes comprehensive feedback on the proposed objectives, performance outcomes and benchmark solutions having specific regard to their implications for the Greenfields site and its intended future development.

The Draft Phase 2 DCP as currently proposed would have major implications for the economic and efficient development of land within the Western Sydney Aerotropolis ('WSA'). The Constraints Map below demonstrates the cumulative effects of the existing and proposed planning controls on the Base Farm site in the Agribusiness Precinct. The site is already impacted by the future Outer Sydney Orbital and controls associated with the airport operations. The introduction of further unnecessary constraints will make it extremely challenging to deliver large-format industrial development in response to market demand and to support the adjoining cargo operations at Western Sydney Airport.

Figure 1 Constraints Map



Source: *Design + Planning, 2021*

A key summary of Greenfields' position regarding the WSA planning framework is provided below, having regard to this submission to the DCP, as well as their separate submission to EIE (lodged separately) and their previous submission to the Draft Precinct Plan:

- The Draft Phase 2 DCP is overly complex and will be difficult to apply in future development proposals, including 200+ objectives, 250+ performance outcomes and 1,000+ benchmark solutions. Many of the performance objectives and benchmark solutions cover very detailed matters which may have little or no impact on the quality of the development or the place.

- The 'benchmark solutions' should be replaced with 'performance solutions' to ensure these provisions are applied appropriately. Potential outcomes should be practical and feasible, otherwise they will not be realised and will set an unrealistic expectation in future assessments.
- A more flexible approach is required to allow for 'ground truthing' of blue-green infrastructure and alternative outcomes which provide for a superior planning outcome, including the retention of the Duncans Creek Reservoir. Land owners and proponents should be encouraged to provide innovative solutions in response to the numeric requirements for water quantity and quality.
- The urban framework, including lot sizes and building siting requirements, must be able to respond to market demand for industrial development. Large lot sizes will be critical to deliver industrial buildings from 20,000m² to over 50,000m². It is not practical or appropriate to require mid-block connections, particularly for tenants associated with the airport, including export operations or biosecurity matters.
- The proposed approach to site coverage and perviousness needs to be reconsidered. The current provisions are confusing and unviable, impacting on the opportunity to deliver large-format industrial developments to support the airport operations. The proposed 'acceptable solutions' are inconsistent with recent controls for the Mamre Road Precinct which may impact on tenant demand within the Agribusiness Precinct.
- It is critical land owners are actively involved in the refinement of the planning framework to ensure the vision and outcomes for the WSA are realised. This must be based on access being provided to all relevant documents, including the final Precinct Plan, Master Plan Guidelines and the draft written instruments for legislative changes, to enable a considered response to publicly exhibited material.
- The WSA planning framework needs to support the long-term growth and development of the Western Sydney Airport by providing the opportunity for development to be delivered in a timely manner with an appropriate balance between environmental and economic outcomes.

Greenfields appreciate the opportunity to provide feedback regarding the WSA planning framework and welcome the opportunity to discuss any aspect of our submissions with you in detail.

1. INTRODUCTION

This submission has been prepared on behalf of Greenfields Development Company No. 2 Pty Ltd ('Greenfields') and in response to the public exhibition of *Western Sydney Aerotropolis Development Control Plan 2021 – Phase 2 Draft* dated October 2021 ('the draft Phase 2 DCP'). Consideration is also given to the documents which accompanied the public exhibition of the draft Phase 2 DCP including:

- *Aviation Safeguarding Guidelines: Western Sydney Aerotropolis and Surrounding Areas* dated October 2021 ('the Aviation Guidelines')
- *Recognise Country: Draft Guidelines for development in the Aerotropolis* dated October 2021 ('the Recognise Country Guidelines')

The submission has been prepared based on the potential implications of the Draft Phase 2 DCP on the future development of land owned by the Leppington Pastoral Company at 1675 The Northern Road, Greendale. Further details regarding the site context, planning context and the previous comprehensive response to the Draft Precinct Plan are provided in **Section 1.1-1.3**.

Section 2.1 provides detailed responses to the Key Questions and Issues within *Western Sydney Aerotropolis Development Control Plan 2021: Discussion Paper on the Phase 2 Draft* dated October 2021 ('the Discussion Paper'). **Section 2.2** includes comprehensive feedback on the proposed objectives, performance outcomes and benchmark solutions having specific regard to their implications for the Greenfields site and its intended future development. A summary of the key responses and areas of concern raised within the detailed submission and recommended changes is provided in **Section 3**.

A separate submission has been prepared in response to the public exhibition of *Explanation of Intended Effect - Amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis* dated October 2021 ('the EIE'). It is acknowledged that, where relevant, some of the issues raised within this submission are also raised within the submission to the EIE.

1.1. SITE CONTEXT

The Leppington Pastoral Company ('LPC') is a family owned and operated dairy farm, milking 2,000 cows in a modern dairy facility at [REDACTED] (referred to as 'Base Farm'). An aerial photograph of the site is provided as **Figure 2**. The site comprises approximately 520 hectares of land. The legal description is as follows:

- [REDACTED]
- [REDACTED]
- [REDACTED]

The key features of the site, including relevant easements and restrictions, are shown in the Deposited Plan provided as **Figure 3**.

The site currently accommodates the LPC head office and major dairy operations within large agricultural style buildings located towards the centre of the site. Smaller supporting and ancillary structures are located across other parts of the farm. This includes large single detached dwellings along the southern and western boundaries.

The western and northern parts of the site are dominated by three large man-made reservoirs, the larger of which (referred to as the Duncans Creek Reservoir) has a total area of approximately 65 hectares. The site is predominantly cleared of vegetation. Scattered trees are in the north-western and south-western corners of the site, generally along the riparian corridor to the north and south of Duncans Creek Reservoir.

The Western Sydney Airport land is to the north-east on the opposite side of The Northern Road as shown in **Figure 4**. The current Airport Plan dated September 2021 shows the cargo facility and second runway are located opposite the site. An easement over the subject site is proposed to accommodate High Intensity Approach Lighting ('HIAL') as shown in **Figure 3**.

The land to the north also forms part of the Western Sydney Aerotropolis and accordingly, is proposed to be redeveloped for land uses compatible with the long-term growth and development of the Western Sydney Airport. The western part of the site is proposed to accommodate the future Outer Sydney Orbital. A small

parcel of land owned by LPC lies to the west of the Outer Sydney Orbital alignment and is not part of the Aerotropolis land.

The land to the west and south comprises smaller (approximately two hectare) lots comprising rural-residential dwellings along Dwyer Road. This land is located outside of the Western Sydney Aerotropolis remains under Liverpool City Council control as rural/large lot residential lands.

Figure 2 Site Aerial Photograph

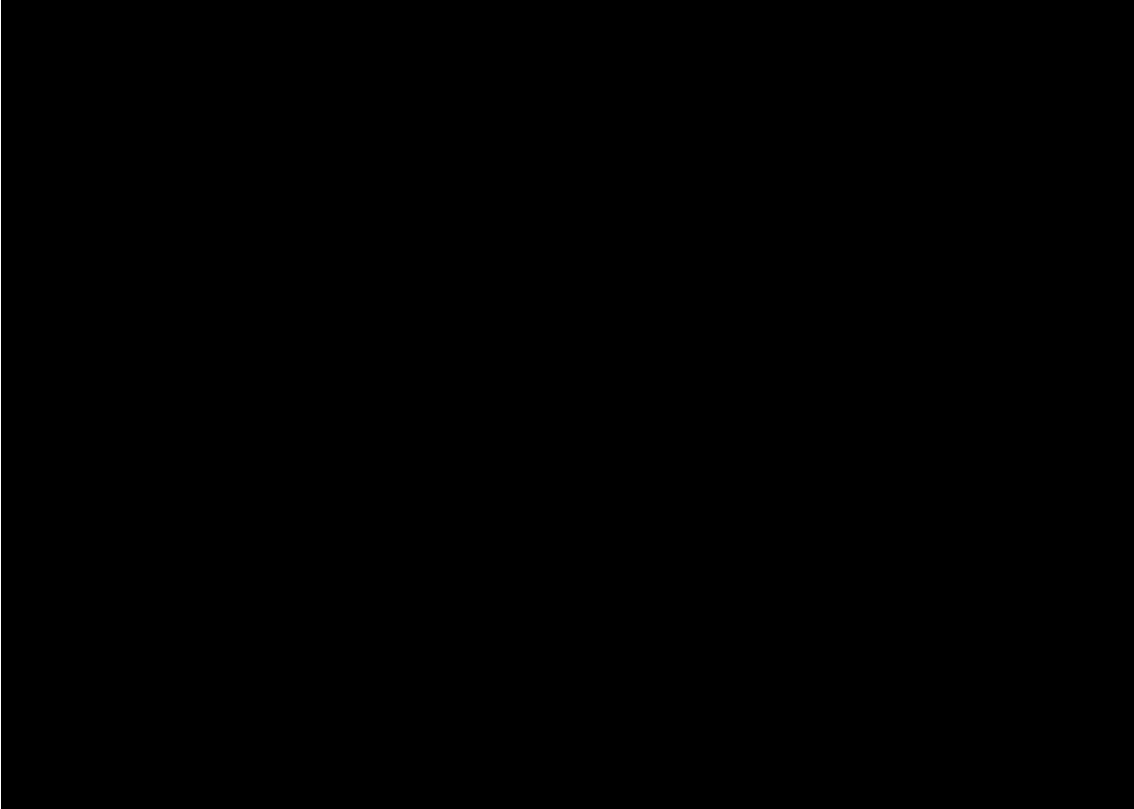


Figure 3 Deposited Plan

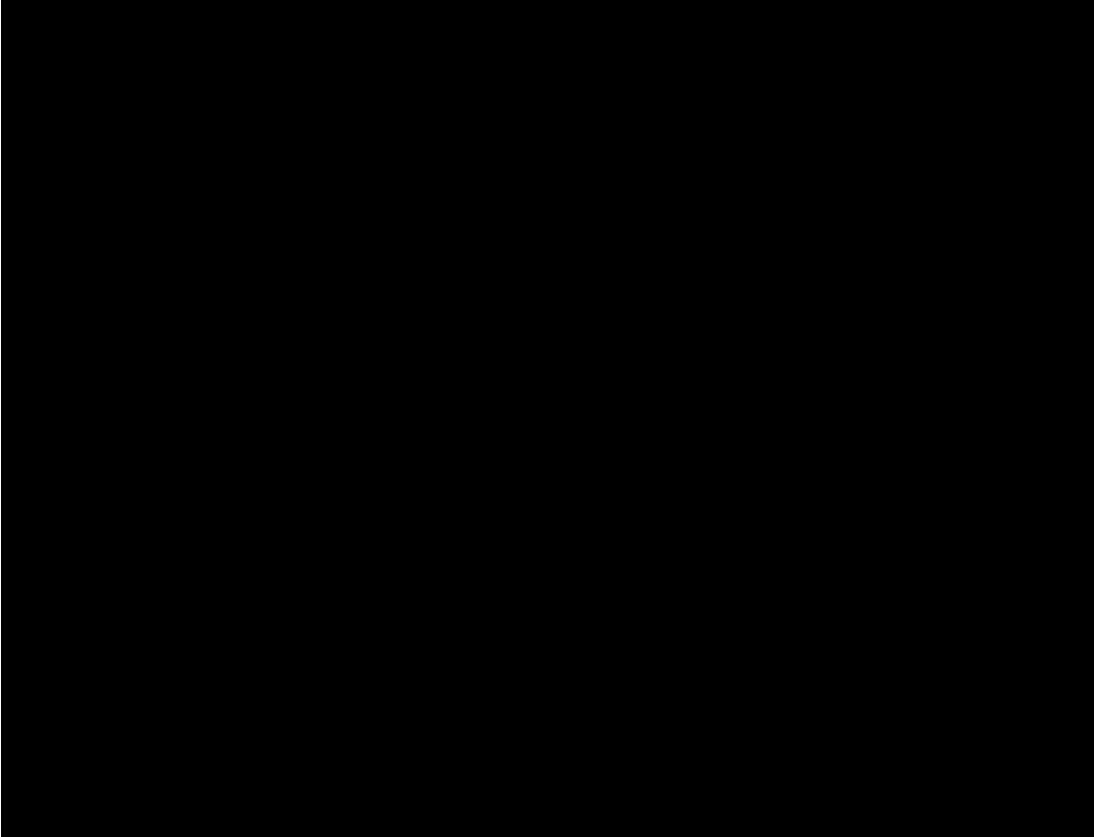
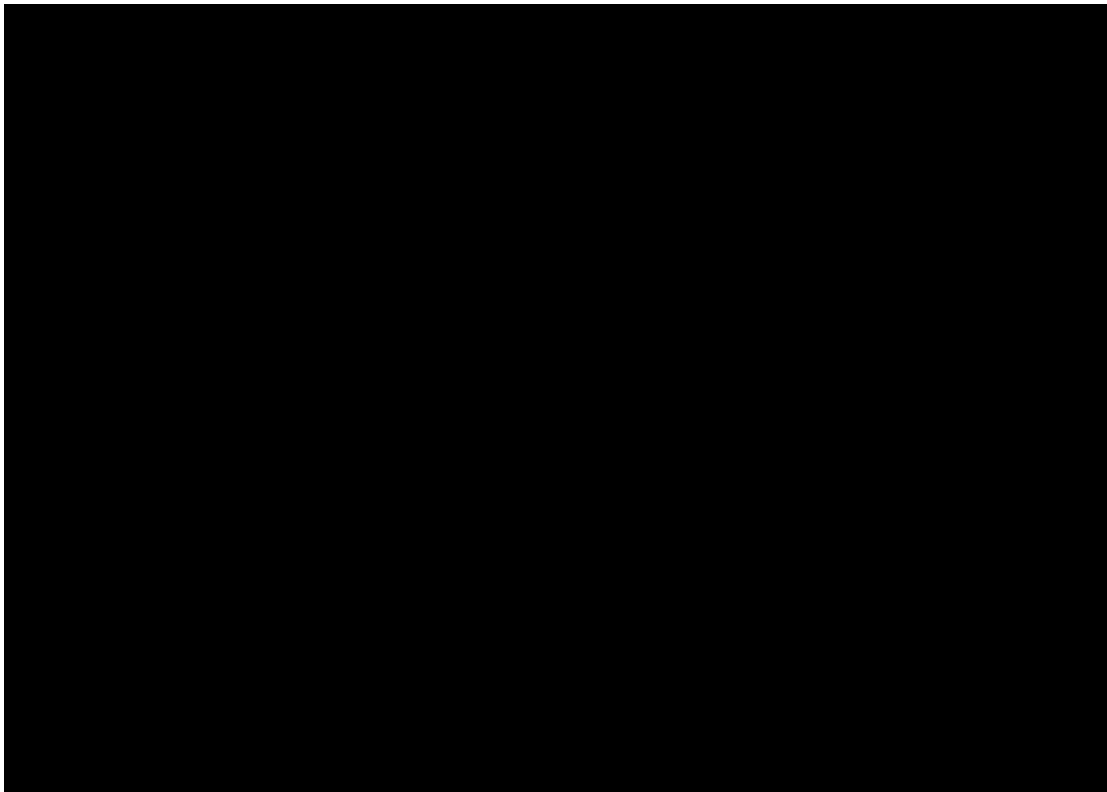


Figure 4 Locality Aerial Photograph



source: Urbis, 2021

1.2. PLANNING CONTEXT

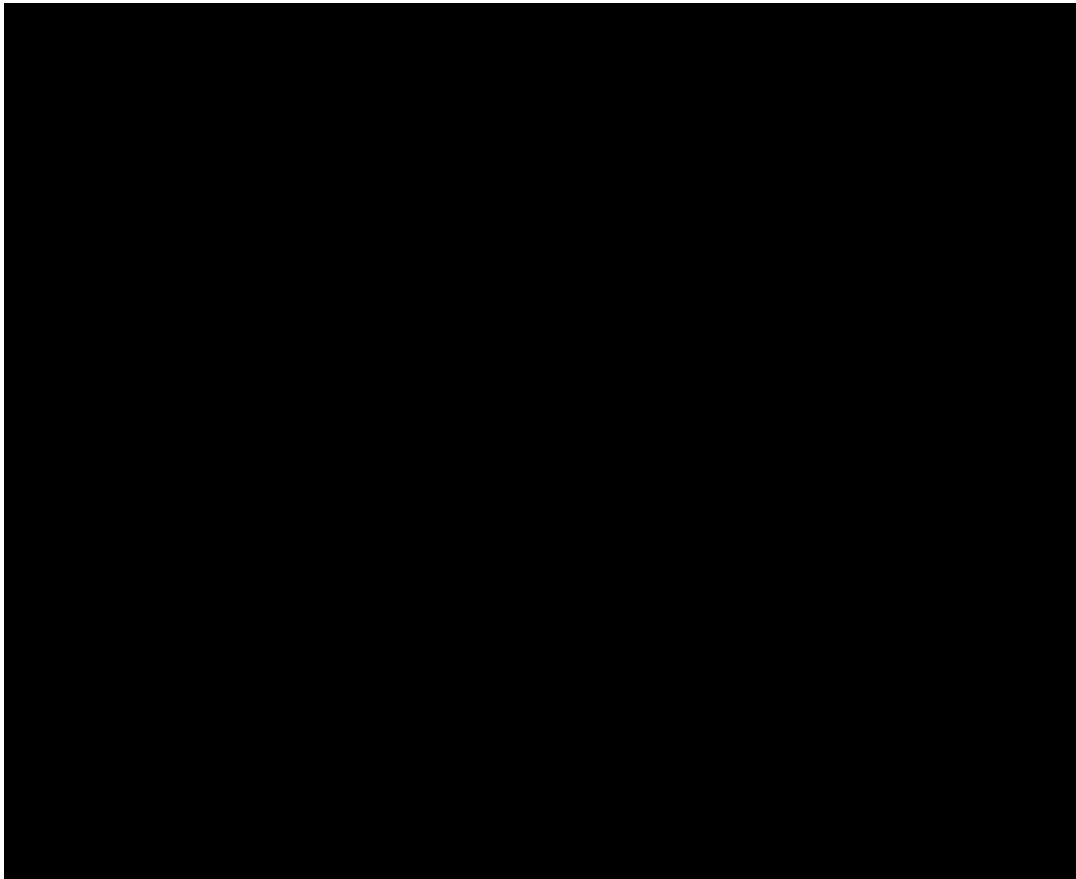
The site is located within the Agribusiness Precinct in accordance with *Western Sydney Aerotropolis Plan 2020* ('the WSA Plan') as shown in **Figure 5**. The Agribusiness Precinct is forecast to accommodate up to 10,000 jobs by 2056¹.

Most of the site is currently zoned part Agribusiness and part Environment and Recreation in accordance with *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* ('the WSA SEPP'). The land to be acquired for the Outer Sydney Orbital and land owned by LPC west of the OSO corridor remains under *Liverpool Local Environmental Plan 2008* ('the LEP'). This submission applies only to the land within the WSA SEPP.

The site is also affected by the Draft Aerotropolis Precinct Plan which was publicly exhibited from 10 November 2020 to 12 March 2021. Further detailed consideration is given to the submission prepared on behalf of Greenfields in response to the Draft Precinct Plan in **Section 1.3**. Specific consideration is given to matters which are also relevant to the issues/concerns raised in response to the public exhibition of the EIE and the draft amendments to the WSA SEPP and SRD SEPP.

The site is also affected by the Phase 1 DCP which came into effect on 1 October 2020. It is understood this DCP would be superseded by the Phase 2 DCP once it is finalised. A separate submission has been prepared in response to the concurrent public exhibition of the Draft Phase 2 DCP.

Figure 5 Structure Plan



¹ <https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Western-Sydney-Aerotropolis/Agribusiness-Precinct>

1.3. PREVIOUS SUBMISSION TO DRAFT AEROTROPOLIS PRECINCT PLAN

A comprehensive submission dated 12 March 2021 was made by Greenfields in response to the public exhibition of the draft Precinct Plan. The submission was accompanied by a modified part-Precinct Plan for the site prepared by SurfaceDesign Inc, an internationally award-winning landscape architecture and urban design practice based in San Francisco, California. The modified part Precinct Plan was prepared based on a comprehensive analysis of the site opportunities and constraints and provided for:

- An additional 30 hectares of open space around the proposed Duncans Creek Reservoir.
- An additional 30 hectares of employment land with the potential to generate an additional 2,500 jobs, totalling 10,000 full-time jobs across the site.
- An urban framework which responded to the draft Precinct Plan, allowing for the staged relocation of the existing dairy farm operations and market demand for large-scale logistics uses with smaller scale commercial and office activities.

The submission highlighted that only 50% of the land was developable in accordance with the draft Precinct Plan. It also sought amendments to the land use controls to allow for additional uses that would support uses in the Agribusiness zone, including child care centres and hotel accommodation. An alternative layout was proposed which sought to deliver additional floorspace and building heights (where appropriate) and relocation of infrastructure to manage potential costs and environmental impacts. A comparison between the draft Precinct Plan and the part Precinct Plan is provided in the submission extract provided as **Figure 6**.

Greenfields has commenced further detailed investigations and research to ‘ground truth’ some of the preliminary assumptions made within the preparation of the Draft Precinct Plan submission and to inform the preparation of a planning application to facilitate the staged redevelopment of the site. This research has also included market testing to understand the likely demands for floorspace within the Agribusiness Precinct and to support the Western Sydney Airport.

Figure 6 Comparison between Draft Precinct Plan (November 2020) and Proposed Part Precinct Plan (March 2021)



source: SurfaceDesign Inc, 2021

It is anticipated the outcomes of the detailed research and investigations currently underway will result in further changes to the proposed siting and layout of the future development as shown in the proposed part-Precinct Plan prepared in March 2021. However, many of the concerns and issues raised within the

submission to the draft Precinct Plan remain and are directly or indirectly relevant to the Draft Phase 2 DCP. These include:

- Inconsistencies between the planning instruments and controls within the WSA planning package.
- Need for a flexible and responsive planning framework and harmonisation of the planning instruments/controls with the State and local infrastructure contributions.
- Critical importance of releasing all relevant documents, including the Master Plan Guidelines, to facilitate a detailed understanding of the land use planning process.
- Regular and meaningful engagement, including input from all landowners and the property industry, to identify key issues and respond to relevant requirements.

Each of the above matters is addressed within the following section of our detailed submission in response to the Draft Phase 2 DCP and supporting documents.

2. SUBMISSION TO PHASE 2 DRAFT DCP

This section of the submission provides feedback regarding the *Western Sydney Aerotropolis Development Control Plan 2021 – Phase 2 Draft* dated October 2021 ('the draft Phase 2 DCP'). Consideration is also given to the documents which accompanied the public exhibition of the draft Phase 2 DCP including:

- *Aviation Safeguarding Guidelines: Western Sydney Aerotropolis and Surrounding Areas* dated October 2021 ('the Aviation Guidelines')
- *Recognise Country: Draft Guidelines for development in the Aerotropolis* dated October 2021 ('the Recognise Country Guidelines')

Our submission addresses the Key Questions and Issues within *Western Sydney Aerotropolis Development Control Plan 2021: Discussion Paper on the Phase 2 Draft* dated October 2021 ('the Discussion Paper'). Feedback is also provided on the proposed objectives, performance outcomes and benchmark solutions having specific regard to the matters which are likely to be of greatest significance to the Greenfields site and its intended future development.

2.1. RESPONSE TO DPIE QUESTIONS

The following section of the submission provides responses to the questions provided by DPIE in the Discussion Paper which formed part of the public exhibition package with the Draft Phase 2 DCP

2.1.1. Performance-Based Approach

The volume of information with the Draft Phase 2 DCP may make the document difficult to apply in the detailed design and assessment of future development proposals, including 200+ objectives, 250+ performance outcomes and 1,000+ benchmark solutions.

Some of the performance objectives are insufficiently clear to articulate what is trying to be achieved or to allow for different locational contexts. Benchmark solutions can be overly detailed, with unnecessary replication of existing controls from other instruments (eg Schedule 1 of SEPP 64 Schedule 1). For some matters, the final Precinct Plan is required to determine the matters that need to be addressed and consequently, the level of detail required within the Phase 2 DCP (eg Table 8 in Part 14.1).

Part 1.5.2 of the DCP confirms the document has been prepared to adopt a flexible performance-based approach. However, the detailed nature of the Draft Phase 2 DCP appears to be at odds with this principle. The document as exhibited seeks to control every aspect of a development. Many of the performance objectives and benchmark solutions appear to cover very detailed matters which may have little or no impact on the quality of the development or the place.

It will not be feasible or practical to prepare 'traditional' compliance assessment tables for future planning applications based on the current approach. An assessment in this format would be enormously complex and lengthy, particularly if the additional detailed documents referenced within some benchmark solutions are required to be addressed (also refer **Section 2.1.2**). Further detailed consideration needs to be given to how the Draft Phase 2 DCP would be addressed by proponents in the preparation of DAs and relevant planning authorities in their assessments and determinations.

As a minimum, the proposed 'benchmark solutions' should be renamed 'performance solutions' to ensure these matters are appropriately considered as only one potential option to deliver the performance objective. They should not be treated as 'benchmarks' which indicate they could be a minimum standard or requirement that must be delivered in all circumstances.

Overall, the Draft Phase 2 DCP requires further work to simplify the current approach and deliver an assessment tool which is consistent with a performance-based planning system.

2.1.2. Document Structure

The general layout and sections of the DCP are clear and easy to navigate. It does not appear necessary to restructure the DCP based on development type.

However, this view is based on the scale of development planned for the Greenfields site. This view may be challenged with future minor proposals, particularly if comprehensive compliance assessment tables are expected to be prepared as outlined in **Section 2.1.1**.

The proposed highlights throughout the document are unclear and could be better resolved. It is difficult to understand the relevance of the turquoise or purple highlights within specific sections of the document and how they apply to different types of proposals. The reference on page 12 is unclear and does not appear to assist with confirming whether these matters should apply, ie:

Some controls only apply to development of a certain scale, and these are highlighted in turquoise below. Some controls apply to certain locations, and these controls are shown in purple.

Any references to additional documents within the Phase 2 DCP should be easily accessed by proponents. If web links are to be provided within the DCP Appendices as per the current draft, these must be maintained or updated as required. Documents should be provided in a logical order so they are easily identified and accessed. Individual sections within the DCP should refer to a specific section, page or figure of a referenced secondary document to ensure that proponents clearly understand what elements of those secondary documents are being “called up” by the Draft Phase 2 DCP. Many of the referenced secondary documents involve hundreds of pages and it is difficult to identify the exact components being referenced within the DCP.

2.1.3. Feasibility

The feasibility of employment-generating development is significantly influenced by site utilisation, as well as development levies and costs associated with delivering lead-in services. It is critical the siting and design requirements imposed within the planning controls are appropriate to deliver floorspace to meet market demands to generate the jobs forecast within the strategic plans and policies.

In the context of the Western Parkland City, it is important to achieve an appropriate balance between the environmental outcomes and employment generated. However, many of the performance objectives and benchmark solutions provided within the Draft Phase 2 DCP will make large-scale industrial/warehouse development unfeasible or unviable, contrary to the objectives of the WSA Plan and the WSA SEPP.

Major concerns are raised regarding the potential lot requirements, including the maximum block sizes and through-site connections. These provisions will make it extremely difficult to meet the average market requirement of 20,000m² and near impossible to meet the emerging market demands for large-scale facilities (40,000m² and over). Western Sydney has struggled with land supply constraints and affordability, to the gain of industrial lands surrounding other capital cities in Australia. The Phase 2 Draft DCP provisions have the potential to exacerbate this existing unacceptable situation.

The delivery of employment-generating development may also be restricted by the stormwater infrastructure requirements, including the Mean Annual Runoff Volume (MARV) target of 2ML/Ha/Yr. The MARV target will be extremely difficult to achieve given the hydrological and hydrogeological conditions in Western Sydney, requiring additional run-off generated by development to be removed from the water cycle by on-site re-use, groundwater recharge or evaporation.

The Draft Phase 2 DCP needs to provide for greater flexibility regarding the way in which stormwater will be managed, having regard to future tenant requirements and feasibility considerations. For example, a data centre uses significantly more water and energy than a logistics facility. Accordingly, it is inappropriate to rely on on-site runoff capture and reuse for MARV reductions in large scale industrial/warehouse developments. Groundwater recharge is not considered appropriate in the vast majority of the Western Parkland City due to sodic and/or saline soils.

Overall, it is anticipated the major run-off volume reductions will need to come from evaporative facilities. Detailed feedback provided by landowners and proponents demonstrated a regional water storage and re-use scheme is the best outcome for the Mamre Road Precinct. This solution could be readily delivered on the Greenfields site through the retention of the Duncans Creek Reservoir which currently provides a surface area of approximately 65 hectares. Alternatively, roof misting systems would likely be required which are carbon intensive to manufacture and energy intensive to operate, resulting in unnecessary environmental impacts and financial costs which could be avoided.

2.1.4. Connection to Country

The Greenfields proposal will involve a substantial economic investment which greatly exceeds the minimum \$20 million and the 20 hectare threshold.

Greenfields is supportive of taking a landscape-led approach that recognises cultural values in the future development of their site. Early engagement with experts in Indigenous Cultural Heritage and collaborative design has already been commenced for the future development of the site, including preliminary advice regarding opportunities to incorporate cultural and heritage values.

However, concern is raised regarding the \$20 million threshold and its impacts on Traditional Custodians, cultural advisors, the local Aboriginal community and other Aboriginal stakeholders to make meaningful comment on proposals. It would be useful to understand from those groups and individuals whether there is capacity to respond within a timely manner and/or whether the current threshold should be amended to capture appropriate projects using a different approach.

2.2. RESPONSE TO OTHER DETAILED PROVISIONS

This section of the submission identifies the key issues and concerns raised regarding the detailed objectives, performance outcomes and benchmark solutions within the Draft Phase 2 DCP. It focusses on the provisions which are considered likely to have a significant impact on the development potential of the Agribusiness precinct and the Greenfields site, including likely timing. Where relevant, minor typographical errors are identified to assist with the finalisation of the document.

2.2.1. Part 3 - Heritage

It is recognised that Aboriginal Cultural Heritage will require a detailed assessment in any future planning application having regard to the protection and management of archaeological resources and the preservation of scenic and cultural heritage connections. It is anticipated that this will require preparation of an Aboriginal cultural heritage assessment report in accordance with Part 6 of the *National Parks and Wildlife Act 1974* ('NPW Act') and Heritage NSW guidelines.

The wording of Performance Objective PO2 could be amended to reference the relevant provisions within the NPW Act. This should include a requirement for harm to significant Aboriginal objects and declared Aboriginal places being avoided wherever possible and where harm cannot be avoided, providing for appropriate measures to reduce the extent and severity of harm. As currently drafted, the wording of PO2 appears contrary to the provisions of NPW Act.

2.2.2. Part 4 - Stormwater, Water Sensitive Urban Design and Integrated Water Management

Significant concerns are raised regarding the Part 4 provisions in the Draft Phase 2 DCP and their implications for the economic and efficient use of land for its intended purpose under the WSA SEPP. These include:

- *Part 4.1 – Waterway Health and Riparian Corridors*: the benchmark solution (1c) in Part 4.1.2, states '*Strahler Order 1 and 2 watercourses outside HEV areas with a catchment larger than 15 hectares must be reinstated as a naturalised creek/drainage line with and appropriate VRZ (they can be realigned/moved)*'. This provision is stated as a benchmark solution', however, the language reads as a mandatory requirement, stating this "must" be achieved.

This 'benchmark solution' is onerous, unfeasible and impractical when developing large format employment lands, particularly where market demand is for 20,000m² to 50,000m² industrial/warehouse buildings (refer **Section 2.2.10**). The Water Management Act already adequately protects existing watercourse and requires embellishment and reinstatement where appropriate.

The only prescriptive controls should be the metrics for water quality and quantity. How these are proposed achieved should be resolved by the proponents, responding to the unique circumstances of the site and the proposed development, encouraging innovation and value engineering.

- *Part 4.2 Existing Artificial Waterbodies*: Greenfields is supportive of the retention of existing waterbodies based on their significant benefits to the blue-green grid and environmental outcomes in the Western Parkland City. They can also provide a significant contribution to the preservation of Aboriginal and non-Aboriginal heritage and deliver significant urban design and landscape outcomes.

However, the Draft Phase 2 DCP indicates that only the artificial waterbodies mapped in the Precinct Plan are to be incorporated as a key landscape feature on development proposals. It is unclear whether the final Precinct Plan will provide for the retention of the Duncans Creek Reservoir as proposed by Greenfields in their comprehensive submission to the Draft Precinct Plan.

Again, it is critical that all documentation be provided to land owners so they have a clear understanding of the proposed planning framework, including the inter-relationship between the WSA SEPP, Precinct Plan and Phase 2 DCP, as well as the Master Plan Guidelines.

- *Part 4.3 – Stormwater Management and Water Sensitive Urban Design:* the proposed performance outcomes and benchmark solutions in Part 4.3.2 include water quality and water quantity targets that greatly exceed long-established WSUD targets without justification or explanation. It is critical the technical analysis providing the bases for these targets is publicly released for review and comment.

The Mamre Road DCP has recently undergone an in-depth review with landowners and proponents, with significant changes that recognise a regional water storage and re-use scheme will provide the optimal outcome for the Precinct. The lessons learned from this review and feedback should be utilised to inform changes to the Draft Phase 2 DCP and provide for a consistent approach across the Western Parkland City, particularly for the employment zones close to the Western Sydney Airport.

Recognition should be given to the critical importance of large scale regional evaporation ponds to meet the MARV targets. This should include the significant benefits associated with retaining the Duncans Creek Reservoir, including the delivery of satisfactory environmental and economic outcomes.

Further to the above, the benchmark solution for P06 provides that where a recycled water scheme is planned, developments “must” connect all non-potable demands and fixtures to the recycled water network. However, on-site stormwater runoff capture and re-use will likely be required to meet the MARV targets. The implementation of this benchmark solution would make stormwater reuse almost impossible to achieve.

An alternative benchmark solution should be provided which allows for a rainwater tank to be connected to all non-potable demands and fixtures, with a top-up fed from the recycled water network. This would ensure waterway health outcomes are protected, with recycled water made available in times of drought.

2.2.3. Part 5 - Native Vegetation and Biodiversity

The heading for Part 5 could be updated to reflect the inclusion of additional matters which extend beyond native vegetation and biodiversity, including deep soil and landscaping. The following additional feedback/comments are provided in response to the relevant performance outcomes and benchmark solutions:

- *Part 5.1 – Deep Soil and Tree Canopy:* as noted above, the current heading for Part 5 does not currently refer to these types of matters. Concern is raised these provisions could be inadvertently missed by a proponent when navigating the long and complex DCP document via the Table of Contents and without reviewing each section in detail.

The Part 5.1 objectives refer to 26 pages of additional guidelines, objectives and requirements in Part 3.2 of the Precinct Plan, many of which appear to be unrelated to deep soil or tree canopy matters. Accordingly, it is unclear why this reference is provided within this section of the Draft Phase 2 DCP.

Table 1 indicates that all industrial lots will be required to deliver a minimum tree canopy of 25% of the site area and a minimum deep soil of 15% of the site area, with minimum tree planting rates of two medium trees or one large tree per 400m² of site area.

No consideration is given to the urban typology of the future development, including whether large industrial/warehouse-style buildings are to be provided. It is unclear how the deep soil rates relate to the controls for large format industrial sites under the Part 14.1 provisions.

- *Part 5.2 – Protection of Trees and Vegetation:* the proposed performance outcome and benchmark solution for PO1 would be difficult to achieve while realising the economic and efficient use of the land.

It will likely be impossible to retain all existing trees over three metres in height and with a spread over three metres. We understand benchmark standards are not mandated outcomes for all developments. However, it remains a concern that potential outcomes are prescribed which are unlikely to be realised, setting an unrealistic expectation in the future assessment process.

2.2.4. Part 6 - Access and Movement Framework

Greenfields has undertaken a preliminary review of the proposed access and movement framework objectives, performance outcomes and benchmark solutions in Part 6 of the Draft Phase 2 DCP. Further detailed advice from a suitably qualified transport consultant may be useful to provide a more detailed response, however, this was not feasible based on the limited time available to respond during the public exhibition period. The following high-level matters are identified for further consideration:

- *Part 6.1 – Street Network Functions and Design:* the Draft Phase 2 DCP provides for the street networks to be designed in accordance with the street network plan outlined within the Precinct Plan and taking into consideration traditional movement corridors. This approach was challenged in the Greenfields submission to the draft Precinct Plan which is yet to be responded to or resolved. Further, the proposed urban framework will not respond to market demand for industrial development as outlined in Part 15.2 of the Draft DCP. This issue is addressed in further detail in **Section 2.2.10** of this submission.

The benchmark solutions also refer to the Precinct Plan and other detailed standards and guidelines, including street design and engineering standards can be found in the *Western Sydney Street Design Guidelines* and *Western Sydney Engineering Design Manual*. However, it is unclear which elements of the detailed documents are relevant and/or how they will be considered in the assessment of any future DAs. This should be included within the DCP, otherwise, significant time is required to review these documents in detail to identify the matters relevant to the detailed design and/or assessment process.

- *Part 6.2 – Active Transport Network:* the maximum block sizes in Table 2 of the Draft DCP include a maximum length of block of 350 metres for agribusiness and enterprise uses, with a mid-block connection for pedestrians and cyclists which is no more than 150 metres apart. The proposed subdivision block size would provide for a maximum street block of 12.25 hectares which would potentially be 'split' by a minimum of two publicly accessible connections, reducing the maximum lot sizes to approximately 3-4 hectares.

The resultant maximum lot sizes would be inadequate to meet market demand for industrial development ranging from 20,000m² to over 40,000m². Even where a 'street block' (350 metres x 350 metres) could be provided as one consolidated lot, industrial developments require rectangular lot configurations to accommodate their operations, including front-of-house/ancillary office space, warehouse operations, vehicle access movements, etc – square blocks will not work. As a minimum, lot sizes would need to provide for 350 metre x 400 metre blocks to accommodate the 'hyperscale facilities' as outlined in detail in **Section 2.2.10**.

For example, the current provisions would not accommodate a development of a similar scale to the Goodman-Amazon facility at Oakdale West. This facility sits on a 53,500m² base footprint, providing close to 200,000m² of floorspace over multiple levels. The lot size of 14.9 hectares could not be provided in accordance with the maximum 350 metre block size (and 150 metre mid-block connections) in accordance with Table 2 of the Draft Phase 2 DCP controls.

Future tenants will simply not accept publicly accessible connections across their land or through their site operations. Tenants require secure sites and this is expected to be particularly important in the Agribusiness Precinct and/or for development associated with the airport, including export operations or biosecurity matters. Further, pedestrians and cyclists need to be physically separated from heavy vehicle movements in accordance with Safety-in-Design requirements for warehouses.

2.2.5. Part 7 – Travel Demand Management and Parking

Greenfields is generally supportive of the proposed approach to travel demand management and parking, including the provision of minimum and maximum car parking rates. However, further detailed consideration needs to be given to the relevant car parking rates in Table 4, including:

- Proposed Use in Column 1 should provide rates for 'Light industry' and 'Warehouse or distribution centres'. It appears these two land uses have been incorrectly amalgamated into a single category in Line 1.
- Minimum rates for 'warehouse or distribution centres' which are consistent with the *RTA Guide to Traffic Generating Development* and Mamre Road DCP which provide a minimum rate of 1 space per 300m² per gross area.

Further clarification could also be provided in Part 7.2.4 regarding the circumstances where a proposed development is considered to have 'good access to public transport' and enabling on-site parking to be significantly below the maximum rates. This will be of particular importance to sites which are not within 800 metres walking distance of a metro station and it is currently unclear how the existing public services will be augmented to meet the needs of future development.

2.2.6. Part 8 - Building Siting and Design

Greenfields has undertaken a detailed review of the proposed building siting and design performance outcomes and benchmark solutions in Part 8 of the Draft Phase 2 DCP. The following matters are identified for further consideration:

- *Part 8.1 – Building Setbacks and Interfaces:* the proposed benchmark solutions for the interface with the Outer Sydney Orbital in Item D require further consideration. There appear to be typographical errors and it is unclear how the provisions would apply to future development within the Agribusiness Precinct. The benchmark solutions could provide for a more flexible approach to the setback requirements for the OSO based on the potential sight lines in accordance with the Performance Outcome (Item D, PO1).

The benchmark solution refers to the cross-sections from the *Western Sydney Street Design Guidelines*. However, this document comprises 182 pages and no clear reference is provided to navigate the document or identify the relevant cross-sections as referred to within the Phase 2 DCP.

- *Part 8.5.2:* the signage and wayfinding provisions in PO1 include a benchmark solution of one business identification sign per commercial/industrial unit within the Agribusiness Precinct zone. This is considered inappropriate based on the large scale-uses which are envisaged for this precinct (and as highlight in **Section 2.2.7** and **Section 2.2.8** below). Multiple signs are likely to be required for way-finding purposes and particularly for sites which have multiple street frontages.

Further, many of the performance outcomes and benchmark solutions replicate the existing provisions in Schedule 1 of SEPP 64. This appears to result in an unnecessary duplication which will involve further unnecessary assessment within any future planning application.

The proposed maximum sizes provided within Table 6 are insufficient to meet the needs of large-scale industrial/warehouse developments, particularly where buildings are setback from the street frontage. The proposed maximum 5m² area for a flush wall sign will appear out-of-proportion and inappropriate within a large-format building.

2.2.7. Part 9 – Flooding and Environmental Resilience and Adaptability

Part 9.1 of the Draft Phase 2 DCP includes the flood risk management controls which are generally considered appropriate based on the context of the Greenfields site.

However, similar to the matters raised previously, concern is raised regarding the proposed benchmark solutions for mitigating the urban heat island effect in Part 9.2 and how these may be applied in the assessment of future planning applications. While it may be intended this approach offers one potential solution to achieving the performance objective, concern is raised that these will be imposed as baseline requirements.

For example, PO1 in Table 9.2.2 suggests '*Irrigation of all public and private open spaces (using harvested stormwater) with 50% of grassed areas and 100% trees irrigated*' as one potential benchmark solution (1c) to achieve evaporative cooling. This approach seems onerous and there may be other solutions which are more appropriate for individual site contexts.

Another benchmark solution (7) suggests '*50% of rooftops are either vegetated, light coloured or irrigated using harvested stormwater*'. However, this is unfeasible and impractical for large-format industrial/warehouse developments. The size of the buildings means green roofs are extremely expensive to implement and the structural requirements make these unfeasible.

Again, potential outcomes should not be prescribed which are unlikely to be realised, setting an unrealistic expectation in future assessments. Concern is raised that these matters may be assessed as minimum or mandatory requirements and should be removed or renamed as 'performance solutions' rather than 'benchmark solutions'.

2.2.8. Part 10 – Airport Safeguarding

It is understood the provisions in Part 10 of the Draft Phase 2 DCP will take precedence over any provisions in other sections of the DCP which may be contradictory, noting the importance of safeguarding the future 24-hour operations of the airport.

The provisions within Part 10.1 which protect the operational airspace are well understood. However, it is considered further clarity could be provided regarding the following matters:

- *Part 10.2 – Noise:* it is unclear whether the performance outcomes apply only to residential development (as implied by the benchmark solutions and Table 7) or whether these will also apply to other noise-sensitive uses in the ANEF 20+ contours. Greenfields has previously made a submission to the Draft Precinct Plan which requested further consideration of the permitted uses within the Agribusiness Precinct, including child care centres to meet the demands of future workers within the precinct.
- *Part 10.3 – Wildlife Hazards:* the stated objectives do not align with the performance outcomes and benchmark solutions, including the reference to design excellence in Objective O2. Further, the benchmark solutions for PO1 should enable consideration of potential mitigation measures which would allow for the retention of existing waterbodies, such as Duncans Creek Reservoir. Action plans may be developed in accordance with NASF Guideline C which allow for ongoing monitoring and actions to reduce wildlife attraction.

2.2.9. Part 14 – Benchmarks for Larger Sites, Subdivision or Master Planning

Part 14.1 provides the targets for site coverage, perviousness and quantum of public domain to achieve the objectives of the integrated water management strategy. Table 8 details the proposed lot requirements and typology elements by urban typology, including separate base scenario and alternative/parkland solutions for light industrial and large format industrial development.

Overall, the proposed approach as outlined within Table 8 is confusing and may not deliver the optimal outcome for development within the WSA. Site perviousness represents only one potential option to control waterway health outcomes. For example, the Greenfields site may provide an alternative solution through the retention of Duncans Creek Reservoir to facilitate run-off volume reductions and water quality improvements. The Phase 2 DCP should not limit site perviousness, it should only specify the performance outcomes in terms of run-off volume, water quality, etc.

The 70% site cover target is far too low to support the development of large-format industrial developments. A business-as-usual large format industrial site (eg Oakdale, Erskine Park, etc) would typically provide a site cover of approximately 93%. More recently, the Mamre Road DCP provided for a minimum of 15% of the site to be pervious, which is half the 30% perviousness target in the Draft Phase 2 DCP.

The provisions in the Draft Phase 2 DCP are not economically viable or appropriate, particularly where environmental targets can be achieved through other performance solutions. Greenfields supports the blue green grid and waterway health outcomes, however, further consideration must be given to other options of how these can be achieved without such prescriptive and onerous targets.

If the 'acceptable solutions' approach as outlined in Table is to be retained, the current controls as need to be redrafted so they are easier to understand and apply. The current format is incredibly difficult to understand and this may result in the relevant rates being interpreted differently by land owners/proponents and assessment authorities. As a minimum, additional explanatory material is required to address the following issues:

- The DCP does not include any explanation of the urban typologies and/or how they will be applied. It appears the table has been replicated from the Draft Precinct Plan. However, no link or reference to the relevant section is provided. Preferably, a clear explanation should be provided within the Draft Phase 2 DCP to avoid any confusion.
- 'Site cover' and 'perviousness' are not defined within the Dictionary in the DCP Appendices. It is acknowledged there are definitions for 'site coverage' and 'permeable surface', however, it is unclear whether these are separate terms or used interchangeably with 'site cover' and 'perviousness'.
- It is difficult to distinguish between the 'Lot requirements and the 'Lot area' under the 'Typology elements'. It is acknowledged the 'perviousness' remains the same under the 'base scenario', however, it

is unclear as to how (or if) the ‘% of overall area’ for the ‘Lot area’ relates to the ‘site cover controls’ for the ‘Lot requirements’. This should be more clearly articulated within the DCP.

- No clarification is provided regarding an ‘alternative/parkland solution’ to understand how this provision would apply or when it is considered appropriate.

It is acknowledged the street pattern requirements outlined in Part 14.2 will not apply to sites within the Agribusiness Precinct. This is considered entirely appropriate and is supported by Greenfields, noting the market demand for large-scale industrial/warehouse style buildings to support the Western Sydney Airport operations and the freight and logistics needs of the agribusiness sector. This matter is also addressed in **Section 2.2.8** below.

2.2.10. Part 15.2 – Industrial, Agribusiness, Specialised Retail/Bulk Goods Uses

The additional provisions for certain land uses as outlined in Part 4 are generally supported. The provisions which are proposed to specifically apply to development within the Agribusiness Precinct are mostly considered to be appropriate and acceptable.

The provisions in Part 15.2, Part D include performance outcomes and benchmark solutions related to the built form for future development. This includes:

Development is to meet the market demand for industrial development, including the warehousing and freights logistics industry and is to provide high ceilings of at least 4m and adaptable open planning for the ground and first floors to cater for different future uses of the building.

It is considered entirely appropriate to provide for development which meets the market demand for industrial development. However, general concern has been raised throughout this submission regarding the provisions within the Draft Phase 2 DCP and whether they are appropriate to existing and likely future demand.

Current market demand for industrial development within the Western Parkland City includes large lot sizes to accommodate industrial/warehouse buildings ranging from 20,000m² to over 40,000m². However, the maximum block sizes prescribed within Part 6.2 of the DCP would constrain the opportunity to meet tenant requirements for larger footprints. The proposed approach to the delivery of the stormwater infrastructure in the WSA SEPP (which is addressed in a separate submission) would also impact on the delivery of efficient lot layouts.

If the required spatial requirements are not accommodated within the planning framework, Sydney (and NSW) will continue to miss out on opportunities to accommodate ‘hyper-scale facilities’ (developments greater than 50,000m²). Three hyperscale facilities have been built in NSW over the past three years, while Melbourne has built eight such facilities over the same period. The need to accommodate this scale of development will become increasingly important as the cargo operations commence at Western Sydney Airport, generating a demand for cargo-related businesses not requiring direct access to the runway to be close to the airport operations.

Each of the proposed planning documents – including the WSA SEPP, final Precinct Plan and Phase 2 DCP - should recognise the market demand for larger-scale buildings. They should provide for appropriate road layout and lot sizes to facilitate delivery of development which meets industry and end-user expectations. This could also result in buildings that have total heights and ceiling heights well above those specified in the current controls.

3. SUMMARY AND RECOMMENDATIONS

Greenfields appreciates the opportunity to provide a submission to the public exhibition of the Draft Phase 2 DCP and the accompanying Aviation Guidelines and Recognise Country Guidelines.

We understand considerable efforts have been made to respond to the concerns raised by landowners based on the detailed feedback provided through previous public exhibitions and stakeholder engagement. However, it is strongly recommended further consideration is given to the Draft Phase 2 DCP to ensure it will result in a positive planning outcome and will not result in unintended consequences which unnecessarily delay the significant economic investment and employment outcomes for the WSA.

Further consideration must be given to the level of detail provided within the Draft Phase 2 DCP and how it will be practically applied in future planning applications. A high level summary of Greenfields responses to the questions posed by DPIE in the Discussion Paper is provided below:

1. **Performance Based Approach:** a rationalisation of the 200+ objectives, 250+ performance outcomes and 1,000+ benchmark solutions would assist with the practical implementation and assessment of the Phase 2 DCP. As a minimum, clear directions need to be provided for proponents and assessing officers to clearly understand the way in which it should be applied on a flexible basis. Consideration could be given to replacing the 'benchmark solutions' with 'performance solutions' to avoid these matters from being assessed as minimum standards.
2. **Document Structure:** the 'highlights' to denote the sections of the DCP which relate to development of a certain scale or location should be reconsidered. Additional notations within each of the relevant sections would be more useful to readily understand whether these provisions are applicable. Reference documents referred to within the Phase 2 DCP should be easily identified and accessible and include a specific section, page or figure to provide further clarity as to what is required.
3. **Feasibility:** major concerns are raised regarding the potential impacts of the DCP on the feasibility of large-scale industrial developments. Further consideration needs to be given to the development lot sizes and site coverage requirements, including alternative stormwater solutions.
4. **Connection to Country:** further stakeholder engagement may be useful to understand the ongoing capacity of the Traditional Custodians, cultural advisors, local Aboriginal community and other Aboriginal stakeholders to respond to proposals within a timely manner and/or whether the current threshold should be amended to capture appropriate projects using a different approach.

Greenfields has also identified key issues and concerns regarding the detailed objectives, performance solutions and benchmark solutions, particularly regarding the lot sizes, site coverage and stormwater requirements. Each of these matters is also summarised below:

1. **Part 3 - Heritage:** the Part 3 provisions should be updated so the Performance Objective PO2 is aligned with the requirements of the NPW Act.
2. **Part 4 - Stormwater, Water Sensitive Urban Design and Integrated Water Management:** the 'benchmark solutions' need to be redrafted so they do not refer to matters which "must" be achieved, particularly where these are onerous, unfeasible and impractical when developing large format employment lands. The DCP should encourage innovation and value engineering in the delivery of water quality and quantity targets which will deliver satisfactory environmental outcomes.
3. **Part 5 - Native Vegetation and Biodiversity:** the heading for this section needs to be amended to better reflect the relevant provisions. The benchmark solutions for tree protection are unviable and should be amended.
4. **Part 6 – Access and Movement Network:** significant concerns have been raised regarding the street network plan in Greenfields submission to the Draft Precinct Plan which are yet to be resolved. Significant concerns are raised regarding the proposed maximum block lengths and mid-block connections in Table 2 which are considered unworkable and unsuitable to meet market demand.
5. **Part 7 - Travel Demand Management and Parking:** this section should be updated to distinguish between 'light industry' and 'warehouse or distribution centres' with a minimum car parking rate for warehouse or distribution centres that is aligned with RMS requirements and the Mamre Road DCP.

6. **Part 8 – Building Siting and Design:** further clarification is required regarding the building setbacks and interfaces, including a flexible approach based on site and locational context. The signage and wayfinding provisions are inappropriate for large-scale industrial/warehouse developments.
7. **Part 9 - Flooding and Environmental Resilience and Adaptability:** the proposed benchmark solutions are considered unviable and/or inappropriate for large-scale industrial developments. Further consideration should be given to the 'benchmark solutions' and how these will be applied in the assessment of future applications. As a minimum, the DCP should identify alternative or flexible solutions based on the site context or scale of development.
8. **Part 10 - Airport Safeguarding:** further consideration needs to be given to other types of development within the ANEF 20+ contour and the opportunity to safely accommodate the retention of existing water bodies in accordance with NASF Guideline C.
9. **Part 14 - Benchmarks for Larger Sites, Subdivision or Master Planning:** significant concern is raised regarding the proposed approach to delivering the objectives of the integrated water management strategic through site coverage and perviousness as outlined in Table 8. The proposed site cover rates are considered unviable and do not recognise the opportunity to deliver environmental outcomes. As a minimum, Table 8 needs to be redrafted so it is clear and consistently applied.
10. **Part 15.2 - Industrial, Agribusiness, Specialised Retail/Bulk Goods Uses:** it is considered entirely appropriate to recognise the importance of delivering development which meets market demand for industrial development. However, it is considered the current DCP provisions will significantly constrain this from being realised, particularly (but not exclusively) regarding the issues raised in Part 4, Part 6, Part 9 and Part 14.

Again, Greenfields appreciate the opportunity to provide feedback regarding the Draft Phase 2 DCP and would welcome the opportunity to discuss any aspect of our submission with you in greater detail.

DISCLAIMER

This report is dated 5 November 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Greenfields Development Corporation (**Instructing Party**) for the purpose of Submission to EIE (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.



[REDACTED]

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 4:41 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: ipg,-csr-pg-submission_phase-2-dcp-submission.pdf

Submitted on Fri, 05/11/2021 - 16:39

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Michael

Last name

Parkinson

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

[REDACTED]

Suburb/Town & Postcode

Casula NSW 2170

Contact number

[REDACTED]

Please provide your view on the project

I object to it

Submission file

[ipg,-csr-pg-submission_phase-2-dcp-submission.pdf](#)

Submission

Hi there,

Please find attached the combined Phase 2 DCP submission from the Landowners Group, made up of Ingham Property Group, CSR and Perich Group.

Should you have any queries regarding the submission, please do not hesitate to contact Michael Parkinson on the details

provided above.

Thank you

I agree to the above statement

Yes

Disclaimer

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, on behalf of **Liverpool City Council**.

5 November 2021

Ms Catherine Van Laeren
Executive Director of the Central River City and Western Parkland City
Department of Planning, Industry and Environment
Lodged via the Planning Portal

Dear Catherine

RE: RESPONSE TO PUBLIC EXHIBITION OF DRAFT WESTERN SYDNEY AEROTROPOLIS DEVELOPMENT CONTROL PLAN PHASE 2 PACKAGE

On behalf of Perich Group Pty Ltd, CSR Limited and Ingham Property, we are pleased to provide the attached joint response to the public exhibition of the following documents:

1. Draft Western Sydney Aerotropolis Development Control Plan - Phase 2;
2. Explanation of Intended Effects to amend Environmental Planning Instruments in relation to the Western Sydney Aerotropolis;
3. The Aerotropolis Open Space Needs Study;
4. Aerotropolis – Responding to Issues; and
5. Recognise Country – Draft Guidelines.

This joint submission illustrates the close coordination of these three major landowners across our individual parcels in the Aerotropolis core on our journey to deliver the government’s vision for job creation and investment in Western Sydney. Individually we each control:

- Perich Group: 311 hectares;
- CSR Limited: 198.6 hectares;
- Ingham Property: 182.1 hectares; and
- Collectively: 684 hectares which represents **55 per cent** of the 1,254 hectares in the Aerotropolis core precinct.

This submission is our second response to a major Aerotropolis development control package exhibition. We provided a joint response to the draft Aerotropolis Precinct Plan exhibition on 18 December 2020.

Investment and job growth opportunity

Our combined landholding affords a unique opportunity to deliver on the ambition for Bradfield.

The large and contiguous CSR Limited and Ingham Property parcels provide the opportunity to drive and accelerate investment in employment uses in the Aerotropolis core. Our goal is to ensure these uses are operational as quickly as possible. This will maximise the prospect of significant economic and jobs growth in Western Sydney.

Accelerating early-adopter investment in the Aerotropolis core employment use areas is the key to stimulating corresponding investment in complementary retail, mixed use, and residential uses. These uses form the community amenity and place making that will be principally delivered on the Perich Group land and in the Bradfield CBD.

The details in this submission are focused around achieving:

- best practice, first-principles planning outcomes;
- coordination for the logical delivery of major transport infrastructure;
- solutions to service delivery challenges; and
- alignment with local Councils' intentions.

In summary, our submission recommends:

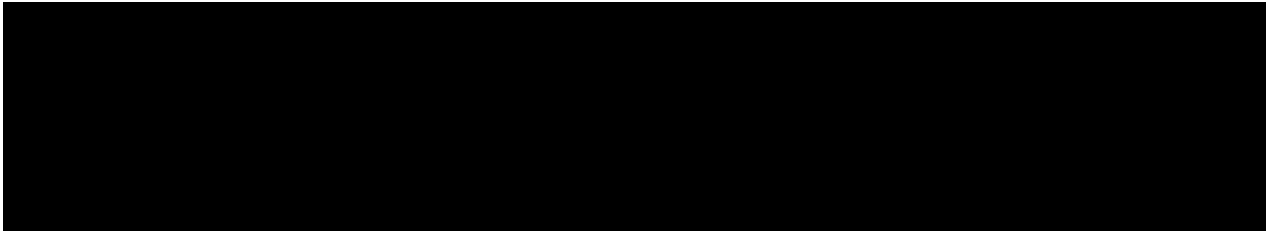
1. It is critical that first principles are established for sites through a more site-specific approach before road alignment and open space corridors are locked away. This is required to deliver more feasible outcomes that are informed by better design solutions.
2. There needs to be greater flexibility within the Precinct Plans that enable a more 'shovel-ready' approach, informed by ground-truthing and technical investigation, which would provide greater certainty on the planning and design outcomes within sites.
3. The current arrangement of open space and transport corridors proposed within the Western Sydney Aerotropolis significantly diminishes the development feasibility as well as design and placemaking outcomes across the three major sites. DPIE and WSPP need to work with landowners and developers on proponent-led master plans and incorporate industry feedback to deliver our collective vision for the Aerotropolis.
4. The Transport Corridors should be revisited to avoid lot severance and align with cadastral boundaries particularly where it severely impacts on the development feasibility of lots. The proposed amendments to the Transport Corridors in relation to the sites include the re-alignment of the Eastern Ring Road, Fifteenth Avenue, Aerotropolis Connector and East West Connections, which are critical to avoid the sterilisation of lots and to achieve better place outcomes.
5. The Open Space Network and SP2 Stormwater Infrastructure areas should be flexible and allow for further investigation. This is to ensure mapped corridors are properly investigated, designed, refined and developed in a manner that incorporates Connection with Country principles whilst also minimising the impacts on developable areas of key development sites.

We look forward to further close engagement and collaboration with the NSW Department of Planning Industry and Environment, the Western Sydney Planning Partnership Office, and the Western Parkland City Authority as we accelerate the government's achievement of Western Sydney job creation targets.

By achieving appropriate and holistic development of our parcels we can ensure delivery of the government's vision for Bradfield.

Feel free to contact any of us with your queries using the contact details listed below.

Sincerely,



Tim Bryan
Chief Executive Officer
Perich Group Pty Ltd

Andrew MacKenzie
General Manager
Property
CSR Limited

Matthew Ramaley
Chief Executive Officer
Ingham Property

Contact Details:

Mr Bryan

[Redacted]
[Redacted]

Mr Mackenzie

[Redacted]
[Redacted]

Mr Ramaley

[Redacted]
[Redacted]

Submission on the Western Sydney Aerotropolis Phase 2 Development Control Plan

This submission has been prepared by Ingham Property Group (**IPG**), CSR Building Products Pty Ltd (**CSR**) and Perich Group (**PG**) (referred to as the '**Landowners Group**') in response to the release of the draft Western Sydney Aerotropolis Development Control Plan (**Phase 2 DCP**)

Combined, the Landowners Group control 684 hectares of land which forms major land parcels within the Bradfield City Centre. IPG, CSR and PG commend the Western Sydney Planning Partnership (**WSPP**) and the Department of Planning, Industry and Environment (**DPIE**) on releasing the Aerotropolis Planning Package which aims to deliver an innovative approach to delivering the aspirational outcomes and vision for Bradfield City Centre and the Western Sydney Aerotropolis. We appreciate the openness to which the WSPP have engaged with industry and the community, whilst reinforcing the need to work collaboratively with key stakeholders to achieve feasible solutions in order to deliver our collective vision for a vibrant and successful Aerotropolis.

This submission has been divided into the following key sections:

- **About IPG:** Overview and history of IPG and its site in the Aerotropolis Core;
- **About CSR:** Overview and history of CSR and its site in the Aerotropolis Core;
- **About PG:** Overview and history of PG and its site in the Aerotropolis Core;
- **Part 1:** Introduction
- **Part 2:** Evidence-Based Urban Design and Planning
- **Part 3:** Comments and recommendations on the Western Sydney Aerotropolis Development Control Plan Phase 2, Appendices and Discussion Paper (**draft Phase 2 DCP**);
- **Part 4:** Conclusion and Next Steps

About IPG

IPG's origins date back to 1918 when Walter Ingham Sr purchased 42 acres of bushland near present day Casula for his son to farm. Walter Ingham Jr started a fruit and vegetable farm which was later turned into a modest poultry breeding operation of over 1,000 birds. His sons, Bob and Jack Ingham, built Inghams Enterprises into Australia and New Zealand's largest vertically integrated poultry operation. Within this business, decommissioned farmland was converted into residential and commercial developments as urban growth approached. The Ingham family retained the property development business and just under 900 hectares of land across Australia when Inghams Enterprises was sold to TPG Capital in 2013. This portfolio of landholdings spans New South Wales, Queensland and Western Australia.

IPG's substantial 182 hectare land holding in the Aerotropolis Core is at the centre of its vision to convert the current landbank to an income producing portfolio of investment properties for future generations of the Ingham family.

About CSR

CSR is a major Australian industrial company producing building products to support the delivery of development across a variety of portfolios including residential, multi-residential and commercial construction.

In October 2016, CSR acquired Boral Bricks Pty Ltd (Boral) brick business, which included a brick making facility at Badgerys Creek. This site is strategically placed in the Western Sydney Aerotropolis and the Western Sydney Airport borders the site to the west.

CSR is repositioning the development of the site as it transitions to longer-term uses as envisioned by the NSW Government and WSPP. Therefore, CSR is invested in the success of the Western Sydney Aerotropolis and seeks the following comments and recommendations to be addressed prior to finalisation.

About PG

The Perich Group is multigenerational family business and can play a significant role in helping Government deliver its vision for the Aerotropolis. PG own over 300 hectares within the Aerotropolis Core Precinct and over 500 hectares within the Agribusiness Precinct and are one of the largest dairy farming businesses in Australia milking over 12,000 cows.

PG's head office and major dairy operation is currently located on property zoned for Agribusiness on The Northern Road at Bringelly. The PG land in the Aerotropolis Core is used in association with the dairy operation for growing feed crops.

PG also own and operate a highly successful property development business, focussed on Oran Park, with significant experience in delivering major projects in New South Wales and Queensland.

1. INTRODUCTION

This submission has been prepared in response to the Department of Planning, Industry and Environment (DPIE) release of the Phase 2 DCP which formed part of the Aerotropolis Explanation of Intended Effect (EIE) exhibition package to amend the following planning instruments applicable to the Aerotropolis:

- *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (ASEPP)*
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009 (WSEA SEPP), and*
- *State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).*

Accompanying the exhibition of this EIE are the following applicable related documents:

- *Western Sydney Open Space Needs Study*
- *Guideline to existing use rights.*

Documents also placed on exhibition separately to this package include:

- *Western Sydney Aerotropolis Development Control Plan 2021 – Phase 2 Draft (Phase 2 DCP)*
- *Recognise Country, Draft Guidelines for development of the Aerotropolis, and (CTC Guidelines)*
- *Aviation Safeguarding Guidelines Western Sydney Aerotropolis and Surrounding Areas. (Aviation Guidelines)*

Part 3 of this submission has reviewed and considered proposed amendments to the Phase 2 DCP released in October 2021. This submission is supported by civil engineering advice provided by AT&L in response to key controls relating to SP2 stormwater infrastructure considerations, stormwater quality and quantify management targets, tree canopy, trunk drainage, and block sizes (refer **Appendix A**).

A separate submission has been prepared in response to the public exhibition of Western Sydney Aerotropolis Explanation of Intended Effects dated October 2021 ('the EIE'). It is acknowledged that some of the issues raised within this submission are also raised within the submission to the EIE.

1.1. Summary of Recommendations

IPG, CSR and PG make the following comments and recommendations in respect of the Phase 2 Development Control Plan exhibition package that must be addressed prior to its finalisation.

Recommendations:

- Establish first principles for the sites before locking away road alignments and open space corridors. EIE mapping to be informed by greater rationale on site-specific and precinct wide design principles and constraints.

- Adopt a 'shovel-ready' approach, informed by ground-truthing and site-specific considerations, which will provide greater certainty on the planning and design outcomes of the sites.
- DPIE and WSPP need to work with landowners and developers on proponent-led master plans to deliver the vision for the Aerotropolis.
- The controls within the draft DCP should be rationalised in both number and wording. The DCP must be a simple and clear document which is easy to be implemented by both the development industry and assessment officers.
- The draft DCP should be re-exhibited alongside the revised Precinct Plan to enable the industry to provide feedback on how a development application may be assessed against the entire planning framework.
- The DCP must be a one stop shop for development assessment. The number of referenced reports and guidelines must be reduced with relevant controls incorporated to the corresponding section of the draft DCP.
- Performance Objective PO2 within section 3.1.2 should be amended to reference the relevant provisions within the NPW Act.
- A regional approach to integrated water cycle management must be implemented such that large areas of development sites will not end up sterilised by the onerous requirements for stormwater retention and evaporative infrastructure.
- The controls relating to tree canopy, deep soil, movement of animals and retention of vegetation must be balanced with the need for feasible development outcomes and potential wildlife attraction risks to WSA.
- Requirements for block sizes and mid-block connections should be flexible to suit specific sites and other land use/end user requirements.
- The inclusion of mid-block connections can create undesirable place outcomes within industrial areas which are not suited for pedestrian activity.
- Differentiate minimum parking rate requirements for light industry uses and warehouse or distribution centres.
- Provide further clarifications regarding the circumstances where proposed develop for proposed development with and without 'good access to public transport'.
- Ensure setback requirements for industrial/warehouse buildings do not unnecessarily impede on the feasibility of development.
- There needs to be a provision that implements landscaping as a design measure to provide adequate screening and enable development to back onto roads and active transport corridors where possible.
- Ensure the requirement for local road interfaces along the Eastern Ring Road does not unnecessarily impact on the place outcome and further expand a road corridor that is already too wide which divides the precinct into two, reducing permeability within the sites.
- Provide further clarification as to how principle-based design controls can be achieved such as the protection of view lines to culturally valuable landscapes.
- Ensure flooding controls are suitable for large-format industrial/warehouse developments without applying significant design measures and structural requirements that are unfeasible.
- Land uses such as commercial and industrial development be considered appropriate in flood areas below the 1:100 that are assessed within a detailed Flood Risk Impact Assessment to have to low / medium hazard risk. This approach would be consistent with the Liverpool DCP.
- The site perviousness requirements should be revised and considered on a holistic master planned site basis rather than individual lot targets. The targets will significantly reduce developable areas and result in unworkable solutions for such as permeable paving which do not reflect the specific end user requirements for business parks and industrial/warehouse development.
- Setbacks should be consistent with surrounding employment land including Mamre Road and Oakdale.
- Vehicle parking must be permitted within setback areas subject to appropriate screening consistent with the approach within the draft Mamre Road DCP.
- It will be important to allow the development industry time to test the proposed controls to enable the identification of potential issues that could impact feasibility. In this regard we

would request that DPIE accept ongoing feedback from the development industry in relation to the draft DCP.

- The controls should be clearer on the thresholds for Connection to Country. The \$20 million threshold must be increased to ensure that traditional custodians and knowledge holders are not overburdened by the quantum of projects these critical stakeholders will be required to be involved in.
- IPG, CSR and PG broadly support the recognition of first nations people and the strengthening of the framework to embed Aboriginal Country values and attributes, however the controls should only be implemented as design principles to guide development, informed by ground-truthing, and not as requirement across all sites.

1.2. Site Description

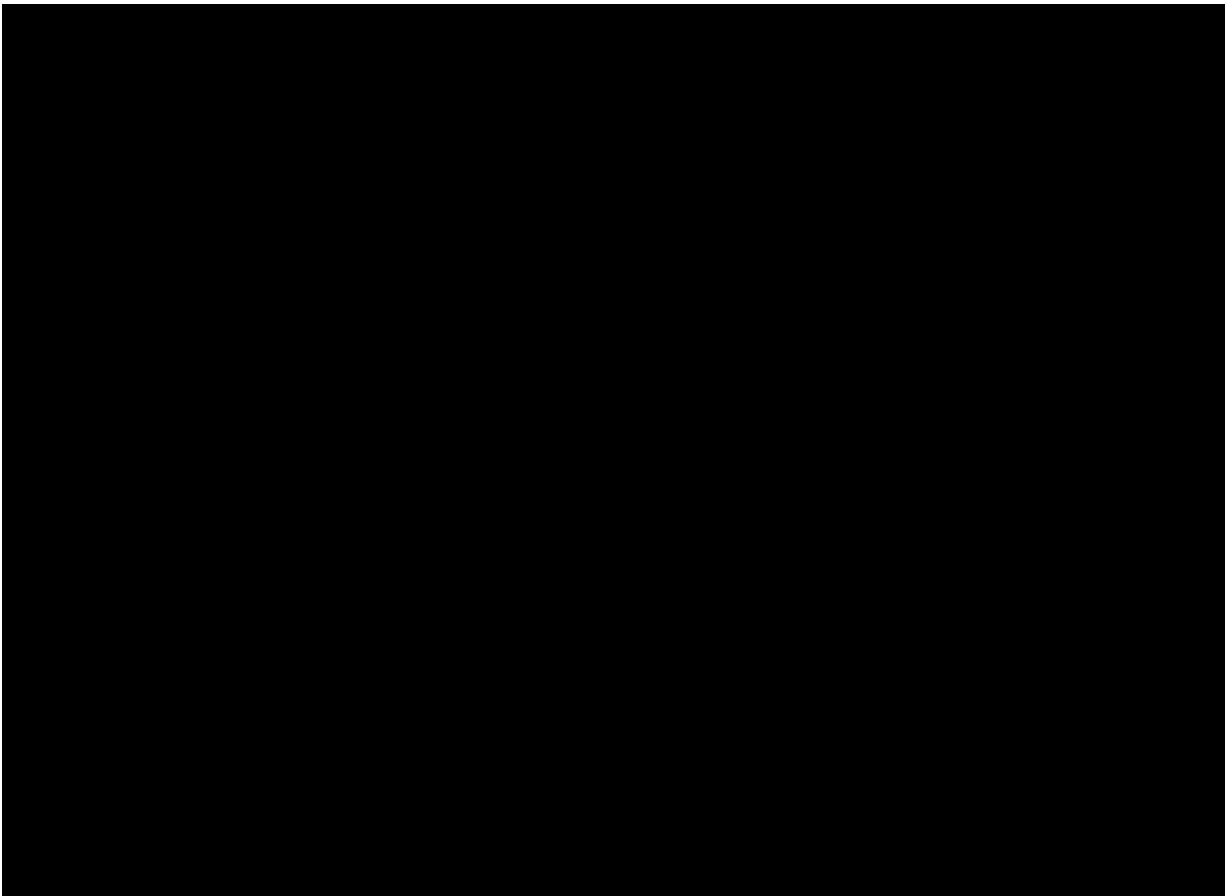
The IPG, CSR and PG sites (referred to as ‘the sites’) are bound by Badgerys Creek Road and Badgerys Creek to the west and South Creek to the east, and situated within the recently defined Bradfield City Centre. The sites have a direct interface along the eastern boundary of the Western Sydney International Airport (WSI), and collectively form an area which connects WSI with the Aerotropolis Core, also known as the Bradfield City Centre.

The sites are situated within the Liverpool Local Government Area (LGA). The detailed description of the sites is provided within **Table 1** below.

Table 1 Site Description

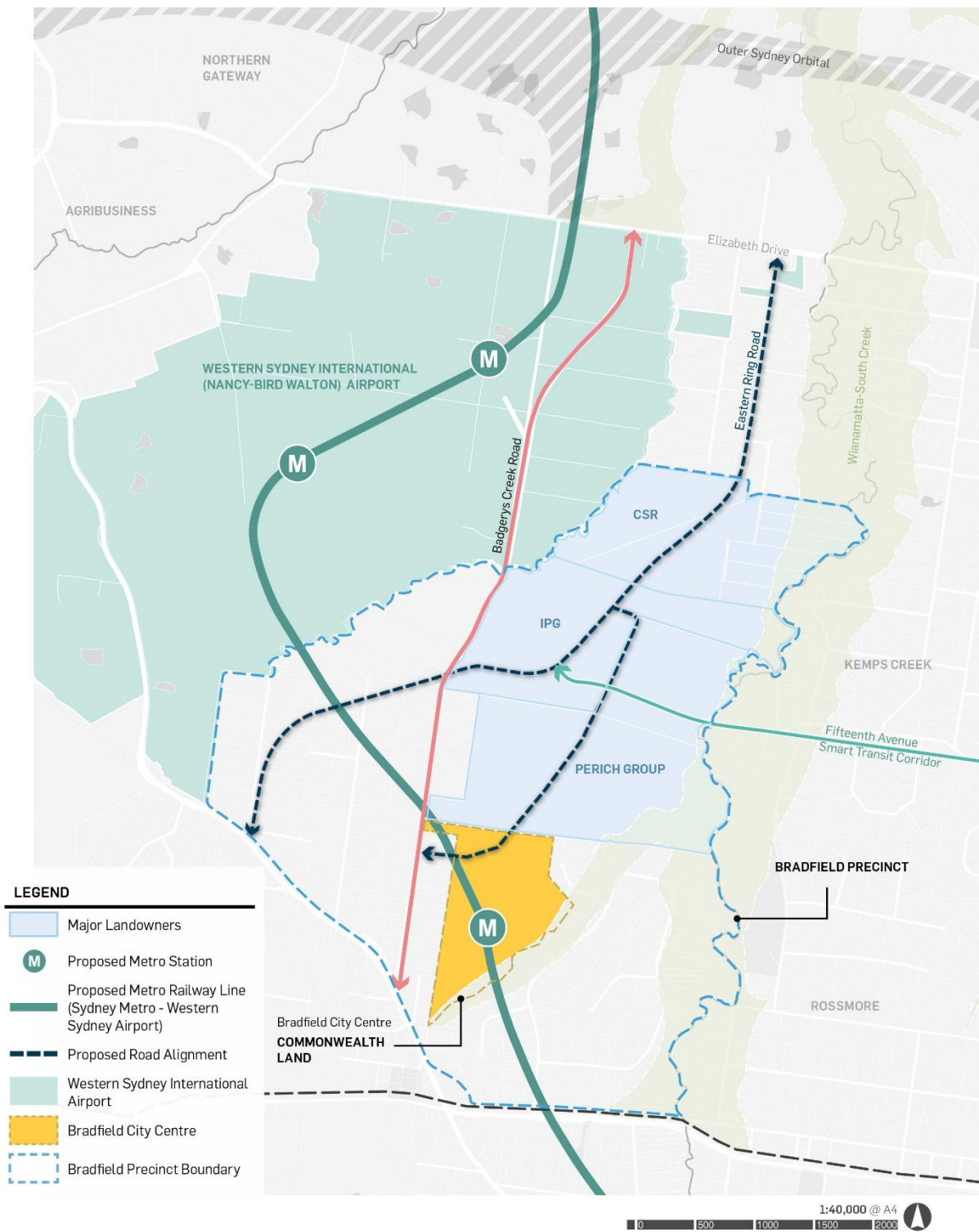
	Address	Legal Description	Size	Description
CSR	██████████ ██████████	████████████████████ ████████████████████ ████████████████████	198.60 ha	The CSR site currently contains a mix of grassland, a series of water pits and decommissioned brick pits and factory buildings.
IPG	██████████ ██████████ ██████████	████████████████████	182.08 ha	The IPG site is largely characterised by grass land and is clear of vegetation as it is currently used for agricultural purposes.
PG	██████████ ██████████ ██████████	████████████████████ ████████████████████	303.16 ha	The PG site is largely characterised by grass land and is clear of vegetation as it is currently used for agricultural purposes.

Figure 1 Site Context



Source: NearMap 2021

Figure 2 Strategic Context

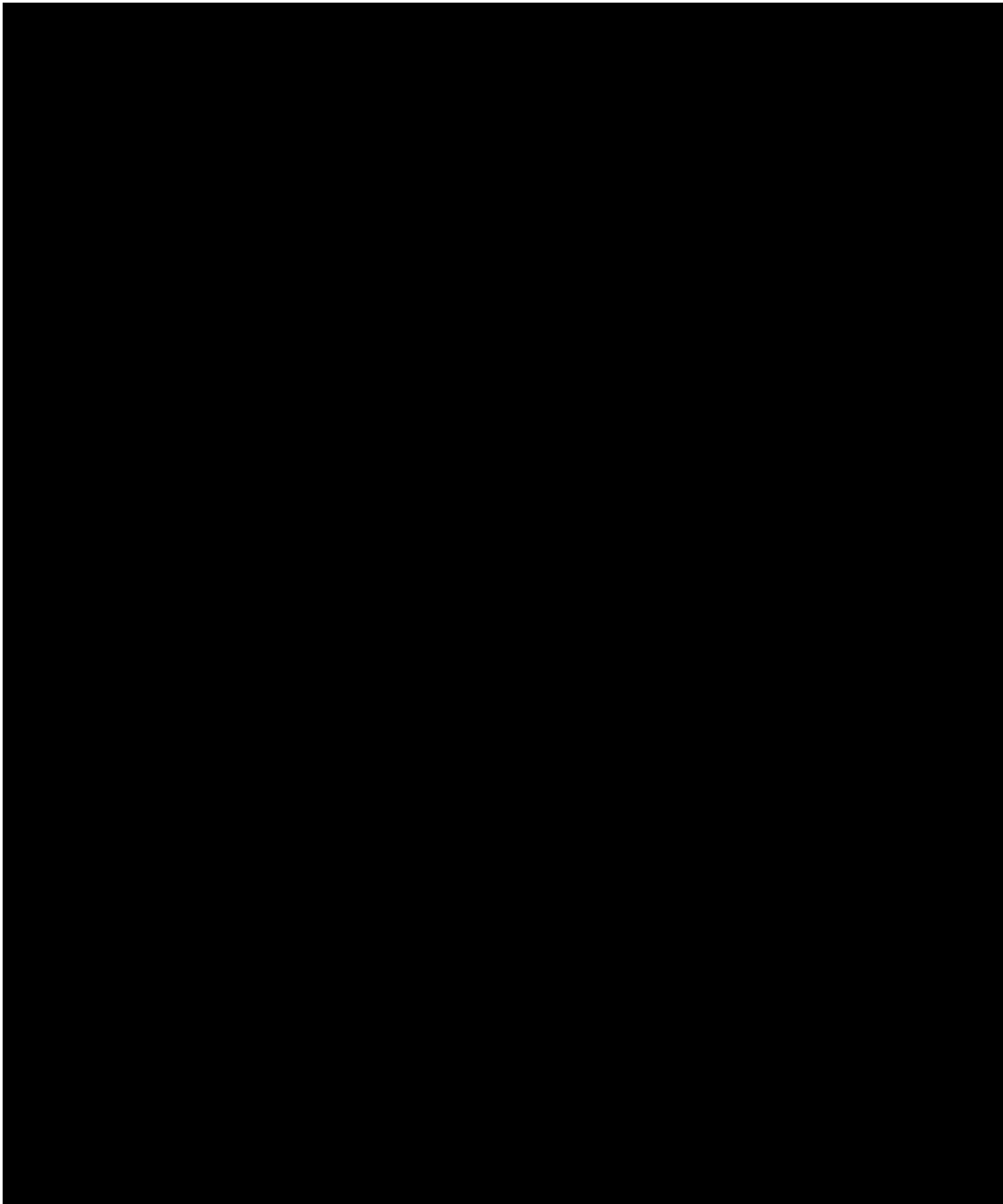


1.2.1. Overview of Precinct Plan

The sites represent one of the largest unfragmented areas within the Aerotropolis. The sites together with the government owned DHA site to the immediate south form the heart of the Aerotropolis Core. This places greater significance on the sites in their ability to deliver on the Bradfield City Centre vision and achieving the outcomes of the Aerotropolis.

The sites are well-served by natural amenities, sharing a continuous interface along the two major creek lines which define the Western Parkland City. The Draft Precinct Plans for the Aerotropolis defines the sites through a series of grid pattern formations anchored along a series of road corridors and major intersections. The amount of road corridors and the proposed alignments which run through the sites make it challenging to leverage the natural amenities attributed to the three sites for better design outcomes and Connection with Country.

Figure 3 Draft Aerotropolis Precinct Plan



Source: DPIE 2020

2. Evidence-Based Urban Design and Planning

The application of land uses across the Draft Precinct Plans and the amended open space corridors identified as part of the Open Space Network and Stormwater Infrastructure and proposed transport corridors in the context of the sites still lack required ground-truthing which the Response to the Issues report alluded to.

The lack of evidence-base investigations calls into question the assessments which informed the amended Open Space Network and Land Reservation Map areas given the Precinct Plans are yet to be finalised. It also raises concerns as to whether the amended maps and final Precinct Plans will appropriately reflect the existing conditions and future needs to facilitate the delivery of an Aerotropolis.

IPG, CSR and PG have investigated the benefits of ground-truthing to achieve evidence-based urban design and planning within a critical site area adjacent to the WSI. The revisiting of first principles within the sites helps better understand the implications of the proposed open space network, proposed land uses, transport corridors and Precinct Plan areas and alternative options which provide better and more feasible outcome for the sites.

2.1. Principles and Parameters

The sites are characterised by a number of existing and proposed natural and built elements. Whilst a number of these elements present as constraints which future development will have to respond to, it also forms key opportunities which significantly add to the existing character of the sites and form amenities to complement future development. These considerations help inform the design principles for the site.

The structure plan is underpinned by a series of design principles which respond to key conditions highlighted in the site analysis. These principles reflect the initiatives proposed under the Greater Sydney Commission's Western District Plan and Government Architect NSW's Greener Places and Green Grid frameworks. It is important to note, the 'Shovel-ready' approach captures aspects of the high-level concepts and principles proposed under the Draft Precinct Plan, however, enforces it within the immediate context of the sites.

These design principles include:

- Retain water in the landscape – the riparian corridors and creek corridors formed by Badgerys Creek and South Creek form opportunities for waterways to be integrated and retained in the landscape of the sites.
- Preserve, extend and restore the green – there are opportunities to celebrate and better connect green corridors across the sites, particularly within the heart of the precinct.
- Locate transit corridors within walking distance to landscape amenity – Fifteenth Avenue presents an opportunity to become a transit corridor which connects through and directly interfaces with the South Creek corridor.
- Orientate urban development towards landscape amenity, connected to transit corridors – the strong interface the sites form with South Creek and the Fifteenth Avenue transit corridor creates an ideal location for mixed use activity in close proximity to amenities.

2.2. Benefits of a Simpler Set of Controls

It is recommended that a site-specific approach which applies first principles and ground level site analysis is required in order to deliver a more feasible outcome informed by better design solutions. The proposed mapping within the EIE presents a series of challenges for the sites which include:

- The proposed road alignments and locations of major intersections causing issues in relation to lot design configuration
- Lack of clarity around the rationale for the mapped open space corridors and land reservation acquisition areas.

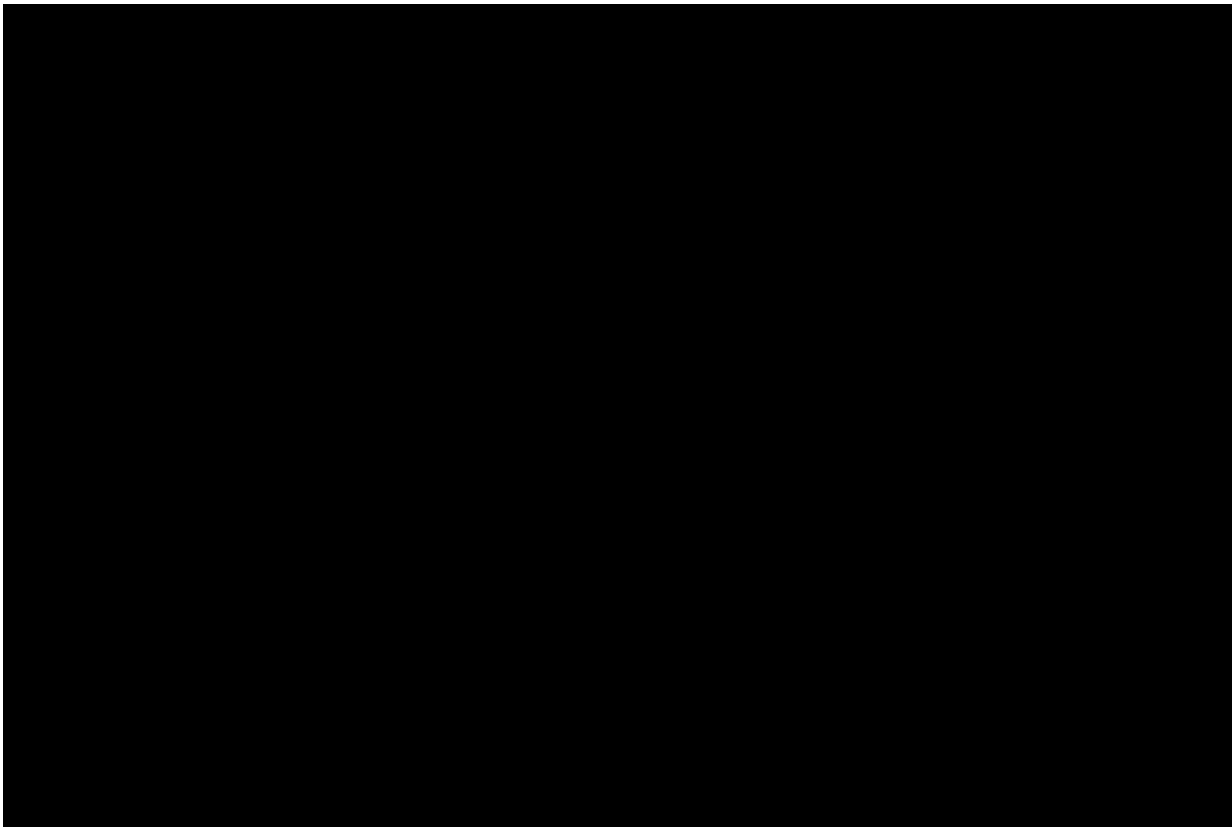
- Difficulty in justifying whether a proposal is consistent or inconsistent with the draft Precinct Plan and hence the Aerotropolis SEPP.

Through an easy-to-use set of controls, a 'Shovel-ready' approach can be achieved on the sites, with clear aims and objectives in response to site-specific conditions, which also contributes to the future vision of the Aerotropolis and its long-term growth. The key benefits include:

- Providing greater certainty for the planning and potential design outcomes for the sites.
- Providing clearer directions that are more site-specific, in comparison to the high level, visionary objectives within the Aerotropolis SEPP which are difficult to action.
- Greater certainty and clearer directions, whilst ensuring flexibility, which is easier to implement and user-friendly, which builds confidence for investment and development within the Aerotropolis.
- Well considered design responses at a site-specific level that respond to site conditions whilst ensuring overarching principles are satisfied.

The 'Shovel-ready' Strategy requires a more detailed structure plan for the two sites which take into account site-specific conditions, opportunities and constraints whilst ensuring the high-level principles, objectives and requirements proposed under the Draft Precinct Plan are met. This structure plan represents an alternative to the Draft Precinct Plan for the sites that produce better place-based outcome. This could form the basis of SSDA applications or a draft Master Plan.

Figure 4 Combined constraints



Recommendations:

- Establish first principles for the sites before locking away road alignments and open space corridors. EIE mapping to be informed by greater rationale on site-specific and precinct wide design principles and constraints.

2.3. 'Shovel-ready' Structure Plan

The 'shovel-ready' approach has been designed as an alternative to the Draft Aerotropolis Precinct Plan design layout. The structure plan directly responds to the key elements highlighted in the site analysis and is designed in accordance with the design principles. It represents an integrated approach from three major landowners within the Aerotropolis seeking to demonstrate and achieve best practice placemaking principles, a shared design language and support the continuity of public space across the sites. Whilst the structure plan introduces a number of changes to the existing Precinct Plan, it aligns with the role and vision for the Aerotropolis Core and Badgerys Creek precincts under the Aerotropolis SEPP. This structure plan will inform future master planning stages for the sites.

The structure plan breaks down the general application of the Enterprise zone across the sites and provides a more granular approach to land use planning with considerations made to the opportunities and constraints of the sites. The structure plan is made up of four key land uses which include enterprise and light industry, business and enterprise, employment zone centres and mixed use residential. The large majority of the sites consist of the mixed use, enterprise and light industry uses which will support the economic hub of the Aerotropolis Core as well as provide opportunities for higher-order jobs. There are opportunities within these zones for creek-facing employment lands which reflects one of the South Creek urban design principles identified within the Western District Plan. The enterprise and light industry use make up the majority of site which falls under the ANEC contours.

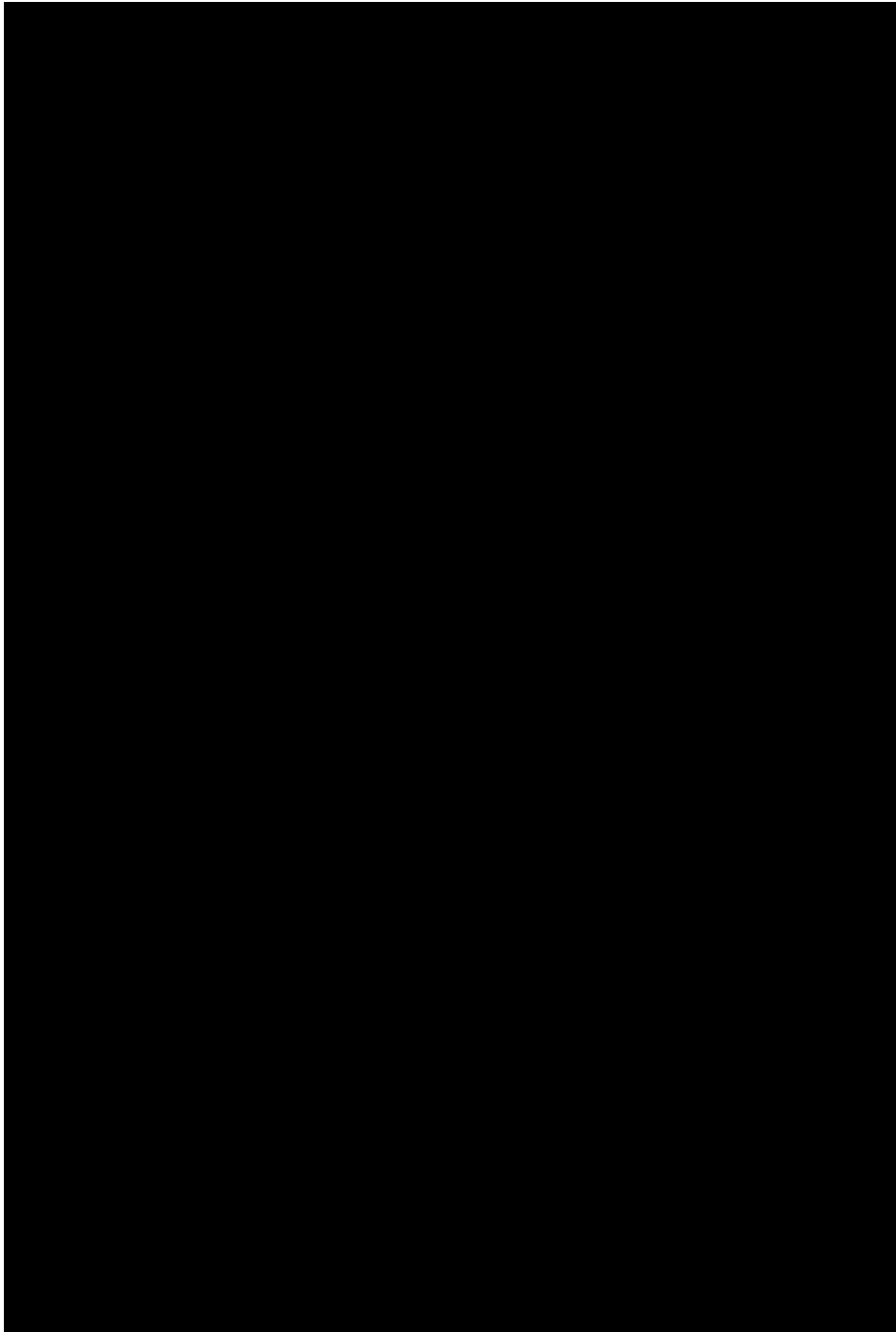
To the east of the Eastern Ring Road, at the junction between the Aerotropolis Connector and Fifteenth Avenue, is a business and enterprise precinct. This will allow for finer grain commercial and business uses to reinforce the Fifteenth Avenue corridor which forms a logical extension of the Aerotropolis Core economic hub. The transformation of Fifteenth Avenue into a smart transit corridor along with its interface with South Creek creates an opportunity to become an activity corridor. This is represented in the employment centre zone which anchors the business and enterprise precinct.

The eastern portion of the sites presents an opportunity for a mixed use residential zone given its proximity to amenities and services within the Aerotropolis Core and access to South Creek. This is a desirable location for mixed use residential uses due to it being outside of the ANEC contours as well as having sufficient buffers from the business and light industry zones.

Recommendations:

- Adopt a 'shovel-ready' approach, informed by ground-truthing and site-specific considerations, which will provide greater certainty on the planning and design outcomes of the sites.
- DPIE and WSPP need to work with landowners and developers on proponent-led master plans to deliver the vision for the Aerotropolis.

Figure 5 'Shovel-ready' Structure Plan



2.3.1. Key attributes of the Structure Plan

The draft structure plan introduces a number of key interventions which improves the design outcome for sites in comparison to the Draft Precinct Plan. These interventions are expanded in the sections below.

2.3.1.1. Re-alignment of Transport Corridors

Re-alignment of Eastern Ring Road

The structure plan proposes a re-alignment of the Eastern Ring Road (ERR) to create a more feasible lot configuration which maximises lot efficiency particularly to the east of the ERR and the site

boundary. The current ERR alignment proposed under the Aerotropolis SEPP hinders place outcomes, making it difficult to create an appropriate interface whilst also ensuring lot efficiency. The future employment land uses with high density employment which form a large majority of the sites require large format lots within a grid layout in order to align with market demands. The landowners are working with transport consultants to re-align the ERR so that it can service both sites.

The re-alignment of the ERR, with the bend in the southern extent of the sites, allow for the road to straighten which creates an opportunity for the continuation of the riparian and open space corridor. This can allow for a desirable interface along the corridor which does not impede on the lot configuration. It must be noted that the re-alignment of the ERR only increases the distance of the road corridor by only 36 metres and has no impact on travel times but creates a better placemaking and urban design outcome for a future master plan on the sites.

Adjustment of Fifteenth Avenue

The significance of Fifteenth Avenue becoming a smart-transit corridor creates opportunities for the realignment of the corridor to directly connect into the ERR. This intersection with the re-aligned ERR creates an improved lot configuration within the southern portion of the sites and also creates an opportunity for a potential public transport intersection.

Fifteenth Avenue should not be widened from its current width of 45 metres to compensate for the removal of the East West Connection, mentioned in the following sections. The current proposals for Fifteenth Avenue and also the ERR are already too wide for the future role of these corridors. The widths would also make it expensive to acquire land and build.

Re-alignment of Aerotropolis Connector

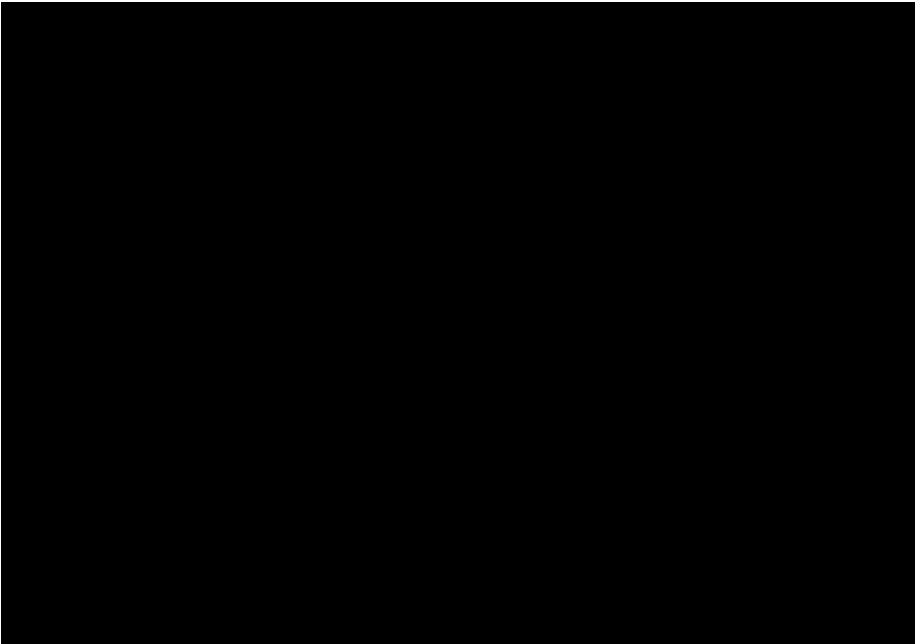
The existing Aerotropolis Connector alignment as proposed under the Aerotropolis SEPP has a lack of consideration for cadastral boundaries, creating areas of unusable land along the eastern boundary of the sites. The re-alignment of the Aerotropolis Connector to run along the eastern boundary creates an optimal place-based outcome for the sites which further strengthens the junction with Fifteenth Avenue.

The re-alignment of the Aerotropolis Connector creates a better outcome for the IPG and PG sites, as it straightens the corridor making it easier to square out lots and ensures an intersection off Badgerys Creek Road into the PG site will enable development to commence without reliance on regional road connections to be negotiated with neighbouring land holdings. This will greatly assist the early activation of development on the PG land.

Re-alignment of Green Link

The re-alignment of the green link through the PG land provides a more meaningful connection between existing vegetation on the site and South Creek. The proposed re-alignment will also deliver a strong view line along the green link from Fifteenth Avenue, improving and reinforcing connection to Country.

Figure 6 Re-alignment of Green Link



Removal of East West Connection to the north between Badgerys Creek and future Rossmore residential area

There are a series of east-west connections proposed within the context of the sites under the Transport Corridors Map which link the east portion of the Aerotropolis into the Aerotropolis Core and WSI. The East West Connection which links into the northern portion of the sites is questionable given the number of east-west connections provided across the precinct. This connection will link the residential area in Rossmore with the industrial and enterprise uses which would consequently direct high volumes of industrial traffic into Rossmore affecting the amenity of residential areas.

The East West Connection would be expensive to construct given it needs to cross the South Creek floodplain as well as impacting on the vegetation communities within the riparian corridor. The removal of this East West Connection will alleviate its burden on the infrastructure levies due to it being proposed as a 60 metre wide corridor. The removal of this East West Connection would not impact on traffic outcomes given there is also the Fifteenth Avenue and Pitt Street corridors which serve the same purpose, without funnelling industrial vehicles from the heart of an industrial precinct. It is acknowledged that Fifteenth Avenue should be the principal east west access corridor, that is also a smart-transit corridor and is strongly supported by Liverpool City Council.

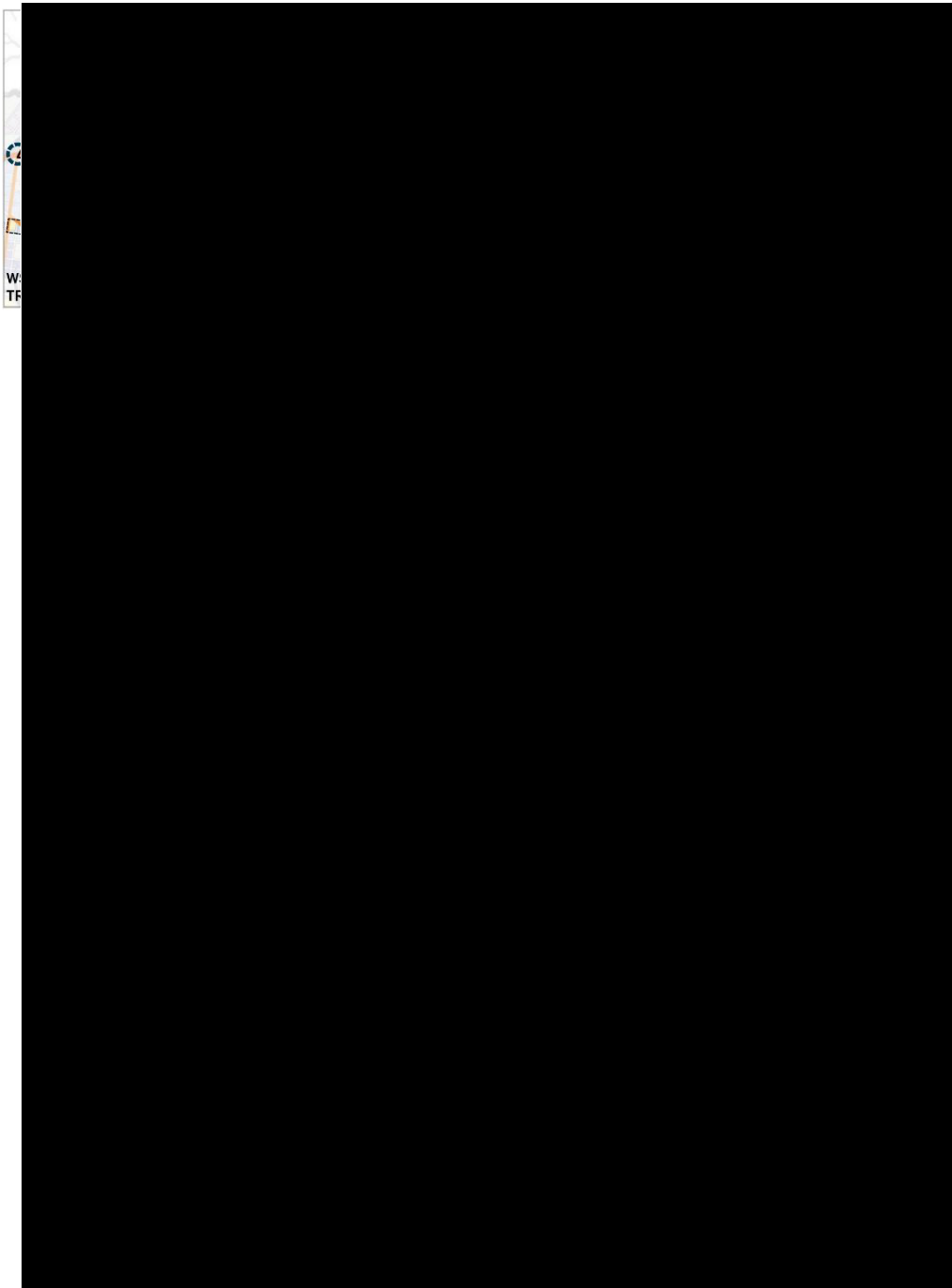
In summation, the removal of the East West Connection would achieve the following benefits:

- Future heavy industrial traffic will remain within the employment areas accessing ultimately into Elizabeth Drive, thus reducing the conflict between industrial and residential uses particularly for those businesses that need 24/7 access.
- Minimising the number of crossing over the future South Creek open space corridor has significant ecological and amenity benefits.
- The hypothetical cost of this road would be very significant particularly having its design to manage the flooding characteristics of South Creek, removal of this unnecessary would reduce future SIC charges.

Re-alignment of East West Connection to the south

The re-alignment of the East West Connection along the southern boundary of the sites to facilitate early access into the southern portion of the sites. This is a critical connection to activate a critical location within the sites, particularly given it forms part of the Aerotropolis Core and interfaces with the Bradfield City Centre.

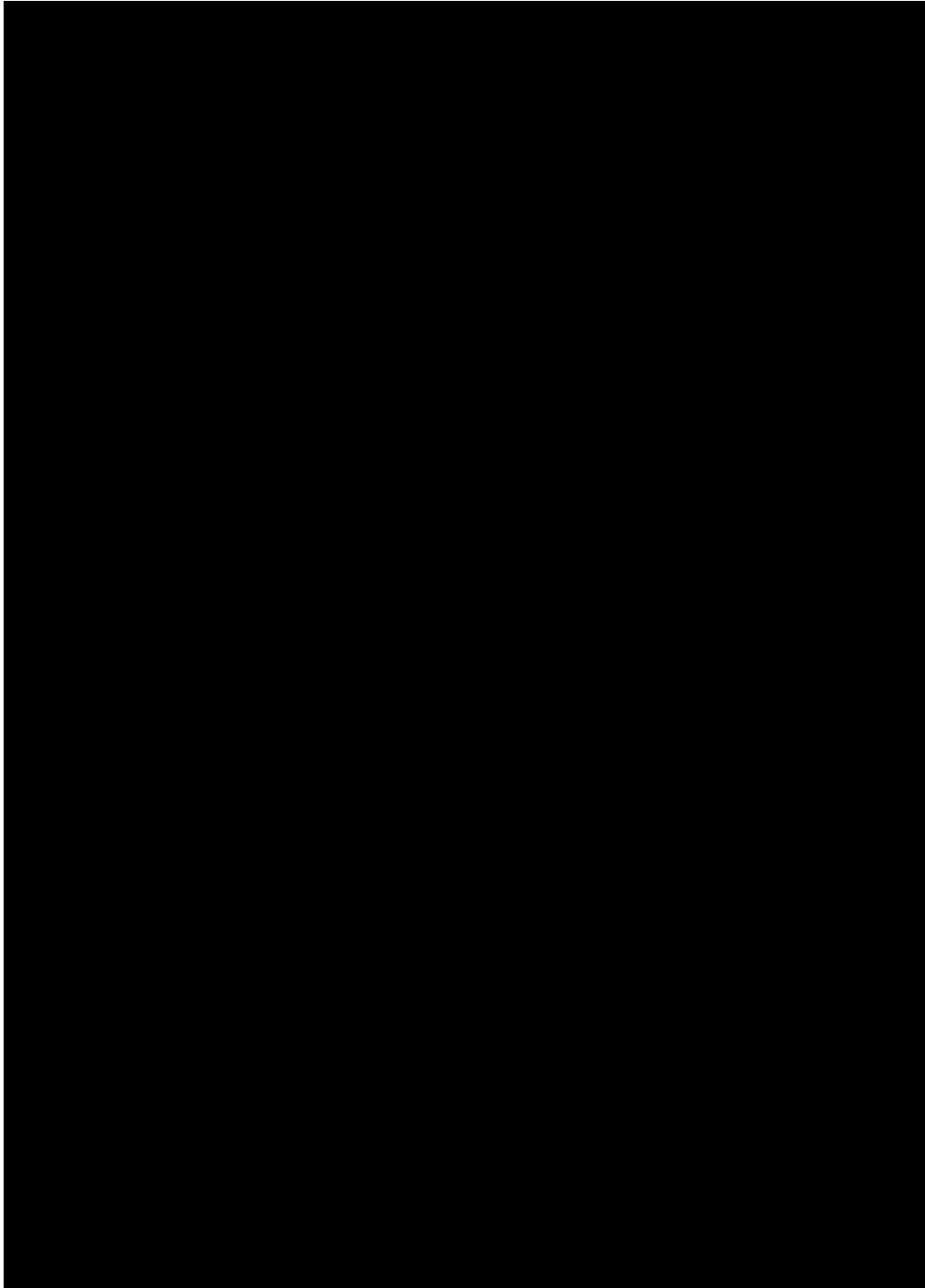
Figure 7 Re-alignment of ERR, Fifteenth Avenue and the Aerotropolis Connector



2.3.1.2. Proposed secondary town centre of the Aerotropolis

The re-alignment of the three major arterial roads creates a major focal point which is a logical location for a potential secondary town centre to complement the Aerotropolis Core. This focal point is reinforced by a consolidated employment zone centre that is well served by public transport and open space corridors. The Fifteenth Avenue corridor and its proposed land uses can be delivered through a combined landowner approach between IPG and Perich Group to the south.

Figure 8 Proposed secondary town centre of the Aerotropolis



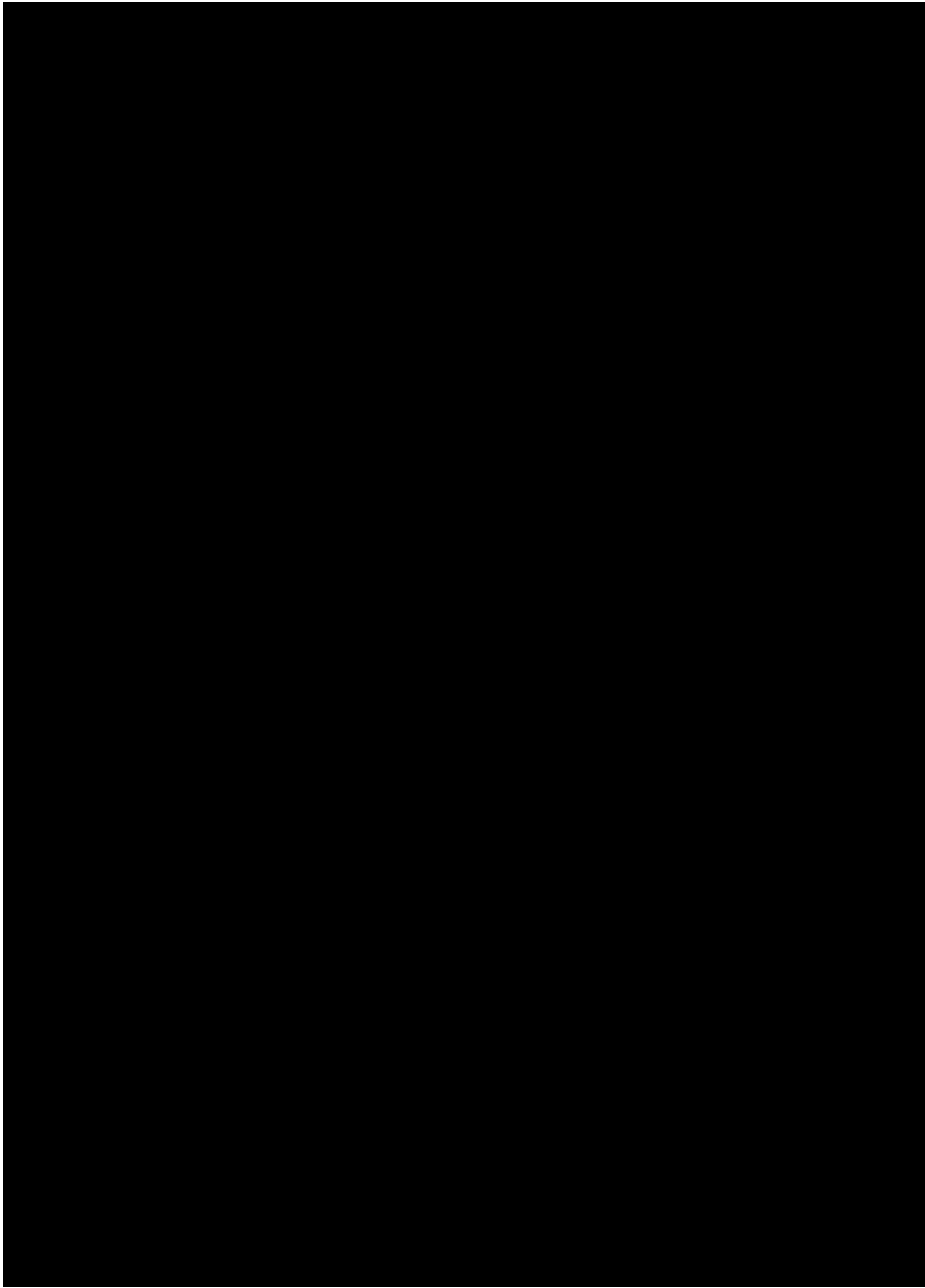
2.3.1.3. Planning for long-term mixed use

The continuous interface with South Creek, along the eastern periphery of the sites, form a major opportunity for more intensive urban development. The potential extension of the mixed use zones provides long-term flexibility for the sites, providing the opportunity to reinforce creek oriented place-based outcomes for the sites. This aligns with all the South Creek urban design principles identified within the Western District Plan, which include:

- Orientate urban systems towards the creek corridor,
- Create a transect of creek-oriented place types and things to do,
- Build a network of everyday uses within a walkable creek catchment,
- Provide creek connections and encourage waterfront activity.

The remainder of the sites to the east are not affected by aircraft noise and do not have restrictions to development. This allows for residential and mixed-use development within these locations, under the ANEC controls.

The existing topography of the site is generally steeper towards the interface with the South Creek corridor along the eastern periphery of the site, which makes it challenging to develop large format industrial uses. This landform character is better suited to residential and mix-use development which would also maximise the value of being in close proximity to the natural amenities of South Creek.



3. COMMENTS AND RECOMMENDATIONS ON PHASE 2 AEROTROPOLIS DCP AND SUPPORTING DOCUMENTS

The following section provides comments and recommendations on the Phase 2 Development Control Plan and supporting documents in relation to the IPG, CSR and PG sites.

3.1. Performance Based Approach

The Phase 2 DCP intends to implement a performance-based approach to development assessment within the Aerotropolis. This approach is intended to provide a level of flexibility where benchmark solutions are provided to deliver specific performance outcomes and objectives.

IPG, CSR and PG acknowledge that the delivery of the Aerotropolis and the challenges presented within Western Sydney will require innovative and aspirational measures. Whilst the flexible approach is welcomed by the landowners group, the amount of information included within the DCP required to be addressed by future development proposals make it a challenging process to satisfy. We note that the Phase 2 DCP consists a total of 200+ Objectives, 250+ Performance Outcomes and 1,100+ Benchmark Solutions, a majority of which have been classified 'aspirational' controls in the industry briefings from DPIE.

Whilst some controls may only apply to certain types of development, this is a significant number of controls for development to consider. We also note that in many instances the controls are unclear, internally conflicted and comprise multiple subsections.

The performance outcomes and benchmark solutions should be simple and clear to interpret. It will not be feasible to prepare 'traditional' compliance assessment tables for future planning applications based on the current DCP. An assessment in this format would be complex and lengthy, particularly if the additional detailed reference documents are required to be addressed. To encourage flexibility, we would recommend a simpler two-tier approach and a reduction / simplification of the wording of the benchmark solutions.

Given that the Precinct Plans have not been exhibited it is also unclear as to which controls will remain within that document. The draft Precinct Plan was a highly prescriptive, complex and 248 page document. If only minimal changes have been made to the draft Precinct Plan, this would require a development to assess compliance against two highly prescriptive documents in addition to the Western Sydney Aerotropolis Plan and Aerotropolis SEPP. It is therefore difficult to provide meaningful comment on the draft DCP in the absence of the revised Precinct Plan.

To ensure that the Aerotropolis DCP becomes the main development control / assessment document the revised Precinct Plan must be a high-level document. This would ensure that development isn't overburdened with assessment against three layers of prescriptive and complex planning controls. Further clarity should be provided regarding the way in which the DCP should be assessed and presented within a future planning application, including the Statement of Environmental Effects or Environmental Impact Statement prepared under the new Rapid Assessment Framework for State Significant Development which now requires a significant number of planning compliance tables.

Recommendations:

- The controls within the draft DCP should be rationalised in both number and wording. The DCP must be a simple and clear document which is easy to be implemented by both the development industry and assessment officers.
- The draft DCP should be re-exhibited alongside the revised Precinct Plan to enable the industry to provide feedback on how a development application may be assessed against the entire planning framework.

3.2. Document Structure

To reduce complexity the DCP should minimise the number of additional documents. The Aerotropolis DCP should be a one stop shop for development assessment with relevant controls included from these additional reports and guidelines only where necessary and relevant.

The number of additional reports and documents currently referenced risks the industry developing 'planning control fatigue'. This has the potential to significantly undermine the outcomes being sought and may drive investment away from WSI and the Aerotropolis. Any references to additional documents within the Phase 2 DCP should be easily accessed by proponents. If web links are to be provided within the DCP Appendices as per the current draft, these must be maintained or updated as required.

The draft DCP does not clearly identify controls required to be considered by all development and those controls that would only be relevant on certain sites and to certain development types. The draft DCP must be clearer in identifying these controls such that they can be easily cross referenced and navigated to.

It is also noted that the draft DCP references diagrams and other requirements stated to be within the Precinct Plan. Given that revised Precinct Plan has not been released it difficult to review and provide meaningful feedback in relation to these controls.

Recommendations:

- The DCP must be a one stop shop for development assessment. The number of referenced reports and guidelines must be reduced with relevant controls incorporated to the corresponding section of the draft DCP.

3.3. Detailed comments

DPIE have requested feedback on the aspirational controls within the draft DCP relating to Connection to Country, a landscape led approach including blue green infrastructure, built form and activation, access and movement and site coverage and permeability.

This section addresses the feasibility of the draft DCP controls, where other relevant questions and comments have been included in this section to avoid duplication throughout this submission.

3.3.1. Heritage

Aboriginal Cultural Heritage will require a detailed assessment in any future planning application having regard to the protection and management of archaeological resources and the preservation of scenic and cultural heritage connections.

An Aboriginal cultural heritage assessment report will be required in accordance with Part 6 of the *National Parks and Wildlife Act 1974* ('NPW Act') and Heritage NSW guidelines.

Performance Objective PO2 should be amended to reference the relevant provisions within the NPW Act. This should include a requirement for harm to significant Aboriginal objects and declared Aboriginal places being avoided wherever possible and where harm cannot be avoided, providing for appropriate measures to reduce the extent and severity of harm.

Recommendations:

- Performance Objective PO2 within section 3.1.2 should be amended to reference the relevant provisions within the NPW Act.

3.3.2. Stormwater and Water Sensitive Urban Design

Significant concerns are raised regarding the Part 4 provisions in the Draft Phase 2 DCP and their implications for the economic and efficient use of land for its intended purpose under the WSA SEPP.

It is understood the integrated water cycle management is being driven by Sydney Water and at a site level requires significant areas for stormwater detention and infrastructure along or adjacent to established creek lines. Irrespective of these controls within the draft DCP, it is understood that this integrated water cycle management solution is unlikely to be delivered in the short to medium term. The adoption of the DCP controls could potentially require high land take for stormwater quality management measures than what would otherwise be required under current best-practice. This will significantly impact development feasibility.

There are significant concerns within the development industry in relation to the feasibility of achieving the significant Mean Annual Rainfall Volume (MARV) and stormwater harvesting targets. In particular, we note the need for large wetlands required to capture and clean stormwater before being recycled and re-used within the catchment area. This approach also puts the onus of sites adjacent to creek corridors to shoulder the burden of stormwater management for the relevant catchment. An integrated water cycle approach to retain and treat stormwater in the landscape also conflicts with airport operations and the requirement for detention basins within an airport buffer area to drain within 48 hours.

The controls within this section include specific targets to be met by each development site. If these runoff targets are to be adopted, a regional approach must be considered. Regional wetlands and/or evaporative ponds are a proven measure that provides for the greatest overall load reductions whilst not impacting on future development. A regional approach will ensure that development sites are not unduly sterilised to provide significant areas for evaporative ponds and detention basins. It would also reduce the need for costly stormwater infrastructure such as misting which not only has the potential to conflict with airport operations but also rooftop renewable energy systems such as solar panels as required by Section 11.1.2 of the draft DCP.

The EIE currently on exhibition identifies areas that will be required for stormwater infrastructure as an SP2 Zone. As identified in our submission to the EIE, any stormwater infrastructure overlay must be included within the DCP rather than the ASEPP or Precinct Plan which are statutory documents. This approach would ensure flexibility to rationalise the extent of these areas to suit the needs and requirements and feasibility of future development.

Imposing the MARV targets for individual development sites will unfavourably impact both the feasibility of development delivery of jobs and employment within the Aerotropolis.

Recommendations:

- A regional approach to integrated water cycle management must be implemented such that large areas of development sites will not end up sterilised by the onerous requirements for stormwater retention and evaporative infrastructure.

3.3.3. Native Vegetation and Biodiversity

In relation to tree canopy and deep soil targets, the DCP provides controls within **Section 5.1** which indicate the following:

- *Industrial development would be required to provide a minimum tree canopy of 25% of site area and minimum deep soil area of 15% of the site area. This section also requires minimum tree planting rates of two medium trees or one large tree per 400m² of site area.*
- *Business park development would be required to provide a minimum tree canopy of 35% and deep soil area of 25%.*

These provided targets are a concern for industrial and business park developments as they are generally unfeasible. Industrial and business park uses typically require large floorplates or development pads. There is also a disconnect between how the deep soil and tree canopy targets relate to the site permeability requirements for larger sites within **Section 14** of the DCP.

We also note that the tree canopy target does not consider potential wildlife attraction risk within 3km of the airport noting that this matter has been identified as a significant matter of concern by WSA.

Recommendations:

- The controls relating to tree canopy, deep soil, movement of animals and retention of vegetation must be balanced with the need for feasible development outcomes and potential wildlife attraction risks to WSA.

3.3.4. Access and Movement Framework

Section 6 of the Phase 2 DCP provides controls relating to the access and movement framework and includes controls which relate to street network functions and design.

These controls reference the *Western Sydney Street Design Guidelines* and *Engineering Design Manual* for guidance on street design and engineering standards. However, it is unclear which elements of the detailed documents are relevant and how they will be considered in the assessment of any future DAs. This should be included within the DCP, otherwise, significant time is required to review these documents in detail to identify the matters relevant to the detailed design and/or assessment process.

The requirements for Enterprise zone areas outside of centres to have a maximum length of a block at 350m and mid-block connections for pedestrians and cyclists provided no more than 150m apart, limits the ability to provide lot diversity for industrial uses especially large manufacturing footprints. The allocation of mid-block connections within industrial areas, whilst enabling greater precinct permeability, is questionable as it could potentially create undesirable place outcomes within areas which are not suited for pedestrian activity. The objective of creating greater permeability for pedestrians across the Enterprise zone could potentially come at the cost of developable land in a precinct allocated for industrial activity.

Recommendations:

- Requirements for block sizes and mid-block connections should be flexible to suit specific sites and other land use/end user requirements.
- The inclusion of mid-block connections can create undesirable place outcomes within industrial areas which are not suited for pedestrian activity.

3.3.5. Travel Demand and Management and Parking

IPG, CSR and PG are generally supportive of the proposed approach to travel demand management and parking, including the provision of minimum and maximum car parking rates. However, further detailed consideration needs to be given to the relevant car parking rates in **Table 4**, including:

- Proposed Use in Column 1 should provide rates for 'Light industry' and 'Warehouse or distribution centres'. It appears these two land uses have been incorrectly amalgamated into a single category in Line 1.
- Minimum rates for 'warehouse or distribution centres' which are consistent with the RTA Guide to Traffic Generating Development and Mamre Road DCP which provide a minimum rate of 1 space per 300m² per gross area.

Further clarification could also be provided in Part 7.2.4 regarding the circumstances where a proposed development is considered to have 'good access to public transport' and enabling on-site parking to be significantly below the maximum rates. This is particularly relevant for areas within the southern portion of the sites which have better access to future public transport.

For areas outside of the 800m walking catchment of a Metro station, it is currently unclear how the existing public services will be augmented to meet the needs of future development.

Further rationale should be provided for on-site bicycle parking rates particularly within an industrial and enterprise precinct.

Recommendations:

- Differentiate minimum parking rate requirements for light industry uses and warehouse or distribution centres.
- Provide further clarifications regarding the circumstances where proposed develop for proposed development with and without 'good access to public transport'.

3.3.6. Building Siting and Design

Section 8 of the Phase 2 DCP provides controls relating to Building Siting and Design. It is noted that additional built form controls are also provided in Section 15 which relate to specific development typologies.

The building siting and design include setback controls from road interfaces as follows:

- Classified Road – 20m
- Collector and Distributor Road – 12m
- Local Road – 7.5m

Setbacks must be feasible for development typologies and not impact on the large footprints generally required for warehousing and other industrial land uses. Whilst the setbacks above can generally be achieved in the Concept Plan, it is important that if an industrial/warehouse building or other typology has front boundary to an internal estate road that this setback is maintained to 7.5m and is not increased to 10m per the front setback control in Section 15. It is critical that setback controls are consistent such that they do not unnecessarily impact upon the developable area of a site.

The requirements for appropriate interfaces between conflicting uses and protecting view lines to significant scenic and cultural attributes requires further details and controls to guide these principles-based controls.

There are also concerns in relation to Section 8.1.2 PO1 of the Phase 2 DCP, which include:

- Requirements for built form to be located at an appropriate distance and setback to major roads,
- Ensure back-of-house uses are not visible from any road and active transport corridor,
- For a local road to provide interface between the Eastern Ring Road and built form.

These requirements would result in a detrimental design outcome along the ERR corridor that reduces permeability across the sites and effectively increase the corridor width from the already excessive 60 metres to 106 metres (plus setbacks). There needs to be a provision that can demonstrate adequate screening from landscaping, most of which will be provided within the road corridor) to allow development to back onto these corridors.

Recommendations:

- Ensure setback requirements for industrial/warehouse buildings do not unnecessarily impede on the feasibility of development.

- There needs to be a provision that implements landscaping as a design measure to provide adequate screening and enable development to back onto roads and active transport corridors where possible.
- Ensure the requirement for local road interfaces along the Eastern Ring Road does not unnecessarily impact on the place outcome and further expand a road corridor that is already too wide which divides the precinct into two, reducing permeability within the sites.
- Provide further clarification as to how principle-based design controls can be achieved such as the protection of view lines to culturally valuable landscapes.

3.3.7. Flooding

In relation to flooding concern is raised regarding the proposed benchmark solutions for mitigating the urban heat island effect in Part 9.2 and how these may be applied in the assessment of future planning applications. While it may be intended this approach offers one potential solution to achieving the performance objective, concern is raised that these will be imposed as baseline requirements.

For example, PO1 in Table 9.2.2 suggests 'Irrigation of all public and private open spaces (using harvested stormwater) with 50% of grassed areas and 100% trees irrigated' as one potential benchmark solution (1c) to achieve evaporative cooling. This approach seems onerous and there may be other solutions which are more appropriate for individual site contexts.

Another benchmark solution (7) suggests '50% of rooftops are either vegetated, light coloured or irrigated using harvested stormwater'. However, this is impractical for large-format industrial/warehouse developments. The size of the buildings means green roofs are extremely expensive to implement and the structural requirements make these unfeasible.

Again, potential outcomes should not be prescribed which are unlikely to be realised, setting an unrealistic expectation in future assessments. Concern is raised that these matters may be assessed as minimum or mandatory requirements and should be removed or renamed as 'performance solutions' rather than 'benchmark solutions'.

Recommendations:

- Ensure flooding controls are suitable for large-format industrial/warehouse developments without applying significant design measures and structural requirements that are unfeasible.
- Land uses such as commercial and industrial development be considered appropriate in flood areas below the 1:100 that are assessed within a detailed Flood Risk Impact Assessment to have to low / medium hazard risk. This approach would be consistent with the Liverpool DCP.

3.3.8. Controls for Larger Sites

Section 14 of the draft DCP provides controls for larger sites greater than 5,000sqm. These controls would apply to the IPG, CSR and PG sites.

Table 8 of the DCP outlines acceptable solutions for site cover and perviousness. However, the table is unclear as to how it should be interpreted including the requirements for perviousness. It is also unclear as to what scenario would be applicable and/or acceptable for development (i.e. Base Scenario or Parkland Solution) and whether there would be any benefit to sites providing above the base scenario i.e. additional FSR/Height concessions to other controls etc.

There are significant concerns raised around the base requirements for site coverage and perviousness within mixed use centres, employment uses and large sites 5,000m² or above. Key concerns include:

- The 40% perviousness for commercial and light industrial and 30% perviousness for large format industrial land uses will have significant implications for site coverage noting that permeable

paving is not a feasible solution for the service hardstand areas required for warehouse and logistics development.

- Limiting site coverage significantly impacts the flexibility to provide for business parks and large-scale warehousing and logistics land uses particularly considering the low building heights applied within Aerotropolis which would restrict high bay/multi-level warehousing

Recommendations:

- The site perviousness requirements should be revised and considered on a holistic master planned site basis rather than individual lot targets. The targets will significantly reduce developable areas and result in unworkable solutions for such as permeable paving which do not reflect the specific end user requirements for business parks and industrial/warehouse development.

3.3.9. Provisions for certain land uses

Section 15 of the draft DCP provides controls for specific development types. The most applicable controls for proposed development concept would be related to Industrial, Specialised Retail/Bulky Goods Uses. However it is noted that other controls related to other land uses within the proposed concept plan may also be applicable to future development.

Whilst the majority of controls for specific land uses are supported, our specific comments in relation to the implications of the controls as follows:

- Ensuring that back-of-house uses (including external storage, truck parking areas) are not visible from any road and active transport corridor.
- The 10m minimum setback for industrial development to the front property boundary is not consistent the Mamre Road DCP which requires 7.5m setback for lots fronting local estate roads.
- Treatment of setbacks should be consistent with the draft Mamre Road DCP which permits car parking areas within the setbacks provided:
 - It is set behind a landscaped area which is 50% of the required setback,
 - Promotes the operation and function of the development,
 - Enhances the overall design of the development by implementing design elements, including landscaping, that will screen the parking area and is complementary to the development; and
 - Does not detract from the streetscape values of the locality.

It will be important to allow the development industry time to test the proposed controls to enable the identification of potential issues that could impact feasibility. In this regard we would request that DPIE accept ongoing feedback from the development industry in relation to the draft DCP. In the interim it will be important to allow flexibility in the assessment to allow reasonable alternative solutions.

Recommendations:

- Setbacks should be consistent with surrounding employment land including Mamre Road and Oakdale.
- Vehicle parking must be permitted within setback areas subject to appropriate screening consistent with the approach within the draft Mamre Road DCP.
- It will be important to allow the development industry time to test the proposed controls to enable the identification of potential issues that could impact feasibility. In this regard we would request that DPIE accept ongoing feedback from the development industry in relation to the draft DCP.

3.4. Connection to Country

The Connection to Country requirements and guidelines are considered positive steps forward to recognising Indigenous culture in the built environment. The DCP seeks to add the cultural overlay with the biodiversity overlay in a significant way to add meaning and value to the environment and natural systems.

However, concern is raised regarding the \$20 million threshold. We note that 20 Hectares and \$20 million are not comparable thresholds. It would be useful to understand from those groups and individuals whether there is capacity to respond within a timely manner and/or whether the current threshold should be amended to capture appropriate projects using a different approach. This has the potential to set up a situation for engagement fatigue that could significantly impact project timeframes.

Recommendations:

- The controls should be clearer on the thresholds for Connection to Country. The \$20 million threshold must be increased to ensure that traditional custodians and knowledge holders are not overburdened by the quantum of projects these critical stakeholders will be required to be involved in.
- IPG, CSR and PG broadly support the recognition of first nations people and the strengthening of the framework to embed Aboriginal Country values and attributes, however the controls should only be implemented as design principles to guide development, informed by ground-truthing, and not as requirement across all sites.

4. Conclusion

IPG, CSR and PG commend DPIE for the exhibition of the Phase 2 DCP and supporting documents which have resulted in some positive changes to the planning documents including:

- Providing further guidance around Connection to Country requirements,
- Performance based controls that focus on development outcomes.

However, the exhibited documents have also resulted in some concerns which relate to:

- The significant number of benchmark solutions within the draft DCP,
- The complex wording and length of the controls which makes the document unclear and difficult to interpret,
- The number of controls that reference requirements or diagrams within the revised Precinct Plan which has yet to be exhibited.
- The number of controls that reference other reports and guidelines noting that 85 separate reports and guidelines are linked in the appendices to the draft DCP.
- The proposed integrated stormwater management approach and significant implications for future development.
- Controls requiring significant water harvesting, landscaping and wildlife corridors and the direct conflict this would have to airport operations.
- The significant impacts that the proposed perviousness controls will have on developable area and feasibility.
- Providing appropriate setbacks that are consistent in approach with nearby Mamre Road precinct.
- The lack of clarity within the controls around which objectives and outcomes take precedence in close proximity to WSA noting the significant conflict between the landscape led approach and airport safeguarding.

We look forward to working with DPIE and WSPP to address key issues raised in this submission. In summary, IPG, CSR and PG requests the following recommendations to be addressed prior to the proposed Aerotropolis SEPP amendments and finalisation of the Precinct Plans.

Appendix A – AT&L letter

05 November 2021

CSR Limited
Ingham Property Group
The Perich Group**Your Ref:**
Our Ref: LTR001-02-21-871-Phase 2 DCP
Submission 211105.docx**Attention:** Nelma Arancibia (CSR Limited)**Issued via
email:**

Dear Nelma,

RE: WESTERN SYDNEY AEROTROPOLIS DEVELOPMENT CONTROL PLAN – PHASE 2
SUBMISSION TO NSW DPIEAT&L have prepared this Submission in relation to the *Western Sydney Aerotropolis Phase 2 Development Control Plan* on behalf of the following landholders:

- [REDACTED]
- [REDACTED]
- [REDACTED]

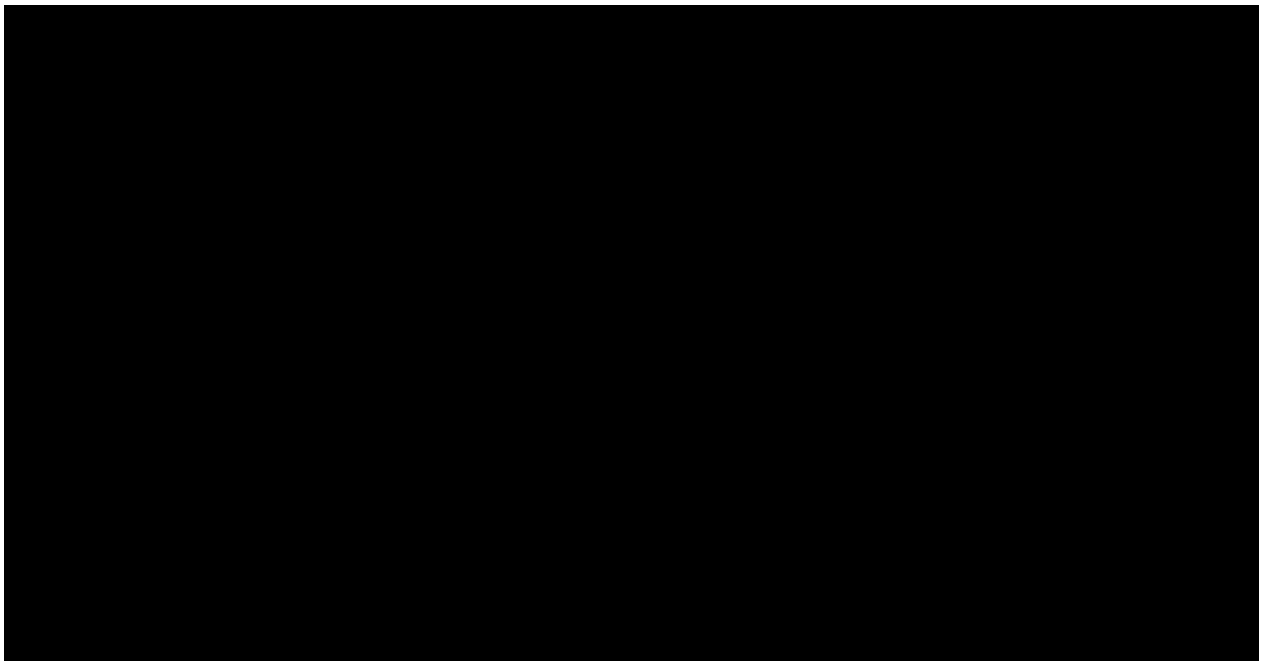
The extent of these three landholdings is presented below in **Figure 1**.

Figure 1: *Extent of landholdings for which this Submission has been prepared
(imagery from nearmap dated 25 October 2021)*

AT&L have now been involved in the design development of the Aerotropolis Precinct for over four years. During that time have worked closely with both Government and Private Enterprise to explore and develop engineering solutions for the required infrastructure across the developable lands.

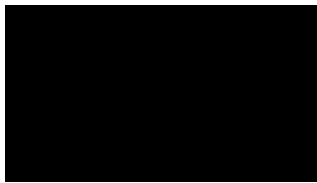
We acknowledge and agree with the aspirations of Government that development within the Aerotropolis Precinct achieves connectivity, liveability, productivity, and sustainability. We also accept that the development of the Western City cannot be Business as Usual although the aspirational outcomes of Government must be economically sustainable and not stifle development and employment outcomes.

Appreciating the difficult constraints across the Aerotropolis Precinct that challenge the development of the lands, we have been working closely with landholders, Developers, and authorities to develop holistic engineering solutions to achieve the objectives for development and the economic drivers that underpin the development and employment.

We welcome the opportunity to provide this Submission to the NSW Department of Planning, Industry and Environment (DPIE) in relation to the Aerotropolis Phase 2 DCP, as it would apply to large-format industrial development sites within the Aerotropolis, Badgerys Creek and Northern Gateway precincts.

In reviewing the Phase 2 DCP, we have also taken the opportunity to review a number of the associated referenced documents which are listed within this submission.

Should you have any questions, please don't hesitate to contact the undersigned.



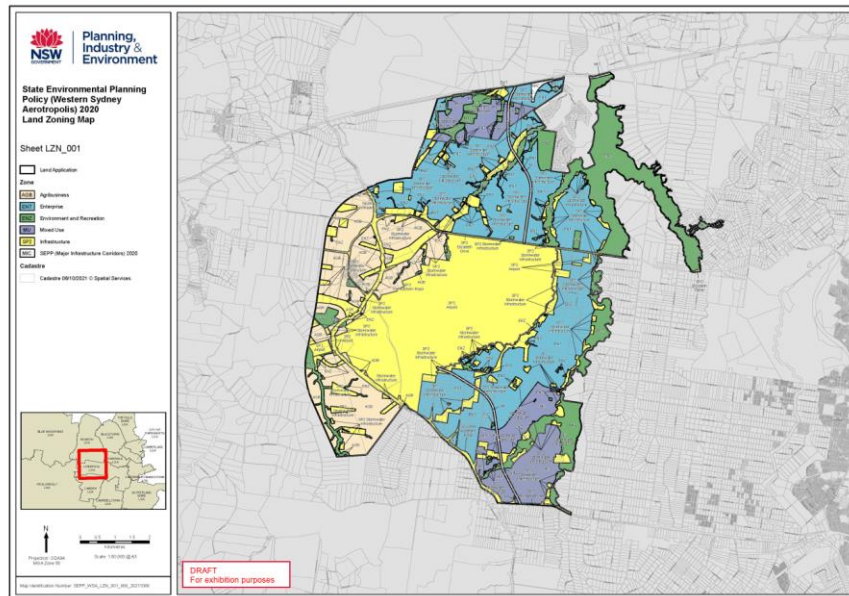
Anthony McLandsborough
Director – AT&L

As an industry leader, we acknowledge that development within the Aerotropolis cannot be Business as Usual and as an industry we must strive for better and more sustainable outcomes, but this must be measured against the economic viability and sustainability outcomes. We acknowledge that the development outcomes of today will be different to the development outcomes in 2060. Any controls and objectives established by Government must consider the developments needs of today and not succumb to 2060 idealistic outcomes that may never eventuate.

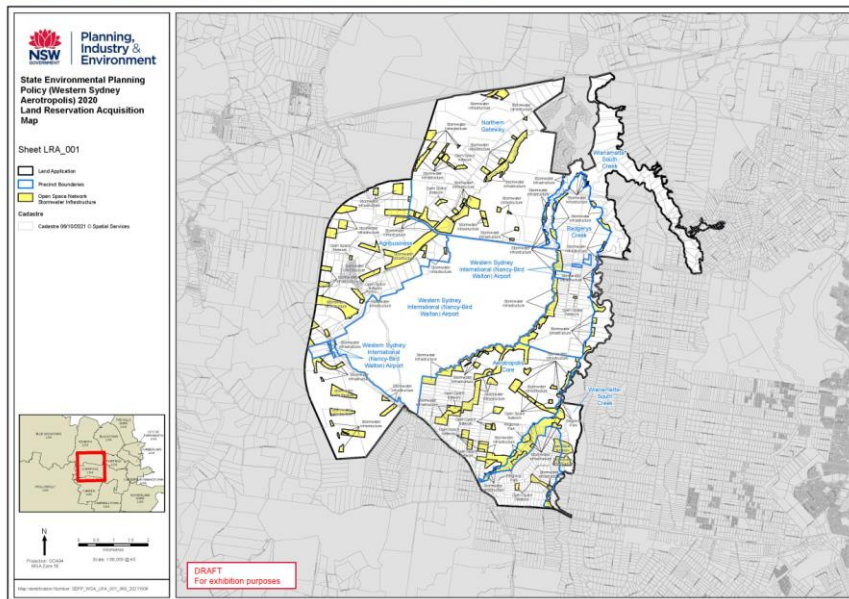
The following table has been prepared to identify the key development and employment constraints that, as experts within the Civil Infrastructure and development field, we believe will stifle development within the Aerotropolis and in doing so will delay development, push up costs, force tenants to look at alternative jurisdictions and suffocate the Governments employments targets.

Issue	SP2 – Stormwater Infrastructure zoning and Land Reservation Acquisition
Reference	<p data-bbox="512 696 1182 725"><i>Western Sydney Aerotropolis – Explanation of Intended Effect</i></p> <p data-bbox="528 741 1027 770">Acquisition of land for Stormwater Infrastructure</p> <p data-bbox="528 779 1326 846">The WSAP advocates for the Aerotropolis to become a cool green place that retains water in the landscape. To achieve this outcome, for a stormwater system that promotes waterway health and water recycling, the planning framework needs to provide sustainable outcomes in the long term.</p> <p data-bbox="528 853 1331 943">The future stormwater system requires space for creation and management of dams and storm water detention systems and needs to identify land for the protection of riparian corridors. In order to achieve this, there is a need for the identification and acquisition of land for stormwater infrastructure to ensure an integrated water cycle management approach.</p> <hr data-bbox="528 1010 1342 1016"/> <p data-bbox="528 1016 924 1037">13 NSW Department of Planning, Industry and Environment</p> <hr data-bbox="512 1093 1366 1099"/> <p data-bbox="576 1160 1342 1193" style="text-align: right;">Explanation of Intended Effect of amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis</p> <hr data-bbox="528 1200 1342 1207"/> <p data-bbox="528 1240 1286 1285">Similar to the requirements for the Open Space Network, lands for stormwater infrastructure, namely water detention basins are not needed now but will need to be acquired over time.</p> <p data-bbox="528 1294 1337 1361">To clearly identify land to be acquired for the delivery of water detention basins, land will be rezoned to SP2 Infrastructure – Stormwater Infrastructure. Clause 52 of the Aerotropolis SEPP will also be amended to identify an acquisition authority for land to be acquired for this infrastructure.</p> <p data-bbox="528 1368 1326 1435">The Land Zoning Map (Appendix C) and Land Reservation Acquisition Map (Appendix D) in the Aerotropolis SEPP will be amended to reflect these changes. The Land Reservation Acquisition Map in Appendix D shows the land proposed to be acquired.</p> <p data-bbox="528 1444 1278 1489">It is further intended that the final Precinct Plans and Aerotropolis SEPP will reflect the final locations of water detention basins to be acquired for the initial precincts of the Aerotropolis.</p>

Appendix C: Aerotropolis SEPP – Land Zoning Map



Appendix D: Aerotropolis SEPP – Land Reservation Acquisition Map

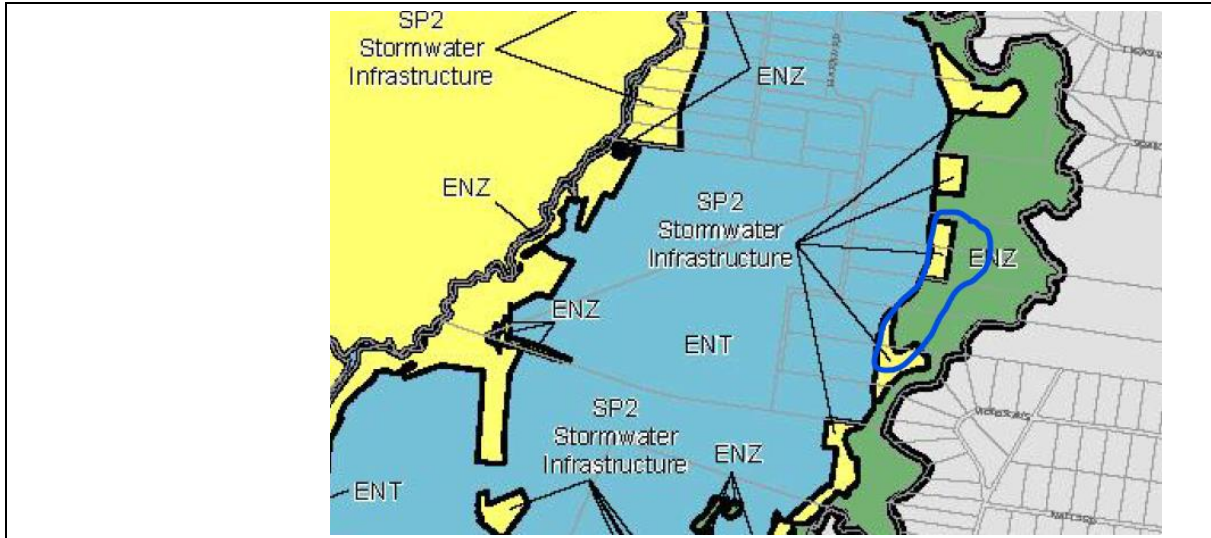


Discussion points

The development of industrial and logistics warehousing in Western Sydney is primarily being driven by the demand of tenants with demand currently outstripping supply pushing land prices up in Western Sydney by more than 30% in 2021 alone. Warehouse buildings are becoming larger, higher and more complex than similar industrial development areas in Sydney such as Wetherill Park and Erskine Park. One example of the type and scale of large-format industrial development that is typical of current demand is the Goodman Oakdale development in Horsley Park and Kemps Creek. Oakdale is over 400 hectares and has progressively been developed over the past ten years with AT&L delivering all of the engineering design.

Where tenant-driven outcomes require large warehouses, such as the Amazon facility at Oakdale West. These types of facilities are typically ½ kilometre long requiring enormous investment of over \$500 million. Delivering these facilities requires significant earthworks to construct a level building pad. Such earthworks typically alter the landform and therefore the extent and nature of gullies and

	<p>hydro lines. Given the undulating and relatively steep topography within the Aerotropolis, it is envisaged that the majority of development in the <i>ENT – Enterprise</i> zone would require significant earthworks and alteration of hydro lines, to the extent that the required location of stormwater quantity and quality management measures would not suit the proposed <i>SP2 – Stormwater Infrastructure</i> zoning. In addition, some of the fragmented land parcels that are proposed to be zoned <i>SP2 – Stormwater Infrastructure</i> would require spot rezoning to facilitate future development.</p> <p>Further to this, the proposed controls relating to ‘Development by a Public Authority below the flood planning level for public infrastructure’ are supported, as they would provide opportunity (where suitable and appropriate) for infrastructure such as stormwater management measures to be located below the flood planning level and within the <i>ENZ – Environment and Recreation</i> zone.</p>
<p>Implications if adopted in final DCP</p>	<p>If adopted in the Final DCP, the proposed <i>SP2 – Stormwater Infrastructure</i> zoning would create a significant impediment to large-format industrial development. The number and scale of development lots would be less than technically viable without the SP2 zoning in place and would be likely to compromise the economic viability of some development sites.</p> <p>The currently exhibited plans showing the SP2 zoning for Stormwater will prevent development outcomes like Amazon and quite possibly delay the ultimate development of the lands for many decades.</p> <p>The creation of large water bodies and wetlands for stormwater quantity / quality and harvesting potentially create bird habitat which potentially creates an aircraft safety issue.</p>
<p>Possible alternative</p>	<p>To maximise the development potential of the Aerotropolis, whilst still achieving the objectives and performance outcomes, it is recommended that the <i>SP2 – Stormwater Infrastructure</i> zoning and associated Land Reservation Acquisition map be deleted from the Aerotropolis SEPP. Any land reservation needed to satisfy stormwater management controls would be incorporated into the development layout within either the <i>ENT – Enterprise</i> or <i>ENZ – Environment and Recreation</i> zones.</p> <p>Rather than zone specific areas for stormwater infrastructure (for quality and quantity management measures), it would be prudent to:</p> <ul style="list-style-type: none"> ■ Allow the planned development layout to influence the location and scale of stormwater management measures. ■ Permit the construction of stormwater management measures within the <i>ENT – Enterprise</i> zone and <i>ENZ – Environment and Recreation</i> zones, where such measures would not conflict with other development controls (e.g., flooding, riparian corridor, ecology and biodiversity). ■ Rely on the development controls to shape the design solution and outcomes for scale and location of stormwater management measures. <p>Opportunities to implement stormwater management measures within ENZ zoned land, below the 100 year ARI (1% AEP) flood extent should be maximised. For example, a large proportion of the CSR owned land adjacent to South Creek is low-lying, within the 100-year ARI flood extent and is very likely to be suitable for implementation of measures such as evaporation ponds and wetlands (subject to review of potential impacts on flooding, ecology and other factors).</p>



Issue	Retention of 'naturalised creek / drainage line' with catchments larger than 15 hectares						
Reference in Phase 2 DCP	Section 4.1 – PO1 <div style="background-color: #008000; color: white; text-align: center; padding: 2px;">Draft Western Sydney Aerotropolis Development Control Plan 2021</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #444; color: white;"> <th style="width: 10%;">4.1.2</th> <th style="width: 35%;">Performance Outcome</th> <th style="width: 55%;">Benchmark Solution</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td> <ul style="list-style-type: none"> b. Strahler Order 1 watercourses outside HEV areas in a catchment less than 15 ha can be removed/piped/realigned; c. Strahler Order 1 and 2 watercourses outside HEV areas with a catchment larger than 15 hectares must be reinstated as a naturalised creek/drainage line with and appropriate VRZ (they can be realigned/moved); d. Strahler Order 3 and 4 watercourses must be retained and rehabilitated with an appropriate VRZ to return the waterway to a natural state (for benchmarks for the natural state of riparian corridors and waterways are available, refer to external documents referenced in Appendix E of this DCP); and e. Potential flood impacts must be considered for restored creeks. </td> </tr> </tbody> </table>	4.1.2	Performance Outcome	Benchmark Solution			<ul style="list-style-type: none"> b. Strahler Order 1 watercourses outside HEV areas in a catchment less than 15 ha can be removed/piped/realigned; c. Strahler Order 1 and 2 watercourses outside HEV areas with a catchment larger than 15 hectares must be reinstated as a naturalised creek/drainage line with and appropriate VRZ (they can be realigned/moved); d. Strahler Order 3 and 4 watercourses must be retained and rehabilitated with an appropriate VRZ to return the waterway to a natural state (for benchmarks for the natural state of riparian corridors and waterways are available, refer to external documents referenced in Appendix E of this DCP); and e. Potential flood impacts must be considered for restored creeks.
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Discussion points	<ul style="list-style-type: none"> ■ How has the 15 hectares been established? Rather than specify an area, it would make more sense to adopt other metrics (e.g., ecological value, flood risk) due to a range of variables (topography, proximity to major watercourse) ■ Incorporating trunk drainage channels into large-format industrial development sites poses significant challenges (vehicular and services crossings, road gradients) ■ Ongoing maintenance – who would be responsible? What would be the risks associated with lack of maintenance (increased flood risk, poor water quality) 						
Implications if adopted in final DCP	<p>Higher land take – impacts cost of developing land (and therefore its market value and ability to attract investors and tenants)</p> <p>Higher maintenance costs and creation of bird habitat which potentially creates an aircraft safety issue</p>						

Possible alternative

Major drainage to be generally contained within the road reserve, with minor system (pit and pipe) drainage capacity to be increased where required to satisfy design criteria.

Limit basins to either below the flood planning level or directly adjacent downstream of development.

Issue		Preservation of artificial waterbodies (farm dams)	
Reference in Phase 2 DCP	Section 4.2 – PO1 and PO2		
Draft Western Sydney Aerotropolis Development Control Plan 2021			
4.2.2 Performance Outcomes and Benchmark Solutions			
4.2.2	Performance Outcome	Benchmark Solution	
PO1	Artificial waterbodies mapped for retention in the Precinct Plan are retained through the development process. <small>Note: A water licence from the Natural Resources Access Regulator (NRAR) may be required for artificial water bodies.</small>	<ol style="list-style-type: none"> 1. Artificial waterbodies mapped in the Precinct Plan are incorporated as a key landscape feature in development proposals. 2. Developments that contain artificial water bodies to be retained must ensure the artificial water bodies meet the following criteria: <ol style="list-style-type: none"> a. Do not exacerbate flood risk; b. Are located on a Strahler order 1, 2 or 3 watercourse; c. Are located within open space areas, and d. Have a catchment area of 1-3% of upstream area. 3. Artificial waterbodies identified for potential retention are to be guided by the Aboriginal cultural heritage provisions of this DCP. 	
PO2	Retained artificial waterbodies are rehabilitated to achieve good quality water within the new environment.	<ol style="list-style-type: none"> 1. Artificial waterbodies retained in the landscape are to be guided by the report <i>Western Parkland City: Farm Dams as Water in the Landscape Guide – Final Report</i>. 2. Retained artificial waterbodies are to address: <ol style="list-style-type: none"> a. Water quality in accordance NSW Government water quality and flow objectives; b. Flushing/residence time; c. Stratification; d. Algal blooms; e. Weed growth f. Exotic pests; and g. adaptive management. 3. Retained artificial waterbodies are to be integrated into recreational areas (Figure 4) by: <ol style="list-style-type: none"> a. Providing access to 1 edge of the dam; b. Allowing continuous riparian vegetation opposite the accessible edge of the dam; and c. Measures to ensure water levels are maintained under varying climatic conditions. 4. Demonstrate that any supplementing of water for retained artificial waterbodies can be supplied from non-potable sources such as recycled water, roof water, harvested stormwater or other non-licensed water sources and treated to comply with <i>Australian Guidelines for Recycled Water</i>. 	

Discussion points	<ul style="list-style-type: none"> Location of the majority of existing farm dams across the Aerotropolis is either incompatible with large-format industrial development layouts or would significantly affect the development potential. Structural integrity of existing artificial waterbodies cannot be guaranteed and would potentially pose a major risk to landuse downstream of any existing artificial waterbodies that are retained. For any dams that are retained, risk associated with dam break would need to be considered, in relation to impacts on downstream development, population at risk and probable loss of life.
Implications if adopted in final DCP	<ul style="list-style-type: none"> Physical constraint to large-format industrial development Potential risk to downstream land use in the event of partial or complete dam failure The likelihood that each dam would need to be reconstructed to ensure the structural integrity and health and safety of the surrounding users. With the redirection of stormwater flows from minor overland systems due to the size and complexity of the development outcomes, these systems would be starved of water with, particularly isolated dams, becoming dry. Creation of bird habitat
Possible alternative	<p>Incorporate new artificial waterbodies into developments at locations that contribute to precinct-wide water management objectives and that suit an optimum development layout.</p> <p>Create an outcome that both delivers economic development outcomes with minimising health and safety issues, reduction of bird habitat and ongoing maintenance costs.</p> <p>For any proposed outcome, we must first understand the objectives and targets of the proposed Stormwater harvesting scheme along with any water balance metrics which are yet to be both understood and detailed by Sydney Water.</p>

Issue	Stormwater quality management targets		
Reference in Phase 2 DCP	Section 4.3 – PO2		
	Draft Western Sydney Aerotropolis Development Control Plan 2021		
	4.3.2	Performance Outcome	
	PO2	Development is to demonstrate compliance with the stormwater quality targets at the lot, estate, or regional level to ensure the NSW Government's water quality and flow related objectives are achieved	
		Benchmark Solution	
		Gross Pollutants (anthropogenic litter >5mm and coarse sediment >1mm)	Stormwater Quality Target – Operational Phase 90% reduction (minimum) in mean annual load from unmitigated development
		Total Suspended Solids (TSS)	90% reduction in mean annual load from unmitigated development
		Total Phosphorus (TP)	80% reduction in mean annual load from unmitigated development
	Total Nitrogen (TN)	65% reduction in mean annual load from unmitigated development	

Discussion points

- Justification for higher targets has not been provided in the DCP, MUSIC Modelling Toolkit – Wianamatta (NSW DPIE, August 2021) or the *Western Sydney Aerotropolis (Initial Precincts) Stormwater and Water Cycle Management Study Interim Report* (Sydney Water, October 2020) (reference to Appendix A, where stormwater management targets were noted as TBC and being developed by DPIE EES.)
- Targets are inconsistent with *Western Sydney Engineering Design Manual* (Table 23, p. 91), both standard and stretch targets

9.4.1 Design data

Table 23 Design Data: Water Quality Targets

ID	POLLUTANT	% POST DEVELOPMENT AVERAGE ANNUAL LOAD REDUCTION	% STRETCH TARGET (see Notes below)
1.	Gross Pollutants	90	
2.	Total Suspended Solids	85	90
3.	Total Nitrogen	65	85
4.	Total Phosphorus	45	65
5.	Total Hydrocarbons	90	

- Targets are significantly higher than current best practice (e.g., Penrith DCP).

Performance Criteria

Stormwater quality requirements for all development types identified in Table C3.1 are:

a) Pollution load reductions:

- i) 90% reduction in the post development mean annual load total gross pollutant (greater than 5mm);
- ii) 85% reduction in the post development mean annual load of Total Suspended Solids (TSS);
- iii) 60% reduction in the post development mean annual load of Total Phosphorus (TP);
- iv) 45% reduction in the post development mean annual load of Total Nitrogen (TN);

Penrith Development Control Plan 2014
C3 Water Management

C3-11

- We understand the targets are a by-product of both the MARV and Sydney Waters stormwater harvesting initiatives as has been demonstrated through the extensive work we have done on the Mamre Road Precinct.

Implications if adopted in final DCP

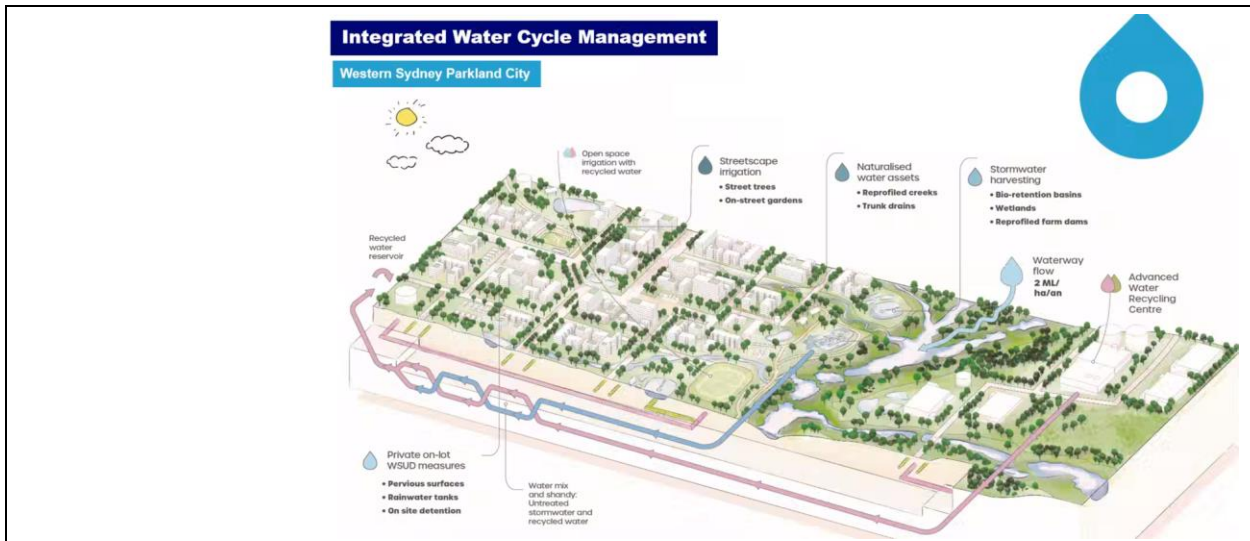
- Potential for higher land take for stormwater quality management measures than would otherwise be required under current best practice (or even under stretch targets outlined in the *Western Sydney Engineering Design Manual*)
- Appreciation of how the targets would be met should Sydney Water introduce, design and construct stormwater harvesting solutions.

Possible alternative

Subject to opportunity to review and analyse justification of higher pollutant reduction targets, which is assumed to be contained in the forthcoming document referred to in the DCP titled *Technical guide to demonstrate compliance with Wianamatta-South Creek waterway health objectives and stormwater management targets*.

Notwithstanding the above, additional information is required from Sydney Water to provide guidance on the final rainwater harvesting strategy. Without this, development cannot advance.

Issue		Stormwater quantity management targets (demonstrating compliance with either Mean Annual Runoff Volume or Flow Duration Curve)																									
Reference in Phase 2 DCP		Section 4.3 – PO3																									
	PO3	Development is to demonstrate compliance with the stormwater flow targets at the lot, estate, or regional level to ensure the NSW Government's water quality and flow related objectives are achieved	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="background-color: #444; color: white;">Stormwater Flow Target – Operational Phase</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="background-color: #eee;">Option 1: Mean Annual Runoff</td> </tr> <tr> <td>Mean Annual Runoff Volume (MARV)</td> <td>≤ 2 ML/ha/year at the point of discharge to the local waterway</td> </tr> <tr> <td>90%ile flow</td> <td>1000 to 5000 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td>50%ile flow</td> <td>5 to 100 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td>10%ile flow</td> <td>0 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td colspan="2" style="background-color: #eee;">Option 2: Flow Duration Curve Approach</td> </tr> <tr> <td>95%ile flow</td> <td>3000 to 15000 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td>90%ile flow</td> <td>1000 to 5000 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td>75%ile flow</td> <td>100 to 1000 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td>50%ile flow</td> <td>5 to 100 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td>Cease to flow</td> <td>Cease to flow to be between 10% to 30% of the time</td> </tr> </tbody> </table>	Stormwater Flow Target – Operational Phase		Option 1: Mean Annual Runoff		Mean Annual Runoff Volume (MARV)	≤ 2 ML/ha/year at the point of discharge to the local waterway	90%ile flow	1000 to 5000 L/ha/day at the point of discharge to the local waterway	50%ile flow	5 to 100 L/ha/day at the point of discharge to the local waterway	10%ile flow	0 L/ha/day at the point of discharge to the local waterway	Option 2: Flow Duration Curve Approach		95%ile flow	3000 to 15000 L/ha/day at the point of discharge to the local waterway	90%ile flow	1000 to 5000 L/ha/day at the point of discharge to the local waterway	75%ile flow	100 to 1000 L/ha/day at the point of discharge to the local waterway	50%ile flow	5 to 100 L/ha/day at the point of discharge to the local waterway	Cease to flow	Cease to flow to be between 10% to 30% of the time
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Cease to flow	Cease to flow to be between 10% to 30% of the time																										
Discussion points	<ul style="list-style-type: none"> ■ Would require a significant reduction in the volume of runoff from a large-format development site – the majority of which could only be achieved by large-scale evaporation ponds / wetlands or roof misting. ■ The <i>Technical guide to demonstrate compliance with Wianamatta-South Creek waterway health objectives and stormwater management targets</i> has not yet been released (is noted as forthcoming in the Phase 2 DCP Appendix). ■ No documentation to justify the Current Condition or Tipping Point for Degradation (Table 1-2 of <i>Western Sydney Aerotropolis Stormwater and Water Cycle Management Study</i> (Interim Report)) has been made public or available to industry for review. 																										
Implications if adopted in final DCP	<ul style="list-style-type: none"> ■ Highly dependent on characteristics of land parcels / development estates – i.e., for parcels or estates that have floodplain or flood prone land, stormwater quantity management measures such as ponds or wetlands could be adopted within that land (subject to assessment of potential flood impacts). For steeper lands with deep or incised hydro lines, stormwater quantity management measures would require significant land take and therefore would impact the extent of developable land. ■ There is a direct relationship between the DCP targets and the proposed stormwater harvesting scheme that Sydney Water continues to evaluate and develop which would need to be finalised prior to meeting the targets. 																										



Possible alternative Subject to opportunity to review and analyse justification of target MARV, which is assumed to be contained in the forthcoming document referred to in the DCP titled *Technical guide to demonstrate compliance with Wianamatta-South Creek waterway health objectives and stormwater management targets*.

As we have demonstrated within the Mamre Road Precinct and accepted by Sydney Water, there is a 5-6 year horizon before development across precincts and catchments exceed the 2.0ML/Ha/yr target allowing both industry and government to develop regional solutions which allow for the 3ML/ha/yr reduction.

AT&I have previously investigated the MARV reduction targets as part of our work on the Mamre Road precinct which formed part of a submission to DPIE. This submission demonstrated that through several initiatives, the MARV could be easily met via initiatives estate wide (1ML/ha/yr) and regional wetlands and evaporation basins (2ML/ha/yr) without the costly and unproven stormwater harvesting that is currently being proposed.

Even without stormwater harvesting, the expected cost of regional wetlands / evaporation basins will exceed \$1 billion dollars for the Aerotropolis.

Issue	Connection to recycled water scheme			
Reference in Phase 2 DCP	Section 4.3 – PO6			
	<table border="1"> <tr> <td style="background-color: #D3D3D3;">PO6</td> <td>Recycled water schemes are to be supplied by stormwater harvesting and or recycled water, with the water infrastructure connecting to the scheme(s).</td> </tr> </table>	PO6	Recycled water schemes are to be supplied by stormwater harvesting and or recycled water, with the water infrastructure connecting to the scheme(s).	<ol style="list-style-type: none"> 1. Where a recycled water scheme is planned, developments must: <ol style="list-style-type: none"> a. Connect all non-potable demands and fixtures to the recycled water network; b. Connect street tree irrigation to the recycled water network; c. Not top up rainwater tanks with recycled water unless approved by Sydney Water; and d. Design recycled water reticulation to Sydney Water standards. 2. Be designed to supplement stormwater harvesting with recycled water in a way that does not compromise water quality and flow-related objectives.
PO6	Recycled water schemes are to be supplied by stormwater harvesting and or recycled water, with the water infrastructure connecting to the scheme(s).			
Discussion points	<ul style="list-style-type: none"> ■ The demand for non-potable water in large-format industrial estates is minimal (compared to most other landuses) – therefore the benefit cost of implementing reticulated recycled water through such estates is considered low. ■ Based on actual measured usage rates within a typical 20,000m² lot, we have established the total daily usage of water is around 5kl/day with around 49% being made up of reuse water 			

	<ul style="list-style-type: none"> Non-potable demand could be met by rainwater tanks on individual lots (as required by Penrith DCP and the Western Sydney Engineering Design Manual), which would negate the need for storage, treatment and pumping of harvested stormwater or recycled water on an estate-wide or precinct-wide scale. There would not be sufficient non-potable water demand for both rainwater and reticulated recycled water within a large-format industrial estate to justify the expenditure for a reticulated recycled water scheme. Reticulated recycled water, if used in preference to rainwater tanks, could have a negative impact on stormwater quality within an estate.
Implications if adopted in final DCP	Higher developer contributions to fund the delivery of a reticulated recycled water scheme, that otherwise would not be required if on-lot rainwater tanks are adopted as the preferred means of non-potable water servicing.
Possible alternative	<p>Undertake a comparative analysis of the two potential non-potable water servicing strategies (rainwater tanks vs reticulated recycled water) and consider costs (to implement and operate), benefits and impacts to the environment and benefits and impacts to stakeholders (authorities, developer and end users). The results of this analysis should inform and justify the preferred non-potable water servicing strategy for the Aerotropolis Precinct.</p> <p>We acknowledge the water balance design which would need contemplate the use of variable stormwater events, constant recycled water supply along with minimal demand with the ENT zoned areas, but at the same time maintaining stormwater discharge to the creek systems and managing the MARV target, would be difficult to see materialise into an acceptable design outcome.</p> <p>We would challenge how this system could be effectively and economical constructed and maintained when the variables are considered property. The notion that the total volume of water harvested could ever be reused is, in our view, difficult to justify given the costs and long term maintenance costs that Government would need to absorb.</p>

Issue	Trunk drainage channels ('will commence when 12-15ha of catchment contribute runoff flows')			
Reference in Phase 2 DCP	Section 4.3 – PO7			
	<table border="1"> <tr> <td>PO7</td> <td>Development is designed to safely convey overland flows in accordance with <i>Stormwater and Integrated Water Management Plan</i> (Sydney Water 2021) and the safety standards included in <i>Australian Rainfall and Runoff Guidelines 2019</i>.</td> </tr> </table>	PO7	Development is designed to safely convey overland flows in accordance with <i>Stormwater and Integrated Water Management Plan</i> (Sydney Water 2021) and the safety standards included in <i>Australian Rainfall and Runoff Guidelines 2019</i> .	<ol style="list-style-type: none"> Trunk drainage capable of conveying 1% AEP flow shall be designed as naturalised channels connecting to the existing stream system. Trunk drainage is to be located through natural creek lines or constructed natural drainage channels to help detain flows and contribute to biodiversity, public amenity and safety. Designs shall ensure flows are safely conveyed to avoid unsafe conditions for pedestrians and vehicles and to meet the requirements of <i>Australian Rainfall & Runoff Guidelines 2019</i>. Naturalised channels will commence when 12-15 ha of catchment contribute runoff flows.
PO7	Development is designed to safely convey overland flows in accordance with <i>Stormwater and Integrated Water Management Plan</i> (Sydney Water 2021) and the safety standards included in <i>Australian Rainfall and Runoff Guidelines 2019</i> .			
Discussion points	<ul style="list-style-type: none"> What is the basis for 12-15 hectares? Rather than specify an area, it would make more sense to adopt other metrics (e.g., ecological value, flood risk) due to a range of variables (topography, proximity to major watercourse) Incorporating trunk drainage channels into large-format industrial development sites poses significant challenges (vehicular and services crossings, road gradients) 			

	<ul style="list-style-type: none"> Ongoing maintenance – who would be responsible? What would be the risks associated with lack of maintenance (increased flood risk, poor water quality)
Implications if adopted in final DCP	Higher land take – impacts cost of developing land (and therefore its market value and ability to attract investors and tenants)
Possible alternative	Major drainage to be generally contained within the road reserve, with minor system (pit and pipe) drainage capacity to be increased where required to satisfy design criteria.

Issue		Consistency with Precinct Plan Draft Stormwater and Water Cycle Management Study Interim Report				
Reference in Phase 2 DCP	Section 4.3 – PO10	<table border="1"> <tr> <td style="background-color: #D3D3D3;">PO10</td> <td>Development is consistent with the Precinct Plan Draft Stormwater and Water Cycle Management Study Interim Report, considering the ephemeral nature of the waterways in</td> <td> <ol style="list-style-type: none"> Development responds to planned regional stormwater infrastructure to achieve the overall water quality and flow objectives established for the Precinct. Development has used the <i>Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions</i> to manage the cumulative impacts of stormwater discharges from development. Undertake bed and bank stabilisation works to prevent erosion and provide habitat for fish and other aquatic life. </td> </tr> </table>		PO10	Development is consistent with the Precinct Plan Draft Stormwater and Water Cycle Management Study Interim Report, considering the ephemeral nature of the waterways in	<ol style="list-style-type: none"> Development responds to planned regional stormwater infrastructure to achieve the overall water quality and flow objectives established for the Precinct. Development has used the <i>Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions</i> to manage the cumulative impacts of stormwater discharges from development. Undertake bed and bank stabilisation works to prevent erosion and provide habitat for fish and other aquatic life.
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Discussion points	<ul style="list-style-type: none"> PO10 refers to the <i>Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions</i>. This document refers to the NSW Water Quality and River Flow Objectives. There appear to be no specific water quality or river flow objectives for the Hawkesbury-Nepean catchment, of which Wianamatta is a tributary, that would form the basis of Waterway Objectives for development in the Wianamatta catchment. 					
Implications if adopted in final DCP	Lack of justification for adopting specific development controls relating to stormwater quantity and quality management targets.					
Possible alternative	Provide suitable opportunity for industry-wide review and analysis of the Water Quality and River Flow Objectives for the Wianamatta catchment prior to adopting final development controls.					

Issue		Tree canopy, deep soil and tree planting							
Reference in Phase 2 DCP	Section 5.1 – PO1	<table border="1"> <thead> <tr> <th style="background-color: #D3D3D3;">5.1.2</th> <th style="background-color: #D3D3D3;">Performance Outcome</th> <th style="background-color: #D3D3D3;">Benchmark Solution</th> </tr> </thead> <tr> <td style="background-color: #D3D3D3;">PO1</td> <td>Consolidate areas of deep soil and provide minimum dimensions which allow for sufficient tree planting.</td> <td> <ol style="list-style-type: none"> Consolidate deep soil areas by establishing these areas right up to abutting boundary walls and fence lines. Consolidate deep soil in setback areas and locate with adjoining deep soil areas in adjoining properties. Tree canopy is delivered by providing the minimum deep soil and tree planting rates as per Table 1. In addition to the requirements set out in this section, applicants must also have regard for the site coverage and pervious surface targets outlined in Section 14.1 of this DCP </td> </tr> </table>		5.1.2	Performance Outcome	Benchmark Solution	PO1	Consolidate areas of deep soil and provide minimum dimensions which allow for sufficient tree planting.	<ol style="list-style-type: none"> Consolidate deep soil areas by establishing these areas right up to abutting boundary walls and fence lines. Consolidate deep soil in setback areas and locate with adjoining deep soil areas in adjoining properties. Tree canopy is delivered by providing the minimum deep soil and tree planting rates as per Table 1. In addition to the requirements set out in this section, applicants must also have regard for the site coverage and pervious surface targets outlined in Section 14.1 of this DCP
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Discussion points	<ul style="list-style-type: none"> Deep soil areas and tree planting adjacent to boundary walls will affect the structural integrity of walls, and therefore the objective of achieving deep soil and tree canopy may not be compatible with the landform / bulk earthworks / retaining systems required to facilitate large-format industrial development. 								

Implications if adopted in final DCP	Controls relating to tree canopy and deep soil that cannot be achieved due to the extent and depth of retaining structures to facilitate large-format industrial development.
Possible alternative	Providing compensatory tree canopy and deep soil in areas more suitable than within large-format industrial lots (e.g., within road reserve, open space, riparian corridors).

Issue	Maximum block sizes (350m for Enterprise zone)		
Reference in Phase 2 DCP	Section 6.2 – PO6 (Table 2) <table border="1" style="margin-left: 20px;"> <tr> <td>Enterprise zone (outside centres including local)</td> <td>Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart</td> </tr> </table>	Enterprise zone (outside centres including local)	Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart
Enterprise zone (outside centres including local)	Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart		
Discussion points	<ul style="list-style-type: none"> The maximum block length specified in the Phase 2 DCP would not allow for the type and scale of development that has recently been delivered in new development areas such as Oakdale South and Oakdale West, and that is being planned in the Mamre Road and Aerotropolis precincts. The scale of large-format industrial currently being planned in several estates in the Aerotropolis responds to demand from potential tenants, and a maximum block length of 350m would be a significant and detrimental constraint on development. 		
Implications if adopted in final DCP	Limitation of the scale of large-format industrial development, resulting in land that does not meet the current and future demands of potential tenants within the Aerotropolis.		
Possible alternative	Revising the maximum block lengths to a value that is consistent with developments within the Western Sydney Employment Area, in particular the Mamre Road Precinct and WSEA lands.		

Issue	Mid-block connections for pedestrians and cyclists no more than 150m apart		
Reference in Phase 2 DCP	Section 6.2 – PO6 (Table 2) <table border="1" style="margin-left: 20px;"> <tr> <td>Enterprise zone (outside centres including local)</td> <td>Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart</td> </tr> </table>	Enterprise zone (outside centres including local)	Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart
Enterprise zone (outside centres including local)	Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart		
Discussion points	<ul style="list-style-type: none"> The 150m requirement is not compatible with the scale of a large-format industrial estate. 		
Implications if adopted in final DCP	An unreasonable and impractical layout of mid-block intersections that is not responsive to the scale and layout of large-format industrial development.		
Possible alternative	Rather than specify a distance, a number of mid-block connections that suits the final development layout is considered to be more appropriate.		

Issue Urban Typologies – site cover and perviousness										
Reference in Phase 2 DCP		Section 14.1 – Table 8								
Table 8 Urban Typologies with Acceptable Solutions for Site Cover and Perviousness										
Urban typology	Lot requirements		Typology elements							
	Site Cover	Perviousness	Lot area				Streets (including plazas and urban public spaces adjacent to a street)		Open space (including parks, gardens, playgrounds, playing fields, and alike)	
			% of Overall Area	Perviousness	% of Overall Area	Perviousness	% of Overall Area	Perviousness		
High-density mixed use centre	60%	40%	Base scenario	50%	35%	35%	35%	15%	90%	
			Alternative/ Parkland solution	58%	30%	32%	35%	20%	90%	
Medium density mixed use centre	50%	50%	Base scenario	55%	50%	30%	35%	15%	90%	
			Alternative/ Parkland solution	58%	35%	32%	38%	20%	90%	
Employment – business, commercial and light industrial	60%	40%	Base scenario	55%	40%	30%	30%	15%	90%	
			Alternative/ Parkland solution	55%	30%	30%	30%	20%	90%	
Employment – Large format industrial	70%	30%	Base scenario	60%	30%	25%	35%	15%	90%	
			Alternative/ Parkland solution	65%	15%	20%	35%	15%	90%	

* The perviousness of a lot may be subsidised by other on-site detention and landscaping measures where it is not deemed acceptable or it is seen to be too onerous by a delegated authority for the site coverage to be reduced to meet the perviousness requirements. An example of this would be in a zero lot line opportunity (for a podium or attached built forms) in a centre, employment area or for an integrated development

Discussion points	- It is unclear how this table should be interpreted. Government should have clearly articulated the information within the table across Lots and Estates. - The applicability of the site cover, typology elements and perviousness is not clear. The Site Cover value of 70% for large-format industrial is interpreted to mean that 30% of a site would need to be set aside for use other than large-format industrial. This would have a significant impact on the economic viability of a development site. - If the requirement for perviousness is applied on a “per lot” basis rather than across a development estate, it may disadvantage land parcels that have a relatively high proportion of flood-prone land or land zoned *ENZ – Environment and Recreation*.									
Implications if adopted in final DCP	The increased pervious areas were firstly introduced as part of the initiatives to meet the MARV target, yet it is understood the target is now being generally met via a regional stormwater harvesting solution.									
Possible alternative	Adopt the same pervious controls as the Mamre Road Precinct									

We have also undertaken a review of the *Western Sydney Street Design Guidelines – September 2020* (WSSDG) with a focus on the sections that may directly influence the design outcomes of your project. We have taken a particular interest in the sections that more generally relate to your project type, being Logistics and Warehousing facilities although, many of the points raised below also relate generally to other types of developments including commercial and residential.

The WSSDG’s have obviously been prepared with a strong focus on the environment, with the intent to create the Blue Green Grid within Western Sydney. It seems an enormous amount of effort has gone into emphasising the environmental objectives while not fully considering the engineering associated with the outcomes.

There has been a real focus, it seems, on narrowing the roads to create a “Canopy Cover” over the roads although this narrowing, in our view, will be to detriment of the dominant road user, the driver. Narrow roads and travel lanes could ultimately be counterproductive in managing the environment by introducing congestion and delaying road users navigating the network.

Our review has focused on the Industrial and Sub- Arterial Road typologies as generally shown below.

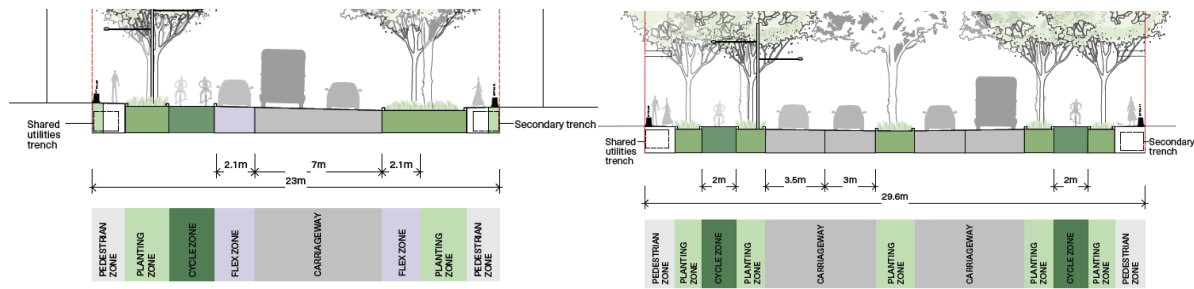


Figure 2 – Industrial and Sub-Arterial Road Typologies

As a principle, all roads are now designed to the Austroads Design Guidelines and any supplements that may be available to the time of design. Over time these guidelines are updated to reflect the changing environment and vehicles manufacturing standards. These standards relate all types of roads and incorporate guidelines for both vehicles and pedestrian management. As part of our review, it is difficult to understand if the Austroads Design Guidelines have been cross-referenced when preparing the WSSDG as there are numerous examples where the proposed outcomes contradict the Austroads Design Guidelines.

Industrial Street

Industrial roads are intended, as they sound, to predominantly service industrial precincts where a large portion of the traffic are heavy vehicles including 19m Semitrailers and 26m B-Doubles. These vehicles are on average 2.5m in width and when navigating the local road network, can regularly consume all of the travel lane and more so around corners where the swept path can extend beyond the average travel lane width.

The guidelines, whilst noting these constraints, have not provisioned for the day-to-day requirements of these industrial precincts and typical users within them. The Industrial and Sub-Arterial road typologies, as proposed, appear to be better suited for potential future redevelopment of the precincts into residential or commercial uses. We recommend practical design considerations be incorporated into the road typologies that are better suited to the initial decades as an industrial precinct.

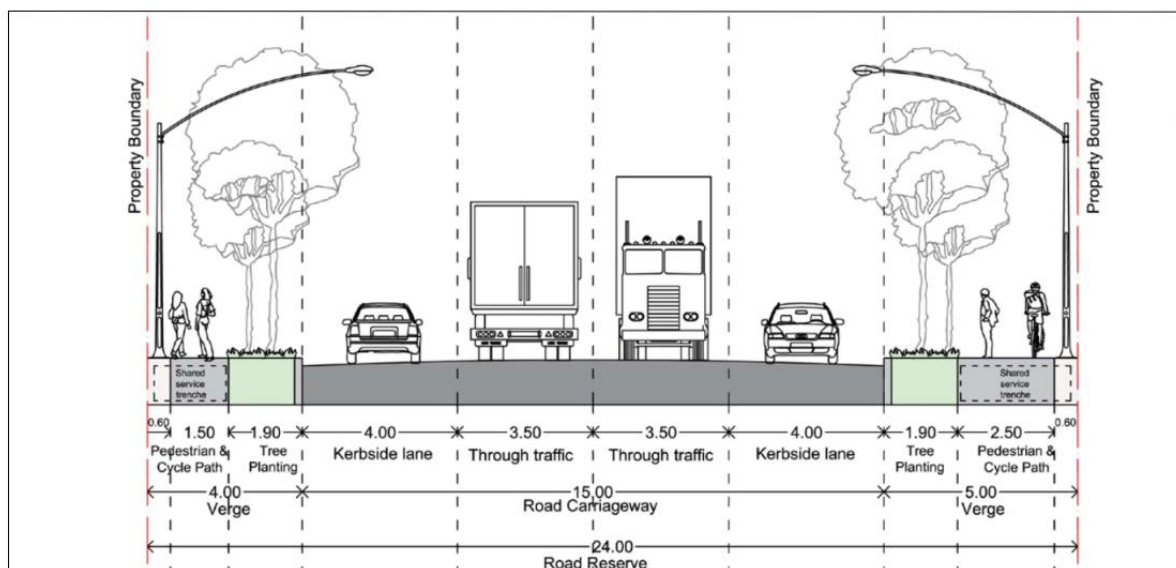
Likely suggested changes include.

- Removal of Kerb extensions at intersections to allow for the full swept path of the turning vehicle
- Either removing the parking area within the road type and providing these as shared spaces for the heavy vehicles to navigate the road networks safely or increase the parking lane to 3m to ensure the area is adequate width to park heavy vehicles
- The design vehicle should be the 26m B-Double with the check vehicle being the 36.2m A-Double
- The behavioural speed within these typical industrial roads is generally greater than 40km/hr and although the legal speed is 50km/hr, some effort is required to maintain the slower speed environment by signage and intersection treatments (i.e., Roundabouts) to regulate speeds
- Parking adjacent to any proposed driveways should consider sight distance particularly where heavy vehicles park
- The Case Study Road, Bourke Road Alexandria indicates parking on a single side. The actual parking lane on Bourke Road is 3.8m, significantly wider than the 2.1m shown. This additional width significantly increases safety for road users when entering and exiting their parked vehicle
- Any Traffic calming would need to consider the high volume of heavy vehicles and the additional maintenance required over the long term

- One-way cross fall would need to contemplate the stormwater overland and sheet flows, both across the pavements and longitudinally along the roads which are beyond the piped drainage capacity
- The turn paths of both the design and check vehicle will need to utilise both the through travel lane and the parking lane to enter and exit any development site. As the proposed lanes are relatively narrow, the widths of entry and exit driveways could extend beyond 20m
- The placement of trees will need to be carefully considered to ensure sightlines from driveways are not obscured
- Consideration should also be given to the number of, or lack of, pedestrian movement within these typical industrial roads and precincts. Potentially a shared path on a single side with a footpath on the other would better serve the desired outcome

The proposed Industrial Street typology provides several opportunities to greatly improve typical roads within industrial precincts although, whilst there is currently a real focus on the environment and the passive users of the road, there needs to be consideration and focus on the number of heavy vehicles and the way in which they navigate these precincts.

We would propose the Mamre Road 24m Cross Section be adopted.



INDUSTRIAL ROAD (24.0m)

Sub-Arterial Road

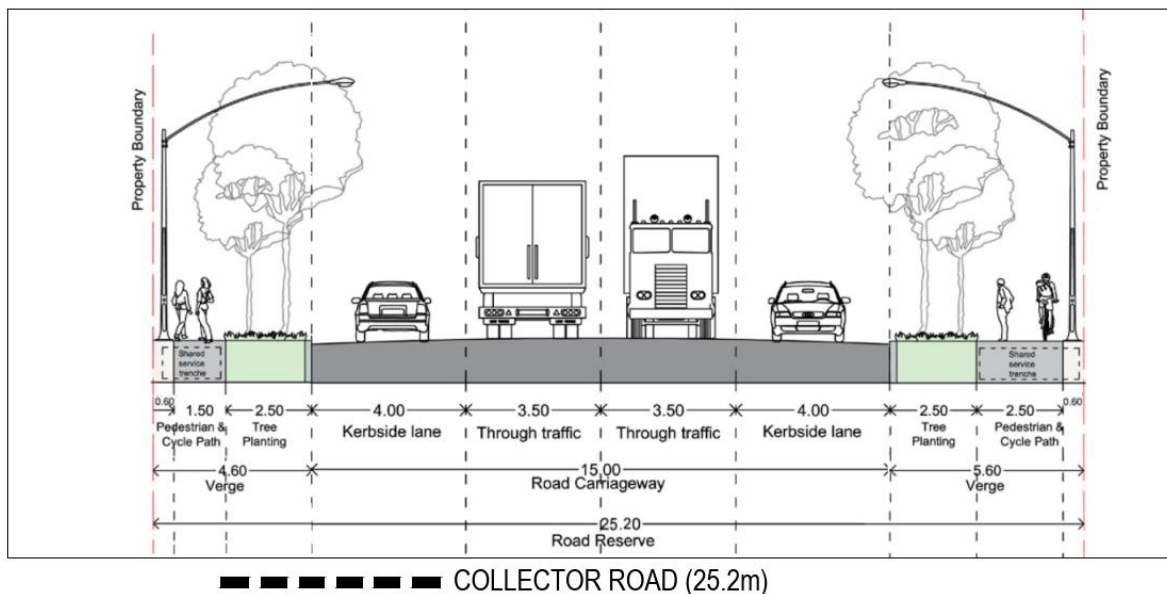
Sub-Arterial roads, as outlined within the WSSDG, “typically facilitate the connection of the arterial road network to the local street networks”. In some cases, these roads form part of the state network and have additional requirements to meet TfNSW standards and guidelines.

Likely suggested changes include.

- Loading development site onto a Sub- Arterial Road can otherwise introduce both a safety concern along with additional left-turn slip lane construction as not to impact the through traffic
- The design vehicle should be the 26m B-Double with the check vehicle being the 36.2m A-Double

- The design speed will vary subject to the location and ownership of the ultimate road. Irrespective of ownership, clear zones will need to be considered where speed environments exceed certain thresholds
- The proposed central median will introduce a maintenance hazard and the planting within these medians will need to be carefully considered to minimise the need to access the area under live traffic. The narrower the median, i.e., less than 3m, further exacerbates the safety concerns
- One-way cross fall to the centre of the road could introduce a flooding and safety concern should the central stormwater system become blocked. We would suggest the cross fall be redirected to the outer kerb drainage system

We would propose the Mamre Road 25.2m Cross Section be adopted.



Other Comments

- Section C2.2 Street Tree Soil Volume** needs to consider the adequacy of the support of any adjacent road pavement and stormwater drainage system. Generally, the road pavement will extend 200mm beyond the back of kerb and have subsoil drainage install directly below.
- Section C4.1 Roundabouts.** Providing pedestrian crossing at roundabout dramatically impacts the effectiveness and operation of a roundabout by vehicles queuing through the roundabout while pedestrians cross. This is further exacerbated when raised thresholds are introduced as the crossing as these can sometimes suggest to pedestrians, they have the right of way. Previous Technical Directions from RMS have required these not be installed.
- Section C4.2 Corners** need to be carefully considered for the swept path of the design vehicle. Recent examples of upgrades within North Sydney CBD have shown if the kerb returns are too small, vehicles will mount the kerb when negotiating the corner. This becomes a real concern in built up areas where pedestrians stand close the kerb edge and are at risk of being struck by the turning vehicle.
- Section C5.1 Shared Utility Trenches** needs to be reviewed as there are a number of inconsistencies with the **Guide to Codes and Practices for Street Openings NSW SOCC, 2018**. The proposed Shared Utility Trench shown has been referenced to the **Engineering Design Manual for Western Sydney**.

For example,

- a. the communication conduit cannot be located directly on top of the electrical conduits.
 - b. Street lighting has been shown directly behind the kerb where subsoil would ordinarily go. Street lighting would run within the shared trench and tee out to each light pole as required
- v. **Maintenance.** Whilst we acknowledge the hard work that has gone into preparing the WSSDG's and the aspirational outcomes of the objectives, consideration needs to be given to the long-term maintenance of the proposed treatments and who and how this funded.

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 4:49 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: bc-land_draft-phase-2-dcp_submission_final.pdf

Submitted on Fri, 05/11/2021 - 16:48

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

BC

Last name

Land

I would like my submission to remain confidential

No

Info

Email

[Redacted]

Address

[Redacted]

Suburb/Town & Postcode

Badgerys Creek

Please provide your view on the project

I object to it

Submission file

[bc-land_draft-phase-2-dcp_submission_final.pdf](#)

Submission

See cover letter and submission attached.

I agree to the above statement

Yes

Disclaimer

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, on behalf of **Liverpool City Council**.

BC LAND PTY LTD

[REDACTED] (Company)

Delivery method: Electronic

5th October 2021

Department of Planning, Industry and Environment
Phase 2 Development Control Plan
Locked Bag 5022,
Parramatta NSW 2124

RE: Western Sydney Aerotropolis Development Control Plan Phase 2 Submission

To Whom It May Concern,

I am pleased to provide a submission in response to the Western Sydney Aerotropolis Development Control Plan (Phase 2) as the owner of a significant site at [REDACTED] Badgerys Creek at the Pitt St entry to Western Sydney Airport. The submission, which accompanies this letter has been drafted in response to the following documents:

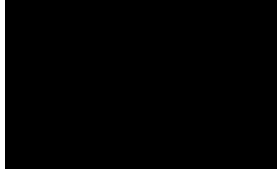
- Explanation of Intended Effect - Amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis (EIE), dated October 2021; and
- Western Sydney Aerotropolis Open Space Needs Study (Open Space Needs Study), dated October 2021.

The documents were released by the NSW Department of Planning, Industry and Environment (DPIE) on 8 October 2021 and are on exhibition until 5 November 2021. Our submission has been informed by our professional consultant team and through engagement via meetings with the following stakeholders:

- Western Sydney Planning Partnership on 28 September 2021 at 3:18:59 pm AEST
 - Fiona Christiansen – Director
 - Ben Gresham – Manager Aerotropolis
- Western Sydney Airport on 29 September 2021
 - Deanne Frankel – Planning Manager
 - Tim Smith - Planning Manager
- Liverpool City Council @ 30 September 2021
 - David Smith – Acting Director Planning and Compliance
 - William Attard - Acting Manager Development Assessment
 - Lina Kakish - Acting City Planning Manager

I strongly welcome additional opportunities to discuss proposed planning controls as the DCP progresses towards finalisation. Please do not hesitate to contact me directly to discuss this submission further.

Kind Regards,



Simon Quinn
Director
BC Land Pty Ltd





BADGERYS CREEK

Submission to the draft
Aerotropolis DCP and
Supporting Documents

Prepared for
BC LAND
5 November 2021



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	David Hoy
Associate Director	Christophe Charkos
Project Code	P034939
Report Number	Final

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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1. INTRODUCTION

This submission has been prepared by Urbis on behalf of BC Land Pty Ltd who hold a significant interest in several landholdings located at Lawson Road Badgerys Creek. The submission is in response to the public exhibition of:

- *Draft Aerotropolis Development Control Plan*
- *Recognise Country – Draft Guidelines for Development within the Aerotropolis*
- *Aviation Safeguarding Guidelines – Western Sydney Aerotropolis and Surrounding Areas*

The documents were released on 8 October 2021 and are on exhibition until 5 November 2021.

This submission provides a detailed consideration of the proposed draft DCP and accompanying documents including proposed Appendices and Guidelines.

This submission is structured according to the priority areas of feedback being sought by NSW Department of Planning Industry and Environment (DPIE) as outlined in a Discussion Paper released in relation to the Draft DCP. Where relevant and necessary, detailed technical input has been sought to analyse the potential implications of the proposed controls. These matters for feedback are outlined below:

1. Performance Based Approach

- Will the performance standards provide additional flexibility?
- Are there areas where prescriptive standards are more appropriate?
- Are there benchmarks or standards that are difficult to achieve?

2. Document Structure

- Is the current draft DCP difficult to navigate? Are there ways navigation can be improved?
- Should the draft DCP be restructured based on development type?
- Is it clear which provisions would apply to your development?

3. Feasibility

- Are there particular benchmarks or controls that will impact on feasibility? If so, can you please provide details on the impacts and any suggestions to mitigate them?
- Are there other ways to achieve the aspirational outcomes that are proposed in the draft DCP?

4. Connection to Country

- Will the threshold of \$20 million in value or 20 hectares in land area capture the right development applications to achieve the vision for the Aerotropolis?
- Do you have other suggestions on how we can ensure that Connecting to Country objectives are achieved?

The submission also responds to the additional guidelines relevant to the draft DCP which provide additional controls to be considered by development in relation to Connection to Country and Aviation Safeguarding.

A separate submission has been prepared by Urbis on behalf of BC Land in response to the public exhibition the proposed amendments to *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* ('the ASEPP') as well as the *Open Space Needs Study* which has underpinned some of the proposed amendments to the ASEPP. Both tranches of the exhibited documents highlight that the evolving planning framework for the Aerotropolis is not a business-as-usual approach. The intention of the documents is that they be exhibited for 28 days with a view to finalising all documents including the draft Precinct Plans by late 2021.

2. SUMMARY OF RECOMMENDATIONS

BC Land makes the following recommendations in respect of the draft DCP exhibition package that must be addressed prior to finalisation.

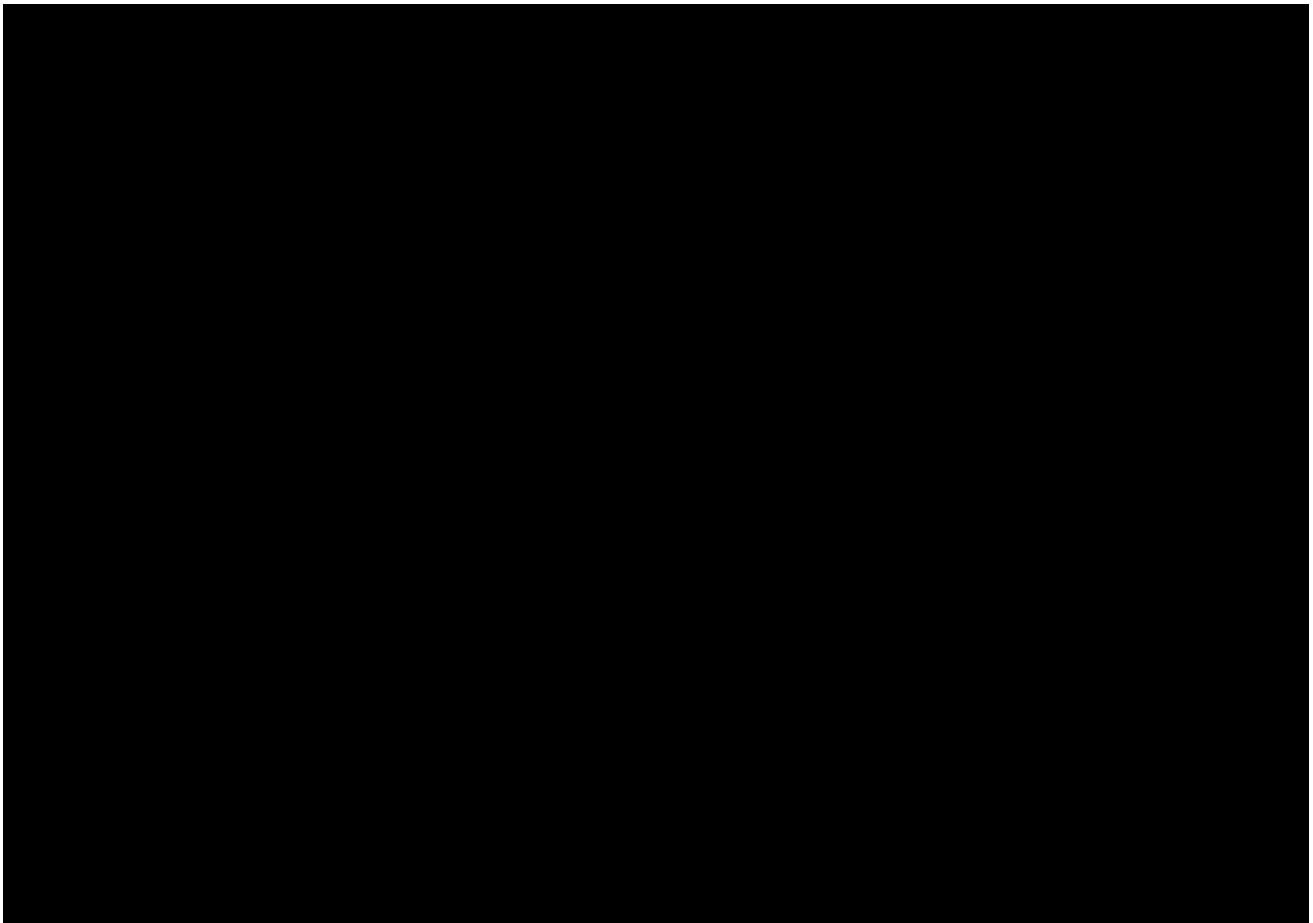
1. The controls within the draft DCP should be rationalised in both number and wording. The DCP must be a simple and clear document which is easy to be implemented by both the development industry and assessment officers.
2. The draft DCP must be re-exhibited alongside the revised Precinct Plan to enable the industry to provide feedback on how a development application may be assessed against the entire planning framework.
3. The DCP must be a “one stop shop” for development assessment. The number of referenced reports and guidelines must be reduced with relevant controls incorporated into the corresponding section of the draft DCP.
4. Performance Objective PO2 of Section 3.1.2 should be amended to reference the relevant provisions within the NPW Act.
5. A regional approach to integrated water cycle management must be implemented such that large areas of development sites will not end up sterilised by the onerous requirements for stormwater infrastructure.
6. The controls relating to tree canopy, deep soil, movement of animals and retention of vegetation must be balanced with the need for feasible development outcomes and potential wildlife attraction risks to WSA.
7. Requirements for block sizes and mid-block connections should be flexible to suit specific sites and other land use/end user requirements.
8. Land uses such as commercial and industrial development be considered appropriate in flood areas below the 1:100 that are assessed within a detailed Flood Risk Impact Assessment to have low / medium hazard risk. This approach would be consistent with the Liverpool DCP.
9. The site perviousness requirements are unfeasible and must be revised. The targets will significantly reduce developable areas and result in unworkable solutions for such as the recommended permeable paving does not reflect the specific end user requirements for business parks and industrial / warehouse development.
10. Setbacks should be consistent with surrounding employment land including the Mamre Road and Oakdale precincts.
11. Vehicle parking must be permitted within setback areas subject to appropriate screening consistent with the approach within the draft Mamre Road DCP.
12. It will be important to allow the development industry time to test the proposed controls to enable the identification of potential issues that could impact feasibility. In this regard we would request that DPIE accept ongoing feedback from the development industry in relation to the draft DCP.
13. Although the WSA concerns are very clear, the current controls do not clearly identify which objectives for the Aerotropolis take precedence (e.g landscape led approach or airport safeguarding). The draft DCP must ensure that the framework and controls around wildlife hazards are clear and unambiguous such that the risks to the future operation of WSA are minimised.
14. The controls must be clearer on the thresholds for Connection to Country. The \$20 million threshold must be increased to ensure that traditional custodians and knowledge holders are not overburdened by the quantum of projects these critical stakeholders will be required to be involved in.

3. SITE AND PLANNING CONTEXT

The submission specifically relates to land at [REDACTED] with a total site area of approximately 13.88 hectares. However, discussions are ongoing with respect to the acquisition of [REDACTED] and initially the land owner of [REDACTED] has advised of their willingness for their proposed development to be incorporated at an alternative location within any broader master plan over the [REDACTED] holding if mutually beneficial planning outcomes for all stakeholders can be achieved by doing so. Therefore, we have included this site ([REDACTED]) for the purposes of this submission. The site area inclusive of [REDACTED] extends to **approximately 15.90 hectares.**

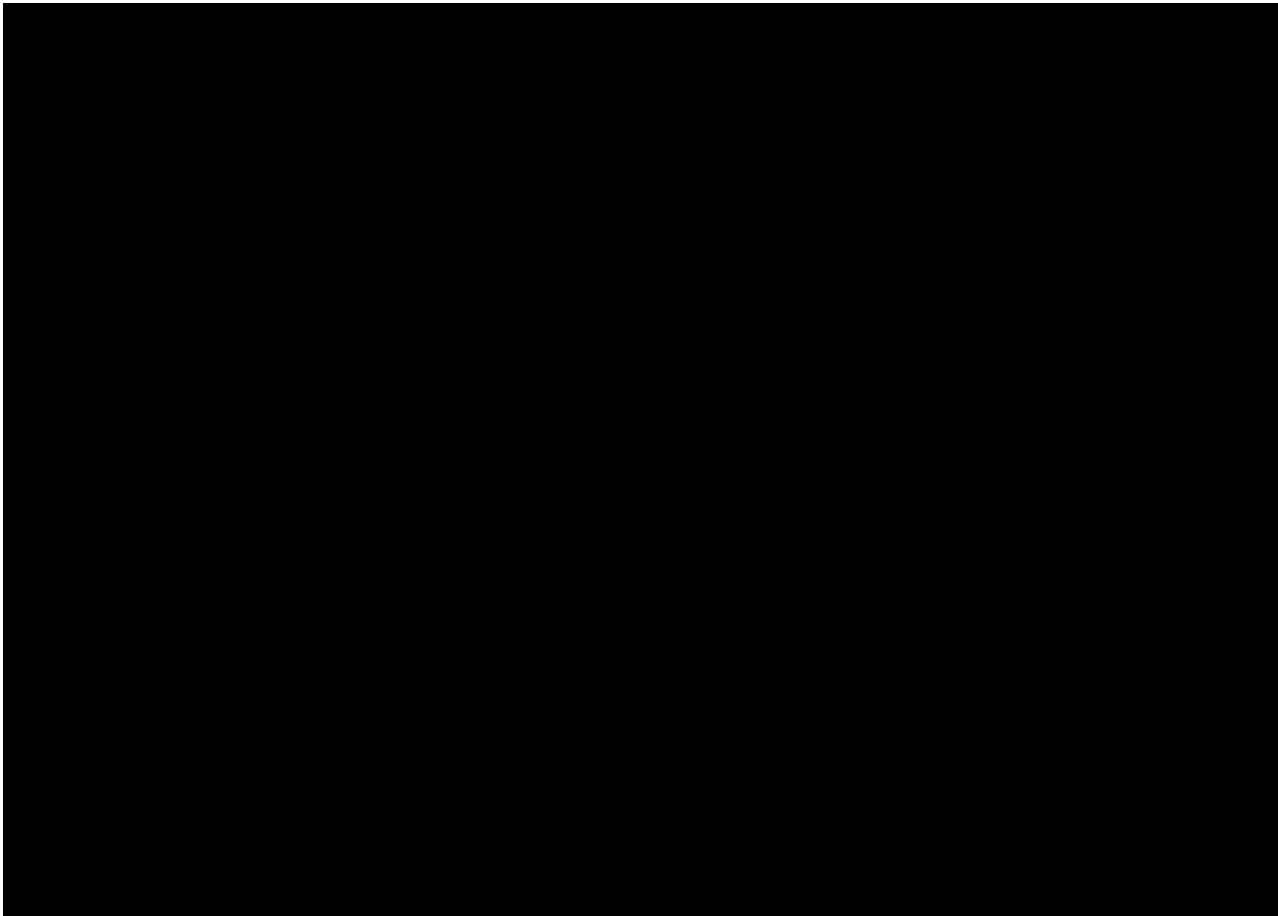
Figure 1 below highlights the extent of the site and surrounding properties. The site is bounded by largely cleared rural landholdings to the north, east and south. The site's rear boundary to the west abuts a riparian corridor that runs parallel with Badgerys Creek, with the boundary to the WSA beyond. The site is currently occupied by several rural residential dwellings.

Figure 1 Site Aerial



As illustrated in **Figure 2** the site is strategically located in a “gateway” style position with an extensive frontage to Pitt Street which will form a key arterial road into WSA connecting via the internal road network with the Airport Business Park and associated Metro Station. The holding benefits from a unique combination of this “gateway” style position and one of the shortest distances to the future Metro Station at the Airport Business Park.

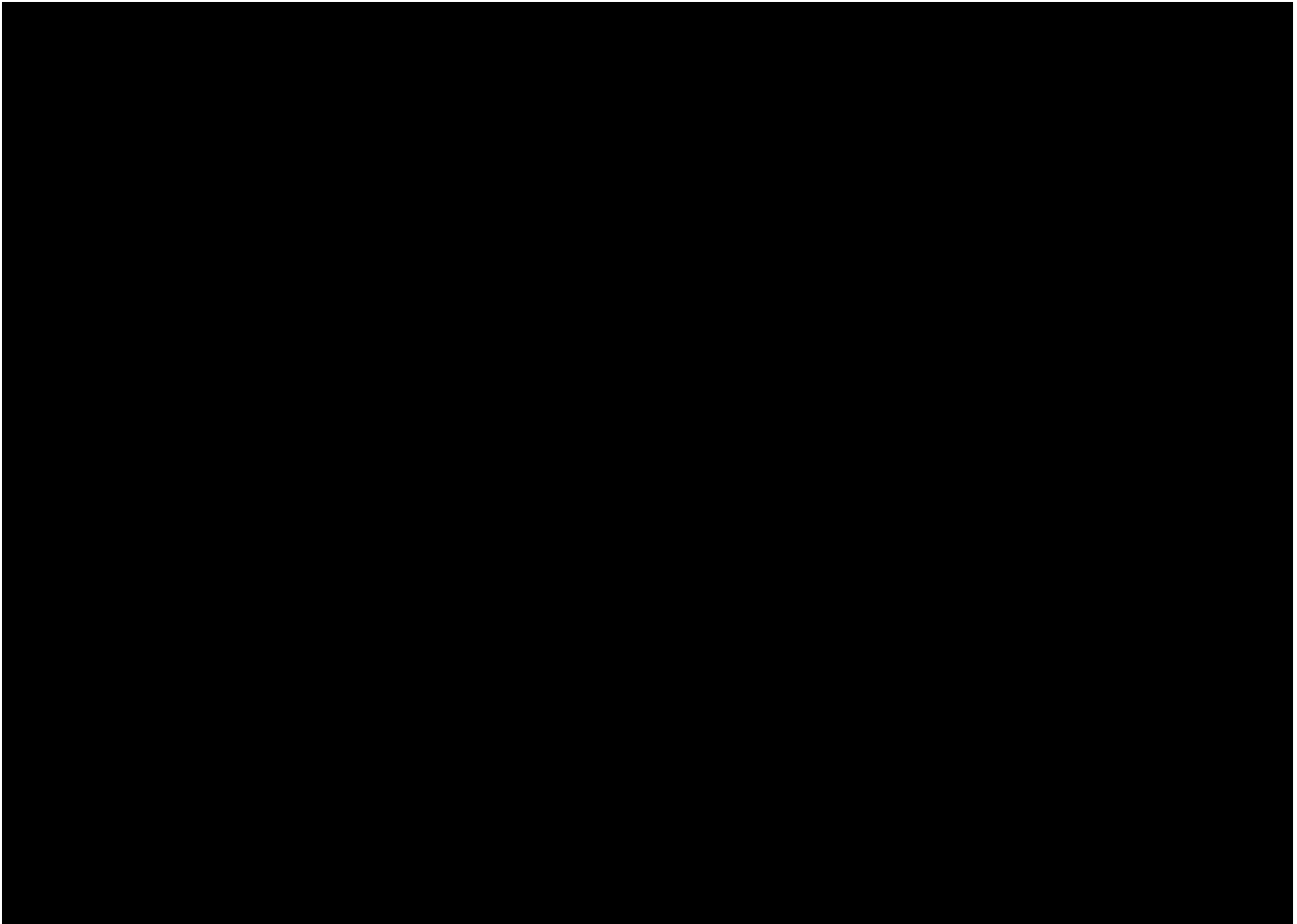
Figure 2 Site location relative to WSA



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The site is located within the Badgerys Creek Precinct of the Western Sydney Aerotropolis. The site was recently rezoned under the Aerotropolis SEPP. As shown in **Figure 3**, the majority of the precinct has been zoned ‘Enterprise’; a new, flexible land use zone which seeks to encourage a range of employment and business-related professional services to support the growth of the Aerotropolis.

Figure 3 Site Zoning



The site benefits from being zoned Enterprise and the positive objectives for the Badgerys Creek precinct as identified under the Western Sydney Aerotropolis Plan (WSAP) and the Aerotropolis SEPP. The Badgerys Creek Precinct is planned to support the future WSA operations and compliment the Bradfield mixed-use urban centre further south in the adjoining Aerotropolis Core precinct.

As noted in the WSAP, the key considerations in the Badgerys Creek precinct relate to aircraft noise and airport safeguarding. This has resulted in a wide range of employment related land uses being envisaged for the precinct.

Significant to the future development of this site is the land use designation within the draft Precinct Plan. The combined land use plan identifies the site for Enterprise and Light Industry with an Enterprise (Employment Zone) Centre located in the southwest corner of the holding fronting Pitt Street to provide amenity for future workers (refer **Figure 4**). Only 4 such centres are identified within the Badgerys Creek precinct south of Elizabeth Drive, none closer to the Airport Business Park and associated Metro Station, making the activation of this particular site critical to service the needs of workers within this initial precinct.

Enterprise (Employment Zone) Centres are identified within the Precinct Plan Urban Design report to support a wide range of land uses. These centres appear to support neighbourhood retail uses such as food and beverage, neighbourhood supermarkets and convenience retail. However, the typology within the Urban Design Report also appears to indicate that some higher order employment uses may be considered in these centres.

Figure 4 Combined Land Use Plan



Combined Land Use Plan
Western Sydney Aerotropolis

- | | |
|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
|  Airport public safety areas |  Enterprise and light industry |
|  Commercial centre - mixed use |  Education |
|  Enterprise centre |  Indoor Recreation and Community |
|  Business and enterprise |  Airport uses |
|  Mixed use residential |  Specialised centre mixed use |
|  Agribusiness |  Creek lines |

Figure 30: Combined Land Use Plan

4. BACKGROUND

4.1. BC LAND

Established in Sydney in 2003, BC Land are a development management, construction management and engineering company focused on large construction projects across NSW, Australia.

BC Land has the expertise and inhouse capability to maximize the success of its developments through the horizontal integration of industry experts. To date, the BC Land team has completed projects valued at >\$1 billion across Australia.

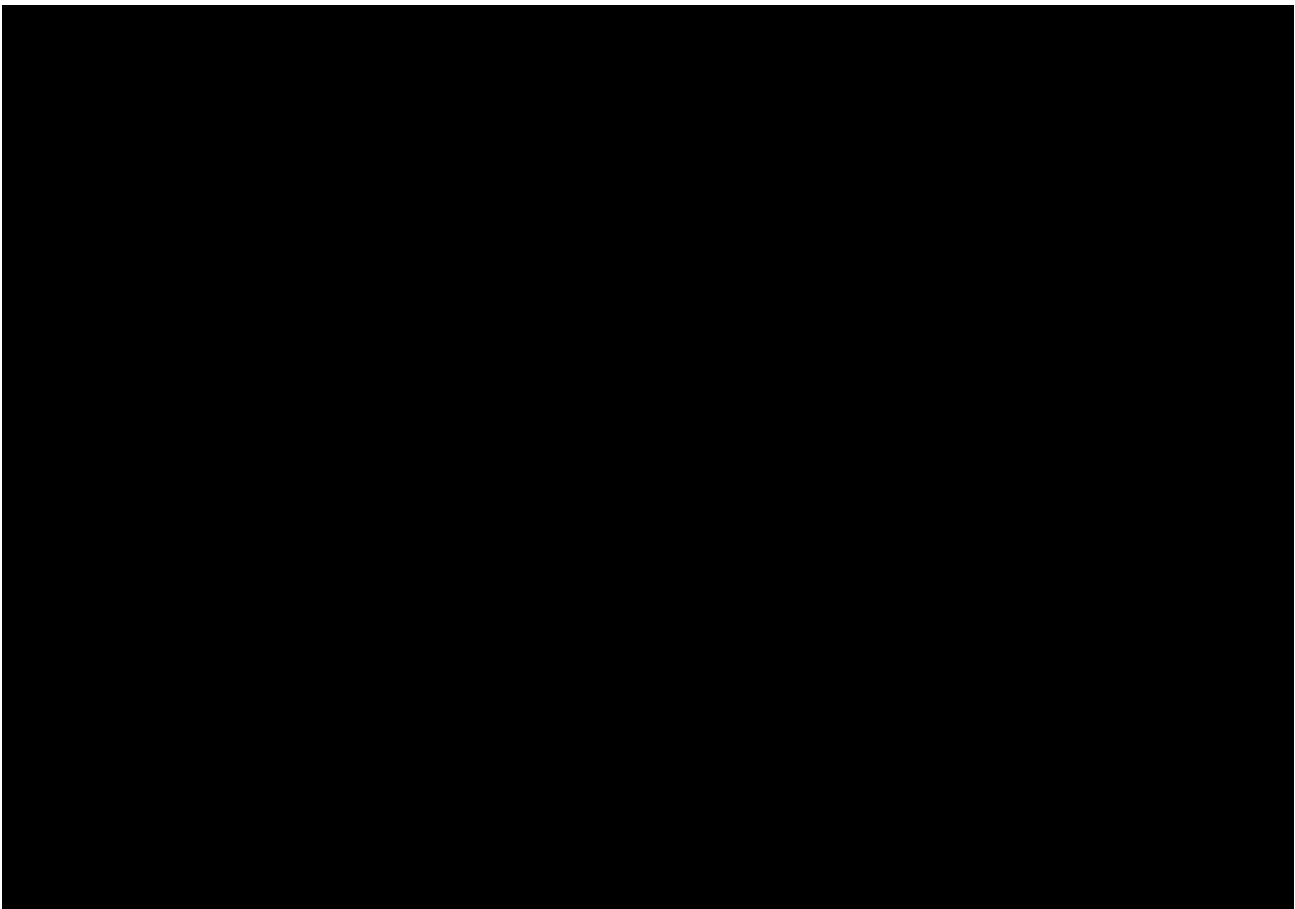
4.2. DEVELOPMENT CONCEPT

BC Land are seeking to develop the subject site for employment generating purposes in the form of a light industrial warehousing and enterprise business park that broadly aligns with the strategic intent of the Badgerys Creek Precinct and Western Sydney Aerotropolis.

Critical to the development concept will be ensuring that the future development maximises employment whilst also respecting key constraints relating to WSA including maintaining the public safety area and minimising potential wildlife attraction in the areas of the site zoned ENZ.

Under the Site Concept Plan (**Figure 5**), the development of the site has the potential to achieve approximately 148,000 sqm of Industrial / Warehouse GFA with associated mezzanine office content of approximately 37,000 sqm and 49,000 sqm of Enterprise / Business Park uses. The development aims to leverage the sites unique combination of locational attributes, Enterprise (Employment Zone) Centre allocation and strategic location in close proximity to WSA, in particular the future Metro Station at the Airport Business Park.

Figure 5 Site Concept Plan (Attached at Appendix A)



4.2.1. How the plan addresses key issues

An overview of how the concept design has addressed key constraints is provided in the Design Statement at Appendix B. The design has considered and responded to the planning framework including:

- *The Western Sydney Aerotropolis Development Control Plan 2021 Phase 2 Draft October 2021;*
- *Draft Aerotropolis Precinct Plan November 2020;*
- *Aerotropolis Open Space Needs Study October 2021; and*
- *Western Sydney Aerotropolis Wildlife Management Assessment Report May 2020 Revision 3.*

The concept plan has been developed to maximise opportunities for Water Sensitive Urban Design (WSUD) and civil engineering design.

BC Land strongly supports an approach that would allow industry professionals to develop innovative responses to the site-specific constraints. This approach will ensure that the significant potential for this site fronting Pitt Street (which is one of the main access points to WSA) to be realised whilst also providing an effective response to the environmental, cultural and planning objectives,

As noted in the Design and Engineering Statements a site-specific design approach is necessary to ensure that the risks raised by key agencies in relation to bird and bat strike. The design concept has been informed by ongoing advice from Avisure to integrate specific bird control measures into built form elements to complement efforts to address bird strike risk.

As noted in the Design Statement at Appendix B and Engineering Statement at Appendix C and illustrated in **Figure 6**, the development concept is capable of integrating effective design responses which can achieve the objectives for the precinct outlined within the Aerotropolis SEPP, draft Precinct Plan and draft Stage 2 DCP whilst responding to site specific constraints and opportunities as follows:

- *“Buildings sited within the 1 in 100 year flood zone are constructed on piers with undercrofts for flood conveyance;*
- *Clear open water zones are minimised through custom flood modelling and civil design; and*
- *Generous spatial allowance for stormwater, open space, recreation and connection to country amenity have been retained.”*

Figure 6 WSUD Approach



4.3. AGENCY ENGAGEMENT

BC Land is proactively engaging with the relevant agency stakeholders in the Aerotropolis to discuss the future development of their site. Whilst this engagement is ongoing, BC Land has recently met with:

- Western Sydney Planning Partnership (WSPP)
- Western Sydney Airport (WSA), and
- Liverpool Council (Council)

It is the intention of BC Land to continue its ongoing engagement with all relevant stakeholders in advance as part of the progression of its development. An overview of the key matters discussed within these recent meetings is provided below.

4.3.1. Western Sydney Planning Partnership

A meeting was held with the Western Sydney Planning Partnership (WSPP) on 28 September 2021 to discuss the site and future development opportunities. Key matters raised in this meeting relevant to this submission included:

- BC Land strongly noted their concern with the conflicts between WSA safety and open space provision within the draft Precinct Plan and the need to explore reducing open space to minimise this conflict.
- WSPP acknowledged that whilst the intent is for a “parkland city”, however the approach still has to make sense.
- WSPP noted that open space would be reduced in the upcoming planning documents and incorporated mainly into stormwater basins.
- Heritage and recognising country will be a key matter for consideration and will be more clearly defined in the upcoming planning documents.
- WSPP acknowledged that the draft Precinct Plan was too prescriptive and flexibility is being sought as part of upcoming planning documents and final plans.
- WSPP noted the importance of the Western Sydney Street Design Guidelines, maintaining water in the landscape where possible and tree canopies in the streets.
- WSPP identified other important issues including proximity to airport/aviation safeguarding, landscaping and reducing wildlife attraction.

4.3.2. Western Sydney Airport

A meeting was held with Western Sydney Airport (WSA) Planning Managers on 29 September 2021. Key matters raised in this meeting relevant to this submission included:

- WSA noted their significant concerns around wildlife attraction, flying fox camps and not planting vegetation that would encourage wildlife movement across the airport.
- WSA was concerned with the proposed recreation area including potential issues relating to public safety. WSA noted that the Public Safety Area (PSA) may result in limitations to occupant numbers in buildings on the site.
- WSA noted that Pitt Street would be utilised for public transport access to the airport only and not general public access to the airport, Airport Business Park and associated Metro Station.
- WSA noted concerns in relation to crane heights during construction as well as construction dust impacts, which would potentially affect airport operation in the future. By completing the construction of any development of the holding question well before any preparatory operations and certainly any flights commence, these potential impacts could be avoided.
- WSA also noted that their initial focus would be on the completion of the airport and not the business park, which is considered to put even more focus and importance on the holding in question as a vital source of employment in the closest proximity to the future Metro Station in the short term.

4.3.3. Liverpool Council

A meeting was held with Liverpool City Council (Council) on 30 September 2021. Key matters raised in this meeting relevant to this submission included:

- Council noted that the Aerotropolis Planning Package is being directed by the Minister for Planning and Public Spaces (Minister) to be completed by the end of the year. This includes the Liverpool and Penrith contributions plans.
- Council anticipates most developers using the SSDA pathway, however, there may be an opportunity to undertake a master plan process. It was noted however that the guidelines for such are not yet available.
- Council recommended ensuring consistency with precinct plans, given their statutory weight under the ASEPP.
- BC Land raised the matter of Pitt Street being a non-public access point for the airport by WSA. Council noted they have been working on Fifteenth Avenue being another main alternative transport corridor not Pitt Street, however agreed with importance of Pitt Street also being maintained as such.
- Council would like to keep Badgerys Creek Road open as long as possible.
- Council indicated that the outdoor recreation area on the site is not identified on their acquisition list so they would need to determine how the management of such an area would work and who would be owning it long term.
- It was noted that there was a restriction in lodging DA's until Liverpool Council contributions plans were developed/finalised.
- Council reiterated that under the Aerotropolis SEPP proposed development should be consistent with the precinct plan.
- Council has supported a Clause 4.6 variation provision to be incorporated in upcoming planning documents for better planning outcomes so that variations to the Precinct Plan can be considered on merit.
- Council noted that the benefit of master plan process is that it can amend the precinct plan.

5. SUBMISSION

5.1. PERFORMANCE BASED APPROACH

5.1.1. Complex Controls

The draft DCP intends to implement a performance based approach to development assessment within the Aerotropolis. This approach is intended to provide a level of flexibility where benchmark solutions are provided to deliver specific performance outcomes and objectives. DPIE are seeking feedback on the following questions and issues:

- *Will the performance standards provide additional flexibility?*
- *Are there areas where prescriptive standards are more appropriate?*
- *Are there benchmarks or standards that are difficult to achieve?*

BC Land welcomes a more flexible approach, however the 3-tier performance based approach makes the DCP word heavy and complex to assess against. We note that the draft Phase 2 DCP provides:

- 200+ Objectives;
- 250+ Performance Outcomes; and
- 1,100+ Benchmark Solutions.

Whilst some controls may only apply to certain types of development, this is a significant number of controls for development to consider. We also note that in many instances the controls are unclear and verbose and comprise multiple subsections and long paragraphs.

The performance outcomes and benchmark solutions should be simple and clear to interpret. It will not be feasible to prepare 'traditional' compliance assessment tables for future planning applications based on the current DCP. An assessment in this format would be enormously complex and lengthy, particularly if the additional detailed reference documents are required to be addressed. To encourage flexibility, we would recommend a simpler 2-tier approach and a reduction / simplification of the wording of the benchmark solutions.

Given that the Precinct Plans have not been exhibited it is also unclear as to which controls will remain within that document. The draft Precinct Plan was a highly prescriptive, complex and a 248 page document. If only minimal changes have been made to the draft Precinct Plan, this would require a development to assess compliance against two highly prescriptive documents in addition to the Western Sydney Aerotropolis Plan and Aerotropolis SEPP. It is therefore impossible to provide meaningful comment on the draft DCP in the absence of the revised Precinct Plan.

To ensure that the Aerotropolis DCP becomes the main development control / assessment document the revised Precinct Plan must be a high-level document. This would ensure that development isn't overburdened with assessment against 3 layers of prescriptive and complex planning controls. Further clarity should be provided regarding the way in which the DCP should be assessed and presented within a future planning application, including the Statement of Environmental Effects or Environmental Impact Statement prepared under the new Rapid Assessment Framework for State Significant Development which now requires a significant number of planning compliance tables.

Recommendations

- The controls within the draft DCP should be rationalised in both number and wording. The DCP must be a simple and clear document which is easy to be implemented by both the development industry and assessment officers.
- The draft DCP must be re-exhibited alongside the revised Precinct Plan to enable the industry to provide feedback on how a development application may be assessed against the entire planning framework.

5.2. DOCUMENT STRUCTURE

It is understood that DPIE are seeking feedback on the structure of the draft DCP noting that it has been modelled on a new standard DCP template being prepared by DPIE in consultation with Councils. DPIE is seeking feedback on the following key questions and issues:

- *Is the current draft DCP difficult to navigate? Are there ways navigation can be improved?*
- *Should the draft DCP be restructure based on development type?*
- *Is it clear which provisions would apply to your development?*

In terms of navigation, as noted in Section 5.1, the document structure is highly complex and verbose. In addition, we note that the performance outcomes and benchmark solutions reference over 85 additional reports and guidelines required to be considered by development in addition to the draft DCP. We note that this equates to 10,000 + pages of additional reading. Whilst links to each of these documents is provided within the appendices, we note that some of these do not link to the document and other documents are simply identified as forthcoming.

To reduce complexity, the DCP must minimise the number of additional documents. The Aerotropolis DCP must be a “one stop shop” for development assessment with relevant controls included from these additional reports and guidelines only where necessary and relevant.

The number of additional reports and documents currently referenced risks the industry developing ‘planning control fatigue’. This has the potential to significantly undermine the outcomes being sought and may drive investment away from Western Sydney and the Aerotropolis.

The draft DCP does not clearly identify controls required to be considered by all development and those controls that would only be relevant on certain sites and to certain development types. The draft DCP must be clearer in identifying these controls such that they can be easily cross referenced and navigated to.

It is also noted that the draft DCP references diagrams and other requirements stated to be within the Precinct Plan. Given that the revised Precinct Plan has not been released it is difficult to review and provide meaningful feedback in relation to these controls.

Recommendations

- The DCP must be a “one stop shop” for development assessment. The number of referenced reports and guidelines must be reduced with relevant controls incorporated into the corresponding section of the draft DCP.

5.3. FEASIBILITY

DPIE have requested feedback on the aspirational controls within the draft DCP relating to Connection to Country, a landscape led approach including blue green infrastructure, built form and activation, access and movement and site coverage and permeability. More specifically, DPIE is seeking feedback on the following key questions and issues:

- *Are there particular benchmarks or controls that will impact on feasibility? If so, can you please provide details on the impacts and any suggestions to mitigate them?*
- *Are there other ways to achieve the aspirational outcomes that are proposed in the draft DCP?*

This section addresses the feasibility of the draft DCP controls, where relevant other questions and comments have been included in this section to avoid duplication throughout this submission.

5.3.1. Heritage

Aboriginal Cultural Heritage will require a detailed assessment in any future planning application having regard to the protection and management of archaeological resources and the preservation of scenic and cultural heritage connections.

An Aboriginal cultural heritage assessment report will be required in accordance with Part 6 of the *National Parks and Wildlife Act 1974* ('NPW Act') and Heritage NSW guidelines.

Performance Objective PO2 should be amended to reference the relevant provisions within the NPW Act. This should include a requirement for harm to significant Aboriginal objects and declared Aboriginal places being avoided wherever possible and where harm cannot be avoided, providing for appropriate measures to reduce the extent and severity of harm.

Recommendations

- Performance Objective PO2 within Section 3.1.2 should be amended to reference the relevant provisions within the NPW Act.

5.3.2. Stormwater and WSUD

Section 4 and 12.3.2 of the DCP outlines a new approach to integrated water cycle management. This approach aims to retain water in the landscape with a view to harvesting stormwater for recycling and re-use.

A response to Stormwater and WSUD is provided in the Design Statement at Appendix B and Engineering Statement at Appendix C which provides details of the WSUD measures that balances the need for stormwater management within the DCP through a site specific response.

It is understood the integrated water cycle management is being driven by Sydney Water and at a site level requires significant areas for stormwater detention and infrastructure along or adjacent to established creek lines. Irrespective of these controls within the draft DCP, it is understood that this integrated water cycle management solution is unproven, un-costed and unlikely to be delivered in the short to medium term.

There are significant concerns within the development industry in relation to the feasibility of the significant Mean Annual Rainfall Volume (MARV) and stormwater harvesting targets. In particular, we note the need for large wetlands required to capture and clean stormwater before being recycled and re-used within the catchment area. This approach also puts the onus on sites adjacent to creek corridors to shoulder the burden of stormwater management for the relevant catchment. An integrated water cycle approach to retain and treat stormwater in the landscape also conflicts with airport operations and the requirement for detention basins within an airport buffer area to drain within 48 hours.

The controls within this section includes specific targets to be met by each development site. If these runoff targets are to be adopted, a regional approach must be considered. Regional wetlands and/or evaporative ponds are a proven measure that provides for the greatest overall load reductions whilst not impacting on future development. A regional approach will ensure that development sites are not unduly sterilised to provide significant areas for evaporative ponds and detention basins.

Aviation Consultants, Avisure have also raised concern around the potential for stormwater infrastructure to attract wildlife. As also outlined within the Engineering Statement, minimising the extent of these basins would also resolve the conflict between the need for stormwater storage (wetlands) and a bird free area for aircraft safety noting:

“There is a tension that the Draft Aerotropolis DCP requires both attractive wetlands areas and a bird free area for aircraft safety. To discourage the attraction of bird life in wetlands or constructed flood basins, stormwater and flood plain design should conform to the following... Minimisation of open water wetland zones to 100m² through the use of vegetation and berms.”

And further, that:

“Allowing development in the 1% AEP zone would make available additional wildlife risk measures. Built forms can manage bird strike safety through measures such as hanging flash tape or installing decoy predator deterrents...”

It would also reduce the need for costly stormwater infrastructure such as misting which not only has the potential to conflict with airport operations but also renewable energy systems such as solar panels as required by Section 11.1.2 of the draft DCP.

The EIE currently on exhibition identifies areas that will be required for stormwater infrastructure as an SP2 Zone. As identified in our submission to the EIE, any stormwater infrastructure overlay must be included within the DCP rather than the ASEPP or Precinct Plan which are statutory documents. This approach would ensure flexibility to rationalise the extent of these areas to suit the needs and requirements and feasibility of future development.

Imposing the MARV targets for individual development sites will ultimately impact the feasibility of development and as such impact delivery of jobs and employment within the Aerotropolis.

Recommendations

- A regional approach to integrated water cycle management must be implemented such that large areas of development sites will not end up sterilised by the onerous requirements for stormwater infrastructure.

5.3.3. Native Vegetation and Biodiversity

5.3.3.1. Tree Canopy / Deep Soil Target

Section 5.1 provides controls relating to deep soil and tree canopy targets for development. Table 1 indicates that:

- Industrial development would be required to provide a minimum tree canopy of 25% of site area and minimum deep soil area of 15% of the site area. This section also requires minimum tree planting rates of two medium trees or one large tree per 400m² of site area.
- Business park development would be required to provide a minimum tree canopy of 35% and deep soil area of 25%.

The above targets are generally unfeasible for industrial and business park development which typically require large floorplates/development pads. It is also unclear how these controls relate to site permeability requirements for larger sites in Section 14. We also note that the tree canopy target does not consider potential wildlife attraction risk within 3km of the airport noting that this matter has been identified as a significant matter of concern by WSA, particularly for the holding question given its position in relation to initial and future runways and the partial Airport Public Safety Area impact to the western portion of the site as depicted in **Figure 4** above.

Whilst the desire for a Parkland City is understood, as noted by the WSPP, this approach still must make sense and, in our view, not unreasonably impact on the developable area key development sites.

Section 5.2 provides controls relating to the protection of biodiversity. In particular we note that PO5 states:

“Development facilitates the connected movement of native animals through the landscape.”

This performance outcome must be balanced against the significant wildlife attraction risks within 3km of the airport. Additional wording should be applied such that it is clear where this control would apply within the Aerotropolis noting the land with partial Airport Public Safety Area affectation as well as proposed SP2 Zone affectation, which is a combination unique to only the western portion of the subject site in the entire Aerotropolis. These risks have been identified by key agencies including WSA and confirmed by Avisure who have provided advice to BC Land in relating to this matter outlined below:

“Wildlife attracted to this site in the vicinity of Western Sydney Airport may compromise aviation safeguarding principles and contribute to the wildlife strike risk once the airport is operational. Of particular concern is the riparian area, stormwater infrastructure, and landscaping.”

Section 5.3 provides controls relating to the protection of trees and vegetation. In particular we note that PO1 states:

“All ridgeline canopy trees, riparian vegetation, trees of cultural, heritage or amenity significance and mature shade providing trees are retained.”

It is unclear how this performance outcome and benchmark solution could be achieved with particular reference to the control which requires the retention of trees with a height in excess of 3m with a spread greater than 3m. Whilst the subject site is generally cleared outside of the Badgerys Creek Riparian Corridor, there are clusters of existing vegetation located within the developable area of the site which, if retained in a landscape plan would impact on achieving this benchmark solution.

Given that existing vegetation will be required to be retained within the ENZ along the Badgerys Creek riparian corridor, it is unreasonable to expect to retain trees where they would impose a significant constraint on the development of land elsewhere on the site. It is also noted that Section 10.3 provides controls to ensure that landscaping does not create hazards to the operation of the airport and this includes the preparation of a specific report should the landscape plan provide more than 5 trees being planted in one group.

Recommendations

- The controls relating to tree canopy, deep soil, movement of animals and retention of vegetation must be balanced with the need for feasible development outcomes and potential wildlife attraction risks to WSA.

5.3.4. Access and Movement Framework

Section 6 provides controls relating to the access and movement framework and includes controls which relate to street network functions and design.

These controls reference the *Western Sydney Street Design Guidelines* and *Engineering Design Manual* for guidance on street design and engineering standards. However, it is unclear which elements of the detailed documents are relevant and/or how they will be considered in the assessment of any future DAs. This should be included within the DCP, otherwise, significant time is required to review these documents in detail to identify the matters relevant to the detailed design and/or assessment process.

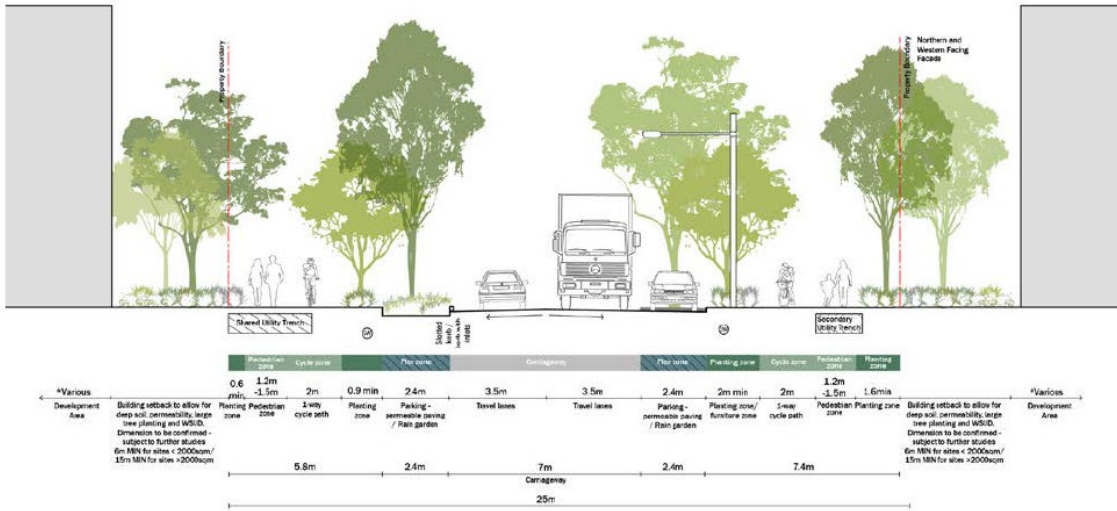
In addition, it is noted that the industrial street sections within these guidelines differ from the industrial street sections in the draft Precinct Plan (refer **Figure 7**) and the Mamre Road DCP (**Figure 8**). The DCP must be clear on which street sections will apply to development should street cross sections remain in the revised Precinct Plan.

We also note that the proposed industrial street sections in both the Guidelines and the draft Precinct Plan are inappropriate for industrial / warehouse precincts. Both street sections indicate a narrow parking lane of 2.1m-2.4m we note that other DCPs such as the Penrith DCP require a 3m parking lane within industrial streets to accommodate trucks etc.

We also note that the draft Mamre Road DCP illustrated in **Figure 8** below provides a more appropriate section with wide kerb side lanes which do not provide for on street parking allowing for greater traffic circulation through the network.

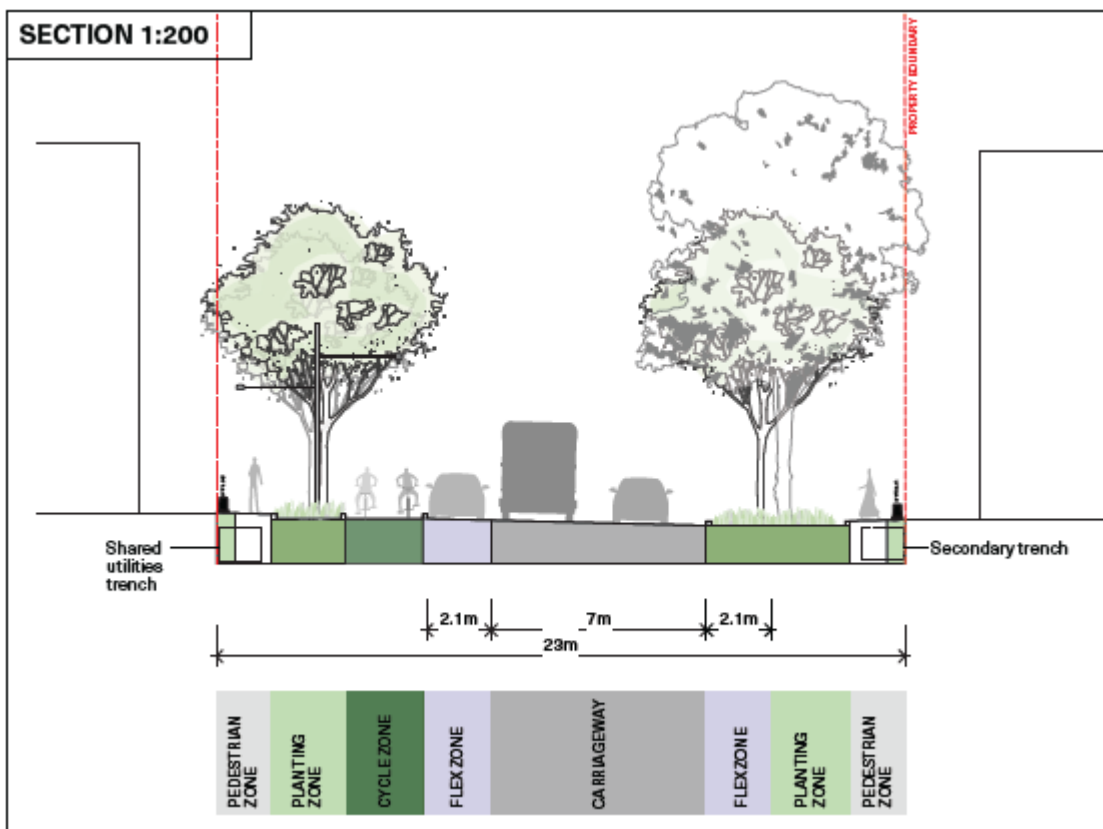
Figure 7 Industrial Street Sections

Picture 1 Draft Precinct Plan



Source: Draft Precinct Plan, 2020

Picture 2 Western Sydney Street Design Guidelines



Source: Western Sydney Street Design Guidelines

Figure 8 Draft Mamre Road DCP – Industrial Street Section

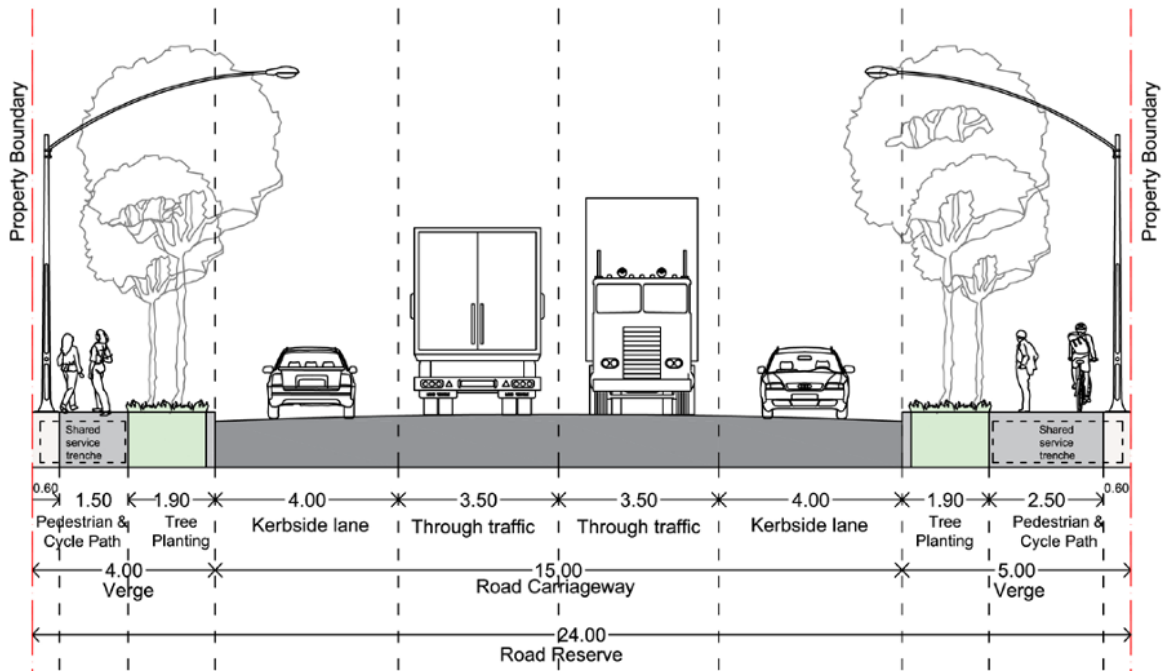


Figure 12. Typical Local Industrial Road

Source: Draft Mamre Road DCP

Table 2 on Page 54 provides controls which specify the maximum block sizes as follows:

- Employment zone centres and Business Uses: Maximum length 250m with pedestrian and cycle mid-block connections no more than 130m apart; and
- Enterprise zones: Maximum length of 350m with mid-block connections no more than 150m apart.

These block sizes can generally be supported on the site, however we note that on industrial sites there is the potential for mid-block connections to become extremely long pathways that could potentially provide opportunities for entrapment and other CPTED issues. These requirements should be reviewed carefully to ensure that potentially unsafe areas are not provided just for the sake of meeting a DCP control.

Recommendations

- Requirements for block sizes and mid-block connections should be flexible to suit specific sites and other land use/end user requirements.

5.3.5. Travel Demand Management and Parking

Section 7 of the draft DCP provides controls in relation to travel demand management and parking. BC Land are generally supportive of the proposed approach to travel demand management and parking, including the provision of minimum and maximum car parking rates. However, further detailed consideration needs to be given to the following matters:

- In some instances, parking may need to be located within landscape setbacks, certain uses such as car showrooms and bulky goods retail may require different access arrangements which require appropriate consideration.
- Proposed Use in Column 1 should provide rates for 'Light industry' and 'Warehouse or distribution centres'. It appears these two land uses have been incorrectly amalgamated into a single category in Line 1.

- Minimum rates for warehouse or distribution centres having regard to the *RTA Guide to Traffic Generating Development*.

5.3.6. Building Siting and Design

Section 8 of the draft DCP provides controls relating to Building Siting and Design. It is noted that additional built form controls are also provided in Section 15 which relate to specific development typologies.

The building siting and design section includes setback controls from road interfaces as follows:

- **Classified Road** – 20m
- **Collector and Distributor Road** – 12m
- **Local Road** – 7.5m

Setbacks must be feasible for development typologies and not impact on the large footprints generally required for warehousing and other industrial land uses. Whilst the setbacks in Table 5 can generally be achieved in the Concept Plan, it is important that if an industrial/warehouse building or other typology has frontage to an internal estate road that this setback is maintained to 7.5m and is not increased to 10m per the front setback control in Section 15. It is critical that setback controls are consistent such that they do not unnecessarily impact upon the developable area of a site.

5.3.7. Flooding

Section 9 provides specific controls relating to flooding. BC Land are in the process of undertaking detailed flood modelling of its site to accurately confirm the existing extent of the 1:100 flood planning level.

Notwithstanding this, we note that the approach taken within the draft DCP specifies that no development can be undertaken within the floodway or flood storage areas. As noted in the Engineering Statement at Appendix C this approach differs from the existing approach within the Liverpool DCP which is based on flood risk and land use risk and as such, allows commercial and industrial development on land below the 1:100 flood extent that is not subject to a high hydraulic hazard and where there are no significant evacuation difficulties.

The Engineering Statement notes

“As the western portion of the site is below the 1% AEP level, if the development can be designed such that it is not subject to a high hydraulic hazard and has no significant evacuation difficulties, it would be classed as being of Medium Flood Risk according to the Liverpool Development Control Plan. As such, it has restrictions that any development does not increase flood effects elsewhere regarding changes to flood levels or velocities, or alterations to flood conveyance. Additionally, any earthworks filling within the 1% AEP zone must be compensated for by excavation to ensure that there is no net loss of floodplain storage below the 1% AEP level. Habitable floor levels must be equal or higher than the 1% AEP level plus 500mm, but open car parking spaces can be as low as the 5% AEP flood level if they allow for flood conveyance and have barriers to prevent floating vehicles leaving the site during a 1% AEP flood”

We recommend keeping the floor level elevated above the 1% AEP level for habitable floors, and having open car parking down to the 5% AEP level. Using piers, suspended slabs or footings running parallel to the creek with an undercroft is preferable to using earthworks to raise the ground level. This would allow for flood conveyance under the buildings and guarantee minimal or no impact on flood storage, flood levels or velocities as the natural ground level throughout the area below the 1% AEP level can be maintained. Subject to validation modelling, this approach is unlikely to significantly impact flow on other properties or the creek.”

We question the more stringent approach particularly given that the site is designated for critical employment related land uses adjacent to the WSA. It is also noted that portions of the site will be required to have relatively low employment densities owing to airport public safety area to the northwest.

Given the strategic location of this site adjacent to the WSA as well as the site benefitting from the closest position to the Airport Business Park Metro Station and the significant employment outcomes which can be achieved as a result, BC Land requests a flexible approach in the DCP which could contemplate

development below the 1:100 flood extent where flood and land use risks can be mitigated, and it can be demonstrated through a detailed Flood Risk Impact Assessment that there are no significant evacuation difficulties from these areas.

Recommendations

- Land uses such as commercial and industrial development be considered appropriate in areas below the 1:100 flood extent that are assessed within a detailed Flood Risk Impact Assessment to have to low / medium hazard risk. This approach would be consistent with the Liverpool DCP.

5.3.8. Controls for Larger Sites

Section 14 of the draft DCP provides controls for larger sites greater than 5,000sqm. These controls would apply to the BC Land site.

Table 8 of the DCP outlines acceptable solutions for site cover and perviousness. However, the table is unclear as to how it should be interpreted including the requirements for perviousness. It is also unclear as to what scenario would be applicable and/or acceptable for development (i.e. Base Scenario or Parkland Solution) and whether there would be any benefit to sites providing above the base scenario i.e. additional FSR/Height concessions to other controls etc.

Notwithstanding the above, BC Land still has significant concerns around the base requirements for site coverage and permeability.

- The 40% perviousness for commercial and light industrial and 30% perviousness for large format industrial land uses will have significant implications for site coverage noting that permeable paving is not a feasible solution for the service hardstand areas required for warehouse and logistics development.
- Limiting site coverage significantly impacts the flexibility to provide for business parks and large-scale warehousing and logistics land uses particularly considering the low building heights applied within the Aerotropolis which would restrict high bay/multi-level warehousing.
- Increasing the pervious areas around facilities provides little overall reduction in runoff. Whilst these areas may assist with the objectives of urban cooling, the cost to development would far outweigh the benefits.

It is queried whether the final Precinct Plan or the Phase 2 DCP will provide further information to categorise future development in accordance with Table 8 and to avoid ambiguity or differences in interpretation in future DA assessments.

Recommendations

- The site perviousness requirements are unfeasible and must be revised. The targets will significantly reduce developable areas and result in unworkable solutions for such as the recommended permeable paving does not reflect the specific end user requirements for business parks and industrial / warehouse development.

5.3.9. Provisions for Land Uses

Section 15 of the draft DCP provides controls for specific development types. The most applicable controls for the proposed development concept would be related to Industrial, Specialised Retail/Bulky Goods Uses. However, it is noted that other controls related to other land uses within the proposed concept plan may also be applicable to future development.

Whilst the majority of controls for specific land uses are supported, our specific comments in relation to the implications of the controls as follows:

- Ensuring that back-of-house uses (including external storage, truck parking areas) are not visible from any road and active transport corridor.
- The 10m minimum setback for industrial development to the front property boundary is not consistent with the Mamre Road DCP which requires a 7.5m setback for lots fronting local estate roads.
- Treatment of setbacks should be consistent with the draft Mamre Road DCP which permits car parking areas within the setbacks provided:
 - It is set behind a landscaped area which is 50% of the required setback;
 - Promotes the operation and function of the development;
 - Enhances the overall design of the development by implementing design elements, including landscaping, that will screen the parking area and is complementary to the development; and
 - Does not detract from the streetscape values of the locality.

It will be important to allow the development industry time to test the proposed controls to enable the identification of potential issues that could impact feasibility. In this regard we would request that DPIE accept ongoing feedback from the development industry in relation to the draft DCP. In the interim it will be important to allow flexibility in the assessment to allow reasonable alternative solutions.

Recommendations

- Setbacks should be consistent with surrounding employment land including the Mamre Road and Oakdale precincts.
- Vehicle parking must be permitted within setback areas subject to appropriate screening consistent with the approach within the draft Mamre Road DCP.
- It will be important to allow the development industry time to test the proposed controls to enable the identification of potential issues that could impact feasibility. In this regard we would request that DPIE accept ongoing feedback from the development industry in relation to the draft DCP.

5.4. AIRPORT SAFEGUARDING

The site is identified within the Aerotropolis SEPP as being subject to a number of airport safeguarding controls. The majority of these restrictions and limitations are well understood and BC Land intends to engage an aviation consultant to guide the development through the technical aspects of these controls. This includes ensuring that Obstacle Limitation Surface and Public Safety Areas are maintained and respected and due consideration given to employment density when planning buildings within these areas.

One of the most critical elements that BC Land is seeking further clarity are the conflicts between the significant open space and stormwater infrastructure requirements within the planning documents and the conflicting requirements to minimise potential wildlife hazard attraction. As noted in Section 5.3.3, initial advice has been received from Aviation Consultants Avisure who have raised concern around the potential for riparian areas, stormwater infrastructure and landscaping and the risk these areas pose to wildlife attraction and potential strike risks.

This advice is reiterated in the Engineering Statement at Appendix C which provides the following advice:

“To discourage the attraction of bird life in wetlands or constructed flood basins, stormwater and flood plain design should conform to the following:

- *Minimisation of open water wetland zones to 100m² through the use vegetation and berms*
- *Provision of low vertical walls (500mm) at the edges of permanent water zones*
- *Minimising the length of clear open water zones to deter larger water birds*
- *Include edge treatments that minimise foraging zones for wading birds*

Avoid the need for netting as much as is practicably possible’

It is critical that the framework and controls around wildlife hazards are clear and unambiguous. Currently there are conflicting and contradictory controls within the draft DCP which include but are not limited to:

- Stormwater harvesting and infrastructure identified in the Open Space Needs Study and SEPP EIE and the requirement for detention basins within 3km of the airport to drain within 48 hours;
- Requirements for tree retention and minimum canopy requirements and the need to assess landscape plans that propose more than 5 trees being planted in one group; and
- Requirements for development that facilitates the connected movement of native animals and the potential for wildlife strike.

As noted in Section 4.3 BC Land have met with WSA who have reiterated their concerns around these matters. WSA also noted other concerns including crane heights during construction as well as construction dust impacts, which would potentially affect airport operation. It is therefore critical that the DCP makes provision to mitigate these impacts by ensuring the development of sites along Lawson Road is completed before the airport is operational in general, particularly prior to the first Runway 05R-23L being operational and certainly prior to the second Runway 05L-23R being operational.

Recommendations

- Although the WSA concerns are very clear, the current controls do not clearly identify which objectives for the Aerotropolis take precedence (e.g landscape led approach or airport safeguarding). The draft DCP must ensure that the framework and controls around wildlife hazards are clear and unambiguous such that the risks and impacts to the future operation of WSA are avoided and minimised.

5.5. CONNECTION TO COUNTRY

The connection to country requirements and guidelines are considered positive steps forward to recognising Indigenous culture in the built environment. The DCP seeks to add the cultural overlay with the biodiversity overlay in a significant way to add meaning and value to the environment and natural systems.

The BC Land concept will involve a significant economic investment that will likely exceed the \$20 million threshold. BC Land are supportive of the Connection to Country guidelines and their implementation and intends to engage experts in indigenous design to guide Connection to Country outcomes for their development. This will include emphasising connection to the significant Badgerys Creek corridor.

However, concern is raised regarding the \$20 million threshold and its impacts on Traditional Custodians, cultural advisors, the local Aboriginal community and other Aboriginal stakeholders regarding their capacity to respond to the development proposals which may be triggered by the relevant criteria. We note that 20 hectares and \$20 million are not comparable thresholds. It would be useful to understand from those groups and individuals whether there is capacity to respond within a timely manner and/or whether the current threshold should be amended to capture appropriate projects using a different approach. This has the potential to set up a situation for engagement fatigue that could significantly impact project timeframes.

Recommendations

- The controls must be clearer on the thresholds for Connection to Country. The \$20 million threshold must be increased to ensure that traditional custodians and knowledge holders are not overburdened by the quantum of projects these critical stakeholders will be required to be involved in.

6. CONCLUSION

BC Land commends DPIE on the exhibition of the draft DCP and accompanying documents noting that the exhibition package proposes some positive changes to the planning documents including:

- Providing further guidance around Connection to Country requirements; and
- Performance based controls that focus on development outcomes.

However, the exhibited documents have also resulted in some fundamental concerns which relate to:

- The significant number of benchmark solutions within the draft DCP.
- The complex wording and length of the controls which makes the document unclear and difficult to interpret.
- The number of controls that reference requirements or diagrams within the revised Precinct Plan which is yet to be exhibited.
- The number of controls that reference other reports and guidelines noting that 85 separate reports and guidelines are linked in the appendices to the draft DCP.
- The proposed integrated stormwater management approach and significant implications for future development.
- Controls requiring significant water harvesting, landscaping and wildlife corridors and the direct conflict this would have to airport operations and public safety due to significantly increased bird strike risk.
- The significant impacts that the proposed perviousness controls will have on developable area and feasibility.
- Providing appropriate setbacks that are consistent in approach with the nearby Mamre Road precinct.
- The lack of clarity within the controls around which objectives and outcomes take precedence in close proximity to WSA noting the significant conflict between the landscape led approach and airport safeguarding.

DPIE and WSPP must engage with the development industry to resolve the matters raised in this submission and seek an agreement to provide industry the confidence on the timing delivery of development and assurance that the complex planning framework being put in place can successfully respond to market demand in the short term.

BC Land is willing and motivated to engage directly with the WSPP to work collaboratively on critical decisions relating to the Master Planning for this key site. In working through the critical matters, BC Land is confident that an appropriate balance can be struck between meeting the vision and objectives of the Western Sydney Aerotropolis Plan and Aerotropolis SEPP and ensure a clear development pathway can be achieved for the development of the Aerotropolis.

APPENDIX A

SITE CONCEPT PLAN



APPENDIX B

DESIGN STATEMENT

Delivery method: Electronic

25th October 2021

Simon Quinn
BC Land Pty Ltd
45-50/301 Castlereagh St
Haymarket NSW 2000

Attention: Simon Quinn

RE: Treating Risk Through Built Form at 125-175 Lawson Rd, Badgerys Creek

Dear Simon,

An architectural and engineering masterplan design response has been developed for the site at ██████████, Badgerys Creek. The design documentation represents a measured design response that responds positively to the key objectives of statutory planning framework including:

- The Western Sydney Aerotropolis Development Control Plan 2021 Phase 2 Draft October 2021;
- Draft Aerotropolis Precinct Plan November 2020 Version 9;
- Aerotropolis Open Space Needs Study October 2021; and
- Western Sydney Aerotropolis Wildlife Management Assessment Report May 2020 Revision 3.

In the process of developing the concept plan, opportunities for design innovation through the integration of water sensitive urban design elements and civil engineering design have been identified and implemented. I attach a copy of the concept plan for ease of reference.

In order to realise the opportunities for design and construction opportunities, and for an effective response to the environmental, cultural and planning objectives to be implemented at the Pitt Street airport entry within the Badgerys Creek Precinct, it is strongly recommended that the draft DCP be amended to allow for development within the 1 in 100 year flood zone to allow industry professionals to develop innovative responses to specific site conditions within the precinct.

This would also facilitate risk treatment of bird and bat strike, which has been raised as a critical risk to WSA operations by representatives of Western Sydney Airport, Liverpool City Council and the Western Sydney Planning Partnership (and as detailed in the URBIS planning report commissioned for the site). During the design development process, we requested advice from Avisure, the authors of the Western Sydney Aerotropolis Wildlife Management Assessment Report May 2020 (Revision 3) with a view to integrating bird control measures into built form elements to complement efforts to treat bird strike risk. In their letter dated 29th October 2021, Avisure advise that:

“Wildlife attracted to this site in the vicinity of Western Sydney Airport may compromise aviation safeguarding principles and contribute to the wildlife strike risk once the airport is operational. Of particular concern is the riparian area, stormwater infrastructure, and landscaping.”

In addition, Stellen Engineering, in their report titled Flood and Stormwater Management for [REDACTED] [REDACTED] Badgery's Creek advise that:

"There is a tension that the Draft Aerotropolis DCP requires both attractive wetlands areas and a bird free area for aircraft safety. To discourage the attraction of bird life in wetlands or constructed flood basins, stormwater and flood plain design should conform to the following... Minimisation of open water wetland zones to 100m² through the use of vegetation and berms."

And further, that:

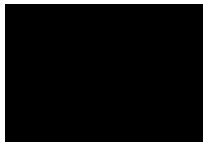
"Allowing development in the 1% AEP zone would make available additional wildlife risk measures. Built forms can manage bird strike safety through measures such as hanging flash tape or installing decoy predator deterrents..."

In developing the masterplan, we have conceptually integrated effective design responses to achieve planning objectives for the precinct whilst responding to site specific constraints and opportunities:

- Buildings sited within the 1 in 100 year flood zone are constructed on piers with undercrofts for flood conveyance;
- Clear open water zones are minimised through custom flood modelling and civil design; and
- Generous spatial allowance for stormwater, open space, recreation and connection to country amenity have been retained.

As a Chartered Building Professional and Certified Practising Project Director accountable for stewardship of the qualitative components of planning and built form outcomes for the site at 125-175 Lawson Rd, I strongly encourage that the DCP is drafted in such a way that flexibility exists for industry professionals to develop high quality development in the Badgerys Creek Precinct.

Regards,





APPENDIX C

ENGINEERING STATEMENT

2 November 2021

BC Land Pty Ltd
45-50 301 Castlereagh St
Haymarket NSW 2000

paul@dcltd.com.au

Flood and stormwater management for [REDACTED] Badgery's Creek

Dear Paul,

Stellen Consulting was engaged to produce a conceptual level report covering available flood and stormwater management options for the efficient commercial and industrial development of [REDACTED] Badgery's Creek. The purpose of this report is to support the feasibility work with top level design options to satisfy both customer requirements and compliance with Liverpool council policies.

We aim to:

1. Suggest important changes to the Draft Aerotropolis DCP, and the benefit to council of doing so. A risk based design in the 1% AEP zone and fewer acquisitions means the goals of the DCP can be achieved without council having to purchase and develop lands itself.
2. Assuming the above Aerotropolis DCP changes are made, we recommend the design options of reshaping the creek and floodplain, using suspended buildings to allow flood flow and developing parts of the creek into a wetland.
3. Explain how the recommended designs satisfy the intent of the Draft Aerotropolis DCP to maintain flood storage and provide green spaces and water quality improvements

Our advice is based on the following documents: The Draft Aerotropolis DCP and supporting documents, Liverpool Development Control Plan (2008), Wianmamatta (South) Creek Catchment Flood Study Report, and Huxley Architects concept layout.

The Draft Aerotropolis DCP constraints

The Draft Aerotropolis DCP deems 1% AEP floodways and critical flood storage areas as unsuitable for urban land use. We suggest, similar to the Liverpool DCP, that the Aerotropolis DCP be revised to use a risk based approach to allow for development in the 1% AEP zone so long as the Aerotropolis DCP objectives of maintaining flood storage volumes and providing wetlands or green spaces in the riparian zone and floodway corridor are met.

We also suggest that council acquisition of stormwater infrastructure as described in the Aerotropolis DCP is unnecessary. Stormwater infrastructure, such as wetlands and small creek lines, can reasonably be allowed to remain in private ownership so long as an easement is provided or the trunk drainage area is otherwise accessible for operation and maintenance.

These important changes would allow private developers to achieve outcomes very similar to those proposed in the Aerotropolis DCP without the need for council to acquire the properties and develop the wetlands and green spaces there itself.

Making the project compatible with Liverpool DCP

As the western portion of the site is below the 1% AEP level, if the development can be designed such that it is not subject to a high hydraulic hazard and has no significant evacuation difficulties, it would be classed as being of Medium Flood Risk according to the Liverpool Development Control Plan. As such, it has restrictions that any development does not increase flood effects elsewhere regarding changes to flood levels or velocities, or alterations to flood conveyance. Additionally, any earthworks filling within the 1% AEP zone must be compensated for by excavation to ensure that there is no net loss of floodplain storage below the 1% AEP level.

Habitable floor levels must be equal or higher than the 1% AEP level plus 500mm, but open car parking spaces can be as low as the 5% AEP flood level if they allow for flood conveyance and have barriers to prevent floating vehicles leaving the site during a 1% AEP flood.

Optimising these constraints

We recommend keeping the floor level elevated above the 1% AEP level for habitable floors, and having open car parking down to the 5% AEP level. Using piers, suspended slabs or footings running parallel to the creek with an undercroft is preferable to using earthworks to raise the ground level. This would allow for flood conveyance under the buildings and guarantee minimal or no impact on flood storage, flood levels or velocities as the natural ground level throughout the area below the 1% AEP level can be maintained. Subject to validation modelling, this approach is unlikely to significantly impact flow on other properties or the creek.

Earthworks

Using cut and fill to minimise the amount of area that would need to be suspended or on piers may be cheaper, but it would have considerable design constraints. The dams existing on the site are used as flood storage during 1% AEP floods, and their storage volume must be preserved. This may mean keeping them unaltered, but more likely

they should be reshaped (eg, making them shallower with a larger footprint) or replaced by other flood storage basins of equivalent volume. It may be possible to reshape Badgery's Creek via earthworks to increase the area's flood storage volume. By making the flood plain adjacent to the creek deeper and wider, it will decrease the flow velocity, lower the flood height, and increase flood storage. This increased storage volume can be used to offset storage lost from filling in the existing dams or building up areas of the site to above the 1% AEP level. Using earthworks to reshape the flood plain would be a good opportunity to rehabilitate Badgery's Creek and improve water quality by restoring or expanding the wetlands and riparian areas along the creek.

Wetlands

In consideration of the draft Aerotropolis DCP, we suggest rehabilitating the creek edge, riparian corridor and undeveloped area in the 1% AEP zone to align with the objectives of providing a cool green place that retains water in the landscape and promotes waterway health. The most efficient way to do this is through the establishment of regional wetlands. By retaining and restoring native vegetation along the creek, water quality will be improved and optimise water, cooling, and greening outcomes. These wetlands will further increase flood storage, by slowing the velocity of water moving through the area.

Bird strike safety

The existing dams and the proposed wetlands may support large populations of water birds that pose a risk to aircraft strike. There is a tension that the Draft Aerotropolis DCP requires both attractive wetlands areas and a bird free area for aircraft safety. To discourage the attraction of bird life in wetlands or constructed flood basins, stormwater and flood plain design should conform to the following:

- Minimisation of open water wetland zones to 100m² through the use vegetation and berms
- Provision of low vertical walls (500mm) at the edges of permanent water zones
- Minimising the length of clear open water zones to deter larger water birds
- Include edge treatments that minimise foraging zones for wading birds
- Avoid the need for netting as much as is practicably possible

In addition to these guidelines, allowing development in the 1% AEP zone would make available additional wildlife risk measures. Built forms can manage birdstrike safety through measures such as hanging flash tape or installing decoy predator deterrents such as hawk 'scarecrows'.

Stormwater

The site is substantially inundated by flooding and therefore does not require on site detention according to the Liverpool DCP. A conventional stormwater design with measures to address stormwater quality, will be required as well as conformance to the stringent water sensitive urban design (WSUD) requirements of the draft Aerotropolis DCP strategy. In this case, components such as rainwater tanks (to reduce stormwater discharge over the year), raingardens, swales, and most importantly wetlands by the creek edge are measures to reduce pollution from stormwater entering local the waterways.

Further work required and recommendations

If the final Aerotropolis DCP is substantively the same as its current draft form, development in the 1% AEP region is not allowed. **If the draft Aerotropolis DCP is revised to use allow for a risk based approach, similar to the Liverpool DCP, it would allow for development in the 1% AEP zone so long as the objectives of maintaining flood storage and providing wetlands or green spaces in the riparian zone and floodway corridor are also achieved.** In that case, earthworks altering the creek or flood storage areas may be considered and we would recommend that site specific flood modelling is undertaken. Site specific modelling would verify that flow into neighbouring areas is not impacted as required by the DCP and provide site specific 1% AEP levels. In additional, reshaping the creek cross section will require an environmental impact assessment and most likely a restoration or expansion of wetlands area to comply with the objectives of the Aerotropolis DCP.

Summary of options

On the following page is a summary table of conceptual development approaches to accommodate the flood risks:

Table 1 - Summary of options

Strategy description	Upsides	Downsides	Open Issues/Further work required
Operational areas to stay above 1% AEP (as below) and only open car parking down to 5% AEP, with undercroft allowing for flood conveyance under buildings	Most efficiently uses available space. Allows for a lot of control over how flow can be directed. Minimal impact on existing creek	Takes on some financial risk to the car parking area and will require some design considerations to not alter 1% AEP flow conditions	May require custom flood modelling
Use earthworks to fill in ground to required levels for buildings, and deepen the floodplain along creek to allow for lost storage	Conventional building on fill is likely cheaper than on a suspended platform. Will allow for removal of existing dams and use of the area. Creek can be rehabilitated and improved as part of the development	Flood storage capacity has to be balanced and requires careful design to ensure flood storage, flood levels and velocities are unaffected	Changing the profile of the creek to reshape flow will have additional environmental impacts that will need to be addressed. It could be used as a good opportunity to improve the creek and rehabilitate it for WSUD. Altering the creek will require custom flood modelling and optimization to not effect flood levels and velocities in adjacent properties
All buildings are elevated above the 1% AEP level on piers, suspended slab or on footings parallel to creek, with undercrofts allowing for flood conveyance under buildings	It can guarantee no impact on flood storage, flood levels or velocities as development is clear of flood water. No flood modelling required. Creek can be rehabilitated and improved as part of the development	More expensive than earthworks and less space efficient than having car parking below the 1% AEP level	
Use earthworks to fill in ground to required levels and use manmade flood storage basins to allow for lost storage	Allows for more efficient use of space and design of flood storage areas. Use of underground flood storage basins would allow for large volumes of water that does not attract birds. Will allow for reforming of existing dams. Potentially less impact on local natural environment than reshaping the creek	More costly than using existing natural flood storage, or changing the profile the creek	Deepening the floodplain of the creek to reshape flow will have additional environmental impacts that will need to be addressed. Would require custom flood modelling
No development in the 1% AEP zone	No additional capital costs. Will guarantee council approval in regards to flooding concerns	Very space inefficient Creek will go unrehabilitated and water quality will not be improved	



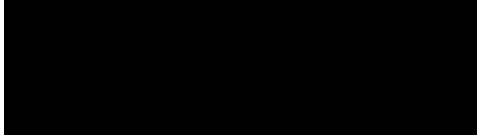
Stellen Consulting
Level 1, 27 Belgrave Street
Manly NSW 2095

Tel +61 450 460 496
ABN 61 149 095 189

PO Box 151
Freshwater NSW 2096

If you have any questions, please contact me.

Kind regards,



Tyler Karvinen
Civil Engineer

STELLEN CONSULTING

Civil Engineering

L1/27 Belgrave Street, Manly NSW

PO Box 151, Freshwater NSW



Appendix – Figures

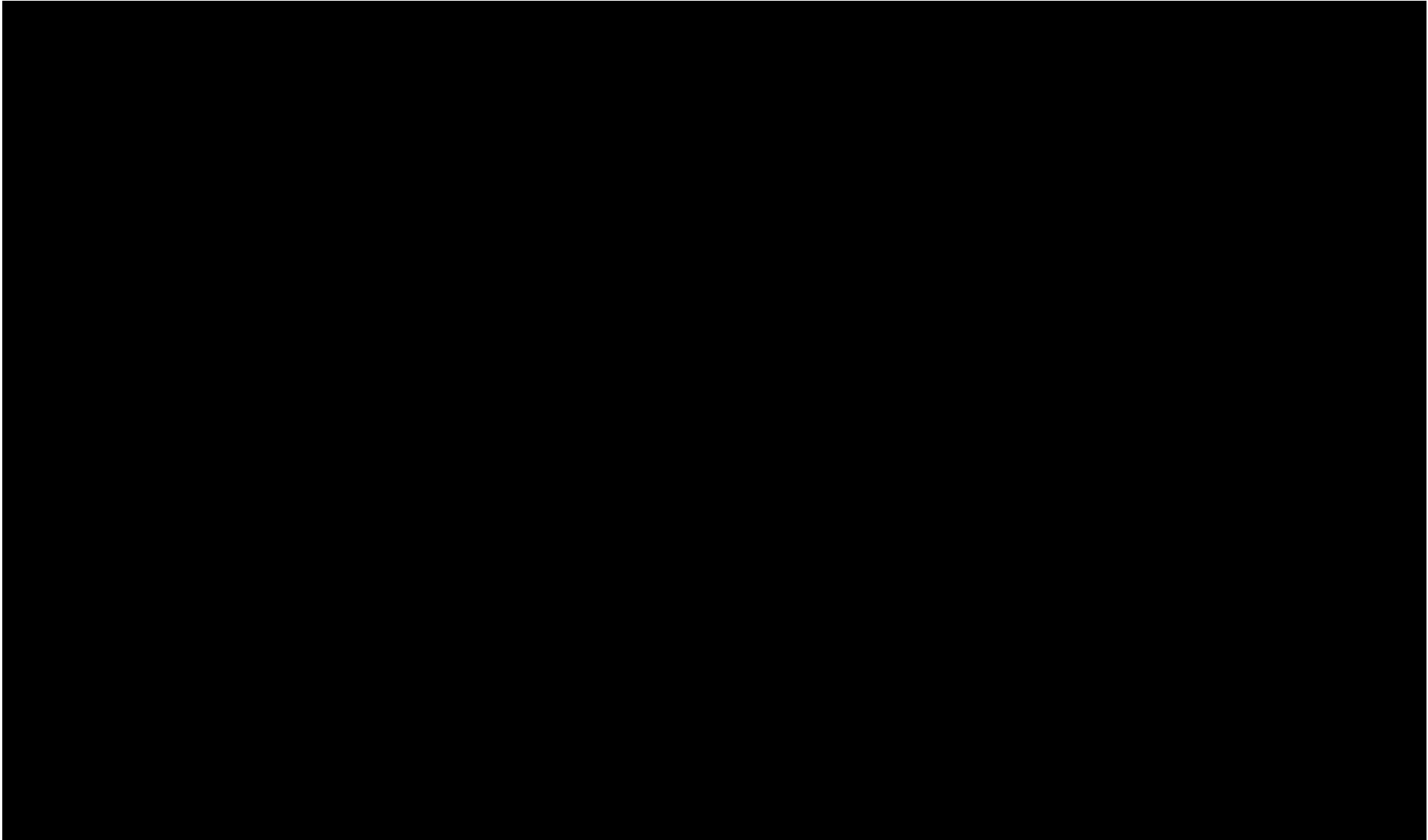


Figure 1 – Peak 5% AEP Flood (Advisian wianamatta-south-creek-flood-study 2019)

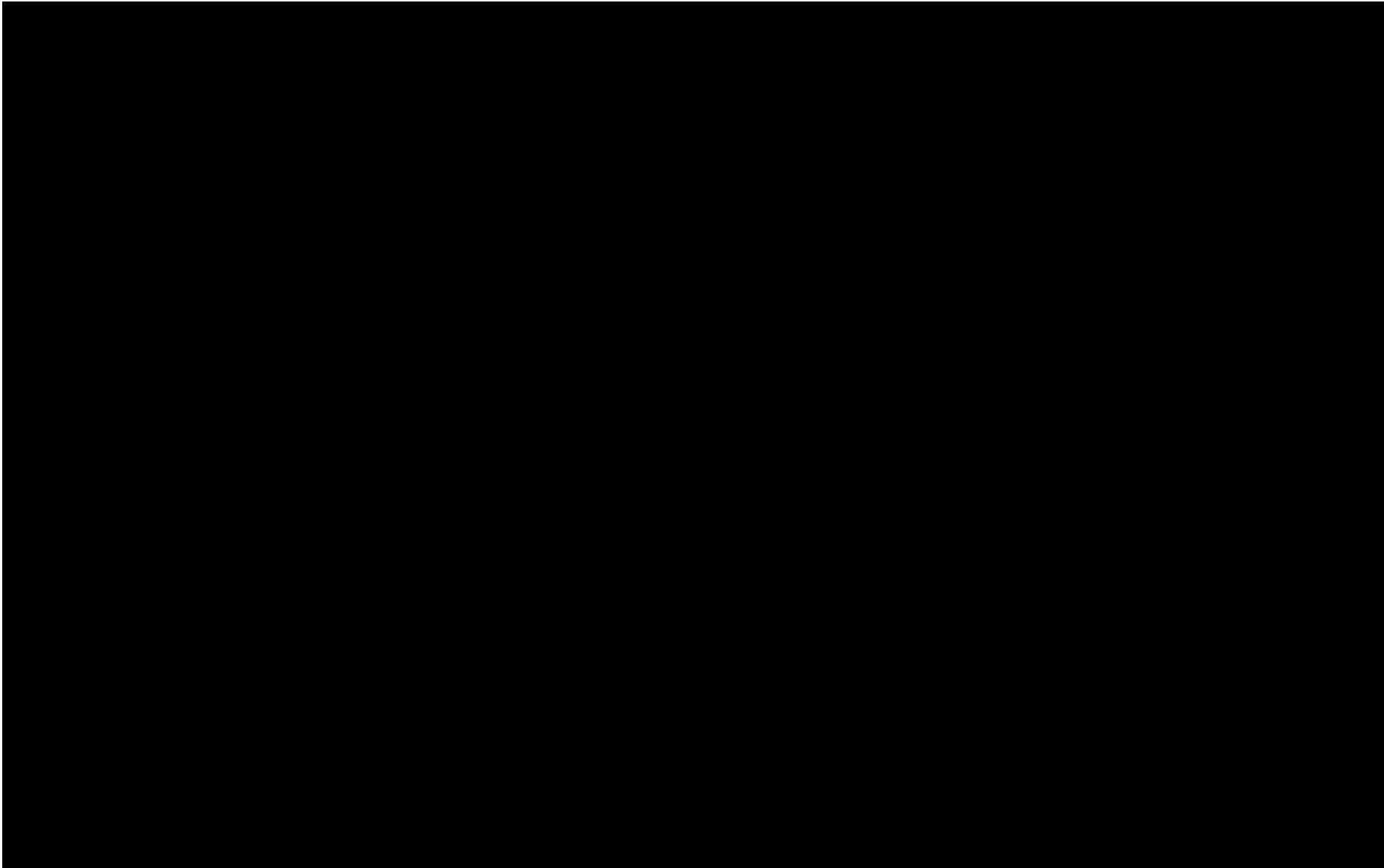
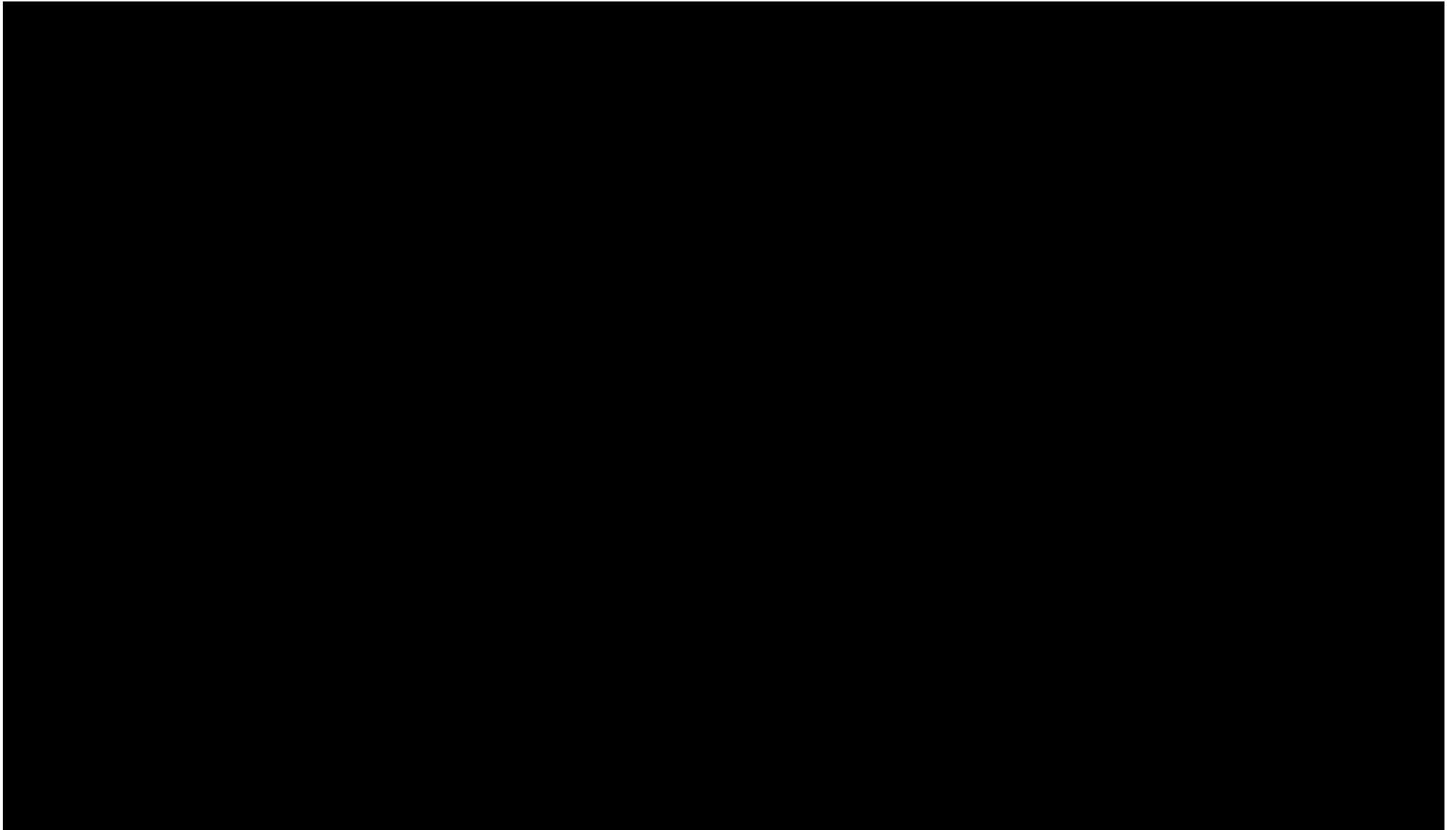


Figure 2 – Peak 1% AEP Flood (Advisian wianamatta-south-creek-flood-study 2019)



DISCLAIMER

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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 5:23 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: stockland_aerotropolis-eiedcp-submission.pdf

Submitted on Fri, 05/11/2021 - 17:22

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Alison

Last name

Brown

I would like my submission to remain confidential

No

Info

Email

[Redacted]

Suburb/Town & Postcode

2000

Please provide your view on the project

I am just providing comments

Submission file

[stockland_aerotropolis-eiedcp-submission.pdf](#)

Submission

The attached Stockland submission relates to the EIE and DCP exhibitions. The same submission will be uploaded to both.

I agree to the above statement

Yes

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Stockland

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4 November 2021

Ms Kiersten Fishburn
The Secretary
Department of Planning, Industry and Environment
Explanation of Intended Effect &
Phase 2 Development Control Plan
Locked Bag 5022,
Parramatta NSW 2124

Dear Ms Fishburn,

RE: SUBMISSION TO AEROTROPOLIS PLANNING DOCUMENTS

Stockland welcomes the opportunity to make a submission in relation to the latest round of planning documents released for the Aerotropolis. We appreciate the ambitious timeframe to which the Department of Planning, Industry and Environment (the Department) remains committed noting its intention to finalise the planning framework by the end of 2021 to kickstart development and delivery of new employment opportunities in Western Sydney.

The latest planning documents follow the release of the draft Precinct Plan in late 2020. Stockland prepared a comprehensive submission to the Precinct Plan which outlined a range of matters and priorities to be considered prior to their finalisation.

The latest planning documents have been released for exhibition in two separate packages:.

Package 1 - Explanation of Intended Effect

- *Explanation of Intended Effect – Amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis (EIE)*
- *Western Sydney Aerotropolis Open Space Needs Study (OS Needs Study)*

Package 2 – Draft Development Control Plan

- *Draft Western Sydney Aerotropolis Development Control Plan, Appendices and Discussion Paper (draft DCP)*
- *Recognise Country- Draft Guidelines for the Aerotropolis*
- *Aviation Safeguarding Guidelines- Western Sydney Aerotropolis and Surrounding Areas*
- *Aerotropolis Responding to the Issues (RTS)*

This submission provides a response to both packages.

1. Background and Overview

1.1. About Stockland

Stockland is Australia's largest diversified property group with over \$8 billion invested across NSW within our workplace and logistics, residential, retail, and retirement portfolios. Stockland has been a key supporter of Western Sydney having invested in and developed over 150 hectares of employment lands in Penrith, Liverpool, Camden and Campbelltown Council's during the past 5 years.

Stockland, together with Fife Capital, has a major landholding in the Mamre Road Precinct and has lodged a State Significant Development Application for its 200 Aldington Road Industrial Estate (SSD-10479), currently being assessed by the Department. We have also engaged in discussions with a number of landholders over recent years about further acquisitions in the region. Stockland therefore has a keen interest to ensure robust and consistent planning controls are in place across the broader Western Parkland City to provide certainty for a market-led approach to employment and industrial development.

Given the extent of Stockland's involvement in the NSW economy, we welcome any opportunity by the NSW Government to make it simpler to navigate the planning system and provide greater certainty to make investment decisions. We would also welcome any further opportunities to participate in any future targeted industry engagement and reference groups and believe we have valuable insights we can offer to the Department as planning continues for the Aerotropolis

1.2. Matters Raised in Stockland's Previous Submission to Draft Precinct Plan

Matters addressed in our submission to the late 2020 exhibition are summarised below:

- Reducing the detail and ensuring a clear and consistent focus in the Precinct Plan by shifting the finer grain detail to the Stage 2 DCP
- Concern relating to the statutory weight of the Precinct Plan and the implications the prescriptive controls would have on development flexibility
- Requesting the release of the Master Plan Guidelines to better understand the master plan process and implications for future development to deliver a site responsive design
- Concern at the onerous nature of controls including site coverage, pervious area and undisturbed soil particularly when considering large format industrial, warehousing and logistics uses and the impacts these controls would have on useable net developable area (NDA)
- Concern that the cumulative impact of the controls would drive warehousing and logistics users interstate to precincts where controls are more conducive to end users, noting that the controls would put the Aerotropolis at a significant disadvantage relative to other employment areas
- Noting the potential implications of reduced NDA on the Special Infrastructure Contributions frameworks
- Noting the granular level of the road layouts and implications for flexibility given the statutory weight of the Precinct Plan, recommending that only higher order / fixed road network be within the Precinct Plan and the indicative local road network deferred to the Stage 2 DCP
- Highlighting the importance of certainty and commitment from the Government to drive modal shift towards public transport, including funding and timing of services
- Raising concerns that site amalgamation requirements would impact land acquisitions and slow the delivery of development within initial precinct
- Highlighting the need for more detail to be provided in relation to infrastructure timing and how development can occur out of sequence.

1.3. Matters Addressed in Current Submission

This submission is based on a detailed review of both planning packages currently on exhibition, and addresses the following key matters:

- Flexibility of the Planning Framework
- Complexity and cost of doing business
- Development Control Plan and feasibility of proposed controls
- Cumulative impact of proposed controls and implications for Net Developable Area (NDA)

2. Flexibility of the Planning Framework

Stockland's submission to the draft Precinct Plan outlined concerns in relation to the statutory weight afforded to a Precinct Plan by clause 41 of the Aerotropolis SEPP, highlighting the potential implications this would have on flexibility and the ability to vary a requirement in a Precinct Plan. Concerns remain with the current planning package, as outlined below.

2.1. SP2 Zones for Open Space and Stormwater Infrastructure

The EIE proposes new SP2 Zones for Open Space and Infrastructure. These areas have been identified for acquisition to ensure sufficient land is reserved to provide for:

- Open space opportunities for the future population, and
- Future stormwater system that promotes waterway health and water recycling.

The areas identified within the SP2 zones have been informed by an Open Space Needs Study which has responded in part to submissions and recommendations from the Aerotropolis Independent Community Commissioner (ICC). The EIE does not identify the relevant acquisition authority for open space, noting that this will be included in the final Aerotropolis SEPP.

Stockland raised concerns in its submission to the draft Precinct Plans in relation to the extensive public open space network not being reflected within land use zones and the lack of a funding source to secure its delivery. Stockland is therefore encouraged that the open space network has now been set aside in an SP2 Zone. However, it is important to reiterate the lack of detail around the ownership/funding requirements for the acquisition of these areas, noting that the revised State and Local Contributions Frameworks have not been finalised.

In relation to stormwater infrastructure, Stockland previously raised concerns around the expansive catchments and multiple Council areas requiring a regional 'whole of catchment' approach. This appears to have been addressed in part by the identification of a Trunk Drainage Manager who we understand will be appointed by the Minister for Water, Property and Housing.

It is also understood that development will be required to pay any relevant charges or contributions for the delivery and ongoing maintenance of this infrastructure. However, Stockland notes that the cost and mechanism to levy these charges/contributions has not been detailed.

Having commended the flexible approach to indicative basin locations in the draft Precinct Plan it appears these areas are now fixed in an inflexible SP2 Zone. It is our view that the final extent and location of basins can be confirmed and rationalised at DA stage. Rather than a fixed SP2 Zone, we recommend that an indicative basin plan be included in the DCP which can be applied flexibly subject to the objectives of the control being achieved. This would also allow for appropriate site-specific technical investigations to be undertaken.

2.2. Amending and varying a Precinct Plan

The EIE acknowledges that the Aerotropolis SEPP (ASEPP) is silent on how a Precinct Plan may be amended. The EIE also acknowledges the considerable feedback received regarding flexibility in the

Aerotropolis SEPP to consider minor inconsistencies with a Precinct Plan or Master Plan, and seeks to address these matters by introducing the following proposed clauses:

- A new clause to outline the means and requirements to amend a Precinct Plan via a Master Plan
- Incorporate (the newly revised) clause 4.6 of the Standard Instrument LEP into Part 7 of the Aerotropolis SEPP to address minor inconsistencies.

To amend a Precinct Plan, a Master Plan will be required to demonstrate that the inconsistency can be supported because the proposal will result in a better planning outcome. The EIE also states the Master Plan Guidelines will detail key areas for consideration that may be used to determine how a better planning outcome can be met.

The criteria outlined in the EIE is focused solely on better planning outcomes. Whilst Stockland supports better planning outcomes, the criteria must also ensure that a Master Plan can challenge technical aspects of both the ASEPP and the Precinct Plan such as flood extents, riparian corridors and biodiversity resulting from detailed site investigations. A Master Plan must also be able to openly challenge the layout, configuration, and feasibility of the Precinct Plan, noting that the draft Precinct Plans were not tested for their capacity, urban design or engineering feasibility (*Western Sydney Aerotropolis – Market Analysis and Feasibility, October 2020*).

Stockland supports the principle of a mechanism within the ASEPP that allows for minor variations to Precinct Plan to be considered. However, we have concerns about the practicability and legality of utilising clause 4.6 of the Standard Instrument LEP for this purpose. Clause 4.6 specifically enables flexibility to development standards within an environmental planning instrument. As noted under the EIE, a Precinct Plan is not an environmental planning instrument (EPI) under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

It is also noted that the proposed changes to clause 4.6 referenced in the EIE have not yet been adopted. Further, significant changes would be required to the EP&A Act to apply clause 4.6 to a provision or requirement within a Precinct Plan. We therefore question the appropriateness of applying clause 4.6 to vary provisions within a Precinct Plan which is not an EPI and has no status within the EP&A Act 1979. We recommend that an alternative approach is devised to address these issues.

2.3. Complying Development

At the time of making the Aerotropolis SEPP, the complying development provisions under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* were not enabled in the Aerotropolis, apparently to more closely manage development in line with the WSAP, and to ensure development would not conflict with airport safeguarding measures. As a result, complying development cannot currently be undertaken across the Aerotropolis, as per Part 6 of the Aerotropolis SEPP.

Stockland raised concerns around the approach to complying development within its previous Precinct Plan submission and noted that it would be more transparent and practical to have the relevant sections of the Codes SEPP apply to the Aerotropolis as base controls for employment and residential development. The Master Plan process could then provide alternative site-specific outcomes where appropriate.

The EIE notes that it has responded to feedback from the community and proposes changes to the Aerotropolis SEPP to enable some complying development under the Codes SEPP. However, it is noted that the 'proposed Complying Development Codes and additional provisions to be introduced to the Aerotropolis' do not include provisions from Part 5A Commercial and Industrial (New Buildings and Additions) Code of the Codes SEPP. This omission limits the scope of new warehousing development that can be undertaken as complying development.

There is also no reference in the EIE of the range of Complying Development Reforms being considered by DPIE under the Building Business Back Better (BBBB) framework. The Complying Development Reforms proposed by DPIE for industrial and commercial development under this framework aim to streamline assessment processes to bring forward \$2 billion in investment. The framework acknowledges the demand in investment pipeline for industrial and warehouse

development, noting the growth in the sector with the rise of e-commerce and logistics, and technological advances that have changed standard building requirements. The BBBB framework also acknowledged the limited availability of industrial land and the importance of a framework which caters for the changing needs of the sector.

The BBBB changes specifically acknowledge that the industrial, warehousing and logistics sector has the most opportunity for growth. The new complying development controls not only align to industry expectations but are also generally consistent with the built form controls outlined within the draft Precinct Plan, including height limits and enterprise block sizes that can support larger floor areas.

The Aerotropolis provides DPIE a significant opportunity to showcase the success of implementing new complying development controls under the BBBB Framework and, by doing so, provide significant flexibility, reduced development costs and the continued growth of this asset class to achieve early activation of the Aerotropolis.

2.4. Changes to the SRD SEPP

The EIE raises concerns regarding the statutory planning framework provided by the SRD SEPP and section 4.38(3) of the EPA Act to enable consent to be granted to SSD *'that may be incompatible with the objectives and strategic intent of a particular land use zone'*. It indicates SSD is proposed in areas within the WSA which *'are not compatible with the vision set out in the WSAP and the Aerotropolis SEPP'*.

The EIE proposes to add a clause to Schedule 1 of the SRD SEPP to *'ensure development cannot be declared as SSD unless consistent with the Aerotropolis SEPP'*. The EIE states *'the new clause will not permit development on land in the Aerotropolis that is otherwise declared to be SSD under section 4.36 of the Act, if the proposed development is not consistent with the Aerotropolis SEPP'*.

Stockland's submission to the draft Precinct Plan raised a concern that the Precinct Plan did not detail how State Significant Development (SSD) and State Significant Infrastructure will be handled where they may be inconsistent with the Precinct Plan. This was identified as especially important for SSD projects given section 4.38(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) allows a consent authority to approve partly prohibited development.

Given the importance of a flexible planning framework, Stockland has concerns that changes to SSD are being proposed within the Aerotropolis and, in particular, the operation of section 4.38(3) of the EP&A Act.

It is critical that the current level of flexibility within the SRD SEPP and the EP&A Act is maintained to ensure the economic and employment benefits of SSD proposals are achieved. The operation of clause 4.38(3) does not preclude a comprehensive assessment of that proposal in accordance with the relevant planning framework, including a detailed analysis of the potential environmental, social and economic impacts of the proposed development and its suitability for the site.

Further, it is considered the current provisions in Clause 4.38(3) of the SRD SEPP are entirely appropriate to enable 'ground truthing' of the riparian corridors under the Environment and Recreation Zone and the proposed stormwater management infrastructure under the proposed SP2 Infrastructure Zones. The existing clause provides an appropriate level of flexibility to enable a merit-based assessment and a superior planning outcome based on a detailed analysis of the site opportunities and constraints.

It is considered critical that the current SSD approvals pathway is maintained in the Aerotropolis to facilitate the lodgement of major proposals which are captured under Schedule 1 of the SRD SEPP. This will enable the aims of the WSA Plan and the WSA SEPP to be achieved, including facilitating development which supports the development of the Western Sydney Airport and delivering employment opportunities, while also delivering significant upgrades to the existing environment and public domain.

Additional information is required regarding the proposed wording of the new clause to understand the way in which it would apply to the above development typologies which are already deemed to be SSD under the SRD SEPP.

3. Complexity and cost of doing business

3.1. Multiple Layers of Controls

Stockland's submission to the draft Precinct Plan outlined concerns around the layering of information and requirements with multiple planning documents. Stockland noted that this approach risked duplicating significant detail and overregulating the development of employment lands. Stockland requested that the DPIE further consider the hierarchy of planning policies, including removing the restrictive requirements from the Precinct Plan and accommodate the finer grain detail within the Phase 2 DCP.

It is apparent that some of the requirements outlined within the draft Precinct Plan have been included within draft Phase 2 DCP. These controls include:

- Recognising Country
- Stormwater, WSUD and integrated water management
- Native vegetation and Biodiversity
- Access and movement including reference to cross sections within the *Western Sydney Street Design Guidelines* and maximum street block sizes.
- Flooding, Environmental Resilience and Adaptability
- Site Coverage and Permeability
- Street Patterns

Despite the above, given that the exhibition package does not include the revised Precinct Plan it is not possible to confirm what controls and diagrams will remain in that document and whether any of the above controls would be duplicated. The draft Precinct Plan was a highly prescriptive, complex 248 page document. If only minimal changes have been made to the draft Precinct Plan, this would require applicants and assessing bodies to consider compliance against two highly prescriptive documents in addition to the Western Sydney Aerotropolis Plan and Aerotropolis SEPP. We cannot meaningful comment on the draft DCP in the absence of the revised Precinct Plan.

Stockland reiterates the recommendation made in its previous submission that the focus and purpose of the Precinct Plan be refined to a high-level document which concentrates on the key drivers and outcomes that are to be delivered. This would provide the flexibility needed for the Precinct Plan to evolve over time.

3.2. Design Competition Requirement

The EIE is silent on any amendment to clause 34 Design Excellence Competitions. This is a significant missed opportunity to amend a clause which, as outlined above, was not foreshadowed in the original Discussion Paper for the Aerotropolis SEPP in 2019.

Stockland supports high quality design and has experience in design excellence processes including formal and informal architectural design competitions, and design review panels. In the case of the Aerotropolis, the design excellence requirements in the SEPP are considered overly onerous and unnecessary for the enterprise and agribusiness zones and associated uses.

The blanket application of these requirements based on CIV, without regard for the type and scale of development is not supported as it will add considerable time and expense to the approval process. These design considerations may be appropriate for larger scale office and mixed use development in the mixed-use zone and town centres. However, for the Enterprise and Agribusiness zones the current triggers could result in design competitions for single sheds, and for earthworks and site preparation being required to undertake a design competition if it exceeds a CIV of \$40 million. Further, we note that higher CIVs for large format industrial and warehousing often comprises a large proportion of the internal fit outs required to meet end user and other highly specified operational requirements which should not be subject to a competitive design process.

A preferred approach would be for the consent authority to be satisfied that any development achieves design excellence, as has been standard practice through the development of Western Sydney's

employment areas. Any triggers for design competitions and design excellence review panel processes should be more limited in order to achieve a balanced outcome. If the clause remains as written, then it will significantly add to the already high cost of doing business in Western Sydney and further impact and delay the delivery of essential industrial/warehouse development and early activation and jobs within the Aerotropolis.

DPIE must send a positive message to the employment / industrial sector by clarifying design excellence and removing the requirement for design competitions for this asset class.

3.3. Complexity and Document Structure

The draft DCP intends to implement a performance-based approach to development assessment within the Aerotropolis. This approach is intended to provide a level of flexibility where benchmark solutions are provided to deliver specific performance outcomes and objectives. DPIE are seeking feedback on the following questions and issues:

- *Will the performance standards provide additional flexibility?*
- *Are there areas where prescriptive standards are more appropriate?*
- *Are there benchmarks or standards that are difficult to achieve?*

Stockland is in favour of a more flexible approach, however the 3-tier performance-based approach makes the DCP word heavy and complex. We note that the draft Phase 2 DCP provides:

- **200+** Objectives;
- **250+** Performance Outcomes; and
- **1,100+** Benchmark Solutions.

This is a significant number of controls for development to consider. We also note that in many instances the controls are unclear and verbose and comprise multiple subsections and long paragraphs. The performance outcomes and benchmark solutions should be simple and clear to interpret.

It will not be feasible to prepare 'traditional' compliance assessment tables for future planning applications based on the current DCP. An assessment in this format would be enormously complex and lengthy, particularly if the additional 85 detailed reference documents are required to be addressed in addition to the draft DCP. We note that this equates to **10,000** + pages of additional reading. Whilst links to each of these documents is provided within the appendices, we note that some of these do not link to the document and other documents are simply identified as forthcoming which leads to further uncertainty with the controls.

To reduce complexity, the DCP must minimise the number of additional documents referenced. The Aerotropolis DCP must be the main reference point for development assessment with relevant controls included from these additional reports and guidelines only where necessary and relevant. To encourage flexibility, we would recommend a simpler 2-tier approach within the DCP and a reduction / simplification of the wording of the benchmark solutions.

Further clarity should also be provided regarding the way in which the DCP should be assessed and presented within a future planning application, including the Statement of Environmental Effects or Environmental Impact Statement prepared under the new Rapid Assessment Framework for State Significant Development which now requires a significant number of planning compliance tables.

Stockland is ready to invest in the Aerotropolis, however the sheer volume and complexity of the planning framework will drive up the cost of doing business and likely lead to significant delays in the assessment process. The aspirations of the planning framework are commended however, to ensure "buy in" from the development industry the system needs to be simplified and flexible with merit-based outcomes encouraged to ensure the Aerotropolis can achieve ambitious economic, environmental and sustainability targets.

4. Development Control Plan and feasibility of proposed controls

The DPIE has identified priority areas of feedback in relation to the Draft DCP one of the key areas for feedback included the feasibility of the proposed controls including:

- *Are there particular benchmarks or controls that will impact on feasibility? If so, can you please provide details on the impacts and any suggestions to mitigate them?*
- *Are there other ways to achieve the aspirational outcomes that are proposed in the draft DCP?*

Stockland raised a number of issues with the proposed controls in its submission to the draft Precinct Plan. Many of these comments remain applicable. Given the short timeframe available to provide feedback it is not possible to provide a detailed analysis such a detailed technical document and reference documents. A high level overview of our main concerns are outlined below.

4.1. Recognise Country & Aboriginal Cultural Heritage

Stockland is supportive of the efforts invested in engagement with the Aboriginal community as part of the planning process and engraining provisions to recognise country in the future development of the Aerotropolis.

The EIE, draft DCP and Recognise Country Guideline are considered positive steps forward to recognising Indigenous culture in the built environment. Stockland is also encouraged by the controls relating to Aboriginal Heritage in the draft DCP which clarify the requirement for detailed archaeological investigations for development on land identified as having a moderate or high level of Aboriginal Sensitivity. This balanced approach ensures detailed field validation of moderate to high sensitivity areas through the development process to allow development to occur in these areas in accordance with assessment methodology implemented by Heritage NSW

Stockland recommends that the \$20 million threshold requiring applicants to undertake certain assessments/engagement be reviewed. This relatively low threshold would likely impact on Traditional Custodians, cultural advisors, the local Aboriginal community and other Aboriginal stakeholders regarding their capacity to respond to the number of development proposals which may be triggered by the relevant criteria.

It would be useful to understand from those groups and individuals whether there is capacity to respond within a timely manner, or whether the current threshold should be amended to capture appropriate projects using a different approach.

4.2. Stormwater Management, WSUD and Integrated Water Cycle Management

Stockland's submission to the draft Precinct Plans raised several issues in relation to stormwater management including:

- Clarity around the rational for the proposed stormwater infrastructure,
- Need for a whole of catchment approach and consistency in approach in regard to engineering specifications,
- Support for a flexible approach to drainage basin locations,
- Resolution of ownership and ongoing maintenance of stormwater assets,
- Retention of farm dams and conflict with the current National Resource Access Regulator (NRAR) policy which restricts the retention of farm dams on 2nd order watercourses.

The Open Space Needs Study and draft DCP provides further clarity around the rationale for the proposed stormwater infrastructure. The significant area required for stormwater basins is understood

to be driven by the Mean Annual Rainfall Volume (MARV) requirements within section 4.3.2 of the draft DCP of 2 ML/ha/year which have been provided by Sydney Water as part of its integrated water cycle management approach. This approach includes naturalised water assets (creeks/trunk drains) and stormwater harvesting (bio-retention basins/wetlands/reprofiled farm dams) as well as private on-lot WSUD measures which includes pervious surfaces rainwater tanks and on-site detention.

The approach within the DCP also puts the onus of sites adjacent to creek corridors to provide greater areas for basins and other stormwater infrastructure. The controls within this section includes specific targets to be met by each development site. If these runoff targets are to be adopted, a regional approach must be considered. Regional wetlands and/or evaporative ponds are a proven measure that provides for the greatest overall load reductions whilst not impacting on future development.

A regional approach will ensure that development sites are not unduly sterilised to provide significant areas for evaporative ponds and detention basins. It would also reduce the need for costly on-lot stormwater infrastructure such as misting which not only has the potential to conflict with airport operations but also operations renewable energy systems such as solar panels as required by Section 11.1.2 of the draft DCP

4.3. Undisturbed Soil Network

Stockland's submission to the draft Precinct Plan raised significant concern with the Undisturbed Soil Network (USN) as it presented elements that will add uncertainty and cost to development, and would in many cases be impractical to delivery. The USN creates a situation where major road infrastructure is expected to be carried out without constraints, which could then impose significant cost and design limits on adjoining land that is tasked with delivering the USN. Overall, the approach appears to be unworkable. Stockland also noted that the requirement to exclude stormwater infrastructure from areas mapped in the USN will further constrain development potential and reduce the actual useable area of a site

Section 9.4.2 of the Draft DCP provides controls relating to undisturbed soils including:

"1. Where possible, retain soils of the Cumberland Plain in an undisturbed and continuous state allowing for connectivity of soil ecology, resulting in healthier vegetation and increased water retention and increased carbon storage.

*2. Retain undisturbed soil networks that occur in riparian corridors, parks, **nominated streets and specially designed natural soil corridors**"*

Given the more extensive requirements included in the draft Precinct Plan including requirement for any soil disturbed to be restored to its original soil horizon, Stockland is concerned that the bulk of requirements relating to undisturbed soils including the undisturbed soil map will remain within the revised Precinct Plan.

We note that our previous concern around the requirement around no stormwater infrastructure being located within the undisturbed soil network appears to have been clarified via the extensive areas required for stormwater infrastructure within the EIE and Open Space Needs Study. Nevertheless, it is not possible to provide comment around this matter without the revised Precinct Plan.

4.4. Native Vegetation and Biodiversity

Stockland's submission to the draft Precinct Plan raised concerns in relation to:

- Requirements for 40% tree canopy cover and assumption that 60% of open space will have tree canopy cover.
- Lack of detail around how the 40% tree canopy cover will be achieved
- Arbitrary tree replacement requirements to replace two trees for each tree removed.
- The lack of any detailed maps identifying open space and riparian corridor affectation.

Section 5.1 of the draft DCP provides controls relating to deep soil and tree canopy targets for development. Table 1 indicates that:

- Industrial development would be required to provide a minimum tree canopy of 25% of site area and minimum deep soil area of 15% of the site area. This section also requires minimum tree planting rates of two medium trees or one large tree per 400m² of site area.
- Business park development would be required to provide a minimum tree canopy of 35% and deep soil area of 25%.

The above targets are generally unfeasible for industrial and business park development which typically require large floorplates/development pads. It is also unclear how these controls relate to site permeability requirements for larger sites in Section 14 of the DCP.

The EIE and the draft DCP assumes that the Cumberland Plain Conservation Plan will be finalised and that the Aerotropolis SEPP will reflect the CPCP. Stockland's concerns and comments around this matter are reiterated below and must be considered in the finalisation of the Aerotropolis SEPP, draft DCP:

- The Precinct Plans should be amended to provide direction on the approval process for development that proceeds in advance of the CPCP.
- Co-ordination is required with the finalisation of the CPC to ensure that the anticipated local infrastructure required to services development in the Precincts is able to be delivered within conservation areas without impact to Council or developers, similar to the existing Growth Centres Biodiversity Certification.
- The Department should consider the cost implications in the SIC, and quantum of the conservation offsets, borne by development in the Aerotropolis to ensure it is not unfairly burdened by offsetting biodiversity impacts in other external release areas and infrastructure projects.

4.5. Road Network and Design

Stockland's submission to the draft Precinct Plan raised concerns in relation to the road network and design including:

- Fine grain grid pattern including internal estate roads, road sections and layouts should be provided within the Phase 2 DCP.
- Road network should have greater regard for topography, cadastral boundaries and land ownership,
- The current road layout would result in excessive road frontages on all sides of a larger format industrial blocks. This approach does not recognise different design requirements for logistics operations
- Industrial street sections which include shared pedestrian/cycle paths and permeable paving are unfeasible and do not reflect the wear and tear from industrial and heavy vehicle traffic.

Section 6 of the DCP references the Western Sydney Street Design Guidelines (WSSDG) for guidance on street design. The street design guidelines provide sections for the different types of roads within the Aerotropolis.

The DCP references the street hierarchy within the Precinct Plan however as the revised Precinct Plan has not been provided there is no way to determine whether the lower order internal estate roads have been removed from this plan.

It is significant to note that the street sections within the WSSDG are inconsistent with the street sections provided within draft Precinct Plan. Given the reference to these guidelines we assume that the street sections provided within the draft Precinct Plan have been removed. For clarity it is recommended that the street sections be included within the draft DCP instead of the draft Precinct Plan.

Despite this it is noted that whilst the WSSDG do provide separate cycle paths they are unfeasible for industrial development given the amount of area devoted to the road verge, 2.1m parking lanes with permeable paving that are well below the 3m parking lanes considered adequate for heavy vehicles. The industrial street section is also inconsistent with the draft Mamre Road DCP which provides a 4m kerb side lane and 3.5m lane for through traffic.

Stockland maintains that the street sections must consider the number of heavy vehicles and the way in which they navigate industrial streets and precincts, which is not accommodated by the WSSDG.

4.6. Aviation Safeguarding

Stockland has undertaken a high-level review of the airport safeguarding controls within Section 10 of the draft DCP and the accompanying Aviation Safeguarding Guideline. Whilst many of these matters are standard processes adjacent to airports, we do note the apparent conflicts between the significant open space and stormwater infrastructure requirements within the planning documents and the conflicting requirements to minimise potential wildlife hazard attraction.

It is critical that the framework and controls around wildlife hazards are clear and unambiguous to give certainty to future development. Currently there are conflicting controls within the draft DCP which include but are not limited to:

- Stormwater harvesting and infrastructure identified in the Open Space Needs Study and SEPP EIE and the requirement for detention basins within 3km of the airport to drain within 48 hours;
- Requirements for tree retention and minimum canopy requirements and the need to assess landscape plans that propose more than 5 trees being planted in one group; and
- Requirements for development that facilitates the connected movement of native animals and the potential for wildlife strike.

The current controls do not clearly identify which objectives for the Aerotropolis take precedence (eg landscape led approach or airport safeguarding). The draft DCP must ensure that the framework and controls around wildlife hazards are clear and unambiguous such that the risks and impacts to the future operation of WSA are avoided and minimised by all future development.

4.7. Block Structure and Site Amalgamation

4.7.1. Block Structure

Stockland's submission to the draft Precinct Plan recommended that provisions for maximum block sizes be removed from the draft Precinct Plan and incorporated into the Phase 2 DCP to provide opportunities for greater site efficiency and for greater flexibility for larger format developments to respond to individual sites and better align with market demand as witnessed in existing employment areas.

Stockland is encouraged that the block structure has now been included within Section 6.2.2 of the draft DCP. It is also noted that the block sizes for all land uses other than Enterprise and Agribusiness has been increased to a maximum length of 250m with mid-block connections no more than 130m apart.

However, Stockland remains concerned that the maximum block length for light industrial, enterprise and agribusiness would not allow for the type and scale of development that has recently been delivered in new development areas such as Oakdale South and Oakdale West, and that is now being planned in the Mamre Road Precinct which in some instances provide block lengths up to 490m.

The scale of large format industrial currently being planned in those precincts responds to demand from potential tenants, and a maximum block length of 350m would be a significant and detrimental constraint on development and result in sites that cannot meet the current and future demands of potential tenants within the Aerotropolis.

The draft Phase 2 DCP should support diverse lot sizes to meet a range of land uses, including battle axe lots. This would support the objective of evolving land uses within the Aerotropolis. A flexible approach should be provided that allows various block sizes to be created, subject to safe roads and minimum lot sizes still being met. If block lengths are retained in the draft Phase 2 DCP then the maximum block lengths must be revised to a length more consistent with development being provided within the Western Sydney Employment Area (WSEA).

4.7.2. Site Amalgamation

Site amalgamation was a key concern raised in Stockland's submission to the draft Precinct Plan. Stockland noted a concern that a statutory planning document should not indicate how land should be amalgamated on this scale.

The draft DCP does not include any detail in relation to the proposed amalgamation plan at Figure 44 of the draft Precinct Plan and the requirement to amalgamate sites to a minimum 5ha. Stockland reiterate their previous recommendation in relation to this matter which noted that the requirement for land amalgamation should be confirmed as being a desired, but flexible requirement of the Precinct Plan. This will ensure that land can be competitively acquired and not burdened by unnecessary development risk and ensure viable sites are not delayed for unreasonable land value expectations

4.8. Site Coverage/Perviousness

Stockland's submission to the draft Precinct Plan raised significant concerns with the requirements for site permeability. It is noted that these controls are now provided within Section 14.1 of the draft Phase 2 DCP. However, the acceptable solutions for site permeability in Table 8 remain as per the draft Precinct Plan.

This table remains unclear as to how it should be interpreted. Each heading within the table should be clearly defined such that the parameters can be clearly understood. The table must also clarify where the base solution and or parkland solution may be applied. It is queried whether the final Precinct Plan or the Phase 2 DCP will provide further information to categorise future development in accordance with Table 8 and to avoid ambiguity or differences in interpretation in future DA assessments

Notwithstanding this, we reiterate our previous concerns around the significant impediment the permeability requirements will have on the feasibility of large format industrial development. The site cover value of 70% for large-format industrial is interpreted to mean that 30% of a lot would need to be set aside for permeable elements including deep soil areas, permeable paving etc.

This is highly problematic, as permeable paving is unable to support heavy vehicle traffic. We also note that the 30% requirement for large format industrial is significantly more than the recently prepared Mamre Road DCP which only proposes a requirement for 15% of pervious area for larger format developments. These differences put the Aerotropolis at a significant disadvantage to other nearby employment precincts, that offer far greater flexibility for end user requirements.

We note that the increased pervious areas were firstly introduced as part of the initiatives to meet the MARV target, however it is understood the target could be achieved via a more appropriate regional stormwater harvesting solution being considered by Sydney Water.

The question also remains as to whether these areas count towards NDA and whether the SIC will be payable on an increased area of land that does not generate revenue compared to other employment areas.

4.9. Provisions for Land Uses

Section 15 of the draft DCP provides controls for specific development types. including Industrial, Specialised Retail/Bulky Goods Uses. Whilst the majority of controls for specific land uses are supported, we make the following comments in relation to the implications of the following controls for industrial development:

- The requirement that back-of-house uses (including external storage, truck parking areas) are not visible from any road and active transport corridor.
- The 10m minimum setback for industrial development to the front property boundary is not consistent with the Mamre Road DCP which requires a 7.5m setback for lots fronting local estate roads.

Treatment of setbacks should be consistent with the draft Mamre Road DCP which permits car parking areas within the setbacks provided:

- It is set behind a landscaped area which is 50% of the required setback;
- Promotes the operation and function of the development;
- Enhances the overall design of the development by implementing design elements, including landscaping, that will screen the parking area and is complementary to the development; and
- Does not detract from the streetscape values of the locality.

It will be important to allow the development industry time to test the proposed controls to enable the identification of potential issues that could impact feasibility. In this regard we would request that DPIE accept ongoing feedback from the development industry in relation to the draft DCP. In the interim it will be important to allow flexibility in the assessment to allow reasonable alternative solutions.

5. Cumulative impact of proposed controls on Net Developable Area (NDA)

Stockland's submission to the draft Precinct Plan highlighted the need for the planning framework to ensure efficient use of land and maximise useable net developable area.

As demonstrated by the significant areas identified for open space and stormwater infrastructure and the retention of the undisturbed soil, site coverage and permeability controls within the draft DCP this concern remains applicable. As identified in our previous submission the cumulative impact of these areas significantly erodes the net developable area and puts the Aerotropolis at a competitive disadvantage to other employment areas.

We note that the definition of NDA in the draft SIC determination excludes among other things:

- Land below the flood planning level if the Planning Secretary is satisfied these areas are unsuitable for development,
- Land within an asset protection zone,
- Land subject to an easement in favour of a public utility undertaking,
- Land that is transport corridor land (ASEPP) and / or a transport investigation area (SEPP WSEA)
- Public open space including a public reserve,
- Drainage reserve within the meaning of the *Local Government Act 1993*
- Public utility undertaking
- Recreation area
- Roads or other infrastructure subject to contributions under s7.11 or s7.12 of the Act

Whilst we are encouraged that open space and drainage infrastructure will be excluded from NDA, as noted above, the significant on lot and road reserve permeability requirements are being driven (in part) by the need to achieve the MARV targets within the draft DCP and essentially part of the site stormwater drainage / integrated water management infrastructure. If this is the case, then these areas should logically be excluded from any NDA calculation relating to the SIC.

However, if a regional solution to meeting the MARV is implemented then additional on lot permeable areas and within local roads must be reduced. This would then enable NDA to be increased, which would not only improve site efficiencies enabling the Aerotropolis to compete other employment areas but also provide greater benefit to Government through increased SIC contributions.

As noted in previous submissions to ensure that the Aerotropolis meets its ambitious employment targets and attract global supply chain business, the site and design considerations in the Precinct Plans must ensure the efficient use of land to maximise useable net developable area (NDA). This includes revising the controls for enterprise zoned land/industrial development to (at a minimum) be consistent with other nearby employment precincts such as Mamre Road. It would also be beneficial to benchmark controls against interstate competitors. Addressing these matters alone will go some way to ensuring that economic investment from early movers does not escape to other markets that are more capable of meeting the end user needs for large format industrial and global supply chain companies.

6. Conclusion

As noted throughout the submission, Stockland is encouraged that a number of matters raised in our submission to the draft Precinct Plan have been addressed in the current exhibition packages. This includes increased flexibility and the apparent shift of the more prescriptive performance elements from the Precinct Plan to the draft Phase 2 DCP.

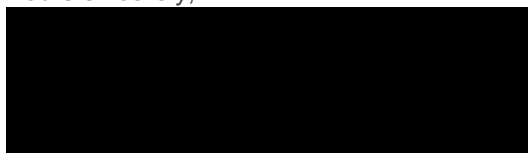
We again note that it is difficult to provide detailed feedback without the accompanying revised Precinct Plan and Master Plan Guidelines and as such encourage the WSPP and DPIE to release this document for feedback as soon as possible prior to its finalisation.

Stockland is concerned that the current exhibition package fails to address significant concerns relating to the impact of the controls on NDA as well as the significant area of land identified for stormwater infrastructure. Further, we are disappointed that matters raised in previous submissions such as design excellence and document complexity have not been addressed.

We understand that submissions on the EIE and draft Phase 2 DCP and accompanying documents will be considered over the coming months. We respectfully encourage the Department to continue to engage with the property industry, who will be responsible for delivering employment outcomes in Western Sydney, on these matters. Given our depth of experience in this sector Australia-wide, we would welcome the opportunity to participate in this consultation.

Please feel free to contact me or organise a meeting to discuss any of the comments or recommendations in our submission.

Yours sincerely,



Tony D'Addona
General Manager, Workplace and Logistics
Stockland



[REDACTED]

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 7:52 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: roberts-jones_dcp-submission_final.pdf

Submitted on Fri, 05/11/2021 - 19:50

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Roberts

Last name

Jones

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED]

Suburb/Town & Postcode

Badgerys Creek, 2555

Contact number

[REDACTED]

Please provide your view on the project

I object to it

Submission file

[roberts-jones_dcp-submission_final.pdf](#)

Submission

Please find a submission on behalf of Roberts Jones Pty Ltd.

I agree to the above statement

Yes

Disclaimer

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, on behalf of **Liverpool City Council**.

5 November 2021

Kiersten Fishburn
The Secretary
NSW Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Via the NSW Planning Portal Website
Email Cc: Catherine Van Laeren, ED, Central River City and Western Parkland City

Dear Kiersten,

RE: Western Sydney Aerotropolis Planning Framework

Roberts Jones Badgerys Creek (Roberts Jones) is the owner of a 280ha landholding located in the Northern Gateway precinct, at [REDACTED], Badgerys Creek (herein referred to as the site). The site is located immediately north of Elizabeth Drive and the Western Sydney International (Nancy Bird Walton) Airport (WSA). Roberts Jones has engaged BHL Group to act as the landowner's development agent, and both Robert Jones and BHL Group appreciates the opportunity to comment on the Western Sydney Aerotropolis Planning Framework. Robert Jones and BHL Group are committed to working with the NSW Government on the delivery of our project in the Northern Gateway to ensure early activation and ongoing investment within the Aerotropolis.

We are committed to working with the NSW Government to deliver the Aerotropolis. We recognise the opportunities provided by the Aerotropolis and we have invested accordingly. We are a key partner in the activation and delivery of the broader Aerotropolis and are a first mover in seeking to develop industrial and logistics facilities on our site. Our investment will support jobs, further business investment and growth, and offer greater opportunities for the people who live and want to work in Western Sydney. We recognise the challenge of planning such a large precinct, but caution that there is a need to refine aspects to ensure industry maintains its confidence to invest in the delivery of the Aerotropolis.

Please find attached detailed submissions prepared by our expert consultants, Urbis, with assistance from our broader team of experts. These submissions cover the key planning framework material on exhibition being the:

- **Western Sydney Aerotropolis Explanation of Intended Effect (EIE); and**
- **Western Sydney Aerotropolis Development Control Plan (DCP) Phase 2 Draft.**

We understand that DPIE is seeking to finalise the total planning package by end of 2021, but further consultation on the Draft DCP Phase 2 may continue into 2022. We welcome the expediency, but caution that there are challenges within the existing planning framework that are delaying projects; create uncertainty in project outcomes or timing; and that risk deterring future investment. Getting the planning framework for the first moving large-scale precincts right is critical to build the momentum needed to sustain longer term investment, jobs and growth in the Aerotropolis

We are experiencing these challenges with our first State Significant Development Application which was recently formally lodged for a Test of Adequacy with the Department of Planning, Industry and Environment. The results of this Test of Adequacy highlighted a series of procedural barriers to the assessment of the project. The procedural barriers relate to:

- Inflexibility in the development assessment process to allow us to address significant zoning anomalies that affect our site;
 - Our more detailed site investigations have confirmed that there is no basis for a large ENZ zoned area to bisect our site, the imposition of which significantly erodes the land use efficiency of the site;
- Applying a rigid and homogenous approach to achieving design excellence that will stifle project feasibilities for large scale industrial and logistics precincts;
 - There is no precedent for a design competition to be held for an industrial and logistic precinct such as ours, and there are more effective mechanisms available to deliver design excellence,
- Expecting a level of stakeholder consultation when we were discouraged from doing so during the preparation of the development application.
 - We were advised to limit our engagement with key stakeholders and the community whilst concurrent engagement processes were underway.

These barriers have been largely created by the existing planning framework. The current package of planning documentation does not appear to correct these known issues and risks exacerbating them. This is even more so when large portions of the planning framework are unknown, such as the final precinct plans and proposed masterplan guidelines. Further, the EIE seeks to change how the planning system works, by removing key mechanisms that have been the cornerstone for efficiently assessing large complex projects that could never have been prescriptively planned for at the outset.

Our comments can be summarised under the following points:

The complete planning framework is unknown and unfinished.

We are concerned that the program for finalisation of these and other documents does not allow re-exhibition of the total planning package. We do not know what the final precinct plans will look like nor how the planning framework will operate as a whole (e.g. to amend the precinct plans requires the master plan guidelines, but we haven't seen these formally exhibited). Another example is the draft contributions framework, which has a material impact on project feasibilities. We understand that local Councils are unable to advise on the finalisation of their contribution frameworks until the full planning package is available.

We agree the finalisation of the planning framework needs to be expedited to allow delivery of finished buildings prior to 2026, but we need confidence that there is scope to reconsider the framework holistically and finesse it where warranted.

Existing planning pathways need to be retained, especially those that allow a more nuanced application of planning policies for large and complex projects.

These comments relate specifically to the proposed amendments to planning practices that may fetter our ability to rely on the State and Regional Development SEPP, or section 4.38(3) of the Environmental Planning and Assessment Act; and our ability to use clause 4.6 of the Standard Local Environmental Plan which has traditionally been used for minor variations to numerical planning controls (e.g. allow a 10% increase in height or floorspace). Under existing planning processes, there are mechanisms to allow change and adaptation of plans or land uses, where new or more detailed data is available, or a better planning outcome can be achieved. We are worried these mechanisms are being removed to limit discretion and force a particular planning outcome that is inconsistent with broader market dynamics or the realities of specific sites. This is the case for the initial industrial and logistics precincts like ours that rely on design solutions that cater for individual end users.

Innovative outcomes need more consultation with key stakeholders.

We appreciate the attempts to not continue with a Business As Usual approach to delivering a modern city, but caution that there are strong reasons for the current approaches to addressing a range of issues, such as traffic, transport and stormwater management. We understand the opportunity to derive better solutions but are worried that the details (design standards, asset ownership, maintenance etc) are not finalised and this is delaying design resolutions and project assessments. Flexibility is needed to evolve and adapt these approaches over time to facilitate more intensive and higher order land uses in the long term.

Finalisation of planning documents requires meaningful consultation and exhibition


We are worried that DPIE does not propose to re-exhibit the Precinct Plans covering the six priority Aerotropolis precincts, nor the proposed changes to the SEPP as identified in the EIE (without adequate specific detail to determine the actual impacts of the exact changes). We have seen unexpected changes introduced into earlier planning documents that have stymied our attempts to progress our projects. Relevant examples are

- The Cumberland Plan Conservation Plan is expected to impose a significant change to the viability of the Aerotropolis precincts, and will be incorporated into the Aerotropolis SEPP, yet will not be exhibited prior to implementation, despite the extensive commentary received on the draft plan.
- the insertion of a requirement to undertake a Design Competition for all developments with a Capital Investment Value of greater than \$40million. This was not contained in initial drafts of the Aerotropolis SEPP but is currently in force.
- In the current EIE, there are referenced changes to the zoning of sites, but we understand these are already recommended to be further amended to be overlays, not zoning changes. These overlays are undefined and are a substantial change that creates uncertainty of land user permissibility and should be more clearly communicated.

We look forward to discussing the above and attached in more detail with you and your officers. We strongly believe that the success of the Aerotropolis relies on a collaborative and cooperative approach to address the issues raised. We know these issues and concerns are shared with industry peak bodies and our neighbours.

As part of the broader property development industry, we are aligned with the Governments vision and aspirations for the Aerotropolis. We feel that we have a lot to offer in progressing and delivering the Aerotropolis. We want to get the property outcomes right for the precincts and users. We know that the property outcomes we are seeking are just the foundations upon which other businesses will invest to deliver the jobs, productivity benefits and opportunities that the Aerotropolis offers the residents of Western Sydney.

Yours sincerely



Development Director





BADGERYS CREEK

Submission to Draft Aerotropolis
Phase 2 Development Control Plan

Prepared for
ROBERTS JONES DEVELOPMENTS
5 November 2021



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	David Hoy
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Consultant	John Booth
Project Code	P0033675
Report Number	Final

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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Appendix A Proposed SEPP Amendment – SSDA- 18406916

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1. INTRODUCTION

This submission has been prepared by Urbis on behalf of Roberts Jones Badgerys Creek (Roberts Jones) in response to the Department of Planning, Industry and Environment (DPIE) release of the following planning documents for the Aerotropolis

- *Draft Western Sydney Aerotropolis Development Control Plan, Appendices (draft DCP);*
- *Recognise Country – Draft Guidelines for the Aerotropolis; and*
- *Aviation Safeguarding Guidelines – Western Sydney Aerotropolis and Surrounding Areas.*

Roberts Jones is the owner of a significant landholding at [REDACTED] Badgerys Creek. Whilst the landowner completed the purchase of the site in early 2021, its development agent Boyuan Holdings Limited (BHL) has been actively involved on this site since 2017.

This submission is a collaboration between the landowner, its development agent and its consultant team which includes; Urbis (Planning), Nettleton Tribe (Architecture), AT&L (Civil and Stormwater Engineering), BMT (Flooding) and Eco Logical Australia (Riparian and Biodiversity) and Clouston (Green Infrastructure).

The project team has been compiled based on their collective and extensive experience and knowledge of greenfield and industrial master planning across Western Sydney. Each member of the project team is highly qualified to comment on the technical aspects of exhibition package. Through its recent project experience, the team is also acutely aware of the technical challenges and brings to the table constructive recommendations.

Roberts Jones is working with DPIE to progress a State Significant Development Application (SSDA) for a Warehouse and Distribution Centre. The proposed Concept and Stage 1 development received Secretary's Environmental Assessment Requirements (SEARs) by the DPIE in May 2021 (receiving revised SEARs on 1 October 2021). This SSDA has recently been lodged with DPIE for an adequacy review of the submitted documentation.

This report has been structured around the priority areas for feedback outlined by DPIE in the Discussion Paper released in relation to the draft Phase 2 Development Control Plan (DCP). The priority areas for feedback are:

- 1. Performance based approach**
- 2. Document structure**
- 3. Feasibility**
- 4. Connection to Country.**

A separate submission has been prepared on behalf of Roberts Jones to the proposed amendments to *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (ASEPP)* as well as the Open Space Needs Study which has underpinned some of the proposed amendments to the ASEPP.

2. SUMMARY OF RECOMMENDATIONS

Roberts Jones provides the following recommendations in respect of the draft Phase 2 DCP exhibition package that must be addressed prior to finalisation.

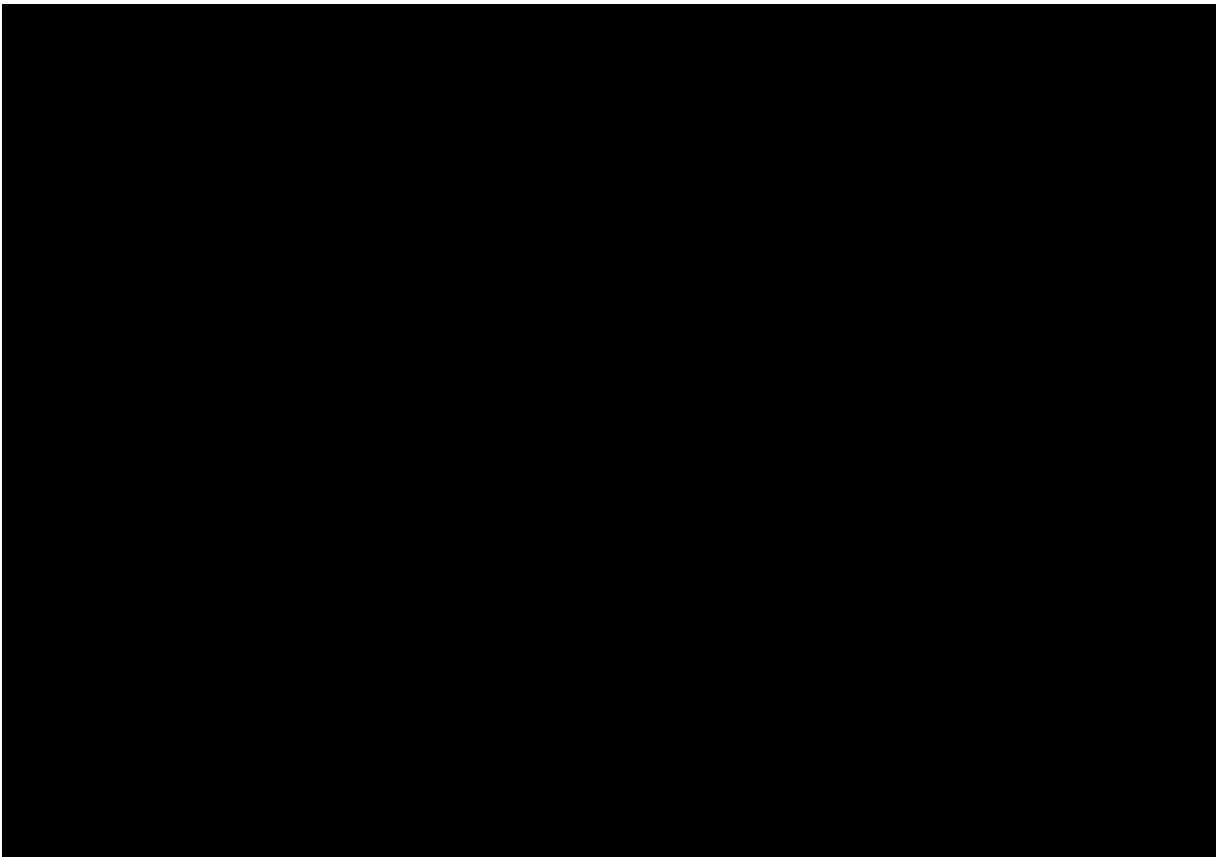
1. The controls within the draft Phase 2 DCP should be further considered in terms of both quantity, language, and overall layout of the document to ensure it is simplified and ultimately more user friendly for both industry and assessing officers.
2. The draft Phase 2 DCP should be re-exhibited along with any changes to the draft Precinct Plan to ensure the complete statutory framework is apparent and accessible for any future application.
3. The DCP must be the single reference point for development assessment. References to the 85 guidelines and policies required to be considered by development applications must be removed.
4. The alternate solutions recommended by AT&L in relation to stormwater management must be adopted into the final Phase 2 DCP.
5. Large format industrial estates must be able to provide compensatory tree canopy and deep soil areas in more suitable locations such as road reserves, open space and riparian corridors.
6. The controls relating to tree canopy, deep soil, movement of animals and retention of vegetation must be balanced with the need for feasible development outcomes and potential wildlife attraction risks to WSA.
7. The DCP must adopt the industrial street sections adopted within the Mamre Road precinct.
8. Block sizes and mid-block connections must be revised to a value more consistent with neighbouring employment land precincts.
9. Review the identified flood prone land map under the Aerotropolis SEPP to ensure the land they have designated is correctly identified as flood prone consistent with the *Wianamatta (South) Creek Flood Study – Existing Conditions 2020* (Advisian Study) referenced as the base line within the draft DCP.
10. The site perviousness requirements are unfeasible and must be revised. The targets will significantly reduce net developable area and do not facilitate logical large format warehouse development.
11. The site perviousness requirements are unfeasible and must be revised. The targets will significantly reduce developable areas and result in unworkable solutions for such as the recommended permeable paving does not reflect the specific end user requirements for business parks and industrial / warehouse development.
12. Ensure setback requirements for industrial/warehouse buildings do not unnecessarily impede on the feasibility of development. Setbacks should be consistent with surrounding employment land including Mamre Road and Oakdale.
13. Provide further clarification as to how principle-based design controls can be achieved such as the protection of view lines to culturally valuable landscapes.
14. Vehicle parking must be permitted within setback areas subject to appropriate screening consistent with the approach within the draft Mamre Road DCP.
15. The current controls do not clearly identify which objectives for the Aerotropolis take precedence (e.g., landscape led approach or airport safeguarding). The draft DCP must ensure that the framework and controls around wildlife hazards are clear and unambiguous such that the risks and impacts to the future operation of WSA are avoided and minimised.
16. The controls must be clearer on the thresholds for Connection to Country. The \$20 million threshold must be increased to ensure that traditional custodians and knowledge holders are not overwhelmed by the number of projects they may need to be involved in.

3. SITE DESCRIPTION

The site is located at [REDACTED], Badgerys Creek within the Penrith local government area (LGA). The site is legally described as [REDACTED] and is currently owned by Roberts Jones Development Pty Ltd. The key features of the site are summarised below:

- The site has a total area of approximately 280.4-ha and is under single ownership, the lot area has reduced from 344-ha due to the recent acquisition of the land for the M12 Motorway and N-S Metro however it is noted that this is yet to be updated on the GIS cadastre.
- The site is bound by Cosgroves Creek to the west and adjacent landholdings and Badgerys Creek to the east.
- The land has previously been used for agricultural purposes and is now largely cleared of vegetation.
- The site is mostly grass and scattered natural and/or planted tree growth contains several man-made waterbodies, primarily within the central and southern parts of the site.
- The site has direct access to Elizabeth Drive with an existing road frontage of approximately 1.6 km along the southern boundary.

Figure 1 Site Context



Source: Urbis, 2021

The site is located within Badgerys Creek, 12.5-km south-east of the Penrith Central Business District (CBD), 27-km west of Parramatta, and 47-km from the Sydney CBD. The regional context is shown below in Error! Reference source not found.. In its current setting, the site is bounded by agricultural uses to the east and west, rural residential land uses and the Twin Creeks Golf and Country Club to the north and immediately south is Elizabeth Drive and the future WSA which is currently under construction.

The site is located within Badgerys Creek, 12.5-km south-east of the Penrith Central Business District (CBD), 27-km west of Parramatta, and 47-km from the Sydney CBD.

As illustrated in Figure 2 and 3, the site is encumbered by several transport corridors, including the M12 Motorway, Sydney Metro Western Sydney Airport and future Outer Sydney Orbital. Despite this, no station is

to be provided on the site with the nearest Metro Stations to be located at Airport Business Park (1.5km to the south) and Luddenham Road – Sydney Science Park(3km to the north).

3.1. STRATEGIC PLANNING CONTEXT

The site is located within the Northern Gateway Precinct which has been designated an initial precinct within the *Western Sydney Aerotropolis Plan (WSAP)* as illustrated in Figure 2. The WSAP intends the Northern Gateway Precinct to be a major airport interface and strategic centre. The Northern Gateway will use existing and emerging economic opportunities catalysed by the Airport.

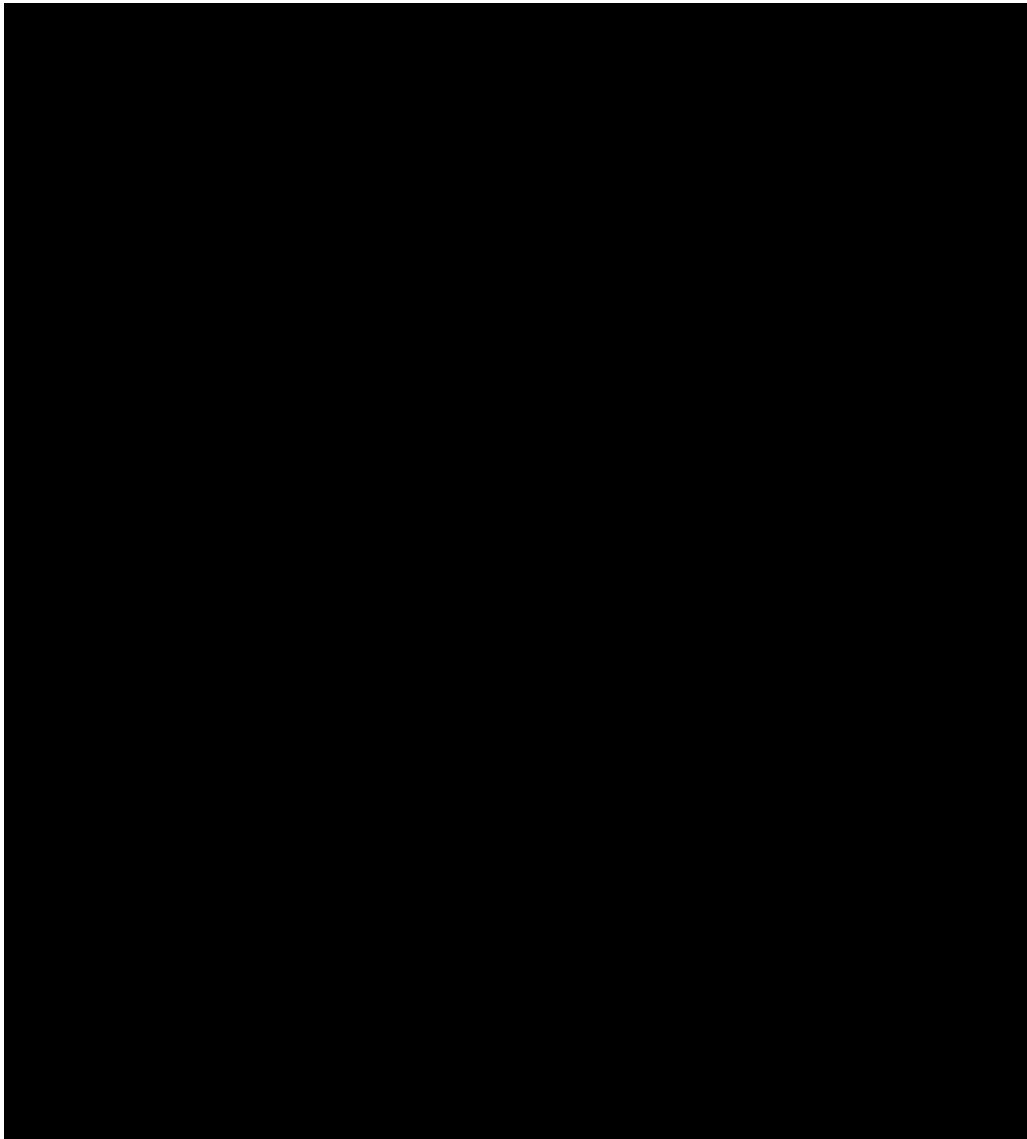
The Northern Gateway is intended to provide for a variety of employment generating land uses including high technology commercial enterprise/industry, **warehousing and logistics**.

The draft Precinct Plan anticipates in Key Driver 8 – Market Factors that these uses will catalyse development in the aerotropolis noting:

“While not focused around metro stations industrial uses or warehousing will also generate employment and kickstart development.”

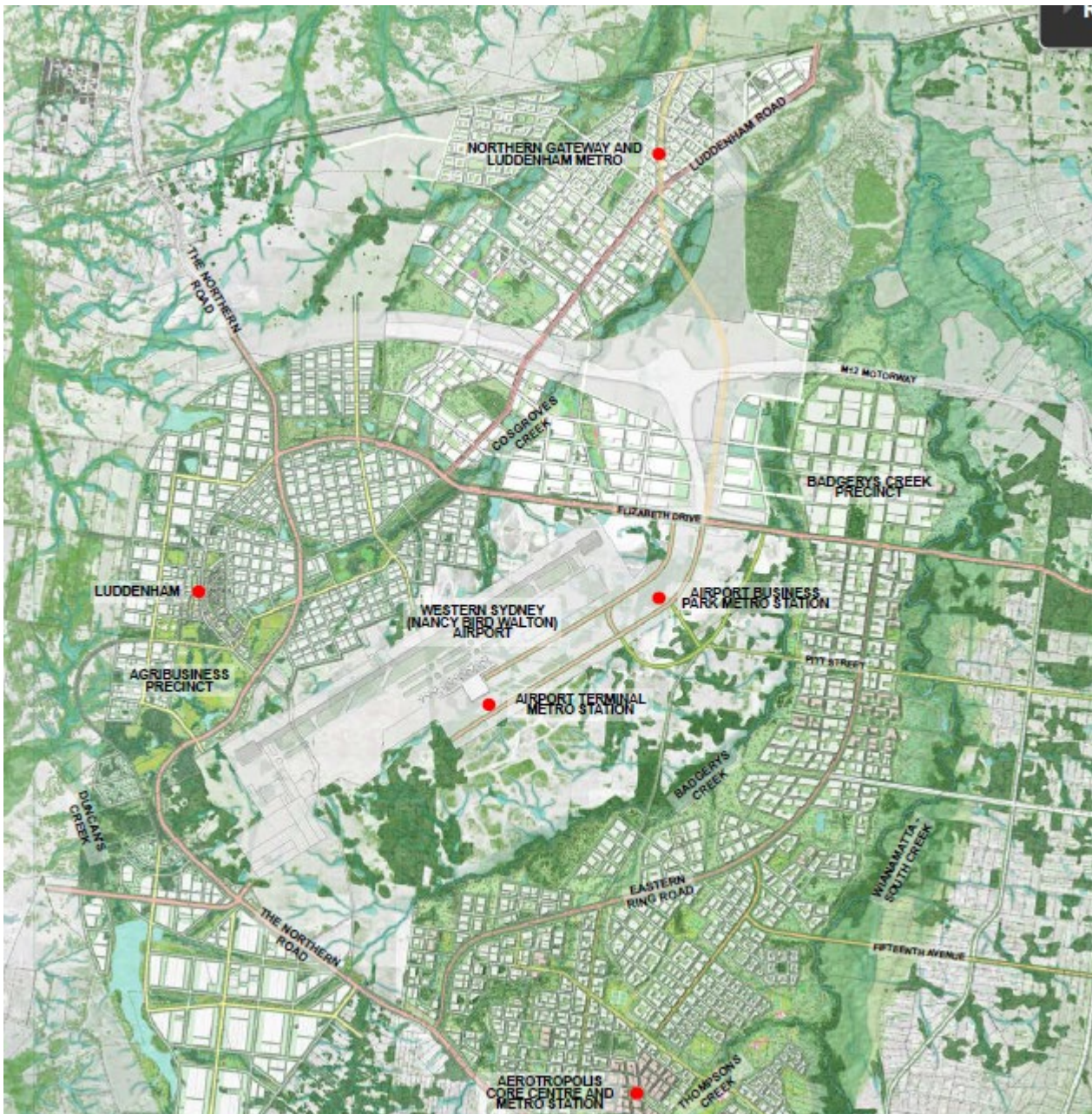
Whilst the draft Precinct Plan envisages higher order land uses for the site, given that no metro station is provided in immediate proximity the most logical future use of the site will be for warehousing and in the short to medium term.

Figure 2 - The Site & WSAP Structure Plan



Source: *Western Sydney Aerotropolis Plan 2019*

Figure 3 Draft Precinct Plan and Metro Station Locations



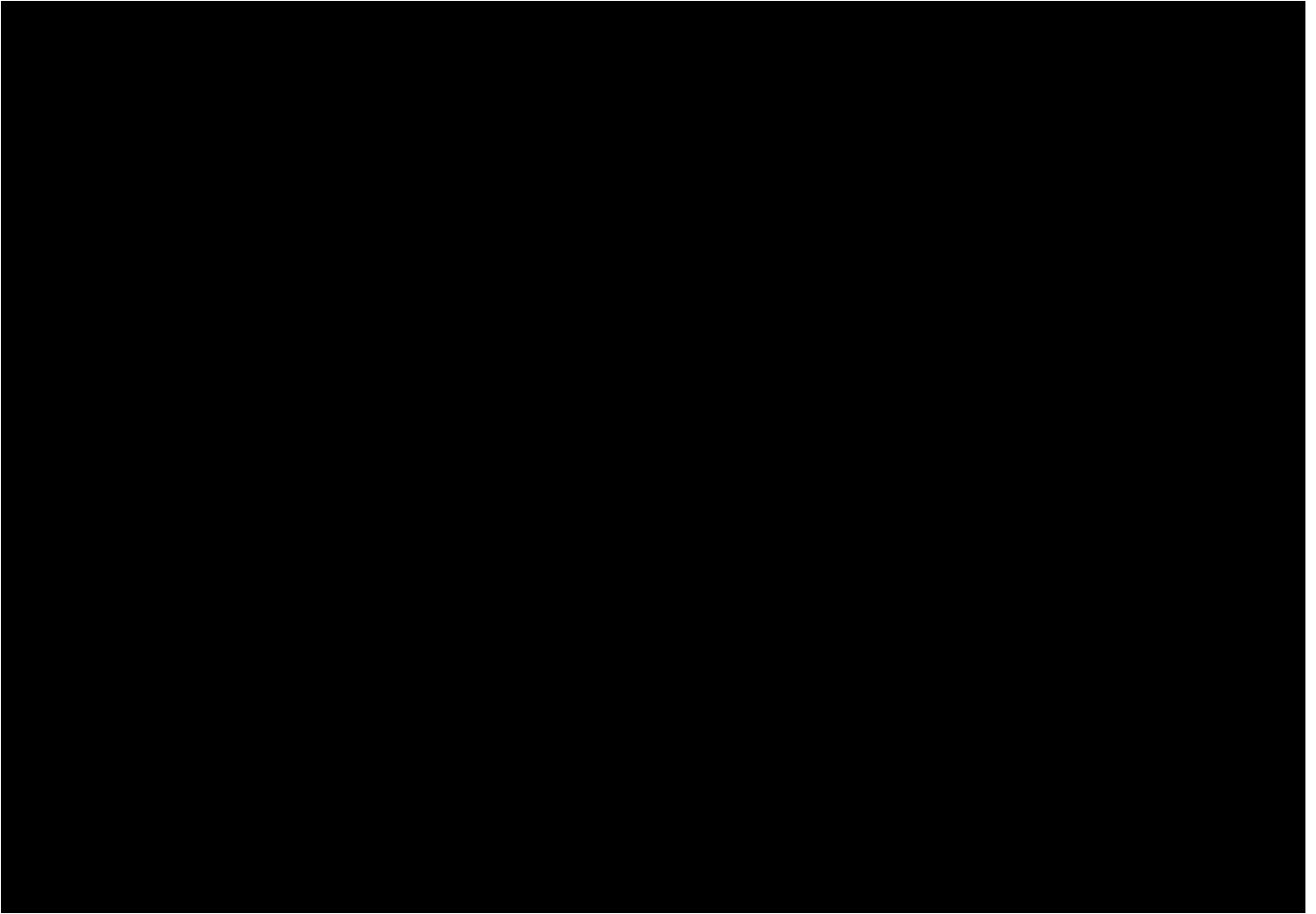
3.2. STATUTORY PLANNING CONTEXT

As illustrated in Figure 4 the site is zoned predominantly Enterprise (ENT) under the ASEPP. Portions of the site are zoned Environment and Recreation (ENZ), these areas are located mainly along the main creek corridors of Cosgroves, and Badgerys Creeks however also includes two offshoots running diagonally across the site from the North West to the South East. The southern offshoot zoned ENZ has been the subject of extensive field validation by the landowner.

The site is also subject to an SP2 Zone along Elizabeth Drive for future road widening. The Sydney Metro Corridor is also zoned SP2 under SEPP Major Infrastructure Corridors (MIC SEPP). Whilst not zoned SP2, the site is constrained by other transport corridors including the M12 Motorway and Outer Sydney Orbital.

The objectives of the ENT zone generally relate to prioritising employment related land uses including high technology, aviation, logistics, promoting circular economy outcomes and preventing uses that are not compatible with the future employment characteristic of the zone.

Figure 4 ASEPP Zoning Map



Source DPIE

4. BACKGROUND

Preliminary site investigation works and master planning for the site commenced as early as 2017. This work included detailed baseline studies that have informed the evolution of the development concept proposed under SSD-18406916.

These baseline studies also informed numerous submissions to Government in relation to the range of strategic plans and exhibited transport corridors relating to the Aerotropolis. These submissions included:

- A Bold Vision for the Northern Gateway – A submission to the Draft Greater Sydney Region Plan, Draft Western City District Plan and Draft Future Transport 2056;
- Submission to RMS in response to the public exhibition of the preliminary road design and access for the future M12 Motorway in 2018;
- Submission to Transport for NSW and RMS in relation the exhibition of the corridor for the North South Rail Link and Outer Sydney Orbital in 2018;
- Submission to the Western Sydney Aerotropolis Land Use and Infrastructure Implementation Plan Stage 1 – Initial Precincts (LUIIP) in 2018;
- Submission to the public exhibition of the M12 Environmental Impact Statement (EIS) in 2019;
- Submission to the draft Western Sydney Aerotropolis Planning Package in 2019; and
- Submission to the draft Aerotropolis Precinct Plan in 2021.

The early submissions focused on the significant land use planning implications of the proposed alignment of the M12 Motorway and the Outer Sydney Orbital and the significant planning benefits generated by moving the intersection further north on the site.

More recently, the detailed studies and planning analysis commissioned by the proponent has informed submissions to the draft Aerotropolis Planning Package and draft Precinct Plan in relation to the following critical matters:

Implications and timing of the Outer Sydney Orbital and the potential sterilisation of this land in perpetuity by TfNSW without any clear plan for acquisition despite this area's underlying Enterprise zoning.

Location of the central ENZ and the lack of any ground-truthed evidence (flood, riparian, and biodiversity) provided to support its designation in any of the strategic planning documents prepared for the Aerotropolis.

Significant quantum of land designated for open space on the site within the draft Precinct Plan beyond gazetted ENZ zone boundaries.

Basic statutory planning processes including introducing potential prohibitions for development that is inconsistent with an approved Precinct Plan, lack of flexibility to vary requirements within the Aerotropolis SEPP and an approved Precinct Plan and the requirement for design competitions for any development over \$40 million CIV (including warehouses and industrial development).

The detailed and extensive requirements proposed in the draft Precinct Plan would, if adopted as drafted, create a complex and inflexible set of statutory requirements in addition to controls within the Aerotropolis SEPP and Aerotropolis DCP.

Lack of any detail around the Masterplan process and guidelines, which have not yet been released despite clause 43 of the Aerotropolis SEPP indicating these were to be released on 1 October 2020.

4.1. LANDOWNER LED FIELD VALIDATION

Detailed technical investigations and field validation have been undertaken in relation to identifying all known environmental constraints on the site.

These technical investigations have been provided several times to the WSPP and have also been included in previous submissions to the various planning policies and plans exhibited for the Aerotropolis with no meaningful response, and despite it being requested by the WSPP.

The field validation has significantly informed the detailed design of the concept masterplan lodged under SSD-18406916 and the approach to the central Environment and Recreation Zone.

More specifically the field validation confirms voracity of flooding, riparian zone and biodiversity mapping and constraints and based on the expert advice of leading consultants on these issues. The field validation has confirmed the following in relation to the ENZ that traverses the central portion of the site:

Flood modelling undertaken by BMT has confirmed that the central ENZ is not subject to the 1:100 chance per year flood level. This modelling is consistent with the *Wianamatta (South) Creek Flood Study – Existing Conditions* (Advisian, 2020) referenced as the base case for existing flood information in the draft Phase 2 Aerotropolis DCP, however not reflected in the Aerotropolis SEPP (refer attached flood mapping).

Riparian assessment undertaken by Eco Logical Australia has confirmed that the majority of the central ENZ does not meet the definition of a river under the *Water Management Act 2000* as it contains no defined bed or bank (refer attached extract from Eco Logical Australia- Riparian Assessment). As such there is no justification to the designation of this area as a 'riparian corridor' to be rehabilitated and restored to its natural state.

Biodiversity: The BDAR prepared by Eco Logical Australia to accompany the SSDA has not mapped any areas of high ecological value within the central ENZ despite the Aerotropolis SEPP mapping this ENZ as High Biodiversity Area (refer attached)

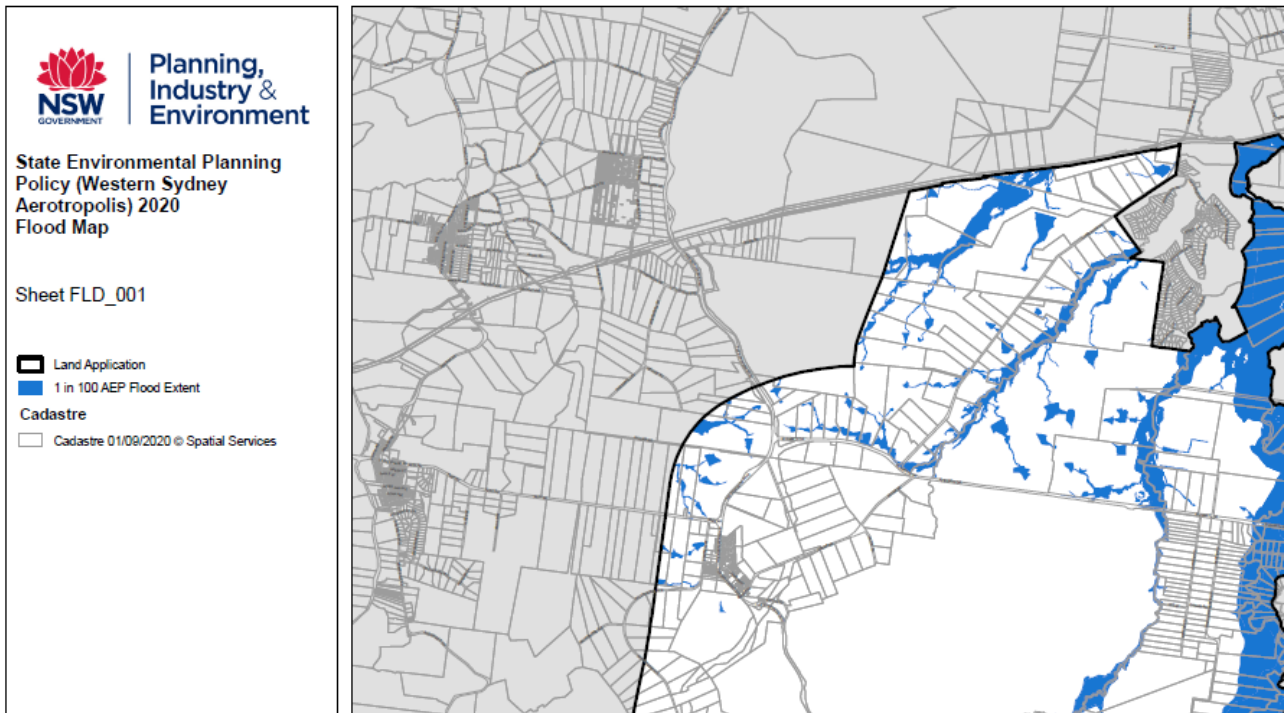
Clearly the Advisian study (referenced in the draft DCP appendices as being the base case existing flood information) reflects the findings of our own field validated flood modelling. Our flood engineers (BMT) have also confirmed that the Advisian study is consistent with their modelling of the mainstream flood behaviour which is the accepted industry standard. Both studies differ from the flood map within the ASEPP and illustrate that the 1:100 ARI is confined to the Cosgroves Creek and Badgerys Creek corridors (refer Figures 5 to 7).

As we have also demonstrated through our Riparian Assessment and BDAR, the central ENZ does not meet the WMA/NRAR definition of a river, nor does it hold any high biodiversity value.

The SSDA seeks to provide an alternate solution to the treatment of water and open space that should be given every opportunity be assessed on merit which given the lack of any change to this ENZ, an entirely reasonable planning approach. As we have stated within the EIS for SSD 18406916, the field validation justifies the approach to seek development consent over the ENZ under s4.38(3) of the EP&A Act 1979 until such time that the ASEPP can be amended.

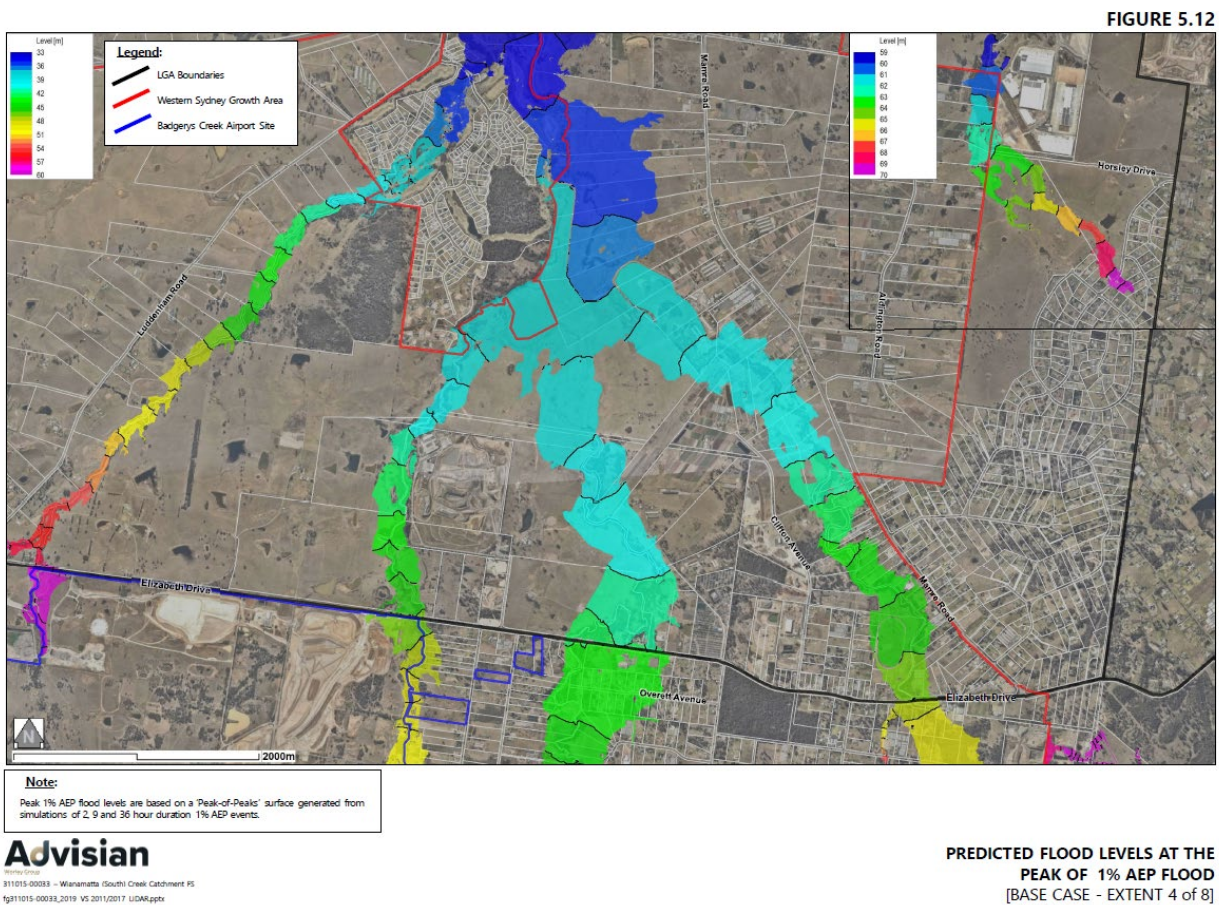
Figure 5 Flood Model Comparison – Existing Conditions (ASEPP, Advisian and BMT)

Picture 1 Aerotropolis SEPP Flood Mapping



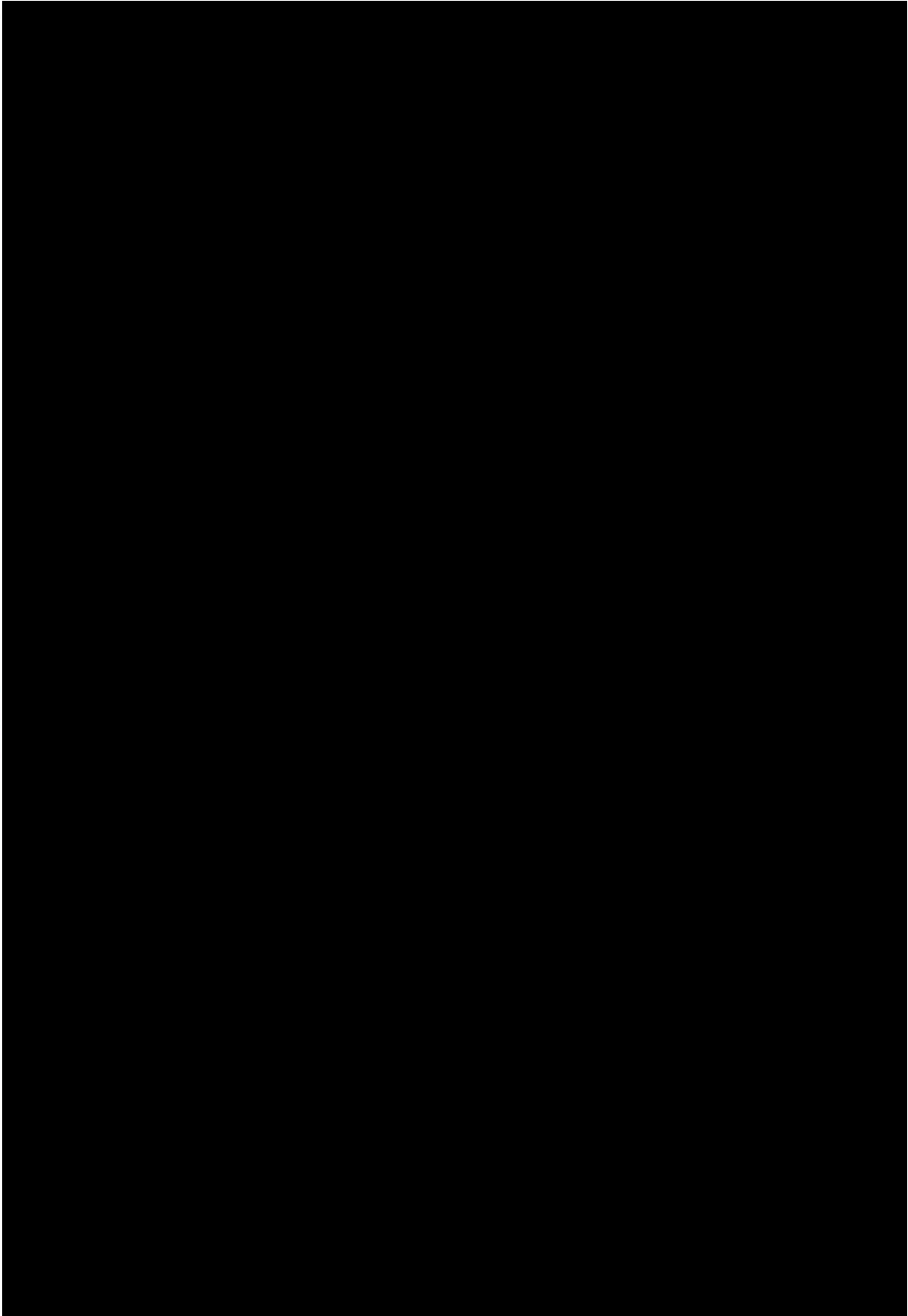
Source: DPIE, 2020

Picture 2 Advisian, Wianamatta (South) Creek Flood Study – Existing Conditions



Source: Advisian, 2020

Picture 3 BMT Flood Impact Assessment (prepared for SSD 18406916)



Source: BMT, 2021

Figure 6 ELA Top of Bank Mapping

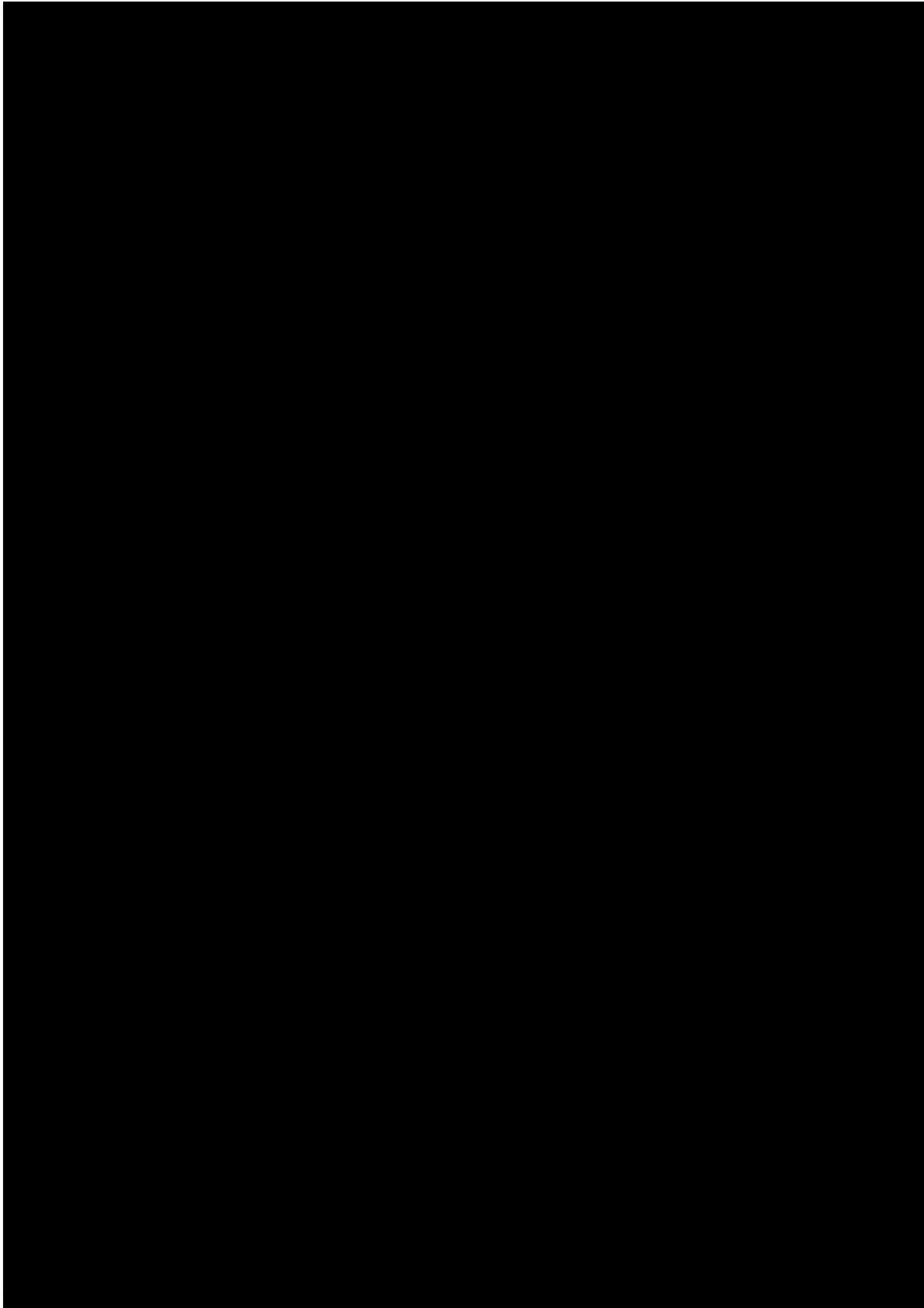


Figure 7: Field-validated watercourses within study area

Source: Northern Gateway Riparian Assessment Eco Logical Australia, 2021

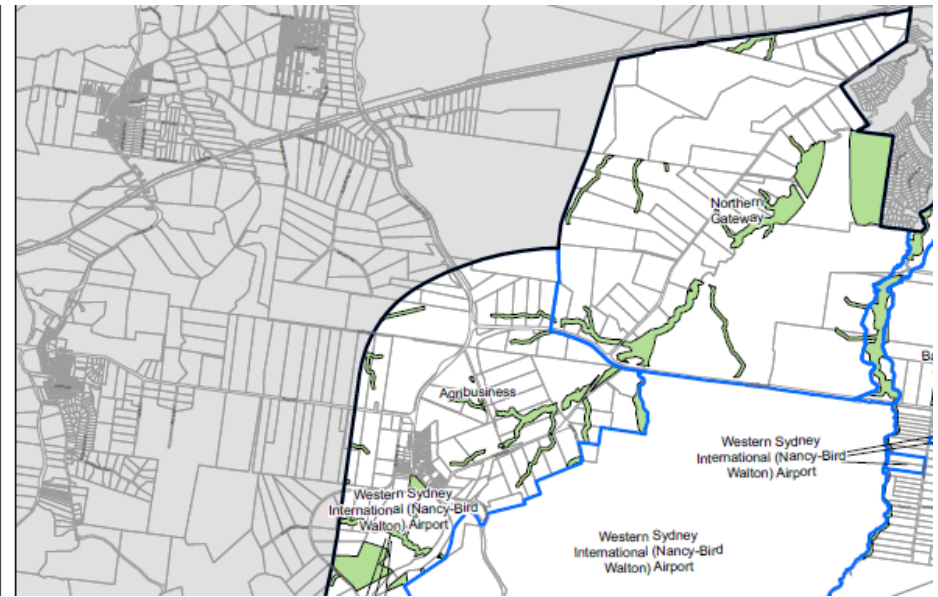
Figure 7 Comparison (SEPP HBV, ELA Vegetation Mapping)

Picture 4 ASEPP HEV

**State Environmental Planning Policy (Western Sydney Aerotropolis) 2020
High Biodiversity Value Areas Map**

Sheet HBV_001

-  Land Application
 -  Precinct Boundaries
 -  High Biodiversity Value Area
 -  Relevant Biodiversity Measure 12 in the Order to confer biodiversity certification on the State Environmental Planning Policy (Sydney Region Growth Centres) 2008
- Cadastre**
-  Cadastre 01/09/2020 © Spatial Services



Source: DPIE, 2021

Picture 5 Northern Gateway BDAR, Vegetation Mapping

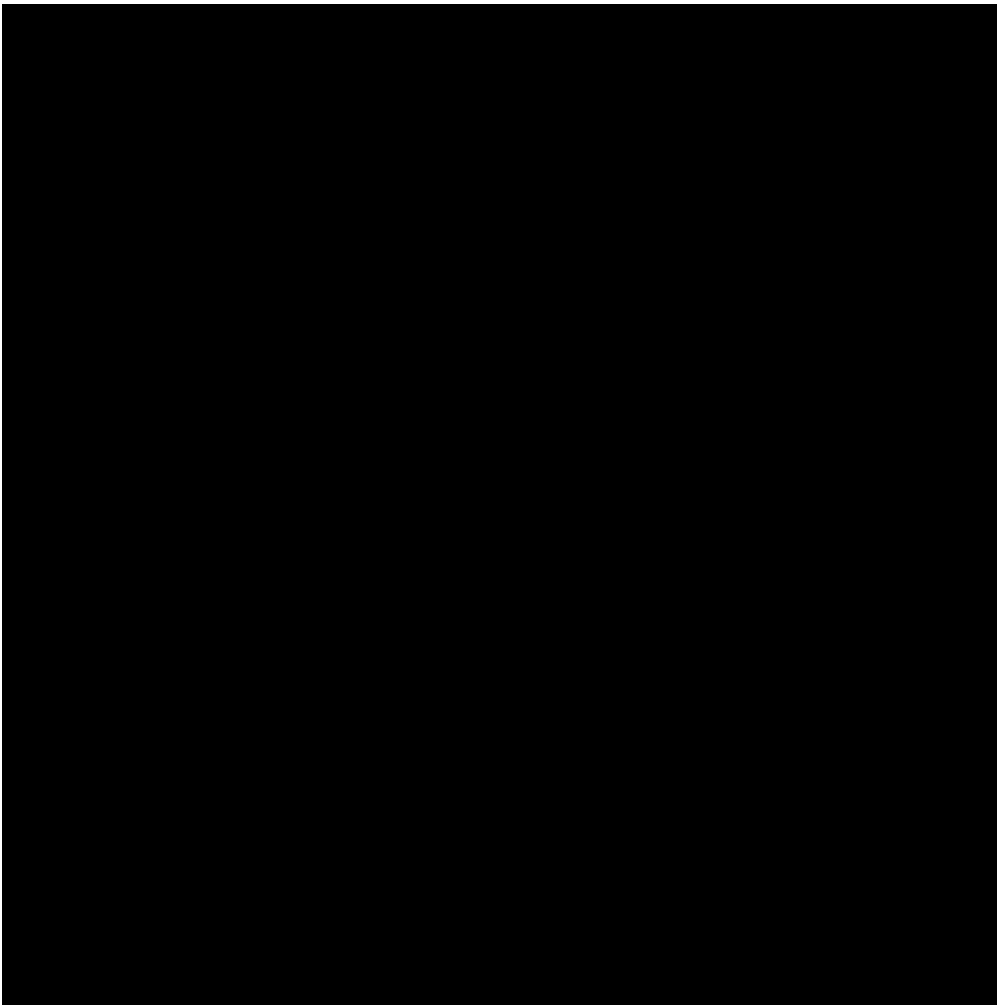


Figure 4: Plant Community Types

Source: Eco Logical Australia 2021

4.2. SSD-18406916: [REDACTED]

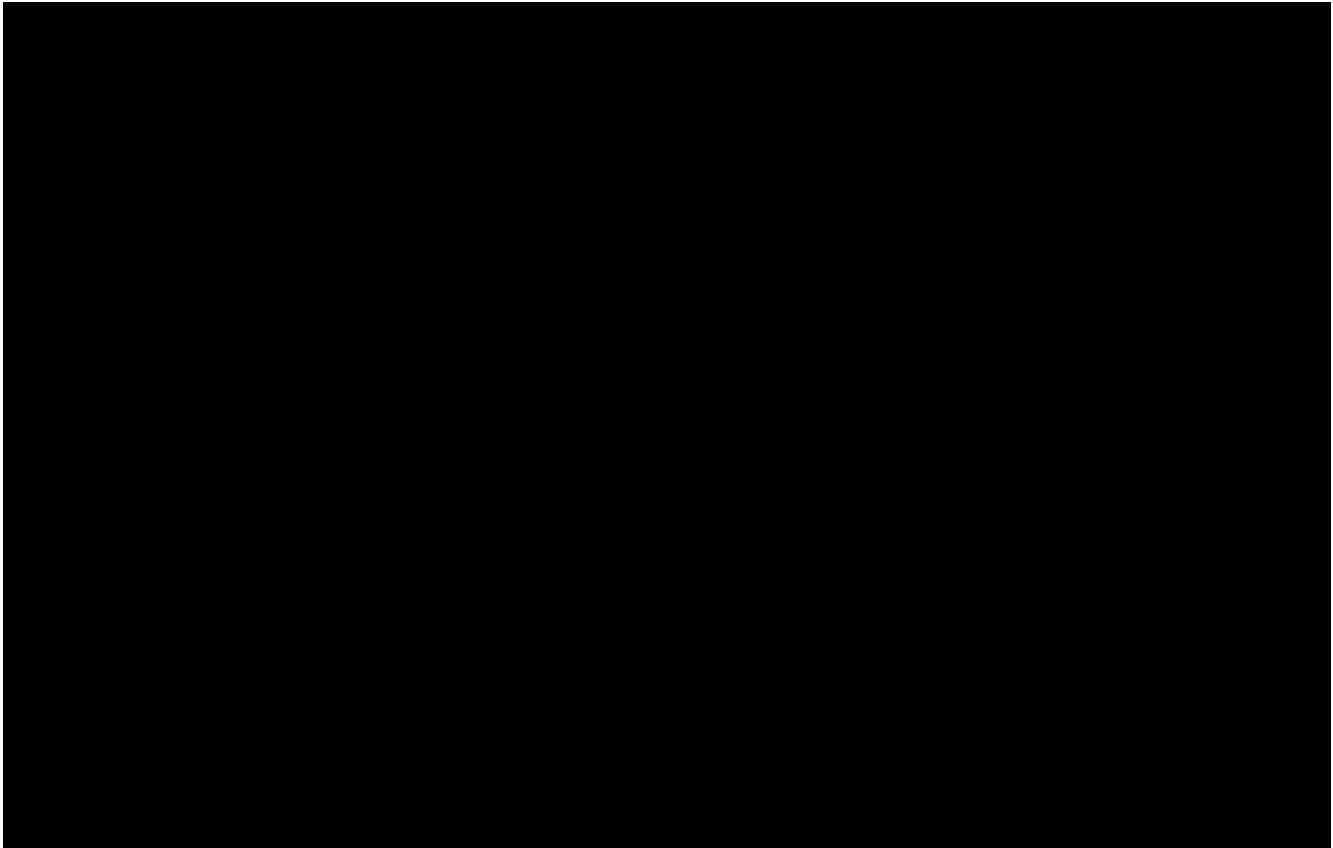
As noted above, in October 2021 Roberts Jones lodged an SSDA to the Industry Assessments team to the NSW DPIE for an adequacy review following the original issuing of SEARs in May 2021. The application is currently being assessed and it is expected that the SSDA will be formally lodged once all comments from the adequacy have been addressed.

Roberts Jones is seeking to deliver an innovative and sustainable logistics estate for the purpose of warehouse and logistics uses. The design imperative underpinning the Project is to create a masterplan that is flexible, high quality, and sustainable that will support the needs of end-user tenants and responds to the vision of the broader Northern Gateway Precinct and its site-specific and surrounding context.

The key features of the proposal are summarised below and illustrated at Figure 8:

- Concept Masterplan:
 - Comprising the following:
 - Total site area – 285-ha
 - Developable area – 143.32-ha
 - Industrial superlots – 7
 - Total warehouse GFA – 47.41-ha
 - Total office GFA – 3.52-ha
 - Total mixed-use GFA – 5.60-ha
 - Total building area – 56.53-ha
 - Total Superlot area – 100.80-ha
 - Total development FSR – 0.56:1
 - Site area open space – 21%
 - Principal site access and key estate road alignment;
 - Core development controls; and
 - Staged delivery of the estate aligned with infrastructure and service delivery.
- Stage 1 – Estate Wide Works:
 - Bulk and detailed earthworks across the southern portion of the estate, executed in a staged manner and including removal and filling of farm dams cut/fill, grading and benching;
 - Construction of structural support including retaining walls and batters;
 - Construction of primary estate road connection and external road network;
 - Staged construction of estate road network;
 - Staged construction of stormwater infrastructure;
 - Staged construction of trunk connections and internal reticulation of services and utilities;
 - Temporary servicing will be required in advance of the permanent trunk servicing solutions which may include Interim Operating Systems which will be subject to Authority approvals;
 - Staged subdivision of development lots;
 - Environmental management works including erosion and sediment control, land rehabilitation and stabilisation; and
 - Drainage infrastructure to be complete within the riparian corridor of Cosgroves Creek in the sites north-west corner.
- Stage 1 – Warehouse 3.1:
 - Construction of site access, hardstand, loading and parking, and on lot drainage infrastructure;
 - Site-specific landscaping, signage, and public domain works such as footpaths, street trees and internal site landscaping; and
 - Construction of Warehouse 3.1 and associated site office space, comprising the following:
 - 46,936-sqm warehouse building
 - 3,100-sqm of associated office space

- 252 parking spaces
- Detailed earthworks to refine levels and establish building pads
- On-lot stormwater and utility infrastructure and services connection
- Site-specific landscaping, signage, and public domain works including footpaths, street trees, and internal site landscaping
- Hardstand loading area



Source: Clouston Associates

4.2.1. State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 Amendment

Critical to the SSD-18406916 application was a concurrent amendment to the Aerotropolis SEPP that was included in response to the SEARs requirements as issued by the DPIE, which relevantly followed the requirements outlined within clause 34 of the SEPP.

The SEPP amendment intends to seek an alternative approach to satisfying the design excellence requirements under Part 5 of the Aerotropolis SEPP for this site. The amendment seeks to include a review by a Design Review Panel pursuant to clause 33 of the SEPP in accordance with an alternative design excellence strategy.

Critically, unlike design excellence clauses within other EPIs (e.g. clause 8.4(4) of the Penrith Local Environmental Plan 2010) there is no discretionary mechanism within clause 34 for a consent authority to waive the requirement for a design competition. The effect of the wording of clause 34 means that any development to which this clause applies would be prohibited if it does not undertake an architectural design competition.

As there is no discretionary provision provided within clause 34, the only possible way for this requirement of the SEPP and the issued SEARs to be addressed without undertaking a design competition is via a

concurrent SEPP amendment made under s4.38 and Division 3.5 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

The formal SEPP Amendment Request and EIE is attached to this submission as **Appendix A**.

5. SUBMISSION

5.1. PERFORMANCE BASED APPROACH

The draft Phase 2 DCP intends to implement a performance-based approach to development assessment within the Aerotropolis. This approach is intended to provide a level of flexibility where benchmark solutions are provided to deliver specific performance outcomes and objectives.

As identified in the Discussion Paper to the draft DCP. The DPIE are seeking feedback on the proposed performance-based approach including the following specific questions.

- *“Will the performance standards provide additional flexibility?”*
- *Are there areas where prescriptive standards are more appropriate?*
- *Are there benchmarks or standards that are difficult to achieve?”*

Whilst a more flexible, performance-based approach is welcomed, the amount of information included within the draft DCP that will be required to be addressed in development applications will be incredibly challenging for both applicants and assessment officers.

We note that the Phase 2 DCP consists of

- 200+ Objectives,
- 250+ Performance Outcomes and
- 1,100+ Benchmark Solutions,

This is a significant number of controls for development to consider. We also note that in many instances the controls are longwinded, unclear and comprise multiple subsections. This approach will make it difficult to prepare and complete compliance tables and assessment reports including Statements of Environmental Effects and Environmental Impact Statements. Noting that the recent EIS completed by Roberts Jones under the new Rapid Assessment Framework based on the draft Aerotropolis Precinct Plan and shorter Phase 1 DCP resulted in a 55-page statutory compliance table.

The issue instantly highlights a concern that is at odds with the recently released improved assessment guidance as part of the 2021 Rapid Assessment Framework. The DPIE’s intention to ensure applications are succinct, easy to understand and provide a comprehensive evaluation and justification will be compromised if the draft DCP is adopted as exhibited.

The performance outcomes and benchmark solutions should be simple and clear to interpret. To encourage flexibility, we would recommend a simpler two-tier approach and a reduction / simplification of the wording of the benchmark solutions.

Given that the Precinct Plans have not been exhibited it is also unclear as to which controls will remain within that document. The draft Precinct Plan was a highly prescriptive, complex, and 248-page document. If only minimal changes have been made to the draft Precinct Plan, this would require a development to assess compliance against two highly prescriptive documents in addition to the Western Sydney Aerotropolis Plan and Aerotropolis SEPP. It is therefore difficult to provide meaningful comment on the draft DCP in the absence of the revised Precinct Plan.

The revised Precinct Plan must be a high-level document. This will ensure that the Phase 2 DCP becomes the main development assessment document for all future applications. and ensure that development isn’t overburdened with assessment against 3 layers of prescriptive and complex planning controls.

Further clarity must be provided by DPIE on how the draft DCP should be assessed and presented within a future planning application, including the Statement of Environmental Effects or Environmental Impact Statement prepared under the new Rapid Assessment Framework for State Significant Development which now requires a significant number of planning compliance tables.

Recommendations

- The controls within the draft Phase 2 DCP should be further considered in terms of both quantity, language, and overall layout of the document to ensure it is simplified and ultimately more user friendly for both industry and assessing officers.
- The draft Phase 2 DCP should be re-exhibited along with any changes to the draft Precinct Plan to ensure the complete statutory framework is apparent and accessible for any future application.

5.2. DOCUMENT STRUCTURE

DPIE have requested feedback on the document structure and in particular the following key questions and issues:

- *Is the current draft DCP difficult to navigate? Are there ways navigation can be improved?*
- *Should the draft DCP be restructure based on development type?*
- *Is it clear which provisions would apply to your development?*

To reduce complexity the DCP should minimise the number of additional documents referenced. The DCP currently references over 85 additional reports, policies, and guidelines. This is approximately 10,000+ pages of additional controls and parameters required to be reviewed and addressed by future development applications.

The DCP must be the primary assessment document with relevant controls included from these additional reports and guidelines.

Any references to additional documents within the Phase 2 DCP must be easily accessed by proponents. If web links are to be provided within the DCP Appendices as per the current draft, these must be maintained or updated as required. The significant number of controls and reference documents will undermine the planning outcomes being sought and will put the Aerotropolis at a significant competitive disadvantage to nearby employment precincts that have simpler controls and can access complying development which is soon to be expanded under the Building Business Back Better framework. .

The draft DCP is not clear on the controls required to be considered by all development and those controls that would only be relevant on certain sites and to certain development types. It is also noted that the draft DCP references diagrams and other requirements stated to be within the Precinct Plan. Given that revised Precinct Plan has not been released it difficult to review and provide meaningful feedback in relation to these controls.

Recommendations

- The DCP must be the single reference point for development assessment. References to the 85 other guidelines and policies to be considered by development applications must be reduced.

5.3. FEASIBILITY

DPIE have requested feedback on the feasibility of the proposed aspirational controls as follows:

- *Are there particular benchmarks or controls that will impact on feasibility? If so, can you please provide details on the impacts and any suggestions to mitigate them?*
- *Are there other ways to achieve the aspirational outcomes that are proposed in the draft DCP?*

This following section addresses the feasibility of the draft DCP controls.

5.3.1. Stormwater and WSUD

The intention of the draft Phase 2 DCP to develop precincts that feature total water cycle management that integrates and balances drinking water, wastewater, recycled water, and harvested stormwater is ultimately encouraging and aligns with the overall vision of the Aerotropolis.

Roberts Jones have sought expert input to this matter from AT&L who have been involved in the design development of the Aerotropolis Precinct for a number of years, including undertaking engineering works in the preparation of SSD-18406916. AT&L have provided a response to the draft DCP which is attached to this submission as Appendix B. Specifically, AT&L in their submission have identified a number of issues in relation to the proposed stormwater and WSUD elements of the draft DCP, discussing them at depth, and identifying what the implication of adopting these matters into the DCP would be, as well as possible alternatives. The specific matters raised by AT&L in their submission include:

- SP2 – Stormwater Infrastructure zoning and Land Reservation Acquisition;
- Retention of ‘naturalised creek/drainage line’ with catchments larger than 15 hectares;
- Preservation of artificial waterbodies (farm dams);
- Stormwater quality management targets;
- Stormwater quantity management targets (demonstrating compliance with either Mean Annual Runoff Volume or Flow Duration Curve);
- Connection to recycles water scheme;
- Trunk drainage channels(‘will commence when 12-15ha of catchment contribute runoff flows’); and
- Consistency with Precinct Plan Draft Stormwater and Water Cycle Management Study Interim Report.

Roberts Jones and the remainder of the project team fully endorse the matters raised by AT&L within Appendix B and consider that the possible alternatives provided within Appendix X should be considered by the DPIE & WSPP in the finalisation of the draft DCP.

Recommendations

- The alternate solutions recommended by AT&L in relation to stormwater management must be adopted into the final Phase 2 DCP.

5.3.2. Native Vegetation and Biodiversity

5.3.2.1. Tree Canopy / Deep Soil Target

Section 5.1 of the draft DCP provides controls relating to tree canopy, deep soil, and tree planting requirements for the Aerotropolis. Table 1 in Section 5.1.2 of the draft DCP outlines the following requirements:

- Industrial development would be required to provide a minimum tree canopy of 25% of site area and minimum deep soil area of 15% of the site area. This section also requires minimum tree planting rates of two medium trees or one large tree per 400m² of site area.

The DCP appears to base the tree canopy target and deep soil requirement on a per lot basis. This approach is unfeasible for development noting the significant impact to net developable area for large format industrial development which requires large areas of service hardstand for trucks, vehicle movement areas etc. Additionally, it is unclear how these controls relate to the site permeability requirements for larger sites that are detailed in Section 14 of the draft DCP

The controls also fail to address how this control could be addressed as part of a wider master planned precinct which can locate greater tree canopy and deep soil areas in open space and the road reserves.

AT&L have addressed this matter in their letter at Appendix B and note that deep soil areas and planting could impact the structural integrity of retaining walls which are typically required to address landform and

level building pads for large format industrial development. AT&L note that there is significant risk to these controls not being able to be achieved due to the extent and depth of retaining structure required to facilitate large format development.

In addition to not being compatible with large format industrial extensive tree canopy target conflicts with wildlife management requirements for sites within 3km of the airport. As part of Roberts Jones' engagement with key stakeholders, WSA have been very clear about their concerns around this particular conflict and minimising the risk of wildlife strike to aircraft.

risk from potential wildlife attraction within 3km of the airport, noting that this matter has been identified as a significant matter of concern by WSA. Further discussion regarding this threat and the relevant draft controls in relation to Airport Safeguarding is detailed below in Section 0 of this Submission.

The tree canopy and deep soil targets must be revised to ensure that large format industrial development in the Aerotropolis is not put at a competitive disadvantage to other nearby employment precincts and interstate competitors.

Section 5.2 provides controls relating to the protection of biodiversity. In particular we note that PO5 states:

“Development facilitates the connected movement of native animals through the landscape.”

This performance outcome must be balanced against the significant wildlife attraction risks within 3km of the airport. Additional wording should be applied such that it is clear where this control would apply within the Aerotropolis.

Section 5.3 provides controls relating to the protection of trees and vegetation uncertified areas under the CPCP. In particular we note that PO1 states:

“All ridgeline canopy trees, riparian vegetation, trees of cultural, heritage or amenity significance and mature shade providing trees are retained.”

This control would impact uncertified areas (such as the central ENZ) that have been ground truthed on the site to not hold any significant biodiversity value. The control must allow for uncertified areas to be subject to Biodiversity Development Assessment Report (BDAR) to determine whether these areas hold any biodiversity value and ultimately inform future amendments to the SEPP and Precinct Plan.

Recommendations

- Large format industrial estates must be able to provide compensatory tree canopy and deep soil areas in more suitable locations such as road reserves, open space and riparian corridors.
- The controls relating to tree canopy, deep soil, movement of animals and retention of vegetation must be balanced with the need for feasible development outcomes and potential wildlife attraction risks to WSA.

5.3.3. Access and Movement Framework

Section 6 of the draft DCP details the proposed controls that are relevant to the access and movement framework for the Aerotropolis, and includes controls relating to street network functions and design. This section also provides details on the proposed block structure for the Aerotropolis.

Roberts Jones is encouraged that these controls appear to have been moved from the draft Precinct Plan to the Phase 2 DCP. This ensures greater flexibility and the possibility for site specific solutions.

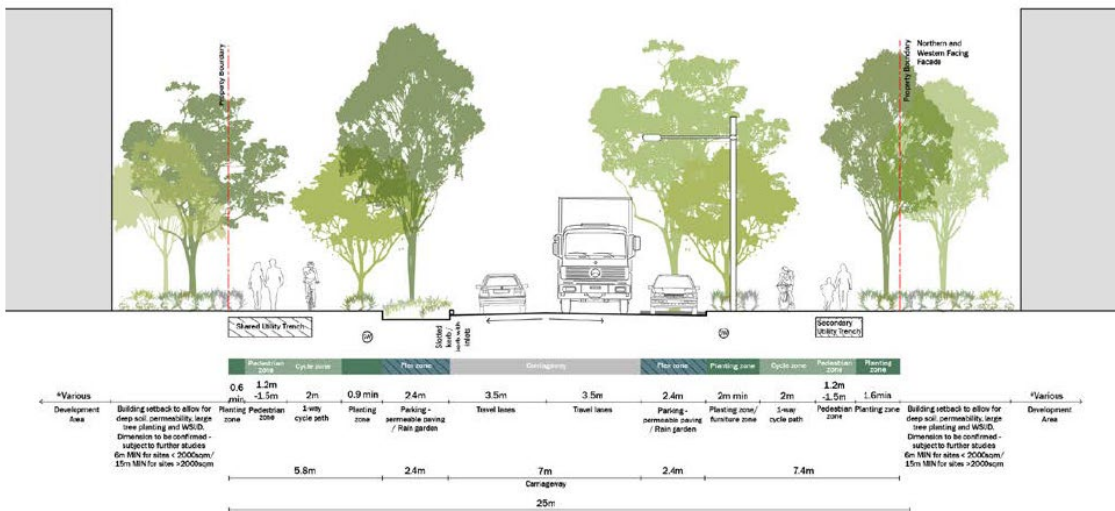
However, as noted earlier the DCP references multiple additional reports and guidelines including the *Western Sydney Street Design Guidelines* and *Engineering Design Manual* to provide guidance on street design and engineering standards.

However, it is not made clear which elements of the detailed documents are relevant and/or how they will be considered in the assessment of any future DAs. This should be included within the DCP, otherwise, significant time is required to review these documents in detail to identify the matters relevant to the detailed design and/or assessment process.

We note that the industrial street sections in the draft Precinct Plan (Picture 6) differs from the industrial street sections within the Street Design Guidelines (Picture 7) and the Mamre Road DCP (Picture 8). As shown, each of these industrial street sections presents a different outcome. Without the revised Precinct Plan it is impossible to know whether the street sections will remain within that document. The conflict between different street sections in must be resolved in the final planning documents. Additionally, we note that the proposed industrial street sections in both the Guidelines and the draft Precinct Plan are inappropriate for industrial / warehouse precincts. Both street sections indicate a narrow parking lane of 2.1m-2.4m we note that other DCPs such as the Penrith DCP require a 3m parking lane within industrial streets to accommodate trucks etc.

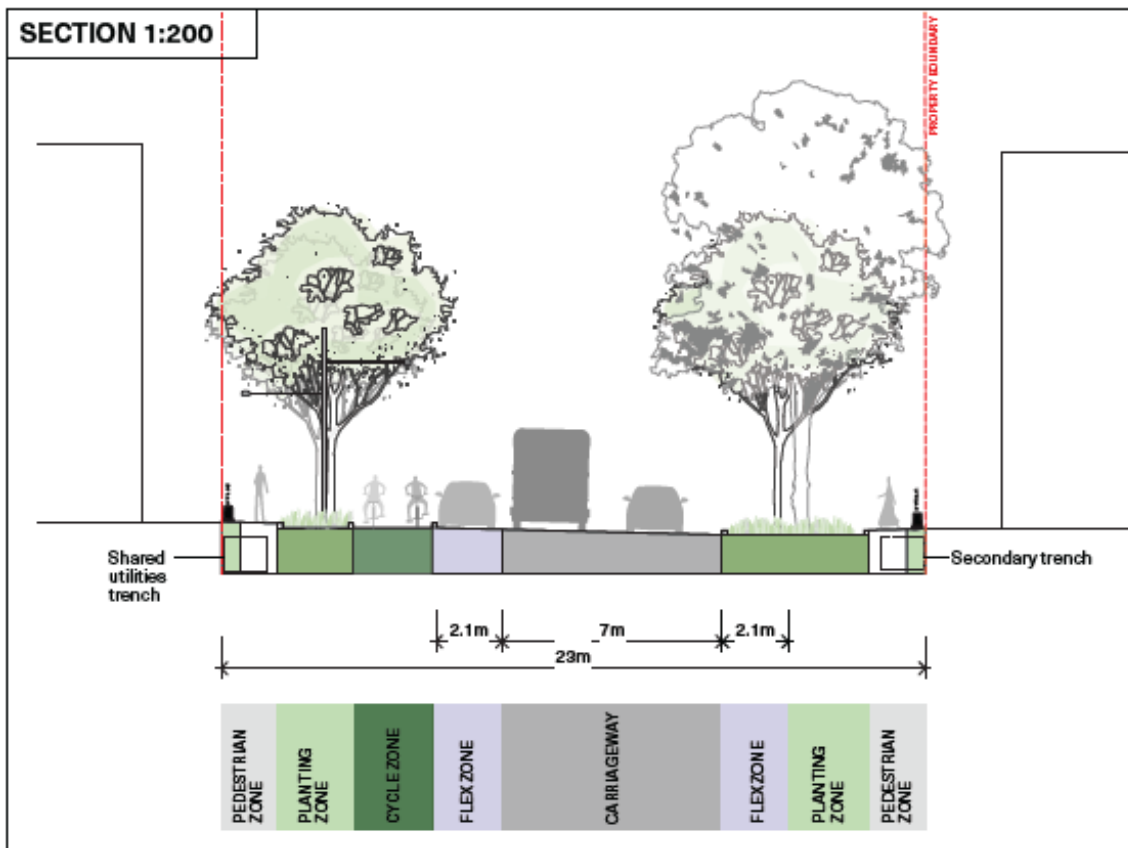
AT&L have provided a detailed analysis of the Street Design Guidelines at Appendix B. This analysis focuses on the street sections relevant to large format industrial development and provides specific recommendations and alternatives. The analysis recommends that the 24m cross section for an industrial street provided in the Mamre Road DCP (Figure 3) be adopted.

Figure 9 Industrial Street Sections



Picture 6 Draft Precinct Plan

Source: Draft Precinct Plan, 2021



Picture 7 Western Sydney Street Design Guidelines

Source: Western Sydney Street Design Guidelines, 2020

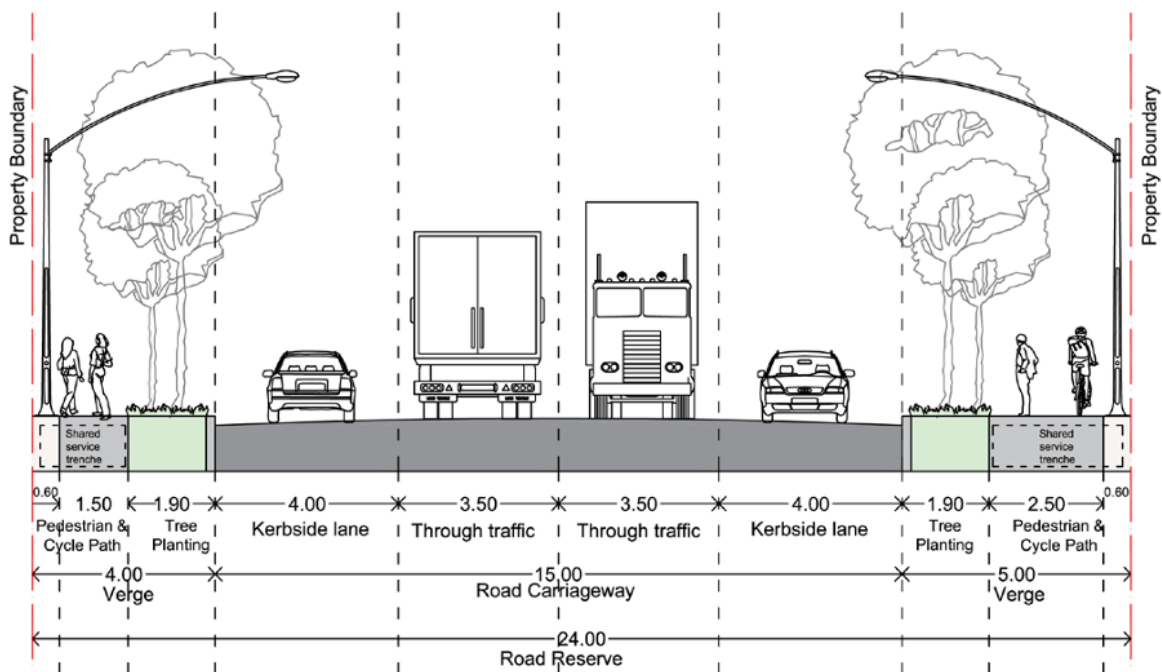


Figure 12. Typical Local Industrial Road

Picture 8 Draft Mamre Road DCP – Industrial Street Section

Source: Draft Mamre Road DCP, 2021

Table 2 on Page 54 of the draft DCP provides controls which specify the maximum block sizes as follows:

- Enterprise zones: Maximum length of 350m with mid-block connections no more than 150m apart.

As noted by AT&L at Appendix B, the block sizes for enterprise zones do not consider the type and scale of development that has been recently delivered in neighbouring precincts. A larger block size greater than 350m will enable greater flexibility to meet the demand from future tenants. Limiting the block size will place the Aerotropolis at a significant competitive disadvantage to neighbouring employment precincts.

Recommendations

- The DCP must adopt the industrial street sections adopted within the Mamre Road precinct.
- Block sizes and mid block connections must be revised to a value more consistent with neighbouring employment land precincts.

5.3.4. Flooding

Section 9.1 of the draft DCP provides up to ten objectives and a further 49 benchmark solutions in relation to controls for flooding. The appendices to the DCP also note that the base information for flooding should be based on *Wianamatta (South) Creek Flood Study – Existing Conditions 2020* (Advisian Study)

Roberts Jones are still undertaking a detailed review of the flood controls within the DCP with comments to be provided to DPIE at a later date. However, BMT Commercial Australia Pty Ltd (BMT) were engaged to undertake a flood impact assessment of the site at the potential impact of the proposed development. The modelling utilised by BMT was consistent with the approach undertaken for the Updated South Creek Flood Study (Worley Parsons, 2015) prepared for Penrith Council. The 2015 study subsequently informed a more recent *Draft South Creek Floodplain Risk Management Study August 2019* and *South Creek Floodplain Risk Management Plan, 2020* undertaken by Advisian for Penrith Council.

As such the modelling undertaken would be consistent with the Advisian Study. As noted in section 4.1 both BMT and the Advisian study are generally consistent in mapping the 1:100 flood extent on the site. This differs from the flood mapping in the Aerotropolis SEPP.

If the Advisian Study is to be utilised as the base information, then the Aerotropolis SEPP should be updated to reflect this study. As the ENZ was informed by the 1:100, this affection should be removed where it does not align with the base information for flooding identified in the draft Phase 2 DCP. This would mean that the central ENZ on the site should be removed.

As noted in the AT&L Letter at Appendix B, Opportunities to implement stormwater management measures within ENZ zoned land, below the 100-year ARI (1% AEP) flood extent should be maximised.

For example, a large proportion the Roberts Jones site adjacent to Cosgroves Creek is low-lying, within the 100-year ARI flood extent and is very likely to be suitable for implementation of measures such as evaporation ponds and wetlands (subject to review of potential impacts on flooding, ecology, and other factors).

Recommendations

- Review the identified flood prone land map under the Aerotropolis SEPP to ensure the land they have designated is correctly identified as flood prone consistent with the *Wianamatta (South) Creek Flood Study – Existing Conditions 2020* (Advisian Study) referenced as the base line within the draft DCP.

5.3.5. Site Coverage and Permeability

Given the subject sites approximate site area of 244.2-hectares, the provisions within Section 14 of the draft DCP apply.

Table 8 within Section 14.1 of the draft DCP establishes acceptable solutions for site cover and perviousness. However, the table it is not clear on how it should be interpreted. It is also unclear as to what scenario would be applicable and/or acceptable for development (i.e. Base Scenario or Parkland Solution). The final Precinct Plan or the Phase 2 DCP must provide further information to categorise future development in accordance with Table 8 and to avoid ambiguity or differences in interpretation in future DA assessments.

Whilst encouraged that this table appears to have been relocated from the draft Precinct Plan to the draft DCP, Roberts Jones still has significant concerns around the base requirements for site coverage and permeability noting that a site coverage of 70% for large-format industrial is interpreted to mean that 30% of a lot would need to be set aside for permeable elements including deep soil areas, permeable paving etc. We raise the following concerns in relation to the site permeability control:

- The 30% perviousness for large format industrial land uses will have significant implications for site coverage and net developable area (NDA). Permeable paving is not feasible for service hardstand areas ordinarily required for large format warehouse development which need to service heavy vehicle traffic.
- When combined with the low building heights, limiting site coverage significantly impacts the NDA and flexibility to provide large-scale warehousing and logistics land uses.
- As noted by AT&L the increased pervious areas were required to meet the MARV target. If a regional solution to the MARV being considered by Sydney Water is implemented, then these large pervious areas would not be required.
- If adopted the pervious areas required to meet the MARV target must be excluded from NDA in relation to the calculation of any SIC contribution.

If a regional solution to meeting the MARV is implemented, then additional on lot permeable areas must be reduced. This would then enable NDA to be increased, which would not only improve site efficiencies and enable the Aerotropolis to compete with other nearby employment precincts.

Recommendations

- The site perviousness requirements are unfeasible and must be revised. The targets will significantly reduce net developable area and do not facilitate logical large format warehouse development.

5.3.6. Built Form

5.3.6.1. Building siting and design

Section 8 of the draft DCP provides controls relating to Building Siting and Design. It is noted that additional built form controls are also provided in Section 15 (see below) which relate to specific development typologies.

The building siting and design include setback controls from road interfaces as follows:

- Classified Road – 20m
- Collector and Distributor Road – 12m
- Local Road – 7.5m

Setbacks must be feasible for development typologies and not impact on the large footprints generally required for warehousing and other industrial land uses. Whilst the setbacks in Table 5 of the draft DCP can generally be achieved in the Concept Plan proposed within SSD-18406916, it is important that if an industrial/warehouse building or other typology has front boundary to an internal estate road that this setback

is maintained to 7.5m and is not increased to 10m per the front setback control in Section 15. It is critical that setback controls are consistent such that they do not unnecessarily impact upon the developable area of a site.

The requirements for appropriate interfaces between conflicting uses and protecting view lines to significant scenic and cultural valuable however requires further details and controls to guide these principles-based controls.

5.3.6.2. Provisions for land uses

Section 15 of the draft DCP provides controls for specific development types, the most applicable to the subject site and the SSD-18406916 application being Industrial and Specialised Retail/Bulky Goods Uses within 15.2. However, it is noted that other controls related to other land uses within the proposed concept plan may also be applicable to future development, particularly higher-order land uses as proposed against the southern boundary of the site that fronts Elizabeth Drive.

Whilst the majority of controls for specific land uses are supported, our specific comments in relation to the implications of the controls as follows:

- Ensuring that back-of-house uses (including external storage, truck parking areas) are not visible from any road and active transport corridor.
- The 10m minimum setback for industrial development to the front property boundary is not consistent the Mamre Road DCP which requires 7.5m setback for lots fronting local estate roads.
- Treatment of setbacks should be consistent with the draft Mamre Road DCP which permits car parking areas within the setbacks provided:
 - It is set behind a landscaped area which is 50% of the required setback,
 - Promotes the operation and function of the development,
 - Enhances the overall design of the development by implementing design elements, including landscaping, that will screen the parking area and is complementary to the development; and
 - Does not detract from the streetscape values of the locality.

It will be important to allow the development industry time to test the proposed controls to enable the identification of potential issues that could impact feasibility. In this regard we would request that DPIE accept ongoing feedback from the development industry in relation to the draft DCP. In the interim it will be important to allow flexibility in the assessment to allow reasonable alternative solutions.

Recommendations

- Ensure setback requirements for industrial/warehouse buildings do not unnecessarily impede on the feasibility of development. Setbacks should be consistent with surrounding employment land including Mamre Road and Oakdale.
- Provide further clarification as to how principle-based design controls can be achieved such as the protection of view lines to culturally valuable landscapes.
- Vehicle parking must be permitted within setback areas subject to appropriate screening consistent with the approach within the draft Mamre Road DCP.

5.3.7. Airport Safeguarding

The Roberts Jones site is located in proximity to the WSA. The site is therefore subject to airport safeguarding controls under the Aerotropolis SEPP, draft DCP and accompanying Aviation Safeguarding Guidelines.

Part 10 of the draft DCP provides specific controls in relation to airport safeguarding to supplement the aviation safeguarding guidelines.

During the preparation of the SSDA for the subject site, an Aeronautical Impact Assessment was prepared by Landrum and Brown to consider the impact of the identified Airport safeguards on the proposal. As such these controls are well known and understood by Roberts Jones.

However, clarity is sought from additional confusion that has resulted from Section 10.3 of the draft DCP. Roberts Jones is has concerns in relation to the conflict between the proposed controls in relation to the significant amount of open space and stormwater infrastructure requirements that have been identified in Section 4 of the draft DCP, and the requirements to minimise wildlife hazard attraction.

We note that the DCP is not clear in clarifying the approach to integrated water cycle management which requires water retention in wetlands and basins to be held and re-used to meet the MARV targets and Benchmark P01 within Section 10.3.2 of the draft DCP which notes the following:

3. All stormwater detention within the 3km and 8km wildlife buffer is designed to fully drain within 48 hours after a rainfall event.

It is critical that the framework and controls are clear and unambiguous. The draft DCP must also clearly specify which controls take precedence in proximity to WSA. Additional conflicting draft controls include the following:

- Requirements for tree retention and minimum canopy requirements and the need to assess landscape plans that propose more than 5 trees being planted in one group; and
- Requirements for development that facilitates the connected movement of native animals and the potential for wildlife strike.

Roberts Jones urges further consideration of requirements in the draft DCP that put at risk airport safeguarding.

Recommendations

- The current controls do not clearly identify which objectives for the Aerotropolis take precedence (e.g., landscape led approach or airport safeguarding). The draft DCP must ensure that the framework and controls around wildlife hazards are clear and unambiguous such that the risks and impacts to the future operation of WSA are avoided and minimised.

5.4. RECOGNISE COUNTRY

As emphasised within SSD-18406916 Roberts Jones supports and is committed to recognising country in the development of its site. The draft DCP and Recognise Country Guidelines are significant steps to incorporate positively integrate the recognition of First Nations people and their culture in the built environment.

Roberts Jones is committed to setting a benchmark for Recognising Country in its Concept Master Plan having engaged Yerrabingin to provide a framework for engagement with traditional custodians to ensure their story and input can be incorporated into both the landscape and built form for the development.

Roberts Jones does have some concern that the \$20 million threshold is too low and may impact on those Traditional Custodians, cultural advisors, the local Aboriginal community, and other Aboriginal stakeholders who would be required to provide input and engagement on development in the Aerotropolis triggered by the criteria.

Roberts Jones recommends that DPIE engage with relevant stakeholders to understand their capacity to undertake this role for development within the Aerotropolis and whether there is capacity to respond within a timely manner.

Recommendations

- The controls must be clearer on the thresholds for Connection to Country. The \$20 million threshold must be increased to ensure that traditional custodians and knowledge holders are not overwhelmed by the number of projects they may need to be involved in.

6. CONCLUSION

Roberts Jones commends DPIE on the exhibition of the draft DCP and accompanying documents noting that the exhibition package proposes some positive changes to the planning documents including:

- Providing further guidance around Connection to Country requirements; and
- Performance based controls that focus on development outcomes.

However, the exhibited documents have also resulted in some fundamental concerns which relate to:

- The 200+ performance outcomes and 1000+ benchmark solutions
- Complex controls which are highly detailed verbose making the document difficult to interpret.
- The significant number of additional reports and guidelines referenced by the draft controls.
- The absence of the revised Precinct Plan noting multiple references within the draft controls.
- Stormwater management and the implementation of the MARV targets and implication on NDA,
- The conflicts and ambiguity within the draft DCP relating to a landscape led approach and airport safeguarding and the lack of clarity as to which controls take precedence.
- The significant implications to NDA resulting from the proposed site coverage/permeability requirements.
- Setbacks and road cross sections for industrial development that appear inconsistent with those recently adopted within the draft Mamre Road Precinct.

Given the short timeframe it has not been possible to review each clause within the DCP for potential inconsistencies. Roberts Jones is happy to provide further ongoing feedback on the draft DCP prior to its finalisation as the project team works through the controls relevant to SSD-18706916.

Roberts Jones is also keen to engage with DPIE and the WSPP in the context of SSD-18706916 to resolve the issues raised in this submission to ensure that the final draft DCP does not unreasonably impact on the future development of this strategic site.

Roberts Jones seeks the right balance between evidence-based planning and meeting the vision and objectives of the Western Sydney Aerotropolis Plan and Aerotropolis SEPP. This will ensure that those responsible for delivering the employment outcomes within the Aerotropolis are not put at a competitive disadvantage when compared to other more flexible employment precincts.

7. DISCLAIMER

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APPENDIX A

**PROPOSED SEPP AMENDMENT –
SSDA-18406916**

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URBIS

AMENDMENT TO AEROTROPOLIS SEPP 2020

Planning Submission &
Amendment Request

Prepared for

ROBERTS JONES BADGERYS CREEK

1 October 2021

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We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

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1. INTRODUCTION

This Planning Submission constitutes an Explanation of Intended Effect (EIE) to propose an amendment to *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (Aerotropolis SEPP/ASEPP). The EIE has been prepared by Urbis Pty Ltd (Urbis) on behalf of Roberts Jones Badgerys Creek (Roberts Jones/the Proponent) to the NSW Department of Planning, Industry and Environment (DPIE)

Robert's Jones is the owner and developer of a site at [REDACTED] Badgerys Creek. The site is the subject of a concurrent State Significant Development Application (SSDA) for a Concept and Stage 1 DA for a Warehouse and Distribution Centre (SSD18406916) which received SEARs in May 2021.

The site is directly adjacent to the Western Sydney International (Nancy Bird Walton) Airport (WSA). The concurrent SSDA proposes the development of globally significant warehouse and logistics precinct with direct synergy and connection to the operation of WSA. The site is an ideal location for the land use and is already generating significant market interest from global logistics and supply chain operators.

The request for a concurrent amendment to the Aerotropolis SEPP is made pursuant to s4.38 and Divisions 3.3 and 3.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

The SEPP Amendment request relates to clause 34 of the Aerotropolis and the requirement for an architectural design competition for development that is over 40m (12 storeys) and/or development with a capital investment value (CIV) of more than \$40 million.

Stage 1 of the proposed development has a CIV of \$145,235,000 and as such the SSDA triggers the requirement for a design competition under clause 34 of the Aerotropolis SEPP. This requirement for a design excellence competition is reflected in the SEARs issued for the project.

The proposed amendment to the Aerotropolis SEPP is requested on the basis that the requirement for a design competition is unreasonable and unnecessary in the circumstances of the case. A design competition will have limited benefit and lead to inefficiencies and unnecessary increases to costs and delays to the early activation of the Aerotropolis. The proposed amendment seeks an alternate approach to satisfying the design excellence requirements under Part 5 of the ASEPP for this site. This approach would include a review by a Design Review Panel pursuant to clause 33 of the Aerotropolis SEPP in accordance with an alternate design excellence strategy outlined in section 5 of this report.

This report outlines:

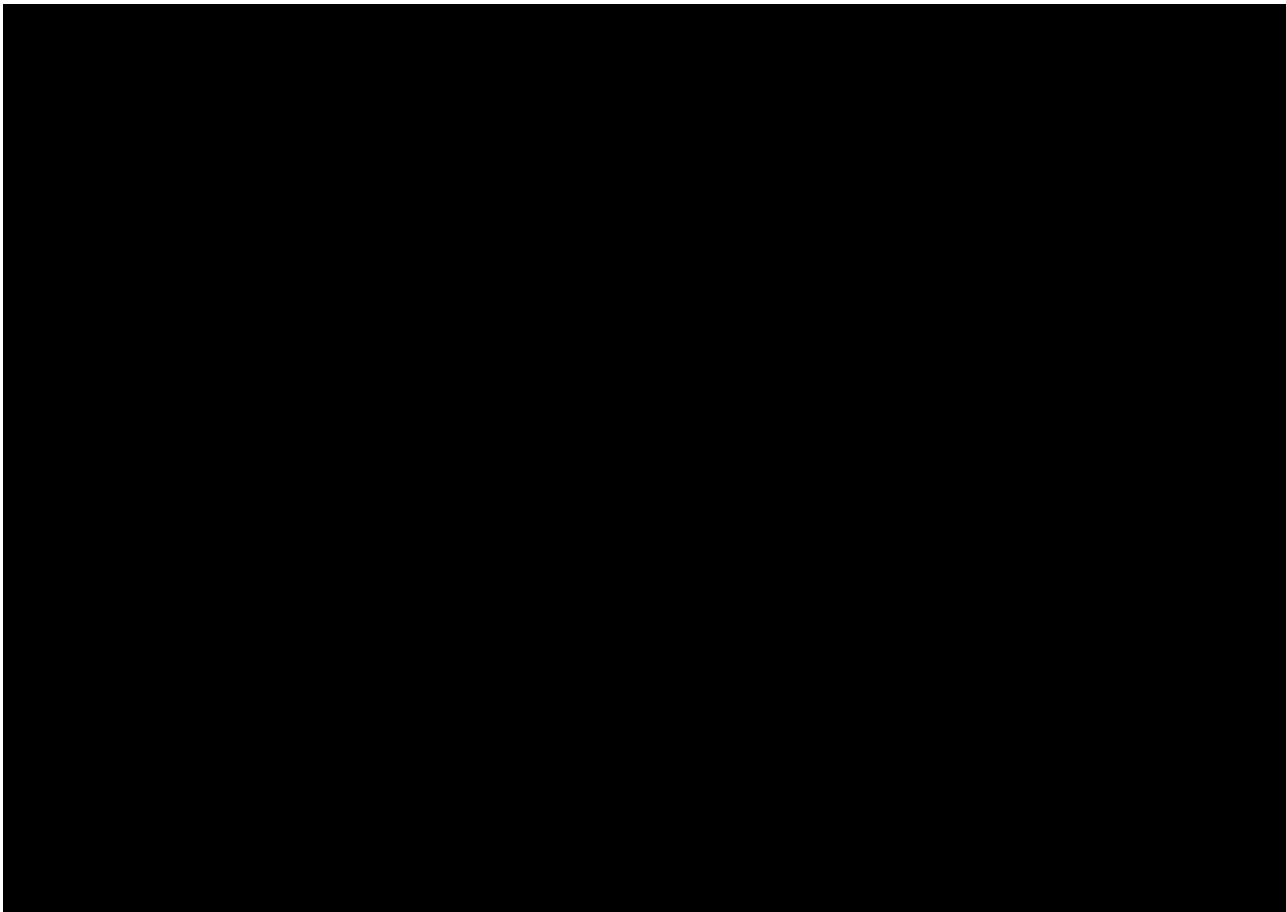
- A description of the site and the surrounding context,
- A summary overview of concurrent SSDA-18406916
- Explanation of Provisions including legislative framework, rationale for the proposed amendment and its intended wording,
- Alternate Design Excellence Strategy,
- Assessment of the amendment against the relevant s9.1 Ministerial Directions.

2. THE SITE

The site is located at [REDACTED] Drive Badgerys Creek. It is a significant landholding situated immediately north of the new Western Sydney Airport, within the Northern Gateway Precinct of the Western Sydney Aerotropolis.

The Site is located within the Penrith local government area (LGA) and is approximately 12.5-kilometres (kms) from the Penrith Central Business District (CBD), 27-km from the Parramatta CBD, and 47-km from the Sydney CBD (Refer to **Figure 1**).

Figure 1 Aerial Photo (including area of land acquired by TfNSW for the M12)



Source: Urbis, 2021

The Site is bordered by Elizabeth Drive to the south, Cosgroves Creek to the west, rural properties to the north and east, and Badgerys Creek to the north-east. The landholding has a 1600m frontage to Elizabeth Drive and is located directly opposite the Western Sydney Airport site.

The site is currently legally described as [REDACTED] (refer **Figure 2**). It is noted that this Lot and DP will be updated imminently as a result of the recent Gazettal of the lot acquired for the M12 Motorway Project [REDACTED]

As a result of the recent acquisition for the M12, the site area has been reduced to 284.8 ha. Despite the recent acquisition, the site remains one of largest landholdings within the Northern Gateway precinct. The site remains encumbered and fragmented by the proposed M12 Motorway, future Sydney Metro Western Sydney Airport and the M9 Outer Sydney Orbital transport corridors (approx.168ha).

3. SSD-18406916

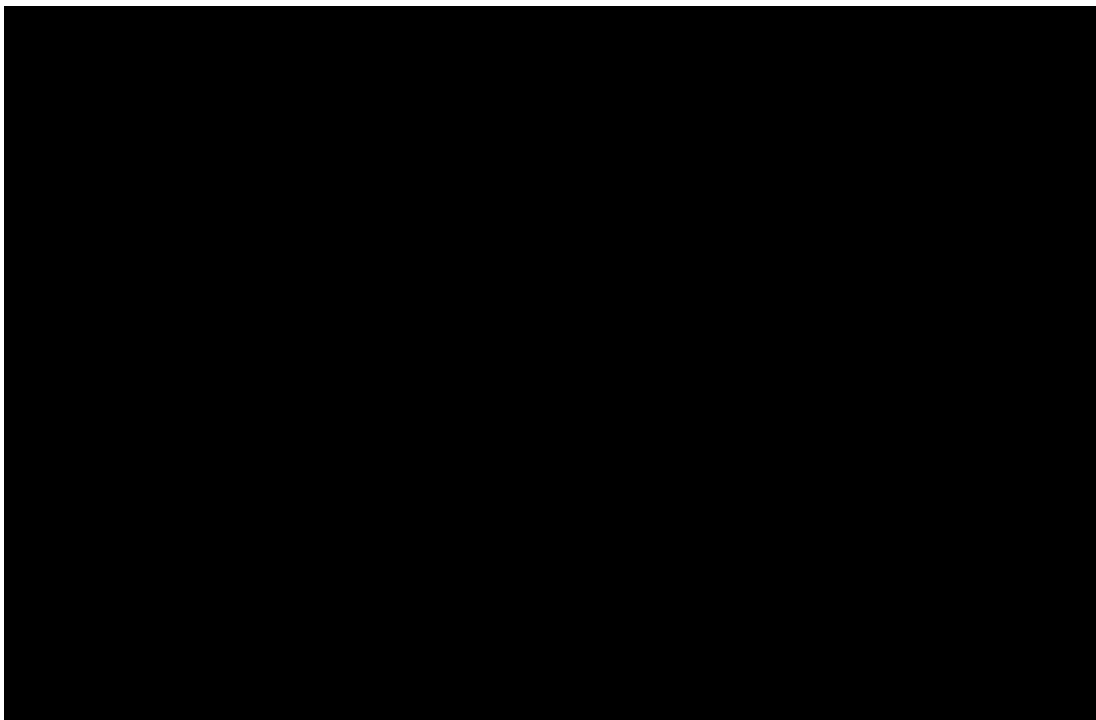
The concurrent Concept and Stage 1 DA for the warehouse and logistics estate relates to 114.60-ha of developable area and includes:

- Concept proposal to guide the staged development of the precinct
- Stage 1 development including;
 - Estate works across the site and
 - Development and use of Warehouse 3.1 on superlot 3 for a warehouse and distribution centre operating 24 hours a day, seven days a week.

Table 1 Summary of Proposed Concept Plan

Indicative Concept Plan	
Total Site Area	284.8-ha*
Development Area	114.60-ha
Industrial Superlots	7
Total Warehouse/Industrial GFA	47.78-ha
Total Office GFA	3.49-ha
Total Mixed-Use GFA	5.52-ha
Total Building Area	56.78-ha
Total Superlot Area	102.42-ha
Total Development FSR	0.55:1

Figure 2 Concept Plan

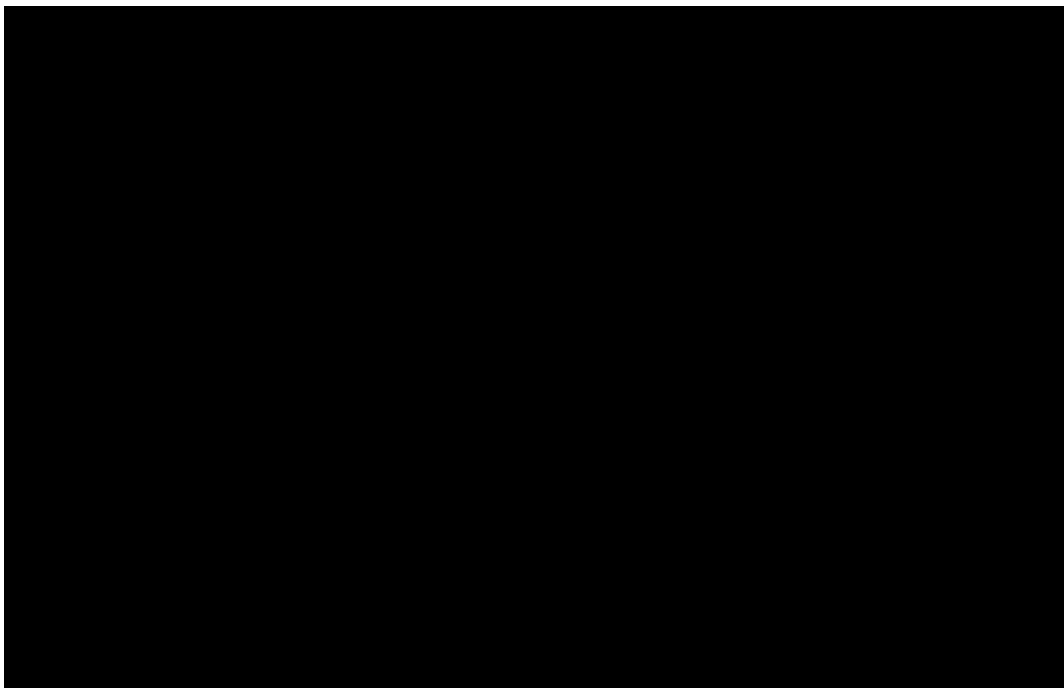


Source: Nettletontribe, 2021

Table 2 Summary of Stage 1 Development

Stage 1	Seeking Consent For
Estate Wide Works	<ul style="list-style-type: none"> ▪ Bulk and detailed earthworks, executed in a staged manner and including cut/fill, removal of farm dams and grading and benching ▪ Construction of structural support including retaining walls and batters ▪ Construction of the primary estate road connection to the external road network ▪ Staged construction of estate road network ▪ Staged construction of stormwater infrastructure ▪ Staged construction of trunk connections and internal reticulation of services and utilities. ▪ Temporary servicing will be required in advance of the permanent trunk servicing solutions which may include Interim Operating Systems which will be subject to Authority approvals. ▪ Staged subdivision of development lots ▪ Environmental management works including erosion and sediment control, land rehabilitation and stabilisation ▪ Drainage infrastructure to be complete within the riparian corridor of Cosgroves Creek in the site's north-west corner
Warehouse 3.1	<ul style="list-style-type: none"> ▪ Construction of Warehouse 3.1 and associated office space comprising 47,400sqm warehousing, 3,200sqm of office space and 280 parking spaces. ▪ Staged construction of site access, hardstand, loading and parking and on lot drainage infrastructure ▪ Site-specific landscaping, signage, and public domain works such as footpaths, street trees and internal site landscaping

Figure 3 Stage 1 - Proposed Estate Wide Works & Development of Warehouse 3.1



Source: Nettletontribe, 2021

The SEARs for the SSDA include the following requirement relating to design excellence.

Design excellence – including:

- *Prior to lodgement, the design brief and terms of reference setting out how an architectural design competition will be carried out in accordance with the relevant guidelines (such as the GANSW Design Excellence Competition Guidelines) must be reviewed and approved by the Government Architect NSW;*
- *The proposal must be subject to an architectural design competition carried out in accordance with the approved brief and terms of reference with any recommendations from the competition jury report addressed prior to lodgement;*
- *The EIS must include a Design Excellence Strategy (DES), including;*
 - *demonstrating how the proposed development will exhibit design excellence in accordance with Part 5 of the Aerotropolis SEPP;*
 - *how the proposed development has addressed recommendations from the competition jury report; and*
 - *measures to ensure design integrity will be maintained in subsequent stages of the planning process (such as post approval and any modifications).*

Proponent Response:

Following the issue of SEARs in May 2020, the proponent has regularly engaged with DPIE Industry Assessments. As part of this engagement the proponent has sought further clarity around its expectations around design excellence to address both the SEARs and the Aerotropolis SEPP. This included requests to engage directly with the NSW Government Architect and submission to DPIE a process to address design excellence.

As there has been no clear direction to the proponent on design excellence, nor any direction to engage with the NSW Government Architect, the proponent has reviewed all options legally available under the EP&A Act 1979 to enable it to progress the application to lodgement and assessment.

As s4.38 and Divisions 3.3 of the EP&A Act allows for a development application to be made and considered concurrently to a proposed amendment to an EPI the most appropriate course of action in this circumstance is to request an amendment to the Aerotropolis SEPP to make provisions for an alternate design excellence process for the development of the subject site.

The explanation of provisions and rationale for the proposed amendment to the Aerotropolis SEPP is outlined in Section 4 of this report.

4. EXPLANATION OF PROVISIONS

4.1. LEGISLATIVE FRAMEWORK FOR THE PROPOSED AMENDMENT

4.1.1. SEPP Western Sydney Aerotropolis (2020)

The principal environmental planning instrument (EPI) which applies to the land is *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (ASEPP). The sites zoning under the ASEPP is part Enterprise (ENT), part Environment and Recreation (ENZ) and part SP2 Infrastructure. Warehouse and distribution centres are permissible development within the ENT zone.

The site is the subject of a concurrent SSDA (SSD-18406916) for a Concept and Stage 1 development for a large format warehouse and logistics estate and includes the development of a 47,400 sqm warehouse on Superlot 3. The proposed development is appropriately classified SSD by virtue of warehouse building 3.1 which meets the current CIV requirement of \$30 million for a warehouse and distribution centre at one location and related to the same operation under Schedule 1 (12) of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP).

Planning Circular PS 10-008 provides that the calculation of CIV for staged development also relates to the CIV of all separate applications comprising the overall staged development. As Stage 1 of the development has a CIV of \$145,235,000 the development exceeds \$40 million. The SSDA therefore triggers the requirement for an architectural design competition pursuant to clause 34 of the Aerotropolis SEPP.

Clause 34 is one of several pre-conditions to the granting of development consent under the ASEPP and states:

34 Architectural design competition

- (1) *This clause applies to the following development*
 - (a) *development in relation to a building that has, or will have, a height above ground level (existing) greater than 40 metres or 12 storeys,*
 - (b) *development with a capital investment value of more than \$40 million.*
- (2) *Development consent must not be granted to the development unless*
 - (c) *an architectural design competition approved by the Government Architect NSW is held, and*
 - (d) *the design of the development is the winner of the architectural design competition, and*
 - (e) *the consent authority is of the opinion that the development exhibits design excellence.*

Unlike design excellence clauses within other EPI's (e.g. clause 8.4(4) of the *Penrith Local Environmental Plan 2010*) there is no discretionary mechanism within clause 34 for a consent authority to waive the requirement for a design competition. The effect of the wording of clause 34 means that any development to which this clause applies would be prohibited if it does not undertake an architectural design competition.

4.1.2. Environmental Planning and Assessment Act 1979

As there is no discretionary provision within the clause 34 the only possible way for this requirement to be waived is via a concurrent SEPP amendment made pursuant to s4.38 and Division 3.5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) as stepped out below:

- **Section 4.38 of the EP&A Act Consent for State Significant Development** allows for a development that may be wholly or partly prohibited to be considered in accordance with Division 3.5 in conjunction with a proposed environmental planning instrument to permit the carrying out of development. Given the CIV of the development and wording of clause 34 of the ASEPP, a consent authority cannot grant consent to a development that has not undertaken an architectural design competition. It therefore follows that any development subject to this clause that does not undertake a design competition would be prohibited.
- **Division 3.5 sections 3.38-3.40 relates to Planning instrument amendments and development applications.** This division allows the making and consideration of a development application to carry out development that may only be carried out if that EPI applying to the land is appropriately amended. Section 3.40 provides that public notice for the making of an EPI and the DA is to be given by the same notice or if not, as closely together that is practicable. As outlined in section 4.2 below, the requirement for the design competition is considered unreasonable and unnecessary in the circumstances of the proposed development. As such, this report constitutes a request and EIE to appropriately amend the Aerotropolis SEPP to enable the carrying out of the proposed development.

- **Division 3.3 sections 3.29-3.30 relates to Environmental Planning Instruments – SEPPs.**
Division 3.3 allows for a SEPP to be made by the Governor to make provision with respect to any matter that in the opinion of the Minister is of state or regional planning significance. This division also requires that prior to the making of the EPI the minister take such steps, if any, as the Minister considers appropriate and necessary to publicise an explanation of the intended effect, and to seek and consider submissions from the public on the matter. As the principal EPI in this instance is a SEPP, any amendment would be required to follow the process outlined in Division 3.3. This report constitutes an explanation of intended effect and can be publicly exhibited concurrently to the SSDA in accordance with section 3.40 of the EP&A Act 1979.

4.2. RATIONALE FOR THE PROPOSED AMENDMENT

The requirement for a design competition is considered unreasonable and unnecessary in the circumstances of the subject development for these reasons:

- The requirement for an architectural design competition for design concept and built form for a large-scale warehouse and logistics precinct is unprecedented and considered significantly onerous given the specific design requirements for the development typology.
- A design competition will have limited benefit and lead to inefficiencies and unnecessary increases to development costs. A design competition would significantly delay the timing and delivery of investment, jobs and early activation of the Aerotropolis.
- There are a limited number of Architectural practices that specialise in the master planning and development of large format warehouse and logistics precincts. Given the specific and standardised design and layout requirements of these precincts, a competitive design process would likely result in similar development outcomes which would render the process unnecessary.
- A significant component of the development includes a concept plan driven by the knowledge of end user requirements and estate wide site preparation. Built form is limited to one large format warehouse building.
- The proponent has attempted to engage with the Planning Partnership and NSW Government Architect since SEARs were issued in May 2021 however has had no response nor an outline on the type of competition expected to satisfy clause 41.

The proponent is committed to achieving design excellence. A consultative design review panel is considered to be a more appropriate and efficient mechanism to achieve design excellence outcomes for this large scale warehouse and logistics estate within the Aerotropolis. The proposed amendment therefore seeks to establish a site-specific provision which would impose the requirement of a design review panel for specific land uses and development as outlined in section 4.3 below.

4.3. PROPOSED AMENDMENT TO THE AEROTROPOLIS SEPP

The objective of the proposed amendment is to enable certain types of development that would ordinarily be subject to an architectural design competition to address design excellence through a design review panel. It is proposed that a new site-specific clause be added to Part 8 Miscellaneous of the ASEPP as follows:

XX [TBC] *Certain development at 1953 to 2109 Elizabeth Drive Badgerys Creek*

- (1) *Clause 34 Architectural Design Competition does not apply to development identified in sub clause XX (2) (a) – (f). or where the Secretary is of the opinion that an architectural design competition would be unnecessary or unreasonable in the circumstances of the case.*
- (2) *Clause 33 – Design Review Panels applies to the following development,*
 - (a) *Concept Development Applications under Division 4.4 of the Environmental Planning and Assessment Act 1979,*
 - (b) *Warehouse and distribution centres,*
 - (c) *General industries,*
 - (d) *Light industries*
 - (e) *Freight transport facilities,*
 - (f) *Hardware and building supplies,*
 - (g) *Industrial training facilities*
 - (h) *Ancillary development related to any of the above land uses*
- (3) *A design excellence strategy must be prepared and endorsed by the NSW Government Architect as part of any concept development application to guide future development of the site in accordance with any approved concept plan.*

5. PROPOSED ALTERNATE DESIGN EXCELLENCE STRATEGY

5.1. LAND TO WHICH THIS STRATEGY APPLIES

This design excellence strategy applies to the land at 1953 – 2109 Elizabeth Drive, Badgerys Creek. The strategy has been prepared to guide the development and design excellence of the Concept and Stage 1 SSDA (SSD-18406916) for a warehouse and logistics estate.

5.2. OBJECTIVE OF THIS STRATEGY

The objective of the proposed design excellence strategy is to ensure that the highest quality architectural, urban and landscape design in accordance with the Design Excellence objectives within the Aerotropolis SEPP and the policy entitled *Better Placed*, published by the Government Architect NSW.

5.3. PURPOSE OF THIS STRATEGY

The purpose of this strategy is to outline the process for achieving design excellence including:

- Outline the processes by which design excellence can be achieved on the site.
- Outline the procurement of suitably qualified and experienced urban, architectural and landscape design professionals.
- Provide a design review program including the frequency of design review throughout the development process including any key hold points.
- Outline when a design excellence competition would be required.

5.4. WHEN IS DESIGN EXCELLENCE REQUIRED?

Design excellence is required for development on the site that meets either the general and/or site-specific criteria for design excellence within the Aerotropolis SEPP. Design excellence can be achieved by either Design Excellence Review or an Architectural Design Competition.

5.5. CRITERIA FOR ACHIEVING DESIGN EXCELLENCE

5.5.1. Procurement of Design Professionals

The procurement of suitably qualified and experienced urban, architectural and landscape design is a critical criterion for achieving design excellence. Design professionals must be registered in their field and able to demonstrate experience in providing high quality buildings, landscaping and public space or urban design. All selected professionals must demonstrate sufficient capacity to deliver design excellence. Appointed design professionals should have skills and expertise that meet, or are equivalent to, the requirements for eligibility on the NSW Government's prequalification scheme- Government Architect's Strategy and Design Excellence (<https://www.governmentarchitect.nsw.gov.au/procurement/prequalification-scheme>).

5.5.2. State Environmental Planning Policy Western Sydney Aerotropolis.

All future development of the site undertaken in accordance with the proposed concept plan must have regard to Clause 35 (1) and (2) of the Aerotropolis SEPP:

35 Consideration of design excellence

- (1) *In considering whether development exhibits design excellence for the purposes of this Part, the consent authority must have regard to the following matters—*
- whether the development responds to the physical and cultural connection of the local Aboriginal community to the land,*
 - whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*

- (c) *whether the form and external appearance of the development will improve the quality and amenity of the public domain,*
- (d) *whether the development detrimentally impacts on view corridors.*
- (2) *The consent authority must also have regard to how the development addresses the following matters—*
 - (a) *the suitability of the land for development,*
 - (b) *the existing and proposed uses and use mix,*
 - (c) *Aboriginal heritage,*
 - (d) *the relationship of the development with other buildings (existing or proposed) on the same site or neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - (e) *the bulk, massing and modulation of buildings,*
 - (f) *street frontage heights,*
 - (g) *environmental performance and amenity standards, such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,*
 - (h) *the achievement of the principles of ecologically sustainable development,*
 - (i) *pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,*
 - (j) *the impact on, and proposed improvements to, the public domain,*
 - (k) *the impact on special character areas,*
 - (l) *achieving appropriate interfaces at ground level between the building and the public domain,*
 - (m) *architectural diversity where the development is to consist of more than 2 buildings.*

5.5.3. NSW Government Architect - Better Placed

All future development on the site undertaken in accordance with the proposed concept plan must demonstrate how it achieves the 7 objectives of the policy entitled Better Placed, published by the Government Architect NSW as follows:

- *“Objective 1 – Better fit , contextual local and of its place*
- *Objective 2 – Better performance, sustainable, adaptable and durable.*
- *Objective 3 – Better for community inclusive, connected and diverse*
- *Objective 4 – Better for people, safe, comfortable and liveable.*
- *Objective 5 – Better working, functional, efficient and fit for purpose,*
- *Objective 6 – Better value, creating and adding value*
- *Objective 7 - Better look and feel, engaging, inviting and attractive.”*

5.5.4. NSW Government Architect – Connecting to Country

All future development on the site undertaken in accordance with the proposed concept plan must demonstrate that the planning and design of the development has been informed by and responds to Aboriginal cultural connections to Country, having regard to the commitment and principles for action in the Draft Connecting with Country framework, Nov 2020 (Section 3.1) and any requirement of the Aerotropolis Precinct Plan approved by the Minister.

5.5.5. Concept Plan Design Excellence Principles

The Concept Plan incorporates the following key design guidelines and design excellence principles.

The Concept Plan incorporates the following key design guidelines to achieve design excellence.

- **Connecting to Country:** All future development on the site undertaken in accordance with the proposed concept plan must demonstrate that the planning and design of the development has been informed by and responds to Aboriginal cultural connections to Country, having regard to the commitment and principles for action in the Draft Connecting with Country framework, Nov 2020 (Section 3.1) and any requirement of the final Aerotropolis Precinct Plan.
- **Contextually minded –** The design of future development is to be derived and informed by its place, including the past, present and potential future character of the local natural and built environment.

- **Environmental performance** – The design of future development is to achieve for the highest level of environmentally sustainable design and performance standards.
- **Community Oriented** – The design of future development will look to create for an inclusive community with equal opportunity and amenity for all.
- **Public amenity and safety** – The design for any infrastructure will look to provide for a safe street network, active transport network and accessibility to a range of public open space offerings. The proximity to the airport and aircraft will be an important consideration in terms of safety to both aircraft and the northern gateway occupants.
- **Fit for purpose design** – The design of future development will cater for ultimate flexibility, to allow for a range of efficient and bespoke built environment solutions specific to occupant requirements and needs.
- **Value Add** – Good design will generate value for both the occupants and the broader community by providing spaces appropriate for all to use and share
- **Attractive environment** – The design of the built environment as well as its surrounds should be visually pleasing, and an enjoyable place to be in. The more appealing a space is, the better the experience for the occupants and their day-to-day enjoyment.
- **Landscape led solutions** – The design will incorporate best practice landscape solutions that address connectivity, Health and wellbeing, a sense of place, be climate positive, promote biodiversity, incorporate water sensitive urban design principles, and promote tree canopy.

By incorporating the above design guidelines the proposed Concept Plan will achieve following design excellence outcomes.

- A physical and cultural connection of the local Aboriginal community by maintaining and rehabilitating the existing natural environment and enhancing memorable places. The Concept Plan design and approach to the green infrastructure has been informed by engagement with local First Nations people, facilitated by Yerrabingin. Their voices have been part of the detailed design approach which ensures that that the development can integrate spaces to provide both custodial and economic opportunities for the Aboriginal community.
- Ensure that all buildings can demonstrate and achieve a high standard of architectural design, material selection and detailing whilst still ensuring that end user requirements can be accommodated as appropriate for a warehouse and logistics estate.
- The external appearance and design of Warehouse 3.1 draws inspiration from the sites past and speaks to its future. Elements such as the undulating topography, the layers in the earth, and the organic form of the local fauna are celebrated in the built form which represents the sites future, a gateway to the airport.
- The built form of Warehouse 3.1 demonstrates dynamic and interesting façade elements which contribute to the development’s contribution to the quality and amenity of the public domain.
- The Concept Plan will enhance view corridors by anchoring landscaped open space offerings along the road alignment which ensures the riparian edge along Cosgroves Creek can be enhanced as a focal point and destination. The landscaping along the proposed road alignment provides a link which interconnects the various green infrastructure elements throughout the site.
- The development will rehabilitate and enhance field validated riparian corridors and areas of biodiversity value zoned ENZ. The built form elements are located on ENT zoned land and in areas that have been subject to detailed technical investigations to validate riparian corridors, biodiversity and the 1:100 flood planning extent.
- The proposed Concept Plan has been based off detailed Aboriginal and European Heritage investigations. Key sites have been integrated in to the green infrastructure for the site and will be retained and enhanced for future public benefit.
- The proposed Concept Plan recognises the importance for smaller allotment sizes to accommodate higher order land uses, along Elizabeth Drive. Development along this frontage can provide activation and articulated frontages to this key arrival corridor to WSA. Larger format warehousing and other similar industrial uses have been located on the secondary estate roads which a lined with high canopy tree planting. Hardstand and operation areas are orientated away from main collector roads to provide greater visual and pedestrian amenity within the public domain.

- The implementation of the Sustainability Management Plan (SMP) will ensure sustainability outcomes can be achieved. The SMP will guide waste minimisation and water conservation strategies such as providing waste storage and recycling facilities, rainwater collection for toilets, irrigation and truck wash down, and also water efficient and drought tolerant landscaping.
- The SMP outlines a range of sustainability measures to be incorporated in all future development and includes the following:
 - Consider passive design to minimise energy use such as orientation, ventilation, shading and floor plate design;
 - Appropriate sizing of plant and equipment in heating, cooling, lighting, and control systems;
 - Reduce reliance on connection to grid electricity and gas;
 - Implement roof and external wall insulations and reduced glazing areas;
 - Passive solar design for external outdoor areas;
 - Power sub-metering to enable continued review of power consumption within the offices and warehouse;
 - Use roofing material with a high Solar Reflective Index; and
 - Investigate current insulation design.
- Warehouse 3.1 has been designed to provide the highest level of amenity and ESD initiatives including:
 - End of trip facilities,
 - Secure bike parking,
 - Electric car charging,
 - Landscaped open space.
 - Overshadowing, sun shading and other elements provide for improved comfort and energy efficiency for the ancillary office components of the development.

The incorporation of the above design elements will ensure an enhanced employee experience and encourage active transport modes of transport. They will also achieve significant reductions in the energy required for the development on the site both within the construction and operational phases.

- The Concept Plan intends to deliver a high-amenity road network with the potential to connect the vehicle and active transport links to adjacent landholdings in line with the proposed precinct plans.
- The Concept Plan has offset the loss of the central riparian corridor through the provision of a range of open spaces of varying sizes to cater for the needs of the future working population on the site. These open space areas will be within 400m from all parts of the site. Where walking distances are greater than 10 minutes an extensive cycle path network will ensure these areas will still be readily accessible.
- The Concept Plan provides a pedestrian and cycle network that can be linked to the surrounding active transport network allowing for connectivity throughout the Aerotropolis.
- Vehicle access points to future development sites will be restricted to the secondary 24m Industrial Road network, creating a formal boulevard and entry into the estate.

5.6. DESIGN EXCELLENCE REVIEW PANEL

5.6.1. Purpose

The purpose of the Design Excellence Review Panel is to provide an independent expert design quality advice and evaluation to inform the consent authority's consideration on whether a development exhibits design excellence in accordance with clause 35 of the Aerotropolis SEPP. This review includes advice on the design quality of concept development applications and other development types that are not required to undertake an architectural design competition on the site under the Aerotropolis SEPP.

5.6.2. Guidelines and Terms of Reference

In the absence of any formalised design excellence review panel specific to the Aerotropolis, relevant development on the site that is subject to a design excellence review panel is to follow the State Design Review Panel guidelines and its established terms of reference as published on the NSW Government Architect's website.

5.6.3. Design Excellence Review Panel

It is proposed to adopt NSW Government Architect's recommended panel of four plus the chair for State Design Review Panels. The Government Architect will endorse the design excellence review panel composition.

The panel make up should be based on the type of development being proposed. For example, for a concept development application, this would mean appropriately qualified urban and landscape designers and a representative of the local indigenous community to comment on how a development has addressed Connecting to Country.

For warehousing and industrial development this would mean an architect or other design professional that has had experience in designing or master planning large format warehouse / industrial estates and has a broad understanding of the detailed design requirements specific to this typology.

If recommended by the Consent Authority, Panel Chair or requested by the Proponent, a probity advisor should be appointed as an observer. The probity advisor will ensure the integrity of the Panel and the Design Review Panel process.

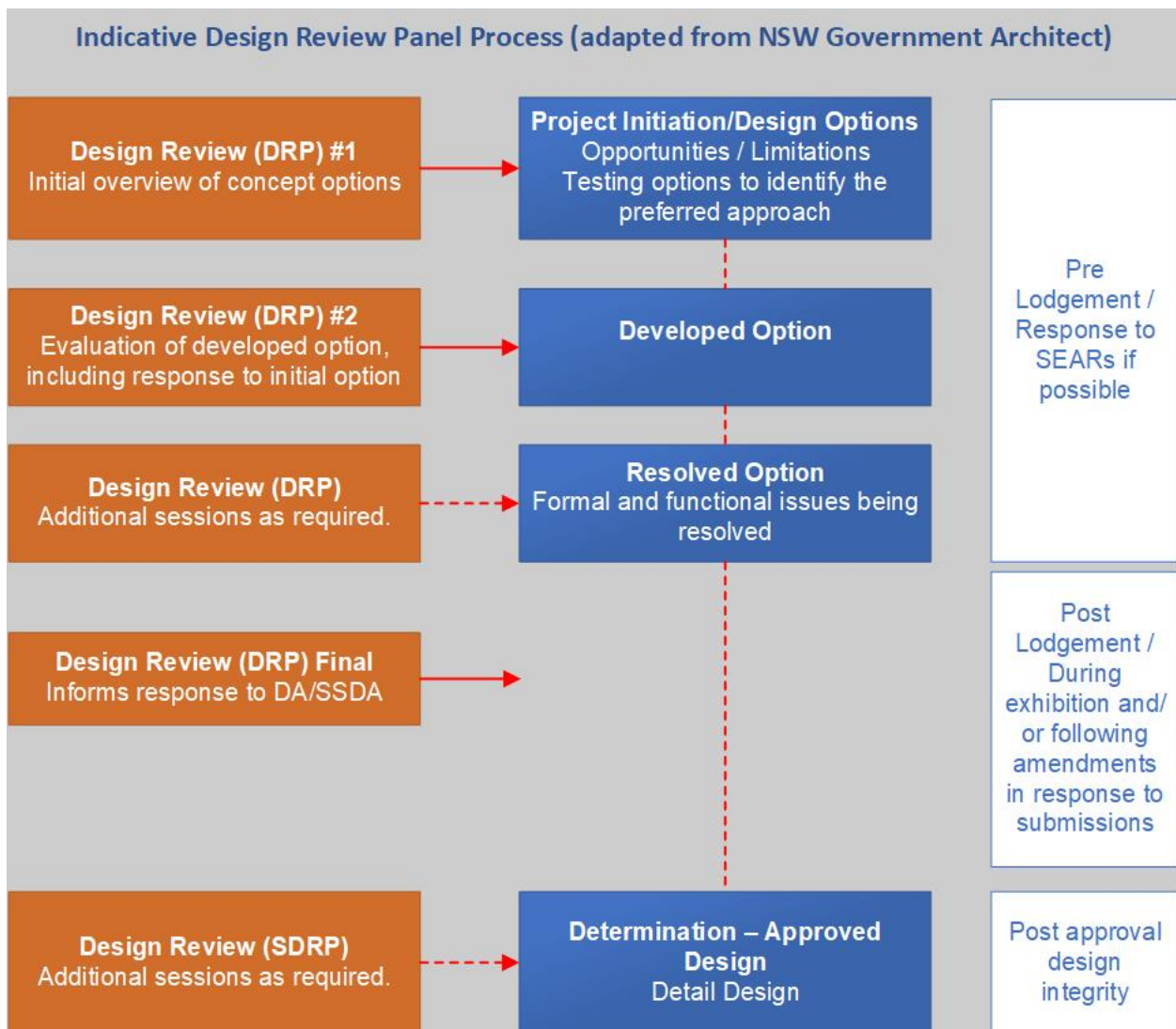
The design review panel should work collaboratively with the proponent to provide guidance and identify and address key matters required to achieve design excellence consistent with the requirements of the Aerotropolis SEPP and any Precinct Plan which applies to the land. Where appropriate and necessary the Design Review Panel may appoint technical advisors to provide specialist advice during the review.

In accordance with the NSW State Design Review Panel Terms of Reference the role of the Panel is advisory only. The advice provided will not fetter the independence of the consent authority.

5.6.4. Process

The process for design review should be generally in accordance with the following indicative sequence of design adapted from the NSW Government Architect. However, in the case of SSDA-18406916 which relies on a concurrent request to amend the Aerotropolis SEPP. Referral of the application to the design review panel must take place as soon as practicable following the formal lodgement with any recommendations issued as a request to the applicant to provide a detailed response to submissions (RTS).

Figure 4 Indicative Design Review Panel Process



Source: NSW Government Architect -Adapted by Urbis

5.7. DESIGN INTEGRITY

Design integrity is a process following design excellence to ensure ongoing design review. When ongoing design integrity is required a design integrity panel should be selected and appointed by the NSW Government Architect.

Where possible, the panel should include members of the original design excellence review panel and provide consistent advice throughout the integrity review process.

Stages in the development process where a design integrity review may be warranted include:

- Before lodgement of any section 4.55 or amending DA that modifies the design
- Before issue of any construction certificate for built form.
- Before issue of the occupation certificate for built form.
- Where detailed development of the approved concept plan does not meet the requirements for either a design review panel or competitive design process under the Aerotropolis SEPP.

Where the consent authority is of the opinion that ongoing design integrity is required, the requirement must be included in any conditions of consent for the approved development.

Ongoing design integrity is not required where, in the opinion of the panel and/or the consent authority, the detailed development remains broadly consistent with the development endorsed by the original design review panel.

5.8. ARCHITECTURAL DESIGN COMPETITION

An Architectural Design Competition in accordance with the NSW Government Architect Guidelines is to be undertaken for all development not subject to the proposed site-specific provision unless the Secretary determines that a design competition is unreasonably or unnecessary in the circumstances of the case.

As part of the design review panel process for the concept plan for SSDA-18406916 the proponent and the NSW Government Architect are to discuss and agree on specific development sites and/or typologies where an architectural design competition may be required.

6. SECTION 9.1 DIRECTIONS BY THE MINISTER

The proposed amendment to the Aerotropolis has been assessed against the relevant Ministerial Directions under Section 9.1 of the EP&A Act and is consistent, as outlined in the table below:

Table 3 Relevant Section 9.1 Directions

Number	Ministerial Direction	Comment
1.1	<p>Business and Industrial Zones <i>This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary)</i></p>	<p>The proposed amendment to the ASEPP supports the objectives of this direction as it will encourage employment growth and development in a suitable location which is zoned for that purpose. The proposed amendment will ensure that functional and efficient, fit for purpose employment related development can be achieved without the need for an unnecessary design competition process. This approach will speed up the delivery of essential employment land adjacent to the new WSA.</p>
3.5	<p>Development Near Regulated Airports and Defence Airfields <i>This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield</i></p>	<p>The proposed amendment does not affect the airport safeguarding controls within the Aerotropolis SEPP nor will it facilitate incompatible and/or noise sensitive development adjacent to the WSA.</p>
5.10	<p>Implementation of Regional Plans <i>This direction applies when a relevant planning authority prepares a planning proposal.</i></p>	<p>The proposed amendment remains consistent with the Regional Plan as it maintains a design excellence process on the site that will ensure that the highest design and sustainability standards within the Aerotropolis can be achieved albeit through an alternate design review panel process.</p>
6.3	<p>Site Specific Provisions <i>This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.</i></p>	<p>Whilst the objectives of the proposed amendment could be achieved by the amendment of the relevant clauses relating to design excellence within the Aerotropolis SEPP, the proposed site-specific provision is considered the most appropriate way to facilitate the amendment in this instance. This is because a site-specific provision would not undermine the application of the design excellence clause across the Aerotropolis.</p>
7.8	<p>Implementation of the Western Sydney Aerotropolis Plan <i>This direction applies when a relevant planning authority prepares a planning proposal for land the subject of the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (SEPP). This includes any land to which clause 5 of the SEPP applies.</i></p>	<p>The proposed amendment remains consistent with the Western Sydney Aerotropolis Plan as it will ensure that a design excellence process is maintained for the development of the land. This alternate design review panel process is better suited to industrial/warehouse development and will still ensure the highest design and sustainability standards and objectives of the WSAP can be achieved within the Aerotropolis. The proposed amendments will ensure that Connecting to Country and a landscape led design approach can be maintained across the site consistent with the objectives, planning principles and priorities for the Aerotropolis.</p>

7. CONCLUSION

This Planning Submission constitutes and Explanation of Intended Effect to propose an amendment to *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (Aerotropolis SEPP/ASEPP).

The SEPP Amendment request relates to clause 34 of the Aerotropolis and the requirement for an architectural design competition for development that is over 40m (12 storeys) and/or development with a capital investment value (CIV) of more than \$40 million.

The proposed amendment to the Aerotropolis SEPP is requested on the basis that the requirement for a design competition is unreasonable and unnecessary in the circumstances of the case. Warehouse and industrial developments are user led, not design competition led and as such the eventual build out of the proposed concept plan will be based on specific end user requirements.

A competitive design process with multiple architects will lead to inefficiencies and unnecessary increases to development costs that will ultimately result in delays to the early activation of the Aerotropolis. This requirement will therefore impact a key development sector not ordinarily accustomed to undertaking this process and as such will likely impact and discourage their investment within the Aerotropolis.

The proposed amendment seeks an alternate approach to satisfying the design excellence requirements under Part 5 of the ASEPP for this site. This approach would include a review by a Design Review Panel pursuant to clause 33 of the Aerotropolis SEPP in accordance with an alternate design excellence strategy outlined in section 5 of this report.

This report outlines:

- A description of the site and the surrounding context,
- A summary overview of concurrent SSD-18406916,
- Explanation of Provisions including legislative framework, rationale for the proposed amendment and its intended wording,
- Alternate Design Excellence Strategy,
- Assessment of relevant section 9.1 Ministerial Directions.

It is considered that the proposed amendment will not undermine or derogate from the achievement of design excellence on this site nor the wider Aerotropolis. The proposed amendment is reasonable given the timing of the proposed development and the type of land uses proposed on the site.

We request that the Department of Planning, Industry and Environment consider and progress this proposed amendment to exhibition concurrently with the proposed SSD-18406916 for a State Significant Concept and Stage 1 Development Application for a Warehouse and Distribution Centre at 1953-2109 Elizabeth Drive Badgerys Creek.

DISCLAIMER

This report is dated 1 October 2021 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Roberts Jones Developments (**Instructing Party**) for the purpose of SEPP Amendment (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX B AT&L RESPONSE

05 November 2021

BHL Group
Level 16, 5 Martin Place,
SYDNEY NSW 2000

Your Ref:
Our Ref: LTR006-01-19-663-Phase 2 DCP
Submission.docx

Attention: Adam Carmody

Email: 

Dear Adam,

RE: WESTERN SYDNEY AEROTROPOLIS DEVELOPMENT CONTROL PLAN – PHASE 2
SUBMISSION TO NSW DPIE

AT&L have now been involved in the design development of the Aerotropolis Precinct for over four years. During that time, we have worked closely with both Government and Private Enterprise to explore and develop engineering solutions for the required infrastructure across the developable lands.

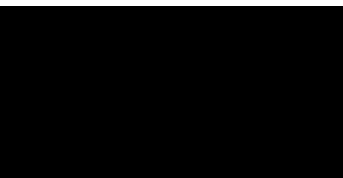
We acknowledge and agree with the aspirations of Government that development within the Aerotropolis Precinct achieves connectivity, liveability, productivity, and sustainability. We also accept that the development of the Western City cannot be Business as Usual although the aspirational outcomes of Government must also be economically sustainable and not stifle development and the employment outcomes.

Appreciating the difficult constraints across the Aerotropolis Precinct that challenge the development of the lands, we have been working closely with landholders, Developers, and Authorities to develop holistic engineering solutions to achieve the objectives for development and the economic drivers that underpin the development and employment.

We welcome the opportunity to provide this Submission to the NSW Department of Planning, Industry and Environment (DPIE) in relation to the Aerotropolis Phase 2 DCP, as it would apply to large-format industrial development sites within the Aerotropolis, Badgerys Creek and Northern Gateway precincts.

In reviewing the Phase 2 DCP, we have also taken the opportunity to review several of the associated referenced documents which are listed within this submission.

Should you have any questions, please don't hesitate to contact the undersigned.



Anthony McLandsborough
Director – AT&L

As an industry professional, we acknowledge that development within Aerotropolis cannot be Business as Usual and as an industry we must strive for better and more sustainable outcomes, but this must be measured against the economic viability and sustainability outcomes. We acknowledge that the development outcomes of today will differ to the development outcomes in 2060. Any controls and objectives established by Government must consider the developments needs of today and not succumb to 2060 idealistic outcomes that may never eventuate.

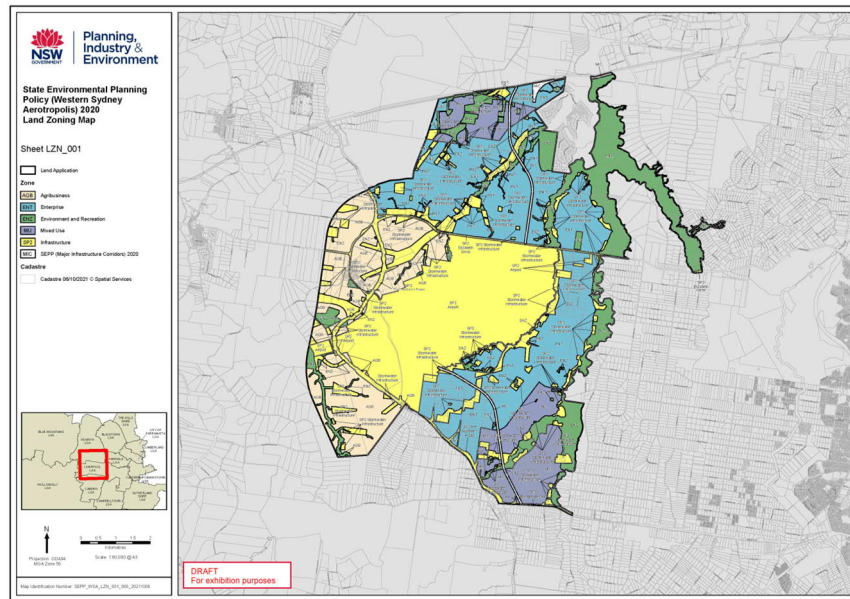
The BHL Northern Gateway development site provides a unique opportunity to create an economical and sustainable development, whilst maintaining its competitiveness within a market that stretches the eastern states of Australia. Given the size of the single land holding of over 200Ha and being uniquely positioned at the northern end of the airport directly adjacent to Elizabeth Drive, the site, in the fullness of time will become a premiere warehouse and logistics hub within Sydney. Planning is well underway across the site and harnessing the lessons learnt and targets and objectives of the Mamre Road DCP, a clear and aspirational vision is being finalised. The project vision incorporates many of the aspirational targets that both DPIE and the PPO are looking for and has clearly established the benchmark for the Western City.

Should the following DCP Phase 2 Controls be adopted, our competitiveness within the market will be lost as will the opportunity to see the BHL vision through.

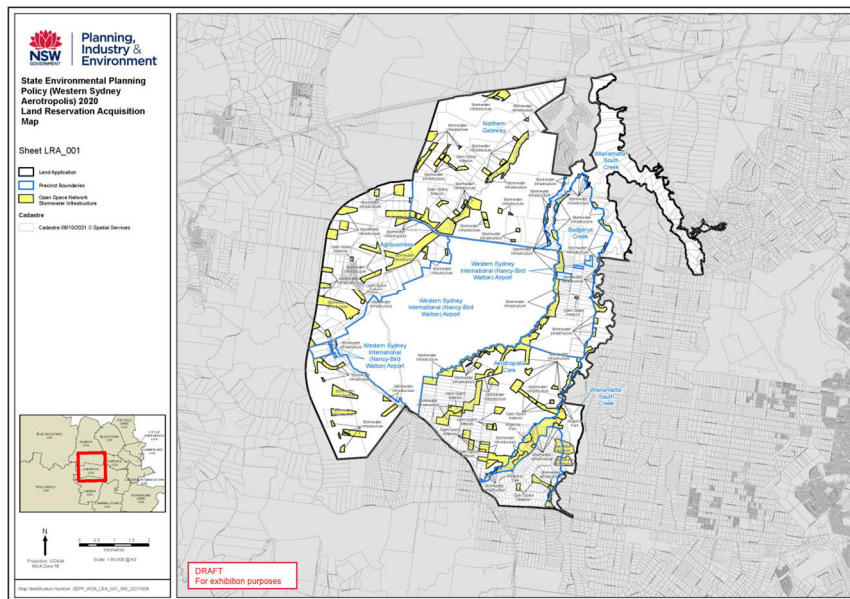
The following table has been prepared to identify the key development and employment constraints that, as experts within the Civil Infrastructure and industrial land development field, we believe will stifle development within the Aerotropolis and in doing so will delay development, push up costs, force tenants to look at alternative jurisdiction and suffocate the Governments employments targets.

Issue	SP2 – Stormwater Infrastructure zoning and Land Reservation Acquisition
Reference	<p><i>Western Sydney Aerotropolis – Explanation of Intended Effect</i></p> <p>Acquisition of land for Stormwater Infrastructure</p> <p>The WSAP advocates for the Aerotropolis to become a cool green place that retains water in the landscape. To achieve this outcome, for a stormwater system that promotes waterway health and water recycling, the planning framework needs to provide sustainable outcomes in the long term.</p> <p>The future stormwater system requires space for creation and management of dams and storm water detention systems and needs to identify land for the protection of riparian corridors. In order to achieve this, there is a need for the identification and acquisition of land for stormwater infrastructure to ensure an integrated water cycle management approach.</p> <hr/> <p>13 NSW Department of Planning, Industry and Environment</p> <hr/> <p>Explanation of Intended Effect of amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis</p> <p>Similar to the requirements for the Open Space Network, lands for stormwater infrastructure, namely water detention basins are not needed now but will need to be acquired over time.</p> <p>To clearly identify land to be acquired for the delivery of water detention basins, land will be rezoned to SP2 Infrastructure – Stormwater Infrastructure. Clause 52 of the Aerotropolis SEPP will also be amended to identify an acquisition authority for land to be acquired for this infrastructure.</p> <p>The Land Zoning Map (Appendix C) and Land Reservation Acquisition Map (Appendix D) in the Aerotropolis SEPP will be amended to reflect these changes. The Land Reservation Acquisition Map in Appendix D shows the land proposed to be acquired.</p> <p>It is further intended that the final Precinct Plans and Aerotropolis SEPP will reflect the final locations of water detention basins to be acquired for the initial precincts of the Aerotropolis.</p>

Appendix C: Aerotropolis SEPP – Land Zoning Map



Appendix D: Aerotropolis SEPP – Land Reservation Acquisition Map

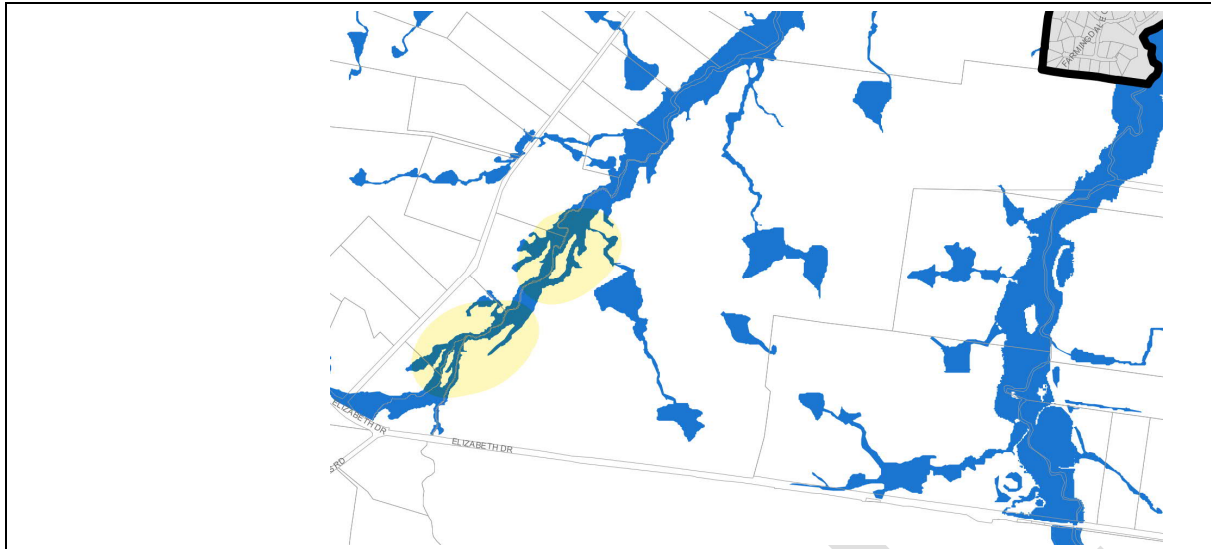


Discussion points

The development of industrial and logistics warehousing in Western Sydney is primarily being driven by the demand of tenants with demand currently outstripping supply pushing land prices up in Western Sydney by more than 30% in 2021 alone. Warehouse buildings are becoming larger, higher and more complex than similar industrial development areas in Sydney such as Wetherill Park and Erskine Park. One example of the type and scale of large-format industrial development that is typical of current demand is the Goodman Oakdale development in Horsley Park and Kemps Creek. Oakdale is over 400 hectares and has progressively been developed over the past ten years with AT&L delivering all the engineering design.

Where tenant-driven outcomes require large warehouses, such as the Amazon facility at Oakdale West. These types of facilities are typically ½ kilometre long requiring enormous investment of over \$500 million. Delivering these facilities require significant earthworks to construct a level building pad. Such earthworks typically alter the landform and therefore the extent and nature of gullies and

	<p>hydro lines. Given the undulating and relatively steep topography within the Aerotropolis, it is envisaged that most of the development in the <i>ENT – Enterprise</i> zone would require significant earthworks and alteration of hydro lines, to the extent that the required location of stormwater quantity and quality management measures would not suit the proposed <i>SP2 – Stormwater Infrastructure</i> zoning. In addition, some of the fragmented land parcels that are proposed to be zoned <i>SP2 – Stormwater Infrastructure</i> would require spot rezoning to facilitate future development.</p> <p>Further to this, the proposed controls relating to ‘Development by a Public Authority below the flood planning level for public infrastructure’ are supported, as they would provide opportunity (where suitable and appropriate) for infrastructure such as stormwater management measures to be located below the flood planning level and within the <i>ENZ – Environment and Recreation</i> zone.</p>
<p>Implications if adopted in final DCP</p>	<p>If adopted in the Final DCP, the proposed <i>SP2 – Stormwater Infrastructure</i> zoning would create a significant impediment to large-format industrial development. The number and scale of development lots would be less than technically viable without the SP2 zoning in place and would be likely to compromise the economic viability of some development sites.</p> <p>The currently exhibited plans showing the SP2 zoning for Stormwater will prevent development outcomes like Amazon and quite possibly delay the ultimate development of the lands for many decades.</p> <p>The creation of large water bodies and wetlands for stormwater quantity / quality and harvesting potentially create bird habitat which potentially creates an aircraft safety issue.</p>
<p>Possible alternative</p>	<p>To maximise the potential of the Aerotropolis, whilst still achieving the objectives and performance outcomes, it is recommended that the <i>SP2 – Stormwater Infrastructure</i> zoning and associated Land Reservation Acquisition map be deleted from the Aerotropolis SEPP. Any land reservation needed to satisfy stormwater management controls would be incorporated into the development layout within either the <i>ENT – Enterprise</i> or <i>ENZ – Environment and Recreation</i> zones.</p> <p>Rather than zone specific areas for stormwater infrastructure (for quality and quantity management measures), it would be prudent to:</p> <ul style="list-style-type: none"> ■ Allow the planned development layout to influence the location and scale of stormwater management measures. ■ Permit the construction of stormwater management measures within the <i>ENT – Enterprise</i> zone and <i>ENZ – Environment and Recreation</i> zones, where such measures would not conflict with other development controls (e.g., flooding, riparian corridor, ecology and biodiversity). ■ Rely on the development controls to shape the design solution and outcomes for scale and location of stormwater management measures. <p>Opportunities to implement stormwater management measures within ENZ zoned land, below the 100 year ARI (1% AEP) flood extent should be maximised. For example, a large proportion of the BHL owned land adjacent to Cosgroves Creek is low-lying, within the 100-year ARI flood extent and is very likely to be suitable for implementation of measures such as evaporation ponds and wetlands (subject to review of potential impacts on flooding, ecology and other factors).</p>



Issue	Retention of 'naturalised creek / drainage line' with catchments larger than 15 hectares						
Reference in Phase 2 DCP	<p>Section 4.1 – PO1</p> <p style="text-align: center;">Draft Western Sydney Aerotropolis Development Control Plan 2021</p> <table border="1" data-bbox="526 1041 1380 1388"> <thead> <tr> <th data-bbox="526 1041 606 1075">4.1.2</th> <th data-bbox="606 1041 821 1075">Performance Outcome</th> <th data-bbox="821 1041 1380 1075">Benchmark Solution</th> </tr> </thead> <tbody> <tr> <td data-bbox="526 1075 606 1388"></td> <td data-bbox="606 1075 821 1388"></td> <td data-bbox="821 1075 1380 1388"> <ul style="list-style-type: none"> b. Strahler Order 1 watercourses outside HEV areas in a catchment less than 15 ha can be removed/piped/realigned; c. Strahler Order 1 and 2 watercourses outside HEV areas with a catchment larger than 15 hectares must be reinstated as a naturalised creek/drainage line with and appropriate VRZ (they can be realigned/moved); d. Strahler Order 3 and 4 watercourses must be retained and rehabilitated with an appropriate VRZ to return the waterway to a natural state (for benchmarks for the natural state of riparian corridors and waterways are available, refer to external documents referenced in Appendix E of this DCP); and e. Potential flood impacts must be considered for restored creeks. </td> </tr> </tbody> </table> <p>Insert extract</p>	4.1.2	Performance Outcome	Benchmark Solution			<ul style="list-style-type: none"> b. Strahler Order 1 watercourses outside HEV areas in a catchment less than 15 ha can be removed/piped/realigned; c. Strahler Order 1 and 2 watercourses outside HEV areas with a catchment larger than 15 hectares must be reinstated as a naturalised creek/drainage line with and appropriate VRZ (they can be realigned/moved); d. Strahler Order 3 and 4 watercourses must be retained and rehabilitated with an appropriate VRZ to return the waterway to a natural state (for benchmarks for the natural state of riparian corridors and waterways are available, refer to external documents referenced in Appendix E of this DCP); and e. Potential flood impacts must be considered for restored creeks.
4.1.2	Performance Outcome	Benchmark Solution					
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Discussion points	<ul style="list-style-type: none"> ■ How has the 15 hectares been established? Rather than specify an area, it would make more sense to adopt other metrics (e.g., ecological value, flood risk) due to a range of variables (topography, proximity to major watercourse) ■ Incorporating trunk drainage channels into large-format industrial development sites poses significant challenges (vehicular and services crossings, road gradients) ■ Ongoing maintenance – who would be responsible? What would be the risks associated with lack of maintenance (increased flood risk, poor water quality) 						
Implications if adopted in final DCP	<p>Higher land take – impacts cost of developing land (and therefore its market value and ability to attract investors and tenants)</p> <p>Higher maintenance costs and creation of bird habitat which potentially creates an aircraft safety issue</p>						

Possible alternative	<p>Major drainage to be generally contained within the road reserve, with minor system (pit and pipe) drainage capacity to be increased where required to satisfy design criteria.</p> <p>Limit basins to either below the flood planning level or directly adjacent downstream of development.</p>
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Issue	Preservation of artificial waterbodies (farm dams)	
Reference in Phase 2 DCP	Section 4.2 – PO1 and PO2	
	Draft Western Sydney Aerotropolis Development Control Plan 2021	
	4.2.2 Performance Outcomes and Benchmark Solutions	
	4.2.2	Performance Outcome
	Benchmark Solution	
	<p>PO1</p> <p>Artificial waterbodies mapped for retention in the Precinct Plan are retained through the development process.</p> <p>Note: A water licence from the Natural Resources Access Regulator (NRAR) may be required for artificial water bodies.</p>	<ol style="list-style-type: none"> 1. Artificial waterbodies mapped in the Precinct Plan are incorporated as a key landscape feature in development proposals. 2. Developments that contain artificial water bodies to be retained must ensure the artificial water bodies meet the following criteria: <ol style="list-style-type: none"> a. Do not exacerbate flood risk; b. Are located on a Strahler order 1, 2 or 3 watercourse; c. Are located within open space areas, and d. Have a catchment area of 1-3% of upstream area. 3. Artificial waterbodies identified for potential retention are to be guided by the Aboriginal cultural heritage provisions of this DCP.
	<p>PO2</p> <p>Retained artificial waterbodies are rehabilitated to achieve good quality water within the new environment.</p>	<ol style="list-style-type: none"> 1. Artificial waterbodies retained in the landscape are to be guided by the report <i>Western Parkland City: Farm Dams as Water in the Landscape Guide – Final Report</i>. 2. Retained artificial waterbodies are to address: <ol style="list-style-type: none"> a. Water quality in accordance NSW Government water quality and flow objectives; b. Flushing/residence time; c. Stratification; d. Algal blooms; e. Weed growth f. Exotic pests; and g. adaptive management. 3. Retained artificial waterbodies are to be integrated into recreational areas (Figure 4) by: <ol style="list-style-type: none"> a. Providing access to 1 edge of the dam; b. Allowing continuous riparian vegetation opposite the accessible edge of the dam; and c. Measures to ensure water levels are maintained under varying climatic conditions. 4. Demonstrate that any supplementing of water for retained artificial waterbodies can be supplied from non-potable sources such as recycled water, roof water, harvested stormwater or other non-licensed water sources and treated to comply with <i>Australian Guidelines for Recycled Water</i>.

Discussion points	<ul style="list-style-type: none"> Location of the majority of existing farm dams across the Aerotropolis is either incompatible with large-format industrial development layouts or would significantly affect the development potential. Structural integrity of existing artificial waterbodies cannot be guaranteed and would potentially pose a major risk to land use downstream of any existing artificial waterbodies that are retained. For any dams that are retained, risk associated with dam break would need to be considered, in relation to impacts on downstream development, population at risk and probable loss of life.
Implications if adopted in final DCP	<ul style="list-style-type: none"> Physical constraint to large-format industrial development Potential risk to downstream land use in the event of partial or complete dam failure The likelihood that each dam would need to be reconstructed to ensure the structural integrity and health and safety of the surrounding users. With the redirection of stormwater flows from minor overland systems due to the size and complexity of the development outcomes, these systems would be starved of water with, particularly isolated dams, becoming dry. Creation of bird habitat
Possible alternative	<p>Incorporate new artificial waterbodies into developments at locations that contribute to precinct-wide water management objectives and that suit an optimum development layout.</p> <p>Create an outcome that both delivers economic development outcomes with minimising health and safety issues, reduction of bird habitat and ongoing maintenance costs.</p> <p>For any proposed outcome, we must first understand the objectives and targets of the proposed Stormwater harvesting scheme along with any water balance metrics which are yet to be both understood and detailed by Sydney Water</p>

Issue	Stormwater quality management targets												
Reference in Phase 2 DCP	Section 4.3 – PO2												
Draft Western Sydney Aerotropolis Development Control Plan 2021													
4.3.2 PO2	Performance Outcome Development is to demonstrate compliance with the stormwater quality targets at the lot, estate, or regional level to ensure the NSW Government's water quality and flow related objectives are achieved	Benchmark Solution <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 50%; text-align: center;">Stormwater Quality Target – Operational Phase</th> </tr> </thead> <tbody> <tr> <td>Gross Pollutants (anthropogenic litter >5mm and coarse sediment >1mm)</td> <td style="text-align: center;">90% reduction (minimum) in mean annual load from unmitigated development</td> </tr> <tr> <td>Total Suspended Solids (TSS)</td> <td style="text-align: center;">90% reduction in mean annual load from unmitigated development</td> </tr> <tr> <td>Total Phosphorus (TP)</td> <td style="text-align: center;">80% reduction in mean annual load from unmitigated development</td> </tr> <tr> <td>Total Nitrogen (TN)</td> <td style="text-align: center;">65% reduction in mean annual load from unmitigated development</td> </tr> </tbody> </table>			Stormwater Quality Target – Operational Phase	Gross Pollutants (anthropogenic litter >5mm and coarse sediment >1mm)	90% reduction (minimum) in mean annual load from unmitigated development	Total Suspended Solids (TSS)	90% reduction in mean annual load from unmitigated development	Total Phosphorus (TP)	80% reduction in mean annual load from unmitigated development	Total Nitrogen (TN)	65% reduction in mean annual load from unmitigated development
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Discussion points

- Justification for higher targets has not been provided in the DCP, MUSIC Modelling Toolkit – Wianamatta (NSW DPIE, August 2021) or the *Western Sydney Aerotropolis (Initial Precincts) Stormwater and Water Cycle Management Study Interim Report* (Sydney Water, October 2020) (reference to Appendix A, where stormwater management targets were noted as TBC and being developed by DPIE EES.)
- Targets are inconsistent with *Western Sydney Engineering Design Manual* (Table 23, p. 91), both standard and stretch targets

9.4.1 Design data

Table 23 Design Data: Water Quality Targets

ID	POLLUTANT	% POST DEVELOPMENT AVERAGE ANNUAL LOAD REDUCTION	% STRETCH TARGET (see Notes below)
1.	Gross Pollutants	90	
2.	Total Suspended Solids	85	90
3.	Total Nitrogen	65	85
4.	Total Phosphorus	45	65
5.	Total Hydrocarbons	90	

- Targets are significantly higher than current best practice (e.g., Penrith DCP).

Performance Criteria

Stormwater quality requirements for all development types identified in Table C3.1 are:

a) Pollution load reductions:

- i) 90% reduction in the post development mean annual load total gross pollutant (greater than 5mm);
- ii) 85% reduction in the post development mean annual load of Total Suspended Solids (TSS);
- iii) 60% reduction in the post development mean annual load of Total Phosphorus (TP);
- iv) 45% reduction in the post development mean annual load of Total Nitrogen (TN);

Penrith Development Control Plan 2014
C3 Water Management

C3-11

- We understand the targets are a by-product of both the MARV and Sydney Waters stormwater harvesting initiatives as has been demonstrated through the extensive work we have done on the Mamre Road Precinct.

Implications if adopted in final DCP

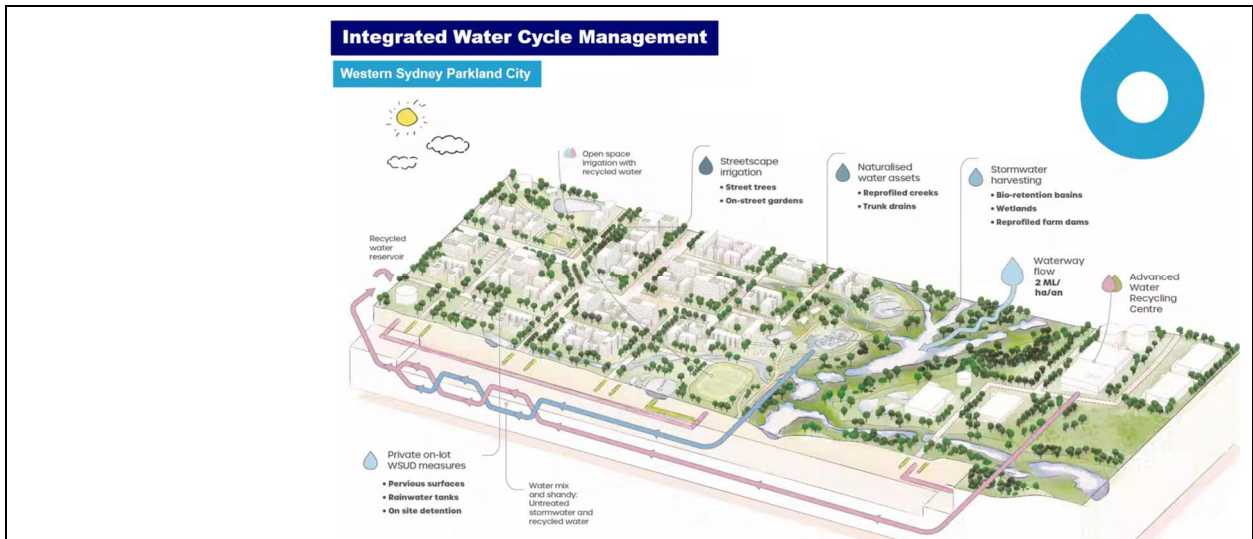
- Potential for higher land take for stormwater quality management measures than would otherwise be required under current best practice (or even under stretch targets outlined in the *Western Sydney Engineering Design Manual*)
- Appreciation of how the targets would be met should SWC introduce, design and construct stormwater harvesting solutions.

Possible alternative

Subject to opportunity to review and analyse justification of higher pollutant reduction targets, which is assumed to be contained in the forthcoming document referred to in the DCP titled *Technical guide to demonstrate compliance with Wianamatta-South Creek waterway health objectives and stormwater management targets*.

Notwithstanding the above, additional information is required from Sydney Water to provide guidance on the final rainwater harvesting strategy. Without this, development cannot advance.

Issue		Stormwater quantity management targets (demonstrating compliance with either Mean Annual Runoff Volume or Flow Duration Curve)																																															
Reference in Phase 2 DCP	Section 4.3 – PO3	<table border="1"> <thead> <tr> <th rowspan="2">PO3</th> <th rowspan="2">Development is to demonstrate compliance with the stormwater flow targets at the lot, estate, or regional level to ensure the NSW Government's water quality and flow related objectives are achieved</th> <th colspan="2">Stormwater Flow Target – Operational Phase</th> </tr> <tr> <th colspan="2">Option 1: Mean Annual Runoff</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>Mean Annual Runoff Volume (MARV)</td> <td>≤ 2 ML/ha/year at the point of discharge to the local waterway</td> </tr> <tr> <td></td> <td></td> <td>90%ile flow</td> <td>1000 to 5000 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td></td> <td></td> <td>50%ile flow</td> <td>5 to 100 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td></td> <td></td> <td>10%ile flow</td> <td>0 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td></td> <td></td> <th colspan="2">Option 2: Flow Duration Curve Approach</th> </tr> <tr> <td></td> <td></td> <td>95%ile flow</td> <td>3000 to 15000 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td></td> <td></td> <td>90%ile flow</td> <td>1000 to 5000 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td></td> <td></td> <td>75%ile flow</td> <td>100 to 1000 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td></td> <td></td> <td>50%ile flow</td> <td>5 to 100 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td></td> <td></td> <td>Cease to flow</td> <td>Cease to flow to be between 10% to 30% of the time</td> </tr> </tbody> </table>		PO3	Development is to demonstrate compliance with the stormwater flow targets at the lot, estate, or regional level to ensure the NSW Government's water quality and flow related objectives are achieved	Stormwater Flow Target – Operational Phase		Option 1: Mean Annual Runoff				Mean Annual Runoff Volume (MARV)	≤ 2 ML/ha/year at the point of discharge to the local waterway			90%ile flow	1000 to 5000 L/ha/day at the point of discharge to the local waterway			50%ile flow	5 to 100 L/ha/day at the point of discharge to the local waterway			10%ile flow	0 L/ha/day at the point of discharge to the local waterway			Option 2: Flow Duration Curve Approach				95%ile flow	3000 to 15000 L/ha/day at the point of discharge to the local waterway			90%ile flow	1000 to 5000 L/ha/day at the point of discharge to the local waterway			75%ile flow	100 to 1000 L/ha/day at the point of discharge to the local waterway			50%ile flow	5 to 100 L/ha/day at the point of discharge to the local waterway			Cease to flow	Cease to flow to be between 10% to 30% of the time
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Discussion points	<ul style="list-style-type: none"> Would require a significant reduction in the volume of runoff from a large-format development site – the majority of which could only be achieved by large-scale evaporation ponds / wetlands or roof misting. The <i>Technical guide to demonstrate compliance with Wianamatta-South Creek waterway health objectives and stormwater management targets</i> has not yet been released (is noted as Forthcoming in the Phase 2 DCP Appendix). No documentation to justify the Current Condition or Tipping Point for Degradation (Table 1-2 of <i>Western Sydney Aerotropolis Stormwater and Water Cycle Management Study</i> (Interim Report)) has been made public or available to industry for review. 																																																
Implications if adopted in final DCP	<ul style="list-style-type: none"> Highly dependent on characteristics of land parcels / development estates – i.e., for parcels or estates that have floodplain or flood prone land, stormwater quantity management measures such as ponds or wetlands could be adopted within that land (subject to assessment of potential flood impacts). For steeper lands with deep or incised hydro lines, stormwater quantity management measures would require significant land take and therefore would impact the extent of developable land. There is a direct relationship between the DCP targets and the proposed stormwater harvesting scheme that Sydney Water continues to evaluate and develop which would need to be finalised prior to meeting the targets. 																																																



Possible alternative Subject to opportunity to review and analyse justification of target MARV, which is assumed to be contained in the forthcoming document referred to in the DCP titled *Technical guide to demonstrate compliance with Wianamatta-South Creek waterway health objectives and stormwater management targets*.

As we have demonstrated within the Mamre Road Precinct and accepted by Sydney Water, there is a 5-6 year horizon before development across precincts and catchments exceed the 2.0ML/Ha/yr. target allowing both industry and government to develop regional solutions which allow for the 3ML/ha/yr. reduction.

AT&L have previously investigated the MARV reduction targets as part of our work on the Mamre Road precinct which formed part of a submission to DPIE. This submission demonstrated that through several initiatives, the MARV could be easily met via initiatives estate wide (1ML/ha/yr.) and regional wetlands and evaporation basins (2ML/ha/yr.) without the costly and unproven stormwater harvesting that is currently being proposed.

Even without stormwater harvesting, the expected cost of regional wetlands / evaporation basin will exceed \$1 billion dollars for the Aerotropolis.

Issue		Connection to recycled water scheme	
Reference in Phase 2 DCP	Section 4.3 – PO6	PO6	Recycled water schemes are to be supplied by stormwater harvesting and or recycled water, with the water infrastructure connecting to the scheme(s).
Discussion points	<ul style="list-style-type: none"> ■ The demand for non-potable water in large-format industrial estates is minimal (compared to most other land uses) – therefore the benefit cost of implementing reticulated recycled water through such estates is considered low. ■ Based on actual measured usage rates within a typical 20,000m² lot, we have established the total daily usage of water is around 5kl/day with around 49% being made up of reuse water 	<ol style="list-style-type: none"> 1. Where a recycled water scheme is planned, developments must: <ol style="list-style-type: none"> a. Connect all non-potable demands and fixtures to the recycled water network; b. Connect street tree irrigation to the recycled water network; c. Not top up rainwater tanks with recycled water unless approved by Sydney Water; and d. Design recycled water reticulation to Sydney Water standards. 2. Be designed to supplement stormwater harvesting with recycled water in a way that does not compromise water quality and flow-related objectives. 	

	<ul style="list-style-type: none"> Non-potable demand could be met by rainwater tanks on individual lots (as required by Penrith DCP and the Western Sydney Engineering Design Manual), which would negate the need for storage, treatment and pumping of harvested stormwater or recycled water on an estate-wide or precinct-wide scale. There would not be sufficient non-potable water demand for both rainwater and reticulated recycled water within a large-format industrial estate to justify the expenditure for a reticulated recycled water scheme. Reticulated recycled water, if used in preference to rainwater tanks, could have a negative impact on stormwater quality within an estate.
Implications if adopted in final DCP	Higher developer contributions to fund the delivery of a reticulated recycled water scheme, that otherwise would not be required if on-lot rainwater tanks are adopted as the preferred means of non-potable water servicing.
Possible alternative	<p>Undertake a comparative analysis of the two potential non-potable water servicing strategies (rainwater tanks vs reticulated recycled water) and consider costs (to implement and operate), benefits and impacts to the environment and benefits and impacts to stakeholders (authorities, developer and end users). The results of this analysis should inform and justify the preferred non-potable water servicing strategy for the Aerotropolis Precinct.</p> <p>We acknowledge the water balance design which would need contemplate the use of variable stormwater events, constant recycled water supply along with minimal demand with the ENT zoned areas but at the same time maintaining stormwater discharge to the creek systems and managing the MARV target would be difficult to see materialise into an acceptable design outcome.</p> <p>We would challenge how this system could be effectively and economical constructed and maintained when the variables are considered property. The notion that the total volume of water harvested could ever be reused is, in our view, difficult to justify given the costs and long tm maintenance costs that Government would need to absorb.</p>

Issue	Trunk drainage channels ('will commence when 12-15ha of catchment contribute runoff flows')			
Reference in Phase 2 DCP	Section 4.3 – PO7			
	<table border="1"> <tr> <td>PO7</td> <td>Development is designed to safely convey overland flows in accordance with <i>Stormwater and Integrated Water Management Plan</i> (Sydney Water 2021) and the safety standards included in <i>Australian Rainfall and Runoff Guidelines 2019</i>.</td> </tr> </table>	PO7	Development is designed to safely convey overland flows in accordance with <i>Stormwater and Integrated Water Management Plan</i> (Sydney Water 2021) and the safety standards included in <i>Australian Rainfall and Runoff Guidelines 2019</i> .	<ol style="list-style-type: none"> Trunk drainage capable of conveying 1% AEP flow shall be designed as naturalised channels connecting to the existing stream system. Trunk drainage is to be located through natural creek lines or constructed natural drainage channels to help detain flows and contribute to biodiversity, public amenity and safety. Designs shall ensure flows are safely conveyed to avoid unsafe conditions for pedestrians and vehicles and to meet the requirements of <i>Australian Rainfall & Runoff Guidelines 2019</i>. Naturalised channels will commence when 12-15 ha of catchment contribute runoff flows.
PO7	Development is designed to safely convey overland flows in accordance with <i>Stormwater and Integrated Water Management Plan</i> (Sydney Water 2021) and the safety standards included in <i>Australian Rainfall and Runoff Guidelines 2019</i> .			

Discussion points	<ul style="list-style-type: none"> What is the basis for 12-15 hectares? Rather than specify an area, it would make more sense to adopt other metrics (e.g., ecological value, flood risk) due to a range of variables (topography, proximity to major watercourse) Incorporating trunk drainage channels into large-format industrial development sites poses significant challenges (vehicular and services crossings, road gradients) Ongoing maintenance – who would be responsible? What would be the risks associated with lack of maintenance (increased flood risk, poor water quality)
Implications if adopted in final DCP	Higher land take – impacts cost of developing land (and therefore its market value and ability to attract investors and tenants)
Possible alternative	Major drainage to be generally contained within the road reserve, with minor system (pit and pipe) drainage capacity to be increased where required to satisfy design criteria.

Issue	Consistency with Precinct Plan Draft Stormwater and Water Cycle Management Study Interim Report				
Reference in Phase 2 DCP	Section 4.3 – PO10				
	<table border="1"> <tr> <td>PO10</td> <td>Development is consistent with the Precinct Plan Draft Stormwater and Water Cycle Management Study Interim Report, considering the ephemeral nature of the waterways in</td> <td> <ol style="list-style-type: none"> Development responds to planned regional stormwater infrastructure to achieve the overall water quality and flow objectives established for the Precinct. Development has used the <i>Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions</i> to manage the cumulative impacts of stormwater discharges from development. Undertake bed and bank stabilisation works to prevent erosion and provide habitat for fish and other aquatic life. </td> </tr> </table>	PO10	Development is consistent with the Precinct Plan Draft Stormwater and Water Cycle Management Study Interim Report, considering the ephemeral nature of the waterways in	<ol style="list-style-type: none"> Development responds to planned regional stormwater infrastructure to achieve the overall water quality and flow objectives established for the Precinct. Development has used the <i>Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions</i> to manage the cumulative impacts of stormwater discharges from development. Undertake bed and bank stabilisation works to prevent erosion and provide habitat for fish and other aquatic life. 	
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Discussion points	<ul style="list-style-type: none"> PO10 refers to the <i>Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions</i>. This document refers to the NSW Water Quality and River Flow Objectives. There appear to be no specific water quality or river flow objectives for the Hawkesbury-Nepean catchment, of which Wianamatta is a tributary, that would form the basis of Waterway Objectives for development in the Wianamatta catchment. 				
Implications if adopted in final DCP	Lack of justification for adopting specific development controls relating to stormwater quantity and quality management targets.				
Possible alternative	Provide suitable opportunity for industry-wide review and analysis of the Water Quality and River Flow Objectives for the Wianamatta catchment prior to adopting final development controls.				

Issue		Tree canopy, deep soil and tree planting							
Reference in Phase 2 DCP	Section 5.1 – PO1								
	<table border="1"> <thead> <tr> <th>5.1.2</th> <th>Performance Outcome</th> <th>Benchmark Solution</th> </tr> </thead> <tbody> <tr> <td>PO1</td> <td>Consolidate areas of deep soil and provide minimum dimensions which allow for sufficient tree planting.</td> <td> <ol style="list-style-type: none"> 1. Consolidate deep soil areas by establishing these areas right up to abutting boundary walls and fence lines. 2. Consolidate deep soil in setback areas and locate with adjoining deep soil areas in adjoining properties. 3. Tree canopy is delivered by providing the minimum deep soil and tree planting rates as per Table 1. In addition to the requirements set out in this section, applicants must also have regard for the site coverage and pervious surface targets outlined in Section 14.1 of this DCP </td> </tr> </tbody> </table>	5.1.2	Performance Outcome	Benchmark Solution	PO1	Consolidate areas of deep soil and provide minimum dimensions which allow for sufficient tree planting.	<ol style="list-style-type: none"> 1. Consolidate deep soil areas by establishing these areas right up to abutting boundary walls and fence lines. 2. Consolidate deep soil in setback areas and locate with adjoining deep soil areas in adjoining properties. 3. Tree canopy is delivered by providing the minimum deep soil and tree planting rates as per Table 1. In addition to the requirements set out in this section, applicants must also have regard for the site coverage and pervious surface targets outlined in Section 14.1 of this DCP 		
5.1.2	Performance Outcome	Benchmark Solution							
PO1	Consolidate areas of deep soil and provide minimum dimensions which allow for sufficient tree planting.	<ol style="list-style-type: none"> 1. Consolidate deep soil areas by establishing these areas right up to abutting boundary walls and fence lines. 2. Consolidate deep soil in setback areas and locate with adjoining deep soil areas in adjoining properties. 3. Tree canopy is delivered by providing the minimum deep soil and tree planting rates as per Table 1. In addition to the requirements set out in this section, applicants must also have regard for the site coverage and pervious surface targets outlined in Section 14.1 of this DCP 							
Discussion points	<ul style="list-style-type: none"> ■ Deep soil areas and tree planting adjacent to boundary walls will affect the structural integrity of walls, and therefore the objective of achieving deep soil and tree canopy may not be compatible with the landform / bulk earthworks / retaining systems required to facilitate large-format industrial development. 								
Implications if adopted in final DCP	Controls relating to tree canopy and deep soil that cannot be achieved due to the extent and depth of retaining structures to facilitate large-format industrial development.								
Possible alternative	Providing compensatory tree canopy and deep soil in areas more suitable than within large-format industrial lots (e.g., within road reserve, open space, riparian corridors).								

Issue		Maximum block sizes (350m for Enterprise zone)			
Reference in Phase 2 DCP	Section 6.2 – PO6 (Table 2)				
	<table border="1"> <tbody> <tr> <td>Enterprise zone (outside centres including local)</td> <td>Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart</td> </tr> </tbody> </table>	Enterprise zone (outside centres including local)	Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart		
Enterprise zone (outside centres including local)	Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart				
Discussion points	<ul style="list-style-type: none"> ■ The maximum block length specified in the Phase 2 DCP would not allow for the type and scale of development that has recently been delivered in new development areas such as Oakdale South and Oakdale West, and that is being planned in the Mamre Road and Aerotropolis precincts. The scale of large-format industrial currently being planned in several estates in the Aerotropolis responds to demand from potential tenants, and a maximum block length of 350m would be a significant and detrimental constraint on development. 				
Implications if adopted in final DCP	Limitation of the scale of large-format industrial development, resulting in land that does not meet the current and future demands of potential tenants within the Aerotropolis.				
Possible alternative	Revising the maximum block lengths to a value that is consistent with developments within the Western Sydney Employment Area, in particular the Mamre Road Precinct and WSEA lands.				

Issue	Mid-block connections for pedestrians and cyclists no more than 150m apart		
Reference in Phase 2 DCP	Section 6.2 – PO6 (Table 2)		
	<table border="1"> <tr> <td>Enterprise zone (outside centres including local)</td> <td>Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart</td> </tr> </table>	Enterprise zone (outside centres including local)	Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart
Enterprise zone (outside centres including local)	Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart		
Discussion points	<ul style="list-style-type: none"> The 150m requirement is not compatible with the scale of a large-format industrial estate. 		
Implications if adopted in final DCP	An unreasonable and impractical layout of mid-block intersections that is not responsive to the scale and layout of large-format industrial development.		
Possible alternative	Rather than specify a distance, several mid-block connections that suits the final development layout is considered to be more appropriate.		

Issue	Urban Typologies – site cover and perviousness																																																																																											
Reference in Phase 2 DCP	Section 14.1 – Table 8																																																																																											
	<p><i>Table 8 Urban Typologies with Acceptable Solutions for Site Cover and Perviousness</i></p> <table border="1"> <thead> <tr> <th rowspan="3">Urban typology</th> <th colspan="2">Lot requirements</th> <th colspan="6">Typology elements</th> </tr> <tr> <th rowspan="2">Site Cover</th> <th rowspan="2">Perviousness</th> <th colspan="2">Lot area</th> <th colspan="2">Streets (including plazas and urban public spaces adjacent to a street)</th> <th colspan="2">Open space (including parks, gardens, playgrounds, playing fields, and allees)</th> </tr> <tr> <th>% of Overall Area</th> <th>Perviousness</th> <th>% of Overall Area</th> <th>Perviousness</th> <th>% of Overall Area</th> <th>Perviousness</th> </tr> </thead> <tbody> <tr> <td rowspan="2">High-density mixed-use centre</td> <td rowspan="2">60%</td> <td rowspan="2">40%</td> <td>Base scenario</td> <td>50%</td> <td>35%</td> <td>35%</td> <td>35%</td> <td>15%</td> <td>90%</td> </tr> <tr> <td>Alternative/ Parkland solution</td> <td>58%</td> <td>30%</td> <td>32%</td> <td>35%</td> <td>20%</td> <td>90%</td> </tr> <tr> <td rowspan="2">Medium density mixed use centre</td> <td rowspan="2">50%</td> <td rowspan="2">50%</td> <td>Base scenario</td> <td>55%</td> <td>50%</td> <td>30%</td> <td>35%</td> <td>15%</td> <td>90%</td> </tr> <tr> <td>Alternative/ Parkland solution</td> <td>58%</td> <td>35%</td> <td>32%</td> <td>38%</td> <td>20%</td> <td>90%</td> </tr> <tr> <td rowspan="2">Employment – business, commercial and light industrial</td> <td rowspan="2">60%</td> <td rowspan="2">40%</td> <td>Base scenario</td> <td>55%</td> <td>40%</td> <td>30%</td> <td>30%</td> <td>15%</td> <td>90%</td> </tr> <tr> <td>Alternative/ Parkland solution</td> <td>55%</td> <td>30%</td> <td>30%</td> <td>30%</td> <td>20%</td> <td>90%</td> </tr> <tr> <td rowspan="2">Employment – Large format industrial</td> <td rowspan="2">70%</td> <td rowspan="2">30%</td> <td>Base scenario</td> <td>60%</td> <td>30%</td> <td>25%</td> <td>35%</td> <td>15%</td> <td>90%</td> </tr> <tr> <td>Alternative/ Parkland solution</td> <td>65%</td> <td>15%</td> <td>20%</td> <td>35%</td> <td>15%</td> <td>90%</td> </tr> </tbody> </table> <p><small>* The perviousness of a lot may be subsidised by other on-site detention and landscaping measures where it is not deemed acceptable or it is seen to be too onerous by a delegated authority for the site coverage to be reduced to meet the perviousness requirements. An example of this would be in a zero lot line opportunity (for a podium or attached built forms) in a centre, employment area or for an integrated development</small></p>	Urban typology	Lot requirements		Typology elements						Site Cover	Perviousness	Lot area		Streets (including plazas and urban public spaces adjacent to a street)		Open space (including parks, gardens, playgrounds, playing fields, and allees)		% of Overall Area	Perviousness	% of Overall Area	Perviousness	% of Overall Area	Perviousness	High-density mixed-use centre	60%	40%	Base scenario	50%	35%	35%	35%	15%	90%	Alternative/ Parkland solution	58%	30%	32%	35%	20%	90%	Medium density mixed use centre	50%	50%	Base scenario	55%	50%	30%	35%	15%	90%	Alternative/ Parkland solution	58%	35%	32%	38%	20%	90%	Employment – business, commercial and light industrial	60%	40%	Base scenario	55%	40%	30%	30%	15%	90%	Alternative/ Parkland solution	55%	30%	30%	30%	20%	90%	Employment – Large format industrial	70%	30%	Base scenario	60%	30%	25%	35%	15%	90%	Alternative/ Parkland solution	65%	15%	20%	35%	15%	90%
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Discussion points	<ul style="list-style-type: none"> It is unclear how this table should be interpreted. Government should have clearly articulated the information within the table across Lots and Estates. The applicability of the site cover, typology elements and perviousness are not clear. The Site Cover value of 70% for large-format industrial is interpreted to mean that 30% of a site would need to be set aside for use other than large-format industrial. This would have a significant impact on the economic viability of a development site. If the requirement for perviousness is applied on a “per lot” basis rather than across a development estate, it may disadvantage land parcels that have a relatively high proportion of flood-prone land or land zoned ENZ – <i>Environment and Recreation</i>. 																																																																																											
Implications if adopted in final DCP	The increased pervious areas were firstly introduced as part of the initiatives to meet the MARV target, yet it is understood the target is now being generally met via a regional stormwater harvesting solution.																																																																																											
Possible alternative	Adopt the same pervious controls as the Mamre Road Precinct																																																																																											

We have also undertaken a review of the *Western Sydney Street Design Guidelines – September 2020* (WSSDG) with a focus on the sections that may directly influence the design outcomes of your project. We have taken a particular interest in the sections that more generally relate to your project type, that being Logistics and Warehousing facilities although, many of the points raised below also relate generally to other types of developments including commercial and residential.

The WSSDG's have obviously been prepared with a strong focus on the environment, with the intent to create the Blue Green Grid within Western Sydney. It seems an enormous amount of effort has gone into emphasising the environmental objectives while not fully considering the engineering associated with the outcomes.

There has been a real focus, it seems, on narrowing the roads to create a "Canopy Cover" over the roads although this narrowing, in our view, will be to the detriment of the dominant road user, the driver. Narrow roads and travel lanes could ultimately be counterproductive in managing the environment by introducing congestion and delaying road users navigating the network.

Our review has focused on the Industrial and Sub- Arterial Road typologies as generally shown below.

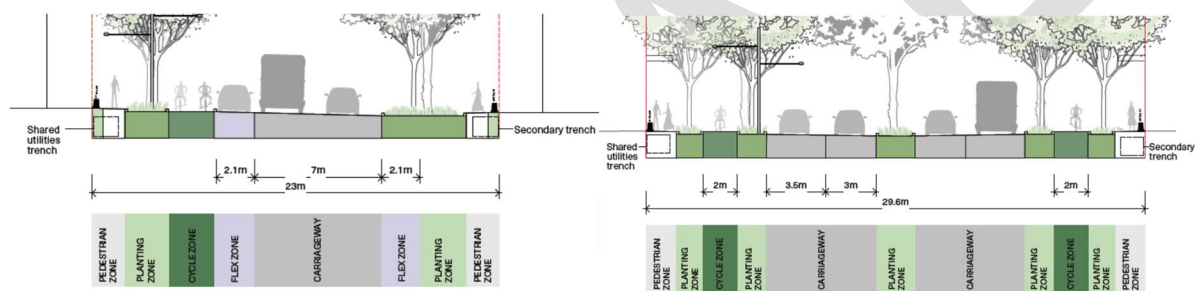


Figure 1 – Industrial and Sub-Arterial Road Typologies

As a principle, all roads are now designed to the Austroad Design Guidelines and any supplements that may be available to the time of design. Over time these guidelines are updated to reflect the changing environment and vehicles manufacturing standards. These standards relate all types of roads and incorporate guidelines for both vehicles and pedestrian management. As part of our review, it is difficult to understand if the Austroads Design Guidelines have been cross-referenced when preparing the WSSDG as there are numerous examples where the proposed outcomes contradict the Austroads Design Guidelines.

Industrial Street

Industrial roads are intended, as they sound, to predominantly service industrial precincts where a large portion of the traffic are heavy vehicles including 19m Semitrailers and 26m B-Doubles. These vehicles are on average 2.5m in width and when navigating the local road network, can regularly consume all the travel lane and more so around corners where the swept path can extend beyond the average travel lane width.

The guidelines whilst noting these constraints have not provisioned for the day-to-day requirements of these industrial precincts and typical users within them.

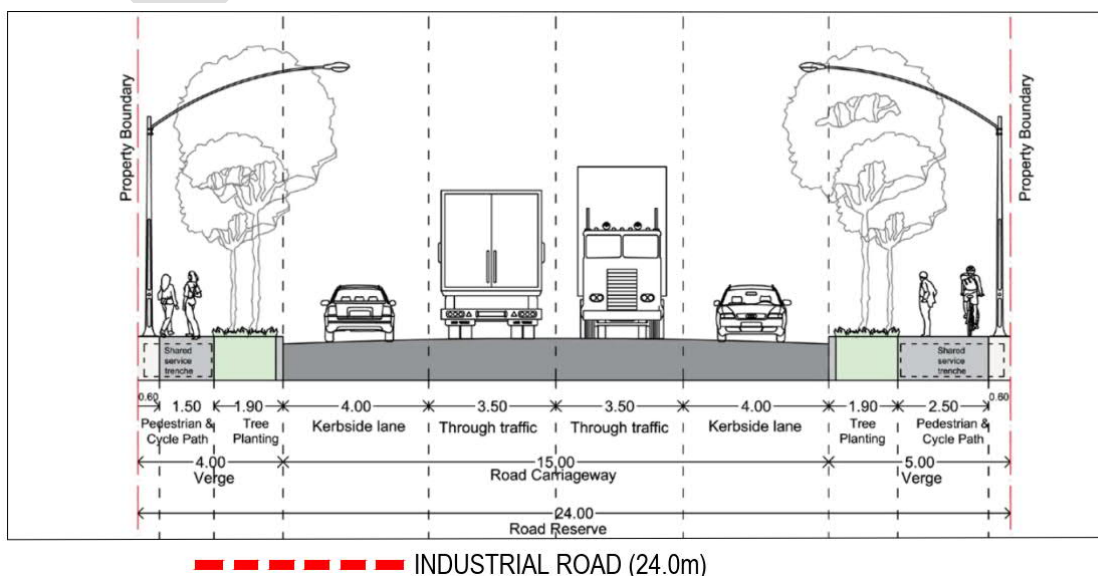
Likely suggested changes include.

- Removal of kerb extensions at intersections to allow for the full swept path of the turning vehicle.

- Either removing the parking area within the road type and providing these as shared spaces for the heavy vehicles to navigate the road networks safely or increase the parking lane to 3m to ensure the area is adequate width to park heavy vehicles.
- The design vehicle should be the 26m B-Double with the check vehicle being the 36.2m A-Double.
- The behavioural speed within these typical industrial roads is generally greater than 40km/hr and although the legal speed is 50km/hr, some effort is required to maintain the slower speed environment by signage and intersection treatments (i.e., Roundabouts) to regulate speeds.
- Parking adjacent to any proposed driveways should consider sight distance particularly where heavy vehicles park.
- The Case Study Road, Bourke Road Alexandria indicates parking on a single side. The actual parking lane on Bourke Road is 3.8m, significantly wider than the 2.1m shown. This additional width significantly increases safety for road users when entering and exiting their parked vehicle.
- Any Traffic calming would need to consider the high volume of heavy vehicles and the additional maintenance required over the long term.
- One-way crossfall would need to contemplate the stormwater overland and sheet flows, both across the pavements and longitudinally along the roads which are beyond the piped drainage capacity.
- The turn paths of both the design and check vehicle will need to utilise both the through travel lane and the parking lane to enter and exit any development site. As the proposed lanes are relatively narrow, the widths of entry and exit driveways could extend beyond 20m.
- The placement of trees will need to be carefully considered to ensure sightlines from driveways are not obscured.
- Consideration should also be given to the number of, or lack of, pedestrian movement within these typical industrial roads and precincts. Potentially a shared path on a single side with a footpath on the other would better serve the desired outcome.

The proposed Industrial Street typology provides several opportunities to greatly improve typical roads within industrial precincts although, whilst there is currently a real focus on the environment and the passive users of the road, there needs to be consideration and focus on the number of heavy vehicles and the way in which they navigate these precincts.

We would propose the Mamre Road 24m Cross Section be adopted.



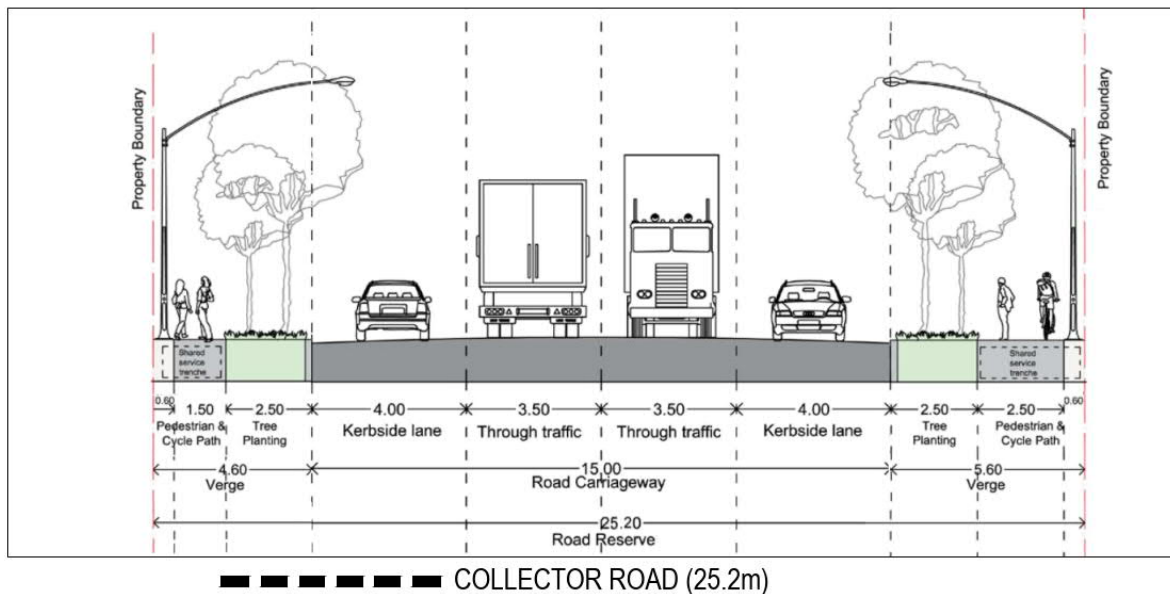
Sub-Arterial Road

Sub-Arterial roads, as outlined within the WSSDG, "typically facilitate the connection of the arterial road network to the local street networks". In some cases, these roads form part of the state network and have additional requirements to meet TfNSW standards and guidelines.

Likely suggested changes include.

- Loading development site onto a Sub- Arterial Road can otherwise introduce both a safety concern along with additional left-turn slip lane construction as not to impact the through traffic.
- The design vehicle should be the 26m B-Double with the check vehicle being the 36.2m A-Double.
- The design speed will vary subject to the location and ownership of the ultimate road. Irrespective of ownership, clear zones will need to be considered where speed environments exceed certain thresholds.
- The proposed central median will introduce a maintenance hazard and the planting within these medians will need to be carefully considered to minimise the need to access the area under live traffic. The narrower the median, i.e., less than 3m, further exacerbates the safety concerns.
- One-way cross fall to the centre of the road could introduce a flooding and safety concern should the central stormwater system become blocked. We would suggest the crossfall be redirected to the outer kerb drainage system.

We would propose the Mamre Road 25.2m Cross Section be adopted.



Other Comments

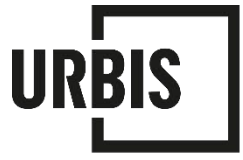
- Section C2.2 Street Tree Soil Volume* needs to consider the adequacy of the support of any adjacent road pavement and stormwater drainage system. Generally, the road pavement will extend 200mm beyond the back of kerb and have subsoil drainage install directly below.
- Section C4.1 Roundabouts*. Providing pedestrian crossing at roundabouts dramatically impacts the effectiveness and operation of a roundabout by vehicles queuing through the roundabout while pedestrians cross. This is further exacerbated when raised thresholds are introduced as the crossing as

these can sometimes suggest to pedestrians they have the right of way. Previous Technical Directions from RMS have required these not be installed.

- iii. *Section C4.2 Corners* need to be carefully considered for the swept path of the design vehicle. Recent examples of upgrades within North Sydney CBD have shown if the kerb returns are too small, vehicles will mount the kerb when negotiating the corner. This becomes a real concern in built up areas where pedestrians stand close the kerb edge and are at risk of being struck by the turning vehicle.
- iv. *Section C5.1 Shared Utility Trenches* needs to be reviewed as there are a number on inconsistencies with the *Guide to Codes and Practices for Street Openings NSW SOCC, 2018*. The proposed Shared Utility Trench shown has been referenced to the *Engineering Design Manual for Western Sydney*.

For example,

- a. the communication conduit cannot be located directly on top of the electrical conduits.
- b. Street lighting has been shown directly behind the kerb where subsoil would ordinarily go. Street lighting would run within the shared trench and tee out to each light pole as required
- v. *Maintenance*. Whilst we acknowledge the hard work that has gone into preparing the WSSDG's and the aspirational outcomes of the objectives, consideration needs to be given to the long-term maintenance of the proposed treatments and who and how this funded.



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 8:10 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: 211105-dcp2-submission.pdf

Submitted on Fri, 05/11/2021 - 19:48

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Frasers Property Industrial Australia

Last name

Robinson

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Rhodes / Sydney / 2138

Please provide your view on the project

I object to it

Submission file

[211105-dcp2-submission.pdf](#)

Submission

Frasers Property Industrial Australia submission on the Draft Development Control Plan 2 and EIE , with supporting documents from Ethos Urban and Macroplan.

I agree to the above statement

Yes

Disclaimer

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, on behalf of **Liverpool City Council**.

5th November 2021

Department of Planning, Industry and Environment
Phase 2 Development Control Plan
Locked Bag 5022
Parramatta NSW 2150

Dear Madam / Sir

Re: Western Sydney Aerotropolis Draft Development Control Plan

Fraser's Property Industrial Australia experience and capabilities across the globe, are uniquely positioned to offer and create sector leading and sustainable real estate options that includes hi-tec logistics, warehousing and distribution, production and manufacturing facilities in strategic locations across Australia, and Internationally.

The Western Parkland City is a strategically located gateway business precinct within Australia and is part of Fraser's Property Industrial global vision for attracting and connecting global businesses to a world class, sustainable and hi-tec precinct, meeting the growing technological and transport links demanded by the industrial and logistics sector worldwide.

Fraser's welcomes the opportunity to comment on the Development Control Plan – Phase 2 and the Explanation of Intended Effect currently on public exhibition for the Western Sydney Aerotropolis.

We have asked both Ethos Urban and Macroplan to prepare reports to respond to the planning documents which reflect Fraser's concerns. The planning documents are not supportive in accommodating the large scale industrial and logistics sector, which places additional pressures on an already constrained land supply market within the Sydney basin. The reports are enclosed behind this covering letter.

While we understand the Governments objectives to create a Parkland City in the West by adopting a 'not business as usual' approach and a landscape led planning regime, the planning provisions within the DCP phase 2 and the EIE has all but eliminated hi-tec logistic warehouses for distribution and manufacturing which employees over 10.4% of the Australian workforce and contributes 34% of the National GDP.

In summary our concerns reflect;

- Planning constraints limiting the timely release of suitable Industrial land for large scale warehouses to mitigate the **land supply gap**.
- Lack of land supply is already significantly impacting land prices in both greenfield and existing land areas including existing building prices rising within the entire Sydney basin from Botany to Blacktown.
- With limited land and rising land prices, businesses are caught with limited choice to expand or relocate to a newer and larger facility within Sydney, as new buildings and space doesn't exist. This is the current situation with Sydney experiencing record low vacancy rates. The risks of NSW losing business and jobs interstate is real, creating a drag on the NSW economy.
- The rising prices of land and low vacancy is transferred with higher rental costs that businesses will transfer to the consumer creating a further drag on the NSW economy.

Due to the limited land supply, and the changing nature of the Industrial and logistics sector and growth of e-commerce together with the onset of covid with supply disruptions, and industry adopting a strategy of 'just in case' as opposed to the 'just in time' which creates larger scale warehouses, the Mamre Road Precinct will be completed between 3.5 to 4.5 years based on current land take up. (Pending Government releasing the DCP within that precinct) . ie the precinct will be substantially completed before the airport opens in 2026/27.

If the Aerotropolis isn't available, where does the industry sector go to next?

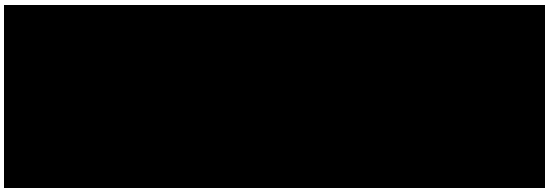


Its imperative that the DCP phase 2 and EIE planning documents also support large scale Industrial logistic warehousing and manufacturing to prevent and exodus of business and jobs from NSW within this important sector.

We look forward to working with the Department regarding amending the Aerotropolis planning documents.

Yours Sincerely,

Frasers Property Industrial Australia



Michael Robinson
Acquisitions Manager
Frasers Property Industrial Australia Pty Limited

5 November 2021

2210729

Department of Planning, Industry and Environment
Phase 2 Development Control Plan
Locked Bag 5022
Parramatta NSW 2150

Dear Sir / Madam,

RE: WESTERN SYDNEY AEROTROPOLIS DRAFT DEVELOPMENT CONTROL PLAN

1.0 Introduction

Frasers welcomes the opportunity to comment on the planning documents currently on public exhibition for the Western Sydney Aerotropolis. In particular, this submission will focus on the *draft Western Sydney Aerotropolis Development Control Plan – Phase 2* (DCP) and the Explanation of Intended Effect (EIE) for proposed amendments to *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (WSA SEPP).

The documents represent a further step forward in the evolution of the planning and development control framework for the Western Sydney Aerotropolis. The early implementation of a realistic and workable planning framework is critical to increasing Sydney's supply of serviced industrial land. The lack of land supply in recent years has created an uncompetitive environment for industrial development Western Sydney when compared with the superior land supply and lower costs associated with equivalent precincts in other states. It is imperative that the land use and development controls to be implemented across the Aerotropolis create a level playing field to ensure sustainable economic growth and recovery for NSW, and that the employment goals for the Western Parkland City can be achieved.

As a major developer of high quality industrial precincts in Western Sydney, Frasers has a significant interest in the draft DCP and EIE provisions, to ensure that they deliver a high quality, high amenity outcome for development in the Precinct. The planning framework however needs to be focused on achieving the land use outcomes reflect in the WSA SEPP zoning and that the associated development controls are realistic in terms of ensuring that the cost of future development in the Aerotropolis is timely, economically feasible and competitive.

This submission is made up of several sections, relating to:

- General comments on the Draft DCP (Section 3.0);
- Specific Comments on the Draft DCP Sections and provisions (Section 4.0)
- Comments on the EIE for amendment to the WSA SEPP (Section 5.0);

It is supported by additional commentary provided by MacroPlan on the economic impacts of further delays to the provision of serviced, developable industrial land in the Aerotropolis.

2.0 Background to Frasers Property Industrial

For decades, Frasers Property Industrial has built a powerful reputation as a market leader in the industrial, logistics and commercial property sectors within all Australian capital cities. Working with customers and partners, their proven experience and rigorous expertise has delivered industry leading solutions covering millions of square metres of premium space.

As of October 2019, Frasers Property Industrial is now a strategic unit under the Frasers Property Limited Group. A dedicated business unit of the global Frasers Property brand, our multinational experience spans Australia, Germany, the Netherlands and Austria.

Frasers Property Industrial experience and capabilities across the globe, are uniquely positioned to offer and create sector leading and sustainable real estate options that includes hi-tec logistics, warehousing and distribution, production and manufacturing facilities in strategic locations across Australia, Germany, Austria and the Netherlands.

The Western Parkland City will be the strategically located gateway business precinct within Australia and is part of Frasers Property Industrial global vision for attracting and connecting global blue-chip businesses to a new world class, sustainable and hi-tec precinct, meeting the growing technological and transport links demanded by the industrial sector worldwide.

3.0 General Comments on the draft DCP

This section provides general comments on the Draft DCP process, focus and outcomes. More specific comments on the individual sections within the draft DCP are in Section 4.0.

3.1 The draft DCP provisions promote aspirational outcomes at the expense of feasible land use outcomes

Frasers acknowledges and supports the aspirational outcomes that the NSW Government is seeking to achieve for the Western Parkland City, derived from the District Plan and the initial Aerotropolis Plan. Clearly new thinking and new approaches to development are needed to tackle issues including the urban heat island effect, water quality in streams and rivers, biodiversity and recognition of Country. The aspirational outcomes however are largely dependent on the implementation of a timely and feasible planning framework that will facilitate economic development and then enable the aspirational outcomes to be facilitated and funded.

There is a fine balance between delivering the largely un-costed aspirations of the Western Parkland City and ensuring that development is feasible and competitive in a national context. The proposed DCP controls do not achieve this balance and threaten the timely achievement of the desired land use outcomes for the Precinct. This is particularly the case for the development of employment lands in the Enterprise and Agribusiness zones which need to be competitive in a national market. Industrial land prices in Western Sydney are currently considerably in excess of comparable employment precincts in Melbourne and Brisbane. The provisions of the draft DCP place restrictions on development that don't apply to development in other jurisdictions, and the cost, complexity and timeframes that industrial development will be subject to, will be uncompetitive in the national market. This will undermine the early achievement of the Aerotropolis.

The DCP objectives, performance outcomes and benchmark solutions need to strike a balance whereby the sought after land uses are feasible to develop in a timely manner. Only through timely development, will the sought after aspirational outcomes for the Western Parkland City also be achieved.

3.2 The Draft DCP provisions demonstrate a lack of understanding of Industrial / warehouse and logistics development

The proposed DCP controls do not relate to, or adequately cater for the scale and functionality of industrial / warehouse and logistics development in Western Sydney. There are numerous examples of performance outcomes and benchmark solutions in the draft DCP which fail to recognise the scale and function of this typology of development. Industrial warehouse buildings are highly functional, are designed and built to the specific needs of the user and require site and building layouts that maximise the efficient storage and transportation of freight. These considerations should be at the core of the draft DCP controls work in conjunction with realistic urban design and amenity aspirations, and not be subordinate to them.

The proposed controls in the draft DCP appear to be tailored for smaller scale warehouse development that is more appropriate for established industrial areas in the inner and middle ring suburbs of the metropolitan area. Industrial

estates proposed to be developed in the Enterprise and Agribusiness zones will be of a significantly larger scale and reflect global freight and logistics requirements for an international airport precinct. The proposed draft DCP benchmark solutions such as maximum 350m street blocks with 150m mid-block pedestrian connections, as required in Table 2 in Sections 6.2.2 and 14.2.2, would limit warehouse development to small scale operations and prevent large scale logistics operations from locating in the precinct. This will significantly undermine the ability for the Western Sydney Airport to ever function as a major freight hub and will have the effect of driving major logistics operators to develop adjacent to rival airports interstate.

Other design-led controls relating to the location or screening of loading bays, integration of offices within warehouses and architectural treatments, can undermine the operational efficiency of freight and logistics facilities and can potentially exacerbate land use conflict. Many of the built form controls, while well-meaning when considered in an isolated urban design context, may have significant negative environmental or amenity outcomes when applied to large format warehousing.

Prior to the finalisation of the DCP, the Department needs to proactively engage with industry, and experienced industrial design practitioners, to establish realistic and affordable design parameters that can work in with the operational needs of the industry. Fraser's would be happy to engage with the Department in this respect.

3.3 “One size fits all” approach

While Part 4 of the draft DCP provides a limited number of additional tailored provisions for certain land uses, including industrial development, overall, the draft DCP generally applies a “one size fits all” approach to development. Performance outcomes and benchmark solutions throughout the document fail to adequately distinguish between different land uses and development typologies. Many objectives and controls in the draft DCP have clearly been drafted for more fine-grain urban land uses proposed to be developed in the mixed-use and future residential zones of the Aerotropolis. They reflect a priority for amenity and design that are appropriate for these zones and reflect the superior location and connectivity that these zones have by virtue of the future populations that will live and work in them.

The Enterprise and Agribusiness zoned areas however will generally be less well serviced by, and remote from, public transport networks and nodes. In addition, the location of the Enterprise zoned areas are a deliberate policy decision to locate non-residential land uses in areas that will be subject to future aircraft noise as the Western Sydney Airport grows and evolves. These areas will therefore be generally remote from major mixed use and residential areas.

It should also be noted that the immediate demand for development in the Aerotropolis is for industrial and warehouse/logistics uses. The vast majority of land in the Aerotropolis is zoned for enterprise and agribusiness land uses, and yet these development typologies are not the core focus of the controls and generally treated as “other” development. Given this, the final DCP should include stand-alone provisions that are tailored to the large format typology of development and include realistic performance outcomes and benchmark solutions that have been subject to ground-truthing and feasibility analysis in collaboration with industry and the Department's industry assessment team.

As discussed in Section 3.2 above, the scale of development in Industrial and warehouse precincts in Western Sydney requires large, level development footprints to facilitate warehouses and associated loading bays and heavy vehicle manoeuvring areas. The key overriding considerations are function, operational efficiency and the management of residual environmental impacts including noise, traffic management, hazard and risk, air quality etc. The proposed performance outcomes and benchmark solutions in many respects fail to adequately recognise these points of difference. Examples include:

- The prioritisation of active transport and pedestrian amenity for the street network over the transportation of freight to maximise the efficiency and competitiveness of the logistics chain (Section 6.1);
- The implied requirement for basement car parking to be provided where there are no flooding or geological constraints (Section 7.3);
- The requirement for 1 car share space per 40 car spaces for industrial development where there is clearly no demand for the service;

- The requirement for sites greater in area than 5000m² to “provide through site links and narrow building frontages” (Section 14.2.1);
- Public art on-site for industrial development where there will be little or no visibility of the art (Section 14.3.2);
- Building design provisions to combat heat island effects that are inefficient or inappropriate for large scale warehouses.

It is recommended that the final DCP be re-structured to include specific sections for the Enterprise and Agribusiness zones, within which the performance outcomes and benchmark solutions are tailored to the dominant land uses and development typologies that the zones will facilitate. The draft DCP for the adjacent Mamre Road Precinct is currently being finalised has been drafted specifically for large format industrial and warehouse development. The provisions and controls in this document should inform the Aerotropolis DCP process with regard to development in the Enterprise and Agribusiness zones.

The Department needs to proactively engage with industry, and experienced industrial design practitioners, to establish realistic and affordable design parameters that can work in with the operational needs of the industry. Frasers would be happy to engage with the Department in this respect.

3.4 Duplication, overlap or inconsistency with existing environmental assessment frameworks

The draft DCP provisions contain a number of examples of duplication, overlap or inconsistency with established environmental assessment frameworks. Some of these assessment frameworks are imposed by way of other legislation or State Environmental Planning Policies. Examples include:

- The proposed recognise Country provisions which have the potential to duplicate or complicate the established Aboriginal cultural heritage assessment processes for investigation and consultation under the purview of the *National parks and Wildlife Act 1974*. Greater clarity is needed on how these processes will work together;
- Provisions relating to development of Strahler 1st order streams in catchments over 15 hectares which will be required to be reinstated as a natural creek/drainage line with an appropriate VRZ (Section 4.1.2). These provisions are inconsistent with established rules in the Natural Resource Access Regulator (NRAR) Guidelines;
- Section 9.7.2 relating to contaminated land which makes no reference to the established statutory requirements of *SEPP 55 Remediation of Land* but includes a range of performance outcomes and benchmark solutions .

The development industry needs to have confidence that the appropriate environmental assessment frameworks are not complicated or compromised by the draft DCP requirements and that delays to the assessment process are not created as a result. The draft DCP provisions should not prelude or prohibit development outcomes that are permitted by other legislation or accepted government guidelines.

3.5 Controls relating to post approval activities

The draft DCP contains provisions that relate to the management of post approval operations and are not directly related to or appropriate to be within a DCP framework. This is particularly the cases with section 9.6 – Erosion and Sediment Control which requires the submission of a detailed erosion and sediment control plan to be lodged with the development application rather than, as is the case elsewhere, required as a standard condition of consent. The performance outcomes and benchmark solutions also place requirements that relate to matters for post-approval construction activities which cannot reasonably be addressed in a development application.

3.6 Consistency of development controls with comparable employment land precincts

There is a distinct lack of consistency between the proposed performance outcomes and benchmark solutions in the draft DCP with comparable industrial and employment zoned land elsewhere in Western Sydney. The often stated criticism of “business as usual” within Aerotropolis documentation, including this draft DCP, fails to acknowledge the significant collaboration between industry and the Department’s assessment teams to create innovative solutions to environmental and urban design challenges associated with large format industrial development. This collaboration

has over many years, established a set of design standards and controls for industrial / warehouse development and associated infrastructure that have delivered high quality, award winning industrial estates.

The proposed DCP controls ignore these settings and promote new controls which have not been tested or ground truthed to determine if they are feasible, and not been the subject of any meaningful engagement with industry or it would seem the Department's own Industry Assessments team. The proposed land use and infrastructure provisions in the draft DCP are significantly more onerous than the accepted WSEA outcomes and will place a significant additional cost burden on development in the Precinct.

Development costs in the precinct need to be competitive both within the Sydney metropolitan context but also with other jurisdictions nationally. The proposed development controls in the draft DCP are simply not comparable with interstate precinct and there is a real risk that the bias against large footprint warehouses and the additional cost and time delays associated with development approval in the Aerotropolis will deter investment in the precinct and stymie the growth and sophistication of the Western Sydney Airport.

3.7 Need for flexibility for alternative solutions

The purpose and status of development control plans are articulated in Section 3.42 of the *Environmental Planning and Assessment Act 1979* (the Act):

(1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development—

- (a) giving effect to the aims of any environmental planning instrument that applies to the development,*
- (b) facilitating development that is permissible under any such instrument,*
- (c) achieving the objectives of land zones under any such instrument.*

The provisions of a development control plan made for that purpose are not statutory requirements.

While DCPs specify a greater level of detail than the environmental planning instruments (EPI) that they support, the Act makes it clear that they are *guidance* and should support the key aims land use outcomes and objectives of the EPI. DCPs therefore need to be flexible and provide for alternative solutions that are still consistent with the EPI outcomes.

Fraser's acknowledges that Section 1.5.2 permits variations to the DCP controls and this is welcomed. This flexibility for alternate solutions to be proposed in development applications is particularly important in the context of the Aerotropolis where there has generally been high level and limited technical studies undertaken by government and site specific data has not been available. Landowners are required to undertake detailed specialist technical studies for the landholdings as part of any development application process. These studies will inform site specific design and inevitably lead to variations or departures from the promoted DCP outcomes to reflect on the ground environmental constraints.

The flexibility proposed by Section 1.5.2 however will only be of value if there is a development assessment culture in State and Local Government that promotes merit assessment over prescription. Unfortunately, the experience of the NSW planning system would indicate a conservatism and reluctance to accept valid alternative solutions. The department needs to be vigilant and ensure that the DCP, when finalised and implemented, is the subject of monitoring and review, not just in terms of the quality of development outcomes, but also the ease and efficiency of the assessment process.

3.8 Flexibility to facilitate interim development outcomes

The Aerotropolis encompasses large areas with multiple land ownerships and different stages of development. The land use and infrastructure outcomes proposed for the Aerotropolis will be developed over a long term timeframe and involve successive phases and generations of development. In many respects, the objectives and controls proposed in the draft DCP reflect a desired end state that will take decades to realise in full. The DCP must include appropriate flexibility for not just alternative solutions, but interim solutions that can be implemented, particularly

where the development will support jobs and economic development and contribute to the overall growth and complexity of the Western Sydney Airport and the surrounding Aerotropolis.

3.9 Precinct Plans have not been finalised

The overall effect on future development for many provisions in the draft DCP will be informed by the Precinct Plans which will provide greater detail with respect to land use and infrastructure planning outcomes. It is disappointing that the final Precinct Plans have been delayed and are therefore not available to provide context and clarity for key performance outcomes of the draft DCP. The lack of timely and logical sequencing of the release of planning documents has made it extremely difficult for land owners and stakeholders to obtain a clear picture with regard to the interrelationships between the various statutory instruments and subordinate plans and controls.

4.0 Specific Comments on Controls

4.1 Section 2 - Recognise Country

Fraser's supports the integration of Recognition of Country into the planning framework for the Aerotropolis. It is a clear aim of the WSA SEPP and is in keeping with the NSW government's strategic intent for the Western Parkland City. The Recognition of Country provisions, if drafted and applied appropriately, could provide a workable model for development precincts more generally both in Sydney, but also other precincts and locations across the State.

Notwithstanding this, balance is required to ensure that Recognition of Country is a positive, collaborative process and not a bureaucratic burden on future development through excessive or duplicating processes and consultation. There also needs sufficient flexibility allowed in the process to ensure that different development typologies are able to express Recognition of Country in different ways. A one-size-fits-all approach to this issue, based around finer grain urban development outcomes, as proposed in the mixed use and residential precincts, risks turning what should be a positive component of the development process into one which deters investment in the precinct through slowing down and complicating the development assessment process. This is particularly so in for the important, early phases of Aerotropolis development, where processes for identifying and implementing connection to country are not fully resolved and tested.

Fraser's key comments on Recognise Country are:

- There is need for clarity as to how the Recognise Country benchmark solutions interact with the established Aboriginal Cultural Heritage assessment processes (ACHAR and AHIP) under the *National Parks and Wildlife Act 1974*.
- While the draft DCP states that the Recognise Country provisions should be undertaken in conjunction with the Aboriginal heritage requirements in Section 3, the Recognise Country provisions will introduce a whole new layer of consultation with Aboriginal groups separate to ACHAR or AHIP process. The *Recognise Country Draft Guidelines for development in the Aerotropolis*, which are referred to in the draft DCP even state:

These guidelines are also separate to the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010. That document sets out requirements to consult with Aboriginal people who hold knowledge about the significance of Aboriginal cultural heritage relevant to an application.

- The ACHAR/AHIP consultation processes have been carefully calibrated over many years to provide a robust and transparent framework that, while time consuming, creates an element of certainty in the EIA process. The draft DCP provisions do not appear to have a defined consultation framework for Recognising Country in place, rather "engagement principles" that have yet to be sufficiently tested. There is a risk that important, early development in the Aerotropolis will have assessment timeframes delayed due to this absence of a resolved and accepted consultation processes. This will particularly be the case for large format industrial development which, as its name implies, will have significant intrusion into the landscape. Warehouse and logistics development is also highly functional in design to meet the

operational needs of the end user. This will need to be understood as part of a Recognise Country process if the objectives of this section of the draft DCP are to be achieved.

- There is potential for the provisions, in particular Part B – PO5, to be inconsistent with other regulatory guidelines or controls including the NRAR guidelines for riparian assessment and bushfire threat assessment and management. The draft DCP should be clear that, while Aboriginal stakeholder input is of value, the ultimate development outcomes still need to be in accordance with the established requirements of relevant legislation and policy guidelines.
- Part B – PO4 also includes a requirement for a statement on how cultural knowledge has been integrated into environmental assessment and management, as well as on-going land management and enterprise and economic development. This requirement is vague and seemingly onerous. How this might work in reality for large format warehouse and logistics operations is questioned. Proponents for industrial and warehouse development are often not the end user / operator of the facility, and the end user may not be known as the time the development goes through the planning approval process. It may not be feasible, for developers to make commitments and bind future tenants / operators with respect to their operations on this matter.

4.2 Section 3 - Heritage

Aboriginal Cultural Heritage

The performance outcomes and benchmark solutions in this section of the draft DCP appear to go beyond, and are inconsistent with, statutory requirements and processes in place under the ACHAR and AHIP frameworks across the State. There also seems to be inconsistency with respect to performance outcomes. Performance outcomes PO1 and PO2 would appear to prevent any impact on Aboriginal heritage objects or places, while the benchmark solution for PO4 would permit formal salvage and excavation.

The ACHAR and AHIP frameworks are established processes that provide a robust framework for the assessment of Aboriginal cultural heritage and would, where justified following a thorough consultation process with registered parties, permit impacts on or salvage of sites and objects. The performance outcomes should be revised to be consistent with the established assessment and consultation methodology and allowable outcomes.

4.3 Section 4 - Stormwater, Water Sensitive Urban Design and Integrated Water Management

With regard to the design and implementation of stormwater, water sensitive urban design and integrated water management, there is a need for a consistent approach for industrial development in Western Sydney. The proposed performance outcomes and benchmark solutions for the Aerotropolis should be consistent with the proposed provisions in the Mamre Road Precinct, which has been the result of significant consultation and collaboration between landowners and the NSW Government. The Mamre Road Precinct outcomes, which are expected to be reflected in the final DCP for the Precinct, have been designed and tailored for large format industrial and warehouse development.

As an overriding comment, there is a need for consistency of development controls to deal with these issues across employment precincts in Western Sydney. This provides a level of consistency and certainty for developers with respect to attracting and securing tenants and end users and provides for a level playing field. As discussed in Section 3 above, a key concern with the overall draft DCP is that the document clearly has been tailored for non-industrial land uses, and many benchmark solutions are not relatable to industrial development and will have the effect of only permitting small-scale and unviable industrial development outcomes. This will undermine the achievement of the Aerotropolis vision.

The following comments are provided on the specific performance outcomes and benchmark solutions of Section 4 of the draft DCP:

Waterway health and riparian corridors

The benchmark solution for performance outcome PO1 will require that Strahler Order 1 watercourses with a catchment of greater than 15 hectares be re-instated with a natural watercourse. This requirement is inconsistent with the draft Precinct Plan which only requires a natural state for 2nd order streams and higher. It is also inconsistent with the NRAR Guidelines which permit Order 1 streams to be removed as part of development and are applied to other employment lands precinct, including the Mamre Road Precinct. The requirement to retain Order 1 streams for >15 hectare catchments will have a significant and detrimental effect on industrial development. Warehouse and distribution facilities require significant bulk earthworks to facilitate large, flat areas, several hectares in size to facilitate the warehouse, loading dock areas, offices and car parking. Often more than one warehouse is on a development pad level. Workable street networks also require large relatively flat areas.

The benchmark solution proposed for this performance outcome, has clearly not been the subject of any ground-truthing investigation, and will have the effect of making large tracts of the Enterprise and Agribusiness zoned areas undevelopable for contemporary warehouse and logistics development of the scale required to support the Western Sydney Airport.

Existing artificial waterbodies

The performance outcomes and benchmark solutions would indicate that there is only a requirement to retain specific waterbodies identified in the draft Precinct Plans. In this respect, the final Precinct plans should be consistent with the draft Precinct Plans with regard to the identified waterbodies. Should these provisions be extended to require retention of small scale farm dams, the requirements would be considerably onerous for future development.

Stormwater management and water sensitive urban design

The proposed performance outcomes and benchmark solutions proposed to address stormwater management including water quality targets and Mean Annual Runoff targets, are consistent with the approach developed for the Mamre Road Precinct in collaboration with landowners. These controls, on a development site basis, are onerous and will add significant and unnecessary cost to development in the Precinct. The 30% target for pervious surfaces is a significant constraint on site development. The target is significantly greater than the current 15% industry standard and is unprecedented in the context of employment land development. This target, when combined with the required pollution load reduction targets, will be a significant cost to development in terms of the cost of infrastructure and loss of developable land to facilitate the WSUD infrastructure

Considerable objections were raised industrial landowners in the Mamre Road Precinct to the large cost and sterilisation of land required to achieve the targets as originally proposed in the draft DCP for that precinct. The agreement of Sydney Water to the development of a regional solution by way of implementing a series of waterbodies downstream of development sites to manage surplus water runoff, in consultation with landowners, has provided pathway forward to deal with these issues, without the need for zoned employment land to be sterilised.

A similar approach to stormwater management is proposed in the draft DCP, however the details of the regional solutions proposed by Sydney Water, their locations, and capacity to meet the draft DCP targets are not provided. It is understood that this information will be final Precinct Plans, however in the absence of these documents in the public domain, it is not possible for landowners to verify this.

The Sydney Water regional solution will however only be a medium to long term solution. In the interim, development will need to demonstrate that the targets can be met at the lot or estate level. This will require sterilisation of land to accommodate evaporation ponds and other water management solutions that are in excess of equivalent industrial requirements interstate, and in other employment lands outside the Aerotropolis. The proposed regional solutions need to be prioritised and developed in the short term, particularly where development in the Enterprise zone is proposed to avoid the unnecessary sterilisation of land or implementation of expensive, interim solutions to meet draft DCP requirements on a lot or estate level.

Given the commitment that regional solutions will be implemented in the future, and designed to accommodate development within the catchment of each regional basin, current Council stormwater quality and runoff targets should be maintained as an interim measure for early, catalyst development with the requirement that the development sites be ultimately connected to the regional basins, when constructed. This would enable a progressive transition to the waterway health objectives and stormwater management targets, without impacting on the feasibility of the initial phase of development.

Performance objective PO7 includes a benchmark solution that trunk drainage lines to be designed as naturalised channels. Flexibility is needed with respect to this outcome for industrial precincts. Industrial development requires significant change of land levels for development pads to facilitate large format warehouse development. Naturalised drainage channels are impractical in this context and will incur significant costs associated with road crossings.

4.4 Section 5 - Native vegetation and biodiversity

The requirement for industrial sites to provide a minimum of 25% of the site area for minimum tree canopy, when applied in conjunction with other development controls including maximum street block lengths (Section 4.5 below) and integrated water management targets (Section 4.3) will severely constrain development yields in the Enterprise and Agribusiness zones. These requirements will have the effect of only permitting a scale of warehouse development that does not meet the needs of the logistics sector and will not support the Western Sydney Airport. It is recommended that a consistent approach to the Mamre Road Precinct DCP be adopted for the Aerotropolis DCP.

4.5 Section 6 - Access and movement

Street network functions and design

The objectives, performance outcomes and benchmark solutions in the Access and Movement section have clearly been drafted with a finer grain urban typology in mind. This may be appropriate for the mixed use and residential zoned areas and centres, however is not feasible or appropriate for development in the Enterprise and Agribusiness zones.

The overall objective to design street networks to prioritise walking and cycling permeability and to facilitate safe and convenient access to public transport is misguided with respect to precincts that are characterised by large format industrial, warehouse and logistics development. The street networks in these locations should prioritise efficient movement of heavy vehicles and freight. While walking and cycling should be clearly accommodated in a manner conducive to safety and amenity, they are subservient to the needs of the land use the streets serve. Industrial streets should be designed for industrial needs. It also needs to be noted that access to public transport will be far more limited in many industrial and agribusiness areas due to the distance from public transport nodes and generally lower population density.

The proposed maximum block sizes in Table 2 to the Section provide for a maximum length of a block of 350m for development in the Enterprise zone, with mid-block connections for pedestrians and cyclists provided no more than 150m apart. These measurements are clearly unfeasible for the typology of development and would significantly limit industrial and logistics development. Block lengths in the Mamre Road Precinct developments to date are generally in excess of 400 – 500m. There are numerous examples of individual warehouses which are longer than 350m in length, not including associated loading bays and internal driveways. Mid-block connections will further reduce the size, scale and function of warehouse and logistics development and are not required for this type of development given the low pedestrian environment. When compounded with other controls, including the 25% tree canopy requirement, the proposed benchmark solutions would limit the size of warehouse development to a scale that is undersized for the logistics industry, not demanded by the industry, and completely inadequate in terms of serving the needs of Sydney's logistics chain and Western Sydney Airport. These controls have not been applied to Mamre Road Precinct and should not apply in the Aerotropolis.

Active transport network

While Fraser's support the provision of an active transport network, large sections of the Aerotropolis are not located close to existing public transport and future public transport services in many areas are unlikely to be frequent or within walking distance. Services in many areas are unlikely to have public transport in the initial years when the large format warehousing a logistics development will be a dominant land use.

Other performance objectives and benchmark solutions promote traffic calming solutions such as raised pedestrian crossings that are inappropriate for industrial areas where there is low pedestrian activity, and the efficiency of the road network is economically paramount.

4.6 Section 7 – Travel demand management and parking

Travel demand management

Fraser's has no objections to the requirement to prepare and submit travel plans as a performance objective. However, there are currently limited public transport services in the Aerotropolis and unlikely to be any significant expansion of services for the foreseeable future. The Enterprise zoned areas generally coincide with locations subject to aircraft noise which are remote from residential areas and active transport opportunities. In the absence of a comprehensive public transport system, consent authorities and Transport for NSW need to understand that elevated levels of car usage will continue in the short to medium term.

Car parking rates

The proposed minimum car parking rates for the Enterprise zone at 1 space per 250m² GFA, are significantly lower than for comparable industrial precincts in Western Sydney. The draft Mamre Road Precinct DCP provides for a minimum car parking rate of 1 space per 300m² GFA or 1 space per 4 employees, whichever is the greater and this rate is comparable with other development in the Western Sydney Employment Area. A rate, consistent with the Mamre Road draft DCP should be applied for the Enterprise zone.

The requirement for a car share scheme parking in industrial precincts is unfeasible and impractical and should be removed. The nature of employment associated with industrial and warehouse development will not generate demand for car share scheme use.

Parking design / access and end of trip facilities

The performance outcomes and benchmark solutions for this section are not considered to reflect or relate to industrial and warehouse development.

Basement car parking for large format industrial development is impractical and unfeasible.

While end of trip facilities are important and should be provided, the requirements need to realistically reflect the remoteness of development from residential areas and type of employment. There are no provisions in the Mamre Road draft DCP placing requirements for end of trip facilities and again, consistency should be applied across employment precincts.

Servicing and loading design

These provisions were clearly not drafted for industrial and warehouse development. Provisions, consistent with the Mamre Road draft DCP should be included in this DCP.

4.7 Section 9 – Flooding, environmental resilience and adaptability

Mitigating the urban heat island effect

These provisions were clearly not drafted for industrial and warehouse development. Provisions, consistent with the Mamre Road draft DCP should be included in this DCP.

Erosion and sediment control

The performance outcomes and benchmark solutions in this section relate to post consent compliance matters and would be more appropriate to be addressed as conditions of consent.

4.8 Section 10 – Airport safeguarding

The Airport Safeguarding provisions in the draft DCP generally reflect the high level outcomes in the *National Airports Safeguarding Framework* which is applied consistently for development surrounding Australian Airports.

Wildlife hazard

With respect to wildlife hazard, the benchmark solution requiring stormwater detention basins to be designed to fully drain within 48 hours after a rainfall event is problematic in the context of achieving the stormwater runoff and water quality targets in Section 4 of the draft DCP. Achievement of these targets will rely on the retention of water in regional basins for evaporation or re-use in water harvesting schemes. This issue needs to be resolved in the final DCP as it has the potential to sterilise larger areas of zoned employment land if bio retention basins cannot be fully utilised as a management tool.

4.9 Section 11 – Sustainability and the circular economy

These provisions were clearly not drafted for industrial and warehouse development and have the potential to add significant cost to development. The waste minimisation and management provisions within the Mamre Road draft DCP are appropriate for industrial development and should be included in this DCP.

4.10 Section 12 – Services and utilities

Precinct Integrated Water Cycle Management

As stated in earlier sections of this submission, the commitment to and timing of the delivery of regional / precinct stormwater harvesting and reuse schemes will be critical to the facilitation of industrial and warehouse development in the Enterprise and Agribusiness zones. Unlike other Aerotropolis uses, there is strong immediate demand for industrial development, particularly warehouse and logistics development. If regional these solutions are not prioritised, on-site schemes will need to be implemented either temporarily or long terms by landowners, significantly increasing development costs and/or delaying development timeframes.

4.11 Section 14 - Benchmarks for larger sites, subdivision or masterplanning

Targets for site coverage, perviousness and quantum of public domain by typology

Table 8 which accompanies this section is unclear and confusing. The site cover and perviousness requirements are well in excess of accepted industry standards and are significantly more onerous than the Mamre Road Precinct requirements. Further consultation is required with industry to establish acceptable solutions that are operationally and economically feasible for the development typology, rather than what might be technically achievable based on urban design considerations or academic calculations.

Street patterns

These provisions were clearly not drafted for industrial and warehouse development. Provisions, consistent with the Mamre Road draft DCP should be included in this DCP. The requirement for the creation of a “fine grain, highly connected urban place” is not an appropriate outcome for large format industrial and warehousing development characterised by large development blocks and development footprints.

As discussed in Section 4.5 above, the benchmark block sizes, which are a requirement for larger development sites, are inappropriate and ill-considered. Implementation of these requirements will render the Enterprise zone undevelopable for warehouse and logistics purposes. It is noted that there is a footnote referring to further review of these controls. Engagement with experienced practitioners in the industrial development sector, is critical in this regard. Frasers would welcome the opportunity to be involved in any future process for the review of these controls.

4.12 Section 15 - Additional provisions for certain land uses

As outlined in Section 3.3 of this submission, the draft DCP generally applies a “one size fits all” approach to development. Part 4 of this section provides a limited number of additional tailored provisions for certain land uses, including industrial development. These are limited in scope and reflect that, notwithstanding the quantum of land zoned for industrial purposes, the drafting of the document has been through the lense of non-industrial land uses.

It is recommended that the final DCP be re-structured to include specific sections for the Enterprise and Agribusiness zones within which the performance outcomes and benchmark solutions are tailored to the dominant land uses and development typologies that the zones will facilitate. The draft DCP for the adjacent Mamre Road Precinct is currently being finalised has been drafted specifically for large format industrial and warehouse development. The provisions and controls in this document should inform the Aerotropolis DCP process with regard to development in the Enterprise and Agribusiness zones.

5.0 Economic impacts of the draft DCP

This submission is accompanied by an analysis prepared by Macroplan (**Appendix A**) focusing on the potential impact the draft Phase 2 DCP will have on the warehouse and logistics sector with regard to:

- The timely supply of industrial land to market;
- Cost effective and feasible delivery of serviced industrial land to market; and
- Affordability of the industrial land supply, including competitive land prices and rents.

The analysis prepared by macroplant should be read in conjunction with this submission.

6.0 EIE for Amendments to the Aerotropolis SEPP

Fraser's welcomes the review of the WSA SEPP and the exhibition of the Explanation of Intended Effect for proposed amendments. The following comment are provided on the proposed amendments to the SEPP:

- Support for the inclusion of provisions which would permit the amendment of a Precinct Plan through the Master Plan Process;
- Support for the inclusion of provisions that enable development to be inconsistent with a Precinct Plan or Master Plan by way of a mechanism similar to clause 4.6 of the Standard template LEP;
- Support for expanding the criteria for a development site to access the Master Plan approval pathway; and
- Support for provision that clarify the relationship between a Precinct Plan and a Master Plan.

It is disappointing that much needed amendments to Part 5 of the WSA SEPP (Design Excellence) have not been included in the EIE. The Design Excellence provisions in the WSA SEPP are clearly inappropriate and poorly drafted in the context of industrial development. It is strongly recommended that the amendment to the WSA SEPP include a complete review of the Design Excellence provisions to provide more appropriate and realistic criteria for the requirement for Design Review Panels and Design Competitions. :

The current Design Review Panel criteria are not directly related to the nature, scale or location of a building, rather are based on criteria including capital investment value and site area, and automatically pull in State Significant Development, irrespective of the development type. The provisions have the effect of requiring a Design Review Panel process for development with no built form, including earthworks and excavation with a site area greater than 5,000m². This is clearly not the intention of the provisions

The Design Competition requirements again include a capital investment value threshold (\$40 million) that is not related to land use, location or if the development actually includes a built form element. The Design Competition criteria is unclear with regard to its application to a concept development application that may not include architectural detail. Again, large scale bulk earthworks and certain industrial facilities could potentially meet the \$40m threshold.

There is no flexibility included in the provisions to waive the need for a Design Review Panel or Design Competition where the development is minor, or where it would be unreasonable or unnecessary to apply the processes, as would be the case with earthworks or manufacturing facilities. There is also a risk that the efficient design of a development from a function and operational efficiency perspective, will be compromised by urban design considerations. Urgent attention is required as the Part 5 provisions, as currently in force, will place unnecessary process and time delay on development


7.0 Conclusion

Frasers commend the Department on the release of the draft DCP and the further progression of the land use and planning framework for the Aerotropolis. While it is acknowledged that significant effort has been expended to create a comprehensive suite of objectives and controls, careful consideration is needed in the finalisation of the DCP to ensure there is a greater balance between subjective, aspirational outcomes proposed in the objectives and controls, with the need for development in the Precinct to function for its purpose and be economically feasible. Ultimately the success of the Aerotropolis and of the broader Western Parkland City depends on getting this balance right.


The development objectives and controls expressed in the draft DCP are a significant departure from those applied to other employment precincts in Western Sydney, particularly the WSEA. Frasers are concerned that there has been insufficient testing of the proposed controls both in terms of delivering site development outcomes that are fit for purpose for end users, as well as the economic feasibility of development in the Precinct, particularly when combined with the proposed development contributions frameworks. The draft DCP objectives and controls have the potential to significantly affect the competitiveness of the Precinct in attracting business and jobs to Western Sydney.

Prior to finalisation of the DCP, the Department should proactively engage with industry and experienced industrial design practitioners to review and revise the proposed built form and urban design controls to ensure that the right balance is achieved between the functional requirements of development in the Precinct and design outcomes. In this regards, Frasers is willing to meet with Department to run through these concerns to ensure that the final version of the DCP is appropriate in terms of its planning controls and resulting development outcomes to enable the delivery of the Aerotropolis to support the broader Western Parkland City.

Yours sincerely



Gordon Kirkby
Director, Planning



5 November 2021

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

Dear Ms Van Laeren,

RE: Draft Western Sydney Aerotropolis Development Control Plan Phase 2

Macroplan has been engaged by Frasers Property Industrial Australia (Frasers) to make representations on its behalf with respect to the draft Western Sydney Aerotropolis Development Control Plan Phase 2 document (Phase 2 DCP) currently on public exhibition. We understand that the Phase 2 DCP has been drafted to support the implementation of precinct plans, by providing controls to guide development in the Aerotropolis. We note that the Phase 2 DCP will only apply to the initial precincts for development, which includes the Aerotropolis Core, Badgerys Creek, Wianamatta-South Creek, Agribusiness and Northern Gateway Precincts and will in the future apply to other precincts once precinct plans have been prepared. However, the Phase 2 DCP will not apply to the Mamre Road Precinct which has its own Development Control Plan (DCP).

Frasers commends the Department of Planning, Industry and Environment (DPIE) for preparing a DCP that aims to provide for a flexible approach to satisfying development principles and objectives in the Aerotropolis Planning Framework. However, Frasers' is concerned that the Phase 2 DCP is not conducive to warehouse and logistics development, which is further creating a shortfall in the available industrial land in Greater Sydney. The demand for warehouse and logistics land that supports large format warehouse developments has significantly increased in recent years due to the rise in e-commerce (which has been accelerated due to COVID 19) and this trend will only continue. The Western City and Western Sydney Aerotropolis (WSA) cannot rely on the Mamre Road precinct to support larger scale warehouse formats to service a growing population, it will require additional industrial precincts and lands. The lack of serviced and available industrial land supply is impacting on land prices and rents as well as vacancy rates. This has the potential to impact on the private sector investing in NSW which therefore impacts on the NSW economy and employment opportunities in the freight and logistics and manufacturing sectors that often require suitably located lands with specific service and infrastructure requirements.

The Phase 2 DCP therefore has the potential to impact on:

1. Timely supply of industrial land to market;
2. Cost-effective and feasible delivery of serviced industrial land to market; and
3. Affordable industrial land supply to market, including competitive land prices and rents.

Delays to the development of land for industrial type developments in Sydney and the need to consider onerous development standards and controls for such developments in the WSA could impact on business confidence to invest in Western Sydney and the economic feasibility of undertaking such developments. It could result in costs being passed

on to consumers and businesses and/or industrial operators choosing to relocate interstate (e.g. Brisbane and Melbourne) where industrial land markets are more cost efficient and development processes less onerous.

While the rezoning of the Mamre Road Precinct was needed to provide industrial land in Western Sydney based on the current land take up and market demands, this land is likely to be developed and fully utilised for freight and logistics and other industrial purposes before the Airport opens in 2026/2027. NSW and Greater Sydney's increasing population and jobs will also put pressure on industrial land supply, particularly if trends regarding local demand for manufacturing and logistics for warehousing and distribution continue. It is critical that industrial lands in the WSA are not constrained and underdeveloped as a result of the Phase 2 DCP given the amount of industrial land supply required to support the State's growing population, competitive domestic and international market growth needs. It is estimated that between 2020 and 2030, Australia's population is expected to grow by 2.9 million persons and will result in additional warehouse demand totalling approximately 11.5 million m² from population growth alone during this period (Colliers Research, *The New Normal – The Future of Logistics Demand*, July 2021). This is equivalent to one additional person generating demand for 4 m² of warehouse floorspace. This is primarily being driven by the continued growth in e-commerce and a different way of distributing freight to businesses and consumers.

It is strongly recommended that industrial lands within the WSA have a standalone DCP drafted similar to the Mamre Road Precinct, that is tailored to industrial style development and its operational requirements. The Phase 2 DCP performance outcomes and benchmark solutions do not correspond to the scale, design and operational requirements of industrial and logistics type developments. Further details of the potential impacts of the current draft Phase 2 DCP are set out below.

1. Timely industrial land supply to market

The industrial land market in Sydney has been consistently characterised by constrained supply. While the Sydney market is more geographically constrained than other markets (e.g. Melbourne), there is in theory ample long-term supply. Potential future employment land is identified in endorsed NSW Government or council documents (e.g. Greater Sydney Region Plan and Growth Centre Structure Plans) as future or potential employment lands, which can be characterised as long-term supply. In its 2021 appraisal, the DPIE identified 6,529 hectares of potential future unzoned employment land. On a side note, however, the actual level of long-term supply would be about 13% lower than the Employment Lands Development Monitor estimates, which does not reflect the 850 hectares already zoned and released within the Mamre Road section of the WSEA¹.

¹ (DPIE) The figures provided for the Potential Future Employment Lands represents the identified potential area for a precinct at a specific point in time (i.e. January 2020). This might reflect differently from the present-day planning and area status for the given precincts. This fact is worth acknowledging for the 2020 ELDM Report as there has been progress and activity at some of the Proposed Precincts identified above since January 2020. For example, the Mamre Road Precinct comprising 850ha located in the Western Sydney Aerotropolis and Western Sydney Employment Area Extension (Penrith LGA) was rezoned in June 2020. These amended areas will be reflected in the 2021 ELDM Report.

Table 1. Potential Future Employment Land², January 2020

Precinct	LGA	Area (ha)
Catherine Fields	Camden	73.2
Future Industrial	Camden	87.6
Future Industrial	Liverpool	1,124.9
Kemps Creek	Liverpool	446.8
Lowes Creek	Camden	87.7
Lowes Creek/Marylands	Camden	63.7
Marylands	Camden	25.5
Rossmore	Liverpool	40.2
Moorebank Defence Lands	Liverpool	154.0
Glen Lee	Campbelltown	45.4
Glen Lee	Camden	14.6
Western Sydney Employment Area Extension ³	Penrith	3,973.4
Western Sydney Employment Area Extension	Liverpool	391.9
Catherine Fields	Camden	73.2
Greater Sydney Total		6,528.9

Source: DPIE Employment Land Development Monitor

However, the amount of land that is available in the short and medium term is only a fraction of that and the pipeline of that land is shrinking. Based on an earlier review prepared by Macroplan (2017), Table 2 indicates that there were about 5-7 years supply of undeveloped employment land (i.e. medium term supply) and less than 2 years of undeveloped and serviced land available (i.e. short term supply). To maintain a competitive marketplace for the supply of industrial premises to end-users, this is not adequate. Since then, the position has only deteriorated.

Table 2. Estimates of zoned undeveloped & serviced industrial land⁴, Greater Sydney

Calendar year	Indicative Annual take-up	Undeveloped ⁵	Supply	Undeveloped & Serviced ⁶	Supply
	hectares	hectares	years	hectares	years
1 st January 2017	200-300	1,450	4.8-7.2	375	1.3-1.9
1 st January 2018	200-300	1,405	4.7-7.0	365	1.2-1.8
1 st January 2019	200-300	1,357	4.5-6.8	365	1.2-1.8
1 st January 2020	200-300	1,287	4.3-6.4	342	1.1-1.6
% Changes since 2017	-	(11.2%)	(0.5-0.8)	(8.8%)	(0.2-0.3)

Source: DPIE Employment Land Development Monitor, UDIA, Macroplan

² (DPIE) This table shows the total gross potential future employment land. This will reduce as the land moves through the various planning stages (e.g. released, rezoned, subdivided, serviced) to become development ready.

³ (DPIE) In 2016, 125 hectares of employment land was rezoned to B7 Business Park at Sydney Science Park.

⁴ The Mamre Road Precinct comprising 850ha located in the Western Sydney Aerotropolis and Western Sydney Employment Area Extension (Penrith LGA) was rezoned in June 2020. These amended areas will be reflected in the 2021 ELDM Report.

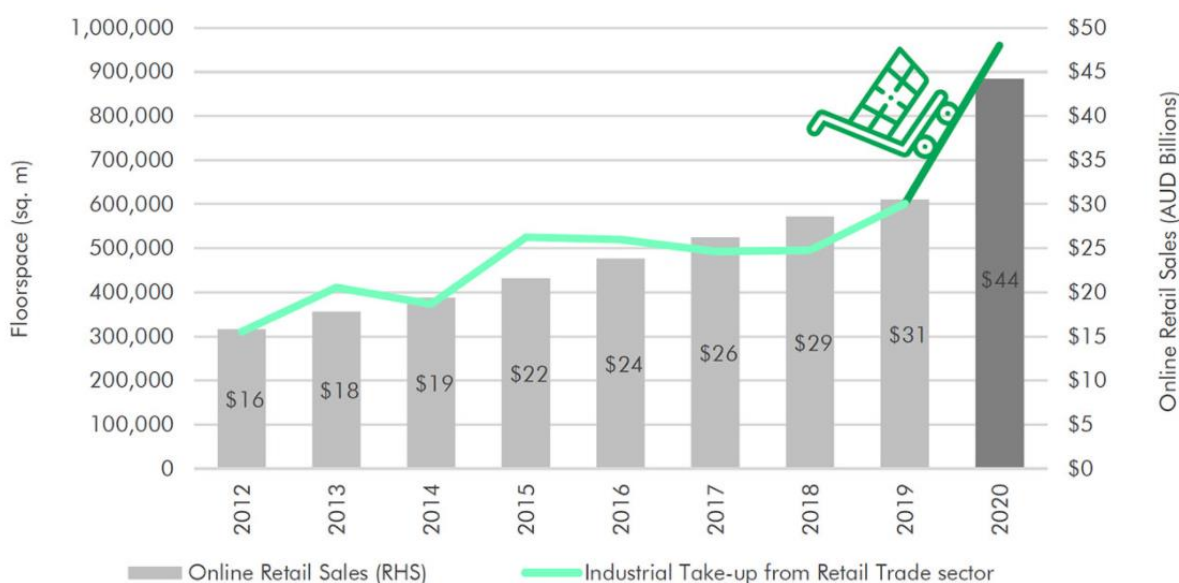
⁵ (Macroplan) 'Medium term supply' which excludes zoned and undeveloped land in remote location & undevelopable, and also taking into account 20% to 50% of land likely to be lost to constraints, utilities, services, and infrastructure.

⁶ (Macroplan) 'Short term supply' and excluded the rezoning of land linked to the Moorebank Intermodal (effectively fully absorbed and taken out of the market).

The years of supply measure is contingent on the level of take-up. Macroplan (2017) also commented that the strong economic conditions in Sydney had not yet been fully reflected in the DPIE's take-up estimate of 163 hectares per annum for 2008-14. Certainly, the lift in business investment (particularly in warehouse construction), along with the favourable interest rate environment, suggests that the take-up of industrial land should be running at much higher levels, which indicates that a take-up rate of around 200-300 hectares per annum would be more realistic. Colliers (2021) recently commented that take-up activity is expected to exceed historical levels and be in the order of 200 to 250 hectares per annum over the next five years. Robust industrial development surge, accentuated by COVID-19 and widespread adoption of e-commerce, highlights the risk in relying on a low quantum of supply when demand takes an unexpected and positive turn.

The current industrial and logistics supply pipeline will struggle to meet the increasing demand from the e-commerce sector. The market is already experiencing solid demand from e-commerce businesses (and many high-profile companies) seeking larger warehouse footprints. A recent CBRE research found that Australia's e-commerce sector is transforming the warehousing and logistics sector. Online sales recorded a significant growth during the COVID-19 pandemic, which accounted for 13% of all retail sales in Australia in 2020, up from 7% in 2015. The research also indicated that floorspace absorption from industrial sector reached an all-time high with around 1 million m² of logistics space being absorbed from retail trade occupiers. CBRE forecasted that about 500,000 m² per annum of additional e-commerce-dedicated logistics space will be required by 2025 in Australia to support the growth of internet sales. Australia's current supply pipeline indicates a shortage of new space required to meet future e-commerce demand, particularly Sydney where the share of population make up more than 20% of the national total.

Figure 1 Industrial & Logistics absorption from the retail trade and online retail sales



Source: CBRE, NAB

Macroplan's assessment (2017) is also supported by the latest market reports from the leading property agencies which revealed that the recent market trends did not deviate from the historical trends over the last four years. The recent report from Colliers (Industrial Development Update Western Sydney, June 2021) suggests that there are 1,997

hectares of net developable industrial land in Western Sydney, however, of this more than 50% of net developable land is owned by inactive landowners.

Macroplan envisage that a large share of these inactive landowners, however, will not be active in the near future. Their inactivity – rationally observing the preparedness of policy makers to keep the supply pipeline short – will be rewarded by the rise in prices. Macroplan’s research indicates that two of the largest private industrial landowners, Jacfin (approximately 220 hectares) and Sereglio (approximately 93 hectares), will not contribute warehouse space to market in the short term.

The years of supply measure is contingent on the level of take-up. Tables 3 and 4 also highlight that there are about 4.8 years of supply remaining in Western Sydney under the base case scenario (i.e. 200 hectares per annum) against land owned by active landowners. Alternatively, under a high case scenario (i.e. 250 hectares per annum), this reduces to just 3.8 years of supply remaining. The Colliers research indicates that there will be no more industrial land available before the Western Sydney Airport's opening in 2026.

Table 3. Current land supply, Western Sydney

Timing	Total Land Available	Active Landowners
	hectares	hectares
0-12 months	169	70
12-36 months	1,121	686
36+ months	707	206
Total	1,997	962

Source: Colliers

Table 4. Supply (years remaining), Western Sydney

Annual take-up	Total Land Available (i.e. 1,997 ha)	Active Landowners (i.e. 962 ha)
	years	years
150 hectares	13.3	6.4
200 hectares	10.0	4.8
250 hectares	8.0	3.8

Source: Colliers

The years of supply measure also assumes that all industrial land is in locations that are in demand, and on the supply side that all landowners are willing to develop their land on that time horizon and that land is in parcels which are suitable for scalable development.

In contrast, institutional groups (include Frasers, Mirvac, Altis, GPT, Fife, Stockland, Aliro/ISPT and ESR) which are more ambitious to develop new industrial sites, currently control only about 36% of net developable land in Western Sydney which limits their scope to build the structures which the market demands. These institutions have extensive development experience and sufficient funding necessary for large scale developments. In such a tight market, it is simply hard for these institutions to acquire the land to deliver the product.

Furthermore, the influx of additional capital from domestic and foreign capital will put upward pressure on industrial land prices. Strong occupier trends and favourable interest rate movement have led to creating significant competition for industrial assets in Australia. A recent Colliers research indicated that over \$12 billion in industrial and logistics transactions have occurred over the nine months to 3rd quarter 2021, which is a significant increase compared to \$5.5 billion for the entire 2020 calendar year. Colliers also indicated that, while over \$12 billion is a record year of industrial and logistics investment, approximately \$40 to 50 billion of capital looking to enter the industrial sector. This is creating a significant competition for industrial assets, up to 10 parties bidding and includes both domestic and offshore capital.

The position will only be worsened by the effective reduction in usable space (per unit of land) which the Phase 2 DCP entails. It will lead to a combination of higher rents to end-users (per unit of operating space) but lower rental returns (on the total space) to owners, and higher risks for developers. At the same time the reduction in space will put upward pressure on rents and prices for existing industrial land exempt from the Phase 2 DCP. Ultimately, these costs will be passed onto the consumers, and it will slow the NSW economy.

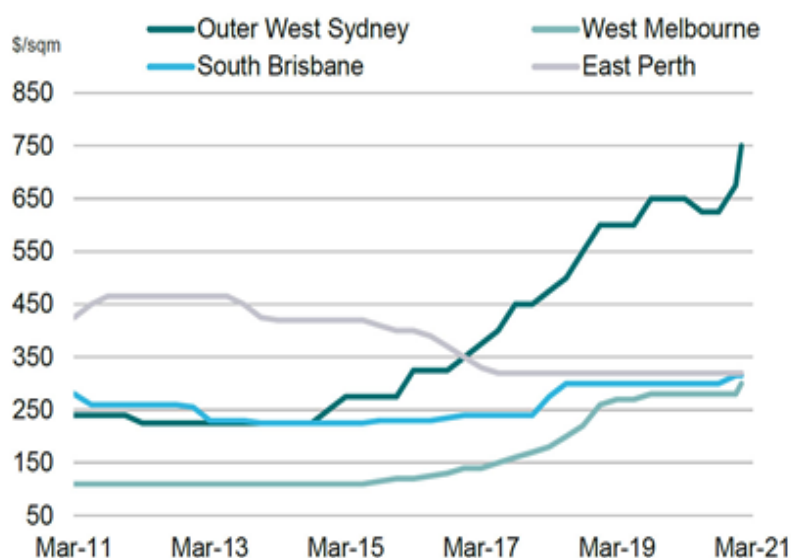
The net effect is that the Phase 2 DCP will actually discourage institutions (and active private landowners) from partaking in industrial development in Western Sydney, and the current situation (i.e. shortage of industrial land) will continue to worsen over time.

2. Cost-effective and feasible delivery of serviced industrial land to market

The Phase 2 DCP for the future development of industrial land has broader implications than just impacting industrial land supply, price, and rents but also the subsequent effect on the delivery of serviced land to market. The delays in delivery and the higher cost of industrial space will then flow through to a loss of jobs, as businesses look elsewhere.

For industrial development to occur immediately, more privately held land needs to be acquired by institutional groups or active developers. Compared to private owners, institutions have a greater experience and capacity to fund the costs associated with the servicing of land, and they can facilitate immediate land supply (and subsequent development) in Western Sydney.

Figure 2 Average Industrial Land Values



Source: Dexus

With the significant growth in land values over the past years, and limited buying opportunities (of industrial land and premises), it is becoming more difficult for institutions to acquire land for warehouse and logistics development. The data is indicating that institutions are already paying a significant premium for land acquisition. As Figure 2 highlights, the average value of industrial land in Western Sydney has risen by about 170% in the 6-year period of 2015-2021.

The recent yield compression has enabled institutions and developers to pay such premium for land as the value on completion is significantly higher with tighter yields. The leading property agencies also reported that the prime yields in Sydney currently about 3.6% while secondary yields about 4.2%. They also forecast that the yield compression is expected to continue and industrial land values in the core markets of Eastern Creek and Erskine Park are likely to see 1-5 hectare lots priced closer to \$1,200 per m² by the end of 2021.

3. Affordable industrial land supply to market, including land prices and rents

Macropian's previous industrial market assessment (2017) concluded that there was an immediate short-term supply shortfall in Sydney. This conclusion is supported by the consensus of recent market reports which point to upward pressure on prices as evidence of a persistently tight market.

The average land price of industrial land in Western Sydney has (as shown in Figure 1) escalated significantly since 2015, close to trebling in price. There was a brief respite in 2019, but in the 3-year period of 2018-2021 prices have risen from \$450 per m² to \$750 per m², increasing by \$300. Interest rates are a factor driving land values in this period, but that impacts all markets and cannot explain the extent of the price rises experienced in the Sydney market. Over the same period, industrial land values in Brisbane have barely moved, while in the Melbourne market, values in West Melbourne rose from \$200 per m² to \$300 per m², reflecting an increase of \$100 per m². Perhaps more significant is the substantial gap that has emerged between industrial land values in Sydney compared with competing markets in Melbourne and Brisbane. Some businesses need to be in Sydney but for businesses which have an option, this cost premium must be a problem.

Given the current level of take-up, if an adequate amount of additional industrial land is not rezoned or if a DCP effectively does not accommodate logistics and warehousing for distribution, the scarcity premium which has emerged will only grow and continue to put upward pressure on industrial land prices in Sydney. Whereas Sydney might have (at best) four years supply, it is estimated that the Melbourne market has at least 20 years supply of industrial land. While the location of that supply matters, the strong demand in the Melbourne industrial sector has not come up against a supply constrained market.

The consequence is that the Sydney industrial market has become less competitive compared to Melbourne or Brisbane. Therefore, in Sydney, there is a need to provide a sufficient supply of serviced industrial premises and have a consistent policy position to keep downward pressure on land price and rents.

However, as previously mentioned, the Phase 2 DCP will (in effect) significantly reduce the amount of developable land available, by 20 to 40% on any given site (based on controls such as deep soil and tree canopy coverage, smaller industrial block sizes, new road access arrangements to avoid access off arterial or sub-arterial roads, pervious site requirements, etc), which is a significant amount of land supply. In turn, this will feed into in the continued unsustainable rise of industrial rents and prices. Whilst the Phase 2 DCP may provide some benefits, it can be expected that if

adopted, the amendment will result in a wider degree of adverse, complex, and deep-set complications which significantly outweigh the current issues that it seeks to resolve.

Specific comments on the Phase 2 DCP

Macroplan is strongly of the opinion that an industrial specific DCP is required for the WSA rather than including these provisions within the Phase 2 DCP. There are a number of performance outcomes and benchmark solutions which do not take into consideration the design and operational requirements of industrial precincts that could further impact on the feasibility and cost of an industrial development in the WSA. Macroplan is also concerned that there could be delays in the assessment of industrial developments where a consent authority is of the opinion that certain performance and benchmark solutions should be considered and addressed in a development application which provides more development uncertainty, delays, and costs to the development assessment process. While it is appreciated DPIE does not want to make the document longer and repetitive, the lack of separation of controls and clarity regarding which controls would apply to an industrial development adds to the cost of preparing the development application; adds to the total cost of the development; and the developer's risk profile. This then contributes to increased industrial land prices and rents. For instances, it would need to be assumed that criteria listed in section 7.4.2 is for residential and commercial developments rather than industrial. Also criteria such as those specified in section 8.3 Design for Safe Places and section 14.2 Street Patterns are not tailored to industrial type developments.

Macroplan is specifically concerned with the below sections, performance outcomes and benchmark solutions of the Phase 2 DCP:

- **Section 2.1, Starting with Country (pp 13-17):** The process outlined in Section 2.1 will significantly delay the delivery of industrial land supply and development to the WSA. It will increase the development risk and could result in development yields being reduced significantly and/or discourage the development of industrial lands due to uncertainty in the timeframes/timeline to achieve a development approval and lengthier development assessment processes than other states in Australia. The consequences of this include industrial developers and businesses moving interstate; passing on the cost of doing a development to future tenants via rents; and/or developers opting for infill development options in other parts of Sydney where land is already serviced and has less onerous development assessment requirements. Such matters and consultation should be considered in the precinct planning process and not at the DA stage. We are generally supportive of language and naming outcomes being incorporated but guidance is required by Government within established channels to obtain information from Aboriginal stakeholders.
- **Section 5.1, Deep soil and tree canopy (p 37):** The benchmark solution under PO1 require the tree canopy, deep soil and tree planting requirements listed under Table 1 to be achieved. This includes providing canopy coverage of 25% of the site area for industrial sites in addition to a deep soil area of 15%. For instance, this would require a 20 ha site to provide 5 ha of tree canopy and 3 ha of land with deep soil planting. Such a control would impact on the developable area of the site and therefore the land supply to market as well as the affordability of land and rents. The development control does not appreciate how industrial sites are developed, designed and operate including the scale of such developments. Industrial lands require access for heavy vehicles which cannot be obstructed by tree canopies overhanging hard stand areas. In effect, such a control could result in an unnecessary land value and rental increases on existing land prices and rents which is unacceptable in Sydney where industrial prices are the highest across Australia. It is recommended that the landscaping criteria adopted for the Mamre Road Precinct is adopted for industrial lands in the WSA, that is landscaping along the main street frontage and within staff and visitor parking areas.

- **Section 5.2, Protection of Biodiversity (p 44):** The building setbacks identified for threatened species are significant, ranging from 100-500m (i.e. PO6). This clearly could impact on industrial lands being developed. The precinct planning process should map and identify threatened species locations and should not zone land for industrial uses within these setback locations. On that basis, this control should not be applicable to industrial lands.
- **Section 6, Access and Movement (pp 50-55):** It is recommended that specific criteria are drafted for industrial precincts. It is also unclear whether the block sizes listed in Table 2 (p54) would be applicable to industrial type lands and uses. Subdividing industrial blocks to achieve the requirements of Table 2 would impact on development feasibility of industrial projects and restrict the types of industrial developments that could occur.
- **Section 7.2, Bicycle and Car Parking Rates (p 56-69):** It noted that Table 4 provides maximum car parking rates for industrial type uses. It is recommended that these are minimum rates instead of maximum rates for the following reasons:
 - often there is a lack of public transport options within industrial precincts, particularly outside peak commuter periods which does not align with shift workers particularly night-time workers – staff safety is an important consideration including attracting a female workforce;
 - employee density on certain sites could be higher than calculations based on floor area where business are now opting to co-locate their office workers in such facilities. Consideration needs to be given to the number of staff that could be working on the site at any point in time; and
 - the need to cater for shift changes and having some overflow car parking spaces in the car park (e.g. 10% overflow on top of peak shift).

Ensuring that industrial lands can meet the needs of the occupants is important in attracting additional jobs to these areas. In addition, the benchmark solutions under PO8 may not be achievable for industrial sites with access required from arterial or sub-arterial roads. This should be considered at the precinct planning stage and not a requirement specified in the Phase 2 DCP. Constructing new roadways off arterial or sub-arterial roads as part of an industrial development would further erode the availability and supply of industrial lands. PO9 is also of a concern which would require additional investment to carry out construction for a future use which may not eventuate.

- **Section 14.1, Targets for Site Coverage, Perviousness and Quantum of Public Domain by Typology (p 114):** The imposition of maximum site coverage limits of 70% and a minimum requirement of 30% pervious surfaces would impact on the development feasibility of industrial projects; the affordability of the land and rents; as well as impact on the utilisation of those lands where there are existing industrial land supply issues in Sydney. Industrial lands often require large hardstand areas surrounding warehouse for truck parking and manoeuvring and storage of goods. It is also difficult to interpret the controls in Table 8 and how it would be applied.

The Western Parkland City will be a strategically located gateway business precinct within Australia and is part of Frasers Property Industrial's global vision for attracting and connecting global blue-chip businesses to a new world

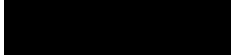
class, sustainable and hi-tec precinct, meeting the growing technological and transport links demanded by the industrial sector worldwide. It is imperative that the planning framework that supports the delivery of such developments caters for the operational business needs of this important sector.

We look forward to working with the Department regarding amendments to the Phase 2 DCP. Should you wish to discuss this matter further, please do not hesitate to me via email on [REDACTED] or [REDACTED]

Yours sincerely

[REDACTED]

Daniela Vujic
General Manager Planning



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 9:47 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: aerotropolis-draft-phase-2-dcp-submission_mirvac.pdf

Submitted on Fri, 05/11/2021 - 21:42

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Gordon

Last name

Kirkby C/o Mirvac

I would like my submission to remain confidential

No

Info



Address

173 Sussex Street

Suburb/Town & Postcode

Sydney NSW 2000

Contact number



Please provide your view on the project

I object to it

Submission file

[aerotropolis-draft-phase-2-dcp-submission_mirvac.pdf](#)

Submission

Please find attached a submission on behalf of Mirvac. The portal is having trouble uploading the file. Please call me if the attached file is not received.

I agree to the above statement

Yes

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5 November 2021

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Department of Planning, Industry and Environment
Phase 2 Development Control Plan
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

WESTERN SYDNEY AEROTROPOLIS DEVELOPMENT CONTROL PLAN PHASE 2 - SUBMISSION

Mirvac welcomes the opportunity to comment on the planning documents currently on public exhibition for the Western Sydney Aerotropolis. In particular, this submission will focus on the *draft Western Sydney Aerotropolis Development Control Plan – Phase 2* (DCP) and the Explanation of Intended Effect (EIE) for proposed amendments to *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (WSA SEPP).

The documents represent a further step forward in the evolution of the planning and development control framework for the Western Sydney Aerotropolis. The early implementation of a realistic and workable planning framework is critical to increasing Sydney's supply of serviced industrial land. The lack of land supply in recent years has created an uncompetitive environment for industrial development Western Sydney when compared with the superior land supply and lower costs associated with equivalent precincts in other states. It is imperative that the land use and development controls to be implemented across the Aerotropolis create a level playing field to ensure sustainable economic growth and recovery for NSW, and that the employment goals for the Western Parkland City can be achieved.

As a major developer of high-quality industrial precincts in Western Sydney, Mirvac has a significant interest in the draft DCP and EIE provisions, to ensure that they deliver a high quality, high amenity outcome for development in the Precinct. The planning framework however needs to be focused on achieving the land use outcomes reflect in the WSA SEPP zoning and that the associated development controls are realistic in terms of ensuring that the cost of future development in the Aerotropolis is timely, economically feasible and competitive.

This submission is made up of several sections, relating to:

- General comments on the Draft DCP (Section 3.0);
- Specific Comments on the Draft DCP Sections and provisions (Section 4.0); and
- Comments on the EIE for amendment to the WSA SEPP (Section 5.0).

This submission is supported by a preliminary review of engineering aspects completed by AT&L at **Attachment A**.

1.0 Mirvac as an Aerotropolis Partner

Mirvac is committed to be an Aerotropolis participant and through this participation support the success of the Aerotropolis and Western Sydney International Airport (WSIA). Consistent with the vision for the Aerotropolis, the vision for the Elizabeth Enterprise Precinct (EEP) is for a high quality employment precinct that leads the market in terms of sustainability initiatives.

Mirvac has more than 45 years of experience in urban transformation, delivering high quality development outcomes for Sydney and are one of few large diversified institutional property groups that can master plan, develop and manage precincts of this scale. The EEP provides an opportunity to meet the short, medium and long-term needs of Western Sydney and Australian industry by evolving with the emerging Western City Aerotropolis.

In particular, Mirvac has a strong commitment to Western Sydney, having developed or are in the process of developing a number of high-quality employment precincts including:

- Calibre at Eastern Creek;
- Hoxton Park Distribution Centre at Hoxton Park; and
- Nexus Industry Park at Prestons.

Mirvac is excited about playing a key role and participating in the growth, development and success of the Aerotropolis, particularly by facilitating a key catalyst development to generate employment during the initial stages of the Western Sydney Airport. Mirvac look forward to working closely with the NSW Government to deliver on the Aerotropolis vision.

Mirvac welcomes the opportunity to contribute further to the planning of Western Sydney and welcomes further collaboration and dialogue to ensure the timely success of this exciting opportunity for Sydney

2.0 The Elizabeth Enterprise Precinct

2.1 Site location and context

The Elizabeth Enterprise Precinct (EEP) as shown below within **Figure 1** comprises a large contiguous 244-hectare estate, containing the following lots:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Stage 1 and 2 form EEP West and Stage 3 and 4 form EEP East.

With reference to the WSAPP, the EEP site is partly located across three of the identified precincts as follows:

- Badgerys Creek (Initial Precinct);
- Wianamatta-South Creek (Initial Precinct); and
- Kemps Creek.

Stage 1 of the EEP West is the subject of SEARs (SSD-19618251) as issued by DPIE for State Significant Development, proposed as:

Concept plan comprising nine industrial buildings and a Stage 1 development including site preparation, bulk earthworks, road works, stormwater infrastructure and utilities, subdivision and construction of one warehouse and distribution building and ancillary office space with a total gross floor area of 43,555 m²

Mirvac are currently prepared the SSD package for submission to DPIE.

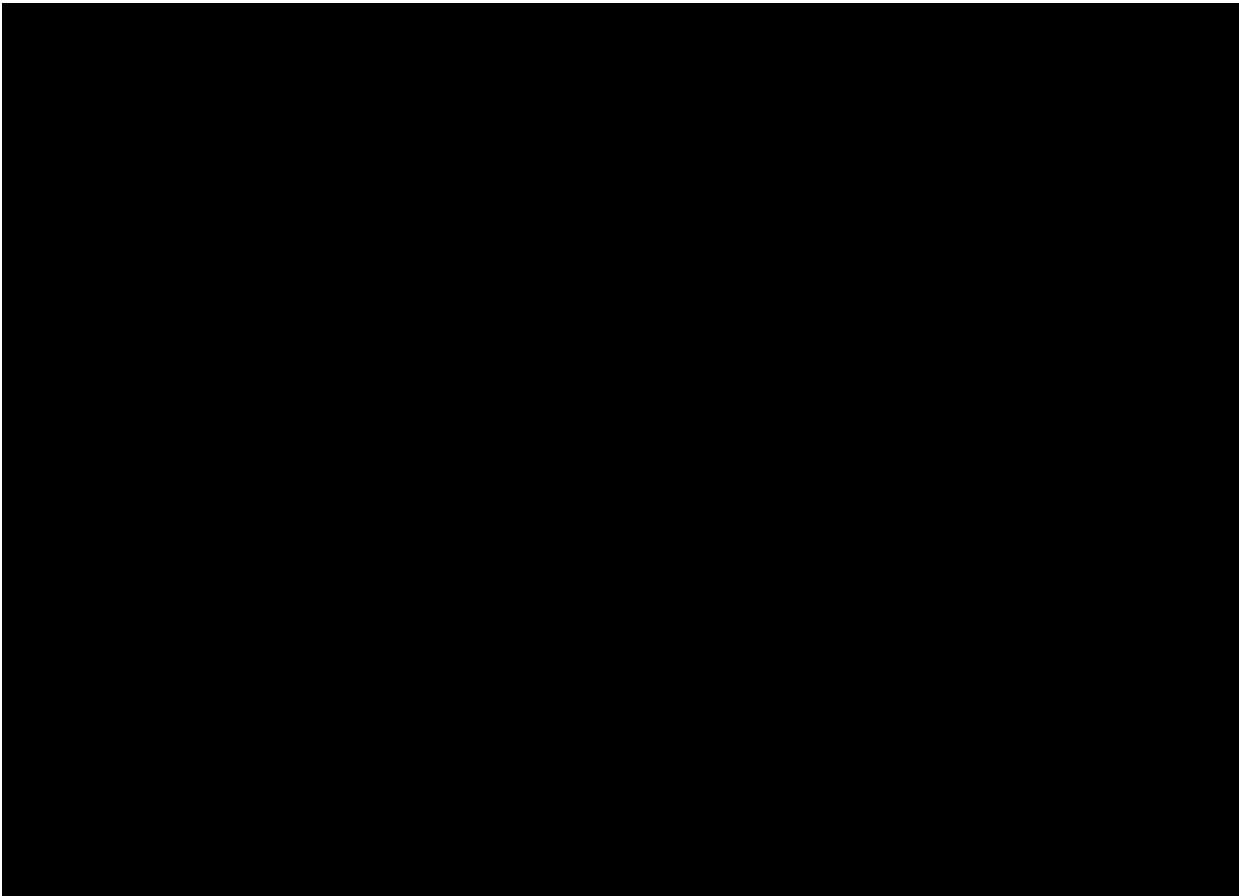


Figure 1 EEP West boundaries within the surrounding context

Source: Ethos Urban

EEP West is located north of Elizabeth Drive, Badgerys Creek within the Penrith Local Government Area (LGA). The site is located approximately 15km south-east of the Penrith CBD and 40km west of the Sydney CBD, and approximately 800m to the east of the currently under construction Western Sydney International (Nancy-Bird Walton) Airport (WSIA).

EEP West is also located within proximity to transport corridors proposed to connect the Aerotropolis and WSIA to broader Sydney. These include the proposed M12, Outer Sydney Orbital and Sydney Metro Greater West.

2.2 Development Vision

Following on from Mirvac’s success with the Calibre Industrial Estate at Eastern Creek, the development vision for the EEP is to create a high-quality employment estate in a key emerging precinct within Western Sydney with emphasis on high quality design, flexibility, technology and sustainability initiatives.

An example of the high-quality nature of the proposed EEP development as delivered within the Mirvac Calibre Industrial Estate at Eastern Creek (see **Figure 2**). Mirvac would welcome the opportunity to take the Department on a tour of this estate.



Figure 2 Mirvac Calibre Industrial Estate at Eastern Creek

Source: Mirvac – Calibre Industrial Estate

The EEP will become a home for Australian industry and evolve through a staged development approach to accommodate a variety of employment uses and evolve to meet the future needs of Western Sydney and complement the construction and operation of the WSIA. The EEP aims to facilitate the development of a flexible employment precinct at no cost to Government that is connected globally, locally, environmentally and digitally, supporting the growth of Western Sydney, the 24-hour Western Sydney International Airport and the Aerotropolis.

The flexibility of the EEP will enable a multitude of uses and ability to cater for higher order uses complementing those envisaged, including, though not limited to, the following:

- Advanced manufacturing;
- Air Freight and Ecommerce logistics;
- Wholesale;
- Industrial Retail Outlet;
- Showroom
- Creative and innovation;
- Health and pharmaceutical;
- Time sensitive food related logistics;
- Food manufacturing;
- Data centres; and
- Other uses as required to support the requirements of Western Sydney.

A key attribute of the EEP is its size and single control within which the Wianamatta-South Creek corridor is a key centralising element. The EEP recognises the opportunity to activate approximately 37.7 hectares of the Wianamatta-South Creek precinct and supports that Precinct as the blue and green infrastructure spine for amenity and recreation throughout the Aerotropolis whilst acknowledging the requirement for the sensitive economic development of adjacent lands to deliver the vision for Wianamatta-South Creek and provide employment generating development.

The EEP has the potential to provide early examples of high quality outcomes consistent with the Wianamatta-South Creek strategic outcomes through integrating employment land uses and creating a desirable interface between the Badgerys Creek Precinct Wianamatta-South Creek. This is consistent with the ambitions of the WSAPP for Wianamatta-South Creek in terms of infrastructure management, recreation and biodiversity conservation. South Creek is an asset for the site which will add a high-quality environment and provide liveability for employees and visitors to the precinct.

2.3 Background and development staging

The EEP is envisaged to be developed in stages which will allow the delivery of a range of complementary uses and will evolve as the precinct developments and the Western Sydney Airport is delivered.

EEP West is intended to be developed in advance of the Airport to provide the much-needed early catalyst activity, 'on the ground' employment outcomes in advance of commencement of the Airport operations and efficient infrastructure delivery.

Over the medium term, later stages of the EEP will evolve with the requirements of the Aerotropolis which are expected to attract a greater portion of higher order employment uses associated with research and development and knowledge intensive manufacturing.

2.3.1 EEP West - Stage 1

Stage 1 of EEP West, as the initial stage of the development, will deliver much needed additional employment land supply to Western Sydney and on the ground employment outcomes in advance of commencement of the Airport operations. The flexibility of the employment land will allow for the continual provision of employment land uses to complement firstly the construction, then operation of the WSIA and surrounding Aerotropolis.

The site was the subject of a previous development application for a waste management facility for land filling (being the importation and compaction of fill on the site) submitted to Penrith City Council, which was withdrawn due to the feedback being that this type of application and land use was inconsistent with the intentions of the Aerotropolis.

3.0 General Comments on the draft DCP

This section provides general comments on the Draft DCP process, focus and outcomes. More specific comments on the individual sections within the draft DCP are in Section 4.0.

3.1 Need for flexibility for alternative solutions

The purpose and status of development control plans are articulated in Section 3.42 of the *Environmental Planning and Assessment Act 1979* (the Act):

- (1) *The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development—*
- (a) *giving effect to the aims of any environmental planning instrument that applies to the development,*
 - (b) *facilitating development that is permissible under any such instrument,*

(c) *achieving the objectives of land zones under any such instrument.*

The provisions of a development control plan made for that purpose are not statutory requirements.

While DCPs specify a greater level of detail than the environmental planning instruments (EPI) that they support, the EP&A Act makes it clear that they are *guidance* and should support the key aims, land use outcomes and objectives of the EPI. Therefore, DCPs need to be flexible and provide for alternative solutions that are still consistent with the EPI outcomes.

It is acknowledged that Section 1.5.2 permits variations to the DCP controls and this is welcomed. This flexibility for alternate solutions to be proposed in development applications is particularly important in the context of the Aerotropolis, where there has generally been high level and limited technical studies undertaken by government and site-specific data has not been available.

Landowners are required to undertake detailed specialist technical studies for their sites as part of any development application process. It is these site specific and detailed studies that inform any site-specific design outcomes for sites, which inevitably leads to variations or departures from the promoted DCP outcomes to reflect on the ground environmental constraints that landowners are well aware of.

3.2 Consistency of development controls with comparable employment land precincts

There is a distinct lack of consistency between the proposed performance outcomes and benchmark solutions in the draft DCP with comparable industrial and employment zoned land elsewhere in Western Sydney. The criticism of “business as usual” within the public Aerotropolis documentation issued to date, including this draft DCP, fails to acknowledge the significant collaboration between industry and the Department’s own assessment teams to create innovative solutions to environmental and urban design challenges associated with large format industrial development.

This collaboration has over many years, established a set of design standards and controls for industrial / warehouse development and associated infrastructure that have delivered high quality, award winning industrial estates.

The proposed DCP controls ignore these settings and promote new controls which have not been tested or ground-truthed to determine if they are feasible, and not been the subject of any meaningful engagement with industry, or it would seem the Department’s own Industry Assessments team. The proposed land use and infrastructure provisions in the draft DCP are significantly more onerous than the accepted WSEA outcomes and will place a significant additional cost burden on development in the Precinct.

Development costs in the precinct need to be competitive both within the Sydney metropolitan context but also with other jurisdictions nationally. The proposed development controls in the draft DCP are simply not comparable with interstate precinct and there is a real risk that the bias against large footprint warehouses and the additional cost and time delays associated with development approval in the Aerotropolis will deter investment in the precinct and stymie the growth and sophistication of the Western Sydney Airport.

3.3 “One size fits all” approach

While Part 4 of the draft DCP provides a limited number of additional tailored provisions for certain land uses, including industrial development, overall, the draft DCP generally applies a “one size fits all” approach to development. Performance outcomes and benchmark solutions throughout the document fail to adequately distinguish between different land uses and development typologies. Many objectives and controls in the draft DCP have been drafted for more fine-grain urban land uses proposed to be developed in the mixed-use and future residential zones of the Aerotropolis. They reflect a priority for amenity and design that are appropriate for these zones and reflect the superior location and connectivity that these zones have by virtue of the future populations that will live and work in them.

The Enterprise zoned areas however will generally be less well serviced by, and remote from, public transport networks and nodes. In addition, the location of the Enterprise zoned areas is a deliberate policy decision to locate non-residential land uses in areas that will be subject to future aircraft noise as the Western Sydney Airport grows and evolves. These areas will therefore be generally remote from major mixed use and residential areas.

It should also be noted that the immediate demand for development in the Aerotropolis is for industrial and warehouse/logistics uses. The vast majority of land in the Aerotropolis is zoned for enterprise and agribusiness land uses, and yet these development typologies are not the core focus of the controls and generally treated as “other” development. Given this, the final DCP should include stand-alone provisions that are tailored to the large format typology of development and include realistic performance outcomes and benchmark solutions that have been subject to ground-truthing and feasibility analysis in collaboration with industry and the Department’s industry assessment team.

As discussed in Section 3.2 above, the scale of development in Industrial and warehouse precincts in Western Sydney requires large, level development footprints to facilitate warehouses and associated loading bays and heavy vehicle manoeuvring areas. The key overriding considerations are function, operational efficiency and the management of residual environmental impacts including noise, traffic management, hazard and risk, air quality etc. The proposed performance outcomes and benchmark solutions in many respects fail to adequately recognise these points of difference. Examples include:

- The prioritisation of active transport and pedestrian amenity for the street network over the transportation of freight to maximise the efficiency and competitiveness of the logistics chain (Section 6.1);
- The implied requirement for basement car parking to be provided where there are no flooding or geological constraints (Section 7.3);
- The requirement for 1 car share space per 40 car spaces for industrial development where there is clearly no demand for the service;
- The requirement for sites greater in area than 5000m² to “provide through site links and narrow building frontages” (Section 14.2.1);
- Public art on-site for industrial development where there will be little or no visibility of the art (Section 14.3.2);
- Building design provisions to combat heat island effects that are inefficient or inappropriate for large scale warehouses.

It is recommended that the final DCP be re-structured to include specific sections for the Enterprise and Agribusiness zones, within which the performance outcomes and benchmark solutions are tailored to the dominant land uses and development typologies that the zones will facilitate. The draft DCP for the adjacent Mamre Road Precinct is currently being finalised and has been drafted specifically for large format industrial and warehouse development. The provisions and controls in this document should inform the Aerotropolis DCP process with regard to development in the Enterprise (and Agribusiness) zones.

The Department needs to proactively engage with industry, and experienced industrial design practitioners, to establish realistic and affordable design parameters that can work in with the operational needs of the industry. Mirvac would be happy to engage with the Department in this respect.

3.4 Duplication, overlap or inconsistency with existing environmental assessment frameworks

The draft DCP provisions contain several examples of duplication, overlap or inconsistency with established environmental assessment frameworks. Some of these assessment frameworks are imposed by way of other legislation or State Environmental Planning Policies. Examples include:

- The proposed provisions recognise Country provisions which have the potential to duplicate or complicate the established Aboriginal cultural heritage assessment processes for investigation and consultation under the purview of the *National parks and Wildlife Act 1974*. Greater clarity is needed on how these processes will operate together;
- Provisions relating to development of Strahler 1st order streams in catchments over 15 hectares which will be required to be reinstated as a natural creek/drainage line with an appropriate VRZ (Section 4.1.2). These

provisions are inconsistent with established rules in the Natural Resource Access Regulator (NRAR) Guidelines; and

- Section 9.7.2 relating to contaminated land which makes no reference to the established statutory requirements of *SEPP 55 Remediation of Land* but includes a range of performance outcomes and benchmark solutions.

The development industry needs to have confidence that the appropriate environmental assessment frameworks are not complicated or compromised by the draft DCP requirements and that delays to the assessment process are not created as a result. The draft DCP provisions should not prelude or prohibit development outcomes that are permitted by other legislation or accepted government guidelines.

3.5 Controls relating to post approval activities

The draft DCP contains provisions that relate to the management of post approval operations and are not directly related to or appropriate to be within a DCP framework. In particular, this is highlighted in section 9.6 – Erosion and Sediment Control which requires the submission of a detailed erosion and sediment control plan to be lodged with the development application rather than, as is the case elsewhere, required as a standard condition of consent. The performance outcomes and benchmark solutions also place requirements that relate to matters for post-approval construction activities which cannot reasonably be addressed in a development application.

3.6 Flexibility to facilitate interim development outcomes

The Aerotropolis encompasses large areas with multiple land ownerships and different stages of development. The land use and infrastructure outcomes proposed for the Aerotropolis will be developed over a long-term timeframe and involve continual phases and generations of development. In many respects, the objectives and controls proposed in the draft DCP reflect a desired end state that will take decades to realise in full.

The DCP must include appropriate flexibility for not just alternative solutions, but interim solutions that can be implemented, particularly where the development will support jobs and economic development and contribute to the overall growth and complexity of the Western Sydney Airport and the surrounding Aerotropolis.

3.7 The Draft DCP provisions demonstrate a lack of understanding of industrial / warehouse and logistics development

The proposed DCP controls do not relate to, or adequately cater for, the scale and functionality of industrial / warehouse and logistics development in Western Sydney.

There are numerous examples of performance outcomes and benchmark solutions in the draft DCP which fail to recognise the scale and function of this typology of development. Industrial warehouse buildings are required to be highly functional, being uniquely designed and built to the specific needs of the user and require site and building layouts that maximise the efficient storage and transportation of freight and other logistic related elements. These considerations should be at the core of the draft DCP controls, and work in collaboration with realistic urban design and amenity aspirations – they should not be subordinate to them.

The proposed controls in the draft DCP appear to be tailored for and based on smaller scale warehouse development that is more appropriate for established industrial areas in the inner and middle ring suburbs of the metropolitan area. Industrial estates proposed to be developed in the Enterprise zone will be of a significantly larger scale, reflective of global freight and logistics requirements for what is intended to be a desirable international airport precinct for business.

The proposed draft DCP benchmark solutions such as maximum 350m street blocks with 150m mid-block pedestrian connections, as required in Table 2 in Sections 6.2.2 and 14.2.2, would limit warehouse development to small scale operations and prevent large scale logistics operations from locating in the precinct. This will significantly undermine the ability for the Western Sydney Airport to function as a major freight hub and will have the effect of driving major logistics operators to develop adjacent to rival airports interstate such as in Brisbane and Melbourne – this is already the case in terms of land prices as outlined previously.

Other design-led controls relating to the location or screening of loading bays, integration of offices within warehouses and architectural treatments, can undermine the operational efficiency of freight and logistics facilities and can potentially exacerbate land use conflict. Many of the built form controls, while intended to be well-meaning when considered in an isolated urban design context, may have significant negative environmental or amenity outcomes when applied to large format warehousing.

Prior to the finalisation of the DCP, the Department needs to proactively engage with industry and experienced industrial design practitioners, to establish realistic and affordable design parameters that can work in with the operational needs of the industry. Mirvac would be happy to engage with the Department in this respect including any site tours needed of existing operations to highlight the scale of such development that is desired within the Aerotropolis.

3.8 The draft DCP provisions promote aspirational outcomes at the expense of feasible land use outcomes

Mirvac acknowledges and supports the aspirational outcomes that the NSW Government is seeking to achieve for the Western Parkland City, derived from the District Plan and the initial Aerotropolis Plan. New thinking and new approaches to development are clearly needed to tackle issues including the urban heat island effect, water quality in streams and rivers, biodiversity and recognition of Country.

The aspirational outcomes however are largely dependent on the implementation of a timely and feasible planning framework that will facilitate economic development and then enable the aspirational outcomes to be facilitated and funded.

There is a delicate balance between delivering the largely un-costed aspirations of the Western Parkland City and ensuring that development is feasible and competitive in a national context.

The proposed DCP controls do not achieve this balance and strongly threaten the timely achievement of the desired land use outcomes for the Precinct. This is particularly the case for the development of employment lands in the Enterprise zone which need to be competitive in a national market, in particular the EEP West Stage 1.

Industrial land prices in Western Sydney are currently considerably in excess of comparable employment precincts in Melbourne and Brisbane. The provisions of the draft DCP place restrictions on development that don't apply to development in other jurisdictions, and the cost, complexity and timeframes that industrial development will be subject to, will be uncompetitive in the national market. This will undermine the early achievement of the Aerotropolis, and is particularly concerning for projects that are, effectively, shovel-ready upon approval of current applications being prepared like the EEP West Stage 1.

The DCP objectives, performance outcomes and benchmark solutions as provided need to balance with the feasibility of the desired and sought-after land uses, while ensuring their development in a timely fashion. Only through timely development will the sought-after aspirational outcomes for the Western Parkland City also be achieved.

3.9 Precinct Plans have not been finalised

The overall effect on future development for many provisions in the draft DCP will be informed by the Precinct Plans which will provide greater detail with respect to land use and infrastructure planning outcomes. It is disappointing that the final Precinct Plans have been delayed and are therefore not available to provide context and clarity for key performance outcomes of the draft DCP. The lack of timely and logical sequencing of the release of planning documents has made it extremely difficult for landowners and stakeholders to obtain a clear picture with regard to the interrelationships between the various statutory instruments and subordinate plans and controls.

4.0 Specific Comments on Controls

4.1 Section 2 - Recognise Country

Mirvac supports the integration of Recognition of Country into the planning framework for the Aerotropolis, with this being a cornerstone of the delivery of Mirvac projects in recent years including South Eveleigh. It is a clear aim of the WSA SEPP and is in keeping with the NSW government's strategic intent for the Western Parkland City. The Recognition of Country provisions, if drafted and applied appropriately, could provide a workable model for development precincts more generally both in Sydney, but also other precincts and locations across the State.

Notwithstanding this, balance is required to ensure that Recognition of Country is a positive, collaborative process and not a bureaucratic burden on future development through excessive or duplicating processes and consultation. There also needs sufficient flexibility allowed in the process to ensure that different development typologies can express Recognition of Country in various ways.

A one-size-fits-all approach to this issue, based around finer grain urban development outcomes, as proposed in the mixed use and residential precincts, risks turning what should be a positive component of the development process into one which deters investment in the precinct through slowing down and complicating the development assessment process. This is particularly so in for the important, early phases of Aerotropolis development, where processes for identifying and implementing connection to country are not fully resolved and tested.

The key comments on Recognise Country are:

- There is need for clarity as to how the Recognise Country benchmark solutions interact with the established Aboriginal Cultural Heritage assessment processes (ACHAR and AHIP) under the *National Parks and Wildlife Act 1974*.
- While the draft DCP states that the Recognise Country provisions should be undertaken in conjunction with the Aboriginal heritage requirements in Section 3, the Recognise Country provisions will introduce a whole new layer of consultation with Aboriginal groups separate to ACHAR or AHIP process. The *Recognise Country Draft Guidelines for development in the Aerotropolis*, which are referred to in the draft DCP even state:
 - *These guidelines are also separate to the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010. That document sets out requirements to consult with Aboriginal people who hold knowledge about the significance of Aboriginal cultural heritage relevant to an application.*
- The ACHAR/AHIP consultation processes have been carefully calibrated over many years to provide a robust and transparent framework that, while time consuming, creates an element of certainty in the EIA process. The draft DCP provisions do not appear to have a defined consultation framework for Recognising Country in place, rather “engagement principles” that have yet to be sufficiently tested. There is a risk that important, early development in the Aerotropolis will have assessment timeframes delayed due to this absence of a resolved and accepted consultation processes. This will particularly be the case for large format industrial development which, as its name implies, will have significant intrusion into the landscape. Warehouse and logistics development is also highly functional in design to meet the operational needs of the end user. This will need to be understood as part of a Recognise Country process if the objectives of this section of the draft DCP are to be achieved.
- There is potential for the provisions, in particular Part B – PO5, to be inconsistent with other regulatory guidelines or controls including the NRAR guidelines for riparian assessment and bushfire threat assessment and management. The draft DCP should be clear that, while Aboriginal stakeholder input is of value, the ultimate development outcomes still need to be in accordance with the established requirements of relevant legislation and policy guidelines.
- Part B – PO4 also includes a requirement for a statement on how cultural knowledge has been integrated into environmental assessment and management, as well as on-going land management and enterprise and economic development. This requirement is vague and seemingly onerous. How this might work for large format warehouse and logistics operations is questioned. Proponents for industrial and warehouse development are often not the end user / operator of the facility, and the end user may not be known as the time the

development goes through the planning approval process. It may not be feasible, for developers to make commitments and bind future tenants / operators with respect to their operations on this matter.

4.2 Section 3 - Heritage

Aboriginal Cultural Heritage

The performance outcomes and benchmark solutions in this section of the draft DCP appear to go beyond, and are inconsistent with, statutory requirements and processes in place under the ACHAR and AHIP frameworks across the State. There also seems to be inconsistency with respect to performance outcomes. Performance outcomes PO1 and PO2 would appear to prevent any impact on Aboriginal heritage objects or places, while the benchmark solution for PO4 would permit formal salvage and excavation.

The ACHAR and AHIP frameworks are established processes that provide a robust framework for the assessment of Aboriginal cultural heritage and would, where justified following a thorough consultation process with registered parties, permit impacts on or salvage of sites and objects. The performance outcomes should be revised to be consistent with the established assessment and consultation methodology and allowable outcomes.

Non-Aboriginal Heritage

Performance Outcome PO6 and the associated benchmark solution identifies that the retention of heritage potential (being the 'unlisted items' in Figure 3) identifies Item 301 as being located within the Mirvac land. It has previously been acknowledged through the numerous studies Mirvac have commissioned, which highlight:

- No State significant evidence of the early phase of the site was identified, including the wattle and daub cottage (first house of Badgery Family, 1809 – 1810/1812) and the first brick Exeter Farm House (1809-1839);
- Relatively intact and in situ significant archaeological remains are present within two test trenches. It has been identified that additional archaeological remains are expected to be present within and around these test trenches; and
- Previous landscaping works associated with the establishment of the existing laydown area on the ridgeline has truncated the soil profile down to the natural underlying clay and has likely substantially impacted and/or removed any potential archaeological resources that had been located within the large footprint of the laydown area.

Mirvac will continue to work with Heritage NSW to ensure appropriate mitigation measures and environmental safeguards are in place in respect of heritage. At this stage based on the investigations undertaken no remains have been uncovered that need to remain in situ.

4.3 Section 4 - Stormwater, Water Sensitive Urban Design and Integrated Water Management

Regarding the design and implementation of stormwater, water sensitive urban design and integrated water management, there is a need for a consistent approach for industrial development in Western Sydney. The proposed performance outcomes and benchmark solutions for the Aerotropolis should be consistent with the proposed provisions in the Mamre Road Precinct, which has been the result of significant consultation and collaboration between landowners and the NSW Government. The Mamre Road Precinct outcomes, which are expected to be reflected in the final DCP for the Precinct, have been designed and tailored for large format industrial and warehouse development.

There is a need for consistency of development controls to deal with these issues across employment precincts in Western Sydney as this provides a level of certainty and consistency for developers with respect to attracting and securing tenants and end users. As discussed in Section 3 above, a key concern with the overall draft DCP is that the document generally appears to have been tailored for non-industrial land uses, and many benchmark solutions are not relatable to industrial development and will have the effect of only permitting small-scale and unviable industrial development outcomes. This will undermine the achievement of the Aerotropolis vision.

The following comments are provided on the specific performance outcomes and benchmark solutions of Section 4 of the draft DCP.

Waterway health and riparian corridors

The benchmark solution for performance outcome PO1 will require that Strahler Order 1 watercourses with a catchment of greater than 15 hectares be re-instated with a natural watercourse. This requirement is inconsistent with the draft Precinct Plan which only requires a natural state for 2nd order streams and higher. It is also inconsistent with the NRAR Guidelines which permit Order 1 streams to be removed as part of development and are applied to other employment lands precinct, including the Mamre Road Precinct.

The requirement to retain Order 1 streams for greater than 15 hectare catchments will have a significant and detrimental effect on industrial development. Warehouse and distribution facilities require significant bulk earthworks to facilitate large, flat areas, several hectares in size to facilitate the warehouse, loading dock areas, office spaces and car parking. Often more than one warehouse is on a development pad level. Workable street networks also require large relatively flat areas to allow for heavy vehicles to manoeuvre.

The benchmark solution proposed for this performance outcome, has clearly not been the subject of any ground-truthing investigation, and will have the effect of making large tracts of the Enterprise zoned areas undevelopable for contemporary warehouse and logistics development of the scale required to support the Western Sydney Airport.

Existing artificial waterbodies

The performance outcomes and benchmark solutions would indicate that there is only a requirement to retain specific waterbodies identified in the draft Precinct Plans. In this respect, the final DCP plans should be consistent with the draft Precinct Plans regarding the identified waterbodies. Should these provisions be extended to require retention of small-scale farm dams, the requirements would be considerably onerous for future development. The existing farm dams on the EEP West Stage 1 site have no ecological significance and are of poor construction, and as such, will provide no amenity. It is also noted that the flight path of the Stage 2 runway of the WSIA is directly overhead of these dams, which would be inconsistent with the Safeguarding Framework which aims to minimise and remove the risk of wildlife strike from airport operations.

Stormwater management and water sensitive urban design

The proposed performance outcomes and benchmark solutions proposed to address stormwater management including water quality targets and Mean Annual Runoff targets, are consistent with the approach developed for the Mamre Road Precinct in collaboration with landowners. These controls, on a development site basis, are onerous and will add significant and unnecessary cost to development.

The 30% target for pervious surfaces is a significant constraint on site development particularly on the EEP West Stage 1, and the broader EEP.

The target is significantly greater than the current 15% industry standard and is unprecedented in the context of employment land development. This target, when combined with the required pollution load reduction targets, will be a significant cost to development in terms of the cost of infrastructure and loss of suitable developable land to facilitate the WSUD infrastructure. The 30% target should be aspirational for the next generation of development on the site, rather than impeding the early development necessary to support the operation of the airport upon commencing flights in circa 2026.

Considerable objections were raised by industrial landowners in the Mamre Road Precinct relating to the large cost and sterilisation of land required to achieve the targets as originally proposed in the draft DCP for that precinct. The agreement of Sydney Water to the development of a regional solution by way of implementing a series of waterbodies downstream of development sites to manage surplus water runoff, in consultation with landowners, has provided an appropriate pathway forward to deal with these issues, without the need for zoned employment land to be sterilised.

A similar approach to stormwater management is proposed in the draft DCP, however the details of the regional solutions proposed by Sydney Water, their locations, and capacity to meet the draft DCP targets are not provided. It is understood that this information will be final Precinct Plans, however in the absence of these documents in the public domain, it is not possible for landowners to verify this.

The Sydney Water regional solution will however only be a medium to long term solution. In the interim, development will need to demonstrate that the targets can be met at the lot or estate level. This will require sterilisation of land to accommodate evaporation ponds and other water management solutions that are in excess of equivalent industrial requirements interstate, and in other employment lands outside the Aerotropolis. The proposed regional solutions need to be prioritised and developed in the short term, particularly where development in the Enterprise zone is proposed to avoid the unnecessary sterilisation of land or implementation of expensive, interim solutions to meet draft DCP requirements on a lot or estate level.

Given the commitment that regional solutions will be implemented in the future and designed to accommodate development within the catchment of each regional basin, current Council stormwater quality and runoff targets should be maintained as an interim measure for early, catalyst development with the requirement that the development sites be ultimately connected to the regional basins, when constructed. This would enable a progressive transition to the waterway health objectives and stormwater management targets, without impacting on the feasibility of the initial phase of development.

Performance objective PO7 includes a benchmark solution that trunk drainage lines to be designed as naturalised channels. Industrial development requires significant change of land levels for development pads to facilitate large format warehouse development and as such flexibility is needed with respect to this outcome. Naturalised drainage channels are impractical in the industrial precinct context and will incur significant costs associated with road crossings.

4.4 Section 5 - Native vegetation and biodiversity

The requirement for industrial sites to provide a minimum of 25% of the site area for minimum tree canopy, when applied in conjunction with other development controls including maximum street blocks lengths (Section 4.5 below) and integrated water management targets (Section 4.3) will severely constrain development yields in the Enterprise zone.

These requirements will have the effect of only permitting a scale of warehouse development that does not meet the needs required to support a strong and efficient logistics sector and will not support the Western Sydney Airport in its infancy and its future growth. It is recommended that a consistent approach to the Mamre Road Precinct DCP be adopted for the Aerotropolis DCP.

Section 5.3 – Protection of trees and vegetation

These provisions only apply to land certified for development under the draft Cumberland Plain Conservation Plan (CPCP). Not all land that is identified as non-certified under the draft CPCP is zoned for environment and recreation purposes.

The draft CPCP assessment process did not certify land where a Biodiversity Development Assessment Report (BDAR) has been prepared and lodged with a development application at the time the draft CPCP was prepared. The EEP West Stage 1 area, at the time, was the subject of the DA for a waste management facility for filling of land with Penrith City Council that was subsequently withdrawn. The site is therefore not identified as being certified under the draft CPCP, notwithstanding that it is zoned Enterprise and appropriate for development, consistent with the permissible use in this zone.

If applied to urban zoned sites, Section 5.3 of the draft SEPP would have the effect of prohibiting or severely restricting the removal of trees and vegetation to facilitate development, consistent with the Enterprise zoning, notwithstanding that a BDAR will have been prepared for the development, with appropriate offsets calculated.

This is clearly anomalous, and the proposed controls in the draft DCP should be revised to ensure that land zoned for urban land uses, including the EEP, that is not certified, is subject to the provisions of Section 5.2 of the draft DCP rather than Section 5.3 where a BDAR has been undertaken and appropriate offsets calculated.

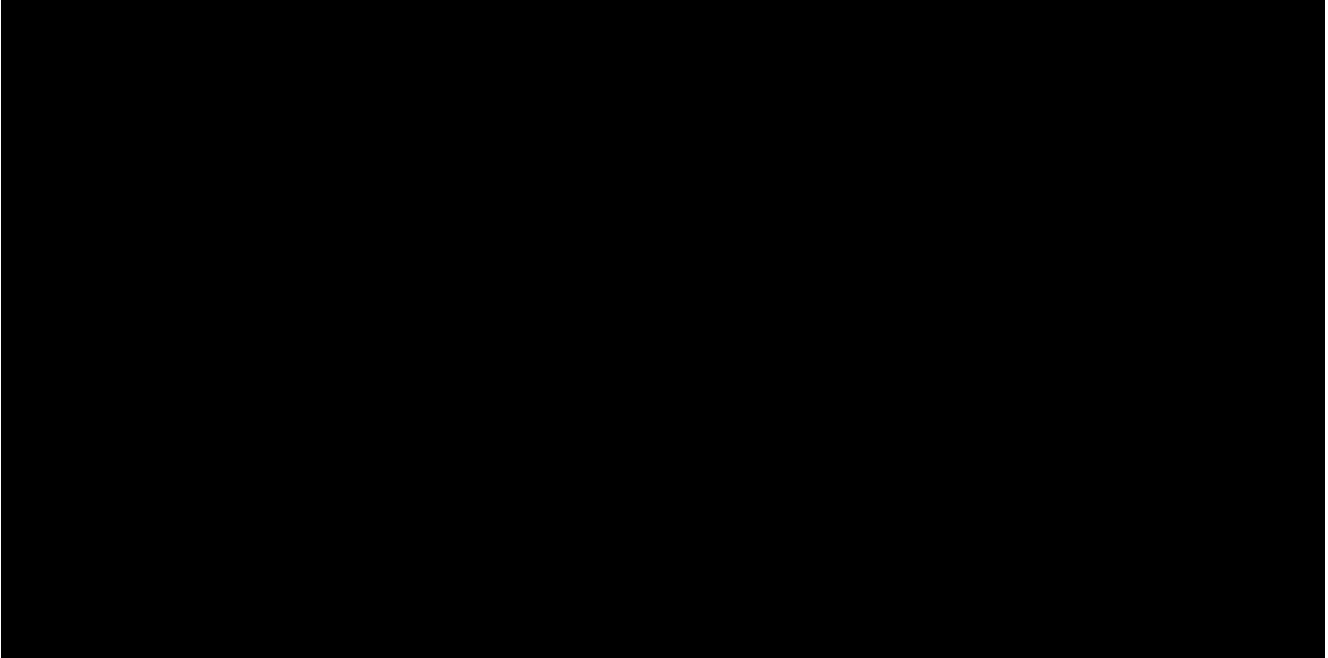


Figure 3 Certified land mapping

4.5 Section 6 - Access and movement

Street network functions and design

The objectives, performance outcomes and benchmark solutions in the Access and Movement section of the draft DCP have been drafted with a finer grain urban typology in mind. This may be appropriate for the mixed use and residential zoned areas and centres, however, is not feasible or appropriate for development in the Enterprise and Agribusiness zones.

The overall objective to design street networks to prioritise walking and cycling permeability and to facilitate safe and convenient access to public transport is misguided with respect to precincts that are characterised by large format industrial, warehouse and logistics development. The street networks in these locations should prioritise efficient movement of heavy vehicles and freight. While walking and cycling should be clearly be accommodated in a manner conducive to safety and amenity, they are subservient to the needs of the land use the streets serve. Industrial streets should be designed for industrial needs. It also needs to be noted that access to public transport will be far more limited in many industrial and agribusiness areas due to the distance from public transport nodes and generally lower population density.

The proposed maximum block sizes in Table 2 to the Section provide for a maximum length of a block of 350m for development in the Enterprise zone, with mid-block connections for pedestrians and cyclists provided no more than 150m apart.

These measurements are clearly unfeasible for the typology of development and would significantly limit industrial and logistics development in terms of scale and building size. Block lengths in the Mamre Road Precinct developments to date generally exceed 400 – 500m which allow for the larger scale buildings to be developed that are being required by tenants.

There are numerous examples of individual warehouses which are longer than 350m in length, not including associated loading bays and internal driveways. Mid-block connections will further reduce the size, scale and function of warehouse and logistics development and are not required for this type of development given the low pedestrian movement that occurs within industrial precincts.

When compounded with other controls, including the 25% tree canopy requirement, the proposed benchmark solutions would limit the size of warehouse development to a scale that is undersized for the logistics industry, not demanded by the industry, and completely inadequate in terms of serving the needs of Sydney's logistics chain and Western Sydney Airport. These controls have not been applied to Mamre Road Precinct and should not apply in the Aerotropolis.

Active transport network

While Mirvac support the provision of an active transport network, large sections of the Aerotropolis are not located close to existing public transport and future public transport services in many areas are unlikely to be frequent or within walking distance. Services in many areas are unlikely to have public transport in the initial years when the large format warehousing a logistics development will be a dominant land use.

Other performance objectives and benchmark solutions promote traffic calming solutions such as raised pedestrian crossings that are inappropriate for industrial areas where there is low pedestrian activity, and the efficiency of the road network is economically paramount particularly with the larger vehicles B-doubles and B-triples that will be continually accessing these industrial estates.

4.6 Section 7 – Travel demand management and parking

Travel demand management

Mirvac has no objections to the requirement to prepare and submit travel plans as a performance objective. However, there are currently limited public transport services in the Aerotropolis and unlikely to be any significant expansion of services for the foreseeable future. The Enterprise zoned areas generally coincide with locations subject to aircraft noise which are remote from residential areas and active transport opportunities. In the absence of a comprehensive public transport system, consent authorities and Transport for NSW need to understand that elevated levels of car usage will continue in the short to medium term.

Car parking rates

The proposed minimum car parking rates for the Enterprise zone at 1 space per 250m² GFA, are substantially higher than for comparable industrial precincts in Western Sydney. The draft Mamre Road Precinct DCP provides for a minimum car parking rate of 1 space per 300m² GFA or 1 space per 4 employees, whichever is the greater – this rate is comparable with other development in the Western Sydney Employment Area. A rate consistent with the Mamre Road draft DCP should be applied for the Enterprise zone to ensure consistency and clarity across the industrial precincts of Western Sydney.

The requirement for a car share scheme parking in industrial precincts is impractical and unfeasible and should be removed. While this may be appropriate for commercial and residential areas where density of jobs and residents will be high, the nature of employment associated with industrial and warehouse development will not generate demand for car share scheme use.

Parking design / access and end of trip facilities

The performance outcomes and benchmark solutions for this section are not considered to reflect or relate to industrial and warehouse development.

Basement car parking for large format industrial development is impractical and unfeasible with additional build costs over a much larger land area (due to increased structural requirements and excavation volumes) than for higher density commercial and residential areas.

While end of trip facilities are important and should be provided, the requirements need to realistically reflect the remoteness of development from residential areas and type of employment. There are no provisions in the Mamre Road draft DCP regarding requirements for end of trip facilities and again, consistency should be applied across employment precincts.

Servicing and loading design

These provisions were clearly not drafted for industrial and warehouse development and should be clarified to only apply to commercial and residential development. Provisions consistent with the Mamre Road draft DCP should be included in this DCP for development in the Enterprise zone as an industrial land use.

4.7 Section 8 – Building siting and design

Mirvac acknowledge the interfaces designed between new development, including industrial development, and the airport, and that this is key to ensuring a successful streetscape, particularly along Elizabeth Drive which is intended to act as the ‘gateway’ to the Aerotropolis. This is a design outcome Mirvac supports, and is looking to satisfy through the proposed design of EEP West Stage 1 which has substantial frontage to Elizabeth Drive along the southern boundary of the site.

4.8 Section 9 – Flooding and environmental resilience and adaptability

Mitigating the urban heat island effect

These provisions were clearly not drafted for industrial and warehouse development, and this is shown through the use of an image in Figure 14 that is a residential or commercial building style. This should be specified that these provisions do not, in their current state, apply to development such as proposed on EEP West Stage 1. Provisions relating to this matter of urban heat should be consistent with, or adopted from, the Mamre Road draft DCP.

Erosion and sediment control

The performance outcomes and benchmark solutions in this section relate to post consent compliance matters and would be more appropriate to be addressed as conditions of consent. It is noted that high level Erosion and Sediment Control Plans are often provided as part of an engineering plan set, however the detail is more often than not subject to detailed design as part of the construction certificate process.

4.9 Section 10 – Airport safeguarding

The Airport Safeguarding provisions in the draft DCP generally reflect the high-level outcomes in the *National Airports Safeguarding Framework* (NASF) which is applied consistently for development surrounding Australian Airports.

Wildlife hazard

With respect to wildlife hazard, the benchmark solution PO1 (3) requiring stormwater detention basins to be designed to fully drained within 48 hours after a rainfall event is problematic in the context of achieving the stormwater runoff and water quality targets in Section 4 of the draft DCP.

Achievement of these targets will rely on the retention of water in regional basins for evaporation or re-use in water harvesting schemes. This issue needs to be resolved in the final DCP as it has the potential to sterilise larger areas of zoned employment land if bioretention basins cannot be fully utilised as a management tool. As indicated earlier, considerable objections were raised by industrial landowners in the Mamre Road Precinct relating to the large cost and sterilisation of land required to achieve the targets as originally proposed in the draft DCP for that precinct.

The agreement of Sydney Water to the development of a regional solution by way of implementing a series of waterbodies downstream of development sites to manage surplus water runoff, in consultation with landowners, has provided an appropriate pathway forward to deal with these issues, without the need for zoned employment land to be sterilised.

A similar approach to stormwater management is proposed in the draft DCP, however the details of the regional solutions proposed by Sydney Water, their locations, and capacity to meet the draft DCP targets are not provided. This needs to be clarified promptly to allow for landowners to understand requirements and proceed with developing appropriate design responses into future applications.

Furthermore, as outlined in Section 4.3 earlier, the potential requirement to retain existing artificial waterbodies such as farm dams, would be, in certain circumstances such as EEP West Stage 1, in conflict with the NASF in terms of wildlife hazards where airport runway approach and take off zones would be located, such as the Stage 2 runway which aligns with the EEP West Stage 1 site.

4.10 Section 11 – Sustainability and the circular economy

These provisions were clearly not drafted for industrial and warehouse development and have the potential to add significant cost to development. While Mirvac is a strong advocate for the circular economy (noting this formed a considerable component of the now withdrawn development application for a waste management facility for filling of land on the EEP West Stage 1 site), the cost of providing these is substantial.

The waste minimisation and management provisions within the Mamre Road draft DCP are appropriate for industrial development and should be included in this DCP.

4.11 Section 12 – Services and utilities

Precinct Integrated Water Cycle Management

As stated in earlier sections of this submission, the commitment to, and timing of the delivery of regional / precinct stormwater harvesting and reuse schemes will be critical to the facilitation of industrial and warehouse development in the Enterprise and Agribusiness zones. Unlike other Aerotropolis uses, there is strong immediate demand for industrial development, particularly warehouse and logistics development. If these regional solutions are not prioritised, on-site schemes will need to be implemented either temporarily or long term by landowners, significantly increasing development costs and/or delaying development timeframes. This has, as mentioned previously, the potential to sterilise readily developable land until such time that a regional outcome is provided.

4.12 Section 13 – Smart Places

Mirvac recognises the intention of the controls to integrate technology and innovation into industrial estate design, and is at the forefront of incorporating these elements into estates. These details will flow through with development applications moving forward, including EEP West Stage 1.

4.13 Section 14 - Benchmarks for larger sites, subdivision or masterplanning

Targets for site coverage, perviousness and quantum of public domain by typology

The site cover and perviousness requirements as shown in Table 8 exceed accepted industry standards and are significantly more onerous than the Mamre Road Precinct requirements. Further consultation is required with industry to establish acceptable solutions that are operationally and economically feasible for the large format industrial typology, rather than what might be technically achievable based on urban design considerations or academic calculations.

Street patterns

The requirement for the creation of a “fine grain, highly connected urban place” is not an appropriate outcome for large format industrial and warehousing development characterised by large development blocks and development footprints. This indicates that these provisions were clearly not intended to apply to industrial and warehouse development, rather are intended to relate to commercial and residential sites within the appropriate land use zones. It is recommended the provisions of the Mamre Road draft DCP should be adopted.

As discussed in Section 4.5 above, the benchmark block sizes, which are a requirement for larger development sites, are inappropriate and ill-considered. Implementation of these requirements will render the Enterprise zone undevelopable for warehouse and logistics purposes, and particularly those tenants that would require larger floor plates to provide services for airport uses. It is noted that there is a footnote referring to further review of these controls. Engagement with experienced practitioners in the industrial development sector is critical in this regard. Mirvac would welcome the opportunity to be involved in any future process for the review of these controls.

4.14 Section 15 - Additional provisions for certain land uses

As outlined in Section 3.3 of this submission, the draft DCP generally applies a “one size fits all” approach to development. Part 4 of this section provides a limited number of additional tailored provisions for certain land uses, including industrial development. These are limited in scope and reflect that, notwithstanding the quantum of land zoned for industrial purposes, the drafting of the document has been through the lens of non-industrial land uses.

It is recommended that the final DCP be re-structured to include specific sections for the Enterprise zone within which the performance outcomes and benchmark solutions are tailored to the dominant land use and development typology that the zone will facilitate – being the large format industrial / warehouse and logistics. The draft DCP for the adjacent Mamre Road Precinct is currently being finalised and has been drafted specifically for large format industrial and warehouse development. The provisions and controls in this document should inform the Aerotropolis DCP process with regard to development in the Enterprise zone.

It is noted that Section 15.13 provides controls relating to waste or resource management facilities. Mirvac had lodged an application for a waste management facility to allow for land filling and compaction on the site, in preparation for future industrial development. The application was withdrawn after feedback from Penrith City Council that the proposal was inconsistent with the intended future use of the land, being industrial purposes. It is somewhat disappointing to see that these uses are now supported through the DCP, as earlier support would have assisted Mirvac in being able to commence work on-site in preparation for the future industrial land uses to be developed, providing for a level of certainty of operations commencing pre-airport operations.

5.0 EIE for Amendments to the Aerotropolis SEPP

Mirvac welcomes the review of the WSA SEPP and the exhibition of the Explanation of Intended Effect for proposed amendments. The following comments are provided on the proposed amendments to the SEPP:

- Support for the inclusion of provisions which would permit the amendment of a Precinct Plan through the Master Plan Process;
- Support for the inclusion of provisions that enable development to be inconsistent with a Precinct Plan or Master Plan by way of a mechanism similar to clause 4.6 of the Standard template LEP;
- Support for expanding the criteria for a development site to access the Master Plan approval pathway; and
- Support for provision that clarify the relationship between a Precinct Plan and a Master Plan.

It is disappointing that much needed amendments to Part 5 of the WSA SEPP (Design Excellence) have not been included in the EIE. The Design Excellence provisions in the WSA SEPP are clearly inappropriate and poorly drafted in the context of industrial development. It is strongly recommended that the amendment to the WSA SEPP include a complete review of the Design Excellence provisions to provide more appropriate and realistic criteria for the requirement for Design Review Panels and Design Competitions.

Part 5 of the WSA SEPP identifies the need for design excellence, which is agreed to be an important aspect of development. However, the application of this requirement, specifically the need for a Design Review Panel for sites of a CIV of more than \$20m, or a site area of at least 5,000m² or a gross floor area of 7,500m², is highly restrictive as this will capture even the smallest types of developments (particularly small sheds for logistics and warehousing) or development not even involving the erection of a building (e.g., >5,000m² of earthworks). This is clearly not the intention of the provisions.

These requirements will impede the opportunity to develop small to medium sized projects given the low requirement that will trigger a design review panel.

Additionally, the trigger for an architectural design competition (being a CIV of \$40m) means that any development for State Significant Development (which is triggered for a CIV of \$50m or greater) is required to utilise this process (which has not yet been clarified), at substantial expense to landowners and developers. The Design Competition criteria is unclear with regard to its application to a concept development application that may not include architectural detail. While Mirvac is committed to achieving design excellence, it should be noted that logistics and warehouse style development are limited in terms of design flexibility, particularly given the strict specifications required by both developers and future tenants to meet their needs for operational purposes. Additionally, a design excellent approach at the concept or estate level in lieu of individual buildings may provide a more streamlined approach for occupiers who need certainty and reduced delivery timeframes without detracting from design aspirations.

There is no flexibility included in the provisions to waive the need for a Design Review Panel or Design Competition where the development is minor, or where it would be unreasonable or unnecessary to apply the processes, as would be the case with earthworks or manufacturing facilities. There is also a risk that the efficient design of a development from a function and operational efficiency perspective, will be compromised by urban design considerations. Urgent attention is required as the Part 5 provisions, as currently in force, will place unnecessary process and time delay on development particularly those such as EEP West Stage 1 which have received Secretary's Environmental Assessment Requirements requiring a design competition be held, but with no guidelines on the format of the design competition being available.

6.0 Conclusion

Mirvac commend the Department on the release of the draft DCP Phase 2 and the further progression of the land use and planning framework for the Aerotropolis.

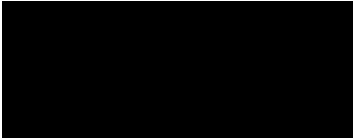
While it is acknowledged that significant effort has been expended to create a comprehensive suite of objectives and controls, careful consideration is needed in the finalisation of the DCP to ensure there is a greater balance between subjective, aspirational outcomes proposed in the objectives and controls, with the need for development in the Precinct to function for its purpose and be economically feasible.

Ultimately the success of the Aerotropolis and of the broader Western Parkland City depends on getting this balance right.

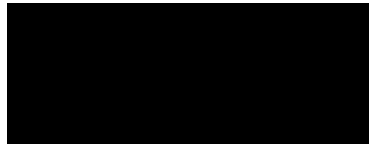
The development objectives and controls expressed in the draft DCP are a significant departure from those applied to other employment precincts in Western Sydney, particularly the WSEA. Mirvac are concerned that there has been insufficient testing of the proposed controls both in terms of delivering site development outcomes that are fit for purpose for end users, as well as the economic feasibility of development in the Precinct, particularly when combined with the proposed development contributions frameworks. The draft DCP objectives and controls have the potential to significantly affect the competitiveness of the Precinct in attracting business and jobs to Western Sydney.

Prior to finalisation of the DCP, the Department should proactively engage with industry and experienced industrial design practitioners to review and revise the proposed built form and urban design controls to ensure that the right balance is achieved between the functional requirements of development in the Precinct and design outcomes. In this regard, Mirvac is willing to meet with Department to run through these concerns to ensure that the final version of the DCP is appropriate in terms of its planning controls and resulting development outcomes to enable the delivery of the Aerotropolis to support the broader Western Parkland City.

Yours sincerely,



Gordon Kirkby
Director, Environment & Planning



Chris Curtis
Principal, Environment & Planning



01 November 2021

Mirvac Projects Pty Ltd
Level 26, 60 Margaret Street
Sydney NSW 2000

Your Ref:

Our Ref: LTR006-01-19-663-Phase 2 DCP
Submission.docx

Attention: Stephen Foster

Email: Stephen.foster@mirvac.com

Dear Stephen,

RE: WESTERN SYDNEY AEROTROPOLIS DEVELOPMENT CONTROL PLAN – PHASE 2
SUBMISSION TO NSW DPIE

AT&L have now been involved in the design development of the Aerotropolis Precinct for over four years. During that time have worked closely with both Government and Private Enterprise to explore and develop engineering solutions for the required infrastructure across the developable lands.

We acknowledge and agree with the aspirations of Government that development within the Aerotropolis Precinct achieves connectivity, liveability, productivity, and sustainability. We also accept that the development of the Western City cannot be Business as Usual although the aspirational outcomes of Government must also be economically sustainable and not stifle development and the employment outcomes.

Appreciating the difficult constraints across the Aerotropolis Precinct that challenge the development of the lands, we have been working closely with landholders, developers, and Authorities to develop holistic engineering solutions to achieve the objectives for development and the economic drivers that underpin the development and employment.

We welcome the opportunity to provide this Submission to the NSW Department of Planning, Industry and Environment (DPIE) in relation to the Aerotropolis Phase 2 DCP, as it would apply to large-format industrial development sites within the Aerotropolis, Badgerys Creek and Northern Gateway precincts.

In reviewing the Phase 2 DCP, we have also taken the opportunity to review several the associated referenced documents which are listed within this submission.

We also note that due to the relatively short submission timeframe, our submission has not gone into as much detail as would have liked.



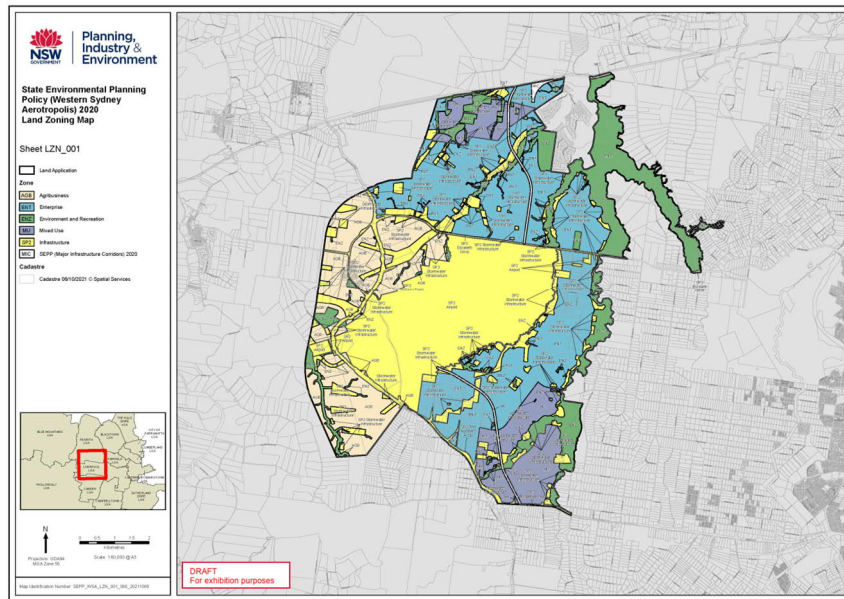
Anthony McLandsborough
Director – AT&L

As an industry professional, we acknowledge that development within Aerotropolis cannot be Business as Usual and as an industry we must strive for better and more sustainable outcomes, but this must be measured against the economic viability and sustainability outcomes. We acknowledge that the development outcomes of today will differ to the development outcomes in 2060. Any controls and objectives established by Government must consider the developments needs of today and not succumb to 2060 idealistic outcomes that may never eventuate.

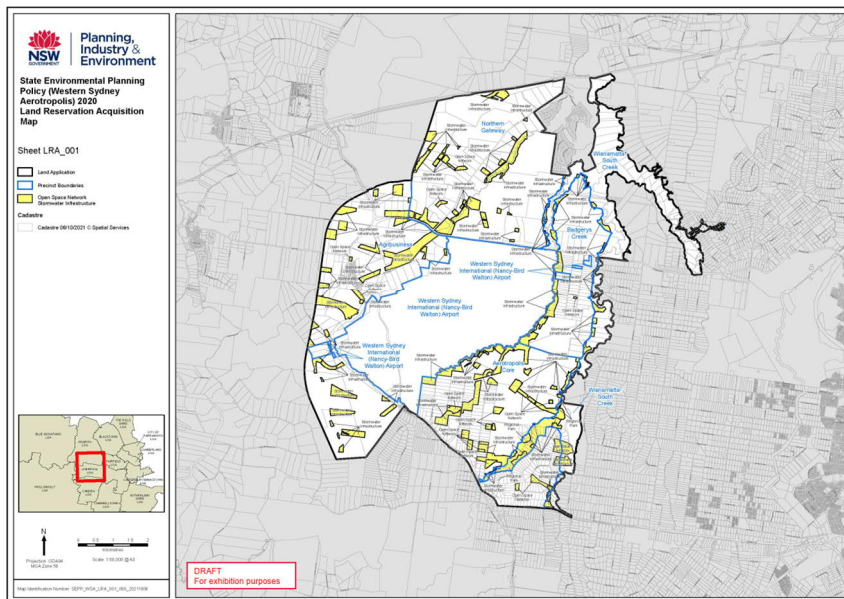
The following table has been prepared to identify the key development and employment constraints that, as experts within the Civil Infrastructure and development field, we believe will stifle development within the Aerotropolis and in doing so will delay development, push up costs, force tenants to look at alternative jurisdiction and suffocate the Governments employments targets.

Issue	SP2 – Stormwater Infrastructure zoning and Land Reservation Acquisition
Reference	<p><i>Western Sydney Aerotropolis – Explanation of Intended Effect</i></p> <p>Acquisition of land for Stormwater Infrastructure</p> <p>The WSAP advocates for the Aerotropolis to become a cool green place that retains water in the landscape. To achieve this outcome, for a stormwater system that promotes waterway health and water recycling, the planning framework needs to provide sustainable outcomes in the long term.</p> <p>The future stormwater system requires space for creation and management of dams and storm water detention systems and needs to identify land for the protection of riparian corridors. In order to achieve this, there is a need for the identification and acquisition of land for stormwater infrastructure to ensure an integrated water cycle management approach.</p> <hr/> <p>13 NSW Department of Planning, Industry and Environment</p> <hr/> <p>Explanation of Intended Effect of amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis</p> <hr/> <p>Similar to the requirements for the Open Space Network, lands for stormwater infrastructure, namely water detention basins are not needed now but will need to be acquired over time.</p> <p>To clearly identify land to be acquired for the delivery of water detention basins, land will be rezoned to SP2 Infrastructure – Stormwater Infrastructure. Clause 52 of the Aerotropolis SEPP will also be amended to identify an acquisition authority for land to be acquired for this infrastructure.</p> <p>The Land Zoning Map (Appendix C) and Land Reservation Acquisition Map (Appendix D) in the Aerotropolis SEPP will be amended to reflect these changes. The Land Reservation Acquisition Map in Appendix D shows the land proposed to be acquired.</p> <p>It is further intended that the final Precinct Plans and Aerotropolis SEPP will reflect the final locations of water detention basins to be acquired for the initial precincts of the Aerotropolis.</p>

Appendix C: Aerotropolis SEPP – Land Zoning Map



Appendix D: Aerotropolis SEPP – Land Reservation Acquisition Map

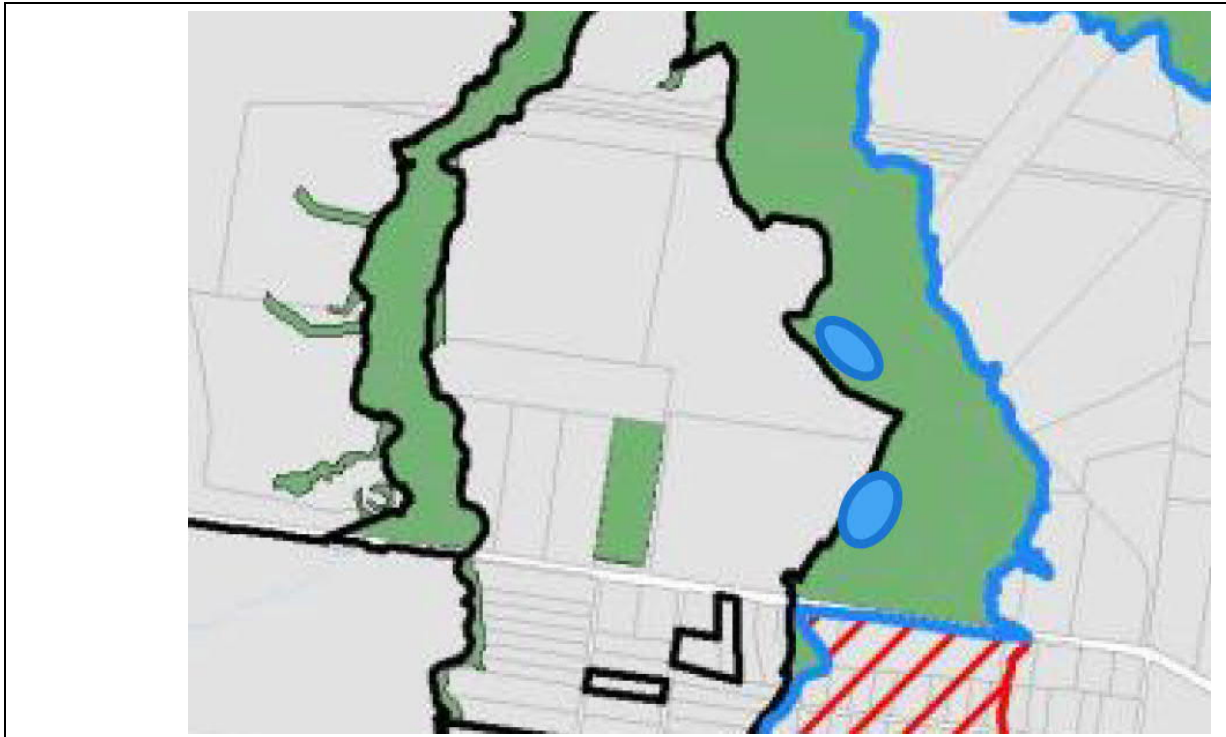


Discussion points

The development of industrial and logistics warehousing in Western Sydney is primarily being driven by the demand of tenants with demand currently outstripping supply pushing land prices up in Western Sydney by more than 30% in 2021 alone. Warehouse buildings are becoming larger, higher and more complex than similar industrial development areas in Sydney such as Wetherill Park and Erskine Park. One example of the type and scale of large-format industrial development that is typical of current demand is the Goodman Oakdale development in Horsley Park and Kemps Creek. Oakdale is over 400 hectares and has progressively been developed over the past ten years with AT&L delivering all the engineering design.

Where tenant-driven outcomes require large warehouses, such as the Amazon facility at Oakdale West. These types of facilities are typically ½ kilometre long requiring enormous investment of over \$500 million. Delivering these facilities require significant earthworks to construct a level building pad. Such earthworks typically alter the landform and therefore the extent and nature of gullies and hydro lines. Given the undulating and relatively steep topography within the Aerotropolis, it is envisaged that most of the development in the *ENT – Enterprise* zone would require significant earthworks and alteration of hydro lines, to the extent

	<p>that the required location of stormwater quantity and quality management measures would not suit the proposed <i>SP2 – Stormwater Infrastructure</i> zoning. In addition, some of the fragmented land parcels that are proposed to be zoned <i>SP2 – Stormwater Infrastructure</i> would require spot rezoning to facilitate future development.</p> <p>Further to this, the proposed controls relating to ‘Development by a Public Authority below the flood planning level for public infrastructure’ are supported, as they would provide opportunity (where suitable and appropriate) for infrastructure such as stormwater management measures to be located below the flood planning level and within the <i>ENZ – Environment and Recreation</i> zone.</p>
<p>Implications if adopted in final DCP</p>	<p>If adopted in the Final DCP, the proposed <i>SP2 – Stormwater Infrastructure</i> zoning would create a significant impediment to large-format industrial development. The number and scale of development lots would be less than technically viable without the SP2 zoning in place and would be likely to compromise the economic viability of some development sites.</p> <p>The currently exhibited plans showing the SP2 zoning for Stormwater will prevent development outcomes like Amazon and quite possibly delay the ultimate development of the lands for many decades.</p> <p>The creation of large water bodies and wetlands for stormwater quantity / quality and harvesting potentially create bird habitat which potentially creates an aircraft safety issue.</p>
<p>Possible alternative</p>	<p>To maximise the development potential of the Aerotropolis, whilst still achieving the objectives and performance outcomes, it is recommended that the <i>SP2 – Stormwater Infrastructure</i> zoning and associated Land Reservation Acquisition map be deleted from the Aerotropolis SEPP. Any land reservation needed to satisfy stormwater management controls would be incorporated into the development layout within either the <i>ENT – Enterprise</i> or <i>ENZ – Environment and Recreation</i> zones.</p> <p>Rather than zone specific areas for stormwater infrastructure (for quality and quantity management measures), it would be prudent to:</p> <ul style="list-style-type: none"> ■ Allow the planned development layout to influence the location and scale of stormwater management measures. ■ Permit the construction of stormwater management measures within the <i>ENT – Enterprise</i> zone and <i>ENZ – Environment and Recreation</i> zones, where such measures would not conflict with other development controls (e.g., flooding, riparian corridor, ecology and biodiversity). ■ Rely on the development controls to shape the design solution and outcomes for scale and location of stormwater management measures. <p>Opportunities to implement stormwater management measures within ENZ zoned land, below the 100 year ARI (1% AEP) flood extent should be maximised. For example, a large proportion of the Mirvac owned land adjacent to South Creek is low-lying, within the 100-year ARI flood extent and is very likely to be suitable for implementation of measures such as evaporation ponds and wetlands (subject to review of potential impacts on flooding, ecology and other factors).</p>



Issue Retention of 'naturalised creek / drainage line' with catchments larger than 15 hectares

Reference in Phase 2 DCP Section 4.1 – PO1

Draft Western Sydney Aerotropolis Development Control Plan 2021

4.1.2	Performance Outcome	Benchmark Solution
		<ul style="list-style-type: none"> b. Strahler Order 1 watercourses outside HEV areas in a catchment less than 15 ha can be removed/piped/realigned; c. Strahler Order 1 and 2 watercourses outside HEV areas with a catchment larger than 15 hectares must be reinstated as a naturalised creek/drainage line with and appropriate VRZ (they can be realigned/moved); d. Strahler Order 3 and 4 watercourses must be retained and rehabilitated with an appropriate VRZ to return the waterway to a natural state (for benchmarks for the natural state of riparian corridors and waterways are available, refer to external documents referenced in Appendix E of this DCP); and e. Potential flood impacts must be considered for restored creeks.

Insert extract

Discussion points

- How has the 15 hectares been established? Rather than specify an area, it would make more sense to adopt other metrics (e.g. ecological value, flood risk) due to a range of variables (topography, proximity to major watercourse)
- Incorporating trunk drainage channels into large-format industrial development sites poses significant challenges (vehicular and services crossings, road gradients)
- Ongoing maintenance – who would be responsible? What would be the risks associated with lack of maintenance (increased flood risk, poor water quality)

Implications if adopted in final DCP	Higher land take – impacts cost of developing land (and therefore its market value and ability to attract investors and tenants) Higher maintenance costs and creation of bird habitat which potentially creates an aircraft safety issue
Possible alternative	Major drainage to be generally contained within the road reserve, with minor system (pit and pipe) drainage capacity to be increased where required to satisfy design criteria. Limit basins to either below the flood planning level or directly adjacent downstream of development.

Issue	Preservation of artificial waterbodies (farm dams)									
Reference in Phase 2 DCP	Section 4.2 – PO1 and PO2									
	Draft Western Sydney Aerotropolis Development Control Plan 2021									
	<p>4.2.2 Performance Outcomes and Benchmark Solutions</p> <table border="1"> <thead> <tr> <th style="background-color: #444; color: white;">4.2.2</th> <th style="background-color: #444; color: white;">Performance Outcome</th> <th style="background-color: #444; color: white;">Benchmark Solution</th> </tr> </thead> <tbody> <tr> <td style="background-color: #eee;">PO1</td> <td>Artificial waterbodies mapped for retention in the Precinct Plan are retained through the development process. <small>Note: A water licence from the Natural Resources Access Regulator (NRAR) may be required for artificial water bodies.</small></td> <td> <ol style="list-style-type: none"> 1. Artificial waterbodies mapped in the Precinct Plan are incorporated as a key landscape feature in development proposals. 2. Developments that contain artificial water bodies to be retained must ensure the artificial water bodies meet the following criteria: <ol style="list-style-type: none"> a. Do not exacerbate flood risk; b. Are located on a Strahler order 1, 2 or 3 watercourse; c. Are located within open space areas, and d. Have a catchment area of 1-3% of upstream area. 3. Artificial waterbodies identified for potential retention are to be guided by the Aboriginal cultural heritage provisions of this DCP. </td> </tr> <tr> <td style="background-color: #eee;">PO2</td> <td>Retained artificial waterbodies are rehabilitated to achieve good quality water within the new environment.</td> <td> <ol style="list-style-type: none"> 1. Artificial waterbodies retained in the landscape are to be guided by the report <i>Western Parkland City: Farm Dams as Water in the Landscape Guide – Final Report</i>. 2. Retained artificial waterbodies are to address: <ol style="list-style-type: none"> a. Water quality in accordance NSW Government water quality and flow objectives; b. Flushing/residence time; c. Stratification; d. Algal blooms; e. Weed growth f. Exotic pests; and g. adaptive management. 3. Retained artificial waterbodies are to be integrated into recreational areas (Figure 4) by: <ol style="list-style-type: none"> a. Providing access to 1 edge of the dam; b. Allowing continuous riparian vegetation opposite the accessible edge of the dam; and c. Measures to ensure water levels are maintained under varying climatic conditions. 4. Demonstrate that any supplementing of water for retained artificial waterbodies can be supplied from non-potable sources such as recycled water, roof water, harvested stormwater or other non-licensed water sources and treated to comply with <i>Australian Guidelines for Recycled Water</i>. </td> </tr> </tbody> </table>	4.2.2	Performance Outcome	Benchmark Solution	PO1	Artificial waterbodies mapped for retention in the Precinct Plan are retained through the development process. <small>Note: A water licence from the Natural Resources Access Regulator (NRAR) may be required for artificial water bodies.</small>	<ol style="list-style-type: none"> 1. Artificial waterbodies mapped in the Precinct Plan are incorporated as a key landscape feature in development proposals. 2. Developments that contain artificial water bodies to be retained must ensure the artificial water bodies meet the following criteria: <ol style="list-style-type: none"> a. Do not exacerbate flood risk; b. Are located on a Strahler order 1, 2 or 3 watercourse; c. Are located within open space areas, and d. Have a catchment area of 1-3% of upstream area. 3. Artificial waterbodies identified for potential retention are to be guided by the Aboriginal cultural heritage provisions of this DCP. 	PO2	Retained artificial waterbodies are rehabilitated to achieve good quality water within the new environment.	<ol style="list-style-type: none"> 1. Artificial waterbodies retained in the landscape are to be guided by the report <i>Western Parkland City: Farm Dams as Water in the Landscape Guide – Final Report</i>. 2. Retained artificial waterbodies are to address: <ol style="list-style-type: none"> a. Water quality in accordance NSW Government water quality and flow objectives; b. Flushing/residence time; c. Stratification; d. Algal blooms; e. Weed growth f. Exotic pests; and g. adaptive management. 3. Retained artificial waterbodies are to be integrated into recreational areas (Figure 4) by: <ol style="list-style-type: none"> a. Providing access to 1 edge of the dam; b. Allowing continuous riparian vegetation opposite the accessible edge of the dam; and c. Measures to ensure water levels are maintained under varying climatic conditions. 4. Demonstrate that any supplementing of water for retained artificial waterbodies can be supplied from non-potable sources such as recycled water, roof water, harvested stormwater or other non-licensed water sources and treated to comply with <i>Australian Guidelines for Recycled Water</i>.
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PO1	Artificial waterbodies mapped for retention in the Precinct Plan are retained through the development process. <small>Note: A water licence from the Natural Resources Access Regulator (NRAR) may be required for artificial water bodies.</small>	<ol style="list-style-type: none"> 1. Artificial waterbodies mapped in the Precinct Plan are incorporated as a key landscape feature in development proposals. 2. Developments that contain artificial water bodies to be retained must ensure the artificial water bodies meet the following criteria: <ol style="list-style-type: none"> a. Do not exacerbate flood risk; b. Are located on a Strahler order 1, 2 or 3 watercourse; c. Are located within open space areas, and d. Have a catchment area of 1-3% of upstream area. 3. Artificial waterbodies identified for potential retention are to be guided by the Aboriginal cultural heritage provisions of this DCP. 								
PO2	Retained artificial waterbodies are rehabilitated to achieve good quality water within the new environment.	<ol style="list-style-type: none"> 1. Artificial waterbodies retained in the landscape are to be guided by the report <i>Western Parkland City: Farm Dams as Water in the Landscape Guide – Final Report</i>. 2. Retained artificial waterbodies are to address: <ol style="list-style-type: none"> a. Water quality in accordance NSW Government water quality and flow objectives; b. Flushing/residence time; c. Stratification; d. Algal blooms; e. Weed growth f. Exotic pests; and g. adaptive management. 3. Retained artificial waterbodies are to be integrated into recreational areas (Figure 4) by: <ol style="list-style-type: none"> a. Providing access to 1 edge of the dam; b. Allowing continuous riparian vegetation opposite the accessible edge of the dam; and c. Measures to ensure water levels are maintained under varying climatic conditions. 4. Demonstrate that any supplementing of water for retained artificial waterbodies can be supplied from non-potable sources such as recycled water, roof water, harvested stormwater or other non-licensed water sources and treated to comply with <i>Australian Guidelines for Recycled Water</i>. 								

<p>Discussion points</p>	<ul style="list-style-type: none"> ■ Location of the majority of existing farm dams across the Aerotropolis is either incompatible with large-format industrial development layouts or would significantly affect the development potential. ■ Structural integrity of existing artificial waterbodies cannot be guaranteed and would potentially pose a major risk to land use downstream of any existing artificial waterbodies that are retained. ■ For any dams that are retained, risk associated with dam break would need to be considered, in relation to impacts on downstream development, population at risk and probable loss of life.
<p>Implications if adopted in final DCP</p>	<ul style="list-style-type: none"> ■ Physical constraint to large-format industrial development ■ Potential risk to downstream land use in the event of partial or complete dam failure ■ The likelihood that each dam would need to be reconstructed to ensure the structural integrity and health and safety of the surrounding users. ■ With the redirection of stormwater flows from minor overland systems due to the size and complexity of the development outcomes, these systems would be starved of water with, particularly isolated dams, become dry. ■ Creation of bird habitat
<p>Possible alternative</p>	<p>Incorporate new artificial waterbodies into developments at locations that contribute to precinct-wide water management objectives and that suit an optimum development layout.</p> <p>Create an outcome that both delivers economic development outcomes with minimising health and safety issues, reduction of bird habitat and ongoing maintenance costs.</p> <p>For any proposed outcome, we must first understand the objectives and targets of the proposed Stormwater harvesting scheme along with any water balance metrics which are yet to be both understood and detailed by Sydney Water</p>

Issue Stormwater quality management targets

Reference in Phase 2 DCP Section 4.3 – PO2

Draft Western Sydney Aerotropolis Development Control Plan 2021

4.3.2	Performance Outcome	Benchmark Solution	
PO2	Development is to demonstrate compliance with the stormwater quality targets at the lot, estate, or regional level to ensure the NSW Government's water quality and flow related objectives are achieved		Stormwater Quality Target – Operational Phase
		Gross Pollutants (anthropogenic litter >5mm and coarse sediment >1mm)	90% reduction (minimum) in mean annual load from unmitigated development
		Total Suspended Solids (TSS)	90% reduction in mean annual load from unmitigated development
		Total Phosphorus (TP)	80% reduction in mean annual load from unmitigated development
		Total Nitrogen (TN)	65% reduction in mean annual load from unmitigated development

Discussion points

- Justification for higher targets has not been provided in the DCP, MUSIC Modelling Toolkit – Wianamatta (NSW DPIE, August 2021) or the *Western Sydney Aerotropolis (Initial Precincts) Stormwater and Water Cycle Management Study Interim Report* (Sydney Water, October 2020) (reference to Appendix A, where stormwater management targets were noted as TBC and being developed by DPIE EES.)
- Targets are inconsistent with *Western Sydney Engineering Design Manual* (Table 23, p. 91), both standard and stretch targets

9.4.1 Design data

Table 23 Design Data: Water Quality Targets

ID	POLLUTANT	% POST DEVELOPMENT AVERAGE ANNUAL LOAD REDUCTION	% STRETCH TARGET (see Notes below)
1.	Gross Pollutants	90	
2.	Total Suspended Solids	85	90
3.	Total Nitrogen	65	85
4.	Total Phosphorus	45	65
5.	Total Hydrocarbons	90	

- Targets are significantly higher than current best practice (e.g. Penrith DCP).

Performance Criteria

Stormwater quality requirements for all development types identified in Table C3.1 are:

a) Pollution load reductions:

- i) 90% reduction in the post development mean annual load total gross pollutant (greater than 5mm);
- ii) 85% reduction in the post development mean annual load of Total Suspended Solids (TSS);
- iii) 60% reduction in the post development mean annual load of Total Phosphorus (TP);
- iv) 45% reduction in the post development mean annual load of Total Nitrogen (TN);

Penrith Development Control Plan 2014
C3 Water Management

C3-11

- We understand the targets are a by-product of both the MARV and Sydney Waters stormwater harvesting initiatives as has been demonstrated through the extensive work we have done on the Mamre Road Precinct.

Implications if adopted in final DCP	<ul style="list-style-type: none"> ■ Potential for higher land take for stormwater quality management measures than would otherwise be required under current best practice (or even under stretch targets outlined in the Western Sydney Engineering Design Manual) ■ Appreciation of how the targets would be met should SWC introduce, design and construct stormwater harvesting solutions.
Possible alternative	<p>Subject to opportunity to review and analyse justification of higher pollutant reduction targets, which is assumed to be contained in the forthcoming document referred to in the DCP titled <i>Technical guide to demonstrate compliance with Wianamatta-South Creek waterway health objectives and stormwater management targets</i>.</p> <p>Notwithstanding the above, additional information is required from Sydney Water to provide guidance on the final Rainwater harvesting Strategy. Without this, development cannot advance.</p>

Issue Stormwater quantity management targets (demonstrating compliance with either Mean Annual Runoff Volume or Flow Duration Curve)

Reference in Phase 2 DCP	Section 4.3 – PO3	<table border="1"> <tr> <td rowspan="14">PO3</td> <td rowspan="14">Development is to demonstrate compliance with the stormwater flow targets at the lot, estate, or regional level to ensure the NSW Government's water quality and flow related objectives are achieved</td> <td colspan="2">Stormwater Flow Target – Operational Phase</td> </tr> <tr> <td colspan="2">Option 1: Mean Annual Runoff</td> </tr> <tr> <td>Mean Annual Runoff Volume (MARV)</td> <td>≤ 2 ML/ha/year at the point of discharge to the local waterway</td> </tr> <tr> <td>90%ile flow</td> <td>1000 to 5000 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td>50%ile flow</td> <td>5 to 100 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td>10%ile flow</td> <td>0 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td colspan="2">Option 2: Flow Duration Curve Approach</td> </tr> <tr> <td>95%ile flow</td> <td>3000 to 15000 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td>90%ile flow</td> <td>1000 to 5000 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td>75%ile flow</td> <td>100 to 1000 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td>50%ile flow</td> <td>5 to 100 L/ha/day at the point of discharge to the local waterway</td> </tr> <tr> <td>Cease to flow</td> <td>Cease to flow to be between 10% to 30% of the time</td> </tr> </table>	PO3	Development is to demonstrate compliance with the stormwater flow targets at the lot, estate, or regional level to ensure the NSW Government's water quality and flow related objectives are achieved	Stormwater Flow Target – Operational Phase		Option 1: Mean Annual Runoff		Mean Annual Runoff Volume (MARV)	≤ 2 ML/ha/year at the point of discharge to the local waterway	90%ile flow	1000 to 5000 L/ha/day at the point of discharge to the local waterway	50%ile flow	5 to 100 L/ha/day at the point of discharge to the local waterway	10%ile flow	0 L/ha/day at the point of discharge to the local waterway	Option 2: Flow Duration Curve Approach		95%ile flow	3000 to 15000 L/ha/day at the point of discharge to the local waterway	90%ile flow	1000 to 5000 L/ha/day at the point of discharge to the local waterway	75%ile flow	100 to 1000 L/ha/day at the point of discharge to the local waterway	50%ile flow	5 to 100 L/ha/day at the point of discharge to the local waterway	Cease to flow	Cease to flow to be between 10% to 30% of the time
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Discussion points

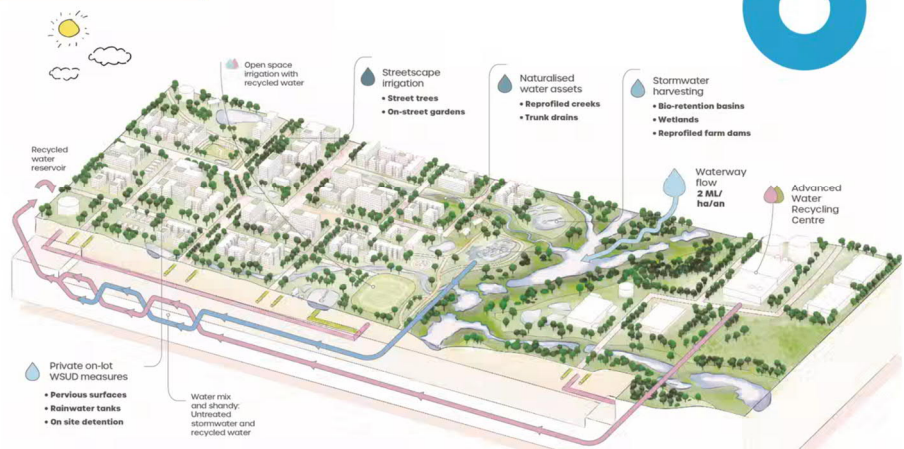
- Would require a significant reduction in the volume of runoff from a large-format development site – the majority of which could only be achieved by large-scale evaporation ponds / wetlands or roof misting.
- The *Technical guide to demonstrate compliance with Wianamatta-South Creek waterway health objectives and stormwater management targets* has not yet been released (is noted as Forthcoming in the Phase 2 DCP Appendix).
- No documentation to justify the Current Condition or Tipping Point for Degradation (Table 1-2 of *Western Sydney Aerotropolis Stormwater and Water Cycle Management Study* (Interim Report)) has been made public or available to industry for review.

Implications if adopted in final DCP

- Highly dependent on characteristics of land parcels / development estates – i.e. for parcels or estates that have floodplain or flood prone land, stormwater quantity management measures such as ponds or wetlands could be adopted within that land (subject to assessment of potential flood impacts). For steeper lands with deep or incised hydro lines, stormwater quantity management measures would require significant land take and therefore would impact the extent of developable land.
- There is a direct relationship between the DCP targets and proposed stormwater harvesting scheme that Sydney continues to evaluate and develop which would need to be finalised prior to meet the targets.

Integrated Water Cycle Management

Western Sydney Parkland City



Possible alternative

Subject to opportunity to review and analyse justification of target MARV, which is assumed to be contained in the forthcoming document referred to in the DCP titled *Technical guide to demonstrate compliance with Wianamatta-South Creek waterway health objectives and stormwater management targets*.

As we have demonstrated within the Mamre Road Precinct and accepted by Sydney Water, there is a 5-6 year horizon before development across precincts and catchments exceed the 2.0ML/Ha/yr. target allowing both industry and government to develop regional solutions which allow for the 3ML/ha/yr. reduction.

AT&L have previously investigated the MARV reduction targets as part of our work on the Mamre Road precinct which formed part of a submission to DPIE. This submission demonstrated that through several initiatives, the MARV could be easily met via initiatives estate wide (1ML/ha/yr.) and regional wetlands and evaporation basins (2ML/ha/yr.) without the costly and unproven stormwater harvesting that is currently being proposed.

Even without stormwater harvesting, the expected cost of regional wetlands / evaporation basin will exceed \$1Billion dollars for the Aerotropolis.

Issue		Connection to recycled water scheme				
Reference in Phase 2 DCP		Section 4.3 – PO6				
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Discussion points	<ul style="list-style-type: none"> ■ The demand for non-potable water in large-format industrial estates is minimal (compared to most other land uses) – therefore the benefit cost of implementing reticulated recycled water through such estates is considered low. ■ Based on actual measured usage rates within a typical 20,000m² lot, we have established the total daily usage of water is around 5kl/day with around 49% being made up of reuse water ■ Non-potable demand could be met by rainwater tanks on individual lots (as required by Penrith DCP and the Western Sydney Engineering Design Manual), which would negate the need for storage, treatment and pumping of harvested stormwater or recycled water on an estate-wide or precinct-wide scale. ■ There would not be sufficient non-potable water demand for both rainwater and reticulated recycled water within a large-format industrial estate to justify the expenditure for a reticulated recycled water scheme. ■ Reticulated recycled water, if used in preference to rainwater tanks, could have a negative impact on stormwater quality within an estate. 					
Implications if adopted in final DCP	Higher developer contributions to fund the delivery of a reticulated recycled water scheme, that otherwise would not be required if on-lot rainwater tanks are adopted as the preferred means of non-potable water servicing.					
Possible alternative	<p>Undertake a comparative analysis of the two potential non-potable water servicing strategies (rainwater tanks vs reticulated recycled water) and consider costs (to implement and operate), benefits and impacts to the environment and benefits and impacts to stakeholders (authorities, developer and end users). The results of this analysis should inform and justify the preferred non-potable water servicing strategy for the Aerotropolis Precinct.</p> <p>We acknowledge the water balance design which would need contemplate the use of variable stormwater events, constant recycled water supply along with minimal demand with the ENT zoned areas but at the same time maintaining stormwater discharge to the creek systems and managing the MARV target would be difficult to see materialise into an acceptable design outcome.</p> <p>We would challenge how this system could be effectively and economical constructed and maintained when the variables are considered property. The notion that the total volume of water harvested could ever be reused is, in our view, is difficult to justify given the costs and long tm maintenance costs that Government would need to absorb.</p>					

Issue	Trunk drainage channels ('will commence when 12-15ha of catchment contribute runoff flows')				
Reference in Phase 2 DCP	Section 4.3 – PO7 <table border="1" data-bbox="529 360 1398 640"> <tr> <td data-bbox="529 360 608 640">PO7</td> <td data-bbox="608 360 802 640">Development is designed to safely convey overland flows in accordance with <i>Stormwater and Integrated Water Management Plan</i> (Sydney Water 2021) and the safety standards included in <i>Australian Rainfall and Runoff Guidelines 2019</i>.</td> <td data-bbox="802 360 1398 640"> <ol style="list-style-type: none"> 1. Trunk drainage capable of conveying 1% AEP flow shall be designed as naturalised channels connecting to the existing stream system. 2. Trunk drainage is to be located through natural creek lines or constructed natural drainage channels to help detain flows and contribute to biodiversity, public amenity and safety. 3. Designs shall ensure flows are safely conveyed to avoid unsafe conditions for pedestrians and vehicles and to meet the requirements of <i>Australian Rainfall & Runoff Guidelines 2019</i>. Naturalised channels will commence when 12-15 ha of catchment contribute runoff flows. </td> </tr> </table>		PO7	Development is designed to safely convey overland flows in accordance with <i>Stormwater and Integrated Water Management Plan</i> (Sydney Water 2021) and the safety standards included in <i>Australian Rainfall and Runoff Guidelines 2019</i> .	<ol style="list-style-type: none"> 1. Trunk drainage capable of conveying 1% AEP flow shall be designed as naturalised channels connecting to the existing stream system. 2. Trunk drainage is to be located through natural creek lines or constructed natural drainage channels to help detain flows and contribute to biodiversity, public amenity and safety. 3. Designs shall ensure flows are safely conveyed to avoid unsafe conditions for pedestrians and vehicles and to meet the requirements of <i>Australian Rainfall & Runoff Guidelines 2019</i>. Naturalised channels will commence when 12-15 ha of catchment contribute runoff flows.
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Discussion points	<ul style="list-style-type: none"> ■ What is the basis for 12-15 hectares? Rather than specify an area, it would make more sense to adopt other metrics (e.g. ecological value, flood risk) due to a range of variables (topography, proximity to major watercourse) ■ Incorporating trunk drainage channels into large-format industrial development sites poses significant challenges (vehicular and services crossings, road gradients) ■ Ongoing maintenance – who would be responsible? What would be the risks associated with lack of maintenance (increased flood risk, poor water quality) 				
Implications if adopted in final DCP	Higher land take – impacts cost of developing land (and therefore its market value and ability to attract investors and tenants)				
Possible alternative	Major drainage to be generally contained within the road reserve, with minor system (pit and pipe) drainage capacity to be increased where required to satisfy design criteria.				

Issue		Consistency with Precinct Plan Draft Stormwater and Water Cycle Management Study Interim Report				
Reference in Phase 2 DCP	Section 4.3 – PO10	<table border="1"> <tr> <td style="background-color: #D3D3D3;">PO10</td> <td>Development is consistent with the Precinct Plan Draft Stormwater and Water Cycle Management Study Interim Report, considering the ephemeral nature of the waterways in</td> <td> <ol style="list-style-type: none"> Development responds to planned regional stormwater infrastructure to achieve the overall water quality and flow objectives established for the Precinct. Development has used the <i>Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions</i> to manage the cumulative impacts of stormwater discharges from development. Undertake bed and bank stabilisation works to prevent erosion and provide habitat for fish and other aquatic life. </td> </tr> </table>		PO10	Development is consistent with the Precinct Plan Draft Stormwater and Water Cycle Management Study Interim Report, considering the ephemeral nature of the waterways in	<ol style="list-style-type: none"> Development responds to planned regional stormwater infrastructure to achieve the overall water quality and flow objectives established for the Precinct. Development has used the <i>Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions</i> to manage the cumulative impacts of stormwater discharges from development. Undertake bed and bank stabilisation works to prevent erosion and provide habitat for fish and other aquatic life.
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Discussion points	<ul style="list-style-type: none"> PO10 refers to the <i>Risk-based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions</i>. This document refers to the NSW Water Quality and River Flow Objectives. There appear to be no specific water quality or river flow objectives for the Hawkesbury-Nepean catchment, of which Wianamatta is a tributary, that would form the basis of Waterway Objectives for development in the Wianamatta catchment. 					
Implications if adopted in final DCP	Lack of justification for adopting specific development controls relating to stormwater quantity and quality management targets.					
Possible alternative	Provide suitable opportunity for industry-wide review and analysis of the Water Quality and River Flow Objectives for the Wianamatta catchment prior to adopting final development controls.					

Issue		Tree canopy, deep soil and tree planting							
Reference in Phase 2 DCP	Section 5.1 – PO1	<table border="1"> <thead> <tr> <th style="background-color: #808080; color: white;">5.1.2</th> <th style="background-color: #808080; color: white;">Performance Outcome</th> <th style="background-color: #808080; color: white;">Benchmark Solution</th> </tr> </thead> <tbody> <tr> <td style="background-color: #D3D3D3;">PO1</td> <td>Consolidate areas of deep soil and provide minimum dimensions which allow for sufficient tree planting.</td> <td> <ol style="list-style-type: none"> Consolidate deep soil areas by establishing these areas right up to abutting boundary walls and fence lines. Consolidate deep soil in setback areas and locate with adjoining deep soil areas in adjoining properties. Tree canopy is delivered by providing the minimum deep soil and tree planting rates as per Table 1. In addition to the requirements set out in this section, applicants must also have regard for the site coverage and pervious surface targets outlined in Section 14.1 of this DCP </td> </tr> </tbody> </table>		5.1.2	Performance Outcome	Benchmark Solution	PO1	Consolidate areas of deep soil and provide minimum dimensions which allow for sufficient tree planting.	<ol style="list-style-type: none"> Consolidate deep soil areas by establishing these areas right up to abutting boundary walls and fence lines. Consolidate deep soil in setback areas and locate with adjoining deep soil areas in adjoining properties. Tree canopy is delivered by providing the minimum deep soil and tree planting rates as per Table 1. In addition to the requirements set out in this section, applicants must also have regard for the site coverage and pervious surface targets outlined in Section 14.1 of this DCP
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Discussion points	<ul style="list-style-type: none"> Deep soil areas and tree planting adjacent to boundary walls will affect the structural integrity of walls, and therefore the objective of achieving deep soil and tree canopy may not be compatible with the landform / bulk earthworks / retaining systems required to facilitate large-format industrial development. 								
Implications if adopted in final DCP	Controls relating to tree canopy and deep soil that cannot be achieved due to the extent and depth of retaining structures to facilitate large-format industrial development.								
Possible alternative	Providing compensatory tree canopy and deep soil in areas more suitable than within large-format industrial lots (e.g. within road reserve, open space, riparian corridors).								

Issue	Maximum block sizes (350m for Enterprise zone)		
Reference in Phase 2 DCP	Section 6.2 – PO6 (Table 2) <table border="1" data-bbox="531 376 1396 448"> <tr> <td data-bbox="531 376 965 448">Enterprise zone (outside centres including local)</td> <td data-bbox="965 376 1396 448">Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart</td> </tr> </table>	Enterprise zone (outside centres including local)	Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart
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Discussion points	<ul style="list-style-type: none"> The maximum block length specified in the Phase 2 DCP would not allow for the type and scale of development that has recently been delivered in new development areas such as Oakdale South and Oakdale West, and that is being planned in the Mamre Road and Aerotropolis precincts. The scale of large-format industrial currently being planned in several estates in the Aerotropolis responds to demand from potential tenants, and a maximum block length of 350m would be a significant and detrimental constraint on development. 		
Implications if adopted in final DCP	Limitation of the scale of large-format industrial development, resulting in land that does not meet the current and future demands of potential tenants within the Aerotropolis.		
Possible alternative	Revising the maximum block lengths to a value that is consistent with developments within the Western Sydney Employment Area, in particular the Mamre Road Precinct and WSEA lands.		

Issue	Mid-block connections for pedestrians and cyclists no more than 150m apart		
Reference in Phase 2 DCP	Section 6.2 – PO6 (Table 2) <table border="1" data-bbox="531 1120 1396 1187"> <tr> <td data-bbox="531 1120 965 1187">Enterprise zone (outside centres including local)</td> <td data-bbox="965 1120 1396 1187">Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart</td> </tr> </table>	Enterprise zone (outside centres including local)	Maximum length of a block 350m. Mid-block connections for pedestrians and cyclists provided no more than 150m apart
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Discussion points	<ul style="list-style-type: none"> The 150m requirement is not compatible with the scale of a large-format industrial estate. 		
Implications if adopted in final DCP	An unreasonable and impractical layout of mid-block intersections that is not responsive to the scale and layout of large-format industrial development.		
Possible alternative	Rather than specify a distance, several mid-block connections that suits the final development layout is considered to be more appropriate.		

Issue		Urban Typologies – site cover and perviousness																																																																																																		
Reference in Phase 2 DCP		Section 14.1 – Table 8																																																																																																		
		<p><i>Table 8 Urban Typologies with Acceptable Solutions for Site Cover and Perviousness</i></p> <table border="1"> <thead> <tr> <th rowspan="3">Urban typology</th> <th colspan="2">Lot requirements</th> <th colspan="6">Typology elements</th> </tr> <tr> <th rowspan="2">Site Cover</th> <th rowspan="2">Perviousness</th> <th colspan="2">Lot area</th> <th colspan="2">Streets (including plazas and urban public spaces adjacent to a street)</th> <th colspan="2">Open space (including parks, gardens, playgrounds, playing fields, and alike)</th> </tr> <tr> <th>% of Overall Area</th> <th>Perviousness</th> <th>% of Overall Area</th> <th>Perviousness</th> <th>% of Overall Area</th> <th>Perviousness</th> </tr> </thead> <tbody> <tr> <td rowspan="2">High-density mixed-use centre</td> <td rowspan="2">60%</td> <td rowspan="2">40%</td> <td>Base scenario</td> <td>50%</td> <td>35%</td> <td>35%</td> <td>35%</td> <td>15%</td> <td>90%</td> </tr> <tr> <td>Alternative/ Parkland solution</td> <td>58%</td> <td>30%</td> <td>32%</td> <td>35%</td> <td>20%</td> <td>90%</td> </tr> <tr> <td rowspan="2">Medium density mixed use centre</td> <td rowspan="2">50%</td> <td rowspan="2">50%</td> <td>Base scenario</td> <td>55%</td> <td>50%</td> <td>30%</td> <td>35%</td> <td>15%</td> <td>90%</td> </tr> <tr> <td>Alternative/ Parkland solution</td> <td>58%</td> <td>35%</td> <td>32%</td> <td>38%</td> <td>20%</td> <td>90%</td> </tr> <tr> <td rowspan="2">Employment – business, commercial and light industrial</td> <td rowspan="2">60%</td> <td rowspan="2">40%</td> <td>Base scenario</td> <td>55%</td> <td>40%</td> <td>30%</td> <td>30%</td> <td>15%</td> <td>90%</td> </tr> <tr> <td>Alternative/ Parkland solution</td> <td>55%</td> <td>30%</td> <td>30%</td> <td>30%</td> <td>20%</td> <td>90%</td> </tr> <tr> <td rowspan="2">Employment – Large format industrial</td> <td rowspan="2">70%</td> <td rowspan="2">30%</td> <td>Base scenario</td> <td>60%</td> <td>30%</td> <td>25%</td> <td>35%</td> <td>15%</td> <td>90%</td> </tr> <tr> <td>Alternative/ Parkland solution</td> <td>65%</td> <td>15%</td> <td>20%</td> <td>35%</td> <td>15%</td> <td>90%</td> </tr> </tbody> </table> <p><small>* The perviousness of a lot may be subsidised by other on-site detention and landscaping measures where it is not deemed acceptable or it is seen to be too onerous by a delegated authority for the site coverage to be reduced to meet the perviousness requirements. An example of this would be in a zero lot line opportunity (for a podium or attached built forms) in a centre, employment area or for an integrated development</small></p>								Urban typology	Lot requirements		Typology elements						Site Cover	Perviousness	Lot area		Streets (including plazas and urban public spaces adjacent to a street)		Open space (including parks, gardens, playgrounds, playing fields, and alike)		% of Overall Area	Perviousness	% of Overall Area	Perviousness	% of Overall Area	Perviousness	High-density mixed-use centre	60%	40%	Base scenario	50%	35%	35%	35%	15%	90%	Alternative/ Parkland solution	58%	30%	32%	35%	20%	90%	Medium density mixed use centre	50%	50%	Base scenario	55%	50%	30%	35%	15%	90%	Alternative/ Parkland solution	58%	35%	32%	38%	20%	90%	Employment – business, commercial and light industrial	60%	40%	Base scenario	55%	40%	30%	30%	15%	90%	Alternative/ Parkland solution	55%	30%	30%	30%	20%	90%	Employment – Large format industrial	70%	30%	Base scenario	60%	30%	25%	35%	15%	90%	Alternative/ Parkland solution	65%	15%	20%	35%	15%	90%
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Discussion points	<ul style="list-style-type: none"> It is unclear how this table should be interpreted. Government should have clearly articulated the information within the table across Lots and Estates. The applicability of the site cover, typology elements and perviousness are not clear. The Site Cover value of 70% for large-format industrial is interpreted to mean that 30% of a site would need to be set aside for use other than large-format industrial. This would have a significant impact on the economic viability of a development site. If the requirement for perviousness is applied on a “per lot” basis rather than across a development estate, it may disadvantage land parcels that have a relatively high proportion of flood-prone land or land zoned ENZ – <i>Environment and Recreation</i>. 																																																																																																			
Implications if adopted in final DCP	The increased pervious areas were firstly introduced as part of the initiatives to meet the MARV target, yet it is understood the target is now being generally met via a regional stormwater harvesting solution.																																																																																																			
Possible alternative	Adopt the same pervious controls as the Mamre Road Precinct																																																																																																			

We have also undertaken a review of the Western Sydney Street Design Guidelines – September 2020 (WSSDG) with a focus on the sections that may directly influence the design outcomes of your project. We have taken a particular interest in the sections that more generally relate to your project type, that being Logistics and Warehousing facilities although, many of the points raised below also relate generally to other types of developments including commercial and residential.

The WSSDG’s have obviously been prepared with a strong focus on the environment, with the intent to create the Blue Green Grid within western Sydney. It seems an enormous amount of effort has gone into emphasising the environmental objectives while not fully considering the engineering associated with the outcomes.

There has been a real focus, it seems, on narrowing the roads to create a “Canopy Cover” over the roads although this narrowing, in our view, will be to detriment of the dominant road user, the driver. Narrow roads and travel lanes could ultimately be counterproductive in managing the environment by introducing congestion and delaying road users navigate the network.

Our review has focused on the Industrial and Sub- Arterial Road typologies as generally shown below.

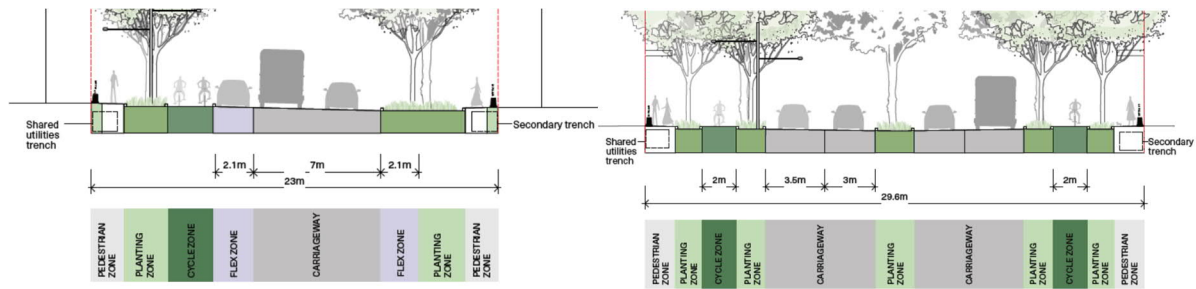


Figure 1 – Industrial and Sub-Arterial Road Typologies

As a principal, all roads are now designed to the Austroad Design Guidelines and any supplements that may be available to the time of design. Over time these guidelines are updated to reflect the changing environment and vehicles manufacturing standards. These standards relate all types of roads and incorporate guidelines for both vehicles and pedestrian management. As part of our review, it is difficult to understand if the Austroads Design Guidelines have been cross-referenced when preparing the WSSDG as there are numerous examples where the proposed outcomes contradict the Austroads Design Guidelines.

Industrial Street

Industrial roads are intended, as they sound, to predominantly service industrial precincts where a large portion of the traffic are heavy vehicles including 19m Semitrailers and 26m B-Doubles. These vehicles are on average 2.5m in width and when navigating the local road network, can regularly consume all the travel lane and more so around corners where the swept path can extend beyond the average travel lane width.

The guidelines whilst noting these constraints have not provisioned for the day to day requirements of these industrial precincts and typical users within them

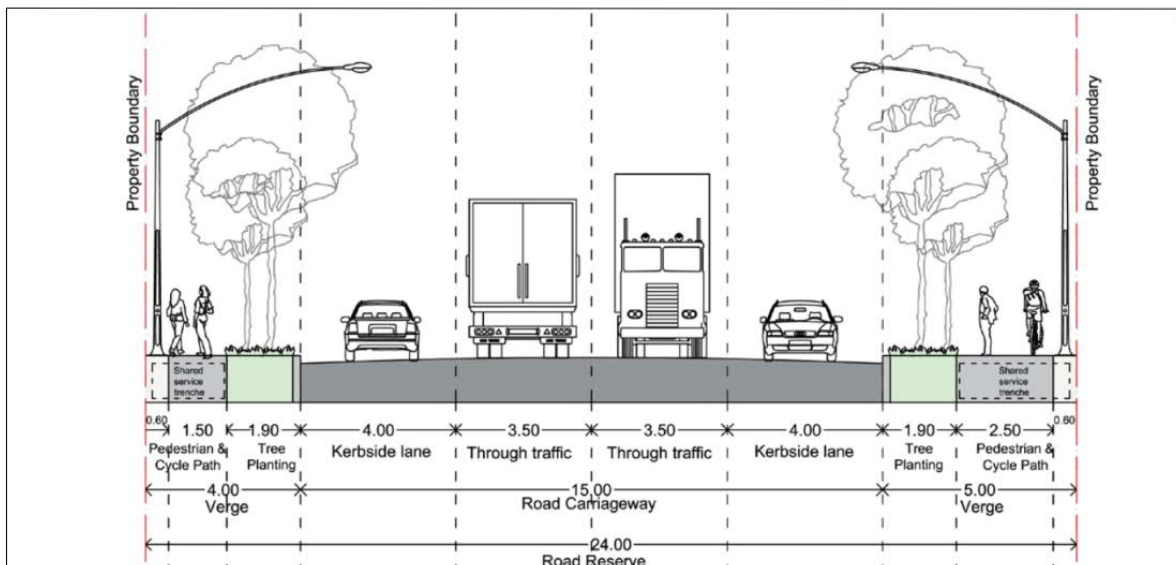
Likely suggested changes include.

- Removal of Kerb extensions at intersections to allow for the full swept path of the turning vehicle
- Either removing the parking area within the road type and providing these as shared spaces for the heavy vehicles to navigate the road networks safety or increase the parking lane to 3m to ensure the area is adequate width to park heavy vehicles
- The design vehicle should be the 26m B-Double with the check vehicle being the 36.2m A-Double
- The behavioural speed within these typical industrial roads is generally greater than 40km/hr and although the legal speed is 50km/hr, some effort is required to maintain the slower speed environment by signage and intersection treatments (i.e., Roundabouts) to regulate speeds
- Parking adjacent to any proposed driveways should consider sight distance particularly where heavy vehicles park
- The Case Study Road, Bourke Road Alexandria indicates parking on a single side. The actual parking lane on Bourke Road is 3.8m, significantly wider than the 2.1m shown. This additional width significantly increases safety for road users when entering and exiting their parked vehicle
- Any Traffic calming would need to consider the high volume of heavy vehicles and the additional maintenance required over the long term

- One way cross fall would need to contemplate the stormwater overland and sheet flows, both across the pavements and longitudinally along the roads which are beyond the piped drainage capacity
- The turn paths of both the design and check vehicle will need to utilise both the through travel lane and the parking lane to enter and exit any development site. As the proposed lanes are relatively narrow, the widths of entry and exit driveways could extend beyond 20m
- The placement of trees will need to be carefully considered to ensure sightlines from driveways are not obscured
- Consideration should also be given to the number of, or lack of, pedestrian movement within these typical industrial roads and precincts. Potentially a shared path on a single side with a footpath on the other would better serve the desired outcome

The proposed Industrial Street typology provides several opportunities to greatly improve typical roads within industrial precincts although, whilst there is currently a real focus on the environment and the passive users of the road, consideration and focus need to be also on the number of heavy vehicles and the way in which they navigate these precincts.

We would propose the Mamre Road 24m Cross Section be adopted.



INDUSTRIAL ROAD (24.0m)

Sub-Arterial Road

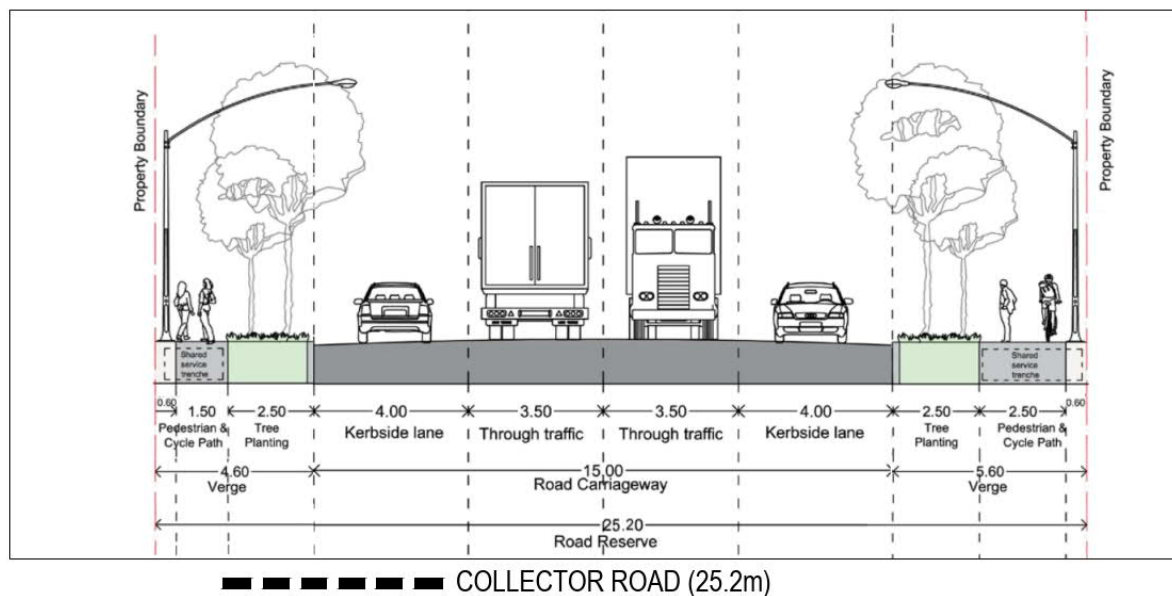
Sub-Arterial roads, as outlined within the WSSDG, "typically facilitate the connection of the arterial road network to the local street networks". In some cases, these road form part of the state network and have additional requirements to meet TfNSW standards and guidelines.

Likely suggested changes include.

- Loading development site onto a Sub- Arterial Road can otherwise introduce both a safety concern along with additional left-turn slip lane construction as not to impact the through traffic

- The design vehicle should be the 26m B-Double with the check vehicle being the 36.2m A-Double
- The design speed will vary subject to the location and ownership of the ultimate road. Irrespective of ownership, clear zones will need to be considered where speed environments exceed certain thresholds
- The proposed central median will introduce a maintenance hazard and the planting within these medians will need to be carefully considered to minimise the need to access the area under live traffic. The narrower the median, i.e., less than 3m, further exacerbates the safety concerns
- One way cross fall to the centre of the road could introduce a flooding and safety concern should the central stormwater system become blocked. We would suggest the cross fall be redirected to the outer kerb drainage system

We would propose the Mamre Road 25.2m Cross Section be adopted.



Other Comments

- Section C2.2 Street Tree Soil Volume* needs to consider the adequacy of the support of any adjacent road pavement and stormwater drainage system. Generally, the road pavement will extend 200mm beyond the back of kerb and have subsoil drainage install directly below.
- Section C4.1 Roundabouts*. Providing pedestrian crossing at roundabout dramatically impact the effectiveness and operation of a roundabout by vehicles queuing through the roundabout while pedestrian cross. This is further exacerbated when raised thresholds are introduced as the crossing as these can sometimes suggest to pedestrians, they have the right of way. Previous Technical Directions from RMS have provided required these not to be installed.
- Section C4.2 Corners* need to be carefully considered for the swept path of the design vehicle. Recent examples of upgrades within North Sydney CBD have shown if the kerb returns are too small, vehicles will mount the kerb when negotiating the corner. This becomes a real concern in built up areas where pedestrians stand close the kerb edge and are at risk of being struck by the turning vehicle.

- iv. Section C5.1 Shared Utility Trenches needs to be reviewed as there are a number on inconsistencies with the Guide to Codes and Practices for Street Openings NSW SOCC, 2018. The proposed Shared Utility Trench shown has been referenced to the Engineering Design Manual for Western Sydney.

For example,

- a. the communication conduit cannot be located directly on top of the electrical conduits.
 - b. Street lighting has been shown directly behind the kerb where subsoil would ordinarily go. Street lighting would run within the shared trench and tee out to each light pole as required
- v. *Maintenance.* Whilst we acknowledge the hard work that has gone into preparing the WSSDG's and the aspirational outcomes of the objectives, consideration needs to be given to the long term maintenance of the proposed treatments and who and how this funded.