

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>
Sent: Friday, 5 November 2021 11:02 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Development Control Plan Phase 2
Attachments: rpia---out---letter---dpie-planning---response-ws-aerotropolis-planning-package-5.11.21.pdf

Submitted on Fri, 05/11/2021 - 22:58

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Paul

Last name

Wearne

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Wollongong 2500

Contact number

Please provide your view on the project

I am just providing comments

Submission file

[rpia---out---letter---dpie-planning---response-ws-aerotropolis-planning-package-5.11.21.pdf](#)

Submission

Please find Attached EPA Response Regards Paul Wearne

I agree to the above statement

Yes

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Internal Comments – Place Division, Public Spaces
Division

28 October 2021

Purpose

The Department's Public Spaces Division has prepared this submission to identify areas of the Draft Western Sydney Aerotropolis Development Control Plan 2021 (Draft DCP) that can incorporate public space into its Performance Outcomes and supporting guidelines. This submission includes recommendations to promote the objective of Premier's Priority *Greener public spaces* to 'Increase the proportion of homes in urban areas within 10 minutes' walk of quality green, open and public space by 10% by 2023'.

What is public space?

Please note the below definition refers to public space as a concept, not a land use term or development type. To deliver *Greener public spaces* the Public Spaces Division has adopted the United Nations' definition of **public space** and is embedding this definition into strategic government policy as a key concept.

Public space is '*places publicly owned or of public use, accessible and enjoyable by all for free and without a profit motive*', and these include:

- a. *Public open spaces: active and passive (including parks, gardens, playgrounds, public beaches, riverbanks and waterfronts, outdoor playing fields and courts, and publicly accessible bushland)*
- b. *Public facilities: public libraries, museums, galleries, civic/community centres, showgrounds and indoor public sports facilities*
- c. *Streets: streets, avenues and boulevards, squares and plazas, pavements, passages and lanes, and bicycle paths*

This can also incorporate privately owned public space. Walkability and accessibility are key focus areas for *Greener public spaces*.

Access to Public Space is:

For the purpose of the Priority, *access is a walkable, well-connected road or pedestrian route to a public space (or to access points around the space where available) within ten minutes (or 800 metres walking distance from homes)* as a minimum. However please note that the forthcoming Design and Place State Environmental Planning Policy and its supporting Urban Design Guide will contain additional details on walkability including smaller walking catchments.

Quality of Public Space is:

For the purpose of the Priority, just as important as access to public space, as quality makes people feel safe, welcome and included. Quality is not only reflected in a public space's physical form – how it's designed, maintained and integrated with its environment – but also through the activities it supports and the meaning it holds.

Policy context

Premier's Priorities

The appointment of a new NSW Minister for Planning and Public Spaces in May 2019 recognises the NSW Government's commitment to providing green, open and public spaces which provide social, cultural, environmental and economic benefits to create more liveable neighbourhoods and communities.

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This is also reflected in the June 2019 announcement of the Premiers Priorities, including:

- **Greener public spaces:** Increase the proportion of homes in urban areas within 10 minutes' walk of quality green, open and public space by 10% by 2023,
- **Greening our city:** Increase the tree canopy and green cover across Greater Sydney by planting one million trees by 2022.

More information on the Premier's Priorities can be found at: <https://www.dpie.nsw.gov.au/our-premiers-priorities>.

This submission is part of a wider systems change strategy to align the New South Wales planning system and Government strategic policy with the objective of *Greener public spaces* and also promotes the objective of *Greening our city*, which has objectives applicable throughout NSW.

NSW Public Spaces Charter

To support *Greener public spaces* the Public Spaces Division is developing a NSW Public Spaces Charter (the Charter) outlining the Government's commitment to quality public spaces. It will sit alongside and complement other relevant NSW policies.

The draft Charter identifies ten principles for quality public space, developed through evidence-based research and discussions with a diverse range of public space experts and closely aligned to the UN Charter of Public Space. These principles will support everyone involved in providing advice on, making decisions about, or undertaking planning, design, management and activation of public spaces in NSW.

The final Charter is planned to be released later in 2021 and local government, industry and other groups caring for and using public space across NSW will be encouraged to apply the principles. The draft Charter can be found at:

<https://www.dpie.nsw.gov.au/premiers-priorities/great-public-spaces/festival-of-place/public-space-charter>

The Great Public Spaces Toolkit brings the Charter principles to life through practical tools, guides and case study examples and can be found at:

<https://www.dpie.nsw.gov.au/premiers-priorities/great-public-spaces/festival-of-place/great-public-spaces-toolkit>

How to use this information

The Public Spaces Division has provided four recommendations to further align the Draft DCP the Charter and other public space values.

Public Space Recommendations

If you would like to discuss this submission further, please contact Sid Walls, Policy Officer, Public Spaces Division at [REDACTED]

1. Define Public Space in the Draft DCP

We note that the term public space has been used multiple times in the Draft DCP including in Objectives, Performance Outcomes and Benchmark Solutions. To ensure that proponents are clear on what public space incorporates (i.e. public open space, public facilities and streets), we recommend that the definition provided on the first page of this submission be included. While we understand that the Draft DCP does not include a Dictionary, the definition of public space could

Internal Comments – Place Division, Public Spaces
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easily be mentioned in Part 1 – Background, specifically Part 1.6 Relationship to Other Documents and Instruments to ensure there isn't any confusion with proponents.

2. Include references to the NSW Public Spaces Charter

We recognise that the Draft DCP has made an impressive effort to recognise the requirements of Country and our First Nations peoples by including a separate Part 2 – Recognise Country section and through the inclusion of the supporting guideline *Country: Draft Guidelines for Development in the Aerotropolis* (the Guideline). We note that extensive consultation has been undertaken to develop this document and a number of different case studies, plans, strategies and reports were reviewed to develop the Guideline.

We believe that the Charter discussed on page 2, is another great resource that could be reviewed and add benefit to the Guideline and referenced in Part 2 – Recognise Country of the Draft DCP as it includes evidence-based principles that promote First Nations peoples. For example, Principle 3: Culture and Creativity of the Charter includes possible actions such as designing with Country to recognise First Nations culture and history in public spaces.

We would be happy to meet and discuss the final version of the Charter which is currently being finalised.

3. Objectives of Mixed-Use Development, Residential and Commercial Development (s15.1)

We note that the Mixed-Use Development, Residential and Commercial Development section includes Objective O5: *Encourage pedestrian activity in the streets and other public spaces*.

While we welcome this Objective, we recommend amending the Objective O5 to reference other important elements relating to pedestrian activity in public spaces. Pedestrian activity areas should:

- provide amenity, places for interaction and aid in navigating the topography of the precinct
- provide street and pedestrian lighting in accordance with AS/NZS 1158.0:2005 – Lighting for roads and public spaces
- improve pedestrian connections to and between existing public spaces, and
- provide pedestrian footpaths to provide clear sightlines and minimise the number of pathways to prevent the 'carving up' of a plaza or similar spaces.

4. Support Performance Outcome PO2 in s15.1.2

We highly support Performance Outcome PO2 in s15.1.2 that requires that built form retains high levels of solar access to open spaces and/or public spaces. This will ensure that solar access to public areas during winter months and shade during summer months is maximised.

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Ms Catherine Van Laeren
Executive Director
Central River City and Western Parkland City
Department of Planning, Industry and Environment
engagement@ppo.nsw.gov.au

Western Sydney Aerotropolis – planning documents

Dear Ms Van Laeren

Thank you for the opportunity to comment on the explanation of intended effects for the amended State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (SEPP amendment), Luddenham Village discussion paper and the Phase 2 Development Control Plan (DCP). I apologise for the late response to your request for comments.

Heritage NSW has provided written advice on the Aerotropolis on four previous occasions:

- 4 March 2020, providing advice on State heritage items and proposed DCP controls (Attachment 2)
- 11 August 2020, on State and Local heritage and Historic archaeology requirements (Attachment 3)
- 18 August 2020, in relation to Aboriginal cultural heritage assessment requirements (Attachment 4)
- 19 March 2021 – in relation to Precinct Plans, Master Planning and Non-Aboriginal Heritage (Attachment 5).

Our previous written advice remains unchanged. Our comments and recommendations for the DCP are below. We have no comments on the SEPP amendment or the draft Luddenham Village discussion paper.

The DCP references several times Aboriginal stakeholder engagement and the need for only two stakeholder groups. The DCP goes on to reference Traditional Custodians and knowledge holders without explaining or defining these terms. Further guidance on Aboriginal stakeholder engagement is required to ensure the right people and the right skills sets are being applied to a specific project.

It is important that those speaking for Country have the right to speak for Country. This may require engagement with several Aboriginal stakeholder groups or individuals, and the minimum of two may not satisfy meaningful consultation. It is recommended that 'Traditional Custodians' and 'knowledge

holders' be clearly defined and a policy prepared to explain the process for meaningful Aboriginal stakeholder engagement. More detailed comments on the DCP can be found in Attachment 1.

If you have any questions please contact Andreana Kennedy, Acting Senior Team Leader, Strategic Relationships and Planning at Heritage NSW, Department of Premier and Cabinet by phone on [REDACTED] or via email at [REDACTED]

Yours sincerely

A large black rectangular redaction box covering the signature area.

Rochelle Johnston
Manager, Heritage Act Programs
Heritage NSW

12 November 2021

Attachment 1: Aerotropolis DCP comments table

Clause	Current text	Recommendations and comments
2.1 Starting with Country (p.13)	The planning, design and delivery of places and buildings within the Aerotropolis should reflect and be informed by Aboriginal knowledge and expertise about the local area – both its history and its continuing present-day characteristics and potential.	Consider replacing should with must. Should infers a minimum action that is not mandatory.
2.1.1 Objectives O7. (p.13)	Celebrate Aboriginal culture and language through opportunities to name locations and streets in local traditional language or implement dual naming.	Consider removing existing place names that have a direct or indirect negative impact on Aboriginal people through colonisation impacts.
2.1.2 Performance outcomes and benchmark solutions (p.13)	Where engagement with Aboriginal stakeholders is required, proponents must engage with a minimum of two Aboriginal stakeholder groups (i.e. Traditional Custodians, knowledge holders, relevant LALCs and the local Aboriginal community). An engagement outcomes report is to be provided with the Master Plan, SSD/SSI or DA submission.	There are many diverse Aboriginal groups and individuals with a cultural attachment to the Aerotropolis area. By having a minimum of two Aboriginal stakeholders the process is exclusive rather than inclusive and does not encompass the diverse talent that exists within Aboriginal people. Broader engagement would ensure a variety of viewpoints, ideas and initiatives are captured therefore creating a more informed detailed design that incorporates a diversity of cultural aspects in design.
2.1.2 Performance outcomes and benchmark solutions A. Connecting to culture and Country through the cultural landscape PO1, Benchmark solution (p.14)	2. Ground truth and provide evidence of cultural values and heritage significance, particularly within moderate to high areas of Aboriginal heritage sensitivity and potential conservation corridors (see Figure 2), through on-site review with Traditional Custodians (or their nominated representatives) and with Aboriginal stakeholder groups as per the note following this table.	It is unclear in the context of the DCP how “Traditional Custodians” are defined. There is no legal definition that identifies them other than coming under the umbrella of Native Title. Native Title claimants and holders are not mentioned. It is also unclear how knowledge holders will be identified. A clear definition of terms and an explanation of process is recommended.
PO1, Benchmark solution (p.14)	3. Cultural values research should identify any areas of Aboriginal cultural value within or adjoining the area of the proposed development. The development proposal should outline how these have informed planning and design of the proposed development and what mitigation measures are	Consider replacing should with must. Should infers a minimum action that is not mandatory.

	proposed to reduce any impacts to the areas of Aboriginal cultural value.	
PO2, Benchmark solution (p.14)	2. Cultural values research should identify any significant cultural landscape elements, as they relate to cultural values, within or adjoining the area of the proposed development. The development proposal should outline how these have informed planning and design of the proposed development and what mitigation measures are proposed to reduce any impacts to significant cultural landscape elements.	Consider replacing should with must. Should infers a minimum action that is not mandatory.
PO3, Benchmark solution (p.15)	3. Cultural values research should identify any significant waterways or bodies and areas of surrounding riparian vegetation, as they relate to cultural values, within or adjoining the area of the proposed development. This should include how these have informed planning and design of the proposed development and what mitigation measures are proposed to reduce any impacts to significant waterways or bodies and areas of surrounding riparian vegetation.	Consider replacing should with must. Should infers a minimum action that is not mandatory.
PO4, Benchmark solution (p.15)	1. When designing the public realm and open spaces within moderate to high areas of Aboriginal heritage sensitivity and/or potential conservation corridors (see Figure 2), the proponent is to engage with Aboriginal stakeholder groups as per the note at the top of this table to provide spaces for outdoor cultural practice as well as spaces for learning and cultural play.	Aboriginal stakeholder groups should be more diverse than a minimum of two. Having a minimum of two is a low threshold for the proponent to reach compliance and does not adequately capture diverse talent of Aboriginal peoples.
2.1.2 Performance outcomes and benchmark solutions B. Connecting to culture and Country through the Built Form PO3, Benchmark solution (p.16)	3. Preference is given to Aboriginal individuals or companies to make and install the public art.	In addition, a process of targeting relevant Aboriginal people must be conducted to consult and engage in the process of cultural art design initiatives in order for Aboriginal artists to provide draft cultural art designs and natural landscape designs. Art designs should not be limited to brush and paint but must be also inclusive of higher order art opportunities that stand out and raise the profile of Country and culture of Place.
2.1.2 Performance outcomes and	Place names incorporate local Aboriginal language to enhance and	Consideration should be given to the removal of place names that have had a negative effect on Aboriginal

<p>benchmark solutions</p> <p>C. Language and naming</p> <p>PO1, Performance outcome (p.16)</p>	<p>strengthen the cultural connection to place.</p>	<p>people and culture through the impacts of colonisation.</p>
<p>3.1 Aboriginal Cultural Heritage</p> <p>3.1.2 Performance Outcomes and Benchmark Solutions</p> <p>PO2 Benchmark solution (p.18)</p>	<p>1. New development is appropriately sited to ensure the curtilage or setting of the Aboriginal item or place of cultural value (see Section 2.1.2 A. PO1) is retained. The development must consider surrounding landscaping, topography, views, connection with other Aboriginal sites, etc (see Section 2.1.2 A. PO2). Possible uses for sites with identified Aboriginal heritage include passive open space, environmental conservation, and riparian corridors.</p>	<p>Education aspects should also be a part of this initiative.</p>
<p>PO2 Benchmark solution (p.18)</p>	<p>2. Where possible, retain and respect potential heritage conservation corridors, identified in the Precinct Plan, that represent a range of land forms and environments, as well as curtilage, view lines and amenity, in consultation with Traditional Custodians, knowledge holders, relevant LALCs and other relevant Aboriginal stakeholders.</p>	<p>See previous comments on Traditional Custodians and knowledge holders.</p>
<p>PO4 Benchmark solution (p.19)</p>	<p>1. Any land with the potential to contain archaeological remains is to be subject to detailed investigations and assessment to determine the level of archaeological intervention required. Intervention may include the following:</p> <ul style="list-style-type: none"> a. Unexpected finds procedure; b. Monitoring during works; or c. Formal salvage excavation. 	<p>'Avoid or minimise impacts to Aboriginal archaeological sites' should be the first two actions that must be included in the investigations and assessment process.</p>
<p>3.2 Non-Aboriginal heritage</p> <p>3.2.2 Performance outcomes and benchmark solutions</p> <p>PO4 (p.20-121)</p>	<p>2. In determining the curtilage of a heritage building, the following criteria should be used:</p> <ul style="list-style-type: none"> a. The original form and function of the heritage building should inform the curtilage. For example, it may be appropriate that a larger curtilage be maintained around a former rural homestead than that of a suburban building; b. Outbuildings: A heritage building, and its associated outbuildings are retained on the same allotment; and c. Gardens, trees, fencing, gates, and archaeological sites: Features 	<p>A heritage item is not necessarily just the heritage building. The former use and function may give a broader definition to what defines the heritage item.</p> <p>What constitutes the heritage item and its significance should be outlined in the statement of significance. For example, a church might include the main church building, the church manse, other outbuildings, cemetery, associated landscape, fencing and gates etc.</p>

	<p>considered valuable in interpreting the history and in maintaining the setting of a building are identified and, where possible, retained within the curtilage.</p>	<p>Consider changing to: 2. In determining the curtilage of a heritage item, the following criteria should be used:</p> <ul style="list-style-type: none"> a. The original form and function of heritage buildings and associated property. For example, it may be appropriate that a larger curtilage be maintained around a former rural homestead than that of a suburban building; b. Outbuildings: A heritage building, and its associated outbuildings are retained on the same allotment; and c. Gardens, trees, fencing, gates, and archaeological sites: Features considered valuable in interpreting the history and in maintaining the setting of a heritage item are identified and, where possible, retained within the curtilage. d. significant views and vistas to and from the heritage item are identified and, where possible, retained.
<p>5.4 Preferred Plant Species</p> <p>5.4.2 Performance Outcomes and Benchmark Solutions</p> <p>PO1 Performance outcome (p.45)</p>	<p>Landscape design reflects the cultural landscape and is integrated with the design intent of the architecture and built form. The landscape species list should be referred to (refer to Appendix B).</p>	<p>An Aboriginal cultural perspective should also be included in the landscape design where the Aboriginal name and cultural use of the native plants are highlighted through interpretation and design.</p>

Attachment 2 – Previous Heritage NSW Response 1 – 4 March 2020

Western Sydney Aerotropolis Team
Western Sydney Planning Partnership
PO Box 257
Parramatta NSW 2124
engagement@ppo.nsw.gov.au

Draft Western Sydney Aerotropolis Plan and Supporting Documents

Dear Western Sydney Aerotropolis Team

Thank you for the opportunity to provide comment on the draft Western Sydney Aerotropolis Plan, the State Environmental Planning Policy (SEPP) Discussion Paper and Development Control Plan (DCP) for Phase 1 of the project. I apologise for the delay in our response.

Heritage, culture, history and tradition, both Aboriginal and non-Aboriginal, define the local character of a place and help create and maintain a sense of meaning for communities. As such, it is important to identify heritage values and opportunities to protect and celebrate those values.

Heritage NSW congratulates the Planning Partnership on the level of detail and consideration given to Aboriginal and non-Aboriginal heritage in the draft Aerotropolis planning package, including:

- the strong focus on Aboriginal cultural heritage and the proposed Connecting with Country approach to planning for the Aerotropolis, which will include Cultural Design Principals and guidance from leaders in the Aboriginal community
- opportunities to include cultural infrastructure for Aboriginal people to practice and share culture and for the wider community to visit to interact with and understand the Aboriginal culture, history and heritage of Western Sydney
- the recognition of the importance of heritage as part of the wider cultural infrastructure of the area, and the need to preserve and activate heritage and integrate it with new development, and
- consideration of specific heritage conservation strategies and controls during the precinct planning process and in DCPs, including detailed site investigations which will inform master planning and development applications

The SEPP Discussion Paper identifies three State Heritage Register (SHR) items in the Aerotropolis:

- Kelvin Park Homestead (SHR 00046)
- Church of the Holy Innocents (SHR 02005), and
- Belfield Farm.

We note that Bellfield Farm is not listed on the SHR. The farm was nominated for SHR listing and considered by the Heritage Council of NSW's State Heritage Register Committee in October 2016. The SHR Committee found that the farm was of local significance only. Therefore, it is appropriate that the farm is listed as a Local heritage item under *Liverpool Local Environmental Plan 2008*.

Care must be taken to avoid impacts on the SHR items, and consideration needs to be given as to how to mitigate any impacts where they are unavoidable. We can provide specific information and more detailed advice on these items if required.

We support the proposed mapping of Local and State Heritage items located within the Western Sydney Aerotropolis precincts in the proposed Aerotropolis SEPP and the consideration of these items at the precinct planning stage.

The proposed aims and objectives and performance outcomes included in the Phase 1 DCP in relation to heritage conservation, historic archaeology and Aboriginal culture and heritage are considered to be a positive heritage outcome.

If you have any questions please contact James Sellwood, Senior Heritage Programs Officer, Statewide Programs at Heritage NSW, Department of Premier & Cabinet by email at james.sellwood@environment.nsw.gov.au or phone on 02 9274 6354.

Yours sincerely



Rochelle Johnston
Manager, Statewide Programs
Heritage NSW

4 March 2020

Ms Deanne Frankel
Director, Western Sydney Aerotropolis Team
Western Sydney Planning Partnership
engagement@ppo.nsw.gov.au

Attn: Ms Patrice Rando, Planning Officer
patrice.grzelak@planning.nsw.gov.au

Guideline to Master Planning in the Western Sydney Aerotropolis

Dear Ms Frankel

Thank you for the opportunity to comment on the draft *Guideline to Master Planning in the Western Sydney Aerotropolis*. We provide the following advice in relation to State and local heritage and historical archaeology under the *Heritage Act 1977*.

State and Local Heritage

A Statement of Heritage Impact (SOHI) should be prepared by a suitably qualified heritage professional in accordance with the guideline *Statements of Heritage Impact (2002)* – heritage.nsw.gov.au/assets/Uploads/a-z-publications/s-u/Statements-of-Heritage-Impact.pdf.

The SOHI should identify:

- what State and Local heritage items exist in the project area and in the vicinity. This should include built heritage, landscapes and historical archaeology, detailed mapping of these items, and assessment of why the items and sites are of heritage significance
- where relevant Conservation Management Plans (CMPs) exist and what key conservation policies should guide your project in design and delivery
- potential impacts on the heritage significance of State and Local items within the project area and in the vicinity, including both direct and indirect physical and visual impacts, and potential noise and vibration impacts
- proposed measures to mitigate impacts on State and Local items within the project area and in the vicinity
- justification for any changes proposed to heritage fabric or landscape elements and for why more sympathetic solutions are not viable, and
- options analysis of the placement or movement of proposed activities or development to avoid impacts to State and Local heritage items.

Historical Archaeology

A Historical Archaeological Assessment should be prepared by a suitably qualified historical archaeologist in accordance with these guidelines:

- *Archaeological Assessments* (1996) – heritage.nsw.gov.au/assets/Uploads/files/archaeological-assessments-guidelines.pdf
- *Assessing Significance for Historical Archaeological Sites and Relics* (2009) – heritage.nsw.gov.au/assets/Uploads/a-z-publications/a-c/Assessing-Significance-A-Historical-Archaeological-Sites-and-Relics.pdf

This Historical Archaeological Assessment should:

- identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential archaeological resource
- where harm is likely to occur to archaeological resources, consider appropriate mitigation strategies according to their significance, and
- if harm cannot be avoided in whole or part, a Research Design and Excavation Methodology should also be prepared to guide any proposed archaeological mitigation.

Aboriginal Cultural Heritage

Heritage NSW's Aboriginal Cultural Heritage Regulation team will provide separate requirements for the project in relation to Aboriginal heritage considerations under the *National Parks and Wildlife Act 1974*.

If you have any questions regarding this matter please contact James Sellwood, Senior Heritage Programs Officer, Statewide Programs at Heritage NSW, Department of Premier and Cabinet by phone on 02 9274 6354 or via email at james.sellwood@environment.nsw.gov.au.

Yours sincerely




Rochelle Johnston
Manager, Statewide Programs
Heritage NSW

As delegate of the Heritage Council of NSW

11 August 2020

Our ref: DOC20/665572

Ms Deanne Frankel
Director, Western Sydney Aerotropolis Team
Western Sydney Planning Partnership
engagement@ppo.nsw.gov.au

Attn: Ms Patrice Rando, Planning Officer


Dear Ms Frankel

Guideline to Master Planning in the Western Sydney Aerotropolis

Thank you for the opportunity to comment on the draft *Guideline to Master Planning in the Western Sydney Aerotropolis*. We have reviewed the draft Guideline and provide the following advice in relation to Aboriginal cultural heritage matters.

Aboriginal cultural heritage assessment requirements

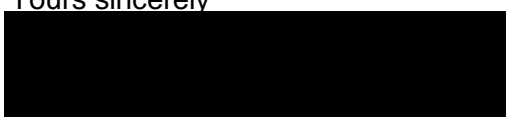
A precinct wide Aboriginal Cultural Heritage Assessment Report (ACHAR) should be prepared to identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the proposal. This may include the need for surface survey and test excavation. The identification of cultural heritage values should be conducted in accordance with the [Code of Practice for Archaeological Investigation in NSW](#) (OEH 2010), and be guided by the [Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales](#) (DECCW 2011) and consultation with Aboriginal Cultural Heritage Regulation staff of Heritage NSW.

Consultation with Aboriginal people must be undertaken and documented in accordance with the [Aboriginal Cultural Heritage Consultation Requirements for Proponents](#) (DECCW 2010). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.

Impacts on Aboriginal cultural heritage values need to be assessed and documented in the ACHAR. The ACHAR needs to demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must also be documented and notified to Heritage NSW.

If you have any questions about this advice, please do not hesitate to contact me by phone on 02 6229 7089 or via email at Jackie.taylor@environment.nsw.gov.au.

Yours sincerely



Jackie Taylor
Senior Team Leader
Aboriginal Heritage Regulation Branch (South)
Heritage NSW

Western Sydney Aerotropolis Team
Western Sydney Planning Partnership
engagement@ppo.nsw.gov.au

Western Sydney Aerotropolis – Precinct Plans, Master Planning and Non-Aboriginal Heritage

Dear Western Sydney Aerotropolis Team

Thank you for the opportunity to comment on the precinct plans, master planning process and non-Aboriginal heritage assessment for the Western Sydney Aerotropolis.

Heritage NSW has provided written advice on this matter on three previous occasions (provided at **Attachments 1, 2 and 3** for your information):

- 4 March 2020, providing advice on State heritage items and proposed DCP controls
- 11 August 2020, on State and Local heritage and Historic archaeology requirements, and
- 18 August 2020, in relation to Aboriginal cultural heritage assessment requirements.

In addition, Heritage NSW and the Western Sydney Aerotropolis team have had several meetings relating to the Aerotropolis Master Planning process, which have included discussion of:

- your suggestion to 'bringing forward' *Heritage Act 1977* (Heritage Act) requirements into the Master Planning stage instead of at the Development Application stage, and
- including heritage considerations and related parameters within a Master Plan's complying development code, to allow for complying development to be carried out.

Notwithstanding these discussions, our previous written advice remains unchanged. However, we have reviewed the Precinct Plans and Non-Aboriginal Heritage Assessment and provide the following advice on non-Aboriginal heritage considerations under the *Heritage Act 1977*.

State Heritage

Your proposal to 'bring forward' Heritage Act approvals and to allow complying development on State Heritage Register (SHR) items is not supported. There are no provisions under the Heritage Act for complying development in relation to SHR items and therefore the standard heritage approval processes apply. However, some works can be carried out under the Standard Exemptions provisions, which can be found at heritage.nsw.gov.au/assets/StandardExemptions.pdf.

As noted in our previous correspondence, there are two SHR items located within the Aerotropolis initial precincts or the buffer area:

- Kelvin (SHR 00046), in the Aerotropolis Core and Wianamatta-South Creek precincts, and
- Church of the Holy Innocents (SHR 02005), within the buffer area.

The most appropriate time to undertake a detailed heritage assessment of the potential impacts on these SHR items is at the development application stage. We do not believe that assessment at the Master Planning stage would be sufficient and/or detailed enough to fully consider the heritage impacts on these SHR items and achieve a high quality heritage outcome.

Section 170 Heritage and Conservation Register

There is one heritage item listed in the Department of Education's Heritage and Conservation Register (under s170 of the Heritage Act) in the Aerotropolis initial precincts and two in the buffer area:

- Luddenham Public School – Building B00C, in the Agribusiness precinct
- Bringelly Public School, in the buffer of the Aerotropolis Core, and
- Rossmore Public School Group, in the buffer of Wianamatta-South Creek.

As these items are owned by the Department of Education, if you have not already done so you should consult with them about any potential heritage impacts.

Local Heritage

There are 14 Local heritage items located within the Aerotropolis precincts and one Local item located within the precinct buffer area. As these items are listed under the Camden, Penrith and Liverpool Local Environmental Plans (LEP), the local councils are the consent authority, and the assessment and consideration of any impacts on these items rests with those councils.

Potential Heritage Items

The Non-Aboriginal Heritage Assessment prepared to inform this project identified 45 potential heritage items (potential extant (built) structures and/or archaeological sites) within the Aerotropolis precincts and a further eight potential sites in the precinct buffer area.

Of these sites, the McMaster Field Station/McMaster Farm (in the Northern Gateway precinct) was assessed in the report as having potential State significance, while the other sites were assessed as being of Local significance. Consideration should be given to protecting these potential heritage items by listing them in the council LEPs and/or the Aerotropolis SEPP. Considering that the McMaster Field Station/McMaster Farm has been identified as potentially having State heritage significance further assessment should be undertaken.

If you have any further questions please contact James Sellwood, Senior Heritage Programs Officer, Strategic Relationships and Planning at Heritage NSW by phone on 02 9274 6354 or by email at

Yours sincerely


Rochelle Johnston
Manager, Heritage Act Programs
Heritage NSW

As delegate of the Heritage Council of NSW

19 March 2021

12 November 2021

Contact: *Stuart Little*
Telephone: [REDACTED]
Our ref: *D2021/119481*

Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Dear Sir/ Madam

RE: Western Sydney Aerotropolis – Development Control Plan Phase 2

I refer to the exhibition of the Development Control Plan Phase 2 (the DCP) and supporting documents regarding the Western Sydney Aerotropolis. The Phase 2 DCP was exhibited concurrently with the Explanation of Intended Effect (EIE) for the changes proposed to *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (the Aerotropolis SEPP) and other related environmental planning instruments. WaterNSW made its submission on the EIE on 5 November 2021 (our ref: D2021/117621).

The Phase 2 DCP provides specific development standards and controls for development within the Aerotropolis. This includes controls to support healthy communities, high-quality building design, construction standards, stormwater management, flooding risk, vegetation and canopy cover, and heritage and environmental conservation. It also proposes aspirational controls in areas including Connection to Country, a landscape-led approach, built form, access and movement, and site coverage. The Phase 2 DCP follows on from the Western Sydney Aerotropolis Phase 1 DCP that came into effect on 1 October 2020, providing the precinct planning principles, objectives, and performance outcomes to allow precinct planning to progress. The Phase 2 DCP will supersede and replace the Phase 1 DCP.

The Phase 2 DCP is important to WaterNSW as we own and manage the Warragamba Pipelines Corridor (the Corridor) that forms the entire northern boundary of the Aerotropolis and lies immediately downstream. The Pipelines are critical water supply infrastructure that transfer bulk raw water for 80% or greater of Sydney's drinking water supply. The Corridor is a declared Controlled Area under the *Water NSW Act 2014*, and public access is prohibited. It is essential that the Corridor and associated infrastructure is protected from the impacts of development on adjoining land and from potential increased flooding risks arising from upstream development.

The Aerotropolis SEPP includes provisions to protect the Warragamba Pipelines from encroaching urban development. Under clause 30, development consent cannot be issued for land affecting the Corridor unless the consent authority has obtained the concurrence of WaterNSW. The consent authority also has to be satisfied that the development will not adversely affect the quantity or quality of water in the Warragamba Pipelines 'controlled area' or the operation and security of the water supply pipelines and associated infrastructure.

Other planning controls also now apply to the Corridor under recent amendments to *State Environmental Planning Policy (Infrastructure) 2007* (the Infrastructure SEPP). New clause 127A of the Infrastructure SEPP requires development in 'affected land' to be consistent with the ['Guideline for Development Adjacent to the Upper Canal and Warragamba Pipelines'](#) published by WaterNSW (September 2021) (the WaterNSW Guideline). The 'affected land' is identified on

the [Water Supply Infrastructure Map](#) and includes the Corridors themselves plus a 25 m buffer either side. Development in the vicinity of the Corridor will need to abide by these new provisions.

Of particular interest to WaterNSW is the relationship of the DCP to the above controls and the WaterNSW Guideline, and the way the DCP controls apply to land immediately adjacent to the Corridor. We are also interested in broader controls relating to stormwater and flood risk management. Currently, there is little mention of Pipelines Corridor in the DCP. We request that Clause 12 should be expanded to give greater recognition to the Pipelines Corridor and that the DCP call up the WaterNSW Guideline as per the Infrastructure SEPP. We provide comment on the stormwater, water sensitive urban design (WSUD) and flood risk controls although it is challenging to understand these in a broader cumulative context given the absence of a flood study and reduction in open space as described in the EIE package. We also we make particular suggestions regarding managing hazardous land uses and for better advocacy of raingardens and rainwater tanks.

Our detailed comments on the Phase 2 DCP are provided in Attachment 1. For ease of referencing, we have structured our comments based on the structure of the DCP.

Should you have any questions regarding the above matters, please contact Stuart Little at

[REDACTED]

Yours sincerely

[REDACTED]

DARYL GILCHRIST
Manager Catchment Protection

ATTACHMENT 1 – WaterNSW Comments on Phase 2 DCP

Warragamba Pipelines

There is little direct reference to the Warragamba Pipelines. We believe that the Warragamba Pipelines Corridor should be given more prominence under Chapter 12 Services and Utilities and specifically in relation to clause 12.1 (discussed below). The main issue here is that the DCP should directly refer to the '[Guideline for Development Adjacent to the Upper Canal and Warragamba Pipelines](#)' (the WaterNSW Guideline).

General Comment

WaterNSW supports the performance-based approach with benchmark solutions. We also note and support the structure of the Phase 2 DCP which is primarily structured based on particular topics or issues rather than according to development type. This structure helps overcome unnecessary duplication that would otherwise arise.

The document would significantly benefit by a table of acronyms and initialisms and the corresponding full name of terms to which they refer. Such a table should ideally be positioned between the Table of Contents and Chapter 1 Background.

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

4.2 Existing Artificial Waterbodies

The opening three paragraphs provide a general description of artificial water bodies. The last paragraph says that artificial waterbodies considered suitable and desirable for retention are mapped in the Precinct Plan. It then says dams must be retained as part of development proposals. The two sentences appear contradictory as the last sentence suggest that all dams are to be retained and allows no provision for those earmarked for removal. We believe the intention is to retain farm dams as per the artificial waterbodies map. The wording needs to be amended and to align with the provisions of Performance Outcome 1 (PO1).

Section 4.2 seems to use a range of terminology (artificial waterbody, dam, farm dam). Some of these terms are used interchangeably. An existing farm dam is an artificial waterbody as much as an artificial wetland or stormwater detention basin for stormwater management. The terms need to be explained or defined or otherwise reconciled.

PO3 has the corresponding Benchmark 1, which concerns risk assessment for retained artificial waterbodies, management and mitigation measures, and on-going maintenance. The sentence should be expanded so that the following phrase is added to the last sentence: '*and how this will be achieved*'.

For Benchmark 2, if dams are assessed as having failure consequences, at what stage in the DA process is remediation to occur? Ideally, the DCP should require such dams to be registered with Dam Safety NSW and evidence of this demonstrated by documentation submitted as part of the DA, along with any feedback provided by Dam Safety NSW regarding the particular dam of concern. Without this, it is unknown whether the DA approval would be in conformity with any advice offered by Dam Safety NSW. This process and the associated documents should be accommodated under Benchmark Solution 2 or an additional Benchmark Solution added.

4.3 Stormwater Management and Water Sensitive Urban Design

The introductory paragraphs to this section refer to the *Technical guide to demonstrate compliance with the Wianamatta-South Creek waterway health objectives and stormwater management targets* (DPIE 2021). WaterNSW requests to be provided with a copy of this Guideline.

Section 4.3.1 Objectives

With regard to Objective O1, currently the water sensitive urban design (WSUD) design requirement is limited to the Wianamatta-South Creek Catchment. WaterNSW believes that

contemporary WSUD should inform urban designs across all the initial precincts, not just the Wianamatta-South Creek Catchment.

- We request Objective O1 be repositioned to apply to all precincts.

We note and agree with Objective O5 that concerns land use planning and urban development being integrated with water cycle management. We note that this includes effective management of stormwater, flow volume and quality as well as other water-related provisions for potable and recycled water, wastewater, waterways and riparian corridors.

4.3.2 Performance Outcomes and Benchmark Solutions

PO2 is concerned with stormwater quality targets at the lot, estate, or regional level to ensure NSW Government's water quality and flow related objectives are achieved. The associated targets are all expressed in terms of pollutants including reductions in mean annual loads of 90% of Total Suspended Solids, 80% of Total Phosphorus and 65% of Total Nitrogen when compared with unmitigated development. We note that the benchmark solutions are based on unmitigated development rather than the runoff from current land uses. Our understanding of this is that if a rural land use produced 5 kg/ha/yr of Phosphorous (P), and unmitigated industrial development over that land yielded 100 kg/ha/yr of P, then the annual load target of 80 kg/ha/yr would apply, which is 75 kg/ha/yr greater than the current use. Is this what is intended? If so, this will allow much greater net increase in pollutant loads compared to current land uses despite the benchmark being expressed as a reduction.

PO3 contains the same objectives as PO2 but addresses flows. The flow targets are expressed as a threshold of discharge to the local waterways. We believe that the DCP also needs to include a supplementary objective such that post-development flows from a development site are not to be greater than pre-development flows. It is currently difficult to understand whether the flow targets currently deliver on that outcome.

PO4 is concerned with WSUD and calls upon the designs described in the Precinct Plan and Water Cycle Management Study Interim Report designs with associated benchmarks. The benchmarks listed provide a suite of WSUD measures to retain stormwater within the development footprint area.

- The benchmarks for roofs, hardstands and driveways, carparks and crossovers should be expanded to include raingardens.
- The DCP would benefit by requiring raingardens within the landscaped area and private open space on all lots to help reduce stormwater impact.
- Again, we also believe that there should be a benchmark requirement for post-development runoff volume being no greater than pre-development flows (i.e. 100% retention).

Further to the above, the DCP only makes brief mention of rainwater tanks in terms of their ability to be used for irrigation (clause 4.3.2, benchmarks for PO4) or in terms of restricting their top-up (clause 4.3.2, benchmarks for PO6) or advice in calculating private open space requirements (PO1 for Multi Dwelling Houses (page 129)). There is nowhere in the DCP that actually requires rainwater tanks to be provided for new dwellings.

- We request the Department reviews Sections 4 and 12.3 of the DCP to explicitly require new dwellings to provide rainwater tanks for water reuse.

PO9 includes a performance outcome that stormwater management systems are to be designed to minimise maintenance and total life cycle costs. The relevant benchmark is that stormwater treatment measures are to be designed and maintained in accordance with the relevant Integrated Water Management Plan and relevant Council standards drawings and guidelines.

It is unclear whether the referenced Integrated Water Management Plan is in reference to the *Stormwater and Integrated Water Cycle Management Strategy* (Sydney Water 2021) specific to the Aerotropolis, or whether it is in reference to a relevant Council plan or some other State

prepared plan or strategy. More clarity is needed otherwise the provision runs the risk of relevant documents being ignored or overlooked.

We also believe that the current benchmarks are not strong enough to secure the ongoing maintenance of stormwater management systems in perpetuity. We believe that there needs to be a link to the benchmarks provided for PO 1 and PO2 under Clause 4.4 Management and Maintenance of Stormwater Infrastructure (discussed below). There is also a gap in the detail that needs to be provided regarding the information required to accompany a DA for forward maintenance; we suggest the inclusion of additional benchmarks either here or under Clause 4.4.

- WaterNSW recommends that there be an additional benchmark be provided in the DCP that requires the developer to:
 - submit a management and maintenance plan for stormwater management systems at DA lodgement including requirements for maintenance checks and funding obligations for repairs
 - identify on plans necessary easement and covenants for stormwater management, and calling up the relevant plans in covenants applying to those easements.

4.4. Management and Maintenance of Stormwater Infrastructure

WaterNSW supports the inclusion in the DCP of objectives and benchmarks for the on-going management and maintenance of stormwater infrastructure. We believe that the Benchmark solutions for PO1 should include an additional benchmark:

- Provide a management and maintenance plan for stormwater management systems at DA lodgement providing a description of the infrastructure, agency responsibility for ongoing management and maintenance, expected timing of maintenance checks, and funding obligations for repairs.

5.1 Deep soil and tree canopy

Tree canopy targets appear to be low (15 – 30%) which, together with a significant reduction in public open space, will reduce the opportunities for water retention in the urban landscape.

9. Flooding and Environmental Resilience and Adaptability

9.1 Flood Risk Management

We note and support the objectives for flood risk management. However, we feel Objective O3 is restrictive in the sense that while it positively seeks to minimise risk to life and property considering the full range of flooding, this is associated with the use of the land. In other words, it is largely tied to the development of the land and the use of that land for that development. The objective does not take into account downstream users and uses.

- We believe that Objective O3 should be expanded or a new objective included that seeks to avoid increasing the flood risk to downstream uses and users from development within the Aerotropolis.

We note and support Objective O9 which seeks to avoid adverse or cumulative impacts on flood behaviour and the environment.

In terms of performance outcomes and benchmarks, the flood considerations all seem to be directed towards the potential effects of flooding on development rather than considering the potential effect of the Aerotropolis on increasing the downstream flooding risk and how to avert or minimise that risk.

The DCP includes eight performance outcomes. For these eight outcomes, the DCP divides benchmark solutions into three flood categories:

- 1% AEP Floodway and Critical Flood Storage Areas (unsuitable for urban land uses) (coloured red)

- between the 1% AEP and Flood Planning Area (unsuitable for critical and sensitive land uses) (coloured amber), and
- Outside the Flood Planning Area to Probable Maximum Flood (unsuitable for critical land uses) (coloured green).

The DCP refers to the dictionary of Appendix A for definitions of urban, critical and sensitive land uses. Urban land uses are not defined in the dictionary.

- With regard to the titles of the three categories, to ensure that urban land uses do not occur in the 1% AEP and Flood Storage Area, 'urban land uses' need to be defined in the Appendix A and should include uses such as residential, business and industrial uses.
- With respect to PO2, we note that the benchmarks consider pre- and post-development flows with corresponding performance measures. It is unclear whether this will ensure that post-development flows leaving a development site will be the same or less than pre-development flows.
- With regard to PO6, this establishes a performance outcome regarding hazardous materials. The benchmark for all three categories is that 'no external storage of materials which may cause pollution or be potentially hazardous during any flood'. This is not sufficiently strong enough as inside materials will also become available to solution and suspension during flooding. We believe that heavy industries, hazardous industries (e.g. chemical manufacturing), potentially offensive industries, and heavy industrial storage establishments and any land uses associated with storing, manufacturing or creating hazardous material or hazardous waste (as defined) should be prohibited within the PMF. All such uses should all be located outside the PMF for reasons of public health and water quality safety, including for downstream communities. The current definition of 'critical land uses' does not secure this outcome.

We strongly recommend that:

- a definition of 'industries of concern' be devised and included in the DCP which would include heavy industries, hazardous industries, potentially offensive industries, and heavy industrial storage establishments and any land uses associated with storing, manufacturing or creating hazardous material or hazardous waste
- the DCP should include another benchmark solution that excludes these uses from all three flood categories described above, and
- DPIE consider adding a clause in the Aerotropolis SEPP to ensure that the hazardous uses ('industries of concern') are not permissible below the PMF so that the land use planning controls of the SEPP align with the DCP on this matter.

9.3 Bushfire Hazard Management

We note the performance outcomes and benchmark solutions provided under clause 9.3.2 with respect to Asset Protection Zones (APZs). This explicitly states that APZs are to be contained within the development site. It then qualifies this by explicitly prohibiting clearing for bushfire protection within the Warragamba Pipelines Corridor, transport corridors or any other land identified for open space.

12.1 Services and Utilities Design

12.1.1 Objectives would benefit by inclusion of an objective that matches Performance Outcome for PO3/PO5, i.e. which explicitly states that Infrastructure (new and existing) should be protected from the impacts of urban development.

Clause 12.1.2 provides performance outcomes and benchmark solutions for services and utilities. Performance Outcome (PO5) requires that development near infrastructure easements does not impact on the continued operation of the infrastructure. We agree with this performance outcome.

Benchmark Solution 3 explicitly states that 'Development on sites adjacent to the Warragamba Pipeline are planned so local roads, accessways and landscaping are located adjacent to the

Pipeline Corridor to provide further buffers and opportunities for surveillance'. We make the following comments:

- We strongly support this provision but seek minor changes to refer to *pipelines* (plural), as there are two within the Corridor, make reference to the broader 'Corridor', for the word 'accessways' to be replaced with '*footpaths and bicycle paths*' (so that readers don't think the accessway is for access to the Corridor) and for the reference to surveillance be extended to state '*surveillance and security*'. i.e.

'Development on sites adjacent to the Warragamba Pipelines Corridor are planned so local roads, footpaths and bicycle paths, and landscaping are located adjacent to the Pipelines Corridor to provide further buffers and opportunities for surveillance and security.'

- We also request that an additional benchmark provision be included:

Development adjacent to the Warragamba Pipelines is to be consistent with the '[Guideline for Development Adjacent to the Upper Canal and Warragamba Pipelines](#)'. Applicants should also consult with WaterNSW regarding such development.

NB. It is essential that document refer to the Guideline as this provides guidance on stormwater management, vibration impacts, fencing and other issues for development beyond urban designs and layouts.

- The DCP could also include a note saying that clause 127A of the Infrastructure SEPP requires development in 'affected land' is to be consistent with the '[Guideline for Development Adjacent to the Upper Canal and Warragamba Pipelines](#)' published by WaterNSW (September 2021) (the WaterNSW Guideline).

12.3 Precinct Integrated Water Management

We generally support the provisions under Clause 12.3 which provide for total water cycle management that integrates and balances drinking water, wastewater, recycled wastewater and harvested stormwater.

We note and support the objectives of clause 12.3.1 associated with this topic.

With regard to PO1, the performance outcome is tied to water supply whereas the benchmarks are tied to both water supply and sewerage services.

- We believe that PO1 should be expanded to include sewerage service (i.e. 'Water supply and appropriate sewerage service are provided to all development, as part of a comprehensive water infrastructure network').
- For PO1, Benchmark 2 requires on-site sewerage management systems to only be allowed on a minimum lot size of 2,000m² and for the system to be developed in accordance with relevant Council and Sydney Water requirements. We note and support this requirement.
- For PO1, Benchmark 4 seeks to avoid planting trees within 3m of a water main. This could be expanded to include sewerage mains as well.



7th March 2022

CONFIDENTIAL

Mr Ben Gresham
Acting Manager
Western Sydney Aerotropolis,
Department of Planning and Environment
Level 18, 4 Parramatta Square, Parramatta

Dear Mr Gresham,

**RE: SCHOOL INFRASTRUCTURE NSW SUBMISSION TO WESTERN SYDNEY
AEROTROPOLIS DRAFT PHASE 2 DEVELOPMENT CONTROL PLAN**

School Infrastructure NSW (SINSW), as part of the Department of Education (DoE), welcomes the opportunity to provide comments on the Western Sydney Aerotropolis Draft Phase 2 Development Control Plan (the draft DCP). SINSW understands that the Phase 2 DCP seeks to supplement the Western Sydney Aerotropolis Plan (WSAP), the *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP)*, the Western Sydney Aerotropolis Precinct Plan (Aerotropolis Precinct Plan) and will supersede the Phase 1 DCP, which came into effect in October 2020.

SINSW previously provided commentary on the Draft Aerotropolis Precinct Plans to the Department of Planning and Environment (DPE) in March 2021 (refer **TAB A**). It is imperative for SINSW that those comments are addressed in the first instance. To that end, SINSW requests urgent engagement with the DPE team developing the strategy and supporting documents to ensure that they are informed by a robust education service need assessment. To prepare this SINSW require the:

- Number of dwellings likely for the precincts.
- Proposed dwelling typologies (low/medium/high density) including the number of proposed bedrooms for high density dwellings; and
- Planned staging/timing for each precinct (on an annual basis).

SINSW has reviewed the draft DCP and provides feedback on the proposed provisions (as detailed in the following attachment). SINSW seek further engagement with DPE in the drafting of the DCP, specifically regarding its impact on school development.

Should you require further information about this submission, please contact Alejandra Rojas, Manager Strategic Planning at [REDACTED]

Yours Sincerely,

[REDACTED]

Paul Towers
Executive Director – Infrastructure Planning



Enc.

TAB A – SINSW Submission to WSA Draft Precinct Plans (2021)



ATTACHMENT - AEROTROPOLIS DRAFT PHASE 2 DEVELOPMENT CONTROL PLAN

Social Infrastructure Provision

SINSW notes that the Benchmark Solutions outlined in Section 14.4 of the Draft DCP respond to the recommendations of the Aerotropolis Precinct Plan's Draft Social Infrastructure Needs Assessment (SIA). This SIA made specific reference to required school infrastructure for each Aerotropolis precinct up to 2056.

SINSW reiterates the comments provided in the previous submission regarding the removal of all specific recommendations relating to public education infrastructure within the Aerotropolis, from the draft Precinct Plans and draft supporting technical documents. This is requested to avoid the unnecessary raising of others' expectations of the provision and timing of public infrastructure which could affect SINSW's ability and responsibility to undertake school planning in the region in a planned, controlled and timely manner (discussed further below). As a result, the draft DCP should be amended to refer to the final SIA rather than the draft.

At the time of writing, the finalised Aerotropolis Precinct Plans and associated dwelling targets have not yet been exhibited. To plan for schools, DoE requires the following information (as a minimum):

- The number of dwellings proposed for a precinct
- Proposed dwelling typologies (low/medium/high density) including the number of proposed bedrooms for high density dwellings; and
- Planned staging/timing for each precinct (on an annual basis)

The above information is particularly important in the case of Greenfield (or largely undeveloped) areas, which have limited statistical data available on which to base projections.

Following finalisation and exhibition of the above information, SINSW will seek to correctly identify where and when additional school provision is required, to accommodate additional students within the relevant Aerotropolis precincts.

Specific Controls for Educational Establishments

Section 15.6 of the draft DCP outlines development requirements for educational facilities. These are stated to apply "in addition to the controls in the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*" (the ESEPP). The performance outcomes and benchmark solutions of this section address pedestrian safety, joint and shared use of school facilities and fencing requirements.

The planning and design of public schools in New South Wales is currently guided by the ESEPP, the *Education Facilities Standards and Guidelines* (EFSG) and the *Master Planning Guidelines for Schools* (October 2020); with Schedule 4 of the ESEPP outlining several 'Design Quality Principles' which are mandatory matters for consideration for school development. The guidelines expand the design requirements in Schedule 4 as well as providing:



- An overview of the master planning process including site analysis requirements
- Promotion of efficient planning pathways; and
- Guidance on the development of standardised design solutions and construction via Modern Methods of Construction (MMoC).

The above are applied in conjunction with the *Better Placed: Design Guide for Schools* and *Better Placed: Environmental Design in Schools* produced by the NSW Government Architect's Office (GANSW). The above processes are also complemented by an internal expert reference group, which reviews compliance with the above frameworks.

Fencing:

Strict requirements for fencing around public school facilities are outlined within the EFSG and align with the Department's principles of maintaining student safety (through careful design of facilities) as well as statutory requirements under the Work Health and Safety Act.

Under the EFSG, the extent and style of school fencing will respond to a site-specific security assessment (undertaken in the early design stages of the schools development) conducted by the Department's School Service and Security Unit. This fencing will be provided along all road and site frontages which face public areas and will generally be a 2,150mm high palisade-type steel fence.

Notwithstanding the above, fences remain a key feature of a school's design and should aesthetically enhance the school's image via integration with the nominated landscape strategy. The EFSG provides design requirements to facilitate this outcome.

Given the comprehensive framework governing the development of public schools and the existing security and shared use policies, SINSW requests that the draft DCP refrain from proposing additional requirements for educational establishments within the Aerotropolis boundary.

Sustainability

SINSW strongly supports the objectives of innovation and environmentally responsible design outlined in Section 11.1 of the draft DCP. However, clarification is required regarding design expectations for future school development, especially given the prescriptive nature of the proposed performance outcomes.

School development in NSW is currently subject to ecologically sustainable development targets outlined within the NSW Government Resource Efficiency Policy (GREP). The GREP uses the Green Building Council of Australia (GBCA) Green Star system as a benchmark for best practice for government facilities and requires all new projects above 1,000m² and project costs over \$10 million to be designed to the following standards:



- 5 Stars Green Star – Design and As Built for projects located in metropolitan Sydney, Wollongong, and Newcastle. Certification for schools is encouraged but not mandatory.
- 4 Stars Green Star for projects located in other areas of NSW.

Though the GREP does not require certification, since 2019 all SSD approvals have also had a Green Star certification or alternative independent sustainability verification condition, in line with the GREP.

As the Green Star – Design & As Built rating tool was developed for office buildings, SINSW has worked collaboratively with the GBCA to recognise best practice school or SINSW specific sustainability processes and innovations during certification. SINSW has also worked collaboratively with DPE to develop an accepted alternative independent sustainability verification process for SINSW projects which cannot certify to Green Star.

Further advancements of both processes are currently underway as the GBCA is retiring the Green Star – Design & As Built tool and replacing it with the 'Green Star – Buildings tool', a significant step change. DPE is also planning to implement much more stringent sustainability conditions through its draft Design and Place SEPP and revision of GREP in 2022.

The draft DCP and explanatory documents are unclear as to how the performance outcomes (particularly Benchmark Solution 2 and 6 of Section 11.1.2) will be applied to school development. Further clarification is also requested regarding whether the current sustainability undertakings of government agencies (such as the GREP) will be counted towards the satisfaction of the obligations in Section 11.

SINSW would welcome the opportunity for ongoing collaboration to develop a suitable streamlined process for future school development within the Aerotropolis, with an aim to reduce any potential inconsistencies between state policies and development requirements.

Further to the above, Energy Performance Outcome 1 requires 100% renewable energy supply by 2030. While this is in line with state significant school developments which will be required to achieve Green Star – Buildings certification, there is no mandatory requirement for smaller projects through any existing NSW Government policy. Additionally, the net zero target for the NSW Government is 2050, not 2030.

Performance Outcome 2 of the above section requires that all developments feature solar panels on rooftops. The EFSG already includes this requirement for all public school developments.

Energy Performance Outcome 3 requires the provision of gas services (where possible) for heating and hot water. However, under the Deemed to Satisfy provisions within Section J of the National Construction Code, if there is a gas service it must be used for heating over electricity. Therefore, the gas supply will also be required to be 100% renewable to meet Performance Outcome 1. Neither



the NCC, or the Western Sydney Street Design Guidelines referenced under this benchmark solution, recognise the decarbonisation of the electricity supply planned through Performance Outcome 1, or the general industry move towards the 'electrification' of buildings with no gas use.

SINSW is generally supportive of the draft Plan's waste and circular economy performance outcomes and benchmark solutions. Waste Management Performance Outcome 4 requires the building design and collection to be in alignment with the local council's waste and recycling services and collection fleet. However, public school developments will utilise the NSW Government Waste Management services and design collection points according to those requirements.

Native Vegetation

Section 5.4 of the draft DCP refers to the Aerotropolis Landscape Species List. The draft DCP states that any landscape plan which deviates from this list will require additional ecology advice to support the proposal.

In accordance with the EFSG, SINSW must consider the following when designing a planting strategy for specific locations on school sites:

- Trees that shed large branches must not be considered
- Trees/Shrubs must not cause injury
- Trees/Shrubs must not have aggressive root systems
- Poisonous or high allergy risk plant species must be avoided

Any plant which does not meet this criteria is unsuitable for planting on a school site. Based on the above, SINSW requests that Section 5.4 and the corresponding appendix be amended to permit alternative arrangements for school sites within the Aerotropolis boundary.

Odour and Air Quality

Sections 9.8, 9.9 and 10.2 of the draft DCP seek to mitigate the impacts of development in relation to odour, air quality and aircraft noise. Both sections refer to the protection of 'sensitive land uses' as key performance outcomes. However, this term is only partially defined in the draft DCP Dictionary at Appendix A. This is despite 'education facilities' being defined as such within section 2 of the *National Environment Protection (Ambient Air Quality) Measure (2021)*.

As a result, SINSW requests that Appendix A be amended to include a full list of 'sensitive uses' including educational establishments.



Recognising Country

SINSW supports the 'Recognising Country Framework' outlined in the draft DCP and notes the need for a comprehensive guideline that encourages the provision of culturally responsive infrastructure within the Aerotropolis.

SINSW respects Aboriginal cultural attachment to place and connection to country. Whether it is traditional, historic or contemporary cultural for Aboriginal people, SINSW is working towards respect for students and communities to deliver healthy and prosperous places that support the wellbeing of people, community and country through integrating good design process.

SINSW supports a genuine consultative and engagement process with the Aboriginal community stakeholders to ensure the framework achieves its intended effect.

Proposed Jet Fuel Pipeline

Benchmark Solution 5 of Section 12 (Services and Utilities) notes the following:

"Development adjacent to any future fuel pipeline is subject to a land use risk safety audit with the relevant buffers provided, subject to the airport authority"

The exhibited documents do not provide any further insights into the location of the future pipeline corridor. When contacted separately on this matter, DPE advised that it is exploring alternate delivery methods for the fuel line, including truck delivery.

As stated in the previous SINSW submission (refer **TAB A**), SINSW requests additional information on the future location of the pipeline and extent of required buffer areas to determine the likely impacts of the pipeline on existing and future school sites. Conversely, if the pipeline will not be constructed prior to the operation of the airport, additional information is required regarding the delivery of fuel to the site, including:

- Preferred alternate method of delivery and options analysis
- If delivery via truck is proposed, information concerning traffic arrangements for delivery (including haulage routes) delivery times and traffic generation rates.
- Preparation of an updated risk assessment to determine impacts to key intersections and 'sensitive uses', such as schools.

Wind Shear and Crash Zones

Section 10 of the draft DCP corresponds to Part 3 of the WSA SEPP and outlines airport safety controls such as aircraft noise, lighting and turbulence.

SINSW notes that the performance outcomes and benchmark solutions for this section do not include controls relating to building wind shear, specifically, guidance on the preparation of mechanical wind shear assessments (if and when these are required to support development).



Similarly, no specific controls are provided regarding the risk assessment procedures required under Clause 25 of the WSA SEPP, for those developers applying to develop within the 'Public Safety Area'.

Additionally, the draft DCP is silent as to the acoustic treatments required for development other than residential.

Based on the above, SINSW recommends that the draft DCP be amended to address the above requirements in order to demonstrate how these impacts will be managed during the operation of the Western Sydney Airport.

Access and Movement

SINSW strongly supports the objectives of the Aerotropolis Access and Movement Framework outlined in Section 6 of the draft DCP, which seeks to deliver functional, accessible and safe street networks within the Aerotropolis precincts.

Notwithstanding the above, SINSW provides the following recommendations on street function, active transport and traffic management for inclusion in the final framework, particularly around future school sites. These are in addition to the general comments provided in the 2021 submission:

Street Network Function:

- Streets containing sensitive land-uses (including future school sites) should implement lower vehicle speeds.
- Widened footpaths/shared user paths should be provided on all frontages and pedestrian corridors radiating from traffic generating sites. These should be based on expected local travel demand and footpath capacity. Future footpaths should be connected in a continuous network and prioritised for heavily used corridors and areas where safety is a concern (i.e. arterial roads with heavier traffic) rather than only in areas where place function is perceived to be low.
- Sustainable green-field place design should account for the fact that transport preferences and patterns can evolve over time. All collector/arterial roads within the Aerotropolis must be bus-capable to ensure that the road network can support regular and school bus services as required over time.
- All shared walking and cycling paths to be a minimum of 2.4 metres wide, with pedestrian crossings and pedestrian refuges provided for all pedestrian travel directions at intersections.
- Children cannot safely use on-road cycling facilities. However, they are able to use footpaths up until the age of 16. Improving independent mobility for children requires an approach that provides facilities that are physically separated and off-road. If on-road cycle lanes are provided, adjacent footpaths must be sufficient for cycling for children, including removing obstructions, auditing quality and pavement repair, width and shade for high volume areas. Other footpath users should also be prioritised to minimise conflicts with children cycling (e.g. there may be conflict if children must ride on a footpath near a retirement village mixing with resident's mobility aids).



- DoE/SINSW to be notified of any potential changes to the travel pathways surrounding existing schools (resulting from development of transport networks within the Aerotropolis).

Active Transport Networks

For transport purposes, students (vulnerable road users) are considered within walking or riding distance of their primary or secondary school if they live within a straight-line distance of 1.6km from the primary school or 1.9km from the secondary school. This is referred to as the 'active travel zone' (ATZ). Outside this zone, students are eligible for the Subsidised School Transport Scheme (SSTS) for free public transport or school bus to school. In the absence of pedestrian prioritisation and access measures within transport frameworks, safety concerns arise and students will be driven to school. This is likely to lead to over-parking and traffic congestion on the streets surrounding school sites.

As a result, it is recommended that the draft DCP (and the larger Precinct Plans) include fine-grain Movement and Place analysis of connectivity and active travel options in order to support use of these modes. This should include consideration of pedestrian safety measures, such as:

- Physical separation between pedestrians, cyclists and heavy vehicles
- Access for all ages and abilities such as ambulant disabilities and prams
- Kerb outstands and refuge crossings

Pedestrian prioritisation measures must also be emphasised in the draft DCP to support walkability within each of the future precincts. These should include the following:

- Introduction of pedestrian signals or crossings for whole-trip or part-trip walking within 400m of entries and to / from in-bound/out-bound public transport stops and stations
- Sufficient pedestrian 'green time':
 - for young students and elderly carers to cross wide roads
 - after the PM bell to clear pedestrian waiting areas
- Remove double phasing of pedestrian signals.
- Pedestrian legs on all approaches to intersections.
- Weather-protected departure bus stops.
- For local roads: lower vehicle speeds to 15 km/h in High Pedestrian Activity Areas or 40 km/h within School Zones.

Travel Demand Management and Parking

Section 7.2 of the draft DCP outlines the proposed bicycle and car parking controls for new development within the Aerotropolis. Table 3 provides the minimum following bicycle rate, whilst Table 4 addresses the maximum car parking control:

- 1 space / 20 staff
- 1 space / 5 students



- Maximum rate within 800m walking distance of metro station: 1 space/ 6 staff
- Maximum rate when >800m walking distance of metro station: 1 space / 4 staff

SINSW supports a car-parking maximum and encourage the DCP to implement a car-parking overlay for on-street car parking to be priced at a market rate and for revenue to be hypothecated to deliver active and public transport infrastructure and services within the Aerotropolis DCP area. SINSW will work with the relevant planning authority regarding specific design requirements for future school sites. However, these should be assessed on a site-by-site basis in accordance with DoE's EFSG and the Design Quality Principles within Schedule 4 of the ESEPP (noted above). The EFSG outlines a variety of technical standards, including to minimise car parking provision. In line with the above requirements, the EFSG actively encourages the use of sustainable means of transport and reserves the available site area for teaching and play space rather than parking.

New school development will involve a comprehensive transport assessment, which will assess each school's transport requirements on a site-by-site basis in accordance with Sections PS610.17 and HS610.17 of the EFSG. This will highlight actions to achieve a mode shift towards public transport (where possible) whilst still meeting the needs of students and staff.

These measures will be detailed further within each site's Transport Management Plan.

Infrastructure Delivery:

SINSW's previous submission addressed the proposed infrastructure contributions framework for the Aerotropolis. This was stated to consist of a Special Infrastructure Contribution and Local Contributions Plan which accounted for educational establishments. At the time of writing the new State Infrastructure Contributions system is undergoing exhibition and proposes several changes to the functionality of this framework.

As a result, SINSW recommends the following regarding the future contributions strategy for the Aerotropolis:

- A fair share of any State (or proposed Regional Infrastructure Contributions) to allow for the development of new schools and/or expansion of existing schools to service the Aerotropolis.
- That an Infrastructure Delivery Strategy and associated mapping be provided within the final DCP. This will ensure that the required infrastructure is appropriately funded, prevent duplication of service provision and avoid budget pressures and expectations on other infrastructure providers to fulfil any shortfall resulting from unfunded local traffic works; and
- The collection of specific contributions that could be used to support, amongst other things, shared spaces within schools and social education programs around active transport within the Precincts.