



Project name: [REDACTED] Badgerys Creek Rd – Aerotropolis precinct plan review

Project number: 2055

Date: March 2021

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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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1 INTRODUCTION

The site at [REDACTED] Badgerys Creek Rd sits within the 'Aerotropolis Core', and the owners of this property aspire to create a unique tourist and multi-cultural hospitality destination that promotes the natural environment found on and around the site

1.1 BACKGROUND

The Western Sydney Planning Partnership has developed a masterplan for the areas surrounding the Western Sydney (Nancy Bird) Airport. Precinct plans have been developed that establish the strategic vision and general objectives, proposed land uses, performance criteria for development of land, and the approach to both infrastructure and water cycle management. There are six initial precincts planned for the area, being the Aerotropolis Core City Centre, Thompsons Creek Regional Park, Luddenham Road Metro Station, Luddenham Village, Western Sydney International (Nancy-Bird Walton) Airport terminal, and the Western Sydney International (Nancy-Bird Walton) Airport business park. The property that is the subject of this report is within the 'Aerotropolis Core' precinct.

This report outlines a preliminary review of the development potential of the site at [REDACTED] Badgerys Creek Road based on the Aerotropolis design principles and proposes some considered modifications to the current precinct plan.

1.2 THE SUBJECT SITE

The subject site is located at [REDACTED] Badgerys Creek Road, Badgerys Creek. The land is known as [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

The site is segmented by a tributary of Badgerys Creek running from the southern side of the site to the north. The creek has been heavily modified from its original form in the past by removal of all riparian vegetation and construction of a large online dam. The site is currently used for market gardening (refer Figure 1).

1.3 SCOPE OF REPORT

Civille has been engaged to undertake a preliminary site analysis and investigate options for the potential future use of the site with reference to the exhibition Aerotropolis Precinct Plan. This included:

- Undertake a site inspection and desktop review of reports relating to the site;
- Provide high-level advice on the potential for development of the site for use as a tourist and cultural hub, taking into consideration site constraints and the Aerotropolis design framework;
- Provide a report giving an overview of the suitability of the site for the proposed development.

The outputs of this report are to be utilised by the property owners as part of a submission in response to the draft Aerotropolis Precinct Plan.



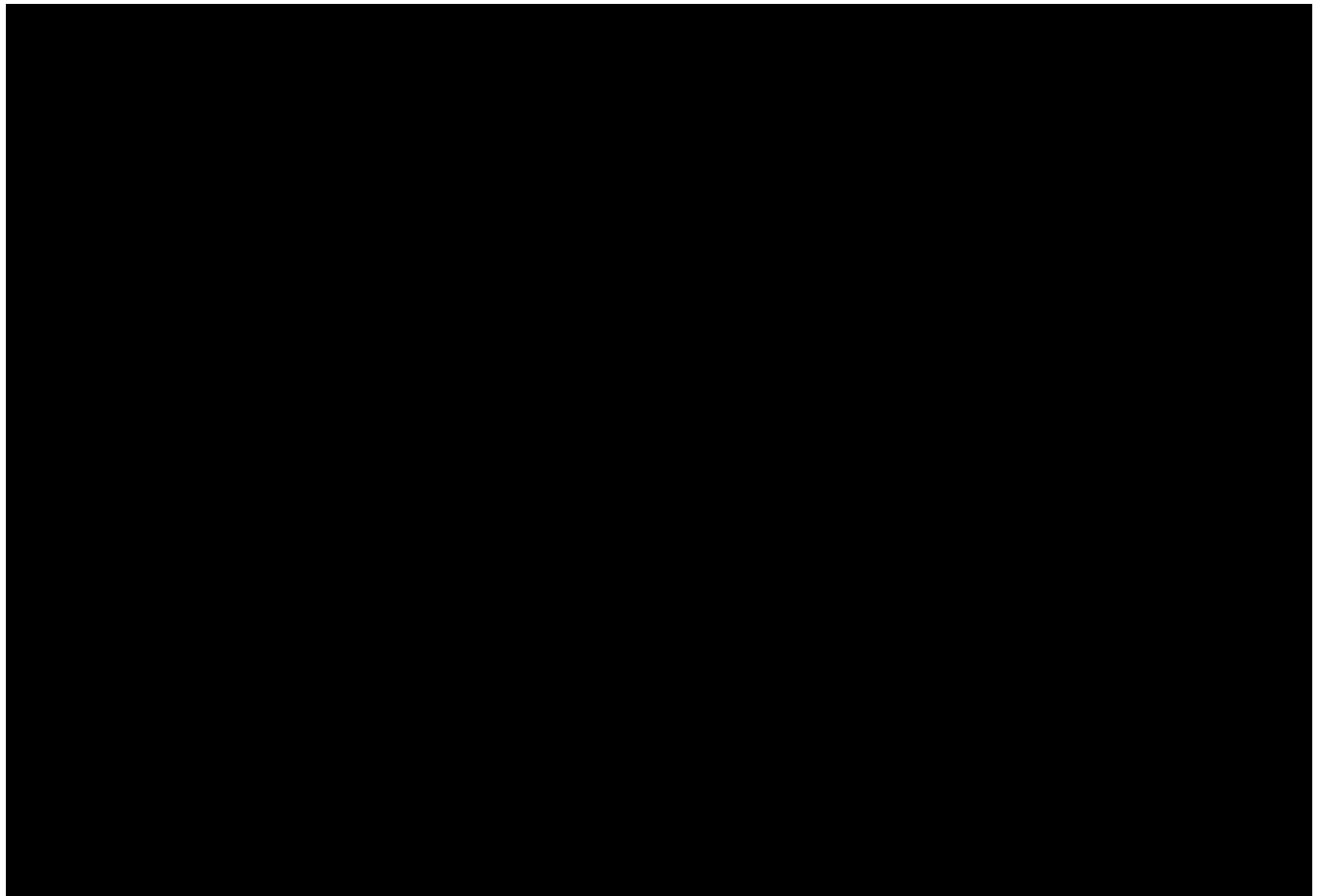
2 AEROTROPOLIS SITE LAYOUT

The site layout shown in the current Aerotropolis Core precinct plan will not allow the property owners to pursue their vision for the site.

2.1 CURRENT LAYOUT

The indicative layout for development at [redacted] Badgerys Creek Road as shown in the Aerotropolis Core precinct plan is provided in Figure 2. Under the arrangement

currently proposed most of the site is currently planned for use as public open space. Specifically, the majority of site will be linear parklands and riparian corridor parklands under the current layout of the Aerotropolis Core Precinct (refer Figure 3).



2.2 ZONING AND LAND USE

The current zoning for the site is ENT (Enterprise & Light Industry). Enterprise & Light Industry is proposed to provide flexibility for low density industrial uses to be developed initially, and that land to transition over time for more dense employment outcomes.

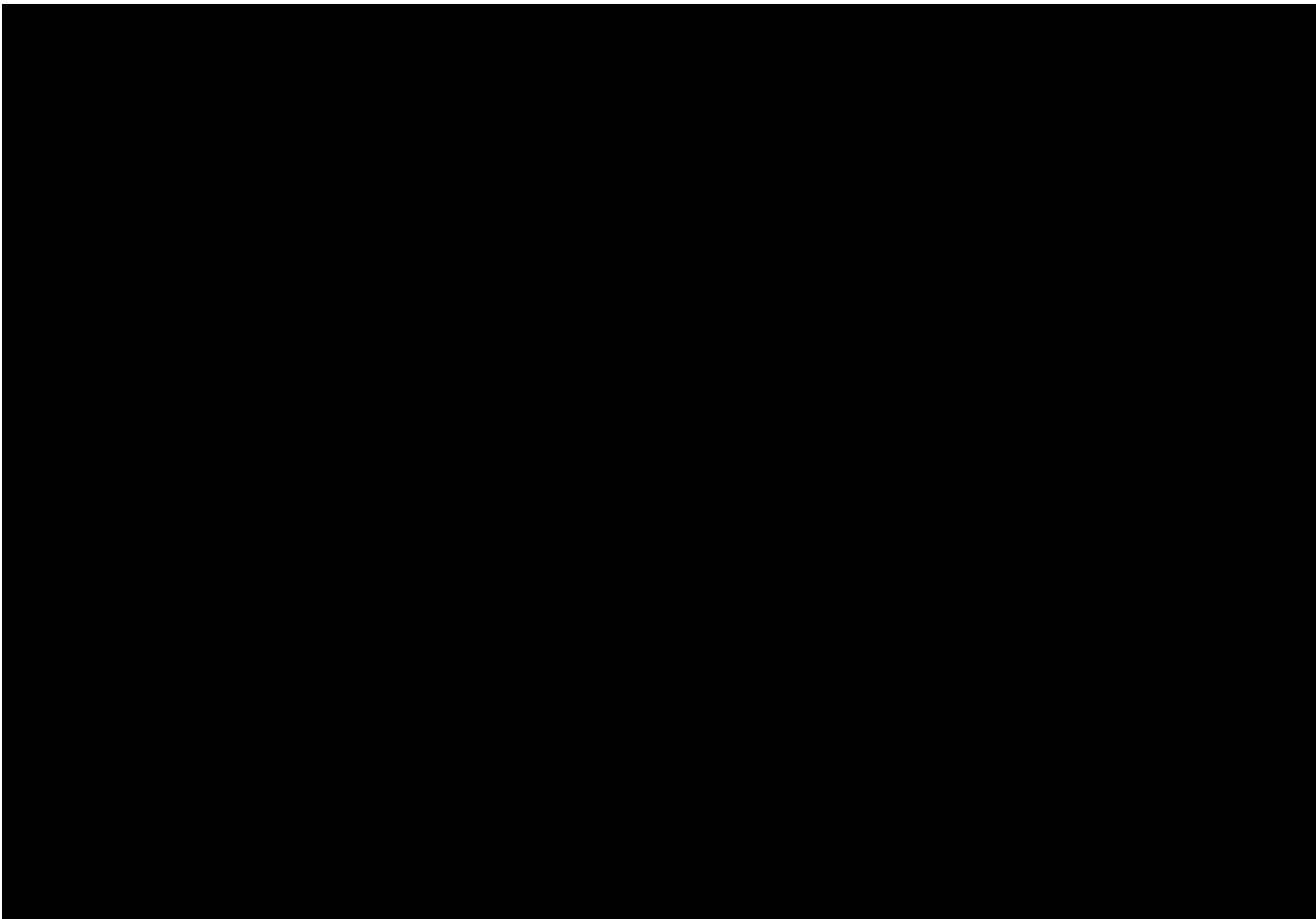
The objectives of the zones are to:

- To encourage employment and businesses related to professional services, high technology, aviation, logistics, food production and processing, health, education and creative industries.*
- To provide a range of employment uses (including aerospace and defence industries) that are compatible with future technology and work arrangements.*

- To encourage development that promotes the efficient use of resources, through waste minimisation, recycling and re-use.*
- To ensure an appropriate transition from non-urban land uses and environmental conservation areas in surrounding areas to employment uses in the zone.*
- To prevent development that is not compatible with or that may detract from the future commercial uses of the land.*
- To provide facilities and services to meet the needs of businesses and workers.*

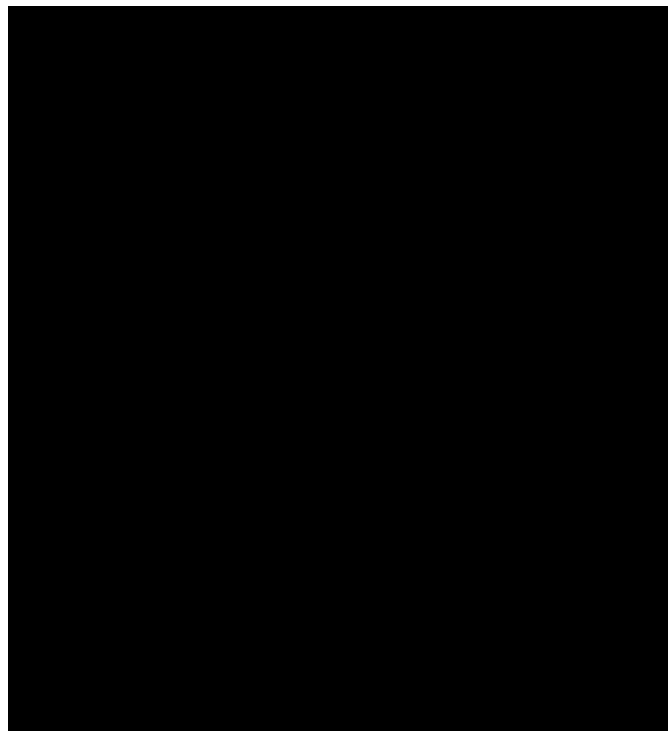
(Western Sydney Aerotropolis SEPP)

A snapshot of the land use mapping currently proposed for the area around ■■■ Badgerys Creek Road is shown in Figure 4.



The open space parkland currently proposed for the site is identified as “open space requiring coordinated development” though it is not within a zone identified for amalgamation (refer Figure 5).

The property owners are understood to support the creation of public open space on their site along with some additional facilities and hospitality/tourism activities that they envisage.



3 SITE ANALYSIS

A site analysis has been undertaken to review the opportunities and constraints at the site, for use in preparing an alternative proposed layout

3.1 RIPARIAN ZONE

The creek intersecting the site is a 3rd order watercourse when categorised under the Strahler system (refer Figure 6). Based on NSW NRAR guidelines, as a 3rd order watercourse the creek should be provided with a vegetated riparian zone (VRZ) of 30m (made up of an inner VRZ of 15m and an outer VRZ of 15m) on each side. That is, where the watercourse channel is 5m in width then the total riparian corridor would have a total width of 65m.

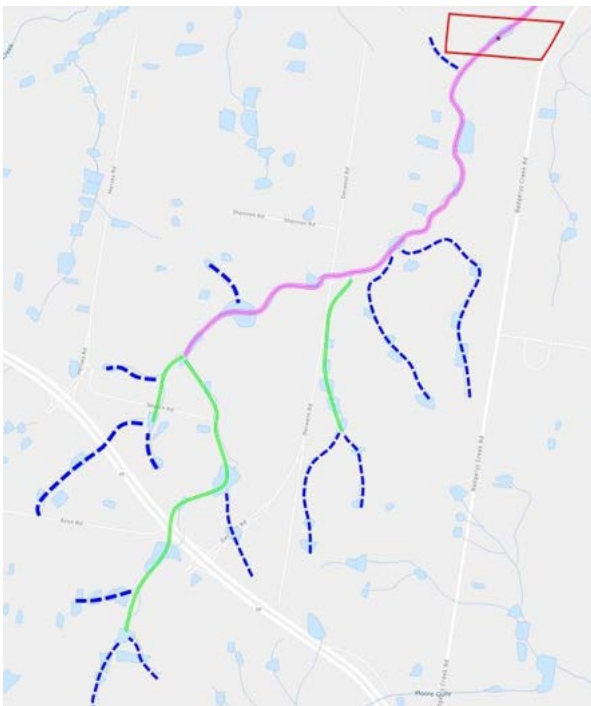


Figure 6 Hydroline map with mark-up showing watercourses relevant to stream order within **Badgerys Creek Rd** site

Generally, no development is permissible within the watercourse or the inner VRZ with some exceptions. Non-riparian uses are allowed within the outer VRZ however an offset equivalent to the area of works in the outer VRZ must be provided elsewhere on the site as part of the development. The offset area must be connected to the riparian corridor.

At this specific site this means no works would be proposed within 15m of the reinstated creek, but some works could be undertaken outside this area as there are other areas that can be used to provide offset areas. The development must also seek to rehabilitate the riparian corridor with fully structured native vegetation.

The revised proposed arrangement for the site (refer Section 4) proposes to replace the existing degraded farm dams with a realigned creek including additional meanders as well as a wetland/pond zone to provide habitat opportunities and microclimate benefits. These would be the subject of an application for a controlled activities permit.

Riparian constraints have been adopted in the modified proposed site plan, including the provision of a 30m vegetated riparian zone on each side of the watercourse.

3.2 FLOODING

A specialist flooding consultant, *GRCHydro*, has carried out site specific flood modelling to provide additional information on the suitability of the site for development. The results of the flood modelling are provided in Figure 7, showing the area currently impacted by the 1% AEP flood event.



The flood modelling has demonstrated that the elevated areas of the site to the west of the watercourse are not flood affected.

Based on the flood modelling results, no development of building works are recommended on the eastern side of the site mapped as 1% AEP flood zone (Figure 7).

Flooding constraints have been considered in development of the suggested site plan. Earthworks would be required within the current degraded farm dams, but no development is proposed in the flood affected eastern side of the site.

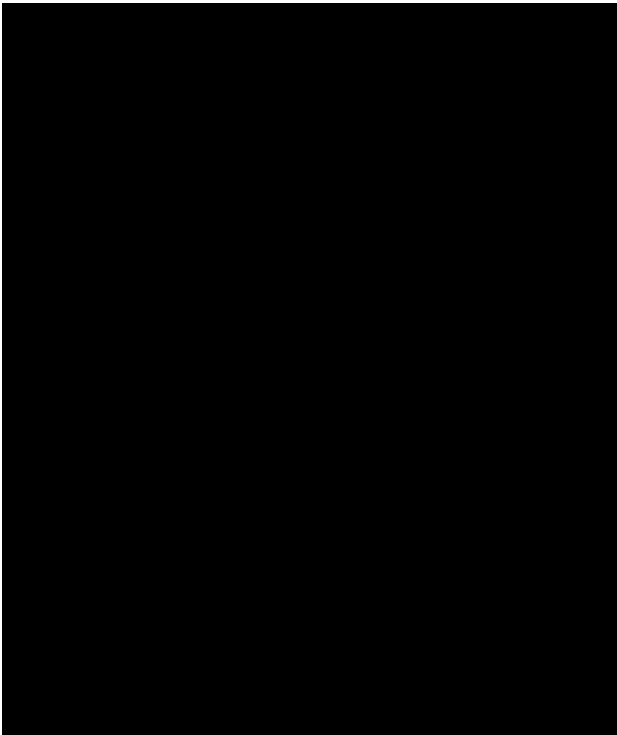
3.3 ECOLOGY

The existing vegetation north of the site is dominated by Eucalypts, *Eucalyptus tereticornis*, with some scattered casuarinas (*Casuarina glauca*) in the riparian zone to the north east of the site. There is a limited shrubby midstorey in this area, that is dominated by *Bursaria spinosa*. There are several weedy species within the vegetated area and a largely open grassy understorey, dominated by Rhodes Grass (*Chloris gayana*) to the north west of the site.

The vegetated area to the north of the site is mapped as a Critically Endangered Ecological Community, *Cumberland Plain Woodland* under the NSW Biodiversity Conservation Act 2016. A portion of this vegetated area that cross the north boundary of the site are mapped as ENV (existing native vegetation) within the Draft Growth Centres Conservation Plan 2007, as shown in *Figure 8*.

No development is recommended within the area mapped as *Cumberland Plain Woodland* Critically Endangered Ecological Community (CEEC) or the area within the site mapped as existing native vegetation (ENV) as shown in *Figure 8*.

Ecological constraints have been adopted in the preparation of the modified proposed site layout, including the protection of a small area of existing native vegetation near the northern boundary of the site.



- *protect existing native vegetation and wildlife habitat*
- *provide a foundation for enhancing biodiversity*
- *provide wildlife corridors for urban fauna*
- *provide new urban tree canopy cover for urban heat management*
- *contain and protect cultural heritage*
- *provide local and regional active transport routes linking precincts and to the wider city*

(Hassell, 2020, p.189)

A component of the 'blue-green grid' framework is the 'undisturbed soil network. This is "an interconnected network of undisturbed soil sites that are essential to healthy functioning of 'blue-green' systems" (Hassell, 2020, p.201). This soil corridor has been identified as extending through the site.

The blue-green grid appears to be the primary consideration behind the site layout currently proposed in the precinct plan around ■■■ Badgerys Creek Rd. The modified proposed site plan would continue to support the provision of the blue-green grid as well as a connected undisturbed soil network.

3.4 HERITAGE

Based on the mapping provided in the Aerotropolis documentation (Hassell, 2020, p.206) there are no state or local heritage items found in the vicinity of ■■■ Badgerys Creek Road.

With regards to aboriginal heritage mapping (Hassell, 2020, p.204), the site appears to sit within an area of low/moderate sensitivity. However, it is possible the site may contain items of Aboriginal heritage.

Heritage matters do not appear to be a constraint within the subject site. Further archaeology/heritage advice would be required to confirm presence or absence of aboriginal heritage on the site and impacts on the proposed development.

3.5 'BLUE-GREEN GRID'

The 'blue-green grid' infrastructure framework is proposed as an interconnected network of creeks, drainage basins, parks, playing fields and streetscapes within the Aerotropolis Core.

The main functions of the 'blue-green grid' are to:

- *retain creek lines within an urban landscape for water retention and soil permeability*

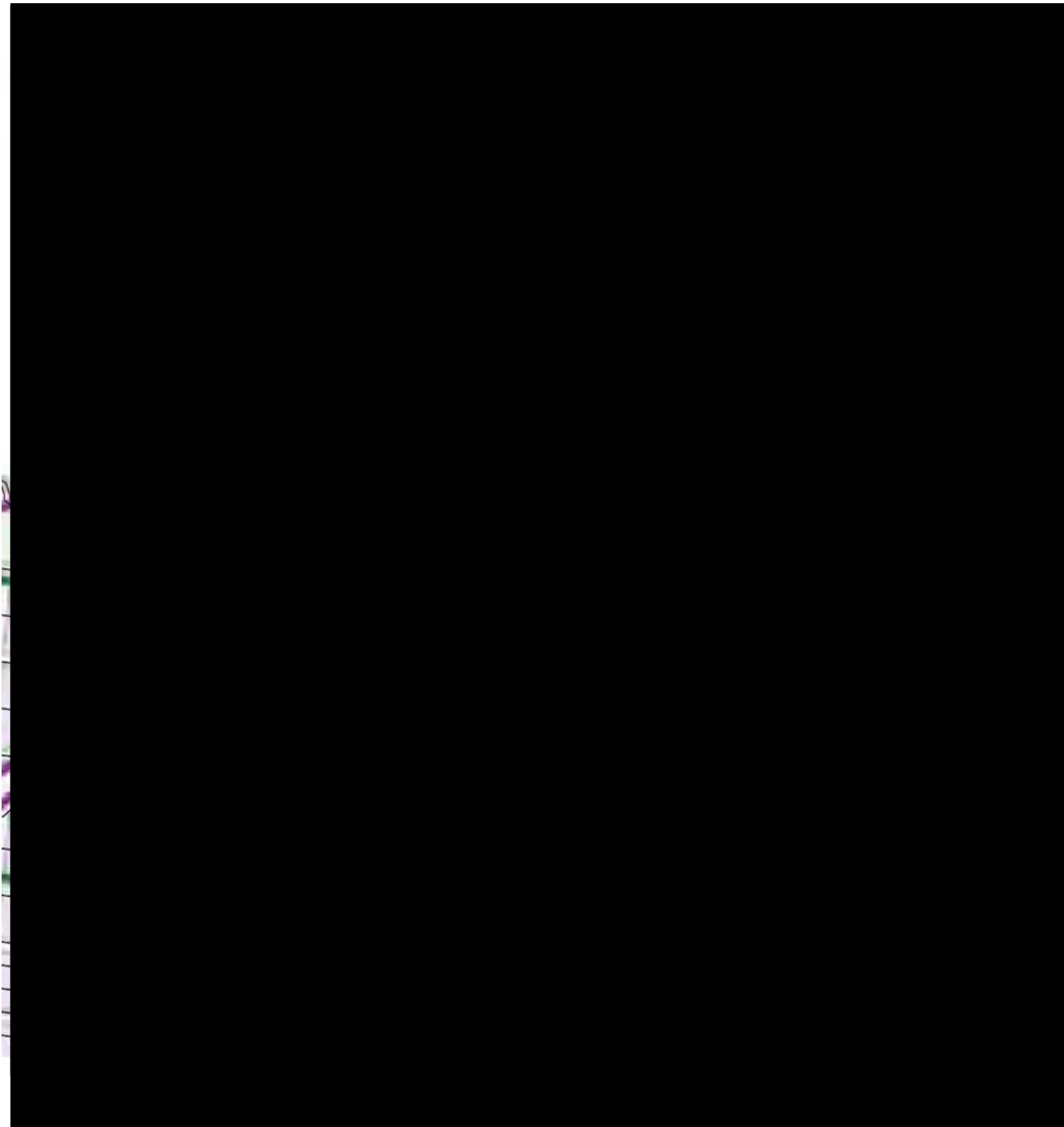
3.6 ACTIVE TRANSPORT

A network of active transport paths is proposed in the Aerotropolis precinct plan. These corridors are proposed to link local residents and workers to precinct centres, schools and recreational areas. Key active transport spines are to be co-located with creek corridors to match accessibility with parkland amenity as part of the 'blue-green grid' framework.

A 'principle regional cyclepath' is proposed to follow along the southern side of Badgerys Creek, and another roughly north-south along the current Badgerys Creek Road alignment.

An opportunity exists to link these two principle regional cycle paths with a connection through the site at ■■■ Badgerys Creek Rd, as shown indicatively in Figure 9.

This active transport linkage will improve accessibility to playing fields, parklands and other 'blue-green grid' areas. This will improve the value of the planned cycleway by providing a greater level of interconnectedness within the Aerotropolis Core.



3.7 VIEW CORRIDORS

Within the urban design framework for the Aerotropolis precinct plans there is an emphasis on enhancing and retaining scenic views and vistas of the project area. Areas of particular interest include:

- *Views from ridgetops to creeks and associated vegetation. Creeks are the areas of most dense vegetation, and it is the trees which place them in the landscape. A relationship*

between ridge, trees, creek and sky is fundamental to the landscape character.

- *Broader vegetated landscapes exist west of Badgerys Creek Road associated with ephemeral creeks. Much of this vegetation as biodiversity value. Retention of this landscape within open space will enable local place character to be retained.*
- *Badgerys Creek Road is a key gateway to the project area. Its existing rural character is emphasised by mature and informal verge*

planting, and experiencing the gentle rise and fall of the landscape. Its character will substantially change, but the function of it as a gateway can be enhanced through landscape and built form.

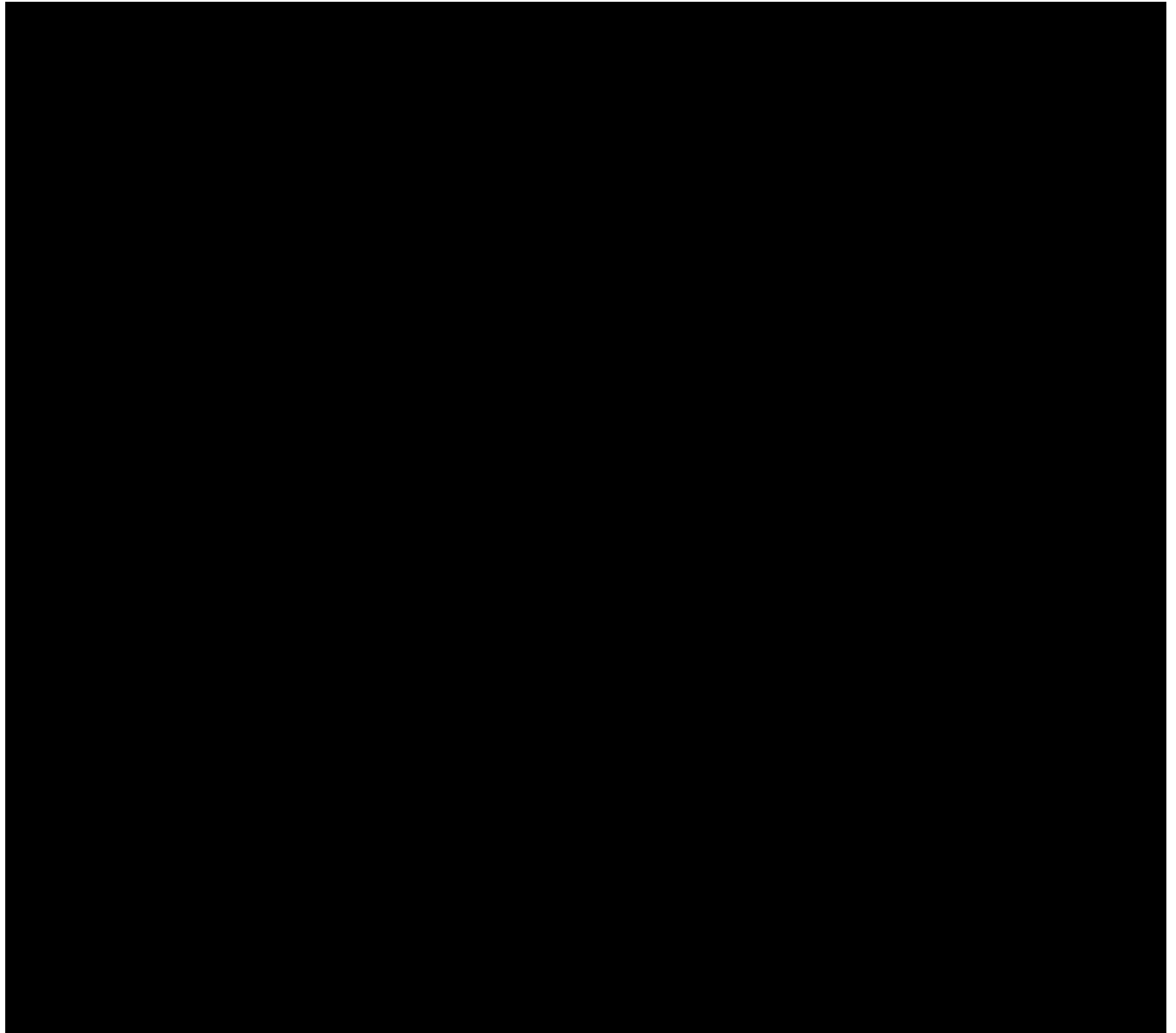
- *To reinforce the Western Parkland City, landscape gateways on arrival at key thresholds is important.*

(Hassell, 2020, p.209)

A view corridor is shown indicatively running along the northern boundary of the site (refer Figure 10). This

view is mapped as "Views from streets towards the creeks and broader landscape (street grid oriented to terminate on a view towards creeks and ridge top)". This view connection would still be provided if the modified site layout is pursued. The visual impact of the proposed additional buildings within the site would also be mitigated by the topography at the site, with the buildings closest to the Eastern Ring Road sitting lower in the landscape.

The objective for a visual connection between creeks been considered in the preparation of the modified proposed site layout.



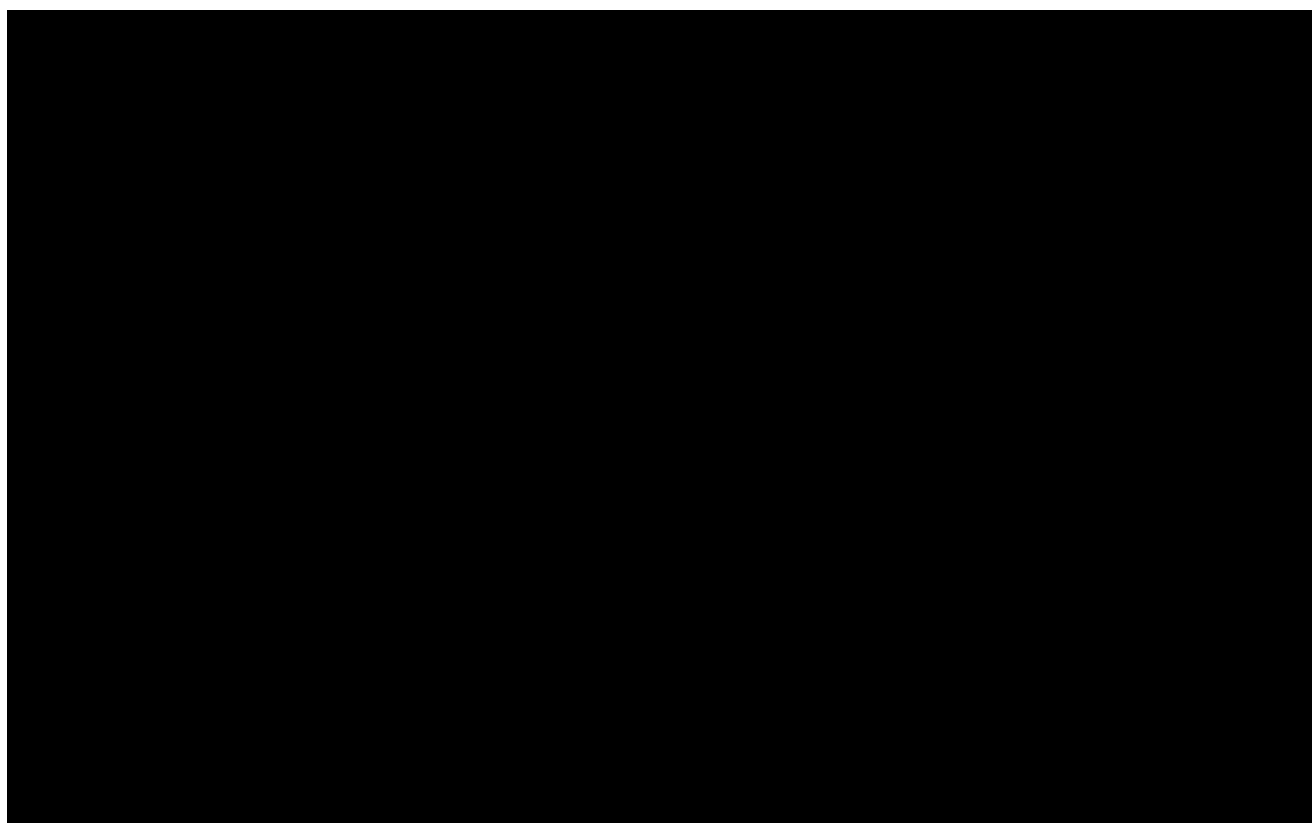
4 PROPOSED SITE LAYOUT

An alternative layout for the site is proposed that will meet the environmental objectives as well as the Aerotropolis design framework.

The owners of [REDACTED] Badgerys Creek Rd have a specific vision for their site, to create a vibrant hospitality offering that will draw people from all over the Aerotropolis including overseas and interstate tourists. Their vision is for a place that promotes multiculturalism and will serve the wider community. An indicative preliminary site layout has been prepared that reflects their intent (refer Figure 11 and Appendix A).

The site is considered to be suitable for the proposed modified development layout. The proposed modifications have been designed to observe the existing Aerotropolis design principles in the Western Sydney (Nancy Bird) Airport Masterplan including the 'blue-green grid' framework.

The proposed indicative site layout has been prepared based on the design principles documented in the Aerotropolis precinct plan.



An outline summary of how the Aerotropolis design principles have been applied to the layout proposed for [REDACTED] Badgerys Creek Road is provided in Table 1.

A minor modification of the Aerotropolis Core land use mapping is suggested to reflect the proposed updated site layout, as shown in SK-04 (Appendix A).

Table 1 Summary of design principles for modified layout for ■■■ Badgerys Creek Rd

Design principle	How applied in the modified site layout
'Blue-Green Grid'	The Blue-Green Grid is supported and accommodated within the modified proposed site layout.
Flooding	The results of the site-specific flood modelling carried out by GRCHydro have been taken into consideration, with the eastern flood-prone part of the site not proposed to be developed.
Riparian corridor	It is proposed that existing creek passing through the site, that has been heavily modified and degraded by agricultural activities, would be reinstated to an adjusted alignment as a meandering stream with a pond/wetland to support biodiversity on the site. A 30m vegetated riparian zone would be provided along each side of the reinstated creek.
'Undisturbed soil network'	An undisturbed soil network can still be provided through the site, aligned with the proposed riparian corridor
Active transport	An additional cycle path is proposed to provide an important link that compliments the active transport network proposed in the Aerotropolis precinct plan.
Existing native vegetation (ENV)	An area of ENV at the northern edge of site is to be retained.
Scenic values	The proposed site layout allows for the desired view corridor running along the northern boundary of the site.

REFERENCES

Aurecon (2020) Draft Western Sydney Aerotropolis Constraints and Land Capability Assessment – Stage 1 Report; Prepared for Western Sydney Planning Partnership; October 2020

GRCHydro (2021) Flood modelling for 270 Badgerys Creek Road

Growth Centres Commission (2007) Growth Centres Conservation Plan; Exhibition Draft; February 2007

Hassell, Hill Thalys, Studio Hollenstein (2020), *Western Sydney Aerotropolis Urban Design and Landscape Plan Report*, Draft for public comment; Prepared for Western Sydney Planning Partnership; November 2020

Western Sydney Planning Partnership (2020) *Western Sydney Aerotropolis Plan Finalisation Report*; September 2020

APPENDIX A SITE PLANS

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>
Sent: Wednesday, 20 October 2021 9:57 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Wed, 20/10/2021 - 09:56

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Gautam

Last name

Vaishnav

I would like my submission to remain confidential

No

Info

Suburb/Town & Postcode

Bringelly 2556

Please provide your view on the project

I am just providing comments

Submission

Firstly, thanks a lot for considering recommendations by ICC Ms Ryan.
Here's my submission. IMO

- There should be ample space reserved for public amenities
 - There should not be any direct or indirect use of private land for public purpose without acquisition by the government.
 - Authorities must pay for the land based on current market rate or higher.
 - The valuation must be performed at the time of acquisition and based on the market rate at the time.
 - The land owners must get fair price for their E & R land if and when acquired.
 - Government must acquire all the land required for infrastructure and amenities within reasonable time-frame, i.e. within 5 years.
 - Any land in E& R zone that government cannot purchase, should be returned to land owners as RU4 with building permissions re-instated as before.
 - In case of where a block of land is divided in MU and E& R zones, government should allow better FSR to compensate the lose of land due to E & R zoning.
 - Infrastructure levy is not just and should be removed. Government is making sufficient money from the development charges, stamp duty, land tax, CGT and council rates.
 - Land owners must be provided with accurate square meter level details for the zoning and acquisitions before finalizing in December. I requested for the details from DPIE and did not get it.
- Thanks for considering my submission, I am hoping this time there will be some positive outcome.

All the best..

I agree to the above statement

Yes

Disclaimer

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[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: Thursday, 21 October 2021 4:09 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Thu, 21/10/2021 - 16:08

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

RITA

Last name

HERCEG

I would like my submission to remain confidential

No

Info

[REDACTED]

Suburb/Town & Postcode

BRINGELLY

Please provide your view on the project

I object to it

Submission

Re: Submission – Aerotropolis

Hi, I live at [REDACTED] Kelvin Park Drive, Bringelly and writing to you about the E&R zoning on the back of my property which was once deemed developable RU4 land, we have been writing submissions for the last 3 years and I am hoping this will be my last one and that we get a solution to this debacle.

As residents have now been informed that this particular E&R zoned land will not be on the acquisition list at this stage except for Thompson Creek residents who are 5 doors down from us and who are also zoned E&R, so this really makes no sense to us that the same land is being told that they will be acquired and our land will not be but we do propose a way forward in order not to sterilise, devalue our E&R land for decades.

Our proposal is to have all land impacted by E&R zoning to be able to use this land as part of the calculations in the FSR when a developer submits DA, this surely would be a win/win situation for all concerned, landowner, developer and the Tax payer. The other point to make is that the vision of the South Creek would be achieved quicker and not stagnated and residents would have certainty and clarity.

I hope that we can get a solution and thank you for your consideration.

Please note that a majority of residents have NEVER opposed this airport and are for future jobs and development but their is

always a fairer way of doing things and this proposal of E&R land is just not fair for any of these residents and myself....

Thankyou
Rita Herceg

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: Thursday, 21 October 2021 4:30 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Thu, 21/10/2021 - 16:29

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

mathew

Last name

herceg

I would like my submission to remain confidential

No

Info

Suburb/Town & Postcode

2556

Please provide your view on the project

I support it

Submission

I have now been informed that my property that has been zoned E&R land and will not be on the acquisition list at this stage except for Thompson Creek residents who are our neighbours and also zoned E&R but have the certainty of been acquired, just doesn't make sense as we all have the same land. There surely needs to be a fairer way for these residents that have been devalued in this whole development.

I believe my land impacted by E&R should be part of the calculations in the FSR when development happens as this will guarantee happy owners and governments will take ownership and put it back into public ownership for all to enjoy and use in the future, this surely makes sense and is a win/win for everyone...

I hope my submission is considered.
Thankyou
Mate

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, 22 October 2021 8:41 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Fri, 22/10/2021 - 08:40

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Maria

Last name

Zucco

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

2178

Please provide your view on the project

I am just providing comments

Submission

DPIE

I am writing this submission in support of my fellow Aerotropolis residents in stage 1 rezoned Precincts.

Firstly let me congratulate the Minister for Planning in appointing a Commissioner..... more has been achieved in 6 months than the 2 previous years combined.

Perhaps it was the communities tenacity and resilience that led the Minister to this wonderful decision but we are delighted in the ensuing outcomes.... a Commissioner who LISTENED, and felt our pain and...I'm sure spent sleepless nights trying to do the right thing by as many residents as possible.....

We thank the Commissioner for all her hard work and recommendations.

To this end we know there are winners and losers in every decision and this is no different.

On this point I refer to the remaining E&R Land in the Aerotropolis Precinct Plans.

This land has no option of acquisition and landowners are still sterilised as no one will purchase this affected land at a fair and equitable price.
It also leaves the door wide open for unscrupulous developers to drive down the land prices at will, leaving our most vulnerable, the elderly to be taken advantage of and devalued.

I believe that a solution is at hand!
The solution requires using the FSR (Floor to Space Ratio) on the affected E&R Properties.
This would benefit all 3 parties involved..
A WIN for taxpayers as they would retain the affected land at no cost
A WIN for the land owner as they are no longer sterilised and can trade on a level playing field like the rest of the precinct.
A WIN for developers as they will gain a greater part of developable land .

By including E&R land in the FSR calculation the integrity of the spine will be maintained according to government requirements..
The beautification/development of this will be part of the developers costs as it is at present, then returned to the government.
The government will achieve their WSPC outcomes at a faster rate which in turn is beneficial to attracting residents and businesses to the Precinct.

This also would hold true for future precincts like Kemps Creek and Rossmore though these have been reverted back to RU4, the above E&R inclusion of FSR will go a long way in making the next phase of Precinct rezoning a much smoother and less volatile process.


While on the subject of Kemps Creek the subject of noise affectation comes to mind. It would be proper and just if those affected by noise levels (20 or above) in initial precincts have the option of Compassionate Acquisition...I believe this should be included in current documentation to give residents certainty.

We also believe that the area of Kemps Creek between "Kemps and South Creeks" be rezoned prior to the 10-20 year window in the current time frame (as stated by Catherine Van Learen)
By leaving it as it is you have created a 'dead land between two thriving development.... to the east and west of this land, and the thriving industrial development to the north.

These factors combined all have a negative impact on the rural lifestyle that all of us originally chose and have enjoyed for years.

We are NOT against the Airport and progress but we are opposed to the lack of transparency when it comes to the SMALL land owners in the Aerotropolis Precincts.

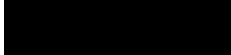
I urge you to strongly consider the above options as they are the fairest options for all concerned.

Maria Zucco


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: Monday, 25 October 2021 12:02 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: submission-1.pdf

Submitted on Mon, 25/10/2021 - 11:02

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

IAN

Last name

CARROLL

I would like my submission to remain confidential

No

Info

Email



Suburb/Town & Postcode

Luddenham

Please provide your view on the project


I support it

Submission file

[submission-1.pdf](#)

Submission

Dear Sir or Madam,

This submission is in relation to proposals of land usage on our property at  Luddenham Road, Luddenham NSW.

If the planning of water retention area shown is to scale on photo one, (our property is to the west of the area with the rectangle green on it) the entire area taken is on our land, and stops at the boundary of our land which has 25% of the dam on it. This if to scale would go up our hill about 100 meters from our southern boundary. Taking it just past the 2 residences in photo 3. This photo also shows the land falls away to the South of the dam 75% of which is on the property to the south of us.

Photo 5 shows from standing on the dam wall the slope is upward to the residences which are also higher than the Luddenham road in the background. Also, much higher than the land on the south side of the dam. The dam overflow is on the south side because it is lower land.

Photos 1 shows aerial views delineating our boundaries in relation to the dam and lower land to the south and east.

There would have to be a lot of infrastructure changes to make this area hold water with the lower land and Dam to the south and east.

Photo 4 is the rear or east boundary to Cosgrove creek there is a deer between the trees behind the gate. This I have included to show the land on the east side of Cosgrove creek is also lower than our land in the last 1:100 flood event the water crossed both my neighbors' properties above the fence line but only crossed my fence line at the very furthest north east corner for about 8 meters. I have photos of this flood event. The water overflowed to the east of Cosgrove creek and appeared to go around our land. (the area near the arrow in photo 2). I understand that green space is usually to create buffers and is located in areas that are considered floodable etc. That is why I mention this as there seems to be more green on my side of the creek than the side that was flooded.

I have more photos demonstrating the points raised but don't know how many will send.

We feel that proper investigation of the Topography of the land needs to be done in order to correctly identify the land to be zoned SP2 water infrastructure. Water infrastructure land must be at the lowest parts of the contours in order to properly manage flooding of creeks and waterways. The current position is on the higher parts of our land and stops at our boundary which sits partially in the dam which doesn't make any sense. There would be need for major earthworks, dewatering and filling of the large dam and retaining walls to make the neighbor's land to the south of our border useable land for the Enterprise zoning. A simpler solution would be to move the SP2 land further South that only encompasses the already built dam which would be perfect for water retention.

I have been unable to upload photos if you send an email I can send the photos.

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: Monday, 25 October 2021 2:58 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Mon, 25/10/2021 - 14:57

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Maria

Last name

Zucco

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

2178

Please provide your view on the project

I support it

Submission

DPIE

I am writing this submission in support of my fellow Aerotropolis residents in stage 1 rezoned Precincts.

Firstly let me congratulate the Minister for Planning in appointing a Commissioner..... more has been achieved in 6 months than the 2 previous years combined.

Perhaps it was the communities tenacity and resilience that led the Minister to this wonderful decision but we are delighted in the ensuing outcomes.... a Commissioner who LISTENED, and felt our pain and...I'm sure spent sleepless nights trying to do the right thing by as many residents as possible.....

We thank the Commissioner for all her hard work and recommendations.

To this end we know there are winners and losers in every decision and this is no different.

On this point I refer to the remaining E&R Land in the Aerotropolis Precinct Plans.

This land has no option of acquisition and landowners are still sterilised as no one will purchase this affected land at a fair and equitable price.
It also leaves the door wide open for unscrupulous developers to drive down the land prices at will, leaving our most vulnerable, the elderly to be taken advantage of and devalued.

I believe that a solution is at hand!
The solution requires using the FSR (Floor to Space Ratio) on the affected E&R Properties.
This would benefit all 3 parties involved..
A WIN for taxpayers as they would retain the affected land at no cost
A WIN for the land owner as they are no longer sterilised and can trade on a level playing field like the rest of the precinct.
A WIN for developers as they will gain a greater part of developable land .

By including E&R land in the FSR calculation the integrity of the spine will be maintained according to government requirements..
The beautification/development of this will be part of the developers costs as it is at present, then returned to the government.
The government will achieve their WSPC outcomes at a faster rate which in turn is beneficial to attracting residents and businesses to the Precinct.

This also would hold true for future precincts like Kemps Creek and Rossmore though these have been reverted back to RU4, the above E&R inclusion of FSR will go a long way in making the next phase of Precinct rezoning a much smoother and less volatile process.

While on the subject of Kemps Creek the subject of noise affectation comes to mind. It would be proper and just if those affected by noise levels (20 or above) in initial precincts have the option of Compassionate Acquisition...I believe this should be included in current documentation to give residents certainty.

We also believe that the area of Kemps Creek between "Kemps and South Creeks" be rezoned prior to the 10-20 year window in the current time frame (as stated by Catherine Van Learen)
By leaving it as it is you have created a 'dead land between two thriving development.... to the east and west of this land, and the thriving industrial development to the north.

These factors combined all have a negative impact on the rural lifestyle that all of us originally chose and have enjoyed for years.

We are NOT against the Airport and progress but we are opposed to the lack of transparency when it comes to the SMALL land owners in the Aerotropolis Precincts.

I urge you to strongly consider the above options as they are the fairest options for all concerned.

Maria Zucco
[REDACTED]

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: Monday, 25 October 2021 6:35 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: submissiondeptplanning.docx

Submitted on Mon, 25/10/2021 - 18:30

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

ANTOINETTE

Last name

KOUTSOMIHALIS

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Bringelly 2556

Please provide your view on the project

I support it

Submission file

[submissiondeptplanning.docx](#)

Submission

Mersey Rd
Bringelly NSW 2556

Ph)

25/10/2021

To Whom It May Concern,

I am Writing a submission to say thank you for removing the Proposed WSUD basin and open space from our property at Mersey Rd Bringelly.

It was a nightmare for us with meeting after meeting, phone call after phone call, community meetings and pleas for a very very long, stressful time and I am truly grateful that the Planning Department and of all levels of government have listened to us. I wish to thank all of the representatives from all levels of Government and Sydney Water who came to our property to meet and

ascertained there is no need for the basin or open space to be there as per our previous submissions. Thank you also to Roberta Ryan and Kate Robinson for liaising on the community's behalf and Thank you to The Department of Planning for changing it for us- we finally have our property back.
We ask that the removal of the proposed WSUD basin and open space from our property at [REDACTED] Mersey rd Bringelly remain on the final plans and I agree with the amendment to have them removed off our property.
I am truly grateful to all involved
Best Regards
Antoinette Koutsomihalis

I agree to the above statement
Yes

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[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: Tuesday, 26 October 2021 9:48 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Tue, 26/10/2021 - 09:48

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

emily

Last name

refalo

I would like my submission to remain confidential

No

Info

[REDACTED]
[REDACTED]
BRINGELLY

Please provide your view on the project

I object to it

Submission

I have now been informed that my property that has been zoned E&R land and will not be on the acquisition list at this stage except for Thompson Creek residents who are our neighbours and also zoned E&R but have the certainty of been acquired, just doesn't make sense as we all have the same land.

I believe my land impacted by E&R should be either acquired by Governments or part of the calculations in the FSR when development happens as this will guarantee happy owners and governments will take ownership and put it back into public ownership for all to enjoy and use in the future, this surely makes sense and is a win/win for everyone...

I hope my submission is considered and change happens.

Regards

Emily

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: Tuesday, 26 October 2021 10:02 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Tue, 26/10/2021 - 10:01

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Paula

Last name

galatoulas

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Bringelly

Please provide your view on the project

I object to it

Submission

To Whom It May Concern,
I would like to express my concern with the zoning of Environmental & Recreational on my property at Bringelly

.
For a fair and equitable outcome for my family, I feel that the portion of my land affected by the E&R zoning should be acquired or permitted to be used to offset the FSR (Floor to Space Ratio) not used in addition too!
I believe that this would be a fair outcome for all residents who have E&R affectation on their properties, this would also give us the certainty and equity in moving forward. This has been a grilling 3 years of our lives and still no clear way forward so I hope that a proposal gets put forward for all affected.
Regards

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: Tuesday, 26 October 2021 10:26 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Tue, 26/10/2021 - 10:26

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

stella

Last name

mosca

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Bringelly

Please provide your view on the project

I am just providing comments

Submission

Hello

E&R land provides public benefit and opportunity for passive opens space including cycleways, breakout gym equipment etc. Based on this it should be acquired at an appropriate rate. There is no incentive for people to sell and create the interconnected network if the land is of less value than its current state. E&R & open space land has been devalued and that there is no incentive for this land to be sold or developed into its proposed final form
A contributions plan should be put in place that allows developers to enter into a Works in Kind Agreement (WIKa) or Voluntary Planning Agreement (VPA) for the rehabilitation and dedication of these lands as an offset to development contributions.
A process could be put in place to allow developers to offset impervious Floor Space requirements with E&R and open space land. This would facilitate more financially viable warehouse and manufacturing facilities while adding value to the ENZ and open space land. Combined with a Works in Kind Agreement (WIKa) or a Voluntary Planning Agreement (VPA) these E&R land and works could be dedicated to the government free of charge. This would be a win for all parties.
Regards

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: Wednesday, 27 October 2021 1:01 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Wed, 27/10/2021 - 13:00

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Theo

Last name

Koutsomihalis

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Bringelly 2556

Please provide your view on the project

I support it

Submission

I am writing to confirm that I am happy with the new proposal regarding my property at [REDACTED] Mersey road Bringelly. I am very happy with the removal of the greenspace and WSUD basin from my property. I have struggled to hold onto this property for many years and the fear of our property being worthless as advised by "Irbis" under the initial proposal of 100% of our land being greenspace, has taken its toll on myself and my family. These new proposed plans are a little relief but we would love to see the new proposal finalized so we can really move on in life and sleep at night. I thank everybody who listened to our situation and whoever had an input in us gaining back our land. I hope that this is finalized soon. Will definately feel a lot better when we see these proposals for our property on the final pan.

Thanks again

Best regards

Theo koutsomihalis

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: Wednesday, 27 October 2021 2:20 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Wed, 27/10/2021 - 14:19

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Atelj

Last name

Branka

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

2178

Submission

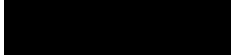
Timing of future precincts unknown??? Due to the fact that my property is within 5 km of proposed airport, my concern is that current infrastructure is inadequate at the moment, let alone when airport is in operation! I'm talking Devonshire Rd and Elizabeth Dr, Kemps Creek!

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: Thursday, 28 October 2021 7:39 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Thu, 28/10/2021 - 07:39

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Margaret

Last name

Siracusa

I would like my submission to remain confidential

No

Info



Suburb/Town & Postcode

Kemps Creek

Please provide your view on the project

I object to it

Submission

While I wholeheartedly support the airport at Western Sydney Airport I do object to be last on the list for rezoning. I have lived in Kemps Creek for over thirty years and have enjoyed our peace and quiet in a rural setting. We live within a couple of kilometres of the new airport.

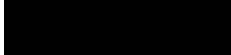
Within a few short years we will be surrounded by noise from the airport, noise and pollution from heavy traffic going to and from the airport, and noise and pollution from industries surrounding us. You must consider the area of Kemps Creek to be part of the initial rezoning and not have us wait ten to twenty years for this to happen. The physical and mental health on the local residents of Kemps Creek will be put at risk and I know all Australian governments really care about mental health.

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: Sunday, 31 October 2021 5:21 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Sun, 31/10/2021 - 17:20

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

BRIAN

Last name

PRATT

I would like my submission to remain confidential

No

Info



Suburb/Town & Postcode

Bringelly

Please provide your view on the project

I object to it

Submission

Hello

I live in Bringelly behind South Creek, I do not object the airport but I do object that Governments will not be acquiring our Environmental and Recreational space as we have been told. How can Governments get the vision and get public access to the open space including cycleways, breakout gym equipment etc if you leave our E&R in private ownership, based on this, it should be acquired at an appropriate rate. A contributions plan should be part of the developers to enter into a Works in Kind Agreement (WIKa) or Voluntary Planning Agreement (VPA) for the rehabilitation and dedication of these lands as an offset to development contributions. · A process could be put in place to allow developers to offset impervious Floor Space (FSR) requirements with E&R and open space land. This would facilitate more financially viable warehouse and manufacturing facilities while adding value to the E&R and open space land. Combined with a Works in Kind Agreement (WIKa) or a Voluntary Planning Agreement (VPA) these E&R land and works could be dedicated to the government free of charge. This would be a win for all parties, landowners, developers and tax payers.

I believe that this would be a fair outcome for all residents who have E&R affectation on their properties, this would also give us the certainty and equity in moving forward.

TY

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](#)
To: [PPO Engagement](#)
Cc: planning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Date: Sunday, 31 October 2021 5:24:34 PM

Submitted on Sun, 31/10/2021 - 17:24

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

mary

Last name

pratt

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

BRINGELLY

Please provide your view on the project

I support it

Submission

Hello

I live in Mandina place, Bringelly, behind South Creek, I do not object the airport but I do object that Governments will not be acquiring our Environmental and Recreational space as we have been told.

How can Governments get the vision and get public access to the open space including cycleways, breakout gym equipment etc if you leave our E&R in private ownership, based on this, it should be acquired at an appropriate rate.

A contributions plan should be part of the developers to enter into a Works in Kind Agreement (WIKa) or Voluntary Planning Agreement (VPA) for the rehabilitation and dedication of these lands as an offset to development contributions.

- A process could be put in place to allow developers to offset impervious Floor Space (FSR) requirements with E&R and open space land. This would facilitate more financially viable warehouse and manufacturing facilities while adding value to the E&R and open space land. Combined with a Works in Kind Agreement (WIKa) or a Voluntary Planning Agreement (VPA) these E&R land and works could be dedicated to the government free of charge. This would be a win for all parties, landowners, developers and tax payers.

I believe that this would be a fair outcome for all residents who have E&R affectation on their properties, this would also give us the certainty and equity in moving forward.

TY

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](#)
To: [PPO Engagement](#)
Cc: planning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Date: Monday, 1 November 2021 12:35:42 PM

Submitted on Mon, 01/11/2021 - 12:35

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Kevin

Last name

Lewis

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Luddenham

Please provide your view on the project

I object to it

Submission

Firstly, I am appalled at the amended Draft Precinct Plans for the Northern Gateway. Yes. I understand that through the efforts of the Independent Community Commission, the vast number of landowners had their Environment & Recreation zoning, now primarily listed as Stormwater Infrastructure, on their land, reduced. However, this did not apply to my land. I can image the relief for many landowners but for whatever reason, I was not 'looked after' like so many others. My land is still 100% unusable through these plans and I was not afforded the return of the previous Enterprise zoning on my land. Prior to the draft rezoning plans, I had approximately 30% of the land [REDACTED] zoned as Enterprise, which I had previously petitioned a return to.

Now that some of the rezoning areas are more clearly identified, I have been able to examine the maps and in that, discovered a major inconsistency in relation to how my land has been totally rezoned, whereas an adjacent land which sits directly across the road from me, does not have the same Stormwater Infrastructure zoning whilst also being located between the 2 creeks.

In Figure 17 of the Western Sydney Aerotropolis Open Space Needs Study, my property in Elizabeth Drive is located in the Northern Gateway Precinct. However, the property across the road, which has approximately the same road frontage, does not have any restricted zoning. My question is, how can one property facing exactly another property, not have some Stormwater Infrastructure zoning. This other property is located in the Agribusiness Precinct and is clearly shown in Figure 17. This situation is absolutely appalling to say the least. If I were to be given back my [REDACTED] of land as Enterprise, that would mirror the zoning across the road.

Figure 35 of the same document, it clearly indicates that their land is not Lot Affection for stormwater. This property also has Oakey Creek to the side and would also be subject to stormwater influence.

The inconsistencies of the Planning Department are out of sync with local landowners and their needs. To take my whole 16 acres as stormwater infrastructure, is not looking after me or other landowners suffering the same fate. I intend to strenuously fight for adequate compensation when the time comes when the government wants to take my land.

I agree to the above statement

Yes

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From: [Fiona Christiansen](#)
To: [Sarah Holley](#); [Emma Phillips](#)
Subject: FW: Submission on behalf of Australian Native Landscapes - [REDACTED] Martin Street, Badgerys Creek - Western Sydney Aerotropolis Draft Precinct Plans and Explanation of Intended Effects
Date: Monday, 1 November 2021 12:59:04 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image004.jpg](#)
[Final Letter to NSW DPIE re Badgerys Creek - DoP 1 Nov 2021.pdf](#)
Importance: High

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]



From: [REDACTED]
Sent: Monday, 1 November 2021 11:42 AM
To: Catherine Van Laeren <Catherine.VanLaeren@planning.nsw.gov.au>
Cc: pittwater@parliament.nsw.gov.au; hornsby@parliament.nsw.gov.au; 'Patrick Soars' <Patrick@anlscape.com.au>
Subject: Submission on behalf of Australian Native Landscapes - [REDACTED] Martin Street, 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] Martin Street, 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



Suite 1, Level 1 ph: 02 8456 4754
1073 Pittwater Road m: 0400 777 115
Collaroy Beach, NSW 2097 e: denis.smith8@bigpond.com

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Please think before you print

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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: Monday, 1 November 2021 6:12 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Mon, 01/11/2021 - 18:12

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Kasem

Last name

Sharan

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

2556

Please provide your view on the project

I object to it

Submission

I would like to submit my concern regarding the zoning of storm water infrastructure that is being proposed for the majority of my land and disagree with it as the current studies go against it. It is unfair and puts me and my family at a disadvantage financially.

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: Monday, 1 November 2021 8:08 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: rossmore-precinct.docx

Submitted on Mon, 01/11/2021 - 20:07

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

ALDO

Last name

PEDAVOLI

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

ROSSMORE 2557

Please provide your view on the project

I object to it

Submission file

[rossmore-precinct.docx](#)

Submission

Re: Rezoning of Rossmore

Objection attached.

I agree to the above statement

Yes

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: Monday, 1 November 2021 9:59 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Mon, 01/11/2021 - 21:59

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Salustio

Last name

Sejas

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

2178

Please provide your view on the project

I support it

Submission

I agree with the proposed amendments to the Environment and Recreation zone for land adjoining the Rossmore and Kemps Creek Precincts.

I congratulate the Independent Community Commissioner (ICC) Roberta Ryan for the work she is done and hope all residents on affected areas and the government ended up on a win to win situation.

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: Tuesday, 2 November 2021 4:31 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Tue, 02/11/2021 - 04:30

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Bart

Last name

laconis

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Kemps Creek

Please provide your view on the project

I support it

Submission

DPIE

This submission is on behalf of myself and my parents whom I am also representing and in support of all residents of the Aerotropolis Core and Aerotropolis non initial precincts.

I would like to start by saying that I acknowledge and respect the original indigenous custodians of the area the Darug people.

I would like to address the issue of E&R zoning within the Aerotropolis Core. Although this issue does not directly affect me at this time I can empathise with the plight of those that it does effect. Being treated fair and equitably is a right that all citizens of this state and country should be afforded regardless of their financial or social stature. I feel that currently this is not the case for those residents whose properties are within the E&R zone as current zoning guidelines are rendering their properties unsalable and or worthless.

In my opinion there is only one clear solution, to apply the Floor to Space Ratio to those properties that are currently zoned E&R. This would enable those residents to gain fair value for any potential sale of their property and encourage developers to invest in and development of the E&R zone at minimal cost to the taxpayer. I feel that this solution is only providing an upside to all parties involved, it is rare that this can be achieved so I implore you to consider this solution and the benefits it offers.

I would expect that some time in the future when non initial precincts are rezoned that those residents deemed E&R should have the same Floor to Space Ratio applied to their properties.

To the issue of noise, it can only be fair that compassionate acquisition be offered to those residents within the Aerotropolis Core whose properties are deemed uninhabitable by noise levels 25 or below. This issue should be addressed immediately due to the fast approaching date of the new Western Sydney International Airport becoming operational. Whether those residents choose to stay or leave is irrelevant, they should be offered the choice given the noise levels that will be imposed upon them. Once again precedents in the Aerotropolis Core should be applied to the future rezoning of non initial precincts and the residents faced with the same issues.

My personal situation and my parents whom I represent.

Recently at virtual community forums held in October 2021 the timeline of 15 to 20 years for non initial precincts excluding E&R zones to be rezoned was put to residents. This was an absolutely jaw dropping unbelievable timeframe especially given the amount of development in surrounding areas and the impact that will have on non initial precincts being a thoroughfare for development without receiving any of its benefits. Only disruption in the form of noise, pollution, traffic and general upheaval of a once quiet rural area will prevail, surely you can agree that it cannot be deemed rural when this starts to occur and to a degree already has.

I am and have been a resident of Kemps Creek for more than 40 years, my parents longer than that. My property is not located within the initial precincts and not located within the environmental zone. Since the eighties there has been an airport slated for Badgerys Creek, land use restrictions have been imposed regardless of the on again off again to and fro of political decision making that took until 15th of April 2014 to finally come to a head and Badgerys Creek Airport was given the green light. Yet I am still no closer to knowing what the future will hold, 40 years is a long time to have to wait for an answer, I'm sure or hope you would agree that this is unacceptable. This is the crux of why I'm writing to you, for assistance. Assistance to alleviate the feeling of uncertainty, confusion, lack of ability to make an informed decision and the mental pressures and stresses that come with that, regarding the future of my property and my own future. I like everyone else want to do the best for my family and those I care about, but I can't do that without information, a clear path forward. I should not have to beg for this information, it should already have been available to me and so many others in the same situation. I hope after reading this that you ponder the effects of inaction regarding this matter have on the residents of Kemps Creek and all non initial precincts. How many more years will we remain in limbo while the world around us moves ahead in leaps and bounds. The timeframe of 15 to 20 years for the rezoning of Kemps Creek is unacceptable and unrealistic and should be reassessed immediately. Residents deserve clarity and transparency as well as consultation during this process, please do not allow residents of Kemps Creek to wallow in the mire.

Respectfully

Bart laconis

I agree to the above statement

Yes

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[Redacted]

From: [Redacted]
Sent: Tuesday, 2 November 2021 8:05 AM
To: PPO Engagement; Emma Phillips
Subject: FW: Submission on behalf of Owner, [Redacted] Kelvin Park Drive, Bringelly - Western Sydney Aerotropolis Draft Precinct Plans and Explanation of Intended Effects (EIE)
Attachments: Letter to NSW DPIE re Bringelly - 1 Nov 21.pdf
Importance: High

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



Planning,
Industry &
Environment

[Redacted]

Greener Places, Great Public Spaces



dpie.nsw.gov.au/premiers-priorities

[Redacted]

Dear Executive Director

Please find attached a submission prepared on behalf of our client in respect of their property at [Redacted] Kelvin Drive, Bringelly.

Acknowledgement of receipt of this submission would be appreciated.

Kind regards
Denis

Denis Smith
Director, Planning and Property



Suite 1, Level 1
1073 Pittwater Road
Collaroy Beach, NSW 2097

ph: 02 8456 4754
m: 0400 777 115
e: denis.smith8@bigpond.com

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Please think before you print

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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: Tuesday, 2 November 2021 11:30 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Tue, 02/11/2021 - 11:29

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Beha

Last name

Asli

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

2556

Please provide your view on the project

I object to it

Submission

I'm writing in support of my friend and neighbor Daniela Cattarin who lives at [REDACTED] The Retreat Bringelly. She has been living at this residence for over 22 years with her husband, children and parents. She's been informed that the storm water basin will be located on her property which requires [REDACTED] of her land which is basically the her entire home. I understand that there is a need for the storm water basin, I ask that you reconsider the location and not affect her property. Thank you.

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](#)
To: [PPO Engagement](#)
Cc: epanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Date: Friday, 5 November 2021 4:12:09 PM
Attachments: [5-november-2021-gabriella-condello.docx](#)

Submitted on Fri, 05/11/2021 - 16:07

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Gabriella

Last name

Condello

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED]

Suburb/Town & Postcode

Rossmore

Contact number

[REDACTED]

Please provide your view on the project

I support it

Submission file

[5-november-2021-gabriella-condello.docx](#)

Submission

To Whom it may Concern,

please see attached Submission.

NB- I support the revomal of the ENZ to revert back to RU4 zones for land east of Wianamatta South Creek and Rossmore precincts. I do not support any intention to increase flood affection other than the current 1:100.

Please take into consideration my submission which identifies detailed concerns and suggestions for a way forward with respect to planning for Rossmore Precinct.

Kind regards,

Gabriella COndello
Benefiary and Resident of Rossmore

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](#)
To: [PPO Engagement](#)
Cc: planning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Date: Friday, 5 November 2021 4:20:13 PM

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

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Gregory

Last name

Allchin

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED]

Suburb/Town & Postcode

Penrith

[REDACTED]

Please provide your view on the project

I support it

Submission

I have been engaged by the owners of the property known as [REDACTED] Elizabeth Drive , Cecil Park for the past five (5) years to change the existing zoning . The owners are an international religious organisation . This centre is completely funded and managed by Sydney people , many who live around the 'local' area. Over 500 people attend the centre weekly and all workers involved in the organisation are volunteers . I myself am not charging for my consultancy.

The impact of the last zoning saw the value of the property drop by nearly 50% . This resulted in the Association not being able to grow and put a lot of uncertainty in the long term viability of the organisation in this location . The changes in the long term would effect use of the Centre by making it not being able to operate as it does currently. This seriously effected the morale of the members .

The new proposed zoning , back to Ru4 makes a lot of sense and the evidence on why this is being considered is logical and supported by facts. The decision is very much welcomed by the families who use the Centre.

Thank you for listening to the various submissions made to change the zoning and responding accordingly.

I agree to the above statement

Yes

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Edna Grigoriou

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 2 November 2021 6:55 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Tue, 02/11/2021 - 18:55

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Rolando

Last name

Felli

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Luddenham NSW

Please provide your view on the project

I am just providing comments

Submission

To whom it may concern,

RE: [REDACTED] Luddenham Rd Luddenham

We believe the stormwater infrastructure area proposed at the rear of our property is excessive and should be reduced in area. An amount of [REDACTED] is currently proposed but we feel an area of approximately [REDACTED] along the creek line is more equitable.

In addition to the above, we believe greater certainty for landowners is required in respect of landholders with land that is scheduled to be acquired. Compensation for the land being acquired should be based on the zoning of the unaffected land so owners receive a fair outcome against the other nearby landowners with no land scheduled for acquisition. Provisions should also be made to allow for landowners to request for their land to be acquired whenever they wish for this to take place. An acquiring authority should be advertised to the community for comment.

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](#)
To: [PPO Engagement](#)
Cc: epanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Date: Friday, 5 November 2021 4:33:55 PM

Submitted on Fri, 05/11/2021 - 16:33

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Sohan

Last name

Birring

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] kings hill road

Suburb/Town & Postcode

Mulgoa nsw

Contact number

[REDACTED]

Please provide your view on the project

I support it

Submission

I have had the opportunity to review the proposed zoning changes that effect our property at [REDACTED] Elizabeth drive, Cecil park

The proposed change back to the original RU4 zoning is very welcomed not just by myself but the other 500 plus people who attend our centre

We appreciate you listening to our concerns and actions accordingly

This change particularly effects the long term viability of our centre.

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](#)
To: [PPO Engagement](#)
Cc: planning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Date: Friday, 5 November 2021 4:53:09 PM

Submitted on Fri, 05/11/2021 - 16:52

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Dan

Last name

Brindle

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Mountain Street

Suburb/Town & Postcode

Broadway

Contact number

[REDACTED]

Submission

see attached submission

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: Tuesday, 2 November 2021 8:33 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: albertina-and-victor-bajada.docx

Submitted on Tue, 02/11/2021 - 20:32

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Albertina

Last name

Bajada

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Rossmore 2557

Please provide your view on the project

I object to it

Submission file

[albertina-and-victor-bajada.docx](#)

Submission

Submission attached.

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: Wednesday, 3 November 2021 6:33 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Wed, 03/11/2021 - 06:33

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Carmel

Last name

laconis

I would like my submission to remain confidential

No

Info

Suburb/Town & Postcode

Kemps Creek

Please provide your view on the project

I support it

Submission

DPIE

This submission is on behalf of myself and my husband and in support of all residents of the Aerotropolis Core and Aerotropolis non initial precincts.

I would like to start by saying that I acknowledge and respect the original indigenous custodians of the area the Darug people.

In regards to the issue of E&R zoning within the Aerotropolis Core. I feel that it is only fair to apply the Floor to Space Ratio to those properties that are currently zoned E&R. Residents would be able to get fair value for their property and encourage developers to invest and also encourage development of the E&R zone and reduce the burden on the taxpayer. This approach if taken is a win for all parties involved, a scenario that is very hard to come by which is why it should be considered seriously. It would be expected that when non initial precincts are rezoned residents deemed E&R should have the same Floor to Space Ratio applied to their properties.

In my view it would be obvious that compassionate acquisition be offered to residents within the Aerotropolis Core whose properties are deemed uninhabitable by noise levels 25 or below. This issue should be a priority given that Western Sydney International Airport is due to become operational in the very near future. If residents choose to stay that is up to them, they should be afforded the choice due to the noise levels that they will be subjected to.

Again any zoning and planning precedents in the Aerotropolis Core should be applied to non initial precincts and the residents faced with the same issues upon rezoning.

Myself and my husband recently sat in on virtual community forums held in October 2021 where the timeline of 15 to 20 years for non initial precincts excluding E&R zones to be rezoned was put to residents. This timeframe left us shocked, demoralised and felt like a slap in the face given the amount of development in surrounding areas, why should Kemp's Creek and all non initial precincts be excluded from development and prosperity for such a vast amount of time. Our once peaceful and tranquil surrounds will be awash with noise, pollution, traffic and general disturbance. You must agree that such a major change cannot be thrust upon residents for the unbelievably lengthy timeframe being proposed.

I am and have been a resident of Kemp's Creek for more than 60 years my husband more than 40 years. Our property is not located within the initial precincts and not located within the environmental zone. As far back as we can remember the Badger's Creek Airport has loomed like a dark cloud of uncertainty over the area that is until 15th of April 2014 when it was finally given the go ahead. We thought naively that this decision would provide us with at least some information to plan for the future, yet we are still no closer to knowing what the future will hold, 60 years and in my husband's case 40 years is a long time to have to wait for a clear answer. We are of ailing health and of an age that a 15 to 20 year timeframe is unfortunately a period we may not be around to appreciate. It is with this in mind that we ask that you reconsider and reassess the proposed 15 to 20 year timeframe for the rezoning of Kemp's Creek and non initial precincts. We have worked hard all our lives to build a home and enjoy a rural lifestyle but shortly that will be taken away with the area to become a metropolis or should I say Aerotropolis. Why should Kemp's Creek and non initial precincts be excluded from the benefits that Western Sydney International Airport will bring to the surrounding areas and why such a vast timeframe is befuddling. I am certain we are not alone in our concerns, please treat us and the residents of Kemp's Creek and non initial precincts with the respect and dignity we deserve and address these issues with the seriousness as if they were pertaining to you. For you these may just be decisions to be made but for us these decisions effect every facet of our lives.

Sincerely

Carmel & Ralph Iaconis

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: Wednesday, 3 November 2021 1:48 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: grace-buda_derwent-rd-bringelly.docx

Submitted on Wed, 03/11/2021 - 13:47

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Grace

Last name

Buda

I would like my submission to remain confidential

No

Info

Email

Address

Derwent Rd

Suburb/Town & Postcode

Bringelly

Contact number

Please provide your view on the project

I object to it

Submission file

[grace-buda_derwent-rd-bringelly.docx](#)

Submission

This submission is a summary of our issues and concerns pertaining to the Explanation of Intended Effect (EIE) currently on exhibition in particular the impact of the Open Space Network and storm water infrastructure on our property at Derwent Road Bringelly.

We have lived on our property of 5 acres since 1972. It is our nest egg for retirement.

We have been advised that the Government intends to acquire all of our land for storm water infrastructure.

We appreciate that some of the land will be required, but do not understand why our entire property is needed particularly given our neighbour is only having 10% of their land acquired (also for storm water) allowing the rest of their land to be sold.

The Government's rationale for the scale of land to be acquired – our property plus others – is not clear. It seems to greatly exceed what should be required. We are concerned that the storm water will not proceed as planned, that we will lose our land for no reason, and once we have been acquired that it will eventually be rezoned and sold for a greater amount. This puts us at a serious financial disadvantage.

We would like the Government to review the amount of our land to be acquired and ask that we are left with a couple of acres at the front of the property for our house and sheds.

We would also like to know when the Government will want to acquire the land. We understand that this is a long-term approach, but we need to be able make plans for the future. Physically, we are managing to maintain our property now. But we would like to know our options if we need to leave.

Our final point relates to rates. If we choose or have to stay, we are concerned that our rates will go sky high. This is a significant worry for us, and we would like to know what options we have.

Grace and Vince Buda



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: Wednesday, 3 November 2021 2:21 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Wed, 03/11/2021 - 14:21

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Maria

Last name

Panuccio

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Horsley Park

Please provide your view on the project

I object to it

Submission

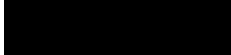
It is laughable that NSW Liberal Gov claim to have listened to the community.
NSW Liberal Gov plan for the future is to destroy local residents of today.

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: Wednesday, 3 November 2021 2:27 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: paul-taglioli-submission-final-110.pdf

Submitted on Wed, 03/11/2021 - 14:24

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Paul and Monica

Last name

Taglioli

I would like my submission to remain confidential

No

Info

Email



Address

Badgerys Creek Rd

Suburb/Town & Postcode

Bringelly

Contact number



Please provide your view on the project

I support it

Submission file

[paul-taglioli-submission-final-110.pdf](#)

Submission

Paul and Monica Taglioli

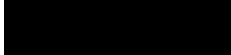
Submission to extend Mixed Use

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: Wednesday, 3 November 2021 4:18 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Wed, 03/11/2021 - 16:17

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Chinmay

Last name

Vaishnav

I would like my submission to remain confidential

No

Info

Email



Address

 Kelvin Park Drive

Suburb/Town & Postcode

Bringelly

Contact number



Please provide your view on the project


I support it

Submission

Hi,

I would like to share my concerns regarding the proposed acquisition of a large portion of my land for a stormwater facility. My land was more than 80% flood free at time of purchase, however now more than half has been appointed an E&R zone. We were given only 1 day of notice prior to the government's written intention of claiming more than half our land for the stormwater facility.

I support the open space network, however I do not believe it should be at the expense of the existing landowners. At the very least, the payment for acquisition should be at market rate at MU, as majority of the land was above the 1-100 flood level.

 We have not been provided any detail around zoning or access for this isolated land. We request you please provide detail around this isolation portion of my land that has not been marked for acquisition. We have attempted contact with DPIE for these details and received

no response.

I look forward to hearing from you soon.

Regards,
Chinmay

I agree to the above statement

Yes

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[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: Wednesday, 3 November 2021 10:54 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Wed, 03/11/2021 - 22:53

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

mona

Last name

maimoun

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Willowdene ave

Suburb/Town & Postcode

Luddenham 2745

Contact number

[REDACTED]

Please provide your view on the project

I object to it

Submission

Hi, I refer to our property at [REDACTED] Willowdene Avenue Luddenham. We are disappointed that you chose to change the original greenspace designation and name it Sp2 on our property and increase the size to nearly half of our land. I request that you consider the following points regarding our property.

The Open Space needs study sought to rationalise and reduce Open Space but it has increased it in this scenario
The information released on basin sizing is out of date and the information and the investigations done to inform the Open Space Needs Study have not been publicly released.


The site is not flood prone on the SEPP mapping.

Regarding acquisition could you consider,

The process for acquisition be finalized urgently, ideally before the end of the year when the precinct plans are due to be released.

We as landowners be given the opportunity to be acquired at a time that suits us, and that this process should take no longer than a month from notice to settlement.

That the underlying value of the land be acquired at full market rates for Agribusiness given the land is relatively uninhibited and could otherwise be developed. (this will not likely be the case for the creek line). Thanks for this opportunity. Please feel free to contact me for any queries.

Mona Maimoun 

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: Wednesday, 3 November 2021 10:57 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Wed, 03/11/2021 - 22:57

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Zaki

Last name

Maimoun

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Willowdene ave

Suburb/Town & Postcode

LUDDENHAM 2745

Contact number

[REDACTED]

Please provide your view on the project

I object to it

Submission

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Zaki Maimoun 

I agree to the above statement

Yes

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Sent: Wednesday, 3 November 2021 11:19 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Wed, 03/11/2021 - 23:18

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Maimoun

Last name

Lillian

I would like my submission to remain confidential

No

Info

Email

Address

Willowdene Avenue

Suburb/Town & Postcode

Luddenham 2745

Contact number

Please provide your view on the project

I object to it

Submission

Subject: Submission notes for Eddie & Lillian Maimoun

Hi, I refer to our property at Willowdene Avenue Luddenham. We are disappointed that you chose to change the original greenspace designation and name it Sp2 on our property and increase the size to nearly half of our land. I request that you consider the following points regarding our property.

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Needs Study have not been publicly released
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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](#)
To: [PPO Engagement](#)
Cc: planning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Date: Wednesday, 3 November 2021 11:26:52 PM

Submitted on Wed, 03/11/2021 - 23:26

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Toufik

Last name

Maimoun

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Willowdene Avenue

Suburb/Town & Postcode

Luddenham 2745

Contact number

[REDACTED]

Please provide your view on the project

I object to it

Submission

Hi, I refer to our property at [REDACTED] Willowdene Avenue Luddenham. We are disappointed that you chose to change the original greenspace designation and name it Sp2 on our property and increase the size to nearly half of our land. I request that you consider the following points regarding our property.

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Toufik Maimoun [REDACTED]

I agree to the above statement

Yes

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[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: Wednesday, 3 November 2021 11:42 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Wed, 03/11/2021 - 23:42

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Christopher

Last name

Maimoun

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Willowdene Avenue

Suburb/Town & Postcode

Luddenham 2745

Contact number

[REDACTED]

Please provide your view on the project

I object to it

Submission

Hi,
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Thanks for this opportunity. Please feel free to contact me for any queries.

Christopher Maimoun [REDACTED]

I agree to the above statement

Yes

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BC LAND PTY LTD
ACN 638 041 531 (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] Lawson Rd, 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:

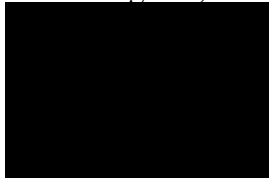
- Explanation of Intended Effect - Amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis (EIE), dated October 2021; and
- Western Sydney Aerotropolis Open Space Needs Study (Open Space Needs Study), dated October 2021.

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

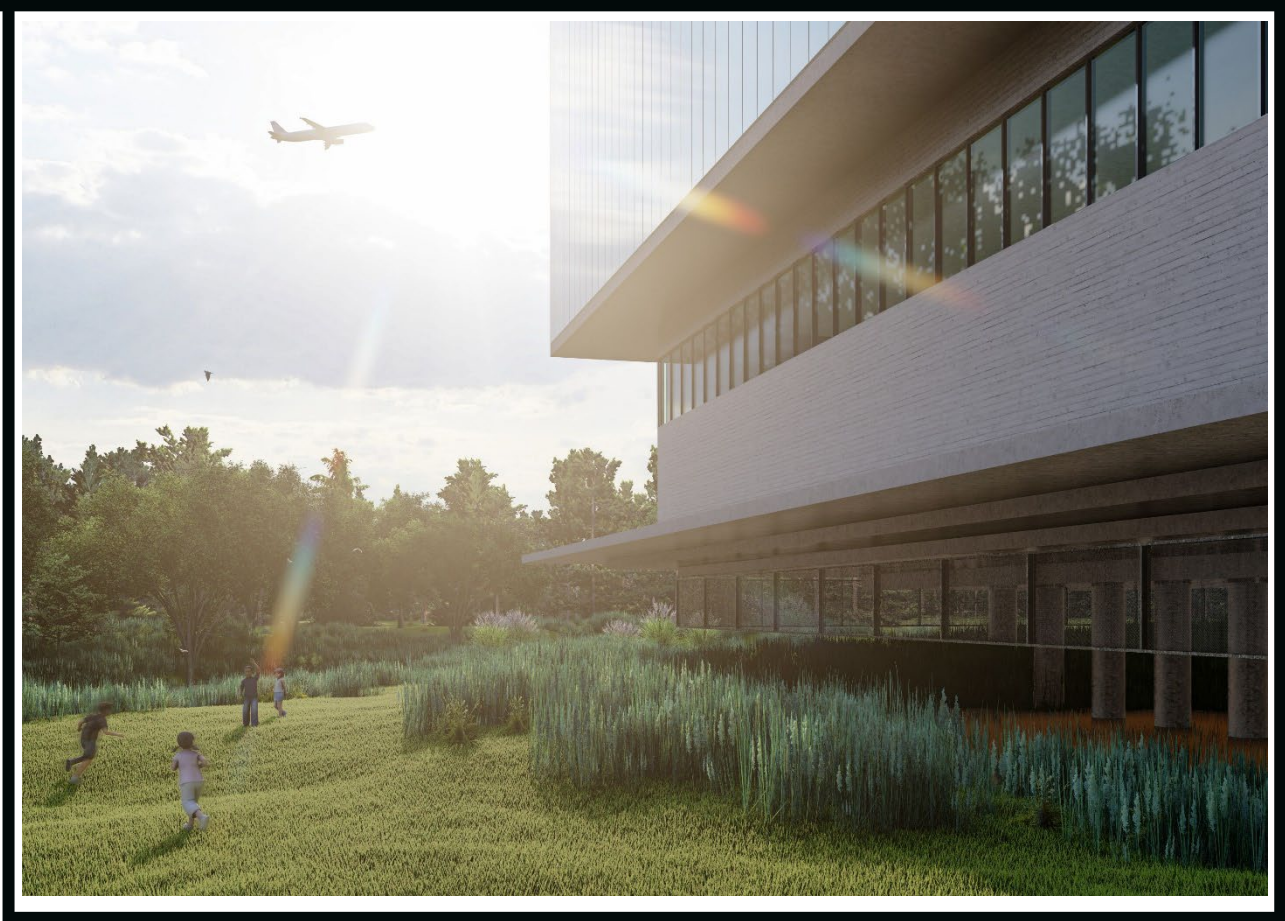
I strongly welcome additional opportunities to discuss proposed planning controls as the DCP progresses towards finalisation. Please do not hesitate to contact me directly to discuss this submission further.

Kind Regards,



Simon Quinn
Director
BC Land Pty Ltd

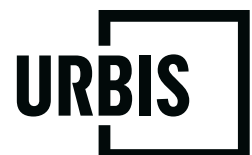




LAWSON ROAD, BADGERYS CREEK

Submission to Aerotropolis
SEPP Explanation of Intended
Effect and Open Space Needs
Study

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 on Lawson Road, Badgerys Creek.

The submission is in response to the public exhibition of:

- *Explanation of Intended Effect - Amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis (EIE), dated October 2021*
- *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.

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 released in September 2021.
- 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 SP2 Zones in the EIE which relates to land identified for acquisition for open space and stormwater infrastructure within the Aerotropolis.

This submission provides a detailed consideration of 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.

The submission also responds to the proposed changes to *State Environmental Planning Policy (State and Regional Development) 2011* ('the SRD SEPP').

A separate submission has been prepared by Urbis on behalf of BC Land 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') and accompanying documents.

2. SUMMARY OF RECOMMENDATIONS

BC Land makes the following comments and recommendations in respect of the EIE exhibition package that must be addressed prior to its finalisation.

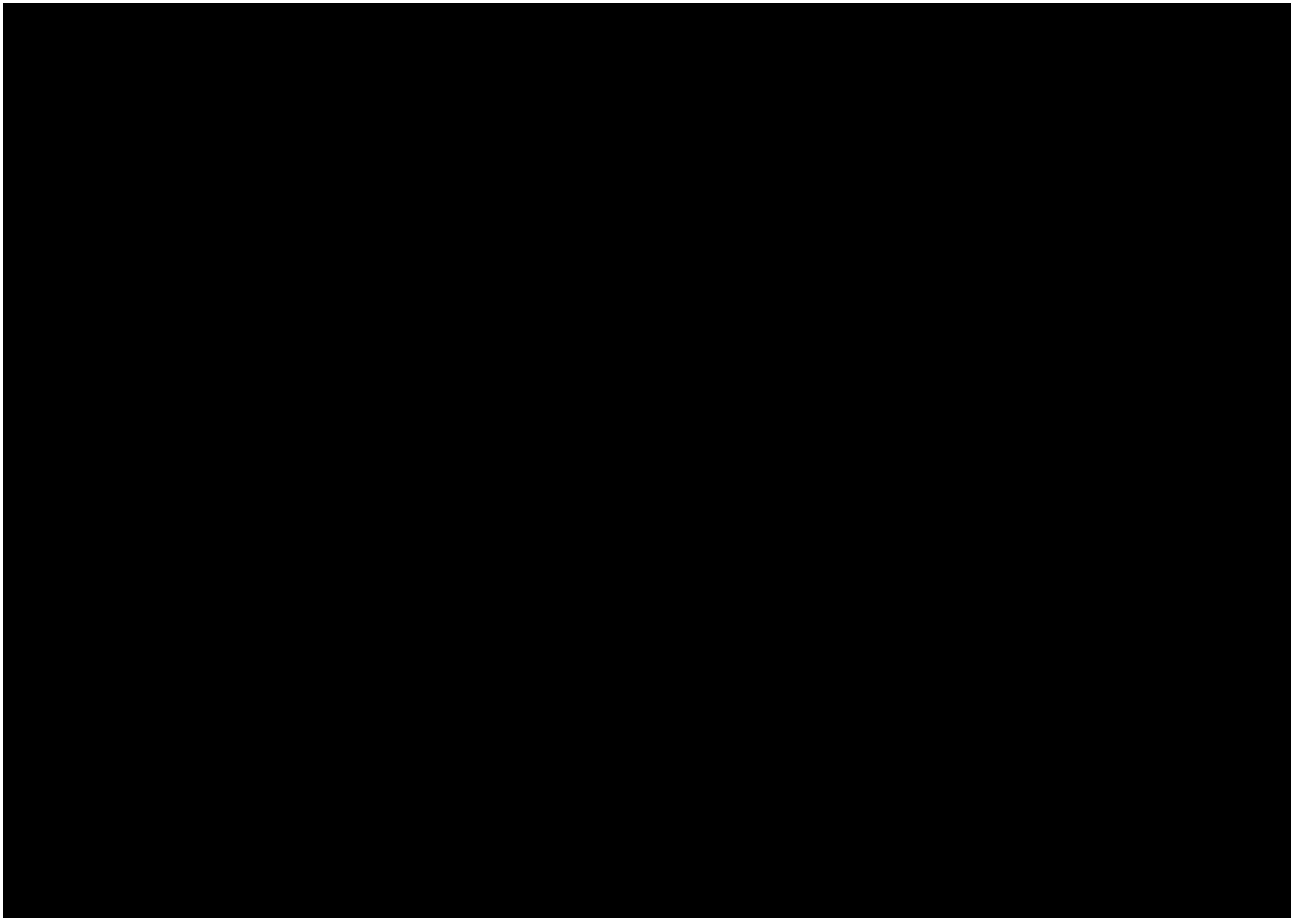
1. The wording of the written instruments must be released for public comment prior to gazettal. Alternatively, DPIE must delay the commencement of the instrument and invite targeted feedback from the development industry and planning practitioners prior to the commencement date.
2. The amendment package must respond to industry feedback regarding the appropriateness and practicality of requiring design competitions for certain types of development including industrial, warehousing, and other similar land uses. These types of land uses must be excluded from a design competition in favour of a more appropriate design excellence review panel process.
3. Any stormwater infrastructure overlay must be flexible to allow these areas to be properly investigated, designed, refined, and developed in a manner that incorporates Connection to Country and airport safeguarding principles whilst also minimising the impacts upon the developable areas of key development sites.
4. Critical infrastructure such as stormwater detention and open space, should be confirmed at the development application (DA) stage. Details of this infrastructure must be removed from statutory documents. We advocate an approach that includes the indicative areas required for stormwater within the Aerotropolis DCP such that reasonable alternative outcomes and locations can be demonstrated.
5. If these areas for stormwater infrastructure are to be acquired, the funding mechanism for any acquisition of this infrastructure must be clarified including whether this will result in an increase to exhibited local / state contribution rates.
6. BC Land broadly support the strengthening of the framework to implement Connection to Country Guidelines into future developments within the Aerotropolis.
7. BC Land would object to the limiting of public vehicle access into WSA from Pitt Street which is identified as an Arterial Road on the Transport Corridors Map. This road is critical to facilitate direct access to WSA and future Metro at the Airport Business Park, noting the holding's uniquely close proximity to the future Metro at the Airport Business Park.
8. The scope of complying development permitted in the Aerotropolis must be expanded to include Part 5A Commercial and Industrial (New Buildings and Additions) Code of the Codes SEPP. A commitment to allow complying development consistent with the precinct plan for industrial development under the changes being proposed under the Building Business Back Better Framework would send a significant positive message to the industry and provide significant boost to the early investment and activation of the Aerotropolis.
9. The role of the WCPA to promote and facilitate investment and jobs on Government owned land must not conflict with their increased role in the precinct plan process. The WCPA must also ensure that economic imperatives to promote investment and jobs intensive land uses are prioritised in the final precinct plan, noting the holding's uniquely close proximity to the future Metro at the Airport Business Park.
10. There must be other opportunities to amend a precinct plan for sites that are not subject to the Master Plan process.
11. The proposed clause requiring a master plan to amend a Precinct Plan should not interfere with the operation of the SSDA process (including the use of s4.38(3) of the EP&A Act, partly prohibited development) for relevant development within the Aerotropolis.
12. Detail of how clause 4.6 will enable variations to the precinct plan is 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.
13. The Master Plan guidelines must be released as a matter of priority as per the ICC report and be subject to public exhibition for community feedback.
14. The Master Plan pathway must be a compelling process for industry and must prioritise expedited assessment timeframes.
15. The proposed changes to the SRD SEPP must be abandoned as they will unnecessarily impact upon the delivery of development that would ordinarily be classified as SSD.

3. SITE AND PLANNING CONTEXT

The submission specifically relates to land at [REDACTED] Lawson Road, Badgerys Creek [REDACTED] [REDACTED] with a total site area of approximately 13.88 hectares. However, discussions are ongoing with respect to the acquisition of [REDACTED] Lawson Rd and initially the land owner of [REDACTED] Lawson Rd has advised of their willingness for their proposed development to be incorporated at an alternative location within any broader master plan over the [REDACTED] Lawson Rd 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 135 Lawson Rd extends to **approximately 15.90 hectares.**

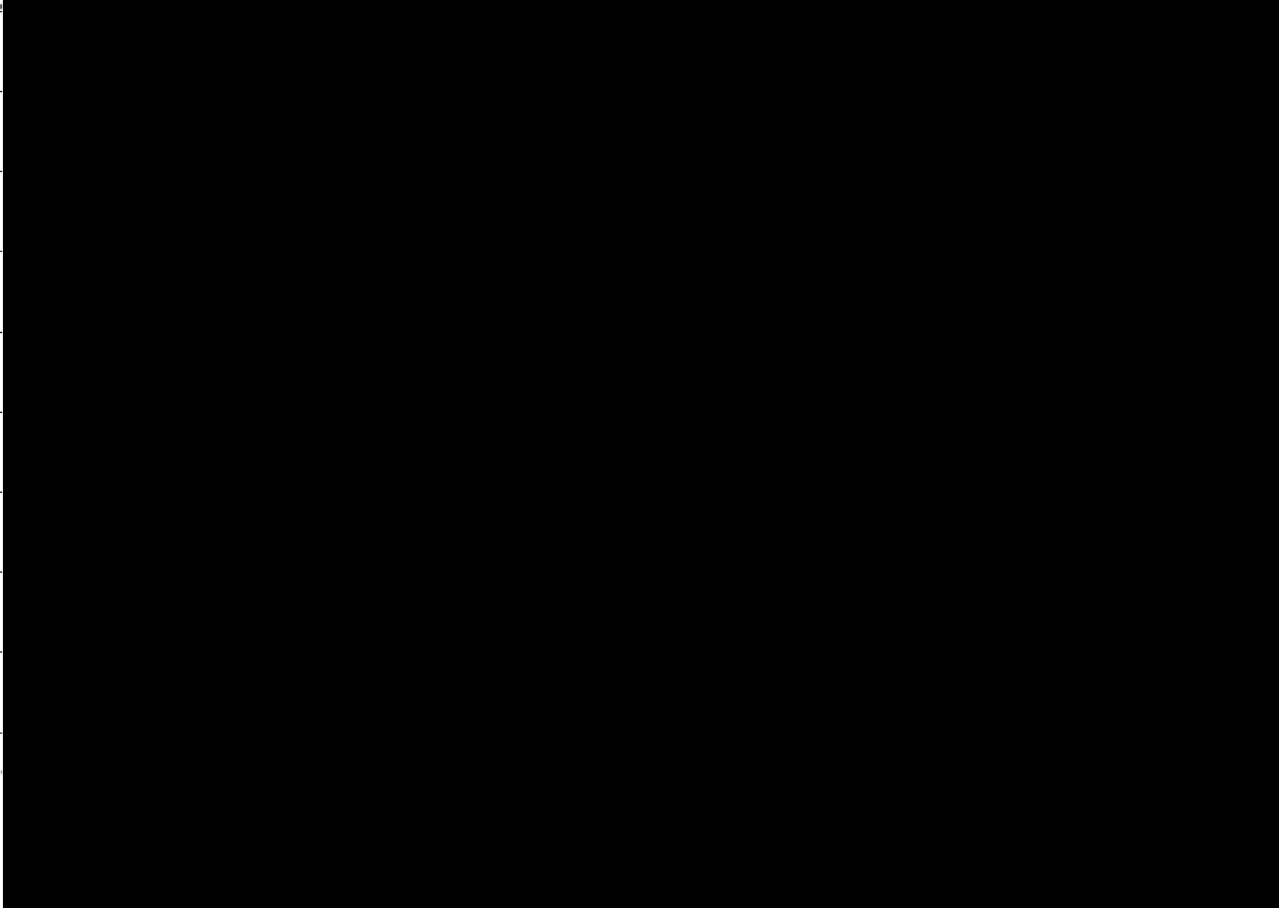
Figure 1 below highlights the extent of the site and surrounding properties. The site is bounded by largely cleared rural landholdings to the north, east and south. The site's rear boundary to the west abuts a riparian corridor that runs parallel with Badgerys Creek, with the boundary to the WSA beyond. The site is currently occupied by several rural residential dwellings.

Figure 1 Site Aerial



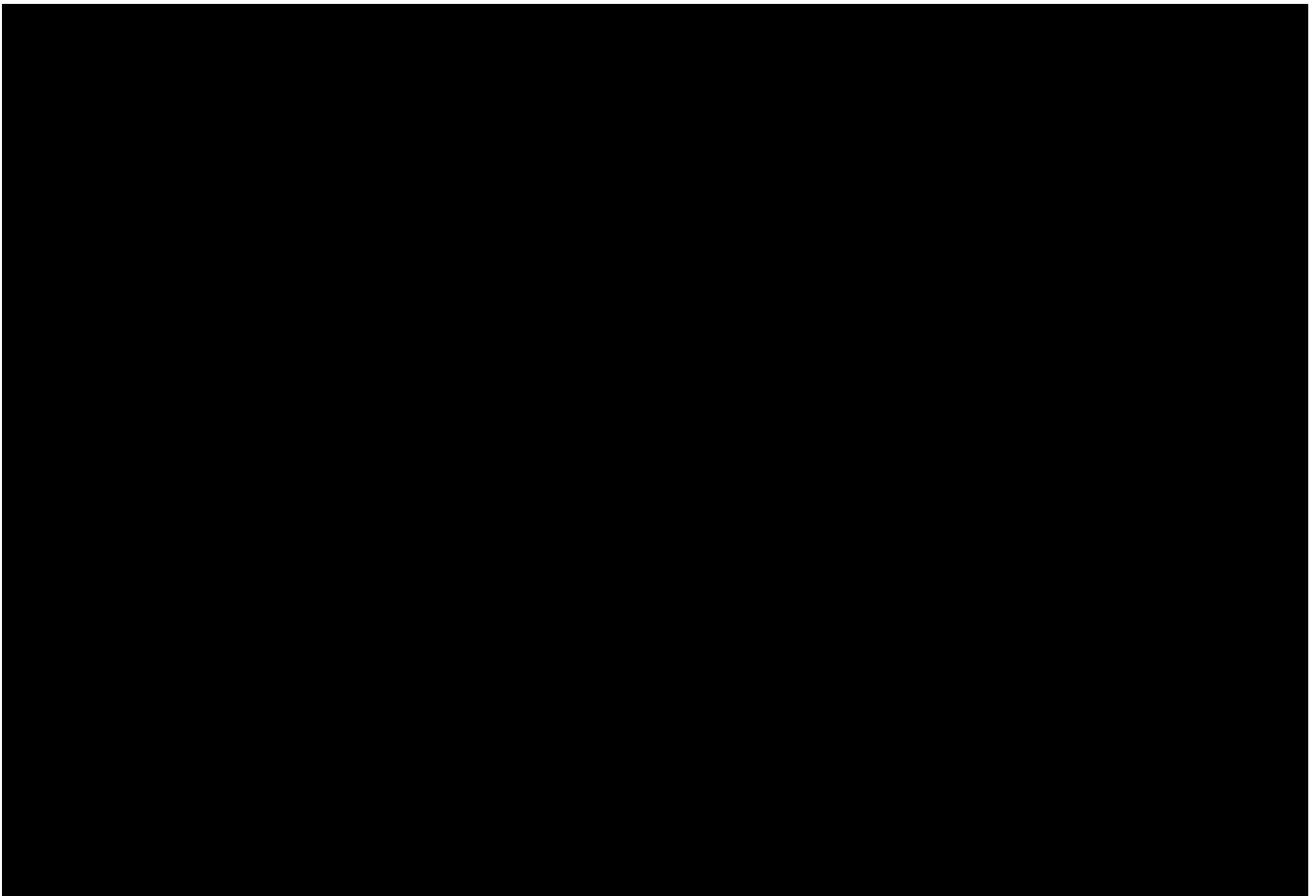
As illustrated in **Figure 2** the site is strategically located in a “gateway” style position with an extensive frontage to Pitt Street which will form a key arterial road into WSA connecting via the internal road network with the Airport Business Park and associated Metro Station. The holding benefits 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



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

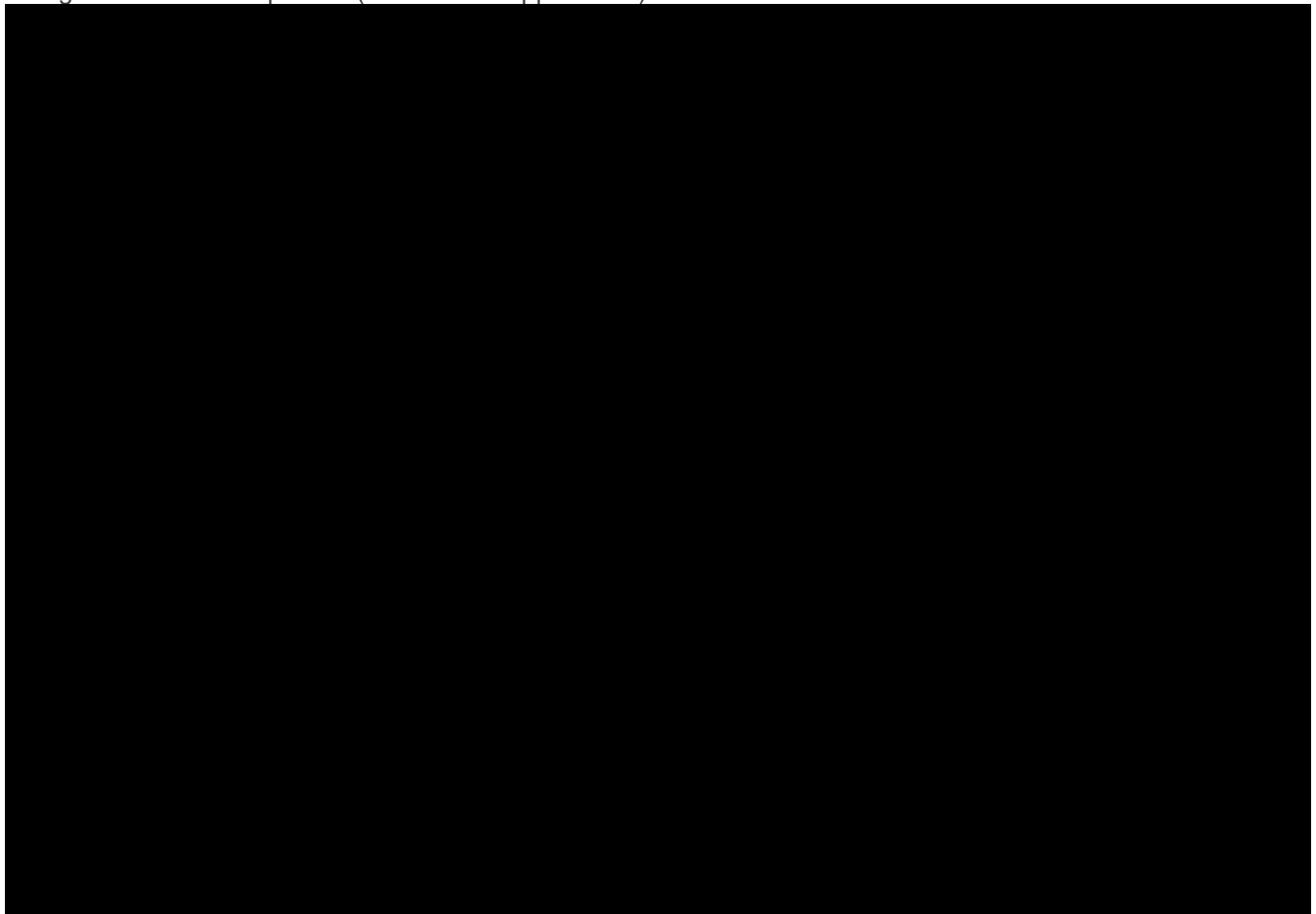
BC Land are seeking to develop the subject site for employment generating purposes in the form of a light industrial warehousing and enterprise business park that broadly aligns with the strategic intent of the Badgerys Creek Precinct and Western Sydney Aerotropolis.

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 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.

To realise the significant potential for this site fronting Pitt Street, one of the main access points to WSA, whilst providing an effective response to the environmental, cultural and planning objectives, BC Land strongly support an approach that would allow industry professionals to develop innovative responses to the site-specific constraints.

A site-specific design approach is necessary to ensure that the risks raised by key agencies in relation to bird and bat strike are addressed appropriately and with the rigour that such important safety considerations warrant. 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 treat bird strike risk. Avisure have advised BC Land 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.**”*

This matter has been reiterated in the attached Statement from Stellen Engineering (Appendix C) who note:

“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...”

As noted in the overview letter at Appendix B and Engineering Statement at Appendix C, 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 Render – Proposed 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. GENERAL MATTERS

Similar to the approach taken with the Aerotropolis SEPP in 2019, the EIE does not detail the wording of the proposed specific clauses but rather provides a plain English version of the intended changes. The approach taken by DPIE to not exhibit the written instrument is considered problematic for these reasons:

- It does not allow all stakeholders an opportunity to review and provide comment on how the clauses will be implemented.
- It does not allow the opportunity for DPIE to identify potential errors, practical considerations and alternatives to the approaches being put forward.

A case in point for the above relates to the current clauses relating to design excellence and requirements for design competitions under clause 34 of the ASEPP outlined in more detail in section 5.2 below.

The written clauses relating to design excellence were not included in the original Discussion Paper for the Aerotropolis SEPP released in 2019, however were included in gazetted version in September 2020. This approach provided no opportunity for the industry to outline its views on the practical implications of such a clause.

Recommendations

- The wording of the written instruments must be released for public comment prior to gazettal. Alternatively, DPIE must delay the commencement of the instrument and invite targeted feedback from the development industry and planning practitioners prior to the commencement date.

5.2. DESIGN EXCELLENCE

Part 5 of the Aerotropolis SEPP outlines requirements for Design Excellence. The objective of this part is to ensure development in the Aerotropolis delivers the highest standard of architectural, urban and landscape design and that it is consistent with the Government Architect's policy, *Better Placed*. The Aerotropolis SEPP sets out requirements for Design Excellence including the requirement for a design review panel review of any development with a capital investment value of more than \$20 million and a design competition for any development over 40 m in height or with a Capital Investment Value greater than \$40 million.

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 ASEPP in 2019.

We consider the current thresholds to be 'broad-brush' which are not appropriate for all types of development. For example, the minimum \$20 million threshold for design review panel could require DAs for civil infrastructure works to be referred to a design review panel for a design excellence review. Further, the minimum \$40 million threshold for design competitions could require an architectural design competition to be held for industrial / warehouse developments which have highly specified operational requirements which would not be readily incorporated into a competitive design process.

The EIE does not include Part 5 Design Excellence provisions as part of the current amendments package, and there is no indication of any proposed amendments to the existing design excellence provisions within the Aerotropolis SEPP in relation to the thresholds for design review panels and design competitions.

This is a missed opportunity to clarify design excellence and the requirement for design competitions, especially for industrial / warehouse development. The clause as written has the potential to significantly impact / delay the delivery of essential industrial / warehouse development and early activation / jobs within the Aerotropolis.

Recommendations

- The amendment package must respond to industry feedback regarding the appropriateness and practicality of requiring design competitions for certain types of development including industrial, warehousing, and other similar land uses. These types of land uses must be excluded from a design competition in favour of a more appropriate design excellence review panel process.

5.3. SP2 STORMWATER INFRASTRUCTURE ZONE

The EIE recognises that one of the key objectives for the WSA is to become a cool green place which retains water in the landscape. This will require a stormwater system which promotes waterway health and water recycling to provide sustainable outcomes. Page 13 of the EIE states:

“The future stormwater system requires space for creation and management of dams and stormwater 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.

*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.**”*

Stormwater Infrastructure is defined in the Open Space Needs Study as:

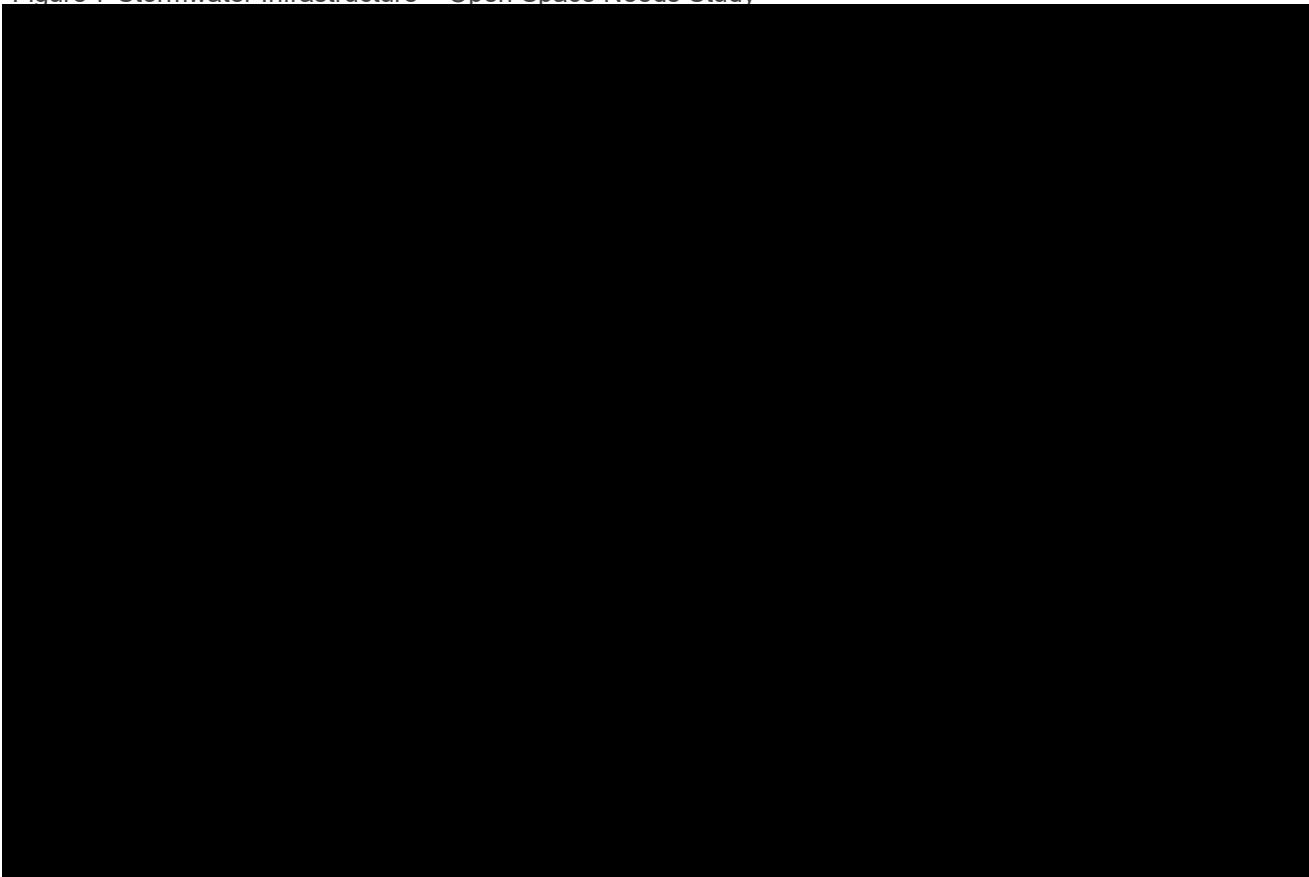
- *“Wetlands / Storage*
- *Creeks or Naturalised Drainage Channels.”*

As per **Figure 7**, the Open Space Needs Study has identified that areas 11 and 12 will require **4.1ha** for stormwater infrastructure and provides the following rationale for the inclusion of these areas:

- *“Stormwater infrastructure*
- *Riparian corridor protection (Strahler Stream Order 4).*
- *Waterway Health*
- *High Biodiversity Vegetation*
- *High Aboriginal heritage sensitivity and heritage values.”*

The rationale for the protection of these areas includes high biodiversity value in addition to being an area that would likely contain high aboriginal heritage sensitivity and heritage value.

In reviewing the draft Precinct Plan and the high biodiversity area (HBV) mapping within the ASEPP, the riparian corridor is confined to Badgerys Creek. As this 4th order stream meets the definition of a River under the *Water Management Act 2000*, it is required to provide a 40m vegetated riparian zone from the top of bank either side of the watercourse, this VRZ offset has been allowed for in the indicative concept plan. The concept plan is therefore generally consistent with the above in that it generally avoids the sensitive areas around the Badgerys Creek corridor.



Despite the areas identified in blue in **Figure 7** being identified for acquisition via an SP2 Zone in the EIE, it is understood that a stormwater overlay is being considered by DPIE as an alternative. This overlay would identify the locations for this land that will be required for stormwater infrastructure and detention basins but not fix them within a specific SP2 Zone.

Irrespective of the approach taken by DPIE, BC Land strongly objects to the extensive areas of its site being designated for stormwater infrastructure for these reasons:

- The areas for stormwater infrastructure should not be identified in a fixed and inflexible SP2 zone or overlay in any statutory document such as the ASEPP or Precinct Plan.
- The extent of basins can be confirmed and rationalised at DA stage. An indicative basin plan should 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 which can verify 1:100 flood extents and appropriately configure and rationalise the extent of any stormwater infrastructure and on-site detention which can also respond to any Connection to Country requirements to protect the Badgerys Creek Corridor.
- The areas required for stormwater infrastructure go significantly beyond the Vegetated Riparian Zone being 40m from the top of bank required under the *Water Management Act 2000* for fourth order streams.
- As per the Engineering Statement at Appendix C, specific design approaches can be utilised to ensure that any future building can be designed to allow flood flow and achieve the level of flood storage required.
- The location of large wetlands/stormwater infrastructure, detention basins and requirements for stormwater harvesting on the site conflicts with the benchmark solution (10.3.2, PO1, 3) in the draft DCP for detention basins within the 3km buffer to drain within 48 hours to minimise wildlife attraction that may create a safety hazard to the operations of the airport. The Mean Annual Rainfall Volume targets in the DCP also conflict with this requirement as it requires stormwater to be held and re-used on site. As noted in the Design Overview (Appendix B) and Engineering Statement (Appendix C), a better approach would

be to engineer a solution to rationalise flood storage areas on site to prevent wildlife attraction and its obvious conflict with the operation of WSA.

- It is our understanding that Sydney Water's integrated water cycle approach (rainwater retention and stormwater harvesting) is unproven, un-costed and won't be realised in the short to medium term. Further it is understood that Sydney Water may be considering a regional solution for evaporative ponds for stormwater quality management. If this is the case, then it is possible that the extent of areas required for onsite stormwater management and flood storage could be reduced and as such supports any overlay for stormwater infrastructure being included in a non-statutory document such as a DCP.
- The Open Space Needs Study also states that stormwater infrastructure has been located on land already identified for open space to limit impact on developable land however, in many cases the additional open space areas identified within the precinct plan already impacted developable land beyond the gazetted ENZ zone boundaries. Limiting developable area beyond the current ASEPP zoning not only impacts sound planning outcomes but would also impact on any contributions based off net developable area.
- We also highlight the Independent Community Commissioner's (ICC) report which indicated that adoption of updated flood modelling should not increase the ENZ. Whilst the ENZ is not proposed to be increased, the implementation of a stormwater infrastructure overlay within any statutory document would essentially result in an increase to the ENZ by quarantining these areas as additional open space.
- If the land for stormwater is to be acquired, the EIE does not provide clarity on who the relevant acquisition authority will be and what capacity the Trunk Drainage Manager will have to acquire land identified by the stormwater infrastructure overlay. It is also unclear whether the areas to be acquired would impact on contributions.

Recommendations

- Any stormwater infrastructure overlay must be flexible to allow these areas to be properly investigated, designed, refined, and developed in a manner that incorporates Connection to Country and airport safeguarding principles whilst also minimising the impacts upon the developable areas of key development sites.
- Critical infrastructure such as stormwater detention and open space, should be confirmed at the development application (DA) stage. Details of this infrastructure must be removed from statutory documents. We advocate an approach that includes the indicative areas required for stormwater within the Aerotropolis DCP such that reasonable alternative outcomes and locations can be demonstrated
- If these areas for stormwater infrastructure are to be acquired, the funding mechanism for any acquisition of this infrastructure must be clarified including whether this will result in an increase to exhibited local / state contribution rates.

5.4. CONNECTION TO COUNTRY

As set out in the EIE, it is proposed the Aerotropolis SEPP include a new clause requiring a consent authority to be satisfied that development proposals that have the potential to change the landscape (such as subdivision, major industrial or commercial buildings) have duly considered the Recognise Country Guideline. This clause is to be supported by Section 2 'Recognise Country' of the Phase 2 Development Control Plan (Phase 2 DCP) and the *Western Sydney Aerotropolis Recognise Country Guideline* (WSA Recognise Country Guideline).

As addressed in further detail in our separate submission on the draft Phase 2 DCP, the inclusion of the new clause is a positive step to recognising Indigenous culture early in the development process and the influence this can have on improving development outcomes.

Recommendations

- BC Land broadly support the strengthening of the framework to implement the Recognise Country Guideline into future developments within the Aerotropolis.

5.5. CHANGES TO TRANSPORT CORRIDORS

The sites southern boundary fronts a future arterial road (Pitt Street) leading directly into the airport, which connects to a further primary arterial road (Martin Road/Eastern Ring Road) to the west.

Pitt Street remains defined as a 40m Arterial Road. Despite this designation as an arterial road in the ASEPP and cross sections provided within the draft Precinct Plan indicating that a transport lane and a vehicle lane can be provided within this 40m corridor, it is understood WSA intends this access road into the airport to be for public transport only.

Our clients object to any limiting of public vehicle access noting that this road is critical to the development being able to facilitate direct access to the future Metro Station at the Airport Business Park. This access will also be critical to support aviation related land uses which can be provided on site.

Recommendations

- BC Land objects to any future restrictions to public vehicle access to the airport from Pitt Street which is identified as an Arterial Road on the Transport Corridors Map. This road is critical to facilitate direct access to WSA and future Metro at the Airport Business Park.

5.6. COMPLYING DEVELOPMENT

At the time of making the Aerotropolis SEPP, it was recommended the complying development provisions under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) would not be enabled in the Aerotropolis so as 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.

As part of the draft Precinct Planning process, and after consideration of feedback received from the community, it is proposed 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.”*

Details on the proposed complying development to be permitted in the Aerotropolis is provided in **Appendix G** of the EIE. It is proposed the complying development pathway can also be utilised where development is considered ‘previously permissible development’ as proposed under Part 2 of the Aerotropolis SEPP on condition that airport safeguarding development controls are met.

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 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 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 new complying development framework exhibited in May 2021 included specific controls to reflect the changing needs and requirements of industrial and commercial development and included:

- An increase to the allowable floor area from 20,000 m² to 50,000 m² for industrial zones
- An increase to allowable building height in zones IN1, IN2 and IN3 from 15 m to 18 m where the existing LEP height is less than 18 m
- An increase to building heights up to 45m where no height limit exists subject to clear separation and built form requirements for the upper levels of buildings
- Increase ancillary land uses such as offices and industrial retail outlets from 20% to 30% of GFA
- Increase additions allowance from 5,000 m² to maximum gross floor area, subject to LEP FSR
- Allow new buildings and alterations and additions in business zones up to 10,000 m² and 5 storeys in zones B5-B7
- Introduce a new business zone design guide

The above changes specifically acknowledge that the industrial, warehousing and logistics sector have the most opportunity for growth. It is noted that the controls not only align to industry expectations but are also generally consistent with the built form controls outlined within the draft Precinct Plan including 20-24m height limits. In our opinion the Aerotropolis provides DPIE a significant opportunity to showcase the success of implementing new complying development controls and by doing so provide for the continued growth of this asset class and early activation of the Aerotropolis.

Recommendations

- The scope of complying development permitted in the Aerotropolis must be expanded to include Part 5A Commercial and Industrial (New Buildings and Additions) Code of the Codes SEPP. A commitment to allow complying development consistent with the precinct plan for industrial development under the changes being proposed under the Building Business Back Better Framework would send a significant positive message to the industry and provide significant boost to the early investment and activation of the Aerotropolis.

5.7. MAKING AND AMENDING PRECINCT PLANS

5.7.1. Role of WCPA

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.

The EIE indicates the matters to be considered by the WPCA are likely to include:

- *"The appropriateness of the Precinct Plan to create active, vibrant and sustainable communities and locations that support national and global businesses and the Western Sydney Airport;*
- *Ability for infrastructure to be delivered in an efficient and timely manner to ensure the vision and objectives for the precinct can be realised; and*
- *The contribution of the Precinct Plan to the economic growth and development of the Western Sydney Aerotropolis, including that the Precinct Plan promotes investment and supports job-intensive land uses."*

The EIE does not clarify what will be considered a 'defined matter' to determine when a draft Precinct Plan or an amendment to an existing Precinct Plan would be referred to the WPCA. It is also unclear whether the WPCA input will be advisory only or will powers extend to make a definitive recommendation on whether the Precinct Plan or amendment should proceed.

Given that a key role of the WPCA is to attract investment and opportunity for Government owned land, there is the likelihood of potential conflict with this approval function for the WPCA. This role must be clarified and understood. We do note however, that there could be a benefit from this role if any revised Precinct Plan is appropriately interrogated by the WPCA to ensure it does not impact national and global business and ensures that the Precinct Plan promotes investment and supports jobs intensive land uses. This would provide an appropriate balance between the landscape led approach and sound economic and land use planning to provide jobs for Western Sydney.

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.

Recommendations

- The role of the WCPA to promote and facilitate investment and jobs on Government owned land must not conflict with their increased role in the precinct plan process. The WCPA must also ensure that economic imperatives to promote investment and jobs intensive land uses are prioritised in the final precinct plan.

5.7.2. Amending Precinct Plan via a Master Plan

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 EIE recognises that the current Aerotropolis SEPP does not include the required process for amending a Precinct Plan. A new clause is to be inserted in the Aerotropolis SEPP which provides for Master Plans to amend a Precinct Plan and relevant requirements including:

- Where a Master Plan seeks to amend an adopted Precinct Plan, the proposed amendment to the Precinct Plan is to be exhibited concurrently with the Master Plan; and
- Exhibition, and Ministerial and the WPCA approval requirements will be as provided in clause 40 of the Aerotropolis SEPP.

As discussed further below under **Section 5.8**, the need for a Master Plan to amend a Precinct Plan is inconsistent with the proposed use of clause 4.6 to vary a Precinct Plan. There is currently a lack of clarity as

to when an amendment to a Precinct Plan is required via a Master Plan, and when a clause 4.6 variation request can be used to address variation to a Precinct Plan.

It is also noted that the SSDA process provides a reasonable alternative to amending a Precinct Plan for those sites not subject to the Master Plan process where similar field validation of key issues is required by the SEARs. Whilst this matter is addressed later in this submission, we reiterate that this pathway must not be removed for development that would ordinarily be considered SSDA within the Aerotropolis.

It is also noted that the WCPA would have an approval role. This is a direct conflict with their role as master planners for Government land. This conflict must be acknowledged, and appropriate probity mechanisms adopted to ensure equitable assessment of Master Plans and Precinct Plan amendments.

It is noted that the wording of this clause has not been provided. In addition, the Master Plan Guidelines have still not been exhibited which, as stated later in the EIE, will guide how to assess inconsistencies with the Precinct Plan. The Master Plan guidelines and wording of this clause must be provided prior to the instrument being finalised and gazetted.

Recommendations

- There must be other opportunities to amend a precinct plan for sites that are not subject to the Master Plan process.
- The proposed clause requiring a master plan to amend a Precinct Plan should not interfere with the operation of the SSDA process (including the use of s4.38(3) of the EP&A Act, partly prohibited development) for relevant development within the Aerotropolis.

5.8. MINOR INCONSISTENCIES AND CLAUSE 4.6 VARIATIONS

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).

Clause 4.6 relates to development standards which, by definition in the EP&A Act 1979 are only able to be within an EPI or the Regulations. This process is important as it ensures a legal framework exists to enforce and seek variation to standards being provisions by or under which requirements are specified or fixed in relation to that aspect of development and contained within an EPI.

In our opinion, changes would be required to the EP&A Act to apply clause 4.6 to a provision or requirement within a Precinct Plan. As these changes would need to be via a bill introduced to Parliament this would be considered unlikely. We therefore question the appropriateness of applying clause 4.6 to vary provisions within a Precinct Plan is not an EPI and has no status within the EP&A Act 1979.

It is also noted that the exhibited changes to clause 4.6 referenced in the EIE have not yet been adopted. It is questioned how future changes to the standard instrument clause 4.6 would be implemented in the Aerotropolis SEPP if it is amended prior to these mechanisms being implemented in the wider planning system.

Recommendations

- 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 a clause 4.6 variation, DPIE should consider an alternative requirement for development to demonstrate consistency with the objectives of the precinct plan.

5.9. CHANGES TO MASTER PLAN PROCESS

As set out in the EIE, the Master Planning Guidelines are proposed to be amended to allow land less than 100 hectares to undertake the master planning process. It is also proposed to remove the requirement for at least 70 percent of the land to be owned by one person. The Master Planning Guidelines are to be published alongside the finalisation of the Aerotropolis Precinct Plans and the amended Aerotropolis SEPP.

While the expansion of the master planning process to sites less than 100 hectares and removal of the stringent ownership requirements are welcomed by BC Land, concern is raised regarding the lack of information on the Master Planning Guidelines

The absence of the Master Planning Guidelines makes it difficult to ascertain or comment on the revised eligibility criteria for master planned sites, and without the Guidelines there is no compelling reason for landowners to pursue this pathway in favour of the tried and tested SSDA pathway.

The EIE states that while the Master Planning Guidelines will guide how to assess inconsistencies with a Precinct Plan, it is considered appropriate the Aerotropolis SEPP, being the overarching environmental planning instrument, clearly indicates if and when a Master Plan may be inconsistent with a Precinct Plan. It further states that the Minister for Planning and Public Spaces must be satisfied the Master Plan is consistent with the relevant adopted Precinct Plan, unless it is demonstrated the inconsistency can be supported because the proposal will result in a better planning outcome for the Master Plan site, surrounding land and the broader Aerotropolis.

The requirement to be consistent with a Precinct Plan appears to conflict with the new clause that is proposed to be included in the Aerotropolis SEPP nominating Master Plans as the mechanism to amend a Precinct Plan.

It is also unclear from the EIE what the likely approval timeframes would be for the Master Plan process noting that a pre-release of the Guidelines in late 2020 indicated an 18 month process which, once completed would not constitute a legal development consent. The Guidelines must ensure that this process is accelerated and provides a legal basis to carry out development. Given the lack of information provided around the Master Plan Process to date, there has yet to be a compelling planning reason provided to the development industry to accept this new pathway.

The EIE also notes that the ASEPP is silent on how the Master Plans fit within the planning framework including identifying the possible criteria for where a Master Plan can be inconsistent with a Precinct Plan. The EIE also notes that this criteria will be included in the Master Plan Guidelines however as noted, the Master Plan Guidelines have not been released.

The possible criteria outlined within the EIE is mainly focused on better planning outcomes, however the criteria must also offer the opportunity for Master Plans to challenge and contend both the ASEPP and the Precinct Plan. This is essential given the contentions around the ENZ, 1:100 extent and riparian corridors on the site. A Master Plan must also be able to 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*).

Recommendations

- The Master Plan guidelines must be released as a matter of priority as per the ICC report and be subject to public exhibition for community feedback.
- The Master Plan pathway must be a compelling process for industry and must prioritise expedited assessment timeframes.

5.10. CHANGES TO STATE SIGNIFICANT DEVELOPMENT

The EIE indicates that concern has been raised in the statutory planning framework provided by the SRD SEPP and the ability to utilise Section 4.38(3) of the *Environmental Planning and Assessment Act 1979* (the Act) to progress State Significant Development's that may be incompatible with the objectives and strategic intent of a particular land use zone. In response, the EIE states that it is proposed a clause be added to Schedule 1 of the SRD SEPP to ensure development cannot be declared as SSD unless consistent with the Aerotropolis SEPP.

Despite the wording within the EIE we note Section 4.38(3) of the EP&A Act provides flexibility to State significant development ('SSD'), including the opportunity to grant development consent despite development being partly prohibited by an environmental planning instrument.

Section 4.38(3) enables detailed ground truthing of riparian corridors and flood extents and biodiversity areas that have been zoned ENZ and provides flexibility to develop these areas on merit subject to a rigorous assessment through the SSDA process. Given the absence of detailed ground truthing, Master Planning Guidelines and inconsistencies in the planning documents, the proposed changes to SRD SEPP to prevent the use of this section of the EP&A Act is unwarranted and concerning.

No details are provided within the EIE regarding the wording of the proposed clause or how it would be applied, particularly where a proposed development may trigger a State significant classification under another existing clause in Schedule 1 of the SRD SEPP which includes warehouse and distribution centres.

Further 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.

It is also important 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. Clause 4.38(3) enables the development consent to be issued for development where it is partly prohibited by an environmental planning instrument. However, it 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.

It is considered critical that the current SSD approvals pathway is maintained to facilitate the lodgement of major proposals which are captured under Schedule 1 of the SRD SEPP. This will enable the aims of the Aerotropolis Plan and the Aerotropolis 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.

Recommendations

- The proposed changes to the SRD SEPP must be abandoned as they will unnecessarily impact upon the delivery of development that would ordinarily be classified as SSD.

6. CONCLUSION

BC Land commends DPIE on the exhibition of the EIE and Open Space Needs Study noting that the exhibition package proposes some positive changes to the planning documents including:

- Providing further guidance around Connection to Country requirements;
- Broadening of the Master Plan pathway; and
- Introducing some flexibility by enabling variations to a Precinct Plan.

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

- The lack of any detail around the wording of the proposed clauses and amendments to the identified State Environmental Planning Policies including the Aerotropolis SEPP.
- The extent of land identified as SP2 / Stormwater Infrastructure and the significant impact a fixed zone / overlay would have on otherwise developable land.
- Conflicts between the requirement for stormwater infrastructure and detention basins and the requirements to safeguard airport operations and minimise wildlife attraction and bird strike.
- Governance arrangements around making and amending a Precinct Plan, Master Plan and assessing inconsistencies with these documents.
- The potential conflict in the role of the WCPA in approving Precinct Plans and amendments whilst also being responsible for investment and development of Government owned land.
- The continued absence of the Master Plan Guidelines.
- Proposed changes to the State and Regional Development SEPP to limit the use of s4.38(3) of the EP&A Act to undertake detailed and accurate ground truthing of key environmental constraints.

The submission also identifies significant missed opportunities in the EIE package including:

- Failure to address design excellence in particular development that would now be subject to a design excellence competition; and
- Aligning the changes to complying development with the significant changes being proposed under the Building Business Back Better framework.

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 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 [REDACTED] Lawson Road, 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] Lawson Rd, 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:

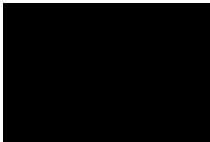
"Allowing development in the 1% AEP zone would make available additional wildlife risk measures. Built forms can manage bird strike safety through measures such as hanging flash tape or installing decoy predator deterrents..."

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 ██████ Lawson Rd 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 ██████ Lawson Rd 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	



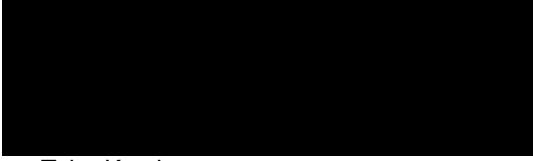
Stellen Consulting
Level 1, 27 Belgrave Street
Manly NSW 2095

Tel +61 450 460 496
ABN 61 149 095 189

PO Box 151
Freshwater NSW 2096

If you have any questions, please contact me.

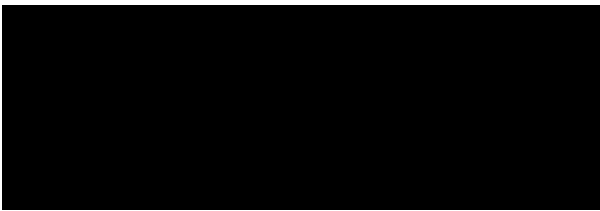
Kind regards,



Tyler Karvinen
Civil Engineer

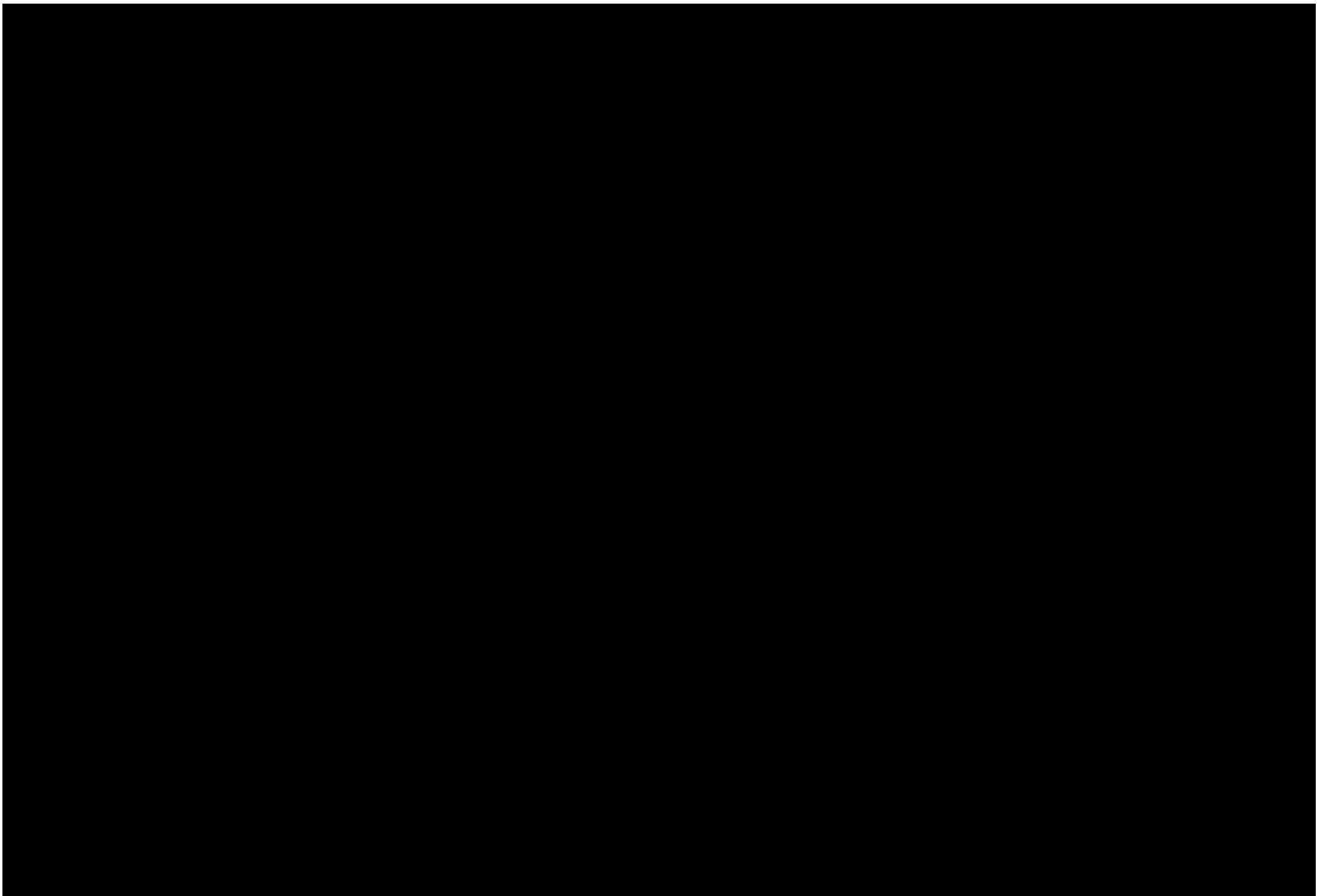
STELLEN CONSULTING

Civil Engineering









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 BC Land (**Instructing Party**) for the purpose of Submission (**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).

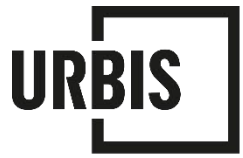
In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

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.



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 4:46 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: bc-land_aerotropolis-eie_submission_final.pdf

Submitted on Fri, 05/11/2021 - 16:45

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] Lawson Road

Suburb/Town & Postcode

Badgerys Creek

Please provide your view on the project

I object to it

Submission file

[bc-land_aerotropolis-eie_submission_final.pdf](#)

Submission

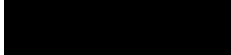
See cover letter and submission attached.

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: Thursday, 4 November 2021 10:45 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Thu, 04/11/2021 - 10:45

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

John

Last name

Papandony

I would like my submission to remain confidential


No

Info

Email



Address

 Mamre road

Suburb/Town & Postcode

Kemps Creek.

Contact number





Please provide your view on the project

I am just providing comments

Submission

Thank you very much for the presentations conducted on 16th and 19th October.

These presentations provide an opportunity to understand the progression of the Aerotropolis precinct and the direction adopted by the planners for the future. We support the overall proposed direction.

Since attending the presentations I have had further discussions with one of the planners who called me back after receiving my email with feedback specific to our land at  Mamre road., Kemps Creek. 2178. 



This block is one of a handful on Mamre road that had been left as RU2 Zone (Rural) despite all the blocks across the street on Mamre road and further up and down the road being changed to IN1 (Industrial) plus our land is being impacted by ENZ (Environmental) with potential 1:100 year flooding covering approximately 15 acres of our 25 acre lot.

Page 29 and 30 of the "Explanation of Intended effect" document refer to our contested feedback that follows.

We completely support the intention to modify the zone of these properties from RU2 to IN1 however it appears that only a portion of each effected property will be re-zoned IN1 and the reason for this is apparently the 1:100 year flood mapping that has been utilised.

We have owned this property for over 40 years and have endured several severe storm incidents over this period and at all times, there has been minimal breach of the creek banks. The floodmaps are in error and they show an unusual flood line all the way from the creek to Mamre road at the highest natural land level of our property.

We believe that these properties along Mamre road should be completely surveyed so that the flood diagrams can be updated for Penrith Council and corrected. Both adjacent blocks on either side, [REDACTED] have "Under Road" Rain water dispersion pipes that allow water from across the street to flow towards the creek. Lot 38 does not have an "Under Road" water crossing.

Further to this, it is our understanding that the Kemps Creek dam on [REDACTED] is to be removed at some time in the not too distant future. This would again totally change the 1:100 year flood analysis and allow water do disperse for kilometres in either direction without necessarily swelling beyond the creek edges at all.

Please note our current land title includes a clause that permits us to travers adjacent to the creek through the adjacent block [REDACTED] (Mamre road) and utilise the existing bridge to cross over Kemps Creek and back along the creek edge to access the 5 acres of land on the other side of the creek. Creation of the Environmental Open Space corridors totally disrupts this in-place arrangement. I am sure that such arrangements exist for other landowners along this Creek and probably effects land at Wianamatta-South Creek, etc. as well. If this corridor is not specifically for public access, there is no need to create an ENZ overlay which will disrupt existing title conditions of this type.

In summary, we support the intention described in the "Explanation of Intended Effect" document but believe the whole of the property should become IN1 irrespective of the 1:100 year flood diagrams used because we know they are incorrect and as there is no current intention to acquire the creek land there is no requirement for an ENZ overlay that disrupts in-place existing title arrangements. The creek remains a creek irrespective of the ENZ overlay being present or not.

Thanks for your support.

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: Thursday, 4 November 2021 11:28 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Thu, 04/11/2021 - 11:27

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Lynne

Last name

Ponting

I would like my submission to remain confidential

No

Info

Email

Address

Wynyard Ave,

Suburb/Town & Postcode

Rossmore, 2557

Contact number

Please provide your view on the project

I support it

Submission

3rd November 2021

To His Hon. Minister Stokes, and Delegates,
Department of Planning, Industry and Environment
Western Sydney Aerotropolis Precincts Submission
Locked Bag 5022,
Parramatta NSW 2124

To His Hon. Minister Stokes,

Re: Response to the Documents on Exhibition referred to as "The Documents".

My name is Lynne Ponting and I reside at [redacted] Wynyard Ave, Rossmore, 2557. My family and I have owned our property since 1999. I note that there are ongoing developments and planning for the Aerotropolis and we support the airport and the benefits this will bring to the area. Including employment and economic growth.

In review of "the Documents" in particular the Explanation of Intended Effects (EIE), I am concerned there still plans to build a 40mtr road from Bringelly Rd connecting to Western Rd. I am unclear at why this road extension is required given Devonshire Rd, Kemps Creek is a direct link via King St, Rossmore onto Bringelly Rd. The affect properties for this extension are significant. The EIE does not provide any timeframes or details of acquisition. The map provided in all documents on the DPIE website including the EIE, is not specific or to scale. This stressful as it appears it may require significant portion of our property however, as the map is not scale, we are left wondering when and how Transport NSW will begin discussions with us.

We are worried about the market value of the property given there is potential major road planned for sometime in the future for Rossmore with no specific details. The Final Precinct Plans are due for release in December and we do not have access to these documents which should together with this Exhibition.

We are also worried about the lack of information provided about the new road as it places us in a position of Limbo. We have commenced negotiations with a builder to start plans and building applications for a knock down and rebuilt project home. However, now we will have to advise our builder to perhaps hold off on the application. This is incredibly stressful, as the outcome was due to be provided to us this week.

I am aware that the DPIE are proposing to remove the Environment and Recreation zone from privately owned land in Rossmore and Kemps Creeks. I am not greatly familiar with the effects of ENZ zoned land however I support that it is reverted back to Ru4 zoned land.

Any future plans to rezone property in Rossmore as ENZ or open space, then we should be notified in writing beforehand, and that this area should be included into the Floor to Space ratio with specific details of acquisition and timeframes.

IF the roads were upgraded in Rossmore and not just patch the road, including lighting, easements, water causeways and improved sustainable drainage then roads in Rossmore will become safer to cater to the increasing traffic. They need to upgrade major roads and intersections in Kemps Creek.

We would like further information regarding the announcement of not developing Rossmore for another 15 to 20 years.

Thank you for taking the time to review our letter.

Regards,

.....
Lynne Ponting
Richard Ponting

Please send a confirmation email.

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: Thursday, 4 November 2021 1:17 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: elizdr-wsa-submn-3nov21.pdf

Submitted on Thu, 04/11/2021 - 13:15

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

David

Last name

Whitting

I would like my submission to remain confidential

No

Info

Email

Address

PO Box 30

Suburb/Town & Postcode

Beecroft 2119

Contact number

Please provide your view on the project

I support it

Submission file

[elizdr-wsa-submn-3nov21.pdf](#)

Submission

Refer attached letter. We support the project but are concerned at apparent inconsistencies / inequities that appear a result of a failure to investigate in sufficient detail.

I agree to the above statement

Yes

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[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: Thursday, 4 November 2021 2:41 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Thu, 04/11/2021 - 14:40

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Lance

Last name

Lagudi

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Mamre Road

Suburb/Town & Postcode

Kemps Creek, 2178

Contact number

[REDACTED]

Please provide your view on the project

I support it

Submission

Thank you very much for the presentations conducted on 16th and 19th October.

These presentations provide an opportunity to understand the progression of the Aerotropolis precinct and the direction adopted by the planners for the future. We support the overall proposed direction.

Since attending the presentations I have had further discussions with one of the planners who called me back after receiving my email with feedback specific to our land at [REDACTED] Mamre road, Kemps Creek. 2178.

This block is one of a handful on Mamre road that had been left as RU2 Zone (Rural) despite all the blocks across the street on Mamre road and further up and down the road being changed to IN1 (Industrial) plus our land is being impacted by ENZ (Environmental) with potential 1:100 year flooding covering approximately 15 acres of our 25 acre lot.

Page 29 and 30 of the "Explanation of Intended effect" document refer to our contested feedback that follows.

We completely support the intention to modify the zone of these properties from RU2 to IN1 however it appears that only a portion of each effected property will be re-zoned IN1 and the reason for this is apparently the 1:100 year flood mapping that has been utilised.

We have owned this property for over 40 years and have endured several severe storm incidents over this period and at all times, there has been minimal breach of the creek banks. The floodmaps are in error and they show an unusual flood line all the way from the creek to Mamre road at the highest natural land level of our property.

We believe that these properties along Mamre road should be completely surveyed so that the flood diagrams can be updated for Penrith Council and corrected.

Further to this, it is our understanding that the Kemps Creek dam on [REDACTED] is to be removed at some time in the not too distant future. This would again totally change the 1:100 year flood analysis and allow water to disperse for kilometres in either direction without necessarily swelling beyond the creek edges at all.

Please note our current land title includes a clause that permits us to traverse adjacent to the creek through the adjacent block [REDACTED] (Mamre road) and utilise the existing bridge to cross over Kemps Creek and back along the creek edge to access the 5 acres of land on the other side of the creek. Creation of the Environmental Open Space corridors totally disrupts this in-place arrangement. I am sure that such arrangements exist for other landowners along this Creek and probably effects land at Wianamatta-South Creek, etc. as well. If this corridor is not specifically for public access, there is no need to create an ENZ overlay which will disrupt existing title conditions of this type.

In summary, we support the intention described in the "Explanation of Intended Effect" document but believe the whole of the property should become IN1 irrespective of the 1:100 year flood diagrams used because we know they are incorrect and as there is no current intention to acquire the creek land there is no requirement for an ENZ overlay that disrupts in-place existing title arrangements.

Thanks for your support.

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: Thursday, 4 November 2021 4:31 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Thu, 04/11/2021 - 16:30

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Rebecca

Last name

Maday

I would like my submission to remain confidential

No

Info

Email

Address

Kemps Creek

Suburb/Town & Postcode

2178

Contact number

Please provide your view on the project

I support it

Submission

To the Aerotropolis Planning Department

I am writing this submission in support of my fellow Aerotropolis residents in stage 1 precincts. The small land holders in the E&R land in the Aerotropolis Precinct Plan and surrounding areas of Kemps Creek and Rossmore need to be treated fairly and equitably.

We need clear simple information on what are the plans and when will it take place?!

We are not against progress! We accept the Airport and the Aerotropolis. We are opposed to the treatment of small landowners in the Aerotropolis Precinct.

If the government needs the land for whatever reason, buy it at a fair price!!!

The recent amendments to the E&R zone in Kemps Creek and Rossmore are welcome! Thank you!

Regards

Rebecca Maday and family

I agree to the above statement

Yes

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[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: Thursday, 4 November 2021 7:45 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: department-of-planning-industry-and-environment.pdf

Submitted on Thu, 04/11/2021 - 19:36

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Robyn

Last name

dimech

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Adams rd

Suburb/Town & Postcode

LUDDENHAM

Contact number

[REDACTED]

Please provide your view on the project

I object to it

Submission file

[department-of-planning-industry-and-environment.pdf](#)

Submission

Submission for [REDACTED] Adams Rd Luddenham

PDF uploaded on file

Solutions provided for our property to be removed from the proposed acquisition. Please provide our family with the opportunity to have a voice-over our future.

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: Thursday, 4 November 2021 8:08 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Thu, 04/11/2021 - 20:08

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Carmela

Last name

Parasiliti

I would like my submission to remain confidential

No

Info

Email

Address

TWELFTH AVENUE

Suburb/Town & Postcode

ROSSMORE

Contact number

Please provide your view on the project

I object to it

Submission

I purchased the property in 1995 and have been a resident of Rossmore ever since. I am 83 years old and do not have another 15-20 years ahead of me.

It is imperative to the continued growth and progression of the area that Rossmore be developed in the next 3-5 years. With everything occurring and progressing around us it does not make sense to have ENZ zones in Rossmore.

I don't not support this and believe that this should be removed and the promised and communicated rezoning to residential lots occur in 3-5 years.

ENZ zones will devalue my property and I do not have the life time left to wait. Millions of dollars have been spent to upgrade Bringelly road and we live off a major thoroughfare King St - Devonshire Rd.

I do not support the current plan and it would be at the detriment of residents if this is progressed.

Regards
Carmela Parasiliti

I agree to the above statement
Yes

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[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: Thursday, 4 November 2021 8:12 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: merged-submission-to-eie---[REDACTED]-badgerys-creek-road.pdf

Submitted on Thu, 04/11/2021 - 20:11

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Pavel

Last name

Derevnin

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Badgerys Creek Road

Suburb/Town & Postcode

Bringelly 2556

Contact number

[REDACTED]

Please provide your view on the project

I object to it

Submission file

[REDACTED]

Submission

See attachment.

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: Thursday, 4 November 2021 8:25 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: rosemary-massa-domenico-antonio-massa.pdf

Submitted on Thu, 04/11/2021 - 20:23

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Rosemary

Last name

Massa

I would like my submission to remain confidential

No

Info

Email

Address

█ Packard Place

Suburb/Town & Postcode

Horningsea Park

Contact number

Please provide your view on the project

I am just providing comments

Submission file

[rosemary-massa-domenico-antonio-massa.pdf](#)

Submission

To whom it may concern,

I, Rosemary Massa, am writing to you on behalf of my Husband and I, stressed, depressed and deflated after years of dealing directly with the Department of Planning, Infrastructure and Environment (DPIE) and Liverpool City Council regarding the future of my father, Luigi Mangogna's, property at █ King St Rossmore. █

█ He and my late mother bought the land in

1970 to build a future for themselves and their children. I have seen firsthand the hard work that went into purchasing that property and the blood, sweat and tears shed as my parents worked it. They bought the property with the knowledge that it was close to Kemps Creek but had no issues using it. I myself had to spend many hours helping my parents work on the land or have the responsibilities of an adult to help out even though I was young.

You can imagine the heartache and shock we felt hearing that majority of his 5-acre property was rezoned Environmental and Recreation (ENZ), making it essentially frozen, as well as destroying the value of the property. My family has not been the same since it has been announced with the added pressure causing a strain on us all. With each meeting I attend with my father, we become less confident the right thing will be done by the DPIE and Liverpool City Council, with the private owners and residents of Rossmore like my father being sacrificed and left behind. I am familiar with the lack of maintenance Rossmore has received, as the road and waterways have been left neglected by the Council, with our rates not serving the people that pay them, so I understand that this is not something that is new.

Due to these experiences, I would like to raise some points for the Department to attempt to address.

Removal of Environmental and Recreation Zone

1. We support the proposal by the department to remove the Environmental and Recreation Zone on my father's property after it was suggested by Community Commissioner, Roberta Ryan. To rezone private property to become part of the Wianamatta South Creek Precinct (WSCP) without clarifying to owners the intention for this land, was extremely unjust. All this achieved was to cause nothing but stress and panic to the residents this shortsighted maneuver affected like my father. Overnight, the value of the property plummeted and my father's ability to use his own land was severely limited. The 3 acres that were rezoned ENZ are his main source of income and they restricted his ability to easily rent the back of the property.

Furthermore, it is still unclear as to what would become of the back 3 acres of his property that is part of the initial precinct with the State Government not making it clear to owners who was responsible for ENZ land as well as if owners would be compensated for the burden of owning this 'dead' land.

2. Therefore, I strongly support the proposed removal of Environmental and Recreation Zoned land and returning 100% of my father's property to its previous RU4 zoning, as well as the other affected residents in Rossmore. This would definitely be a welcome relief to my father as he will have the right to use his property as he pleases as well as financially secure his future. Similarly, it gives him power to be able to sell his property at a fair and reasonable market value that was only attainable before the State changed the zoning.

3. We must also mention that although we understand the property will eventually return to ENZ when plans for Rossmore are developed, we hope that the border for the zone is drastically pushed back and the area impacted reduced. Since my parents purchased 71 King St in 1970, not once has Liverpool City Council, the State Government or regulatory bodies such as Sydney Water, asked for permission to test the land's propensity to flood, to maintain the creek or even provide basic upgrades. The waterways in Rossmore have been polluted for decades due to the negligence of the council as they turn their back on the people of Rossmore, only being interested in them when it comes time for rates to be paid.

Rezoning of Rossmore

4. During the last round of Exhibitions for the Draft Precinct plans, my father and I met with the DPIE, asking them "how long do you feel it will take to start planning Rossmore?". The answer we received was to the effect of "Rossmore will take some time, however maybe planning could start in 5 or so years"! At no time did anyone from DPIE suggest 15 to 20 years as was announced in more recent information sessions. It is deeply upsetting to hear that essentially Rossmore, even as a key part of the Aerotropolis, is being left behind as the delay is the result of 'demand for land'. That excuse does not hold any weight when we have personally witnessed the huge land releases for surrounding suburbs that are not part of the Aerotropolis and are further away from the core and new airport than Rossmore. Furthermore, land and property are at an all-time high in demand, as short supply and low interest rates have done nothing but cause prices to rise exponentially in recent years, especially in the Liverpool, Penrith and Camden regions close by.

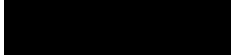
5. Hence, we believe that realistically planning for Rossmore should be taking place much sooner than the rough timeline the DPIE has stated in information sessions. Residents deserve to know what will become of their properties sooner, so that they have the ability to choose how they proceed in the future, rather than be abandoned as they watch the new airport city be built around them. In order to be reasonable and fair to owners we believe that planning for Rossmore should occur within the next 3 to 5 years with the DPIE, State Government and Liverpool City council being completely transparent with the future of Rossmore

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: Thursday, 4 November 2021 9:28 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Thu, 04/11/2021 - 21:27

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Hanan

Last name

Floji

I would like my submission to remain confidential

No

Info

Email



Address

Floribunda st

Suburb/Town & Postcode

Kemps Creek

Contact number



Please provide your view on the project

I am just providing comments

Submission

DPIE

I am a resident of Kemps Creek and although not in the initial release precincts I would like to support their stand on the E&R land on small landowners properties.

I do this as I believe, that although Kemps Creek will be reverted back to RU4 soon it will still have E&R land along the creek line and we would hope that the Aerotropolis Core precedent would also apply to us as I have 1:100 land on my property.

Because of this I propose that ALL E&R land be included in the FSR (Floor to Space Ratio) for any future development. In this way we can achieve a fairer outcome for all concerned.

Kind Regards
Hanan Floji

I agree to the above statement

Yes

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[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: Thursday, 4 November 2021 9:45 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Thu, 04/11/2021 - 21:45

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Rasul

Last name

Rasol

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Floribunda st

Suburb/Town & Postcode

Kemps Creek 2178

Contact number

[REDACTED]

Please provide your view on the project

I am just providing comments

Submission

DPIE

This submission is to support the E&R landowners in the Aerotropolis Core and WSCP.

I live in Kemps Creek and understand that soon we will be reverted back to RU4 Zoning releasing us from our previous land locked and sterile state.

However when Kemps Creek will eventually be rezoned in 15 to 20 years time there will be similar issues as there are in the Core at present.

This is why I support them.

I propose that all E&R land along the creek line be included in the FSR (Floor to Space Ratio). By doing this all parties benefit.. Taxpayers gain a Creek that is beautified or developed by developers to government specifications...at no cost to government.

Developers gain more use of developable land.
Landowners gain a fairer price for their land....

It is a win all round

For this reason I sincerely hope that my proposal is accepted.

Regards
Results Rasol

I agree to the above statement

Yes

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[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: Thursday, 4 November 2021 10:00 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Thu, 04/11/2021 - 22:00

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Diana

Last name

Vukovic

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Lawson road

Suburb/Town & Postcode

Badgerys Creek

Contact number

[REDACTED]

Please provide your view on the project

I object to it

Submission

As an representative for the community of Badgerys Creek. The past 4 years we have endured so many obstacles. Firstly not being in the initial Precint (left out while like an island. While every other Precint were being zoned. Under the previous representatives from Nsw planning department and environmental.

Then in 2019 we lobbied and successfully put in the initial zoning.

The planning partnership authority organised a committee group for each Precint. We were selected to represent our community of Badgerys Creek. In the past two years having monthly meetings. Neither was there any discussion regarding about open space during due course. As an representative member we had no acknowledgment what occurred during the DCP phase 1 which was released in October 2020.

The draft was very vague!!

Mr Andrew Jackson as the director of the planning partnership for the Aerotropolis . Should have consulted and be transparent.

The only discussion during the CLG meetings were about the green spine along the south creek and Thompson creek in Bringely.

In this DCP planning phase 2 has highlighted Storm waterways for development. This should have been incorporated into the last

year phase I of the DCP planning.

Why are there less on the larger landowners owned by corporate reduced.

The smaller landowners are significantly impacted.

The Badgerys creek community would prefer to keep the open space overlay as enterprise land . Not to change the zoning for SP2 till when and if it's acquired for acquisition in the future use.

A question for all levels of government (this storm waterways especially in Badgerys Creek).

Is this to safe guard the western Sydney airport because the site has been impacted at a very rate of flooding. The flood pathway studies shows it's quite significant.

And another question is it to safeguard the second runway which will be incorporated on the temporary of the new Badgerys Creek road.

Many residents of my community in Badgerys Creek are elderly whom don't have the knowledge and understanding the process of Aerotropolis planning.

Badgerys Creek community has endured many hardships and uncertainty over the past 4 decades.

Was sterilised and undervalued.

I have been lobbying for what is right and just for my community.

I agree to the above statement

Yes

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[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: Thursday, 4 November 2021 10:18 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Thu, 04/11/2021 - 22:17

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Domenico

Last name

Zucco

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Sumbray Avenue

Suburb/Town & Postcode

Kemps Creek 2178

Contact number

[REDACTED]

Please provide your view on the project

I am just providing comments

Submission

DPIE

I have been a resident of Kemps Creek for approximately 35 years.
I moved my family here to have the best of both worlds..City living Country lifestyle....
This now is coming to an end as 'progress ' has caught up with our sleepy surroundings in the form of an airport....
I now find myself in the middle of 3 years of worry,anguish and mentally drained.

Our suburb has been treated like a ping pong ball being thrown into or left out of major plans for the Aerotropolis.

The latest of which is exemption from first release plans...my beautiful suburb was sacrificed for MAMRE RD precinct that was not part of the Aerotropolis and operates on its own SEPP..... it is approximately 15km from the new airport while Kemps Creek is about 3-5km away... this is a gross oversight as parts of Kemps Creek including my street fall into the 20 ANEC category and no

dwelling is allowed in this area making it prime land for industrial development...

However, WSCP is still in the initial precinct while the rest of the Suburb will revert back to RU4.

To this end I support the landowners in the Aerotropolis Core in their quest to have E&R land included in the FSR (Floor to Space Ratio) calculations for development.

By doing so everyone will have a fairer outcome....

The taxpayer gains a beautified Creek line.

The developers gain more development on the land and the landowners gain a fairer price for their land.....

Although it is sad to see our beautiful suburb become quagmire for traffic blocked streets in the near future with no actual benefits to the residents....

Our rural lifestyle will be lost, we in Kemps Creek are exiled to coping with the by-products of this 'progress' while being deprived of the rewards.....

Regards

Domenico Zucco

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 3:11 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: totally-rejecting-amendments.docx

Submitted on Fri, 05/11/2021 - 02:25

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

geoffrey

Last name

goodwin

I would like my submission to remain confidential

No

Info

Email

Address

shannon road

Suburb/Town & Postcode

bringelly 2556

Contact number

Please provide your view on the project

I object to it

Submission file

[totally-rejecting-amendments.docx](#)

Submission

1. I am still waiting on requested response from final-submission-10032021.doc or 222 pdf submitted 10/03/2021. Please respond to individual points on geoffrey goodwin's submission to ws aerotropolis draft precinct plan

2. This new submission TOTALLY REJECTING Amendments to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis.

see attached TOTALLY REJECTING Amendments.docx document for more details.

It is VERY clear that issues and questions raised as submitted 10/03/2021 were not considered nor addressed. Who is ACCOUNTABLE?????????

These documents are very poor, just demonstrate total lack of addressing small land owners concerns , no responses to questions to previous submissions questions. Meaningless justification ([REDACTED] processes and laws).

Acquiring prime industrial land owners property at less than true value,

Just like three major banks hid behind the liberals before they where three CEOs were forced to resign.

Now one Liberal Premier has resigned.

Stokes (sheriff of nottingham unjust tyrant who mistreats the local people) should be the next to go.

Just like other liberal ministers who have left a sinking ship.

The problem is the total lack of respect and accountability that these people were elected by the people to serve the people not screw them over and then leave the mess behind .

ENOUGH IS ENOUGH

Please pass on to all concerned and reply to this message.

Key word is accountability for ALL involved stand up for the small land owners and stop causing every one so much stress.

A lot of heads should roll starting at the top and all involved...

I wait yet again for a response to this submission and the other submission specific to my property.

Can you send an email to [REDACTED] so i have record of you receiving this submissions and my concerns can be addressed please.

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 10:03 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

Submitted on Fri, 05/11/2021 - 10:02

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Teresa

Last name

Aloi

I would like my submission to remain confidential

No

Info

Email



Address

Elizabeth drive

Suburb/Town & Postcode

Luddenham NSW 2745

Contact number



Please provide your view on the project

I object to it

Submission

As a property owner on Elizabeth Dr Luddenham, I would like to strongly object my concerns regarding:

- . The excessive amount of SP2 Stormwater, hectares of our property, to me, this is a LAND GRAB
- . The topography is at the highest point & all properties east have less SP2 except for 2 other properties down the hill
- . There is NO SP2 next door. Why & how is that the case
- . There have been NO ground proofing of studies for our area, so how have the decisions been finalised with no actual visual evidence
- . Dam criteria:
What was the decision process to conclude which man made dams were suitable & non suitable. It makes absolutely NO sense BY proceeding with the unacceptable amount of SP2 on the front of our property will leave us Steralised Land locked for development.
- .We understand that SP2 is accquariable & if so the rates should be equivalent to the selling rates of Enterprise.

SO the more you need to acquire the more it cost the government, so again why do we need so much SP2

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 10:24 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: final-submission_█-adams-road-luddenham-05112021.pdf

Submitted on Fri, 05/11/2021 - 10:15

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Antoinette

Last name

Lee

I would like my submission to remain confidential

No

Info

Email

█

Address

█ Adams Road, Luddenham

Suburb/Town & Postcode

2745

Contact number

█

Please provide your view on the project

I support it

Submission file

█

Submission

In summary:

The Draft documents have been released for comment out of sequence with the SEPP & the Draft DCP referring to and relying on the Precinct Plan.

The Draft Precinct Plan has not been released in its' corrected form, the ability to provide valuable feedback is therefore critically inhibited. Please see the attached submission.

The process for making a submission is extremely difficult to determine and convoluted thus exacerbating the ability to provide valuable feedback.

We request that the date for submissions be extended to ensure a fair process.

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 10:59 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: penrith-city-council---draft-submission-on-amendments-to-sepp-aerotropolis-aero-dcp-lv-discussion-paper.pdf

Submitted on Fri, 05/11/2021 - 10:55

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Glen

Last name

Weekley

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Penrith 2750

Contact number

Please provide your view on the project

I am just providing comments

Submission file

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

Submission

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

I agree to the above statement

Yes

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Sent: Friday, 5 November 2021 11:14 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: submissions---linda-walsh.pdf

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

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Linda

Last name

Walsh

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Kemps Creek, 2567

Please provide your view on the project

I object to it

Submission file

[submissions---linda-walsh.pdf](#)

Submission

DPIE,

I reside within stage 1 of the rezoned precincts.

The remaining E&R land in the Aerotropolis Precinct Plans, at present, has no option of acquisition. If the current plan proceeds, this will result in significant financial disadvantage to the current landowners.

Accordingly, I make the following submissions in relation to this land:

1. I request that the Environmental and Recreation Zones all along Wianamatta South Creek and the Aerotropolis be included in the (FSR) Floor to Space Ratio. This will allow for the land to be used by developers in a constructive manner and eventually allow full public access at no cost to the community. This will also provide the owners of that land with a market and not face years of potential sterilisation.

2. That all land within the initial precincts impacted by Aircraft Noise at levels of 20 oF above have options for Compassionate Acquisition. This option should be included in the current documents and policy.

3. That the area of Kemps Creek between "Kemps and South Creek" be considered for rezoning much earlier than the 10-20 years that the department of planning are indicated as being the current timeline. They are creating a dead zone between the residential development to the east and the aerotropolis and industrial land to the west. We also have a massive industrial complex and development approaching from the north. This is significantly altering the rural lifestyle we have enjoyed for many decades.

I agree to the above statement

Yes

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Sent: Friday, 5 November 2021 11:15 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: submissions---kevin-walsh.pdf

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

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Kevin

Last name

Walsh

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Kemps Creek 2567

Please provide your view on the project

I object to it

Submission file

[submissions---kevin-walsh.pdf](#)

Submission

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I agree to the above statement

Yes

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Sent: Friday, 5 November 2021 11:15 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect

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

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Carly

Last name

Lean

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Harrington Park 2567

Please provide your view on the project

I object to it

Submission

DPIE,

I reside within stage 1 of the rezoned precincts.

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I agree to the above statement

Yes

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Sent: Friday, 5 November 2021 11:36 AM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: 20211105-letter-to-dpie-re-october-2021-exhibition-of-aerotropolis-plann_tfnsw-final-submission.pdf

Submitted on Fri, 05/11/2021 - 11:34

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

nerida

Last name

MORGAN

I would like my submission to remain confidential

No

Info

Email

Suburb/Town & Postcode

Milsons Point 2061

Please provide your view on the project

I am just providing comments

Submission file

[20211105-letter-to-dpie-re-october-2021-exhibition-of-aerotropolis-plann_tfnsw-final-submission.pdf](#)

Submission

Please find attached the formal submission from TfNSW

I agree to the above statement

Yes

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To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: submission-05112021.docx

Submitted on Fri, 05/11/2021 - 13:09

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Charles & Carmen

Last name

Fenech

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Derwent Road

Suburb/Town & Postcode

Bringelly 2556

Contact number

[REDACTED]

Please provide your view on the project

I object to it

Submission file

[submission-05112021.docx](#)

Submission

Please see submission attached.

I agree to the above statement

Yes

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[REDACTED]

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To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: pia-aerotropolis-eie-letter-v2.pdf

Submitted on Fri, 05/11/2021 - 13:18

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Audrey

Last name

Marsh

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2000

Contact number

[REDACTED]

Please provide your view on the project

I support it

Submission file

[pia-aerotropolis-eie-letter-v2.pdf](#)

Submission

Please refer to the attached.

I agree to the above statement

Yes

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To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: inbound4066192681625664129.docx

Submitted on Fri, 05/11/2021 - 13:19

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Sam

Last name

Aloi

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Elizabeth drive

Suburb/Town & Postcode

Luddenham

Please provide your view on the project

I object to it

Submission file

[inbound4066192681625664129.docx](#)

Submission

As above file

I agree to the above statement

Yes

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Sent: Friday, 5 November 2021 1:23 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: inbound3737945370584168933.docx

Submitted on Fri, 05/11/2021 - 13:22

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Sam

Last name

Aloi

I would like my submission to remain confidential

No

Info

Email

Address

may ave

Suburb/Town & Postcode

Rossmore 2557

Please provide your view on the project

I am just providing comments

Submission file

[inbound3737945370584168933.docx](#)

Submission

As per uploaded file

I agree to the above statement

Yes

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Sent: Friday, 5 November 2021 1:28 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: waternsw-submission---aerotropolis-eie.pdf

Submitted on Fri, 05/11/2021 - 13:26

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Stuart

Last name

Little

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Macquarie Street

Suburb/Town & Postcode

Parramatta NSW 2124

Contact number

[REDACTED]

Please provide your view on the project

I am just providing comments

Submission file

[waternsw-submission---aerotropolis-eie.pdf](#)

Submission

Please see attached submission.

I agree to the above statement

Yes

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Sent: Friday, 5 November 2021 2:31 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: suttons_eie-draft-dcp-submission_final.pdf

Submitted on Fri, 05/11/2021 - 14:23

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

Email

[REDACTED]

Address

[REDACTED] Martin Road

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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Sent: Friday, 5 November 2021 3:20 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: 2116-letter-to-department-of-planning-04.11.2021.pdf

Submitted on Fri, 05/11/2021 - 15:13

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

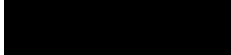
refer to attachment


I agree to the above statement

Yes

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Sent: Friday, 5 November 2021 3:39 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: wsa-submission---nexus-horizon-pty-ltd---

Submitted on Fri, 05/11/2021 - 15:33

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Michael

Last name

Gheorghiu

I would like my submission to remain confidential

No

Info

Email



Address

PO Box 357

Suburb/Town & Postcode

Bondi Junction NSW 1355


Please provide your view on the project

I am just providing comments



Submission

Dear Sir/Madam,

I am writing to you on behalf of Nexus Horizon Pty Ltd owner of the property at  Shannon Road, Bringelly.

Please find enclosed submission with respect to the WSA EIE, proposed open space network amendments and findings of the ICC Report.

While we generally support the proposal we seek further amendments to the proposed open space on the subject site and the proposed road network.

Regards,

Michael Gheorghiu
Tudor Planning and Design

I agree to the above statement
Yes

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URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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

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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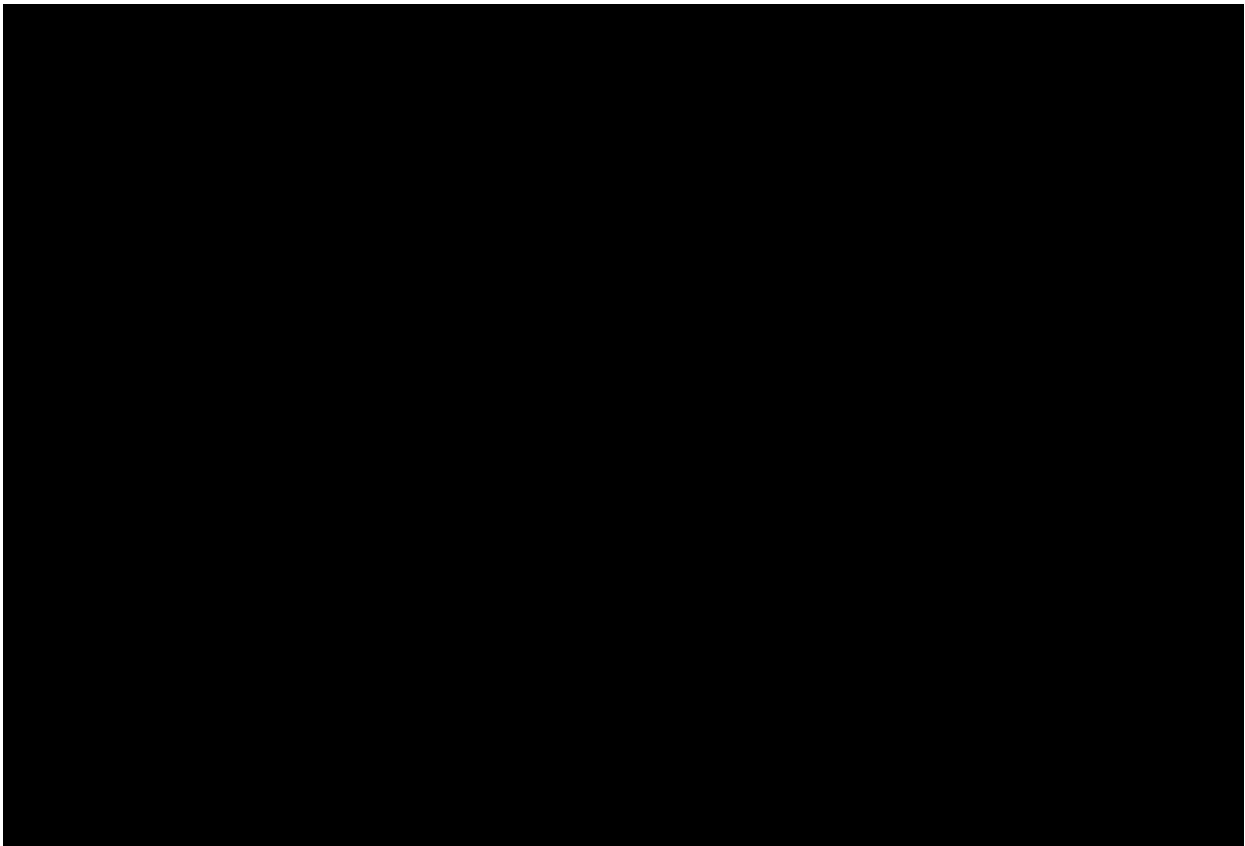
OVERVIEW OF SUBMISSION

This submission has been prepared on behalf of Greenfields Development Company No. 2 Pty Ltd ('Greenfields') and in response to the public exhibition of *Explanation of Intended Effect - Amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis* dated October 2021 ('the EIE').

It provides a detailed analysis of the new and amended clauses proposed to respond to the matters raised within the EIE. These changes would have major implications for the timely development of land within the Western Sydney Aerotropolis ('WSA') and the delivery of substantial investment and employment opportunities within the Agribusiness Precinct which are proposed to support the commencement of the Western Sydney Airport operations.

The Constraints Map below demonstrates the significant implications of the proposed land use zoning and land reservation acquisition changes on the developable land at 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 their attached submission to the EIE, as well as their separate submission to the Draft Phase 2 DCP (lodged separately) and their previous submission to the Draft Precinct Plan:

- The Land Use Zoning and Land Reservation Acquisition Maps should not be updated until further consideration is given to the substantial impacts of the proposed changes to the Open Space Network and the stormwater infrastructure requirements on the quantum of developable land.

- A more flexible approach is required to allow for 'ground truthing' of blue-green infrastructure and alternative outcomes which will provide for a superior planning outcome, including the retention of the Duncans Creek Reservoir.
- The design excellence provisions must be amended to ensure design review panels and architectural design competitions are held only where appropriate and necessary.
- The proposed referral of planning applications to other authorities and agencies should be based on a clear understanding of their roles/responsibilities and the way in which feedback will be addressed to avoid unnecessary delays to the delivery of development and employment to the WSA.
- 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.
- There are no clear or compelling reasons to vary from the well-established assessment process for State significant development applications, with a comprehensive assessment of the relevant statutory controls and merits of any future proposal in accordance with the SEARs and the current legislative requirements.
- 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 *Explanation of Intended Effect - Amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis* dated October 2021 ('the EIE').

Detailed consideration is given to the proposed amendments to *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* ('the WSA SEPP') which would have a significant impact on the future development of the Greenfields land within the Agribusiness Precinct. This incorporates a detailed review of the *Western Sydney Aerotropolis Open Space Needs Study* dated October 2021 which has underpinned some of the proposed amendments to the WSA SEPP.

The submission also responds to the proposed changes to *State Environmental Planning Policy (State and Regional Development) 2011* ('the SRD SEPP'). These changes would have major implications for the timely development of land within the Western Sydney Aerotropolis ('WSA') and the delivery of substantial investment and employment opportunities within the Agribusiness Precinct which are proposed to support the commencement of the Western Sydney Airport operations.

A separate submission has been prepared 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'). It is acknowledged that some of the issues raised within this submission are also raised within the submission to the draft Phase 2 DCP.

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] The Northern Road, Greendale (referred to as 'Base Farm'). An aerial photograph of the site is provided as **Figure 2**.

The site comprises approximately [REDACTED] of land. The legal description is as follows:

- 1 [REDACTED]
- 2 [REDACTED]
- 3 [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 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.

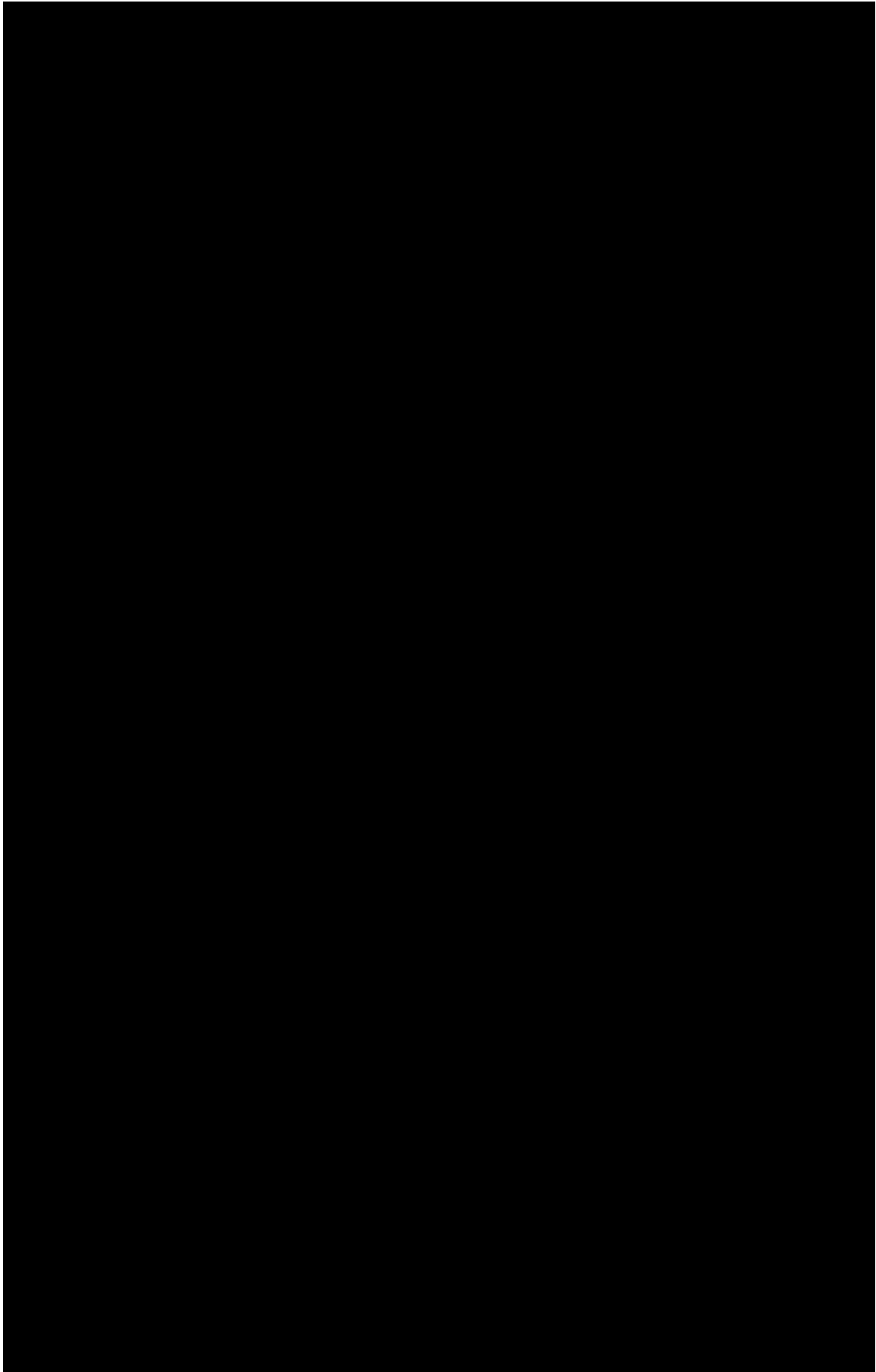
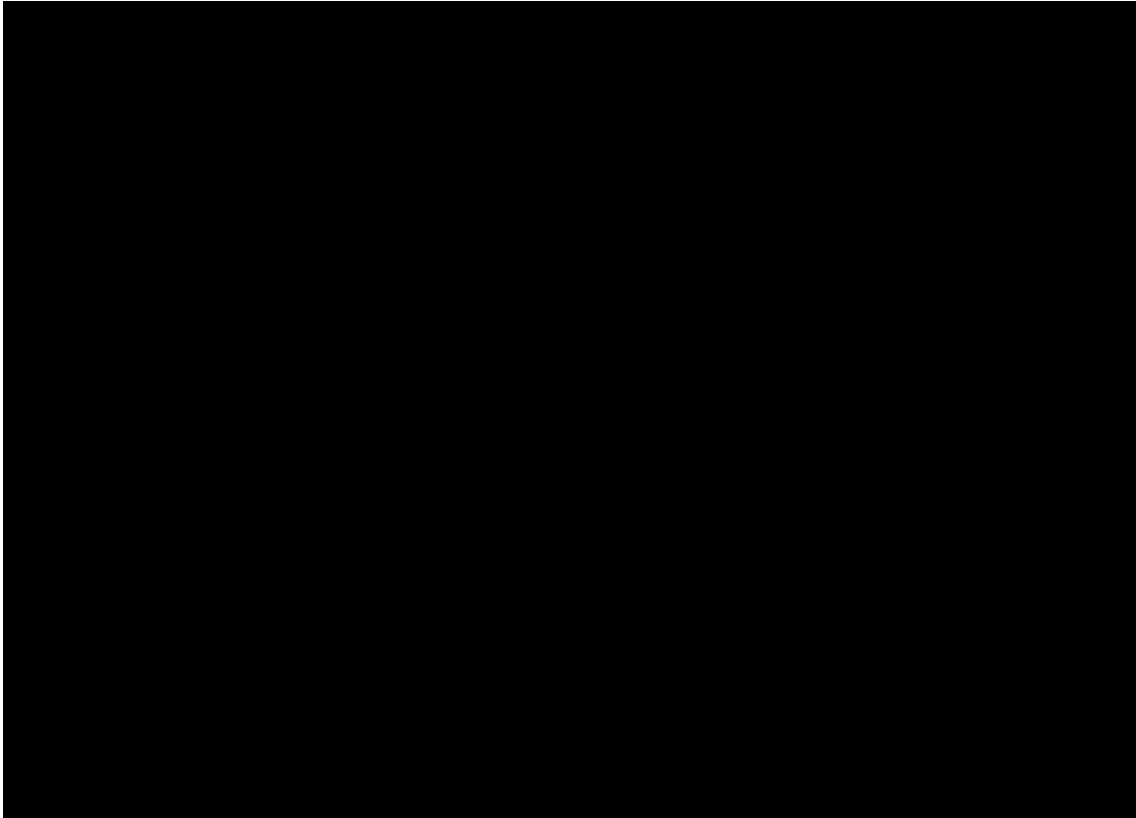


Figure 4 Locality Aerial Photograph



1.2. PLANNING CONTEXT

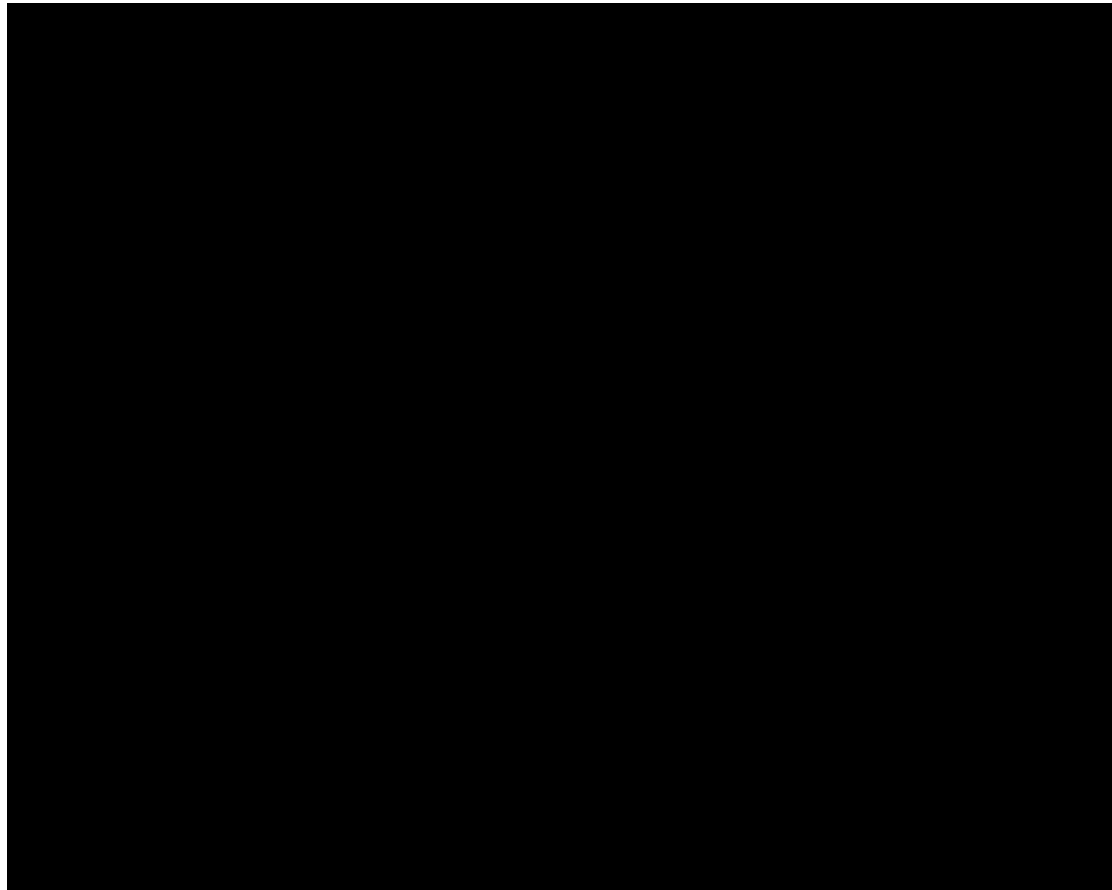
The site is located within the Agribusiness Precinct in accordance with *Western Sydney Aerotropolis Plan 2020* ('the WSA Plan') as shown in **Figure 5**. The Agribusiness Precinct is forecast to accommodate up to 10,000 jobs by 2056¹.

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.

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

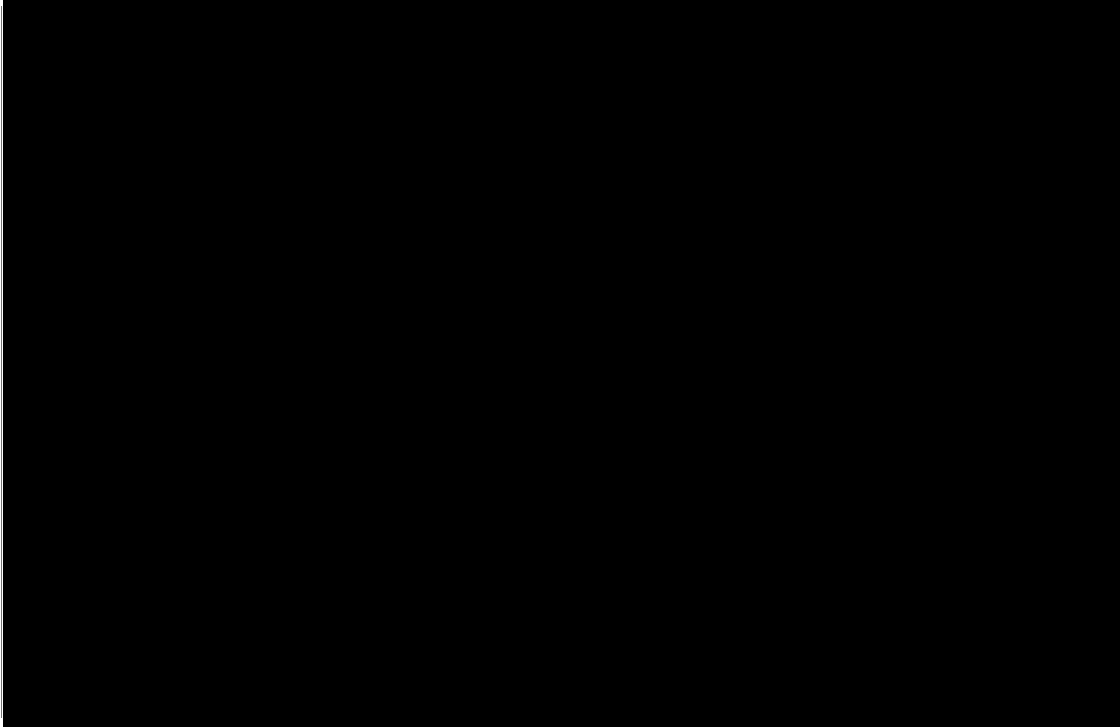
A comprehensive submission dated 12 March 2021 was made by Greenfields in response to the public exhibition of the draft Precinct Plan. The submission was accompanied by a modified part-Precinct Plan for the site prepared by SurfaceDesign Inc, an internationally award-winning landscape architecture and 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)



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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 review of the proposed amendments to the SEPPs as outlined within the EIE. 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 EIE and supporting documents.

2. SUBMISSION TO WESTERN SYDNEY AEROTROPOLIS EXPLANATION OF INTENDED EFFECT

This section of the submission provides feedback regarding the *Western Sydney Aerotropolis Explanation of Intended Effect* ('the EIE') including the proposed changes to the State Environmental Planning Policies ('SEPPs') relevant to the Agribusiness Precinct and the Greenfields land.

Significant concerns are raised regarding the proposed changes to the land use zoning and planning approval pathway options. These will have a major impact on the timely lodgement, assessment and determination of planning applications to facilitate investment and employment opportunities within the WSA which support the commencement of the Western Sydney Airport operations.

2.1. GENERAL COMMENTARY

The following sections provide general commentary regarding the public exhibition package, including the proposed amendments outlined within the EIE and the information which is still yet to be released. It challenges the response to the Draft Precinct Plan submissions and the missed opportunity to address significant concerns previously raised regarding the design excellence provisions.

2.1.1. Draft Written Instrument

We understand the public exhibition of Explanation of Intended Effects has been adopted to enable feedback on the general principles or amendments to planning controls prior to preparing the draft written instrument.

However, significant concern is raised concerning the lack of information and/or clarity regarding the proposed amendments to the SEPPs and the potential unintended consequences of proceeding with the gazettal of amended instruments in the absence of a detailed review by land owners and/or other major stakeholders who will be responsible for the preparation and assessment of planning applications.

This was evident in the recent Housing SEPP where a 'public consultation draft' of the written instrument was exhibited after significant feedback was received regarding the EIE. Major issues were identified with the wording of relevant clauses which would have had substantial impacts on future development. The exhibition of the draft written instrument enabled these issues to be identified early and rectified prior to gazettal.

The new and/or amended clauses in the WSA SEPP and SRD SEPP are likely to have significant implications. Accordingly, it is critical the draft written instruments detailing the new/amended clauses be publicly exhibited to allow land owners and proponents to understand the relevant requirements within the context of the complete planning package (refer **Section 2.1.2** below).

2.1.2. Complete Planning Package

Several amendments in the WSA SEPP are linked to either the Master Plan Guidelines or the final Precinct Plans. However, these documents are not expected to be published until late 2021, coinciding with the finalisation of the updated SEPP. Accordingly, it is difficult for land owners and proponents to understand the implications of the proposed changes in the absence of the complete planning package, particularly where the final wording of the new or amended clauses has not been provided (refer **Section 2.1.1** above).

This is particularly relevant to the provisions related to the Master Plan Guidelines which are not available. Accordingly, it is unclear as to their final requirements and whether these provisions are likely to be applied to strategic plan changes, development approvals and/or complying development pathways. This is addressed in further detail within **Section 2.2.4** of the submission.

It is also difficult to interpret the proposed changes in the absence of the final Precinct Plans, including the changes to the proposed Open Space Network which is addressed in further detail in **Section 2.2.2.1**. The lack of clarity regarding the expected changes to the final Precinct Plan in response to the landowner submissions is also addressed in **Section 2.1.3**.

2.1.3. Response to Draft Precinct Plan Submissions

The Introduction to the EIE (page 2) acknowledges the proposed SEPP amendments have been prepared to respond to:

- *The recommendations made by the Independent Community Commissioner;*
- *Submissions made by landowners, the community, industry, local councils and other stakeholders in response to the draft Aerotropolis Precinct Plans (exhibited 10 November 2020 to 12 March 2021); and*
- *A general review of the Aerotropolis Planning Framework (Figure 1) and necessary amendments to the Aerotropolis SEPP to reinforce the WSAP.*

Detailed consideration is given to the recommendations of the Independent Community Commissioner regarding the concerns raised by the small land owners and how these have been addressed within the EIE. However, some of these changes have resulted in less flexible planning outcomes. These include land use zoning changes which provide fixed locations for stormwater infrastructure and riparian corridors that have not been ground-truthed. These would be more appropriately resolved through detailed site investigations at the DA stage (refer **Section 2.2.1** for further details).

The final Precinct Plan is not expected to be released until late 2021, following completion of the public exhibition of the draft EIE. To date, no clear details are provided regarding the way in which the submissions to the Draft Precinct Plan have been incorporated into the proposed SEPP amendments.

Greenfields prepared a comprehensive submission to the Draft Aerotropolis Precinct Plan, including preparation of a Part Precinct Plan which provided for additional employment land and open space. The submission has not been published on the DPIE website and it is unclear whether it has been considered. To date, there has been no clear feedback regarding any changes to the proposed urban framework arising from issues raised in the submission.

2.1.4. Design Excellence

Significant concern remains regarding the design excellence clauses within the WSA SEPP. It is considered this EIE could have also provided alternate wording for the Part 5 provisions which would achieve the relevant outcome, while avoiding unintended consequences of matters being required to undergo a design review or competitive design process where such a process is unnecessary and/or inappropriate. Each of the relevant clauses is addressed below:

- *Clause 33 - Design Review Panel:* the current wording of clause 33(1) would require a development application (DA) for civil infrastructure works with an estimated capital investment value of \$20 million being required to be referred to a design review panel for consideration of design excellence.

This clause should be amended to enable this requirement to not be required in appropriate circumstances (refer suggested wording below), including where the development does not include a design component. It is also recommended that guidelines be prepared which provide a clear understanding of the roles and responsibilities of the design review panel to provide a consistent approach for reviewing proposals.

- *Clause 34 – Architectural design competition:* the current provisions in clause 34(1) capture any development which has a height over 40 metre/12 storeys or a capital investment value over \$40 million.

This clause should be amended to recognise the significant differences between different building typologies and where there is a clear and compelling reason to hold a competitive design process. For example, a significant component of the estimated cost of industrial/warehouse developments can be attributed to the internal fit-out, particularly involving advanced manufacturing. The internal fit-out has no relevance to the architectural design, external appearance, public domain or view impacts which are relevant in determining design excellence under clause 35. Accordingly, an architectural design competition would be unreasonable and unnecessary in this circumstance. Clause 34 should be amended to enable this requirement to be waived in appropriate circumstances (refer suggested wording below). A project may still be referred to a design review panel in accordance with clause 33, even if a design excellence process is deemed to be unnecessary.

Consideration has been given to the potential amended wording of clauses 33 and 34 to provide clear parameters regarding when a referral to a design review panel or an architectural design competition may not be required based on the circumstances of the case.

The City of Sydney has been a leading authority in delivering design excellence through their local planning framework, including competitive design processes for specified types of development. The SEPP could include wording similar to clause 6.21(6) of *Sydney Local Environmental Plan 2012* ('the Sydney LEP') which enables the consent authority to waive a requirement for a competitive design process, where considered appropriate. The relevant clause reads:

- (6) *A competitive design process is not required under subclause (5) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances or that the development—*
 - (a) *involves only alterations or additions to an existing building, and*
 - (b) *does not significantly increase the height or gross floor area of the building, and*
 - (c) *does not have significant adverse impacts on adjoining buildings and the public domain, and*
 - (d) *does not significantly alter any aspect of the building when viewed from public places.*

A similar approach could be adopted in the amendment of clauses 33 and 34. A new subclause should be added to each of the clauses to clearly detail the circumstances where the consent authority is required to be satisfied that the referral of the DA to a design review panel or an architectural design competition is not required. For example:

- 33(4) A review by a design review panel is not required under subclause (1) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances of the development –
 - (a) involving no building works; and
 - (b) the matters listed in clause 35 are not relevant to the proposal
- 34(3) An architectural design competition is not required under subclause (1) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances of the development –
 - (a) having over 50% of its capital investment value associated with internal fit-out works;
 - (b) being referred to a design review panel for review in accordance with clause 34(1).

The proposed amendments respond to industry feedback regarding the appropriateness and practicality of the design excellence processes and the substantial impacts on the timing and delivery of employment-generating development within the WSA.

2.2. STATE ENVIRONMENTAL PLANNING POLICY (WESTERN SYDNEY AEROTROPOLIS) 2020

This section of the submission identifies the key issues and concerns raised regarding the proposed changes to *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* ('the WSA SEPP'). 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.

2.2.1. Part 2 – Permitted or Prohibited Development

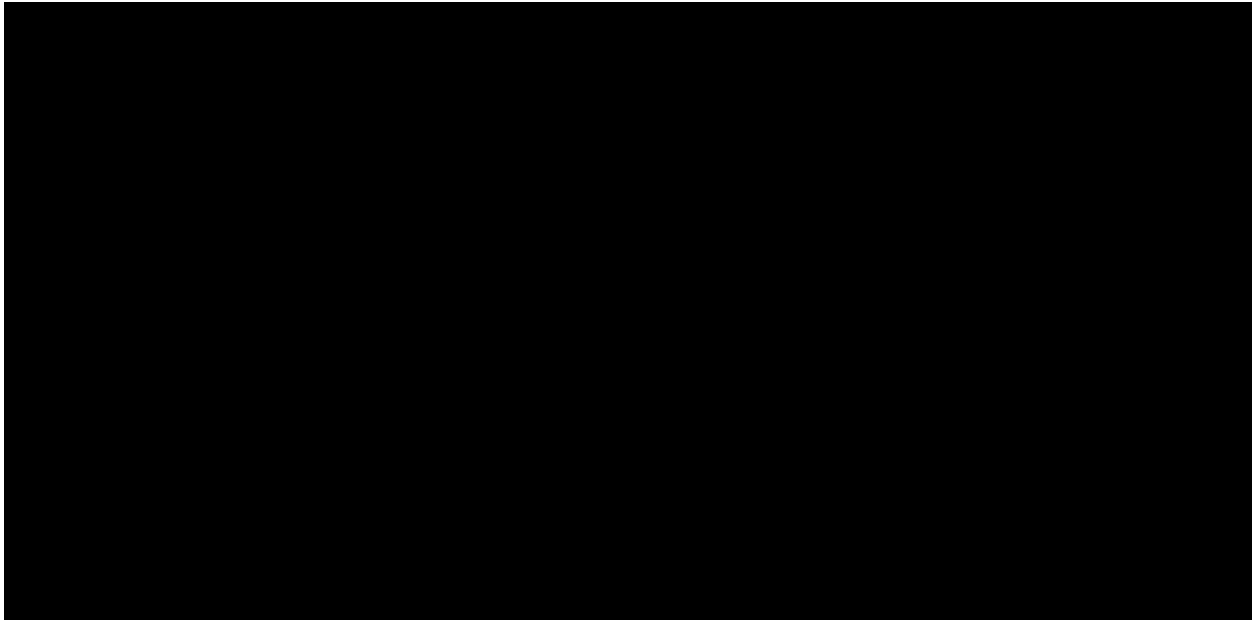
Part 2 addresses the proposed changes to the existing land use zones and permitted uses. Detailed consideration is given to the changes to the open space network and stormwater infrastructure, including how it relates to the existing Environment and Recreation Zone and the proposed new SP2 Special Infrastructure (Stormwater Infrastructure) zoning.

2.2.1.1. Acquisition of the Open Space Network

The EIE outlines how the draft Aerotropolis Precinct Plans identified land for open space so sufficient land was reserved in accordance with the WSA Plan. However, there was no immediate requirement to acquire or deliver the Open Space Network. A review of the Open Space Network was subsequently undertaken which has resulted in a 42% reduction in the land identified for open space.

The revised Open Space Network for the Agribusiness Precinct is described within Appendix A.3 of the *Western Sydney Aerotropolis Open Space Needs Study* ('the Open Space Study') which accompanies the public exhibition of the EIE. Table 6 in the Open Space Study shows the total amount of land within the Open Space Network has reduced from 425.75 hectares to 222.26 hectares. Figure 24 and Figure 25 show most of the open space originally proposed along the western part of the Greenfields site, including Duncans Creek Reservoir, is no longer required for open space (refer **Figure 7**).

Figure 7 Comparison between Draft and Revised Open Space Network



The land proposed to be acquired for the Open Space Network is detailed within the updated Land Reservation Acquisition Map in the WSA SEPP (refer **Figure 7**). This land is denoted as 'Stormwater Infrastructure' on the relevant map.

The Land Use Zoning Map is also proposed to be updated (refer **Figure 8**) and seeks to rezone the land within the Revised Open Space Network to SP2 Special Infrastructure (Stormwater Infrastructure). Some of the SP2 zoned land was previously included within the Environment and Recreation zone.

Figure 8 Extract of Land Reservation Acquisition Map

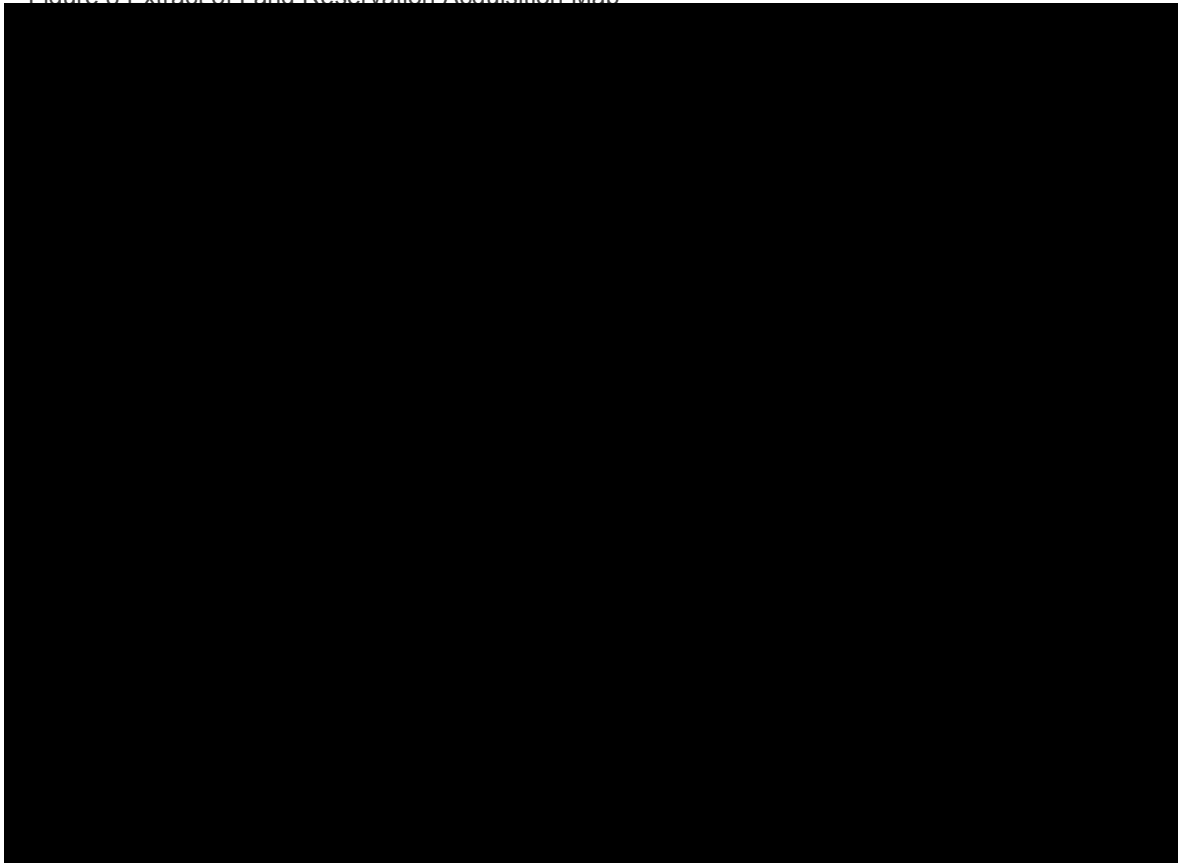
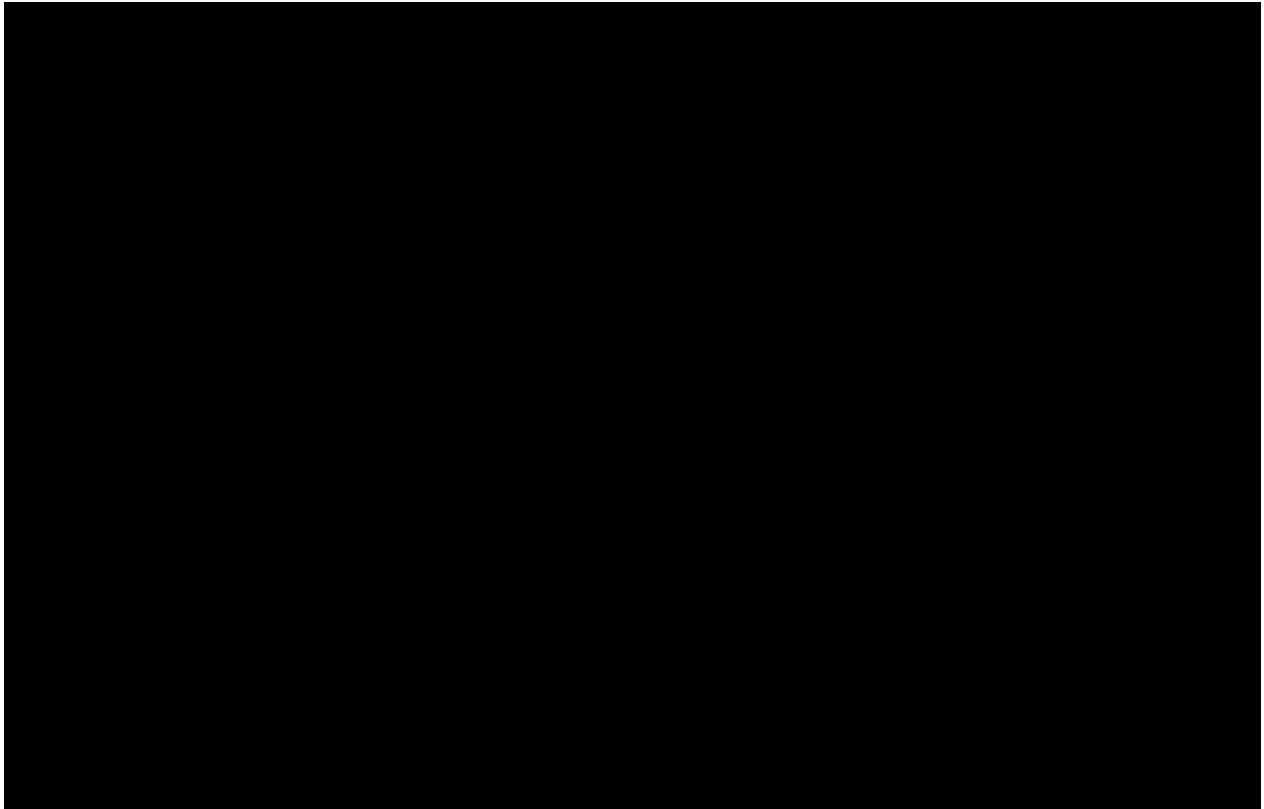


Figure 9 Draft Land Use Zone Map



The EIE states:

If land is not identified in the Land Reservation Acquisition Map it is no longer needed as part of the Open Space Network. Any land that is identified as part of the Open Space Network will retain its current land use zone.

The final Precinct Plans and Aerotropolis SEPP will reflect the final Open Space Network to be acquired for the initial precincts of the Aerotropolis.

Greenfields strongly objects to the proposed changes to the land use zoning and the land reservation acquisition requirements due to the significant impacts these will have on the potential future development of their land. As outlined in **Section 2.1.3**, the proposed changes will result in less flexible planning outcomes. This would be exacerbated by the introduction of an SP2 zone which provides further restrictions through fixed locations for stormwater infrastructure which would be more appropriately resolved through detailed site investigations at the DA stage.

Insufficient consideration is given to the potential benefits associated with the retention of the Duncans Creek Reservoir which would provide for a substantially better outcome for the site (and the Western Parkland City), considering each of the locational considerations and requirements for open space identified within Part 5.1 of the Open Space Study and as summarised below.

Table 1 Locational Considerations and Open Space Outcomes

Locational Consideration	Open Space Outcomes
<i>Recognise Country</i>	<p>Greenfields has engaged Christian Hampson, CEO of Yerrabingin, to assist with developing their response to the Recognise Country framework (which is addressed separately within their submission to the Draft Phase 2 DCP). Preliminary advice was sought from Yerrabingin regarding the proposal to retain the Duncans Creek Reservoir which is detailed below:</p> <p><i>Retaining the current waterbody would create an opportunity to introduce First Nation Ecological Knowledge and endemic landscape design to create both a place of public amenity and biofiltration benefit. The opportunity to introduce culturally significant species back into the landscape tethered to this water feature, reconnecting it to Country and a softer approach to redeveloping the site. It would also support greater diversity of species from the local ecology through a Country centred design approach looking at a regeneration rather than rehabilitation process. This approach also offers the opportunity to share a collective story land management history for the site and bring together the current custodians of the site with the original custodians.</i></p> <p>Overall, it was considered the site presents a unique opportunity to Recognise Country through a landscape-led design, including retention and enhancement of the existing reservoir.</p>
<i>Accessibility to centres, residents and workers</i>	<p>The open space adjoining the eastern side of the Duncans Creek Reservoir provides the opportunity for active transport connections from the southern part of the site which is to be developed for uses associated with the Agribusiness Precinct (eg freight and logistics, high-tech industrial, etc) and the proposed service centre further to the north, adjacent to the potential connection to the Outer Sydney Orbital.</p>

Locational Consideration	Open Space Outcomes
<p><i>Blue-Green Infrastructure - Alignment of open space with waterways</i></p>	<p>The retention of Duncans Creek Reservoir would make a significant contribution to the delivery of the Precinct Plan requirements as outlined in the Open Space Study.</p> <p>The part-Precinct Plan prepared by SurfaceDesign Inc was prepared based on verified and ground-truthed watercourses which currently exist on the site. These differ from some of the proposed watercourses and associated green links shown in the Draft Precinct Plan which simply do not exist in the landscape. It includes open space along the foreshore of Duncans Creek Reservoir, linking the blue and green grids to create a high-quality, attractive and functional public open space within the Agribusiness Precinct.</p> <p>The alternative proposal also provides for a holistic and integrated approach, contributing to the delivery of the blue-green and environmental outcomes, as well as making a significant contribution to urban design and landscape outcomes. Importantly, the 65 hectare reservoir can act as a large evaporation pond to contribute to the delivery of the Mean Annual Runoff Volume target of 2ML/Ha/Yr.</p>
<p><i>Scenic and cultural values</i></p>	<p>The Duncans Creek Reservoir has an area of approximately 65 hectares and forms a significant component of the existing landscape. The retention of this waterbody will maintain the existing scenic and cultural values of the site and provide a destination for Western Parkland City residents and workers, including education, exploration and recreation within an attractive landscaped setting. When the OSO is constructed, the reservoir will become a highly visible and welcoming entry to the WSA and the Western Parkland City.</p>
<p><i>Protecting land with high biodiversity values</i></p>	<p>The retention of the western part of the site as open space will enable the retention of the existing trees along the northern and southern parts of the site, with additional planting to enhance the existing ecological values.</p>
<p><i>Biodiversity connections and corridors</i></p>	<p>Ecological connections are focussed along Duncans Creek, providing for a north-south biodiversity corridor. Additional planting will be provided in the proposed open spaces along the reservoir to provide for a 40% tree canopy coverage</p>
<p><i>Integrated water management and water sensitive urban design</i></p>	<p>Preliminary research and investigations have confirmed Duncans Creek Reservoir could accommodate the total stormwater detention requirement for the relevant sub-catchment with minimal water level fluctuations (0.3 metres) and additional land take. Subject to the provision of water quality controls and an aviation safety management plan, the Duncans Creek Reservoir would:</p> <ul style="list-style-type: none"> ▪ Provide significant urban cooling infrastructure on a scale not readily available elsewhere in the Parkland City. ▪ Provide regional detention with minimal additional land take.

Locational Consideration	Open Space Outcomes
	<ul style="list-style-type: none"> ▪ Protect downstream water bodies from excessive runoff volume by providing regional evaporative water bodies (which is currently a significant issue in the Mamre Road Precinct). <p>The Part Precinct Plan provided by SurfaceDesign Inc with the Greenfields submission to the Draft Precinct Plan confirmed the large water body provides a heat sink, supporting cooler microclimates and temperature reductions. It will be complemented by planting at the edges which provide shade for a cool edge phenomenon, providing additional thermal comfort and ecological benefits, to reduce peak day temperatures.</p> <p>Further detailed consideration of the alternative stormwater infrastructure solution is provided in Section 2.2.1.2 of the submission. The Greenfields submission to the Draft Phase 2 DCP also provides a comprehensive analysis of the proposed performance objectives and benchmark solutions for the integrated water management system, including the clear and compelling benefits associated with the Duncans Creek Reservoir.</p>
<p><i>Suitability of areas for active open space uses (sports fields and topography)</i></p>	<p>The Greenfields submission in response to the draft Precinct Plan provided a comprehensive justification for the proposed benefits of the open space land around the Duncans Creek Reservoir. This identified an opportunity to deliver a 6.7 kilometre walking track providing for bushwalking, complemented with active and passive recreation uses within the surrounding open spaces and associated with the existing reservoir.</p>
<p><i>Protecting land with significant heritage and archaeological values</i></p>	<p>The site is not heritage listed, however, the western part of the site is considered to have high Aboriginal cultural sensitivity, while the south-western corner is considered to provide a potential conservation corridor where significant Aboriginal heritage sites could be connected to associated watercourses with open space. Further, the site has been operated as a dairy farm for 70 years.</p> <p>The retention of the existing Duncans Creek Reservoir and the delivery of the associated surrounding open space network will facilitate the flexible delivery of future development on the eastern part of the site, while the western part of the site can be retained for open space, with enhanced landscaping and ‘cultural anchors’ in strategic locations around the proposed open space to celebrate the heritage and archaeological values of the site.</p>

Source: <https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/Western-Sydney-Aerotropolis/Have-your-say-on-the-planning-for-the-Western-Sydney-Aerotropolis>, downloaded 8 October 2021.

The current proposal outlined within the EIE appears to have been informed primarily by the stormwater requirements, with no consideration of the many other beneficial criteria which contribute to the delivery of open space in the right locations. Further, the configuration of the proposed SP2 zones appears to have been informed by the future road network in the draft Precinct Plan which were shown in the Greenfields submission to be unworkable. The quantum of SP2 zones appears to be grossly oversubscribed from what would be expected using Sydney Water’s methodology for estimating this infrastructure (this is further detailed in **Section 2.2.1.2**).

Importantly, no details are provided regarding the acquisition authority or any potential implications on the draft Aerotropolis Special Infrastructure Contribution (‘Aerotropolis SIC’) or the Draft Aerotropolis Local Contributions Plan 2020 (‘Local CP’). It is unclear whether the dedication of land for open space, including

any associated works-in-kind, could facilitate off-sets against the required State and local contributions. Further, it is noted an extensive package of reforms to the levying, administration and expenditure of development contributions has recently been released for public comment. It is not clear whether this will also have implications for the current contributions framework.

Further, no consideration appears to have been given to the land which is zoned Environment and Recreation in accordance with the WSA SEPP. This land needs to be ground-truthed and where the zone is to be retained, considered as 'open space'. There is a clear alignment between the relevant zone objectives and the importance of open space provision in the Open Space Study, including its recreational and environmental values.

Overall, the proposed amendments to the Open Space Network are not supported and the Land Use Zoning and Land Acquisition Reservation maps should not be updated until a detailed analysis of the benefits associated with the retention of Duncans Creek Reservoir and the verified ground-truthed watercourses and green links has been completed.

2.2.1.2. Acquisition of Land for Stormwater Infrastructure

The EIE recognises that one of the key objectives for the WSA is to become a cool green place which retains water in the landscape. This will require a stormwater system which promotes waterway health and water recycling to provide sustainable outcomes. Page 13 of the EIE states:

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.

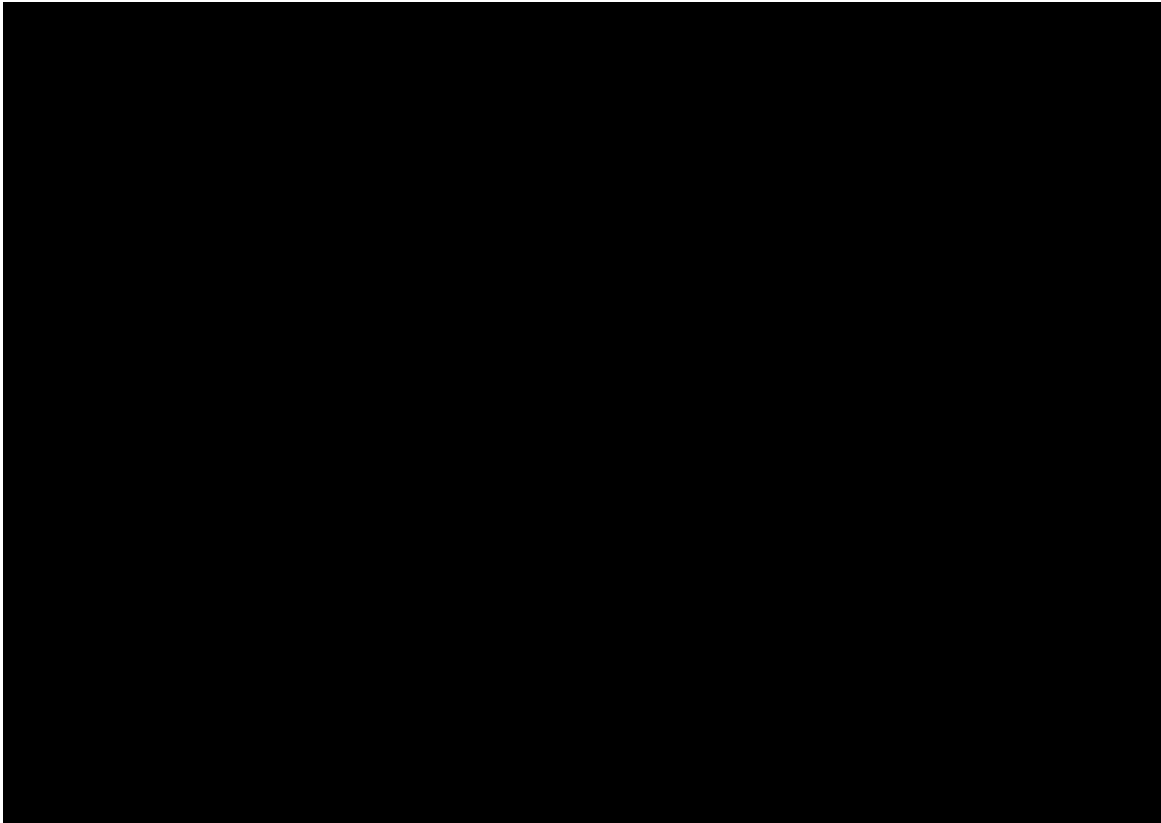
Similar to the requirements for the Open Space Network, lands for stormwater infrastructure, namely water detention basins are not needed now but will need to be acquired over time.

The EIE indicates part of the Greenfields site will be rezoned SP2 Infrastructure (Stormwater Infrastructure) and an acquisition authority will be identified under clause 52 of the WSA SEPP. It appears the final Precinct Plan will exclude the Duncans Creek Reservoir from the Open Space Network and the WSA SEPP will update the Land Zoning Map and Land Reservation Acquisition Map to reflect the amended approach.

Infrastructure Development Consulting ('IDC') was engaged by Greenfields to review their submission to the draft Precinct Plan and confirm the assumptions made regarding the retention of the Duncans Creek Reservoir. The preliminary findings provide a clear and compelling case to reconsider the alternative approach outlined within the EIE and as summarised below:

- It is understood that Sydney Water's *Stormwater and Water Cycle Management Study Interim Report* dated October 2020 has informed the integrated WSUD strategy outlined within the EIE. The report contains stormwater detention calculations using hydrologic and hydraulic modelling which is summarised in templates showing the estimated basin area required for various catchment sizes and slopes. These estimates (which have been used for land acquisition mapping) are based on an impervious fraction of 90%.
- It is estimated based on Sydney Water's indicative basin locations figure (shown in **Figure 9** below) that the detention basins proposed within the site boundary cover a total area of approximately 9.5 hectares in the Duncans Creek Catchment and approximately 4.5 hectares in the Badgerys Creek Catchment.

Figure 10 Stormwater Catchments (source: Sydney Water, 2020)



- The 90% fraction impervious used to calculate basin sizes is overly conservative for the Western Parkland City and should be reduced so that basins do not take up more land than is required. Industrial developments typically require 20% of the total land for road reserves and the Western Sydney Street Design Guidelines (which are referenced in the Phase 2 DCP), provide a 62% impervious area for the industrial street section. Based on our experience on similar large format industrial developments in the Western Parkland City, we believe the fraction impervious will be approximately 80%. Accordingly, the overall catchment fraction impervious will be approximately $(0.80 \times 0.80) + (0.20 \times 0.62) = 0.76$ (76% impervious). This represents a significant difference to the assumptions provided in the Sydney Water calculations.
- The detention basin sizing templates in the Sydney Water report have been used to estimate the potential detention volume required for the natural catchments related to the site development (noting that they are based on overly conservative fraction imperviousness assumptions). The results shown in **Figure 10** indicate the size of SP2 Infrastructure (Stormwater Infrastructure) zoned land to be acquired is considerably oversubscribed at approximately 46 hectares. Even allowing for an additional 25% of land for curtilage, the land proposed to be acquired is more than double what appears to be required.
- Further, the basin locations do not consider the removal of the Duncans Creek Reservoir as implied by the revised Open Space Network and the updated Land Zoning Map. If the reservoir was removed, the basin land should be further downstream closer to the creek line, rather than half-way up the catchment.

Figure 11 Stormwater Infrastructure Calculations

Sub-Catchment	Catchment Area (Ha)	Estimated Net Basin Top Area (m ²)	Water Quality Basin (1%) (m ²)**	Total Drainage Land Required	Area of SP2 Drainage Land to be Acquired in EIE	Difference
Duncans Creek Sub-Catchment 2	112.4	26,780	1,124	27,904	145,000	117,096
Duncans Creek Sub-Catchment 4	151.3	40,490	1,513	42,003	95,000	52,997
Duncans Creek Sub-Catchment 5	161.2	58,360	1,612	59,972	146,000	86,028
Subtotal	424.9	125,630	4,249	129,879	386,000	256,121
Badgerys Creek Catchment	67.4	17,860	674	18,534	74,000	55,466
Subtotal	67.4	17,860	674	18,534	74,000	55,466
Total	492.3	143,500	4,923	148,423	460,000	311,577

** Please note that we have assumed that 2% of the catchment areas will be required for water quality basins based on the established benchmarks of the Parkland City, but that half of that can be accommodated within detention basins. Therefore a total land take for water quality basins of 1% of catchment area has been determined.

source: IDC, 29 October 2021

An alternative stormwater solution could be provided which incorporates the retention of the Duncans Creek Reservoir and approximately 1-2 hectares of water quality basins. This would provide a superior urban framework as it maximises the amount of land available for employment and an improved urban design outcome, while providing an identical water management outcome and significantly greater urban cooling than the current proposal in the EIE.

Using the above benchmarks for water management infrastructure, the entire stormwater detention requirement for the catchment could be accommodated in the Duncans Creek Reservoir with water level fluctuations of as little as 0.3 metres and minimal additional land take. Subject to adequate water quality controls and aviation safety management plan, this reservoir would:

- Provide significant urban cooling infrastructure on a scale not readily available elsewhere in the Parkland City
- Provide regional detention with minimal additional land take
- Protect downstream water bodies from excessive runoff volume by providing regional evaporative water bodies (which is currently a significant issue in the Mamre Road Precinct).

Greenfields strongly objects to the proposed approach as outlined within the EIE and request further detailed consideration be given to the alternative scenario to facilitate the management of stormwater infrastructure across the site and delivery of a superior planning outcome.

2.2.2. Part 3 – Development Controls – Airport Safeguards

Part 3 applies to the airport safeguarding measures which have particularly relevance to the site, noting its proximity to the Western Sydney Airport, including the cargo precinct and the second runway. This section addresses the way in which the proposed changes impact the site and identification of additional changes which have previously been requested but not captured within the EIE.

2.2.2.1. Development in ANEC/ANEF 20+ Contour

The EIE provides savings provisions for land use subdivisions which had already been lodged with local Councils prior to the commencement of the SEPP on 1 October 2020. This will enable additional lots to be developed.

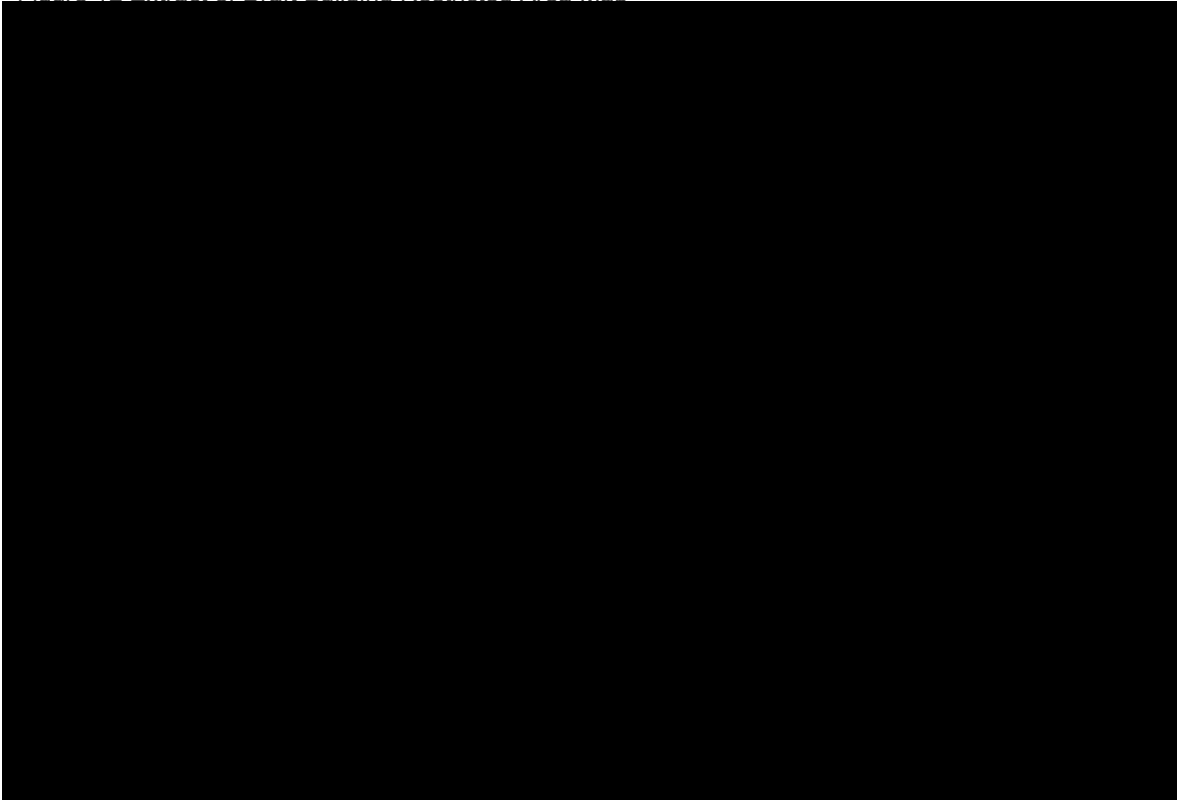
However, no consideration has been given to the proposed submission prepared by Greenfields in response to the Draft Precinct Plan. The submission requested consideration be given to the potential for additional land use activities (eg child care centres) to be accommodated within the proposed service centre in the northern part of the site, addressing likely future demand for social infrastructure in accordance with the Precinct Plan.

This land is located within the ANEC/ANEF 20+ Contour, however, it is considered these uses will support the Agribusiness Precinct and the potential acoustic impacts can be appropriately managed to avoid any unacceptable outcomes for the future occupants.

2.2.2.2. Building Restricted Area

The EIE shows that part of the Greenfields site will be affected by the Building Restricted Area ('BRA') Map as shown in **Figure 11** below.

Figure 12 Extract of Draft Building Restricted Area Map



[communities/Aerotropolis-Explanation-of-Intended-Effect.pdf?la=en](#), downloaded 8 October 2021

It is understood the new clause to be inserted in the updated WSA SEPP will require a referral to WSA Co who will seek specialist engineering advice from Airservices Australia. No technical input/expertise will be required from the proponent.

However, it is currently unclear what implications the BRA will have on future development of the Greenfields site and/or whether any restrictions are likely to be placed on development within the BRA in accordance with the proposed new clause.

It is understood the BRA relates to the Glide Path that is part of the instrument landing system for the new airport. Section 4.3 of the Airservices Australia document *Navigation Aid Building Restricted Areas and Siting Guidance – Airways Engineering Instruction AEI-7.1613 Version 4, 5th April 2018* states (our emphasis in bold):

The purpose of the Building Restricted Area is not intended to prohibit development but rather to trigger an assessment of a proposed building or development for its impact on the radio navigation facility. The BRA is primarily intended to be used by Aerodrome Operators and Local Planning Authorities but is also required to be used by the systems engineer when selecting a new site for a radio navigation facility.

The technology for the Glide Path is to be installed in approximately 2050 and this type of system is constantly evolving. The methodology to be applied by WSA Co/Airservices Australia in their assessment of any future DA over the next 25+ years needs to be understood. It needs to be made clear what is to be assessed and how any feedback may impact on the development of the site.

It is requested further information is provided to Greenfields regarding the proposed new clause and any associated assessment requirements.

2.2.3. Part 4 – Development Controls – General

Greenfields has prepared a separation submission in response to the public exhibition of the Draft Phase 2 DCP and the accompanying *Recognise Country: Draft Guidelines for Development in the Aerotropolis*.

It is understood the WSA SEPP will be updated with a new clause which requires the consent authority to be satisfied that future development proposals with the potential to change the landscape, including subdivision or major industrial/commercial buildings, have considered the Guidelines.

Greenfields is supportive of taking a landscape-led approach that recognises Aboriginal cultural values in the future development of the site. Early engagement with Yerrabingin included preliminary discussions regarding the proposed retention of Duncans Creek Reservoir as outlined within Table 1. It is anticipated further detailed opportunities to incorporate cultural and heritage values will be identified as the statutory framework is resolved and more detailed site planning can be progressed.

2.2.4. Part 7 – Precinct Plans and Master Plans

Part 7 of the WSA SEPP provides the requirements for the preparation of Precinct Plan and Master Plans and the way in which these documents will be assessed regarding future development proposals. This section of the submission focusses on the proposed changes to the WSA SEPP and where additional information is required to fully understand the potential implications for future development, including the timely delivery of investment and employment outcomes.

2.2.4.1. Making and Amending a Precinct Plan

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

The EIE indicates a new clause will be inserted in the WSA 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.

The EIE indicates the matters to be considered by the WPCA are likely to include:

- *The appropriateness of the Precinct Plan to create active, vibrant and sustainable communities and locations that support national and global businesses and the Western Sydney Airport;*
- *Ability for infrastructure to be delivered in an efficient and timely manner to ensure the vision and objectives for the precinct can be realised; and*
- *The contribution of the Precinct Plan to the economic growth and development of the Western Sydney Aerotropolis, including that the Precinct Plan promotes investment and supports job-intensive land uses.*

The information provided within the EIE does not clarify what will be classified as a 'defined matter' to determine when a draft Precinct Plan or an amendment to an existing Precinct Plan would be referred to the WPCA. It is also unclear whether the WPCA input would be limited to advisory feedback only and/or any specified requirements to provide a response within a certain time period to avoid unnecessary delays to the finalisation of a Precinct Plan (or amendment).

Further information is required to properly understand the potential implications of this clause. It is requested the proposed wording in the future written instrument is provided to enable a more comprehensive review and considered response to this matter prior to the finalisation of the updated WSA SEPP.

Amending a Precinct Plan

The EIE recognises the current WSA SEPP does not include the required process for amending a Precinct Plan. A new clause is proposed to be inserted in the WSA SEPP which provides for Master Plans to amend a Precinct Plan and relevant requirements including:

- Concurrent exhibition of the Master Plan and amended Precinct Plan.
- Provision of exhibition and Ministerial and WPCA approval requirements in Clause 40 of the WSA SEPP.

However, no detail is provided regarding the wording of the proposed new clause which would articulate the relevant approval requirements. Conflicting information has also been provided regarding the purpose of the Master Plan process. It has previously been indicated the preparation of a Master Plan is an 'optional' process to facilitate an approval pathway for complying development. However, it now appears a Master Plan could also be used to facilitate or justify a strategic planning amendment to update a Precinct Plan.

Further clarity is required regarding this matter, including the proposed wording in the written instrument to enable a more comprehensive review and considered response to this matter prior to the finalisation of the updated WSA SEPP.

2.2.4.2. Ability for Development to be Inconsistent with a Precinct Plan and Master Plan

The EIE acknowledges the submissions received in response to the draft Precinct Plans which raised concerns regarding flexibility in the WSA SEPP to consider minor inconsistencies with an adopted Precinct Plan or Master Plan. It suggests the updated Clause 4.6 provisions from the Standard Instrument LEP could be incorporated into Part 7 of the WSA SEPP to assess development which proposes variations to the Precinct Plan and Master Plan (excluding complying development).

It is considered appropriate to facilitate variations to a Precinct Plan or Master Plan where the proposed development would deliver a superior planning outcome. However, it is difficult to understand from the explanation provided in the EIE how the Clause 4.6 provisions would be applied in the assessment of the proposal. It is understood that neither a Precinct Plan or Master Plan are 'environmental planning instruments' and Part 7 of the SEPP does not currently list any development standards. Accordingly, it is unclear how the proposed variations would be appropriately addressed via Clause 4.6.

The proposed wording of the new clause(s) is requested so this matter can be reviewed in further detail, including the level of flexibility to be applied to developments and the relevant matters which need to be assessed in determining the appropriateness of the proposed variation.

2.2.4.3. Making and Amending a Master Plan

Expanding Potential Master Planning Application

The Base Farm site exceeds 100 hectares and is held in a single ownership. Accordingly, the proposed changes to these provisions will not impact upon the opportunity to access the Master Planning process.

However, significant concern remains regarding the lack of information regarding the Master Planning Guidelines, noting these are proposed to be published with the final Precinct Plans and the amended WSA SEPP. It is difficult to provide a review of the draft amendments to the WSA SEPP as outlined in the EIE in the absence of the final Precinct Plan or Master Plan Guidelines as highlighted previously in **Section 4.1.2** of our submission.

Significant concern also remains regarding the design excellence provisions which are referenced in the relevant criteria on page 24 of the EIE. No reference is made within the EIE regarding any proposal to amend the existing design excellence provisions within the WSA SEPP, including the thresholds for a design review panel and an architectural design competition to apply to future DAs (refer **Section 2.1.4**).

Requirement to be Consistent with an Adopted Precinct Plan

The EIE states the WSA SEPP is to be updated to require a Master Plan to be consistent with the adopted Precinct Plan unless it is demonstrated the alternative proposal would deliver a better planning outcome for the site, surrounding land and the WSA. It states the key areas for consideration will be detailed within the Master Plan Guidelines which are yet to be released. These may include consideration of:

- Improved public benefits
- Enhanced place making
- Mitigation of potential environmental impacts
- More efficient and orderly delivery of services and infrastructure
- Improvements to traffic and transport outcomes

- Improved management of land use interface issues
- Bushfire management
- Design excellence consideration and evaluation criteria

The EIE indicates the Minister for Planning and Public Spaces must be satisfied the Master Plan is consistent with the relevant adopted Precinct Plan. However, the EIE also indicates the Master Plan will be utilised to facilitate amendments to the Precinct Plan.

Further information is required regarding the new/amended clauses within the WSA SEPP to clearly articulate the way in which the Master Plans will fit within the planning framework, including whether they will be utilised to facilitate complying development and/or to facilitate updates to the Precinct Plans.

2.3. STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011

Significant concern is raised regarding the proposed change to *State Environmental Planning Policy (State and Regional Development) 2011* ('the SRD SEPP') which will have a significant impact on the timely delivery of development within the WSA. Specifically, these concerns relate to:

- Changes to Schedule 1 of the SRD SEPP which would preclude development from being considered State significant under the current provisions; and
- Changes to the *Environmental Planning and Assessment Act 1979* ('the EPA Act') which would impact on the current flexibility afforded to State significant development ('SSD') under clause 4.38, including the opportunity to grant development consent despite development being partly prohibited by an environmental planning instrument.

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'*.

It is proposed 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'*.

The EIE indicates the proposed approach is similar to the implementation of the build-to-rent housing controls which were introduced via an update to *State Environmental Planning Policy (Affordable Rental Housing) 2009* ('the ARH SEPP'). However, this was a new form of residential development where a State significant pathway did not already exist under Schedule 1 of the SRD SEPP.

It is unclear how a similar approach would work for development within the WSA. The EIE indicates a new provision under Schedule 1 of the SRD SEPP would prevent development from being declared SSD unless it is consistent with the WSA SEPP. However, Schedule 1 applies to development typologies which are deemed SSD based on their economic or employment values. This includes developments which are permitted in the WSA (and the Agribusiness Precinct) including:

- Clause 3 - Agricultural produce industries and food and beverage processing
- Clause 10 - Chemical, manufacturing and related industries
- Clause 11 - Other manufacturing industries
- Clause 12 - Warehouses or distribution centres

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.

It is critical for the current level of flexibility within the SRD SEPP and the EP&A Act to be maintained so the environmental, economic and employment benefits of SSD proposals are achieved. This will be driven by the

timely delivery of development which supports the Western Sydney Airport, as well as upgrades to the public domain.

Development within the WSA is already subject to a complex planning framework, including the WSA Plan, the WSA SEPP and the Phase 1 DCP. These documents will be supplemented and/or superseded by the provisions of the final Precinct Plan and Master Plan Guidelines (expected by the end of 2021) and the Phase 2 DCP (expected in early 2022).

Each of the relevant statutory planning controls would be listed in the SEARs issued for any SSDA proposal within the WSA. This would require the proponent, DPIE and where relevant, the Independent Planning Commission, to consider whether the proposed development is consistent with the WSA SEPP and the Precinct Plan (in accordance with clause 41 of the SEPP).

The Clause 4.38(3) provisions enable development consent to be issued where development is partly prohibited by an environmental planning instrument. They do not preclude a comprehensive assessment from being undertaken, including a detailed analysis of the potential environmental, social and economic impacts. This could include 'ground truthing' of riparian corridors through detailed site research and investigations. It is unclear as to why a unique approach is required for the assessment of proposals deemed to be SSD on land within the WSA compared to the flexible approach afforded to other SSD proposals in other parts of Sydney or across NSW.

Overall, the existing clause 4.38(3) provisions provide 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 which occurs at the development/ subdivision stage. No changes are considered appropriate or necessary to the SRD SEPP which would preclude a comprehensive assessment in accordance with the current controls.

3. SUMMARY AND RECOMMENDATIONS

Greenfields appreciates the opportunity to provide a submission to the public exhibition of the EIE and the accompanying Open Space Study. 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.

It is strongly recommended further consideration be given to the following matters to ensure the proposed changes to the WSA SEPP will result in a positive planning outcome and will not result in unintended consequences which delay achieving the significant investment and employment outcomes for the WSA:

1. The draft written instrument for the amended WSA SEPP should be publicly released so the new/amended clauses are clearly understood, including their potential implications for future development proposals, including timing.
2. The complete planning package, including the Master Plan Guidelines and the intended final versions of the Precinct Plans, are required to understand the implications associated with the proposed changes to the WSA SEPP, particularly regarding the new/amended clauses which invoke the provisions within these documents.
3. Further consideration needs to be given to the submissions provided in response to the public exhibition of the draft Precinct Plans, including the way in which these will be addressed within the intended final version of this document. These appear to have major implications for the proposed zoning and land use acquisition changes in accordance with the WSA SEPP.
4. Part 5 of the WSA SEPP urgently needs to be updated to respond to industry feedback regarding the appropriateness and of the design excellence provisions, including the substantial impacts of the current wording on the timing and delivery of employment generating development within the WSA. Further consideration needs to be given to the 'triggers' within clauses 33 and 34 to ensure that design excellence is incorporated into the assessment process in appropriate circumstances.
5. Further detailed consideration needs to be given to the proposed land use zoning and land reservation acquisition provisions having regard to its substantial impact on the developable land and the realisation of the objectives for the Agribusiness Precinct, including the Greenfields site.
6. An alternative stormwater infrastructure scenario be adopted which facilitates the retention of Duncans Creek Reservoir to realise its urban cooling benefits, recognise the cultural and heritage significant of the landscape, provide open space and public recreation opportunities and create a more efficient urban framework.
7. Further information is required to understand the implications of the BRA on the development potential of the Greenfields site, including the methodology to be applied by WSACo/Airservices Australia in their assessment of any future DA.
8. Further detailed consideration needs to be given to the purpose and requirements for Master Plans, including whether these documents are intended to provide an optional approvals pathway for complying development or if they are intended to facilitate strategic planning decisions associated with updating the Precinct Plans. Additional information is required, including the new/amended clauses in the written instrument, to fully understand the potential implications for future development.
9. Greater clarity needs to be provided regarding the potential role of the Western City Parkland Authority in the review of draft Precinct Plans (or amendments) and how this will be managed, including a clear understanding of their role, input and any timing implications arising from the Authority's involvement.
10. Further information is required to understand the potential listing of the WSA under Schedule 1 of the SRD SEPP, noting this schedule applies to development typologies and already including many of the typical uses that may be accommodated across the WSA and within the Agribusiness Precinct (eg warehouse or distribution centres). Additional information is required regarding the proposed wording of the new clause to understand the potential implications on the existing planning approval pathways.
11. The flexible approach to State significant developments provided within clause 4.38(3) of the EPA Act should be retained 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. It is entirely appropriate to provide for a merit-based assessment to deliver superior planning outcomes based on a detailed analysis of the site opportunities and constraints.

Again, Greenfields appreciate the opportunity to provide further feedback regarding the WSA planning framework and would welcome the opportunity to discuss any aspect of our submissions 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).

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.

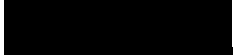
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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations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





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 Explanation of Intended Effect
Attachments: greenfields-submission-to-eie.pdf

Submitted on Fri, 05/11/2021 - 15:23

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



Suburb/Town & Postcode

Sydney NSW 2000

Contact number



Please provide your view on the project

I object to it

Submission file

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

Submission

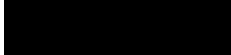
Please find attached file

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 3:44 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: 12-24-derwent-rd-1432-the-northern-road,-bringelly-submission-to-ws-aerotropolis-draft-amendments.pdf

Submitted on Fri, 05/11/2021 - 15:41

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Luke

Last name

Zajac

I would like my submission to remain confidential

No

Info

Email



Address

Horwood Place

Suburb/Town & Postcode

Parramatta 2150

Contact number



Please provide your view on the project

I am just providing comments

Submission file



Submission

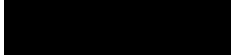
Please see attached submission prepared on behalf of the landowners of [redacted] Derwent Road and [redacted] The Northern Road, Bringelly. We appreciate the opportunity provided to comment on the proposed amendments.

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 3:48 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: 290-badgerys-creek-road-submission-to-ws-aerotropolis-draft-amendments.pdf

Submitted on Fri, 05/11/2021 - 15:44

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Luke

Last name

Zajac

I would like my submission to remain confidential

No

Info

Email



Address

Horwood Place

Suburb/Town & Postcode

Parramatta 2150



Please provide your view on the project

I am just providing comments

Submission file



Submission

Please see attached submission prepared on behalf of the landowners of Badgerys Creek Road, Badgerys Creek. We appreciate the opportunity provided to comment on the proposed amendments.

I agree to the above statement

Yes

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[REDACTED]

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Sent: Friday, 5 November 2021 4:39 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: ipg,-csr-pg-submission_eie-submission.pdf

Submitted on Fri, 05/11/2021 - 16:38

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

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[REDACTED]

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PO Box 35 Casula Mall

Suburb/Town & Postcode

Casula NSW 2170

[REDACTED]

Please provide your view on the project

I object to it

Submission file

[ipg,-csr-pg-submission_eie-submission.pdf](#)

Submission

Hi there,

Please find attached the combined EIE 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

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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 4:50 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: western-sydney-aerotropolis---november-2021-exhibition---krilich---final.pdf

Submitted on Fri, 05/11/2021 - 16:48

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Lenko and Anthony

Last name

Krilich

I would like my submission to remain confidential

No

Info

Email

Address

Elizabeth Drive

Suburb/Town & Postcode

LUDDENHAM 2745

Contact number

Please provide your view on the project

I object to it

Submission file

[western-sydney-aerotropolis---november-2021-exhibition---krilich---final.pdf](#)

Submission

Refer to the attached submission for details of our concerns of the EIE in relation to the aquisition proposed at the front of our property.

I agree to the above statement

Yes

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Edna Grigoriou

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 4:58 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: western-sydney-aerotropolis-planning-package---november-2021---benchmark-building-certifiers.pdf

Submitted on Fri, 05/11/2021 - 16:57

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Anthony

Last name

Krilich - Benchmark Building Certifiers

I would like my submission to remain confidential

No

Info

Email

admin@benchmarkcertifiers.com.au

Address

PO Box 1274

Suburb/Town & Postcode

PENRITH 2751

Contact number

02 4732 6322

Please provide your view on the project

I support it

Submission file

[western-sydney-aerotropolis-planning-package---november-2021---benchmark-building-certifiers.pdf](#)

Submission

Refer to submission concerning complying development provisions in the EIE.

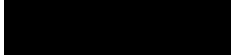
Anthony Krilich - Benchmark Building Certifiers

I agree to the above statement

Yes

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Submitted on Fri, 05/11/2021 - 16:57

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Anthony

Last name

Krilich - Benchmark Building Certifiers

I would like my submission to remain confidential

No

Info

Email



Address

PO Box 1274

Suburb/Town & Postcode

PENRITH 2751



Please provide your view on the project

I support it

Submission file

[western-sydney-aerotropolis-planning-package---november-2021---benchmark-building-certifiers.pdf](#)

Submission

Refer to submission concerning complying development provisions in the EIE.

Anthony Krilich - Benchmark Building Certifiers

I agree to the above statement

Yes

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[REDACTED]

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Sent: Friday, 5 November 2021 4:59 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: badgerys-creek-rd_bringelly_-submission-4.11.2021_0.pdf

Submitted on Fri, 05/11/2021 - 16:52

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Steven

Last name

Ly

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Badgerys Creek Rd

Suburb/Town & Postcode

Bringelly 2556

Contact number

[REDACTED]

Please provide your view on the project

I object to it

Submission file

[badgerys-creek-rd_bringelly_-submission-4.11.2021_0.pdf](#)

Submission

Please find attached herewith our group submission from the landowners on Badgerys Creek Rd, Bringelly, 2556

We are the landowners of:

[REDACTED]



We are definitely not happy with the amount of land that is allocated for acquisition for storm water infrastructure. For most of us we are losing approximately 50% of our land. We think that the scale of acquisition on our land is unreasonable and have attached herewith our submission to voice our concerns and kindly request for you to reconsider whether it is necessary at all on our properties.

I agree to the above statement

Yes

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[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 5:01 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: dpie---submission.pdf

Submitted on Fri, 05/11/2021 - 16:58

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

JOHN

Last name

CARPANI

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Willowdene Ave,

Suburb/Town & Postcode

LUDDENHAM

Contact number

[REDACTED]

Please provide your view on the project

I object to it

Submission file

[dpie---submission.pdf](#)

Submission

I have attached PDF file thank you.

I agree to the above statement

Yes

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Sent: Friday, 5 November 2021 5:02 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: waterhouse-group-open-space-network-have-your-say-5-nov-21_0.docx

Submitted on Fri, 05/11/2021 - 17:01

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Paul

Last name

Walker

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] Regent St

Suburb/Town & Postcode

Paddington

Contact number

[REDACTED]

Please provide your view on the project

I am just providing comments

Submission file

[waterhouse-group-open-space-network-have-your-say-5-nov-21_0.docx](#)

Submission

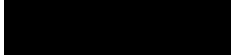
Please see submission attached

I agree to the above statement

Yes

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Sent: Friday, 5 November 2021 5:03 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: urban-taskforce-submission---explanation-of-intended-effect-final.pdf

Submitted on Fri, 05/11/2021 - 17:01

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Aleksandar

Last name

Mitreski

I would like my submission to remain confidential

No

Info

Email



Address



Suburb/Town & Postcode

Sydney 2001

Contact number



Please provide your view on the project

I object to it

Submission file

[urban-taskforce-submission---explanation-of-intended-effect-final.pdf](#)

Submission

Please accept the attached submission in relation to the Explanation of Intended Effect - Amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis prepared by the Urban Taskforce.

I agree to the above statement

Yes

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Sent: Friday, 5 November 2021 5:11 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: 21.11.05.-pl-letter-to-dpie.pdf

Submitted on Fri, 05/11/2021 - 17:06

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Ericka

Last name

Pham

I would like my submission to remain confidential

No

Info

Email

[Redacted]

Address

[Redacted] King Street

Suburb/Town & Postcode

Sydney NSW 2000

Contact number

90250808

Submission file

[21.11.05.-pl-letter-to-dpie.pdf](#)

Submission

Refer to submission file.

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](#)
To: PPO_Engagement
Cc: planning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Date: Friday, 5 November 2021 5:21:10 PM
Attachments: [submission-for-michael-and-paola-condello-re-eie.pdf](#)

Submitted on Fri, 05/11/2021 - 17:19

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Michael

Last name

Condello

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] May Avenue

Suburb/Town & Postcode

Rossmore

Contact number

[REDACTED]

Please provide your view on the project

I support it

Submission file

[submission-for-michael-and-paola-condello-re-eie.pdf](#)

Submission

Hi

Please review our submission as attached.

Kind regards,

M and P Condello

I agree to the above statement

Yes

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Sent: Friday, 5 November 2021 5:22 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: stockland_aerotropolis-eiedcp-submission.pdf

Submitted on Fri, 05/11/2021 - 17:20

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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[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 5:29 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au

[Redacted]

[Redacted]

Submitted on Fri, 05/11/2021 - 17:27

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Nicholas

Last name

Nasser

I would like my submission to remain confidential

No

Info

Email

[Redacted]

Address

[Redacted] Mamre road

Suburb/Town & Postcode

Kemps Creek

Contact number

[Redacted]

Please provide your view on the project

I object to it

Submission file

[Redacted]

Submission

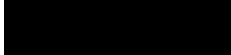
Please see attached submission for [Redacted] Mamre road Kemp's Creek, in objection to the extent of ENZ zoning.

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 5:39 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: 2021-11-aerotropolis-sepp-eie-submission-(final---signed-lc.pdf)

Submitted on Fri, 05/11/2021 - 17:35

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Ross

Last name

Grove

I would like my submission to remain confidential

No

Info

Email



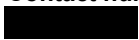
Address

 Great Western Highway

Suburb/Town & Postcode

Westmead

Contact number



Please provide your view on the project

I am just providing comments

Submission file

[2021-11-aerotropolis-sepp-eie-submission-\(final---signed-lc.pdf\)](#)

Submission



I agree to the above statement

Yes

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

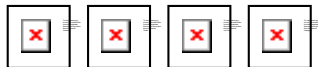
[Redacted]

[Redacted]

[Redacted]

Sydney
WATER [Redacted]

 Sydney Water acknowledges the traditional custodians of the waters and land on which we work, live and learn.

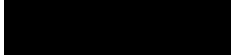


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Sent: Friday, 5 November 2021 6:39 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: submission-to-aerotropolis-precinct-plans.pdf

Submitted on Fri, 05/11/2021 - 18:37

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Mario

Last name

Marando

I would like my submission to remain confidential

No

Info

Email



Address

 Smart Street

Suburb/Town & Postcode

Fairfield

Contact number



Please provide your view on the project

I object to it

Submission file

[submission-to-aerotropolis-precinct-plans.pdf](#)

Submission

This Submission has been prepared on behalf of the landowners for the Subject Site in relation to the attached Submission. They are requiring due consideration pertaining to the proposed zoning of their land.

I agree to the above statement

Yes

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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 [REDACTED] landholding located in the Northern Gateway precinct, at [REDACTED] Elizabeth Drive, 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 appreciate 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.

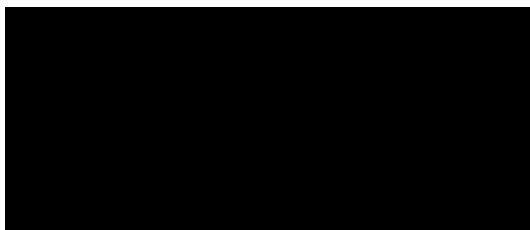
Finalisation of planning documents requires meaningful consultation and exhibition

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.

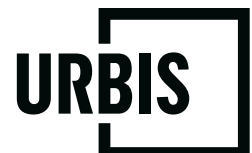




ELIZABETH DRIVE BADGERYS CREEK

Submission to Aerotropolis
Explanation of Intended Effect and
Open Space Needs Study

Prepared for
ROBERTS JONES DEVELOPMENT
5 November 2021



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	David Hoy
Associate Director	Christophe Charkos
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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urbis.com.au

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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 an Explanation of Intended Effect (EIE) to amend 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 (Draft DCP)*
- *Recognise Country, Draft Guidelines for development of the Aerotropolis, and (CTC Guidelines)*
- *Aviation Safeguarding Guidelines Western Sydney Aerotropolis and Surrounding Areas. (Aviation Guidelines)*

Roberts Jones is the owner of a significant landholding at [REDACTED] Elizabeth Drive Badgerys Creek. Whilst the landowner completed the purchase of the site in early 2021, it's 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.

The submission has reviewed and considered the proposed amendments to the three *State Environmental Planning Policies* listed above in addition to the *Western Sydney Aerotropolis Open Space Needs Study* dated October 2021 which has underpinned some of the proposed amendments relating to open space and stormwater infrastructure.

The submission also responds to the proposed changes to *State Environmental Planning Policy (State and Regional Development) 2011* ('the SRD SEPP'). These changes would have major implications for the consideration of SSD-18406916 which has been submitted to the DPIE for test of adequacy. The changes to the SRD to remove a valid and legal development pathway undermines the planning system and will place at risk the early activation and significant economic investment required to kick start the Aerotropolis.

A separate submission has been prepared 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'). It is acknowledged that some of the issues raised within this submission are also raised within the submission to the draft Phase 2 DCP.

The submission has been divided into the following key sections:

- **Summary of Recommendations**
- **Site Description and Planning Context**
- **Background**
- **Submission**
- **Conclusion**

2. SUMMARY OF RECOMMENDATIONS

1. That the DPIE/WSPP acknowledge and provide a detailed review and response to our client's submission to the EIE and DCP, and previous submissions on the draft Precinct Plan and the range of technical studies and reports provided in relation to its site.
2. That the written instrument be released for public comment prior to gazettal. Alternately DPIE should delay the date of commencement of the instrument and invite targeted comment from the industry bodies and planning practitioners and other key stakeholders.
3. Any amendment to the ASEPP must include an amendment to clause 34 to exclude certain types of development such as warehouse and distribution centres and similar land uses from a design competition in favour of a design review panel process.
4. The proposed SEPP amendment must contemplate amendments to the CPCP where these areas have been appropriately field validated. Not to do so would undermine the integrity of the plan and require unnecessary additional BDAR assessments under the BC Act for these uncertified areas.
5. ENZ / Area required for stormwater must be amended to reflect actual field validation undertaken including rationalising the ENZ on the site to the 1:100 flood planning levels identified in the Wianamatta (South) Creek Flood Study – Existing Conditions referenced in the Phase 2 DCP
6. The SP2 Zone must be flexible to allow these areas to be properly investigated, designed, refined and developed in a manner that incorporates Connection to Country principles whilst also minimising the impact upon developable areas of key development sites.
7. Infrastructure such as drainage and open space, should be confirmed at the development application stage. Details of these types of infrastructure must be removed from the draft Precinct Plan. We advocate an approach that includes the indicative areas required for stormwater within the DCP such that reasonable alternative outcomes and locations can be prosecuted.
8. SSSA process for partly prohibited development must be maintained to ensure sufficient flexibility to determine the final size and location of the infrastructure including the potential for low-risk development to be undertaken within storage and fringe areas of the 1:100 flood level where it can be demonstrated that it will not impact on existing flood conditions, riparian and connection to country objectives
9. The wording and operation of the proposed clause must not unreasonably impact on future employment related land uses within the Building Restricted Area
10. Roberts Jones supports the implementation of the Guideline and incorporation of Connection to Country principles into any future development.
11. Roberts Jones supports any reduction to or removal of the OSO corridor.
12. A commitment to allow complying development consistent with the precinct plan for industrial development under the changes being proposed under the Building Business Back Better Framework would provide confidence and be a significant boost to investment and activation.
13. The role of the WCPA to promote and facilitate investment and jobs on Govt owned land must not conflict with its increased role in the precinct plan process.
14. The WCPA must ensure that economic imperatives to promote investment and jobs intensive land uses is prioritised in the final precinct plan.
15. There must be other opportunities to amend a precinct plan for sites that are not subject able to use the Master Plan process.
16. SSSA provides a reasonable alternative to amending a Precinct Plan for those sites not subject to the Master Plan process field validation of key issues is required by the SEARs. The SSSA process (including the use of s4.38(3) partly prohibited development) must not be watered down for relevant development within the Aerotropolis.
17. Detail and wording as to how clause 4.6 will be applied must be provided and exhibited prior to its finalisation and gazettal to understand the implications. A simpler way would be to adopt a requirement development to be consistent with the objectives of the precinct plan.

18. Master Plan guidelines must be released as a matter of priority per the Independent Community Commissioners Report.
19. Master Plan pathway must be a compelling process for industry and not cause further delays to the development process.
20. A Master Plan must confer development consent, i.e a legal basis to undertake development that can stand alongside a Concept Development consent.
21. A Master Plan either grant consent or provide a fast track approval process for early works and site preparation to facilitate the complying development pathway.
22. Criteria to assess inconsistencies with a Precinct Plan must include the ability to undertake technical investigations to challenge the ASEPP and Precinct Plan including baseline environmental constraints, urban design layout and feasibility.
23. The proposed changes to the SRD SEPP must be abandoned as they will unnecessarily impact upon the delivery of development that would ordinarily be classified as SSD.

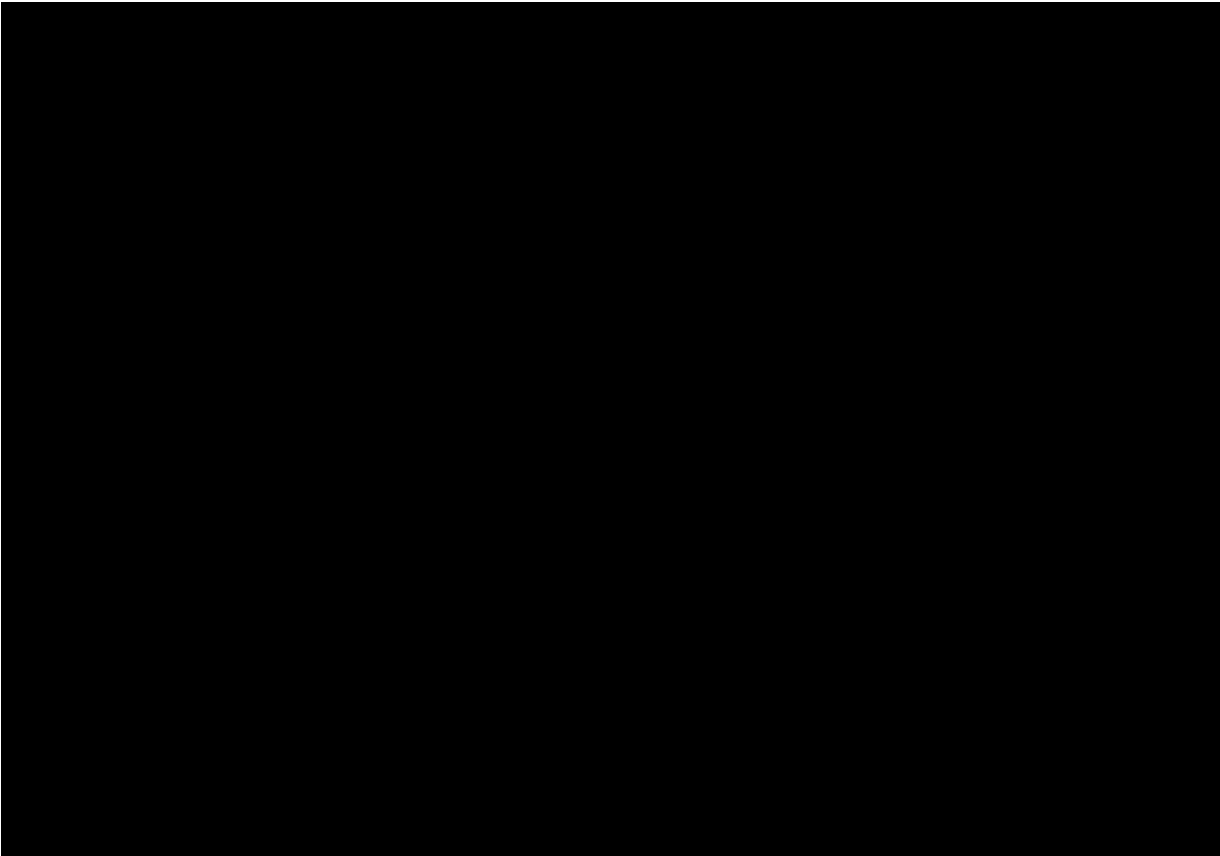
3. SITE DESCRIPTION & PLANNING CONTEXT

3.1. SITE DESCRIPTION

The site is located at 1 [REDACTED] Elizabeth Drive, 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 [REDACTED] is under single ownership, the lot area has reduced from [REDACTED] 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.

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).

3.2. 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.

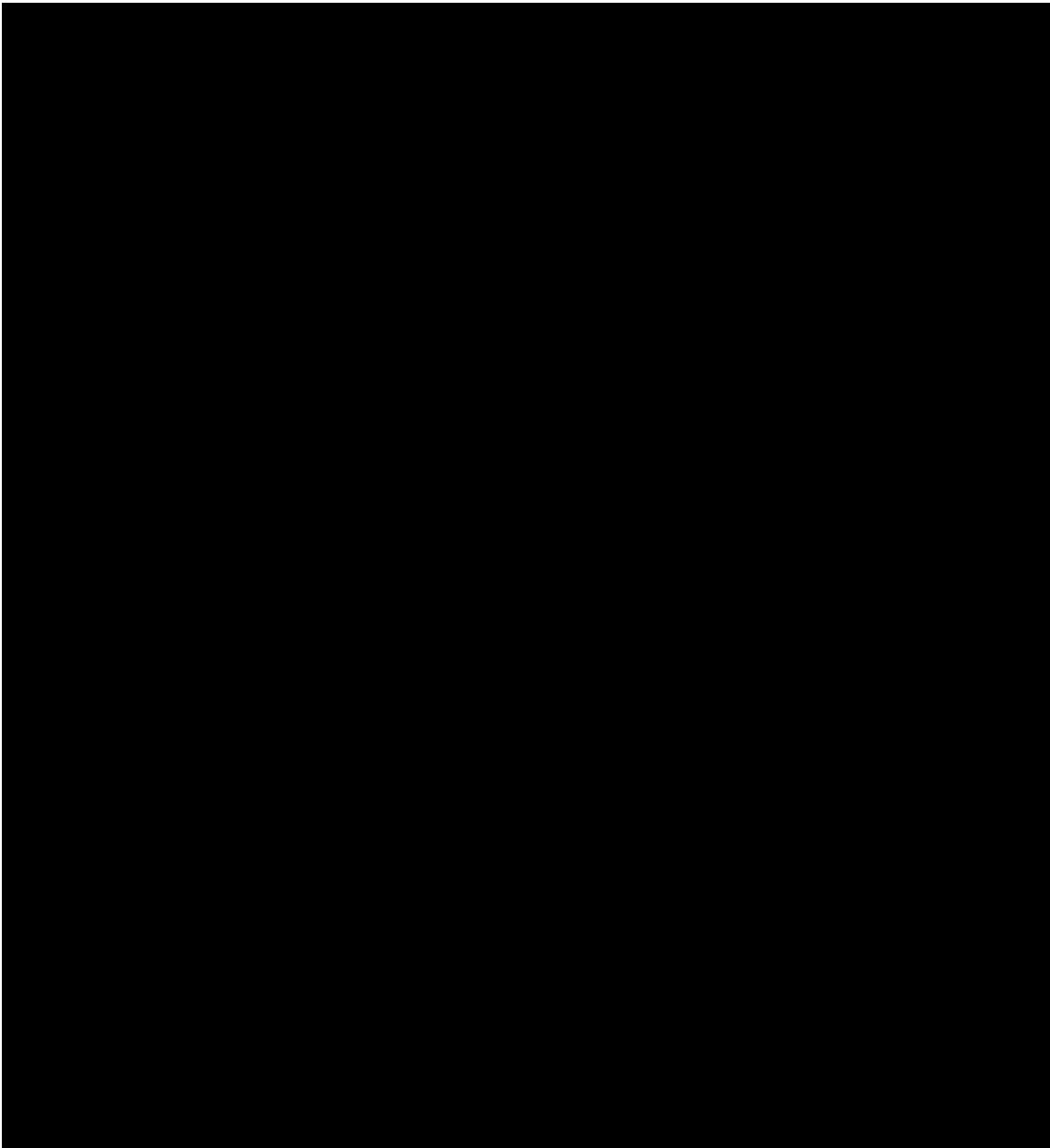
The Northern Gateway is intended to provide for a variety of employment generating land uses including high technology commercial enterprise/industry, **warehousing and logistics**.

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

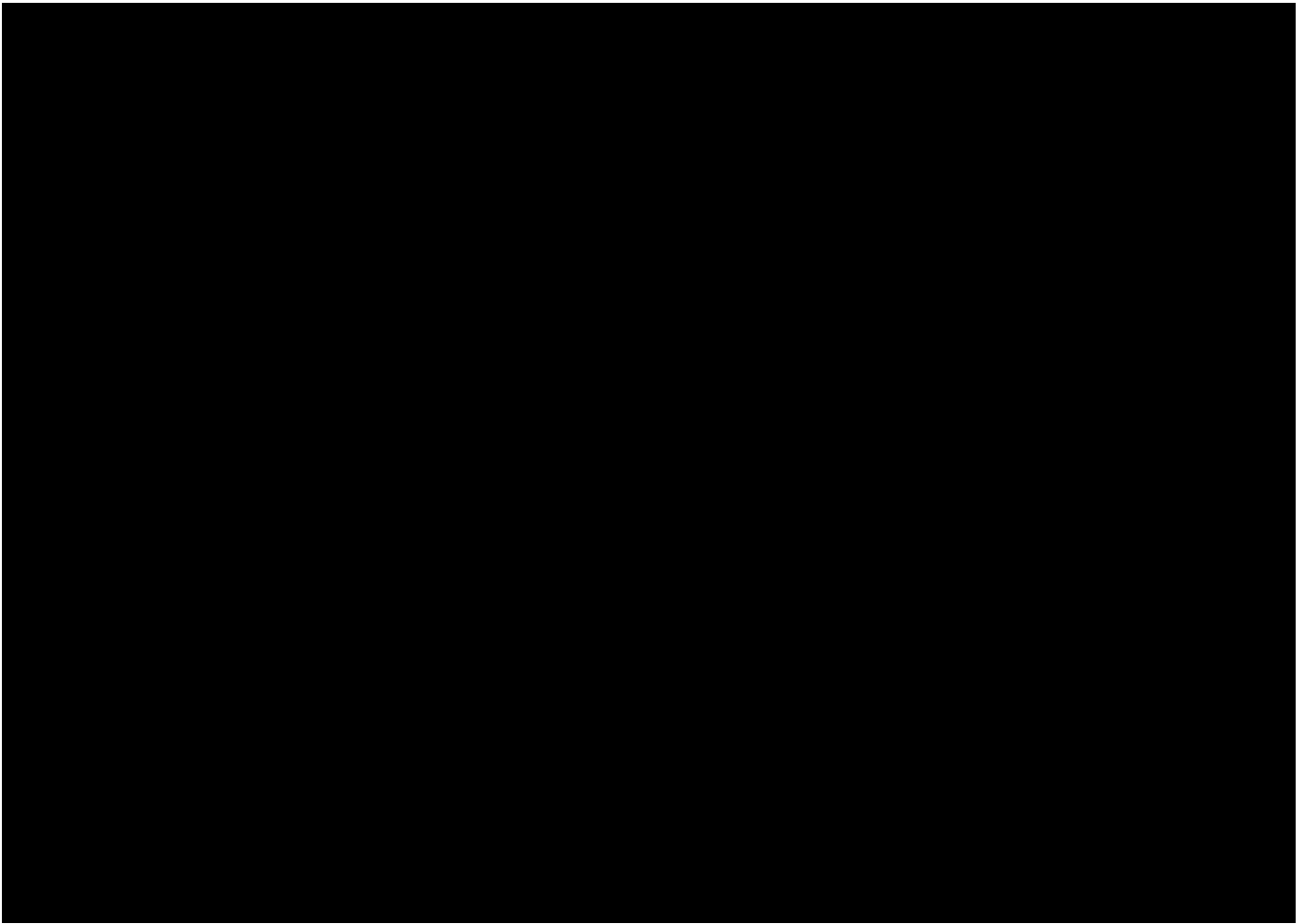


3.3. STATUTORY PLANNING CONTEXT

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.



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. Roberts Jones would be happy to provide these reports to DPIE and the WSPP upon request.

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. Revised versions of these technical investigations form part of the detailed assessment within the EIS and are summarised below with relevant figures provided where required on the following pages.

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)

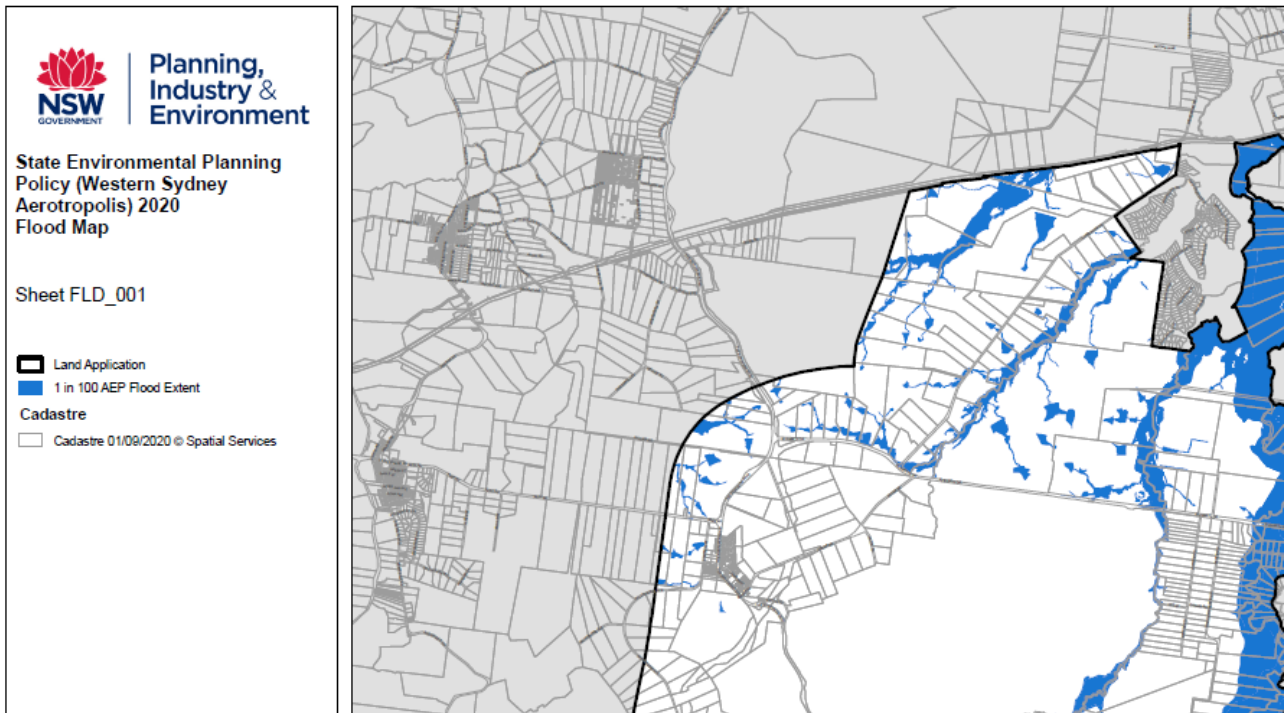
Clearly the Advisian study (referenced in the draft DCP appendices as being the base case existing flood information) reflects the findings of our own field validated flood modelling. Our flood engineers (BMT) have also confirmed that the Advisian study is consistent with their modelling of the mainstream 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.

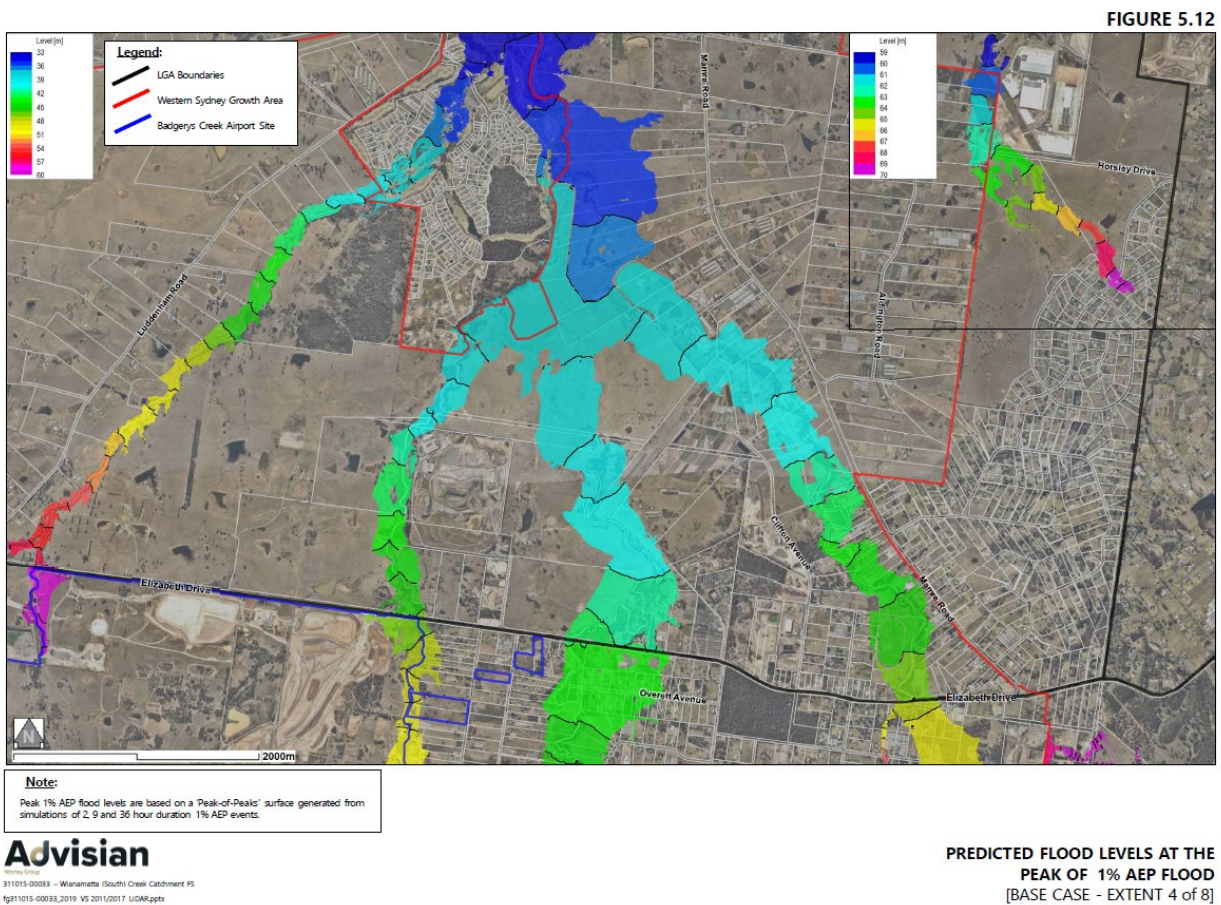
Figure 5 Flood Model Comparison – Existing Conditions (ASEPP, Advisian and BMT)

Picture 1 Aerotropolis SEPP Flood Mapping



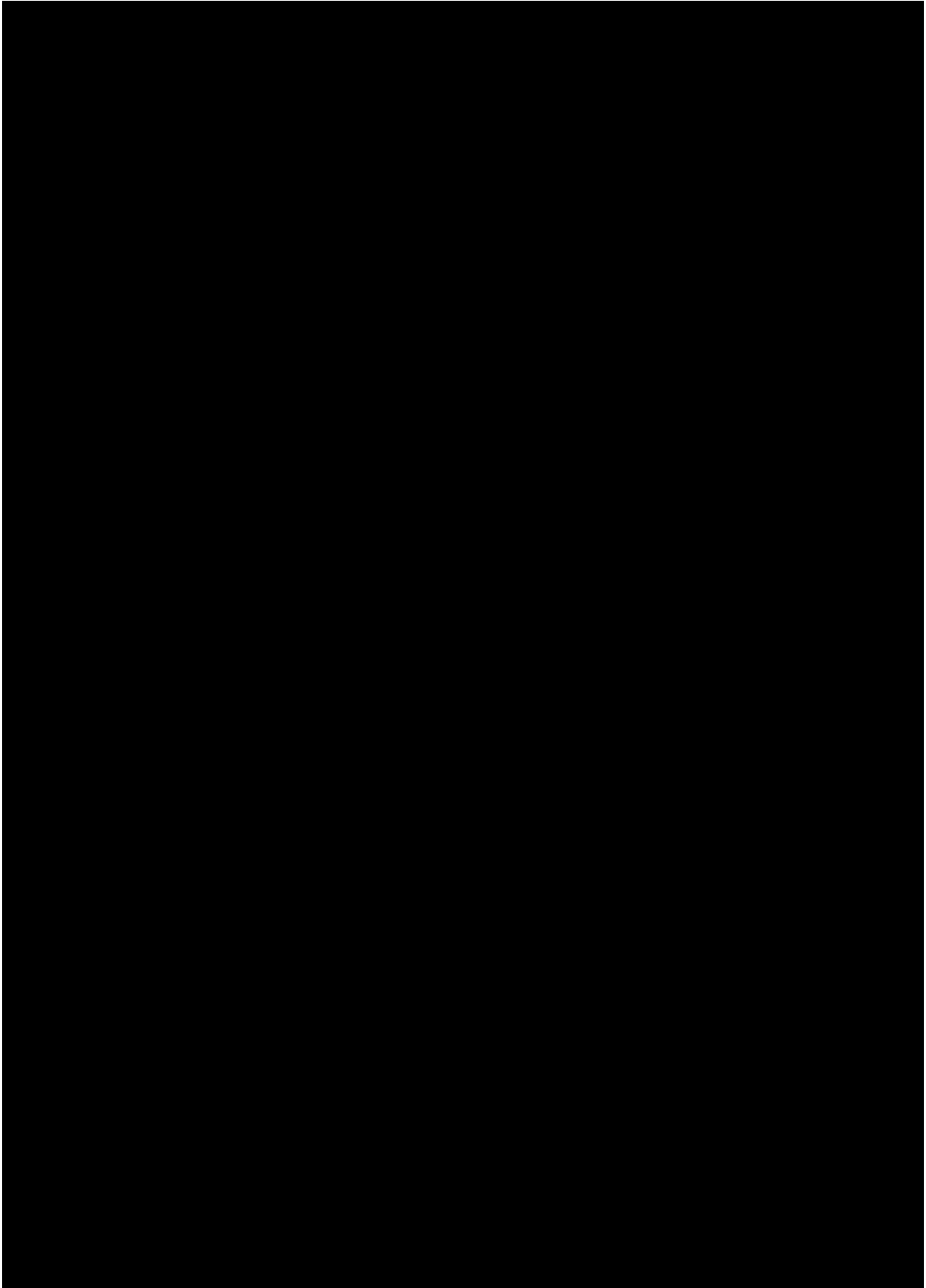
Source: DPIE, 2020

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

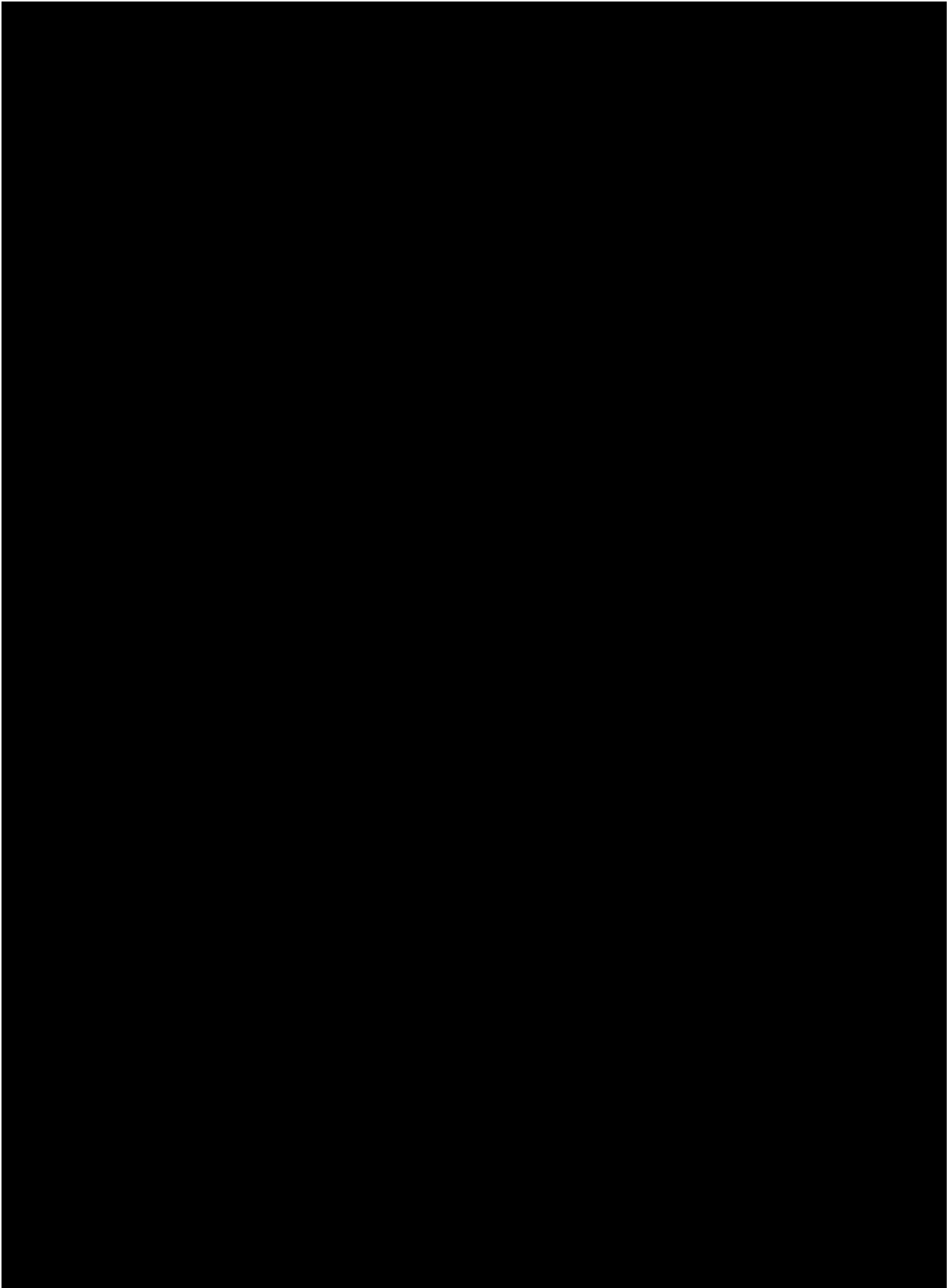


Figure 7: Field-validated watercourses within study area

Source: Northern Gateway Riparian Assessment Eco Logical Australia, 2021

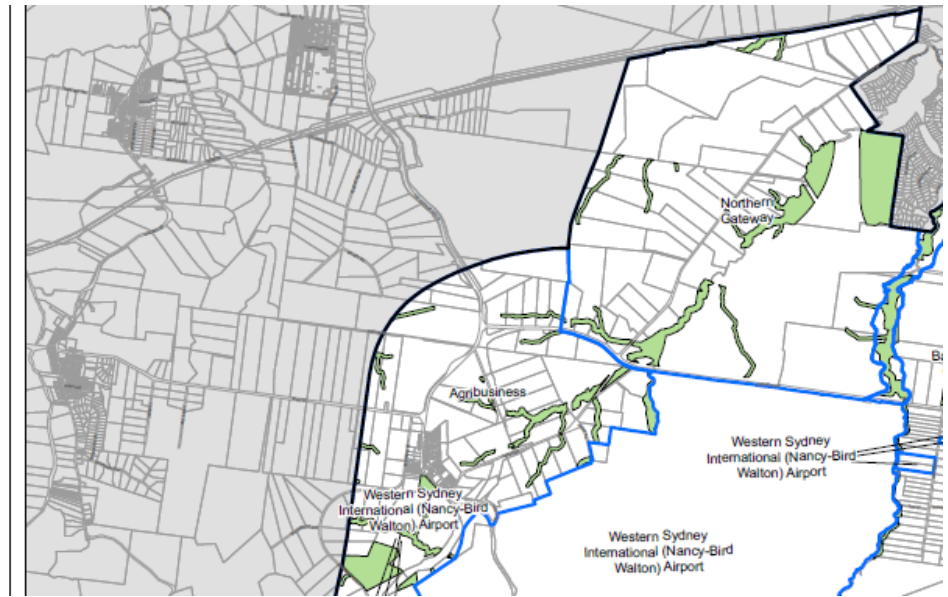
Figure 7 Comparison (SEPP HBV, ELA Vegetation Mapping)

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. [REDACTED]

As noted above, in October 2021 Roberts Jones lodged an SSDA to the Industry Assessments team to the NSW DPIE following the issuing of amended SEARs on the 1 October 2021. The application is currently under test of adequacy assessment and following comments back on the application will be formally lodged for assessment shortly.

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:

As noted above, in October 2021 Roberts Jones lodged an SSDA to the Industry Assessments team to the NSW DPIE following the issuing of amended SEARs on the 1 October 2021. The application is currently under test of adequacy assessment and following comments back on the application will be formally lodged for assessment shortly.

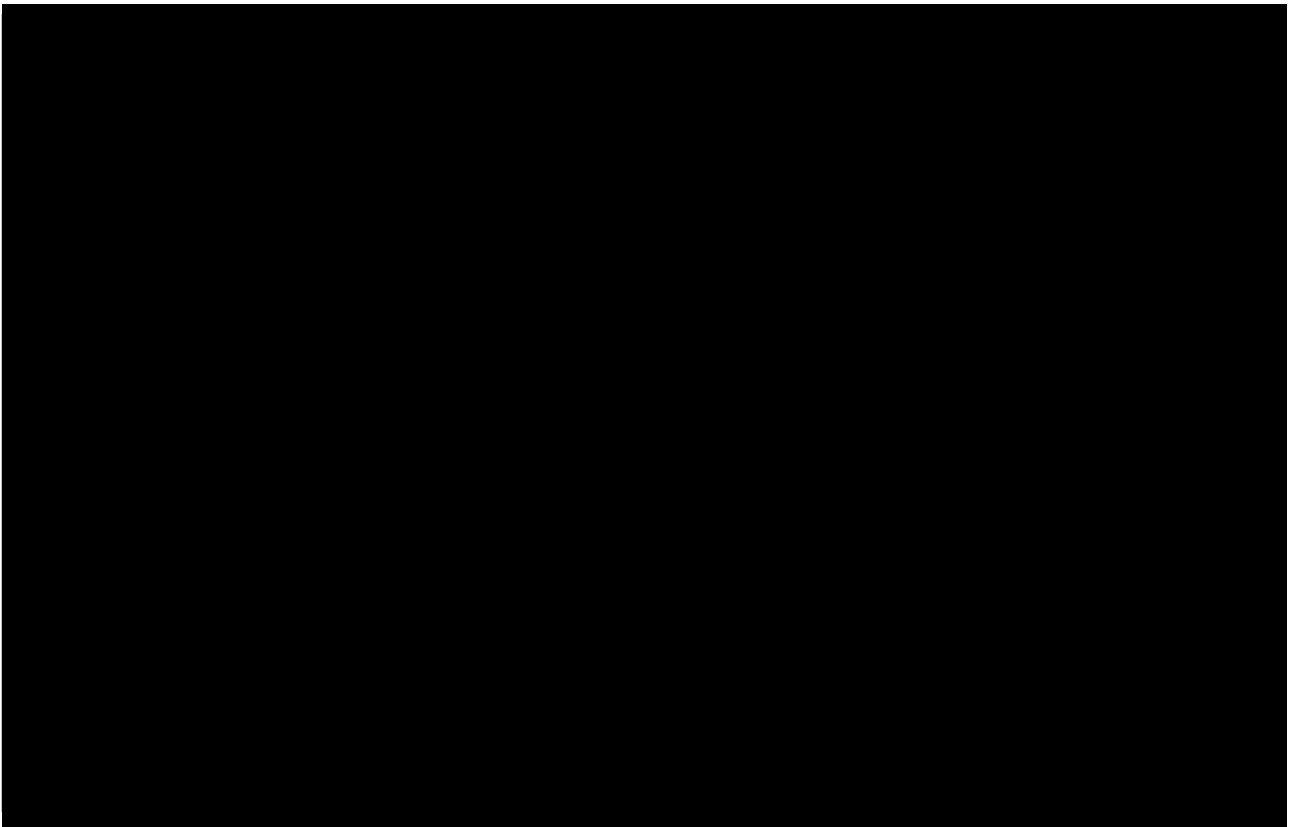
Roberts Jones is seeking to deliver an innovative and sustainable logistics estate for the purpose of warehouse and logistics uses. The design imperative underpinning the Project is to create a masterplan that is flexible, high quality, and sustainable that will support the needs of end-user tenants 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:
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - 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
 - Hardstand loading area
 - 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

Figure 8 Landscape Master Plan



Source: Clouston Associates

4.2.1. State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 Amendment

Critical to the [REDACTED] application was a concurrent request to amend the Aerotropolis SEPP in response to the SEARs requirements as issued by the DPIE, which relevantly followed the requirements outlined within clause 34 of the SEPP and its requirement for a design competition for development with a CIV greater.

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**. This approach is supported by other key landowners within the Aerotropolis and the PCA as outlined in their submission to this Exhibition Package.

5. SUBMISSION TO THE EXHIBITED DOCUMENTS

5.1. GENERAL

5.1.1. Response to Submissions

The EIE document outlines its purpose to provide an overview and background to the proposed amendments to several SEPPs relating to the Aerotropolis. The EIE states that these amendments have been proposed as more information becomes available through the Precinct Plan process to ensure 'strategic vision' and statutory controls align. In particular the EIE states that the proposed amendments respond to:

- The recommendations made by the Independent Aerotropolis Community Commissioner (ICC),
- Submissions in relation to the draft Precinct Plans, and
- A general review of the planning framework and necessary amendments to reinforce the WSAP.

Our client provided a detailed submission to the draft Precinct Plan which included technical evidence in relation to flooding, riparian and biodiversity mapping to disprove the central ENZ and open space within the draft Precinct Plan (to which no evidentiary flood report was provided).

The submission also included a fully tested concept master plan which demonstrated how the site could be developed to deliver substantial employment outcomes through an integrated warehouse and logistics precinct. The master plan demonstrated the need for flexibility for a range of development outcomes anticipated by wide range of permissible uses within the ENT zone. The master plan also demonstrated how a feasible alternate approach could also deliver on the objectives for the Aerotropolis.

Notwithstanding the above we note that our client has not had any feedback from the WSPP on its submission to the draft Precinct Plan. Our client has attempted to engage proactively with the WSPP in relation to its concept master plan throughout the SSDA process. This engagement was sought to clarify a range of matters relating to the Aerotropolis planning framework most specifically around the well evidenced contentions with the ENZ, the fine grain layout of the draft Precinct Plan and expectations for design excellence.

Given the lack of any willingness to engage or accept any evidence contrary to ASEPP, our client pursued its right to submit a SSDA which enabled it to challenge the ENZ zone on merit under s4.38(3) of the EP&A Act 1978. The feedback to date in relation to the SSDA including the use of s4.38(3) has been primarily negative and has focused on process rather than accepting to progress an assessment on planning merit. Now, in what can only be interpreted as a punitive measure aimed at our client, a new clause is being proposed to be added to the SRD SEPP prevent SSDA's from using this pathway. Our contention to this proposed amendment is outlined later in this submission.

5.1.2. Proposed EPI's

Similar to the approach taken with the Aerotropolis SEPP in 2019, the EIE does not detail the wording of the proposed specific clauses but rather provides a plain English version of the intended changes. This approach is problematic as it does not allow all stakeholders an opportunity to review and provide comment on how the clauses will be implemented. Providing the draft instruments also assists DPIE in outlining potential errors, practical considerations and alternatives to the approach being put forward.

A case in point for the above relates to design excellence and requirements for design competitions, which was not included in the original discussion paper for the Aerotropolis SEPP however was included in gazetted version. This approach provided no opportunity for the industry to outline its views on the implications of such a clause, particularly implications for warehouse, logistics and industrial development.

Recommendations

- That the DPIE/WSPP acknowledge and provide a detailed review and response to our client's submission to the EIE and DCP, and previous submissions on the draft Precinct Plan and the range of technical studies and reports provided in relation to its site.

- That the written instrument be released for public comment prior to gazettal. Alternately DPIE should delay the date of commencement of the instrument and invite targeted comment from the industry bodies and planning practitioners and other key stakeholders.

5.2. DESIGN EXCELLENCE

The EIE is silent on any amendment to clause 34 Design Excellence Competitions. This is a significant missed opportunity to amend a clause that was not was not foreshadowed in the original EIE for the ASEPP, appearing only in the final gazetted version.

Clause 34 as currently written captures **all** “development” with a CIV of \$40 million or greater. “Development” is defined in the Act as:

- (a) *the use of land,*
- (b) *the subdivision of land,*
- (c) *the erection of a building,*
- (d) *the carrying out of a work,*
- (e) *the demolition of a building or work,*
- (f) *any other act, matter or thing that may be controlled by an environmental planning instrument.*

As a consequence, the application of the clause in its current form is extraordinarily broad and conceivably could capture matters for which design competitions are completely irrelevant or which would derive no value or wider public benefit. At a more practical level, the clause would capture development typologies including industrial, warehouse, logistics, freight transport and other employment related land uses that favour efficiency and productivity and prioritises function over form. In a more extreme example, the clause would effectively capture an earthworks DA with a CIV greater than \$40 million. The clause as written has the potential to significantly impact / delay the delivery of essential industrial/warehouse development and early activation/jobs within the Aerotropolis.

Roberts Jones has attempted on numerous occasions to engage with DPIE, WSPP and the NSW Government Architect on this matter in relation to its SSD 18406916 and remains committed to a design excellence process. However, considers a design competition process for a concept master plan for a warehouse and logistics precinct as unreasonable and unnecessary.

It is for this reason that Roberts Jones has sought to address this matter via its own request to amend the Aerotropolis SEPP. This amendment would ensure developments such as warehouse and distribution centres would undertake a Design Review Panel per clause 33 of the Aerotropolis SEPP (this amendment request is included at Appendix A) rather than a design excellence competition.

The proposed amendment to this clause has the broad support of key industry groups such as the PCA who have separately commented on this matter to DPIE. Notwithstanding this, we would favour an approach by which this relatively minor amendment is included within the changes proposed within this EIE. This is entirely appropriate given that the Design Excellence clause was not originally included in the original Discussion Paper / EIE to make the Aerotropolis SEPP in 2019.

An example of this clause is provided below (**our emphasis**):

33 *Design review panel*

(1) *This clause applies to the following development—*

e. *development with any CIV for the following land uses:*

i. *Warehouse or Distribution Centres*

ii. Industries

iii. Freight transport facilities

And

(4) A review by a Design Review Panel is not required under subclause (1) if the consent authority determines that such a process would be unreasonable or unnecessary in the circumstances of the development –

a. Involving no building works (i.e. earthworks, subdivision works etc.)

b. The matters listed in clause 35 are not relevant to the proposal.

34 Architectural Design Competition

(3) This clause does not apply

a. development with any CIV for the following land uses:

i. Warehouse or Distribution Centres

ii. Industries

iii. Freight transport facilities

b. to development where the consent authority determines that an architectural design competition would be unreasonable and unnecessary in the circumstances of the development.

Recommendations

- Any amendment to the ASEPP must include an amendment to clause 34 to exclude certain types of development such as warehouse and distribution centres and similar land uses from a design competition in favour of a design review panel process.

5.3. CUMBERLAND PLAIN CONSERVATION PLAN

The EIE states the following in relation to the CPCP” (our emphasis in **bold**)

“The Department of Planning, Infrastructure and Environment received over 500 submissions and is finalising the CPCP considering these submissions. A CPCP update including a submissions report and updated mapping is scheduled for release this year.

The proposed Aerotropolis amendment does not seek to amend the draft CPCP, and the Aerotropolis SEPP will reflect the CPCP once finalised.”

The majority of the landholding is identified as urban capable in the draft CPCP. However, we note the CPCP has not certified certain areas of the site including the central ENZ. Section 14 of the draft Cumberland Plain Assessment Report (CPAR) stated the following in relation to how it determined land for avoidance within the Aerotropolis:

“There may be several reasons why land is avoided and not impacted under the plan including because:

- *Land has high biodiversity value and is avoided for biodiversity purposes*
- *Land is not suitable for development or biodiversity certification*
- *Land is excluded from the area proposed for development or biodiversity certification*

Under the BAM, avoidance refers to land that is suitable for development and included in the area proposed for development or biodiversity certification, but has been avoided because of

its biodiversity value. Land not impacted because it is not suitable for development or biodiversity certification, or land that has been excluded from the area proposed for development is not considered to have been avoided under the BAM.....

In accordance with the BAM, the Assessment Report determines avoidance outcomes for biodiversity values on the basis of the amount of land avoided because of its biodiversity value. The amount of land 'avoided' for other purposes (i.e. the land is not suitable for urban development) is also presented in this report for additional context.....

Section 14.2.1 of the CPAR defines land avoided for other purposes as:

- **Riparian corridors consistent with the Water Management Act 2000:**
 - Strahler stream order 2 - buffer 20 m either side
 - Strahler stream order 3 - buffer 30 m either side
 - Strahler stream order 4 and above - buffer 40 m either side
- State protected land (>18 degrees slope, considered too steep for urban development)

Section 14.2.2 of the CPAR defines excluded land which includes 'passive recreation lands in Western Sydney Aerotropolis' and states

Some lands within Western Sydney Aerotropolis (WSA) have been identified as 'Environment and Recreation' lands within the updated Western Sydney Aerotropolis Stage 1 Structure Plan. These lands are shown in Figure 7-3, Part 2 and in the Plan as 'Non-certified – Western Sydney Aerotropolis' **and are described in the Plan as 'land affected by the 1 per cent annual exceedance probability flood and.... other non-certified land'.**

These lands have not been included in urban capable lands. However, the lands may be used for essential infrastructure or public open space or passive recreation, including supporting infrastructure such as information facilities, kiosks, or recreational areas (where this occurs, the Plan specifies that the objectives of the zoning for these lands will provide for both open space or recreation uses and the protection and enhancement of the natural environment).

For this reason, these lands are not considered avoided for either biodiversity or other purposes and have been included in the broad definition of excluded land for the purposes of the avoidance statistics in this Assessment Report.

The proposal to use 'Environment and Recreation' lands for essential infrastructure and public open space or passive recreation was made late in the development of the Plan and the potential impacts on these lands have not been assessed"

Notwithstanding the above **our client has been advised by the WSPP that the ENZ has been informed by the CPCP. This is despite the above extract from CPAR clearly outlining why these areas were avoided and not assessed in the plan.**

As noted in Section 4, our client has provided evidence that the central ENZ is not affected by the 1:100 nor does it meet the definition of a river under the Water Management Act 2000 nor does it hold any high biodiversity value. As such it is our view that the SEPP should contemplate amendment the CPCP to reflect this detailed field validation.

Recommendations

- The proposed SEPP amendment must contemplate amendments to the CPCP where these areas have been appropriately field validated. Not to do so would undermine the integrity of the plan and require unnecessary additional BDAR assessments under the BC Act for these uncertified areas.

5.4. CHANGES TO THE ENVIRONMENT AND RECREATION ZONE (ENZ)

Despite the numerous recommendations of the ICC, the ENZ has only been rationalised where it relates to the Wianamatta South Creek Precinct including Kemps Creek and Rossmore which is consistent with Recommendation 25.

We are concerned as to why the other recommendations of the ICC relating to the ENZ have not been implemented through the proposed amendments. In particular recommendation 10 of the ICC report which states:

“Amend the Aerotropolis SEPP as a matter of priority including the rationalisation of the E&R zoning.”

The explanation to this recommendation clarified that this rationalisation should be based on:

- 1:100 year flood level:
- Flood islands
- Land identified in the CPCP or required for biodiversity.

The ICC Report also states that the recommendation provides for the alignment of the ENZ to the 1:100 year flood level however DPIE noted that this matter should be a matter for local government to consider and will be dependent on Council adoption of new flood modelling

As noted in section 4.1 the flood levels modelled by BMT are 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.

We note that CPCP specifically excluded land within the Aerotropolis as avoided for other purposes which have both been disproved by our client’s detailed field validation.

As such, on the basis of ICC recommendation 10, the SEPP must amend the ENZ on the landholding to align with the field validated 1:100 flood level.

Recommendations

- ENZ / Area required for stormwater must be amended to reflect actual field validation undertaken including rationalising the ENZ on the site to the 1:100 flood planning levels identified in the *Wianamatta (South) Creek Flood Study – Existing Conditions* referenced in the Phase 2 DCP.

5.5. STORMWATER INFRASTRUCTURE

The EIE provides details of the intention to reserve and acquire the areas required for future stormwater infrastructure. Page 13 of the EIE states the following in relation to stormwater infrastructure requirements.

*“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.”*

And

*“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.**”*

And

“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”

Stormwater Infrastructure is defined in the open space needs study as

- *Wetlands / Storage*
- *Creeks or Naturalised Drainage Channels.*

As per Figure 9, the Open Space Needs Study has identified that **30.62ha** is required for stormwater infrastructure on the site, this includes approximately 26.77ha south of the M12 Motorway as illustrated in Figure 10. The Open Space Needs Study provides the following rationale for the inclusion of these areas (**our emphasis**):

- *Stormwater infrastructure*
- *Connections along Cosgroves Creek and*
- ***Riparian corridor protection.***

Figure 9 Stormwater Infrastructure – Northern Gateway

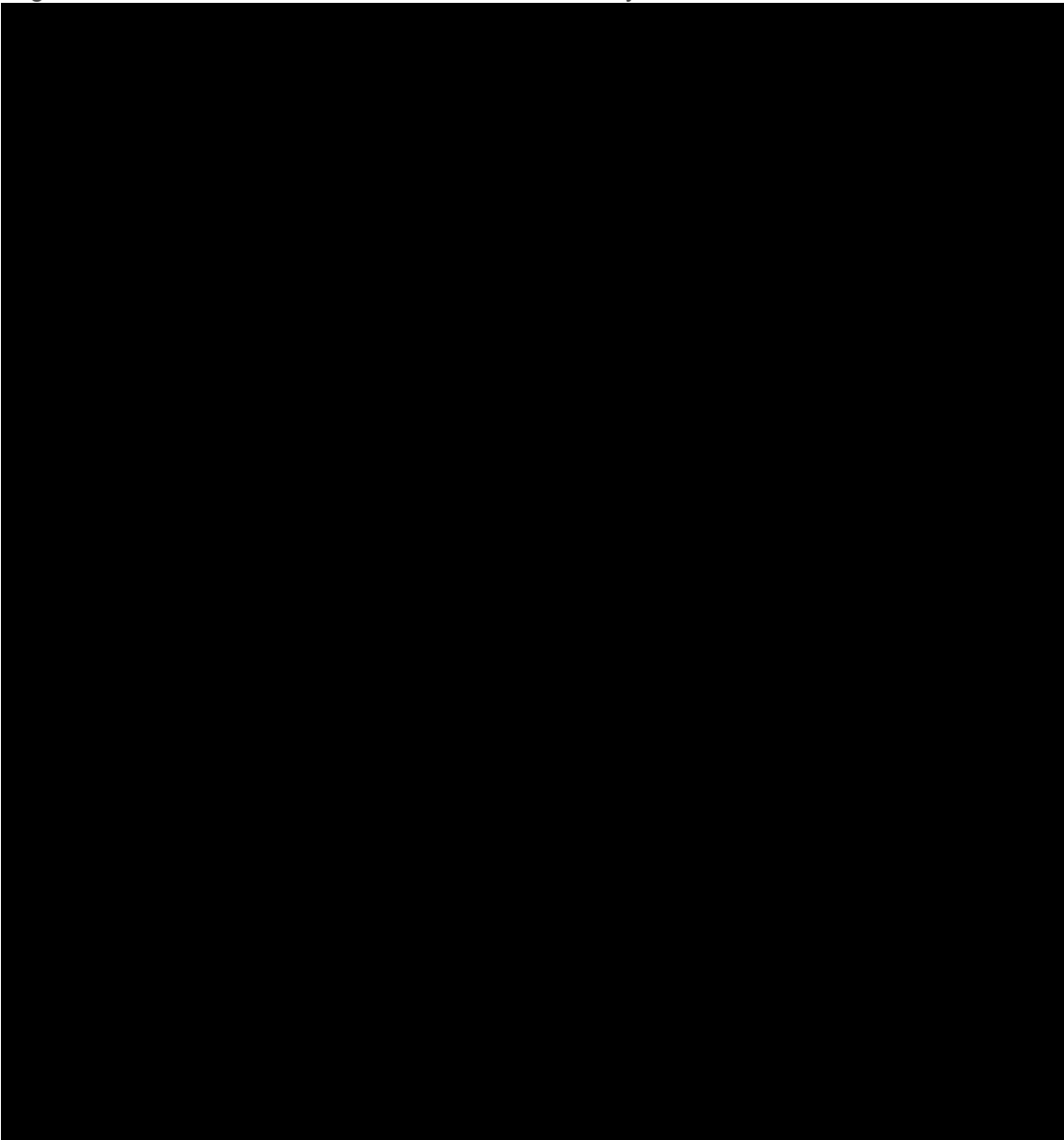
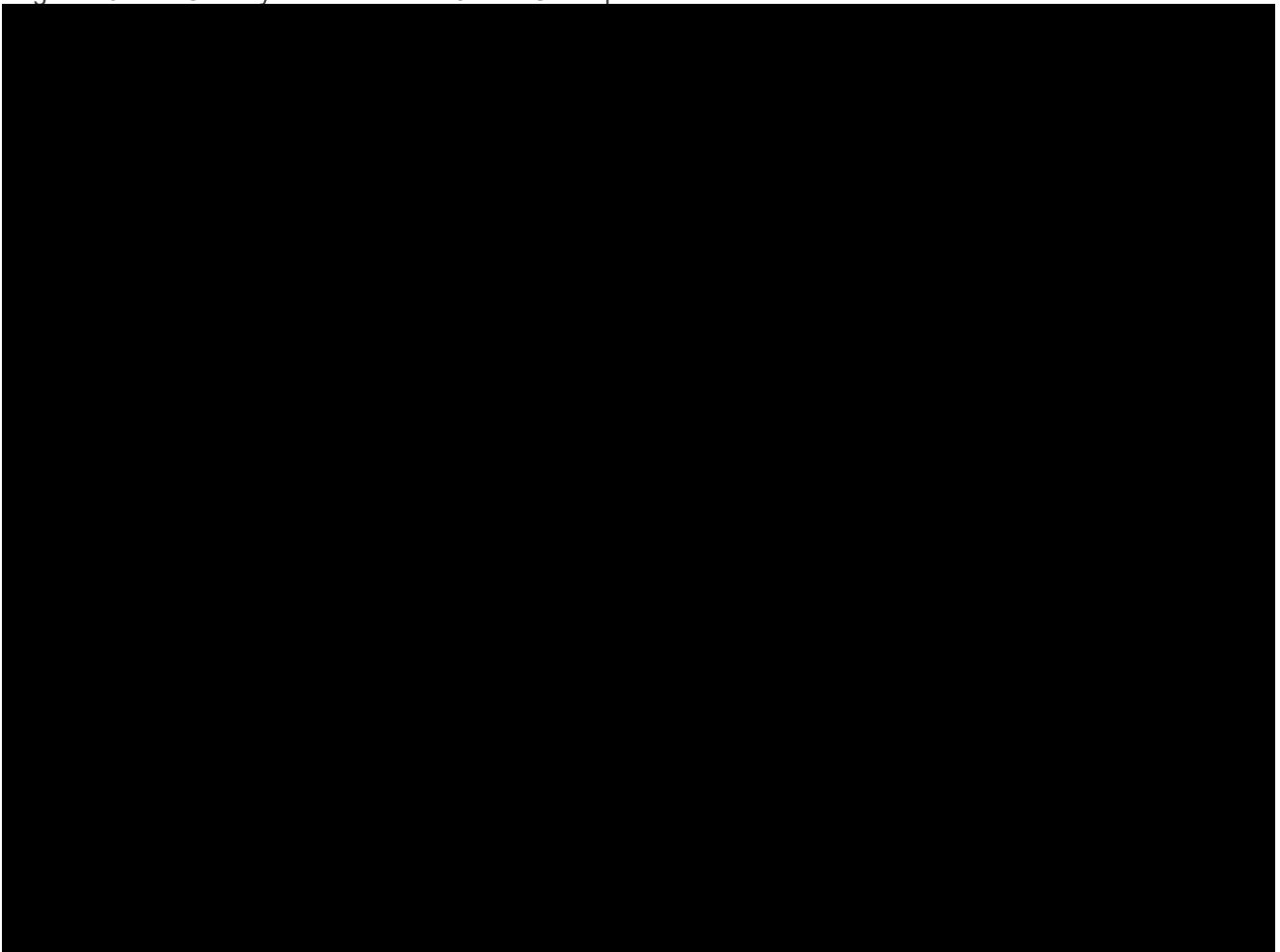


Figure 33: Northern Gateway Precinct - Lot Affection: Stormwater Infrastructure

Source: DPIE

Figure 10 SP2 Overlay on the Roberts Jones Concept Master Plan



Source: Nettleton Tribe

Given that our field validation has confirmed that this is NOT a riparian corridor and does NOT represent a “connection along Cosgroves Creek” it could only be concluded that it is required by the WSPP/Sydney Water for stormwater infrastructure. Notwithstanding the above we have been made aware of an imminent update to the EIE which was communicated at an industry briefing which took place on 27 October that land identified for stormwater infrastructure would be included in an ‘overlay’ rather than in a fixed SP2 Zone.

AT&L Engineers have prepared a response to the areas identified for stormwater infrastructure and the proposed SP2 zoning (refer **Appendix B**). The response outlines the implications for development if the SP2 Zone is adopted and potential alternatives. Reference should be made to this response in addition to the matters outlined below.

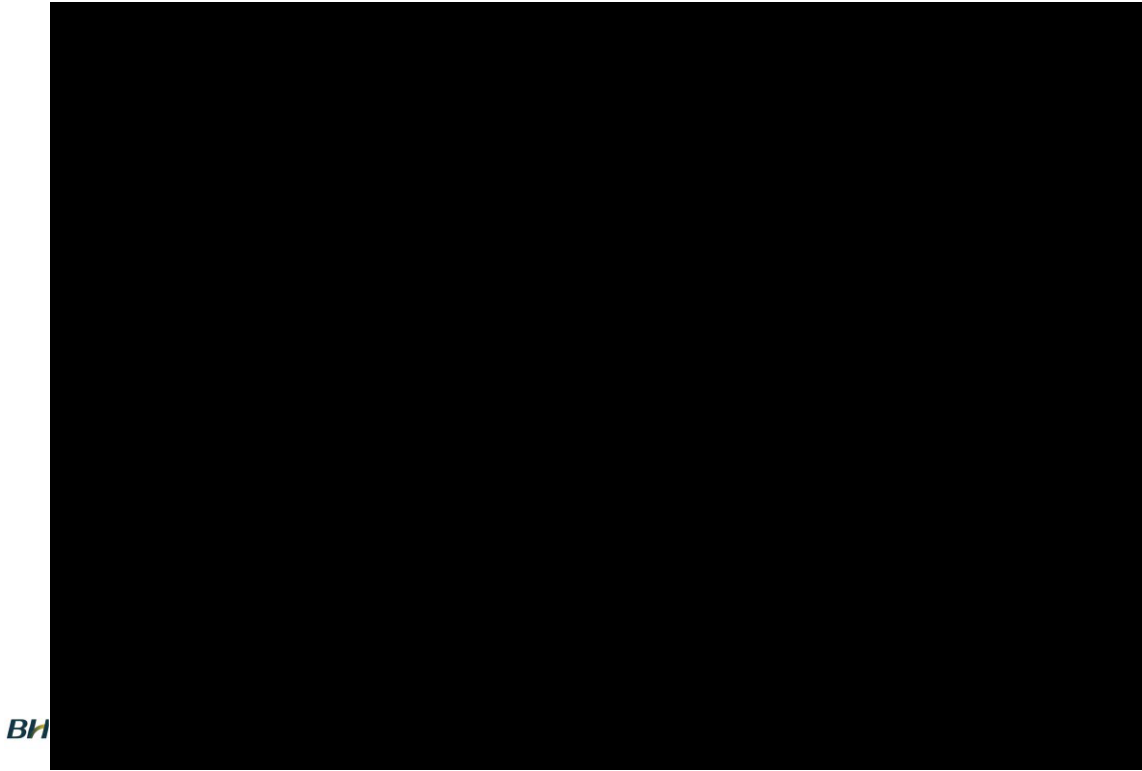
We make the following comments/contentions in relation to the areas identified for stormwater infrastructure on the site:

- Our client objects to the significant area of the site required for stormwater infrastructure (SI) being fixed via an inflexible SP2 zone or alternate planning overlay in the SEPP / Precinct Plan. Any SI overlay must be located within the Aerotropolis DCP. Given the uncertainty around the actual requirements for stormwater basins, a DCP overlay approach ensures maximum flexibility for landowners to undertake their own ground truthing and work with Sydney Water to provide solutions that minimise the land take for SI and maximises the area available for employment land. This would ensure the best planning and job outcomes can be achieved whilst still delivering an integrated water cycle management approach.
- Any requirement and locations for SI must enable the flexibility for alternate solutions to be engineered and worked through at the development application stage.
- The rationale for stormwater infrastructure / riparian corridor protection in the open space needs study is not disputed. However, as noted in section 4.1 our client has provided field validated evidence that the central drainage line mapped as ENZ/riparian corridor in the ASEPP does not meet the definition of a

river and is not subject to the 1:100 year flood. As such these areas should not be identified for protection/stormwater infrastructure in any zone or overlay.

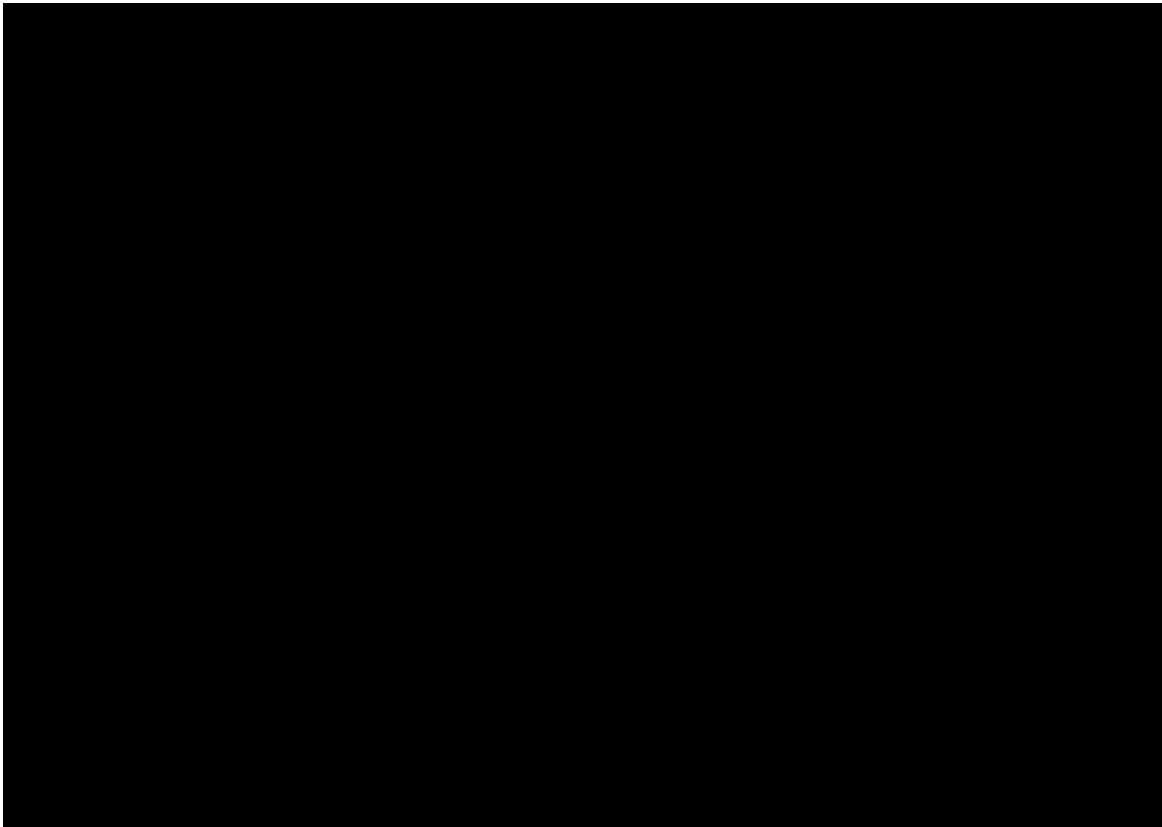
- As emphasised in Figure 11 the size and angle of this central stormwater infrastructure area significantly impacts on the delivery of an efficient master plan layout including angled roads and irregular lot layouts which do not appropriately consider or provide flexibility to accommodate the needs of future employment land uses. The evidence provided by our client justifies the removal of these areas to achieve a more efficient lot and road layout. If an open space outcome is the only requirement, then the stormwater and open space requirements can be provided elsewhere on the site where it would have less impact on a functional development and efficient lot layout.
- As demonstrated in SSD 18406916 a standard pit and pipe approach draining to two detention basins (Figure 12), can go towards achieving similar outcomes in terms of limiting the Mean Annual Runoff Volumes (MARV) at the points of discharge to Cosgroves Creek to no more than 2 ML/ha/year. The alternate approach taken within SSD 18406916 is consistent with the *MUSIC Modelling Toolkit – Wianamatta* guidance document issued by NSW DPIE in August 2021.
- The location of large wetlands/stormwater infrastructure, multiple detention basins and requirements for stormwater harvesting on the site conflicts with the benchmark solution (10.3.2, PO1, 3) for detention basins within the 3km buffer to drain within 48 hours to minimise wildlife attraction that may create a safety hazard to the operations of the airport.
- It is our understanding that Sydney Water’s integrated water cycle approach (rainwater retention and stormwater harvesting) is unproven, un-costed and won’t be realised in the short to medium term. Further it is understood that Sydney Water may be considering a regional solution for wetlands/evaporative ponds for stormwater quality management. If this is the case, then the areas designated for onsite stormwater management and harvesting would not be required and supports any such overlay being included in a non-statutory document such as a DCP. It also conflicts with draft Phase 2 DCP requirements these ponds be emptied every 48hours.
- The Open Space Needs Study also states that stormwater infrastructure has been located on land already identified for open space to limit impact on developable land however, in many cases the additional open space areas identified within the precinct plan already impacted developable land beyond the gazetted ENZ zone boundaries. Limiting developable area not only impacts sound planning outcomes but would also impact on any contributions based off net developable area.
- The EIE provides no detail regarding who will be the relevant acquisition authority for this land. The Open Space Needs Study identifies a ‘Trunk Drainage Manger’ however there is little, or no detail provided as to who will undertake this role and what capacity will they have to acquire this land and how this acquisition will be funded. No detail has been provided on whether local or state contribution amounts will be increased to fund any future acquisition of stormwater infrastructure / open space.
- If the intention is for Sydney Water to harvest stormwater, the basins documented within SSD 18406916 and shown in Figure 12, could be utilised as storage basins for reuse by the Waterway Authority. Discussions are underway with Sydney Water to better understand this possible outcome.

Figure 11 Precinct Plan Layout vs Concept Road Layout SSD 18406916



Source: Nettleton Tribe

Figure 12 Proposed Water Detention Basins



Source: AT&L

Recommendations

- The SP2 Zone must be flexible to allow these areas to be properly investigated, designed, refined and developed in a manner that incorporates Connection to Country principles whilst also minimising the impact upon developable areas of key development sites.
- Infrastructure such as drainage and open space, should be confirmed at the development application stage. Details of these types of infrastructure must be removed from the draft Precinct Plan. We advocate an approach that includes the indicative areas required for stormwater within the DCP such that reasonable alternative outcomes and locations can be prosecuted.
- SSDA process for partly prohibited development must be maintained to ensure sufficient flexibility to determine the final size and location of the infrastructure including the potential for low-risk development to be undertaken within storage and fringe areas of the 1:100 flood level where it can be demonstrated that it will not impact on existing flood conditions, riparian and connection to country objectives.

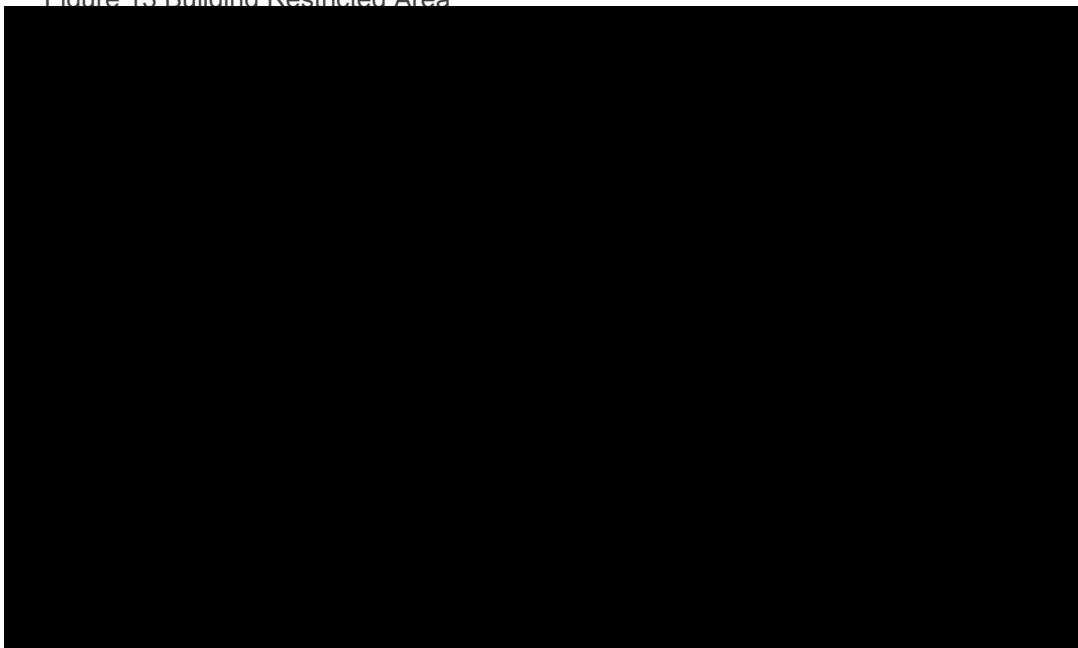
5.6. AIRPORT SAFEGUARDING

The EIE shows that part of the site will be affected by the Building Restricted Area (BRA) map (refer Figure 13). Any development proposed within this area will be required to be referred to the Commonwealth/Air Services Australia. It is understood that the BRA is to ensure that development will not impact on the communication, navigation and surveillance facilities (CNS).

Roberts Jones has engaged Landrum and Brown to undertake a comprehensive Aviation Assessment as part of SSD 18406916 who note the site is complex and likely that each building will likely require its own impact assessment and confirmation of compliance with the range of aviation safeguarding controls including the BRA. In terms of the BRA the following is noted

- Provided the buildings are used for things permitted in the area of the airport then this should not be an issue.
- Navigation aids (CNS equipment) will require further consultation with WSA and Air Services to get an understanding of any relevant assumptions. As part of the SSDA Landrum and Brown will undertake the necessary engagement with these agencies.

Figure 13 Building Restricted Area



Source: DPIE

Recommendations

- The wording and operation of the Airport Safeguarding clause must not unreasonably impact on future employment related land uses within the BRA.

5.7. RECOGNISE COUNTRY

The EIE proposes a new clause within the ASEPP that will require the consent authority to be satisfied that the development has duly considered the new Recognise Country Guidelines.

Roberts Jones is fully supportive of the recognition of first nations peoples in the future development of its site and has engaged experts in Aboriginal Cultural Heritage and Engagement (Baker Archaeology and Yerrabingin) to identify opportunities that have been embedded into the urban and landscape concept for SSD18406916. An illustration on how opportunities and outcomes can be achieved through the concept master plan is provided in Figures 14 to 16.

The proposed urban and landscape design in SSD 18406916 has been significantly informed by Country. As part of the development of the concept master plan Yerrabingin undertook a process that actively involved First Nations people in the design of the development. As part of this process the design team identified the following key matters to be addressed through Connecting with Country including:

- Culture and conservation, the water story,
- Novel ecology approach – response to the modified environment,
- Contemporary design responses – e.g. urban food / pollinators
- Indigenous involvement – project design and operation stages.

The Wanganni Dhayar (Listen to Country) design methodology developed by Yerrabingin was directly aligned to the principles outlined in the GANSW Connecting with Country framework and enabled specific focus on the development of Country centred design narratives, principles and themes for the project.

Rather than the traditional consultation or engagement, Country and its custodians are active co-designers of the project through a shared collective voice instead of series of individual representations. The design has been explored through the lens of design thinking, during a collaborative online workshop held with Aboriginal community growing the link between imagining and shaping the design with Country.

These ideas have then been curated into the conceptual design outcomes and the design of a broader mosaic of experiences, sharing the identity of the place to support the celebration, caring and connection to Country. The approach is outlined in the figures below informed a 'design jam' workshop which took place on 30 August 2021. The process facilitated by Yerrabingin is the start of the conversation, and the design approach will continue to bring First Nations voices into the detailed design and forming both custodial and economic opportunities.

Key ideas generated within the workshop included:

- Interpretation throughout the site; buildings to ground plane, throughout riparian corridor (naming of streets, signage/technology education, patternation) – co-design process with artists / community;
- Education opportunities;
- Artefact retention; and
- Planting.

Critical to the above was the desire to be involved in future meetings and 'design jams'. The group were excited about the incorporation of indigenous enterprise elements of the design and the potential to be involved in ongoing land management processes.

Figure 14 SSD 1840916 – Recognise Country Opportunities and Outcomes

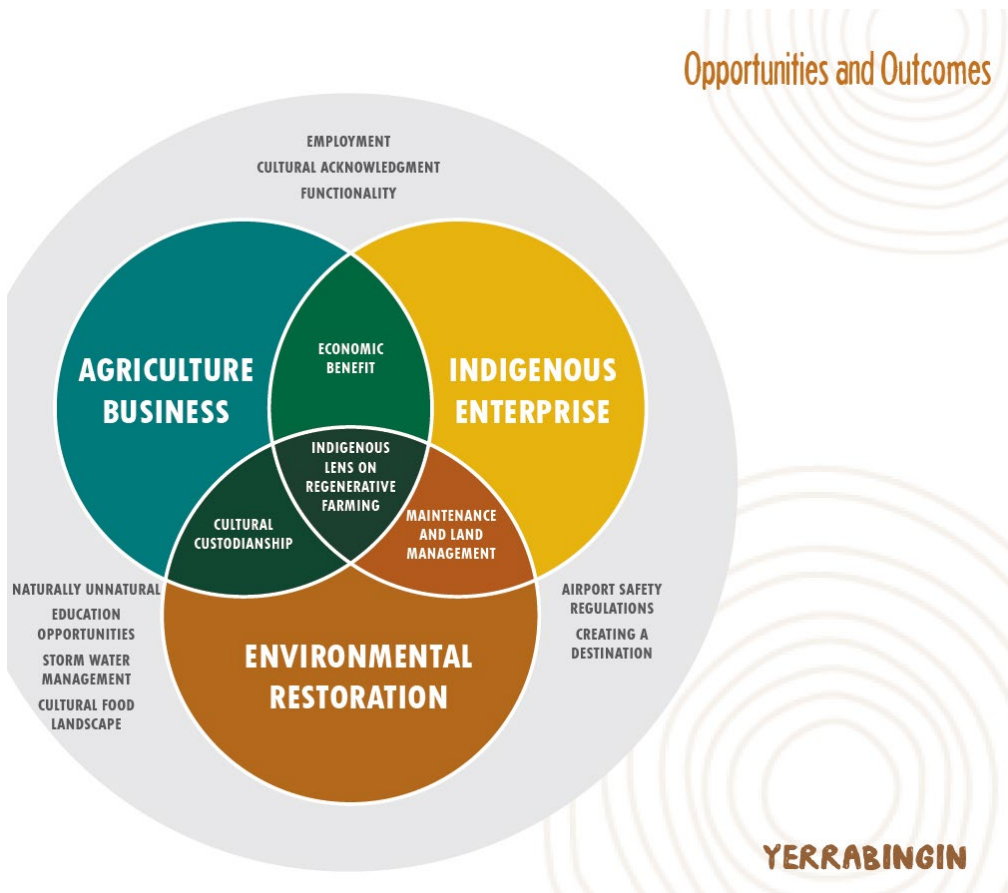
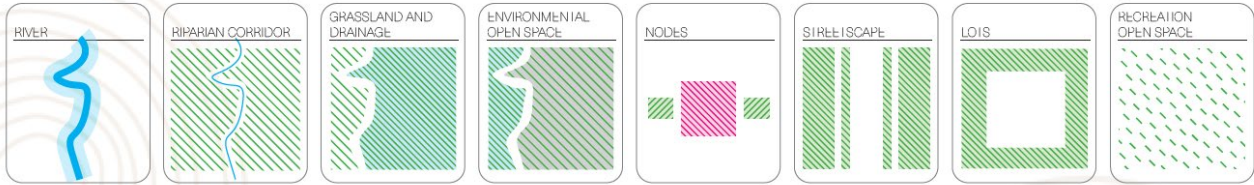


Figure 15 SSD 1840916 – Recognise Country Approach Matrix



APPROACH MATRIX

Realised across a range of landscape spaces



ENVIRONMENT AND RESTORATION FOCUS. EXPLORE OPPORTUNITIES TO ACTIVATE CREEK LINE ENSURE FUNCTION OF SITE CAN CONTINUE CONCENTRATION AND INTENSITY OF ACTIVITY STREETS AND LOTS AS PRODUCTIVE SPACES OPEN SPACE TO CONSIDER PEOPLE

RESTORE AND ENHANCE NATURAL ENVIRONMENTAL CONDITIONS **INDIGENOUS LENS ON REGENERATIVE FARMING** **CULTIVATED LANDSCAPE SPACES**



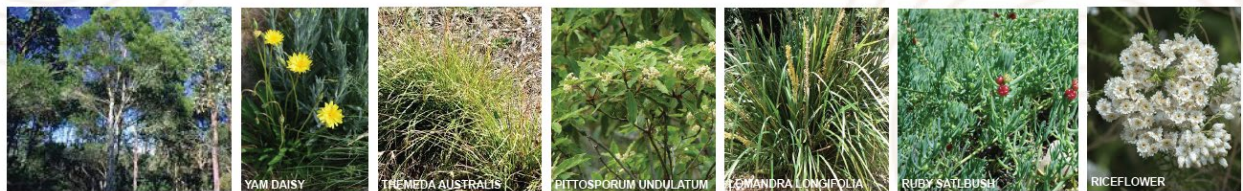
YERRABINGIN

APPROACH MATRIX

Supported by restorative vegetation



RESTORE AND ENHANCE NATURAL ENVIRONMENTAL CONDITIONS **INDIGENOUS LENS ON REGENERATIVE FARMING** **CULTIVATED LANDSCAPE SPACES**



YAM DAISY

TREMEDA AUSTRALIS

PITTIOSPORUM UNDULATUM

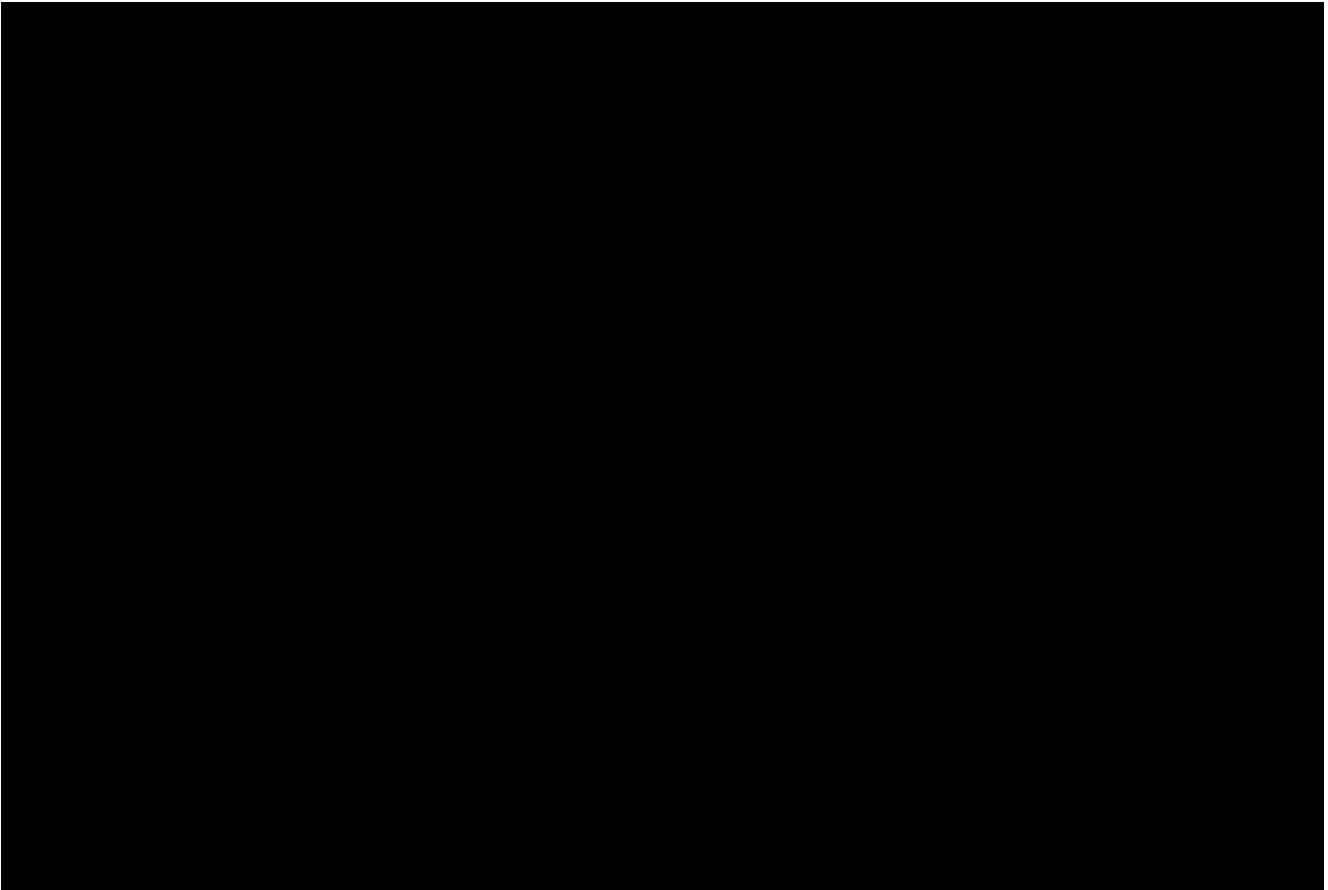
LEMNANDRA LONGIFOLIA

RUBY SATLBUSH

RICEFLOWER

YERRABINGIN

Figure 16 Roberts Jones Landscape Master Plan incorporating the Yerrabingin approach matrix



Source: Clouston

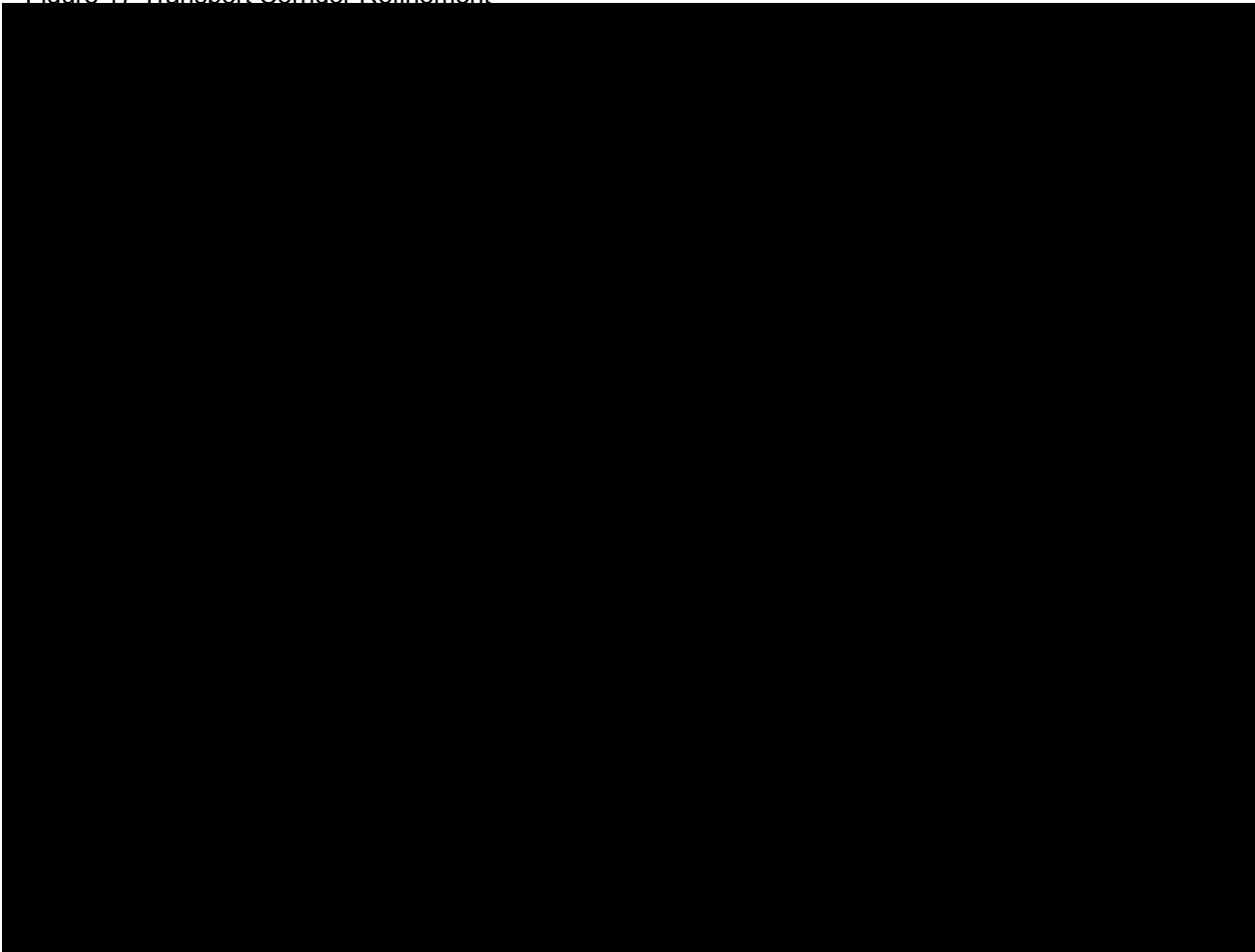
Recommendations

- The implementation of the Guideline and incorporation of Connection to Country principles into any future development is supported

5.8. TRANSPORT CORRIDORS

The EIE provides details of a revised OSO corridor. Figure 17 illustrates that the corridor has been refined and narrowed to the southwest and northeast. Roberts Jones is fully supportive of this change and looks forward to the opportunity to work with TfNSW to further refine the OSO corridor and to discuss opportunities for the early development of the residual land not required for future infrastructure.

Figure 17 Transport Corridor Refinement



Recommendations

- The proposed reduction to the OSO corridor is supported and further opportunity to do so should be advanced.

5.9. COMPLYING DEVELOPMENT

Roberts Jones notes and welcomes the proposed changes within the EIE to allow additional complying development within the Aerotropolis. Previously the only opportunities for complying development were via the Master Plan Pathway.

Details on the proposed complying development to be permitted in the Aerotropolis is provided in **Appendix G** of the EIE. It is proposed the complying development pathway can also be utilised where development is considered 'previously permissible development' as proposed under Part 2 of the Aerotropolis SEPP on condition that airport safeguarding development controls are met.

It is noted that the '*proposed Complying Development Codes and additional provisions to be introduced to the Aerotropolis*' at Appendix G 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.

It is our opinion that these changes should be expanded even further to align with the DPIE Building Business Back Better (BBBB) framework which aims to optimise opportunities for industrial and commercial development.

The complying development reforms proposed by DPIE for industrial and commercial development aim to streamline assessment processes to bring forward \$2 billion in investment. The BBBB framework acknowledged 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 framework exhibited in May 2021 included specific controls to reflect the changing needs and requirements of industrial and commercial development and included: An increase to the allowable floor area from 20,000 m² to 50,000 m² for industrial zones

- An increase to allowable building height in zones IN1, IN2 and IN3 from 15 m to 18 m where the existing LEP height is less than 18 m
- An increase to building heights up to 45m where no height limit exists subject to clear separation and built form requirements for the upper levels of buildings.
- Increase ancillary land uses such as offices and industrial retail outlets from 20% to 30% of GFA and
- increase additions allowance from 5,000 m² to maximum gross floor area, subject to LEP FSR
- Allow new buildings and alterations and additions in business zones up to 10,000sqm and 5 storeys in zones B5-B7.
- Introduce and new business zone design guide.

The above changes to complying development throughout NSW (other than the Aerotropolis) further reinforce the disconnect with the requirements within the Aerotropolis for design competitions for this asset class and risks putting the Aerotropolis at a significant disadvantage to other employment precincts where these provisions won't apply.

The above changes specifically acknowledge that the industrial, warehousing and logistics sector have the most opportunity for growth. It is noted that the controls not only align to industry expectations but are also generally consistent with the built form controls outlined within the draft Precinct Plan including 20-24m height limits. There is no better opportunity for the Aerotropolis to showcase the new complying development controls and provide for a key component of the continued growth of this asset class.

Recommendations

- A commitment to allow complying development consistent with the precinct plan for industrial development under the changes being proposed under the Building Business Back Better Framework would provide significant boost to investment and activation.

5.10. MAKING AND AMENDING PRECINCT PLANS

5.10.1. Role of WCPA

The EIE identifies a new role for Western Parkland City Authority (WPCA) to consider a Precinct Plan prior to approval. The EIE notes that Precinct Plans involving 'defined matters' will be referred to the WPCA for comment prior to determination. The EIE identifies these matters broadly as follows:

- How the Precinct Plan enables creation of vibrant, active communities that support national and global businesses and the WSA
- How infrastructure may be delivered in a timely and efficient manner, and
- How the Precinct Plan contributes to the economic growth and development of the Aerotropolis including the promotion of investment and job-intensive land uses.

The EIE does not detail what will be considered a 'defined matter'. The role of the WPCA is also unclear, i.e., will this be advice for the Minister to consider or will the WPCA have power to make a definitive recommendation on a Precinct Plan or amendment? There is significant potential for conflict in this role

especially in considering amendments to a Precinct Plan as part of a landowner led master plan given the WCPA role to attract investment and opportunity on Government owned land in Bradfield/Aerotropolis Core.

Notwithstanding this we can see a benefit for this role if the Precinct Plan is appropriately interrogated by the WCPA to ensure it does not impact WSA, national and global business and ensures that the Precinct Plan promotes investment and supports jobs intensive land uses.

More detail is required around the wording of this clause. It is requested that the proposed instrument is exhibited or provided to industry to enable review and feedback prior to its finalisation and gazettal.

5.10.2. Amending Precinct Plan via a Master Plan

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 EIE outlines a new clause which creates alignment between Precinct Plans and Master Plans and confirms that this would be the pathway to amend the Precinct Plan. This effectively sets up the Master Plan pathway as a 'site specific re-zoning' mechanism. We note that the SSDA process already provides a legal development pathway via s4.38(3) of the EP&A Act 1979 which can facilitate the same outcomes for relevant development as the master plan pathway.

SSDA provides a reasonable alternative to amending a Precinct Plan for those sites not subject to the Master Plan process. Field validation of key issues is required by the SEARs. Whilst this matter is addressed later in this submission, we reiterate that this pathway must not be removed for development that would ordinarily be considered SSDA within the Aerotropolis.

It is also noted that the WCPA would have an approval role. This is a direct conflict with their role as master planners for Government land. This conflict must be acknowledged, and appropriate probity mechanisms adopted to ensure equitable assessment of Master Plans and Precinct Plan amendments.

It is noted that the wording of this clause has not been provided. In addition, the Master Plan guidelines have still not been exhibited which, as stated later in the EIE, will guide how to assess inconsistencies with the Precinct Plan. The Master Plan guidelines and wording of this clause must be provided prior to the instrument being finalised and gazetted.

Recommendations

- The role of the WCPA to promote and facilitate investment and jobs on Govt owned land must not conflict with its increased role in the precinct plan process.
- The WCPA must ensure that economic imperatives to promote investment and jobs intensive land uses is prioritised in the final precinct plan.
- There must be other opportunities to amend a precinct plan for sites that are not subject to the Master Plan process.
- SSDA provides a reasonable alternative to amending a Precinct Plan for those sites not subject to the Master Plan process field validation of key issues is required by the SEARs. The SSDA process (including the use of s4.38(3) partly prohibited development) must not be watered down for relevant development within the Aerotropolis.

5.11. MINOR INCONSISTENCIES AND CLAUSE 4.6 VARIATIONS

Roberts Jones commends the recognition within the EIE that minor variations to a Precinct Plan can be considered. However, the approach proposed to do so seems far from certain. The EIE outlines the potential for clause 4.6 to be utilised by developments to justify variations to a Precinct Plan where:

- A development achieves a better outcome by enabling flexibility, and
- Requests to vary a provision must demonstrate that the change is reasonable and will not result in additional environmental impacts.

As noted under the EIE, a precinct plan is not an EPI. Clause 4.6 relates to development standards which by definition in the EP&A Act 1979 are only able to be within an EPI or the regulation. This is important as it ensures a legal framework exists to enforce and seek variation to standards being provisions by or under which requirements are specified or fixed in relation to that aspect of development and contained within an EPI.

In our opinion changes would be required to the EP&A Act to apply clause 4.6 to a provision or requirement within a Precinct Plan. As these changes would need to be via a bill introduced to Parliament this would be considered unlikely. 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.

Other concerns with the application of clause 4.6 to vary the provisions in a Precinct Plan include:

- Lack of clarity as to will minor inconsistencies be quantified vs requirement of master plans to amend a precinct plan, and
- The exhibited changes to clause 4.6 referenced in the EIE have not yet been adopted. We therefore question how this could be implemented if the ASEPP is changed prior to these mechanisms being implemented in the wider planning system.

Recommendations

- Detail and wording as to how clause 4.6 will be applied must be provided and exhibited prior to its finalisation and gazettal to understand the implications. A simpler way would be to adopt a requirement that development to be consistent with **the objectives** of the precinct plan.

5.12. MAKING AND AMENDING A MASTER PLAN

5.12.1. Expanding potential Master Planning application

Whilst the residual land owned by Roberts Jones is greater than 100ha and in single ownership, the proposed changes to the Master Plan process within the EIE including flexibility around different ownership structures and JVs is welcomed.

The proposed changes within the EIE to provide clearer provisions within the ASEPP in relation to Master Plans being able to amend Precinct Plans and the proposed changes to the SRD SEPP make it very clear that DPIE see the Master Plan process as the only pathway for large sites to develop.

As demonstrated by Roberts Jones lodging SSD 8406916 and other similar projects the development industry is shovel ready and willing to commence activating the Aerotropolis in advance of the opening of WSA in 2026. However, despite consistent messaging from DPIE and the WSPP around the availability of the Master Plan pathway, the Master Plan guidelines have yet to be released which makes it difficult to ascertain or comment on the revised eligibility criteria for master planned sites including the additional criteria outlined in the EIE.

Despite the EIE providing more detail around the Master Plan process there has yet to be a compelling planning reason provided to the development industry to accept this pathway. We note that the WCPA has itself commenced its own SSDA process for part of its landholdings which could otherwise have possibly relied upon the Master Plan pathway. This suggest that Government itself recognises the role and importance of the SSDA pathway to facilitate early activation.

Based on the draft Guidelines provided to industry groups in late 2020, the following recommendations must be implemented to ensure that the Master Plan pathway is a compelling and viable alternate pathway to the SSDA process:

- Noting an early version of the Guidelines indicated an 18month process, expedient and ambitious timeframes for the assessment and approval of a master plan must be set and adhered to e.g., 6 months.
- A Master Plan approval must have legal status and confer development consent, i.e., Concept DA under the EP&A Act, especially given that the land is already zoned for its end use.

- A Master Plan approval can include development consent to undertake early works including site preparation, benching, servicing and infrastructure, this will expedite use of the complying development pathway and enable development to take place sooner
- A Master Plan must not be limited to 5 years if commenced within that time,
- Staged subdivision and transfer of ownership of subdivided lots within a Master Plan site must be allowed prior to its completion.

5.12.2. Requirement to be consistent with an adopted Precinct Plan

The EIE notes that the ASEPP is silent on how the Master Plans fit within the planning framework including identifying the possible criteria for where a Master Plan can be inconsistent with a Precinct Plan.

The EIE notes that this criterion will be included in the Master Plan Guidelines however as noted, the Master Plan Guidelines have not been released.

The potential criteria outlined within the EIE is mainly focused on better planning outcomes, however the criteria must also offer the opportunity for Master Plans to challenge and contend both the ASEPP and the Precinct Plan. This is essential given the contentions around the ENZ, 1:100 and riparian corridors on the site.

A Master Plan must also be able to 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*).

Recommendations

- Master Plan guidelines must be released as a matter of priority per the ICC Report.
- Master Plan pathway must be a compelling process for industry and not cause further delays to the development process.
- A Master Plan must confer development consent, i.e a legal basis to undertake development that can stand alongside a Concept Development consent.
- A Master Plan either grant consent or provide a fast track approval process for early works and site preparation to facilitate the complying development pathway.
- Criteria to assess inconsistencies with a Precinct Plan must include the ability to undertake technical investigations to challenge the ASEPP and Precinct Plan including baseline environmental constraints, urban design layout and feasibility.

5.13. CHANGES TO SEPP STATE AND REGIONAL DEVELOPMENT

The EIE raises concerns regarding the use of the existing 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 to partly prohibited development *'that may be incompatible with the objectives and strategic intent of a particular land use zone'*.

The EIE also indicates that *'cases have emerged where SSD has been proposed in areas within the Aerotropolis that are not compatible with the vision set out in the WSAP and the Aerotropolis SEPP.'*

Roberts Jones strongly objects to the proposed changes to the *State Environmental Planning Policy (State and Regional Development) 2011* ('the SRD SEPP'). The proposed changes are reactive and a direct response to our client's desire to utilise this clause to interrogate and seek resolution through the planning assessment process their significant contentions relating to the central ENZ on its site.

Notwithstanding the above, the proposed changes will have a significant impact on many other development projects that are required to be considered as SSD and has the potential to impact upon the early activation of the Aerotropolis. Our concerns relate to:

- Changes to Schedule 1 of the SRD SEPP which would preclude development from being considered State significant under the current provisions; and

- Changes to the *Environmental Planning and Assessment Act 1979* ('the EPA Act') which would impact on the current flexibility afforded to State significant development ('SSD') under clause 4.38, including the opportunity to grant development consent despite development being partly prohibited by an environmental planning instrument.

The EIE notes the intention to amend Schedule 1 of the SRD SEPP to ‘

“ensure development cannot be declared as SSD unless consistent with the Aerotropolis SEPP’.

And

“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”.

No details are provided within the EIE regarding the wording of the proposed clause or how it would be applied, particularly where a proposed development may trigger a State significant classification under another existing clause in Schedule 1 of the SRD SEPP.

The EIE provides a comparison to the approach taken for build-to-rent housing, which were introduced concurrently to an update to *State Environmental Planning Policy (Affordable Rental Housing) 2009* ('the ARH SEPP'). This clause applies to one specific type of development where a State significant pathway did not already exist under Schedule 1 of the SRD SEPP. It is unclear how a similar approach would work for development within the WSA where a number of likely land uses could meet the thresholds for SSD including warehouses or distribution centres (such as the Roberts Jones SSDA). As mentioned above, the actions of Government itself in lodging its own SSDA for a building in the Aerotropolis Core and in advance of any contextual concept plan across the balance of the holdings appears somewhat at odds with the intent of the EIE.

The EIE indicates a new provision under Schedule 1 of the SRD SEPP would prevent development from being declared SSD within the Aerotropolis unless it is consistent with the WSA SEPP

The proposed wording of the new clause must be provided 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.

The flexibility within the SRD SEPP and the EP&A Act is essential to ensure the economic and employment benefits of SSD proposals are achieved. Clause 4.38(3) enables the development consent to be issued for development where it is partly prohibited by an environmental planning instrument. However, it 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 flood extents, riparian corridors and biodiversity within the gazetted 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.

Given the continued absence of any detail or certainty around the Master Plan pathway, the current SSD approvals pathway must be maintained unchanged 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.

Recommendations

- The proposed changes to the SRD SEPP must be abandoned as they will unnecessarily impact upon the delivery of development that would ordinarily be classified as SSD.

6. CONCLUSION

The exhibition of the EIE (and supporting documents such as the Open Space Needs Study has resulted in some positive changes to the planning documents including:

- Providing further guidance around Connection to Country requirements,
- Rationalisation of exhibited Transport Corridors
- Broadening of the Master Plan pathway, and
- Introducing some flexibility into by enabling variations to a Precinct Plan.

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

- The approach to releasing an EIE without the written instrument which would include draft wording of the proposed clauses and amendments to the identified State Environmental Planning Policies.
- The continued disregard for detailed ground truthing undertaken by Roberts Jones in relation to the central ENZ on the site which supports the rationalisation of this zone back to the main Cosgroves Creek Corridor.
- The extent and location of land identified as SP2 / Stormwater Infrastructure and the significant impact this fixed zone / overlay would have on otherwise developable land. SSD 18406916 has demonstrated that the MARV targets within the draft DCP can be met via a standard pit and pipe approach draining to appropriately sized drainage basins.
- The requirements for stormwater infrastructure and detention basins and the conflict this presents in safeguarding airport operations and minimising wildlife attraction.
- The proposed governance arrangements in relation to making and amending a Precinct Plan, Master Plan and assessing inconsistencies with these documents via a clause 4.6 variation.
- The WCPA's role in approving Precinct Plans and amendments and the conflict with their role for the investment and development of Government owned land.
- The lack of any visibility of the Master Plan Guidelines which were expected in October 2020
- The proposed changes to the State and Regional Development SEPP to limit the use of s4.38(3) of the EP&A Act and the impacts this will have on development flexibility

The submission also identifies significant missed opportunities in the EIE package including:

- Failure to clarify design excellence requirements for large format industrial development.
- Aligning the changes to complying development with the significant changes being proposed under the Building Business Back Better framework,

The planning framework and approvals pathway as it is currently headed continues to detract from the opportunities the Aerotropolis creates. Fundamentally, government and industry are otherwise aligned as far as broad outcomes and objectives are concerned. The challenge is to put in place a planning framework that accepts the complexity, scale and specificity of the design and planning process required to realise a successful Aerotropolis, and then implement a planning framework that builds trust and confidence for all stakeholders. The planning framework needs to deliver meaningful progress to resolve these issues and set a clear development pathway for proponents and investors.

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 the complex planning framework being put in place can successfully respond to market demand in the short term.

Roberts Jones has made numerous attempts to engage directly with the WSPP to work collaboratively on critical decisions relating to the Master Planning for this strategically significant site. Roberts Jones seeks an appropriate balance between meeting the vision and objectives of the Western Sydney Aerotropolis Plan and Aerotropolis SEPP whilst ensuring clear development pathway can be achieved for the development its site.

7. DISCLAIMER

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APPENDIX A

PROPOSED SEPP AMENDMENT – SSD 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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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] Elizabeth Drive 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 ([REDACTED]) 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:

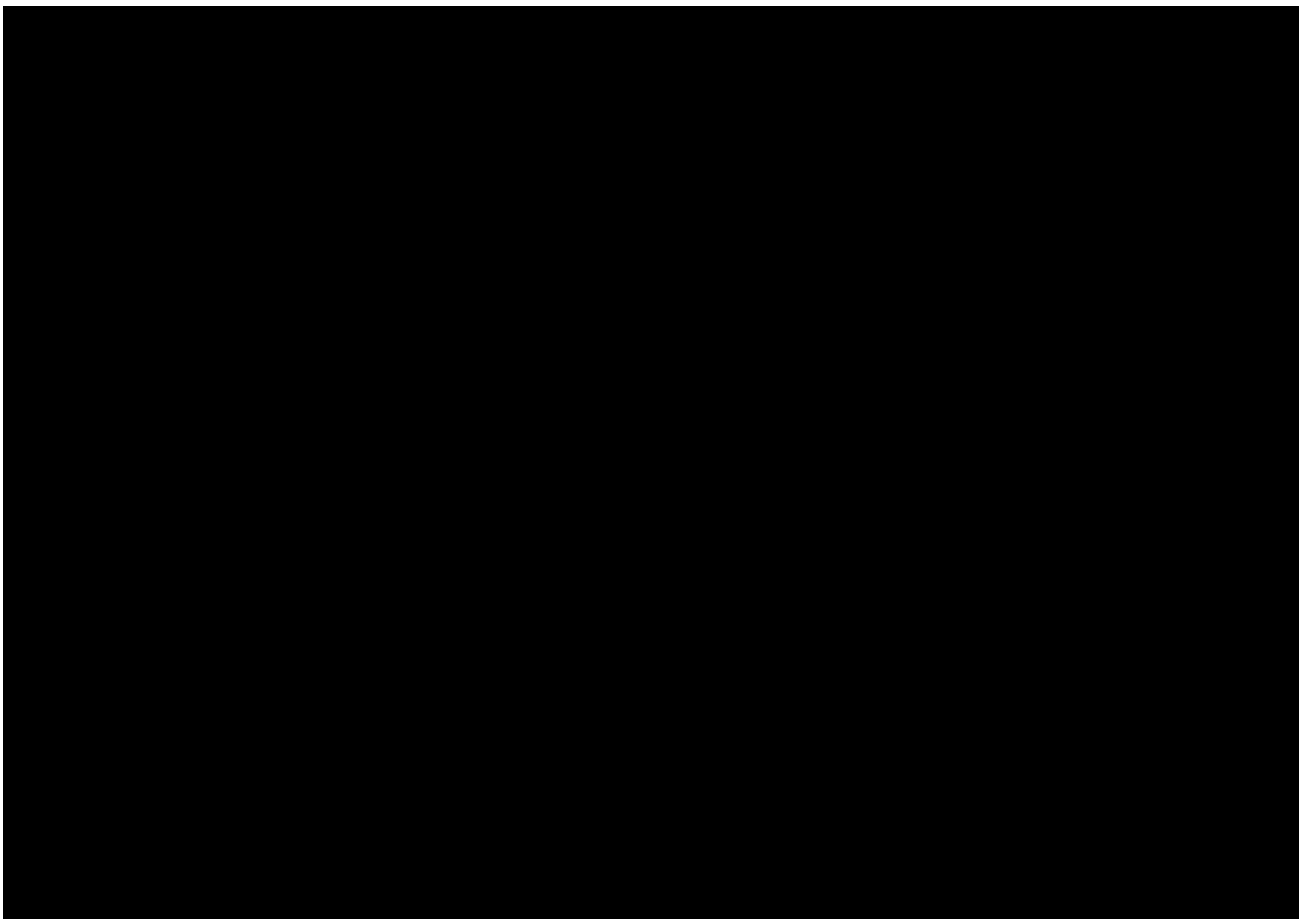
- A description of the site and the surrounding context,
- A summary overview of concurrent SSDA-18406916
- Explanation of Provisions including legislative framework, rationale for the proposed amendment and its intended wording,
- Alternate Design Excellence Strategy,
- Assessment of the amendment against the relevant s9.1 Ministerial Directions.

2. THE SITE

The site is located at [REDACTED] Elizabeth 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.



As a result of the recent acquisition for the M12, the site area has been reduced to [REDACTED]. 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. [REDACTED]).

3.

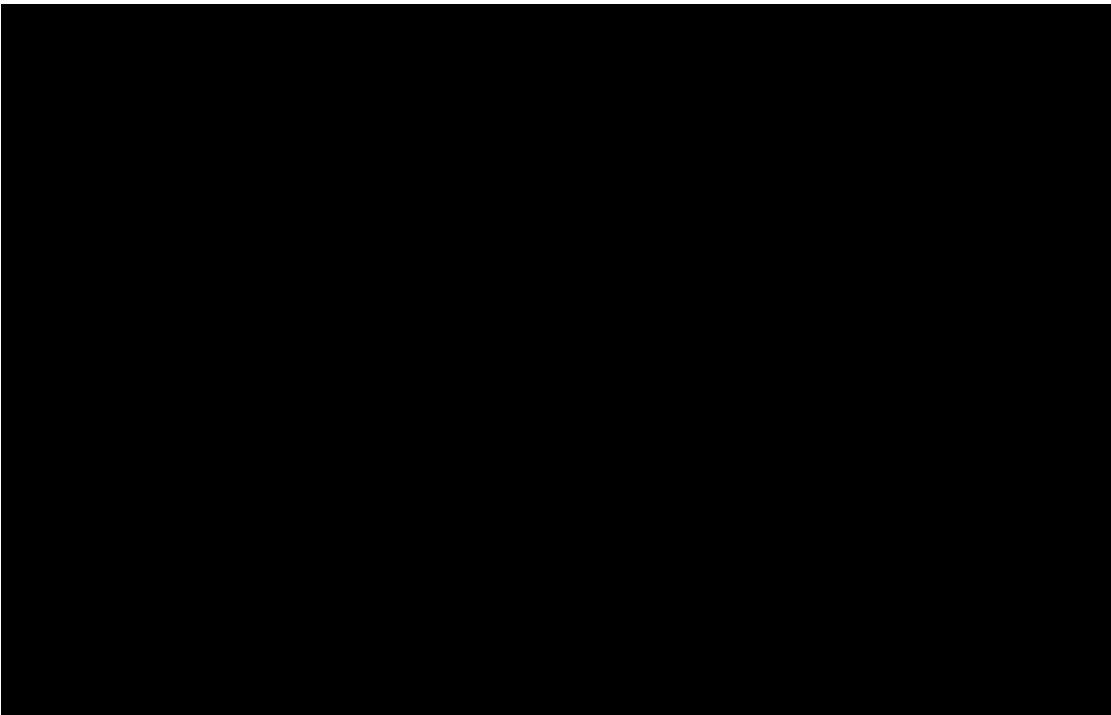


The concurrent Concept and Stage 1 DA for the warehouse and logistics estate relates to [redacted] of developable area and includes:

- | [redacted]
- | [redacted]
- | [redacted]
- | [redacted]

Table 1 Summary of Proposed Concept Plan

Figure 2 Concept Plan



Source: *Nettletontribe, 2021*

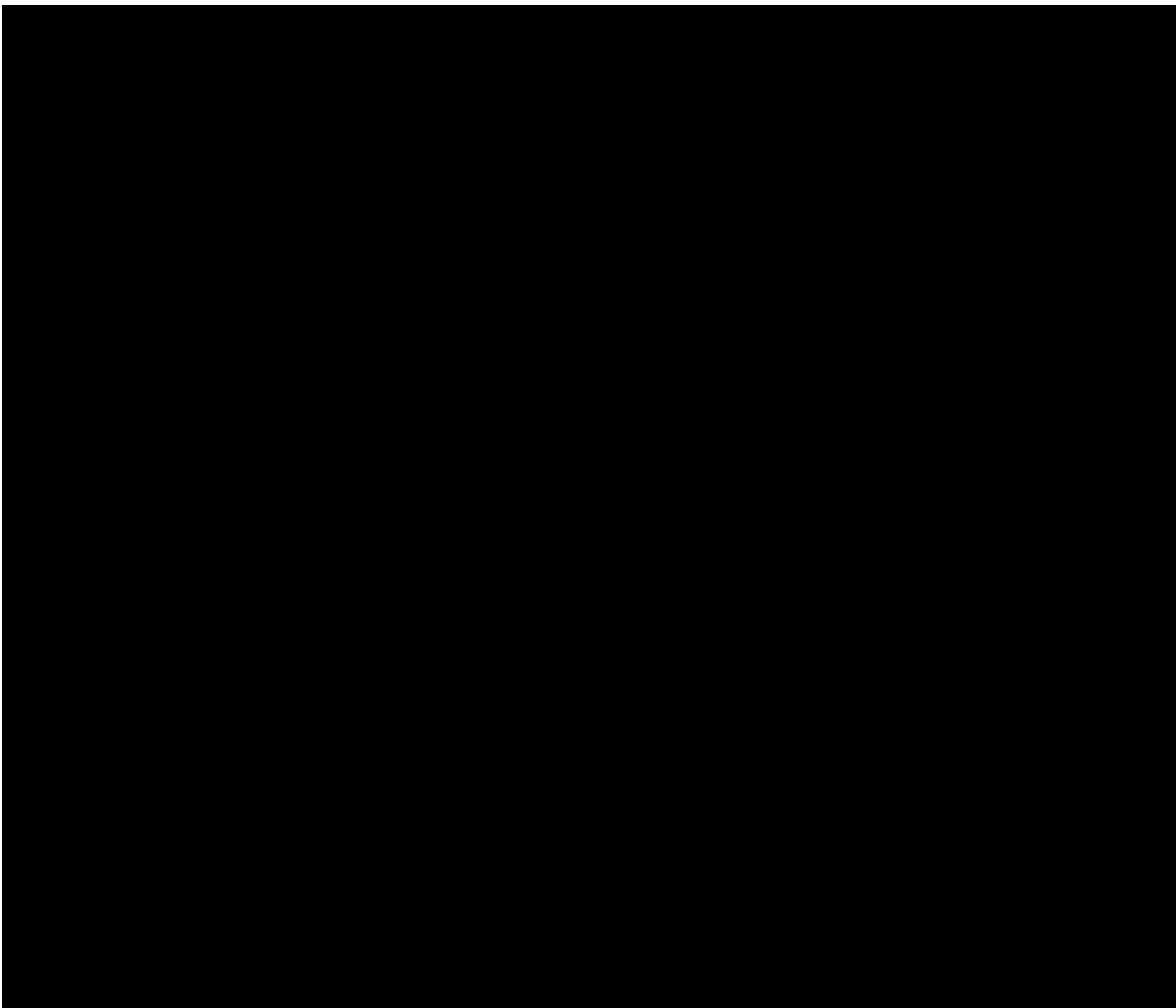
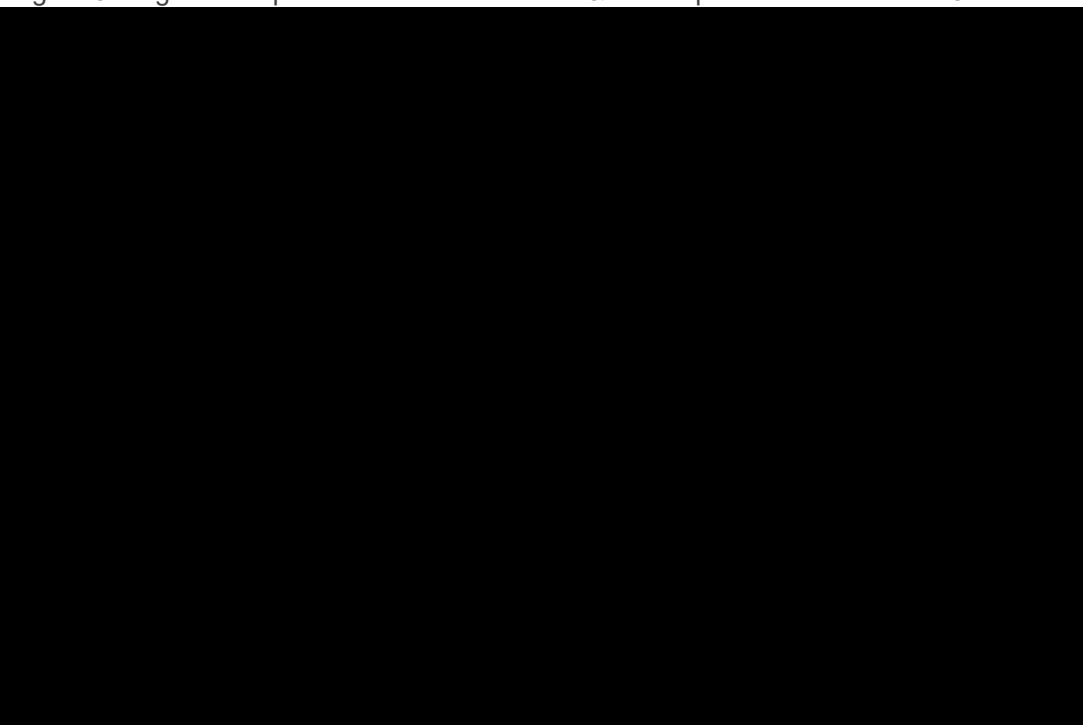


Figure 3 Stage 1 - Proposed Estate Wide Works & Development of Warehouse 3.1



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 () 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.

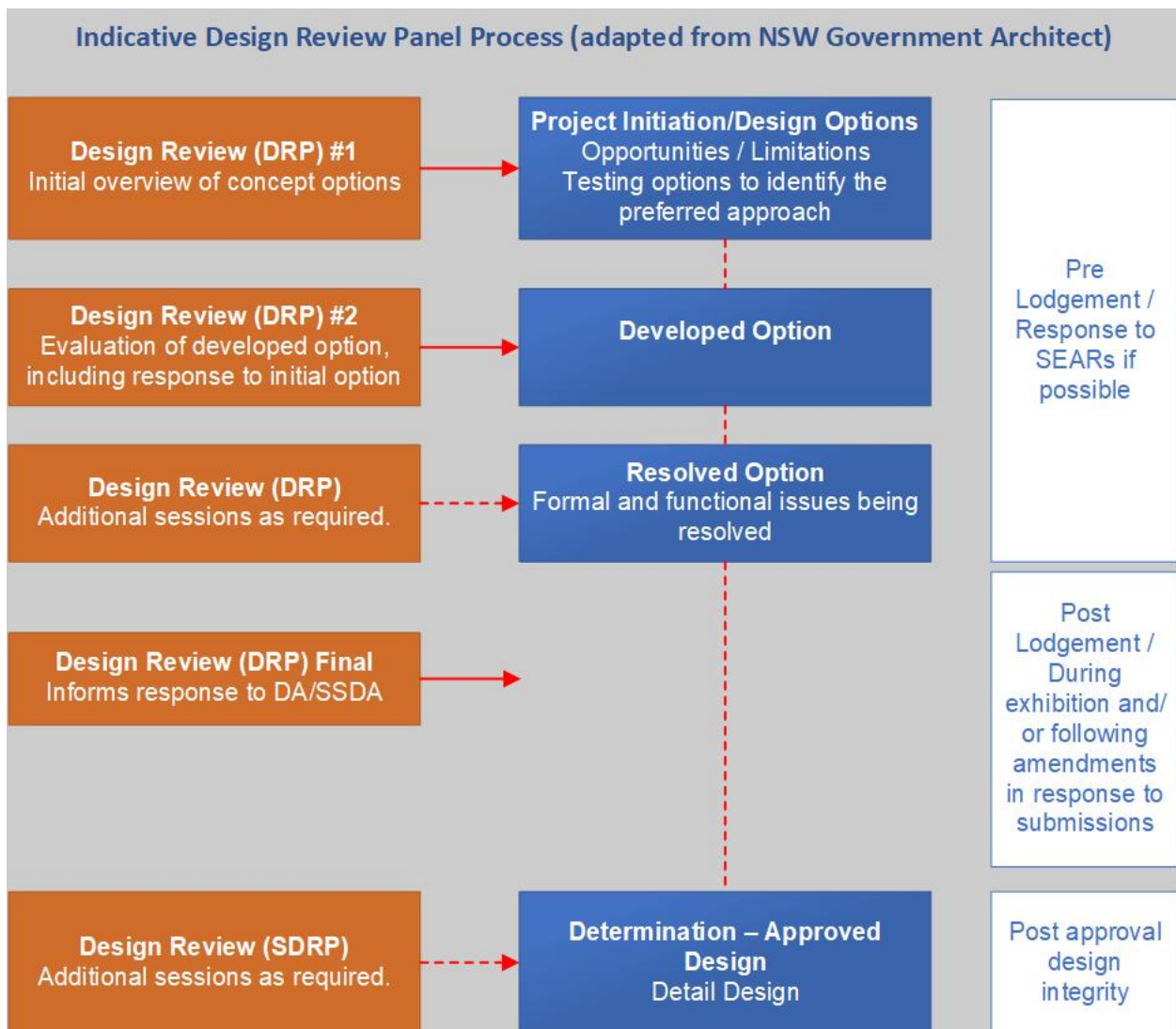
The design review panel should work collaboratively with the proponent to provide guidance and identify and address key matters required to achieve design excellence consistent with the requirements of the Aerotropolis SEPP and any Precinct Plan which applies to the land. Where appropriate and necessary 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.

APPENDIX B

AT&L ENGINEERING 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: adam.carmody@bhlgroup.com.au

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.

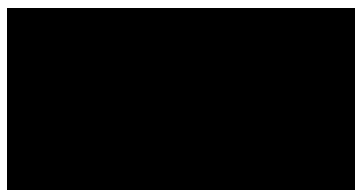
We acknowledge and agree with the aspirations of Government that development within the Aerotropolis Precinct achieves connectivity, liveability, productivity, and sustainability. We also accept that the development of the Western City cannot be Business as Usual although the aspirational outcomes of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

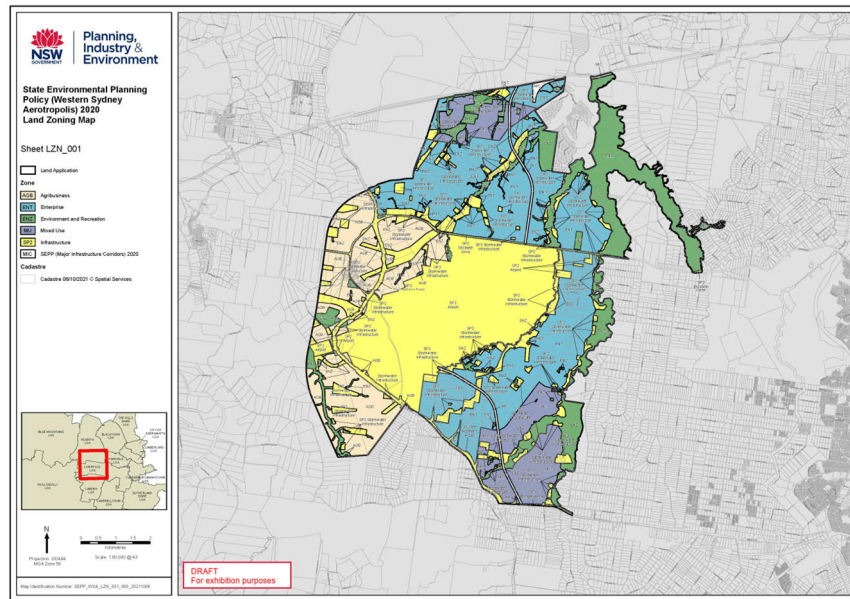
The BHL Northern Gateway development site provides a unique opportunity to create an economical and sustainable development, whilst maintaining its competitiveness within a market that stretches the eastern states of Australia. Given the size of the single land holding of over 200Ha and being uniquely 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.

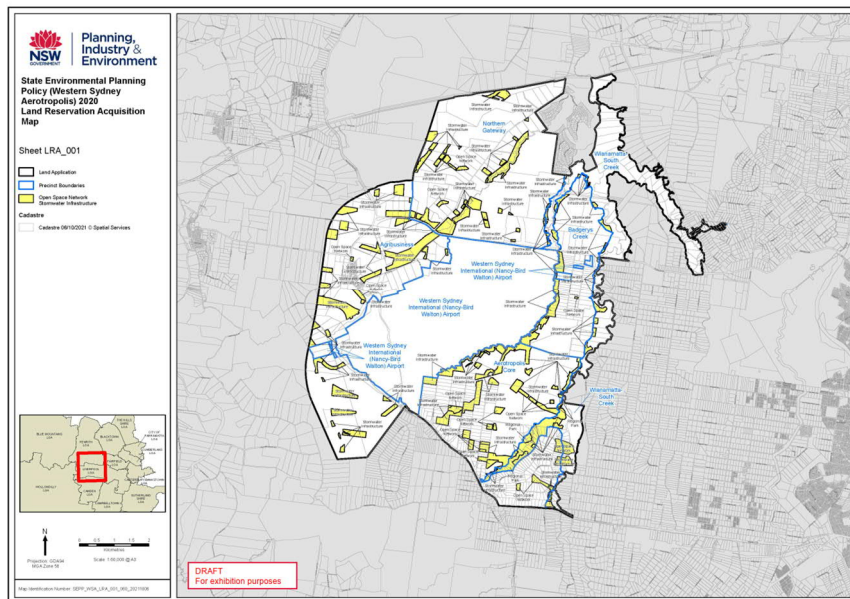
The following table has been prepared to identify the key development and employment constraints that, as experts within the Civil Infrastructure and industrial land development field, we believe will stifle development within the Aerotropolis and in doing so will delay development, push up costs, force 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

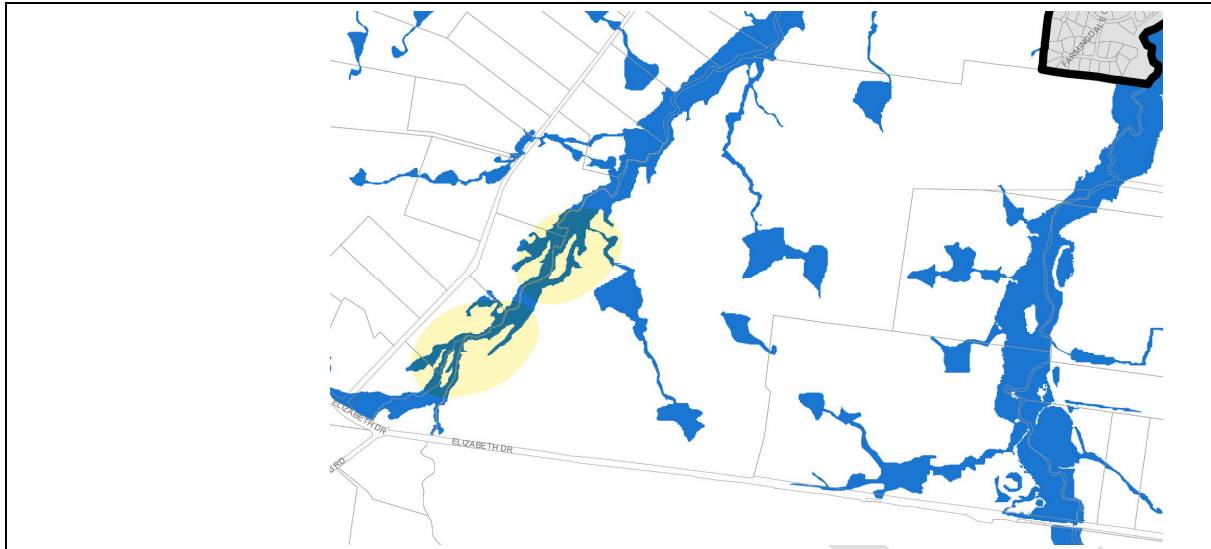


Discussion points

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="523 1043 1382 1384"> <thead> <tr> <th data-bbox="523 1043 609 1077">4.1.2</th> <th data-bbox="609 1043 826 1077">Performance Outcome</th> <th data-bbox="826 1043 1382 1077">Benchmark Solution</th> </tr> </thead> <tbody> <tr> <td data-bbox="523 1077 609 1384"></td> <td data-bbox="609 1077 826 1384"></td> <td data-bbox="826 1077 1382 1384"> <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.
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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										
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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" data-bbox="809 1585 1393 1910"> <thead> <tr> <th></th> <th>Stormwater Quality Target – Operational Phase</th> </tr> </thead> <tbody> <tr> <td>Gross Pollutants (anthropogenic litter >5mm and coarse sediment >1mm)</td> <td>90% reduction (minimum) in mean annual load from unmitigated development</td> </tr> <tr> <td>Total Suspended Solids (TSS)</td> <td>90% reduction in mean annual load from unmitigated development</td> </tr> <tr> <td>Total Phosphorus (TP)</td> <td>80% reduction in mean annual load from unmitigated development</td> </tr> <tr> <td>Total Nitrogen (TN)</td> <td>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

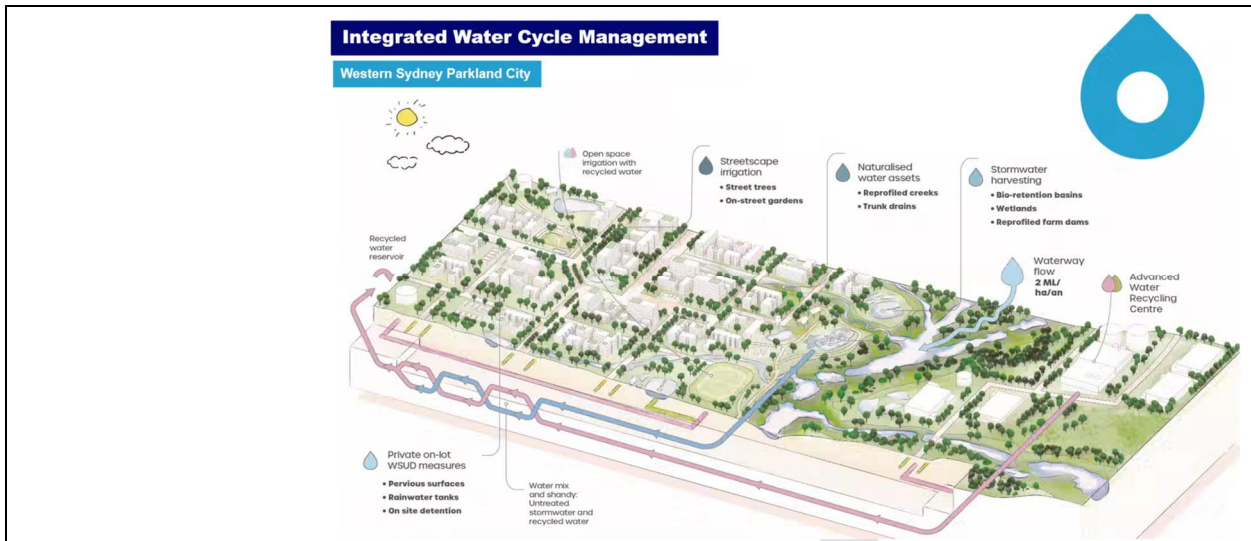
- Potential for higher land take for stormwater quality management measures than would otherwise be required under current best practice (or even under stretch targets outlined in the *Western Sydney Engineering Design Manual*)
- Appreciation of how the targets would be met should SWC introduce, design 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)																									
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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	<p>Recycled water schemes are to be supplied by stormwater harvesting and or recycled water, with the water infrastructure connecting to the scheme(s).</p> <ol style="list-style-type: none"> Where a recycled water scheme is planned, developments must: <ol style="list-style-type: none"> Connect all non-potable demands and fixtures to the recycled water network; Connect street tree irrigation to the recycled water network; Not top up rainwater tanks with recycled water unless approved by Sydney Water; and Design recycled water reticulation to Sydney Water standards. Be designed to supplement stormwater harvesting with recycled water in a way that does not compromise water quality and flow-related objectives.
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 		

	<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				
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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>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								
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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)				
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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"> <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.

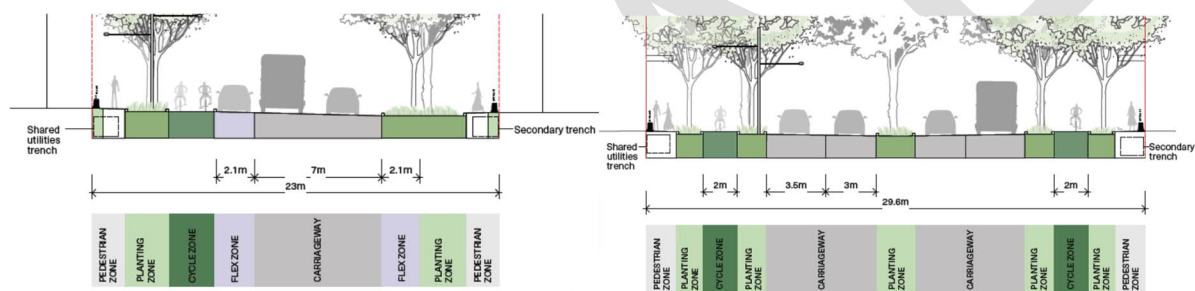


Figure 1 – Industrial and Sub-Arterial Road Typologies

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.

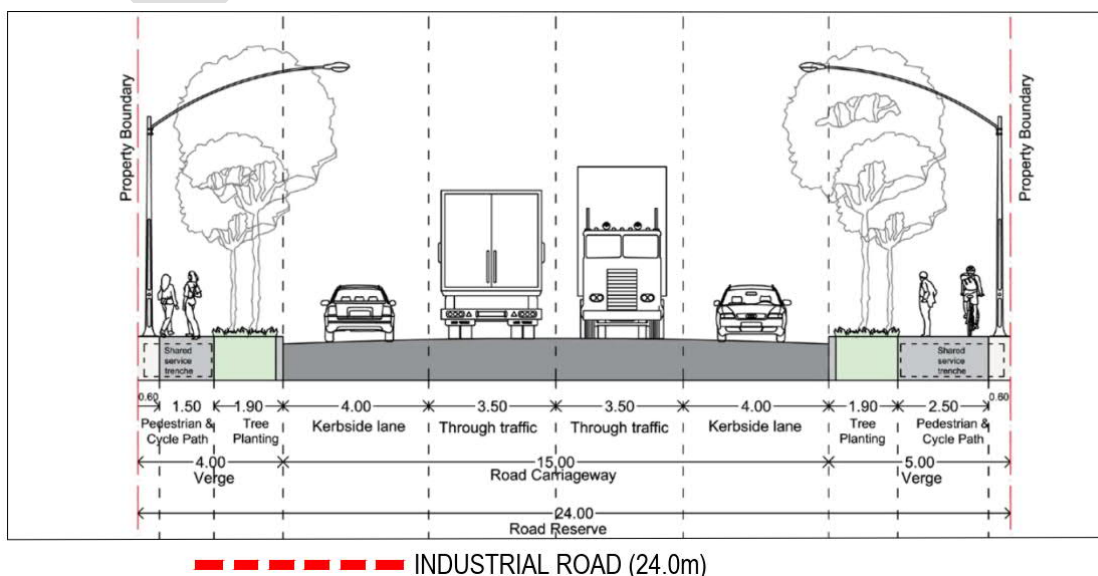
Likely suggested changes include.

- 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.



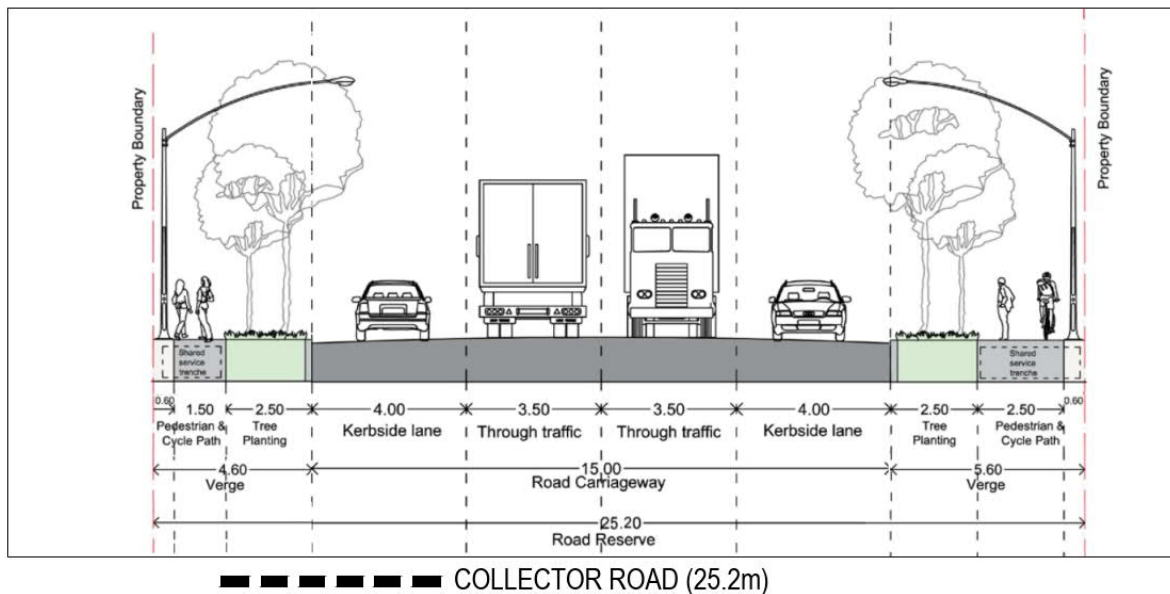
Sub-Arterial Road

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

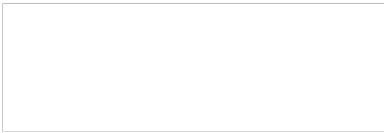
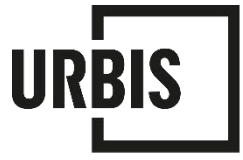
- i. *Section C2.2 Street Tree Soil Volume* needs to consider the adequacy of the support of any adjacent road pavement and stormwater drainage system. Generally, the road pavement will extend 200mm beyond the back of kerb and have subsoil drainage install directly below.
- ii. *Section C4.1 Roundabouts*. 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 7:50 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: roberts-jones_eie_submission_final.pdf

Submitted on Fri, 05/11/2021 - 19:49

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Roberts

Last name

Jones Development

I would like my submission to remain confidential

No

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Suburb/Town & Postcode

Badgerys Creek

Contact number

[Redacted]

Please provide your view on the project

I object to it

Submission file

[roberts-jones_eie_submission_final.pdf](#)

Submission

See attached submission

I agree to the above statement

Yes

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To: [PPO Engagement](#)
Cc: planning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Date: Friday, 5 November 2021 1:04:00 PM
Attachments: [submission-to-dpie---amendments-to-aerotropolis-planning-documents-aircraft-noise-strategy-uia---5.11.2021.pdf](#)

Submitted on Fri, 05/11/2021 - 13:01

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Kerren

Last name

Ven

I would like my submission to remain confidential

No

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Email

[REDACTED]

Address

86 Avoca Road

Suburb/Town & Postcode

Wakeley

Contact number

[REDACTED]

Please provide your view on the project

I am just providing comments

Submission file

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

Submission

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

I agree to the above statement

Yes

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Cc: planning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Date: Friday, 5 November 2021 9:56:20 PM

Submitted on Fri, 05/11/2021 - 21:56

Submitted by: Anonymous

Submitted values are:

Submission Type

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Name

First name

Yazdan

Last name

Rana

I would like my submission to remain confidential

No

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[REDACTED]

Address

[REDACTED] kelvin park drive

Suburb/Town & Postcode

Bringelly

Contact number

[REDACTED]

Please provide your view on the project

I object to it

Submission

To Whom It May Concern,

I would like to submit my objection to a portion of our land being acquired for stormwater infrastructure.

We have spent quite a considerable amount of money in using the land for rural production and also had plans to use this in the future.

We request a 25% reduction in the amount of land that is earmarked for future acquisition for stormwater infrastructure. In addition we believe that the additional greenspace requirements imposed on our land that will not be acquired for stormwater infrastructure through the Floor to Space Ratio calculation is unfair.

This essentially disadvantages our family by having the land earmarked for stormwater infrastructure acquisition taken away from us as well as requiring extra greenspace from the remaining land.

A fairer system would be to include any land acquired for stormwater acquisition included within the greenspace calculation for FSR calculation with any remaining land left over.

I agree to the above statement

Yes

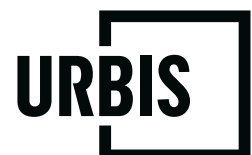
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Luddenham Landowners Consortium

Submission to Aerotropolis
SEPP Explanation of Intended
Effect, Open Space Needs
Study and related
Development Control Plan
provisions

Prepared for
**LUDDENHAM LANDOWNERS
CONSORTIUM**
5 November 2021



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Clare Brown
Project Code	P0019967
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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You must read the important disclaimer appearing within the body of this report.

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1. INTRODUCTION

1.1. PURPOSE OF THIS SUBMISSION

This submission has been prepared by Urbis on behalf of the Luddenham Landowners Consortium (**the Consortium**) who collectively owns approximately [REDACTED] of land located [REDACTED] (the Consortium Lands).

The submission is in response to the public exhibition of:

- *Explanation of Intended Effect - Amendment to Environmental Planning Instruments in relation to the Western Sydney Aerotropolis (EIE), dated October 2021*
- *Western Sydney Aerotropolis Open Space Needs Study (Open Space Needs Study), dated October 2021*
- *Draft Aerotropolis Development Control Plan (draft DCP)*
- *Luddenham Village Discussion Paper (Discussion Paper)*

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.

The Consortium commends DPIE on the exhibition material noting that the package proposes some positive changes to the planning documents including:

- Providing further guidance around Connection to Country requirements;
- Broadening of the Master Plan pathway and providing greater clarity; and
- Introducing some flexibility by enabling variations to a Precinct Plan.

The Consortium is looking forward to the release of the Master Planning Guidelines and the opportunity to provide comment on the same.

We understand that 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 Open Space Needs Study has generally informed the proposed expansion of the SP2 zones in the EIE which relates to land identified for acquisition for open space and stormwater infrastructure purposes within the Aerotropolis Precinct.

1.2. LUDDENHAM LANDOWNERS CONSORTIUM

The Consortium is a collective of landowners with a common interest in achieving the timely and sustainable development of their collective landholdings. Working collaboratively they are seeking positive outcomes for the Consortium Lands which are located adjacent to the Airport precinct.

The Consortium Lands have been zoned Agribusiness under State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (**Aerotropolis SEPP**). The Consortium Land incorporates all land included within the Western Sydney Employment Area as identified in State Environmental Planning Policy (Western Sydney Employment Area) 2009.

Luddenham Landowners Consortium commends DPIE on the exhibition of the EIE and Open Space Needs Study and Development Control Plan.

1.3. SUMMARY OF ISSUES AND RECOMMENDATIONS

The Luddenham Landowners Consortium makes the following comments and recommendations in respect of the exhibition packages that must be addressed prior to the finalisation and implementation of the provisions.

- The wording of the written instruments must be released for public comment prior to gazettal. Alternatively, DPIE must delay the commencement of the instrument and invite targeted feedback from landowners, the development industry and planning practitioners prior to the commencement date. Where indicative areas required for stormwater and associated open space are to be identified, this should be in a non-statutory instrument.
- To ensure accuracy within the draft Precinct Plan and certainty for landowners, applicants, and the community we would request that:
 - Detailed Water Cycle and Flood Risk Impact Assessments are completed and exhibited. We understand that the previous exhibited documents indicated that the Environment and Recreation zone across the Aerotropolis has been informed by the 1:100 flood planning level which has not yet been defined within an up-to-date flood study. It is important that ground truthing of all waterways informs the classification of waterways and any requirement to retain waterways Strahler Order 2 and higher in their natural state is consistent with the NRAR definition of a 'river';
 - Any stormwater infrastructure overlay within the final planning package must be flexible to allow these areas to be properly investigated and ground truthed, designed, refined, and developed in a manner that minimises the impacts upon the developable areas within the precinct while facilitating the Connection to Country and airport safeguarding principles
 - Cadastre boundaries are accurately considered and presented in the draft Precinct Plan and supporting studies. Understanding and accounting for land ownership is an essential component of good planning and is a relevant factor when considering proposals for lot amalgamation and future local road network and connections to avoid inefficient development patterns; and
 - Revisit the proposal to identify unlisted heritage items and items that no longer retain the inherent heritage significance in the draft Precinct Plan items. Nomination of such items without required evidence base to support such nomination or retention undermines the conservation objectives sought to be implemented.
- The questions around the acquisition framework as raised in **Appendix A** need to be resolved prior to the finalisation of the amendments to the Aerotropolis SEPP and the mapping of the land to be acquired.
- In preparing the Precinct Plan this should incorporate flexibility and not be overly prescriptive.
- Any stormwater infrastructure overlay must be flexible to allow these areas to be properly investigated, designed, refined, and developed in a manner that incorporates Connection to Country and airport safeguarding principles whilst also minimising the impacts upon the developable areas of key development sites.
- Critical infrastructure such as stormwater detention and open space, should be confirmed at the development application stage. Details of this infrastructure must be removed from statutory documents. We advocate an approach that includes the indicative areas required for stormwater within the Aerotropolis DCP such that reasonable alternative outcomes and locations can be demonstrated
- If these areas for stormwater infrastructure are to be acquired, the funding mechanism for any acquisition of this infrastructure must be clarified including whether this will result in an increase to exhibited local / state contribution rates.
- The proposed changes to the SRD SEPP must be abandoned as they will unnecessarily impact upon the delivery of development that would ordinarily be classified as SSD.
- Areas designated SP2 Stormwater Infrastructure in excess of standard NSW government practice (i.e. as informed above) should not be zoned SP2 Stormwater Infrastructure and this zone should not be used to constrain land to reduce acquisition costs;

- Land which the government requires in excess of the “normal practice” adjacent to categorised streams to deliver a wider vision or open space outcome should be acquired at the rate for the zoning that would have otherwise been applied.
- Any acquisition should disregard any decrease in the value of the land from the SP2 Drainage Infrastructure zoning if it was otherwise unconstrained and could have been developed in accordance with current underlying/adjacent zoning.
- If these areas for stormwater infrastructure are to be acquired, the funding mechanism for any acquisition of this infrastructure must be clarified including whether this will result in an increase to exhibited local / state contribution rates.
- Land acquisition for road widening and public roads should be subject to detailed design to minimise the land take and acquisition requirements and provide flexibility of development outcomes.

2. SITE AND PLANNING CONTEXT

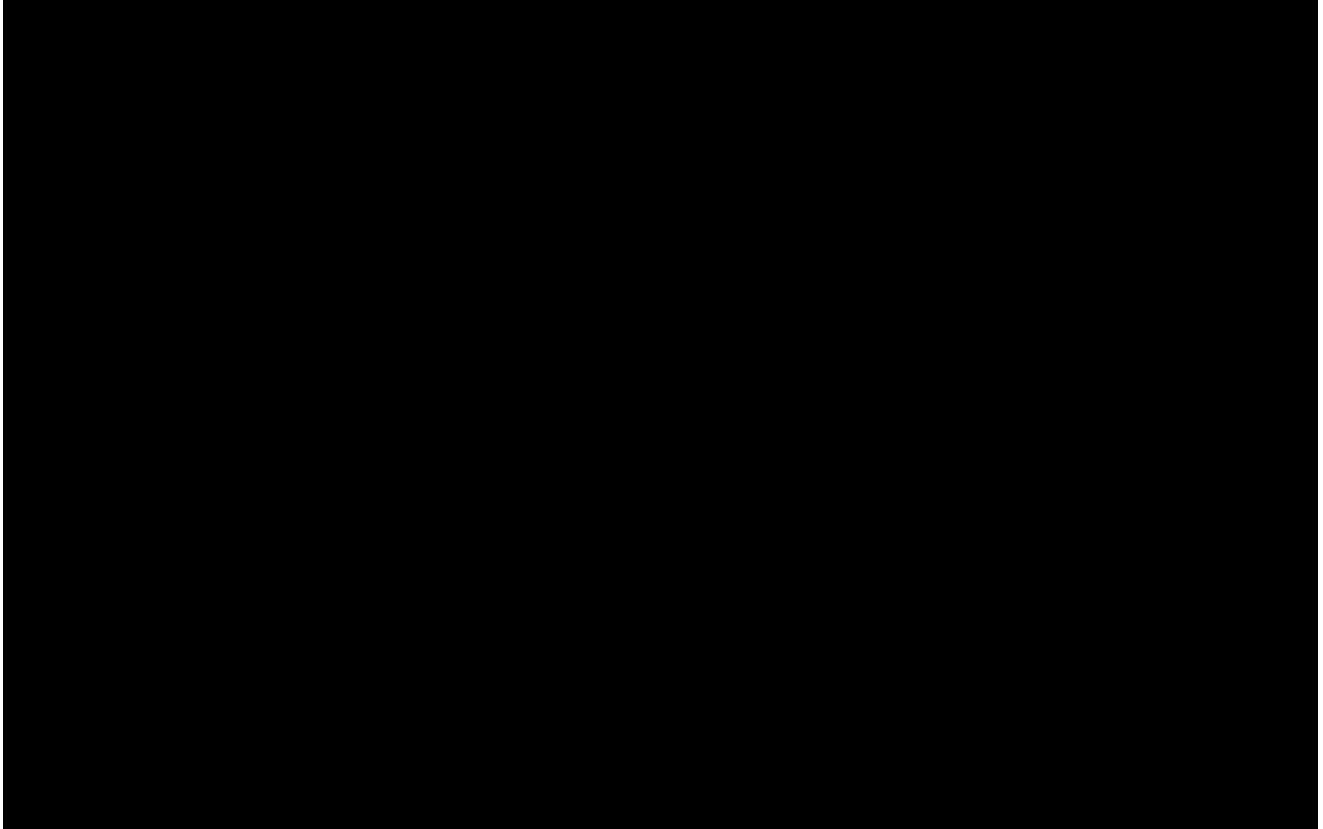
2.1. SITE CONTEXT

The submission specifically relates to the land bound in blue shown in **Figures 1** below.

Figure 1 below highlights the nature of the site and surrounding properties including the location of existing vegetation, creek lines and riparian corridors, the extent of the site and surrounding properties. The site is bounded by largely cleared rural landholdings.

The site directly abuts the north-western boundary of the Western Sydney Airport (**WSA**).

Figure 1 Site Context



As can be seen from the aerial image above and on the ground many of the dams and water structures within the Consortium Land today were constructed to support the historical agricultural activities that have been carried out. They do not form part of the natural ecosystem and the land on which they are located can be made available for urban development outcomes. The construction of the dams and historical agricultural practices have resulted in a highly modified landscape with natural areas being largely restricted to the riparian corridors.

2.2. LAND CAPABILITY

Earlier submissions prepared by Cardno (2020) on behalf of the Consortium in relation to structure planning for the Aerotropolis identified that the Consortium Lands

...lies within the Oaky / Cosgroves Creek catchment (South Creek Sub-Catchment) which is the same catchment that includes the Northern Gateway Precinct. Implementation of a catchment based planning approach to the Study Area would require that it be included as part of a coordinated planning exercise that incorporates the Area with the land to the north of Elizabeth Drive. Logical implementation of this approach would likely result in extension of the land uses associated with the Northern Gateway into the upper reaches of the catchment rather than the current planning in the draft Structure Plan which arbitrarily creates a division between land uses north and south of Elizabeth Drive.” (Western Sydney Aerotropolis Stage 1 Land Use and Infrastructure Plan – Submission, Cardno, 2 November 2018).

Further Cardno had examined the capability of the Consortium Land for development options and potential and found that:

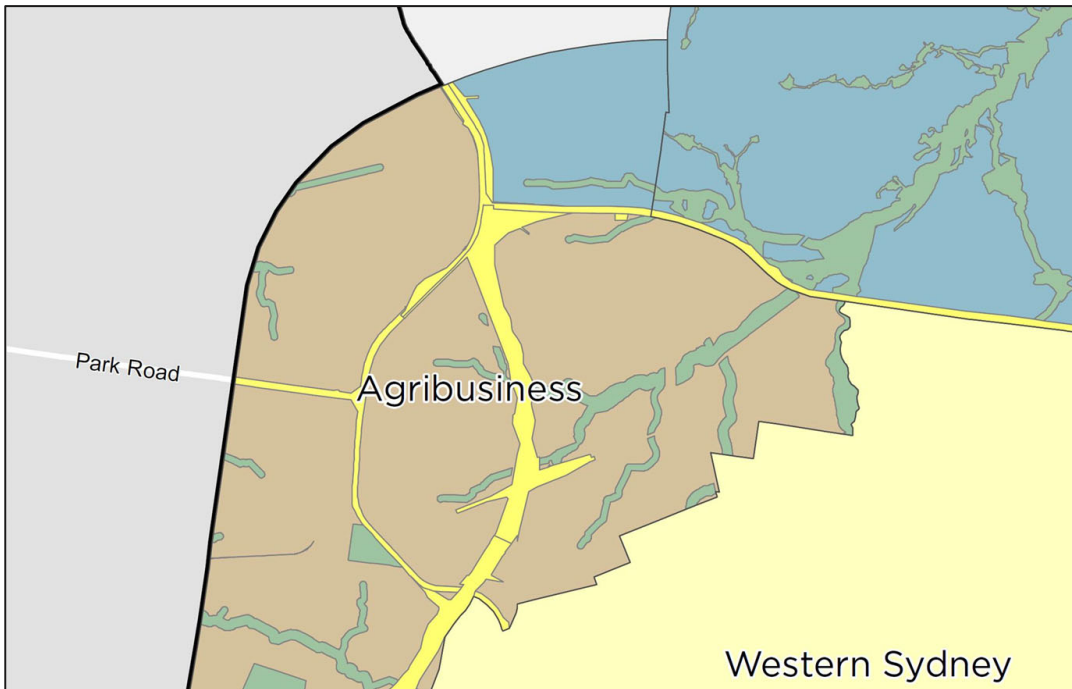
- The majority of the land has a slope of less than 10%
- The land is not flood prone or bushfire prone
- Proposed transport infrastructure upgrades including road upgrades improve accessibility of the Consortium Lands to the airport and the region

The Consortium Lands are well served with regional transport infrastructure including the realigned Northern Road, the Adams Road intersection and the Elizabeth Drive upgrade, all to be operational in the short term. The Consortium Lands are infrastructure and transport ready.

3. PROPOSED LAND ZONINGS AND STORMWATER CORRIDORS

Extracted below in **Figures 2, 3** and **4** for comparison purposes are the 2019, current and proposed land uses zones as they apply to the Consortium Lands.

Figure 2 - 2019 Exhibited Land Use zones



The effect of the proposed 2021 zoning amendments as can be seen is to significantly enlarge the land take for drainage and open space purposes in circumstances where the scale of and need for such corridors has not been demonstrated.

As can be seen across the Agribusiness Precinct this expansion of the SP2 Infrastructure zoning will impact a not insignificant percentage of the precinct with no apparent consideration of cadastral boundaries or impact on development opportunities within the Agribusiness Precinct.

Figure 3 - Current Zoning under SEPP Aerotropolis

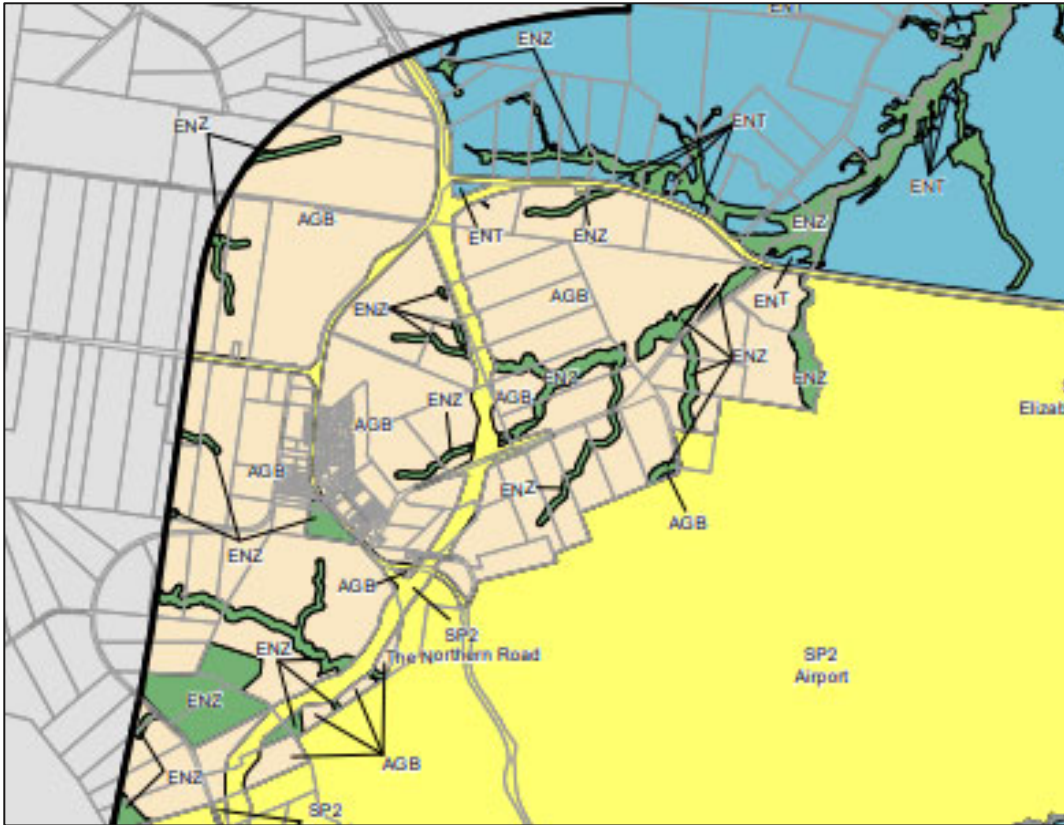
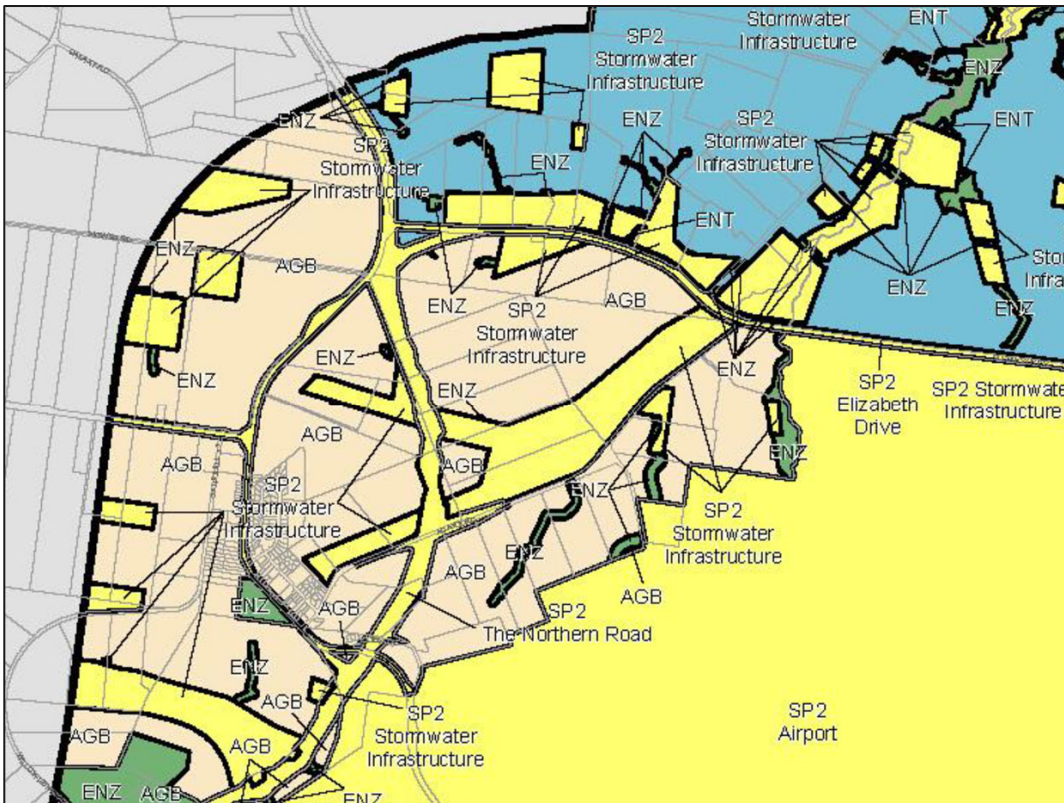


Figure 4 - Proposed 2021 Zoning



4. SUBMISSION

4.1. GENERAL MATTERS

Similar to the approach taken with the Aerotropolis SEPP in 2019, the EIE does not detail the wording of the proposed specific clauses but rather provides a plain English version of the intended changes. The approach taken by DPIE to not exhibit the written instrument is considered problematic as:

- It does not allow stakeholders an opportunity to review and provide comment on how the clauses will be implemented or to identify potential errors, practical considerations and alternatives to the approaches being put forward.
- It does not identify the identity of the acquisition authority and management of the land to be acquired.
- There is a lack of clarity as to the relationship between the Environment and Recreation Zone and Infrastructure Zone and the permitted land uses in each zone.

Recommendation

- The wording of the written instruments must be released for public comment prior to gazettal. Alternatively, DPIE must delay the commencement of the instrument and invite targeted feedback from landowners, the development industry and planning practitioners prior to the commencement date.

4.2. EVIDENCE BASED PLANNING

Current strategic planning practice call for ground-truthed, evidence-based planning to occur to achieve quality outcomes. Using evidence in setting planning policy promotes informed decision-making and supports the achievement of significant, sustainable change.

The exhibition material is seeking to make significant changes to current controls and objectives that will apply to the Consortium Land and will guide future development outcomes. As a result it is important that the evidence base that underpins the precinct planning process should be accessible to all with the ability to question and challenge certain assumptions and findings where necessary. In this way quality outcomes can be achieved.

The Consortium supports the objectives of the draft Precinct Plan to enable retention of non-Aboriginal heritage items and recognise the rich cultural heritage of Western Sydney and support the celebration of heritage in Luddenham Village.

Recommendation

- To ensure accuracy within the draft Precinct Plan and certainty for landowners, applicants, and the community we would request that:
 - Detailed Water Cycle and Flood Risk Impact Assessments are completed and exhibited. We understand that the previous exhibited documents indicated that the Environment and Recreation zone across the Aerotropolis has been informed by the 1:100 flood planning level which has not yet been defined within an up-to-date flood study. It is important that ground truthing of all waterways informs the classification of waterways and any requirement to retain waterways Strahler Order 2 and higher in their natural state is consistent with the NRAR definition of a 'river';
 - Cadastre boundaries are accurately considered and presented in the draft Precinct Plan and supporting studies. Understanding and accounting for land ownership is an essential component of good planning and is a relevant factor when considering proposals for lot amalgamation and future local road network and connections to avoid inefficient development patterns; and
 - Revisit the proposal to identify unlisted heritage items and items that no longer retain the inherent heritage significance in the draft Precinct Plan items. Nomination of such items without required evidence base to support such nomination or retention undermines the conservation objectives sought to be implemented.

4.3. LAND ACQUISITION

In the absence of the written instruments and the supporting evidence base, it is difficult to understand the following:

- The future role and function of the land to be acquired for open space and/or stormwater infrastructure purposes.
- How the land for acquisition was identified and whether the land uses zone reflects the future permitted land uses.
- The need for the quantum of SP2 Infrastructure zoned land now proposed. If the purpose of this land is to provide not only drainage infrastructure but also to be available for open space purposes, then there could be greater merit in providing land for open space purposes in areas containing Enterprise zoned land.
- Why the area being acquired over the Consortium Lands has now expanded and goes well beyond that envisaged under the Western City District Plan.
- The Discussion Paper provides scenario maps for the suggested future layout of the village. The expanded village boundary is positive; however, the paper includes a number of roads/street typologies and proposals for road widening which could impact development outcomes. Flexibility is required in the designation of road widening and layout roads.
- The proposed new roads throughout the Agribusiness zone, which are overlaid in the Luddenham Village Discussion Paper scenarios, would see significant portions of the Consortium Land acquired for roads and purposes. The extent of road reserves as nominated has not been proven. .

Appendix A to this submission is a letter of advice prepared by Minter Ellison which has examined the framework under which the proposed land acquisition can be undertaken and the impact on market value of the land that will be impacted by the future acquisition provisions. This advice raised questions in relation to the public purpose for which the land is to be acquired and the manner in which compensation will be calculated.

Recommendation

- This is a significant issue that needs to be resolved prior to the finalisation of the amendments to the Aerotropolis SEPP and the mapping of the land to be acquired.

4.4. PRECINCT PLAN AND BLOCK SIZE

The Consortium understands the intention for planning for the Aerotropolis to adopt a 'beyond business as usual' approach this should be developed to fit around rather than in addition to existing and well understood statutory frameworks and processes under the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and other related Acts.

It is appropriate for the Precinct Plan to identify opportunities for the coordination of land use, infrastructure and transport infrastructure and an approach to enable the integration of infrastructure corridors especially given the scale of greenfield areas. The Precinct Plan when finalised will be the first stage precinct plan and will set the benchmark for future precinct plans.

In a planning context a Precinct Plan should be a high-level plan that defines a vision, strategic directions and guidelines that can be reflected in future detailed masterplans and development applications to facilitate the effective, sustainable, and ongoing management of development and delivery of infrastructure.

If a Precinct Plan is too detailed or fine grained in terms of establishment of allotment consolidation, local road networks and connections it can stifle innovation and constrain future development that would normally be explored in the preparation of masterplans for development areas within the Agribusiness Precinct.

Clause 41 of SEPP Aerotropolis directs that *...Development consent must not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied that the development is consistent with the precinct plan.*

No objection is taken to this control, however if the Precinct Plan is overly prescriptive in its terms this will prevent development consent being granted to innovative projects that have been developed examining the opportunities of a site at a micro level.

The Consortium supports the draft Precincts Plan in terms of the maximum 350m x 350m subdivision block sizes. This control should be applied to the Luddenham Landholder Consortium area, and the local low order Industrial Roads as nominated in the draft Precinct Plan be removed, as this will result in a too finer and inflexible subdivision outcome.

Recommendation

- In preparing the Precinct Plan this should incorporate flexibility and not be overly prescriptive.

4.5. SP2 STORMWATER INFRASTRUCTURE ZONE

Figure 5 below is an extract of the proposed zoning plan with the presently mapped stream corridor overlain.

We recognise that one of the key objectives for the WSA is to be a cool green place which retains water in the landscape and that this will require a stormwater system which promotes waterway health and water recycling to provide sustainable outcomes. The Consortium supports this principle and the rationale for the protection of these areas includes the need to protect areas of high biodiversity value and areas likely contain high aboriginal heritage sensitivity and heritage value.

However, when considering the opens space designation as shown in **Figure 7** below against the Hydraulic model documents in Figure 6 and the location of the water course within the Consortium Lands as shown in Figure 5. It is clear that the open space designation extends well beyond, the creek line and the riparian corridor and extends well into the current Agribusiness zone that that is and is being used for agricultural purposes.

The proposed SP2 Infrastructure zoning within the Consortium Land is located within the upper reaches of the drainage catchment, and it is unclear why there appears to be a greater land taken for drainage and open space purposes in the upper catchment on land that does not appear to have the attributes that would facilitate water way health and water recycling or the protection of biodiversity and cultural values.

As discussed above it is important for the proposed open space and drainage designations be ground - truthed in order to correctly define the areas to be acquired public purposes.

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LEGEND

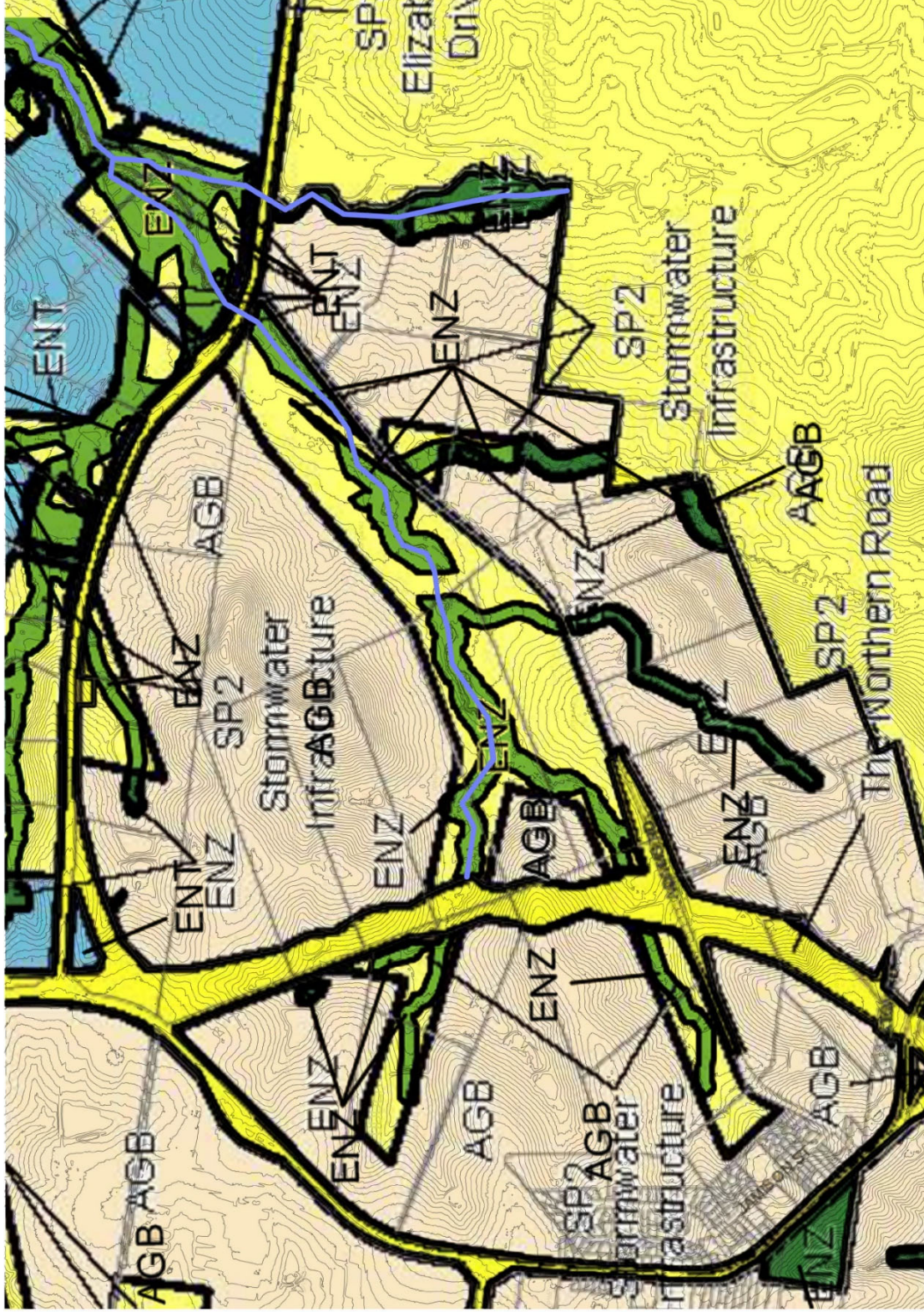
Zone

- AGB Agribusiness
- ENT Enterprise
- ENZ Environment and Recreation
- IML Mixed Use
- SP2 Infrastructure

Cadastral

- Watercourse extent as noted on 1:25000 topographic maps

Cadastral 01/09/2020 © Spatial Services



NOTES:
 ALL AREAS AND DIMENSIONS ARE APPROXIMATE ONLY AND SUBJECT TO SURVEY.

Figure 5 - Zoning and Stream Corridor

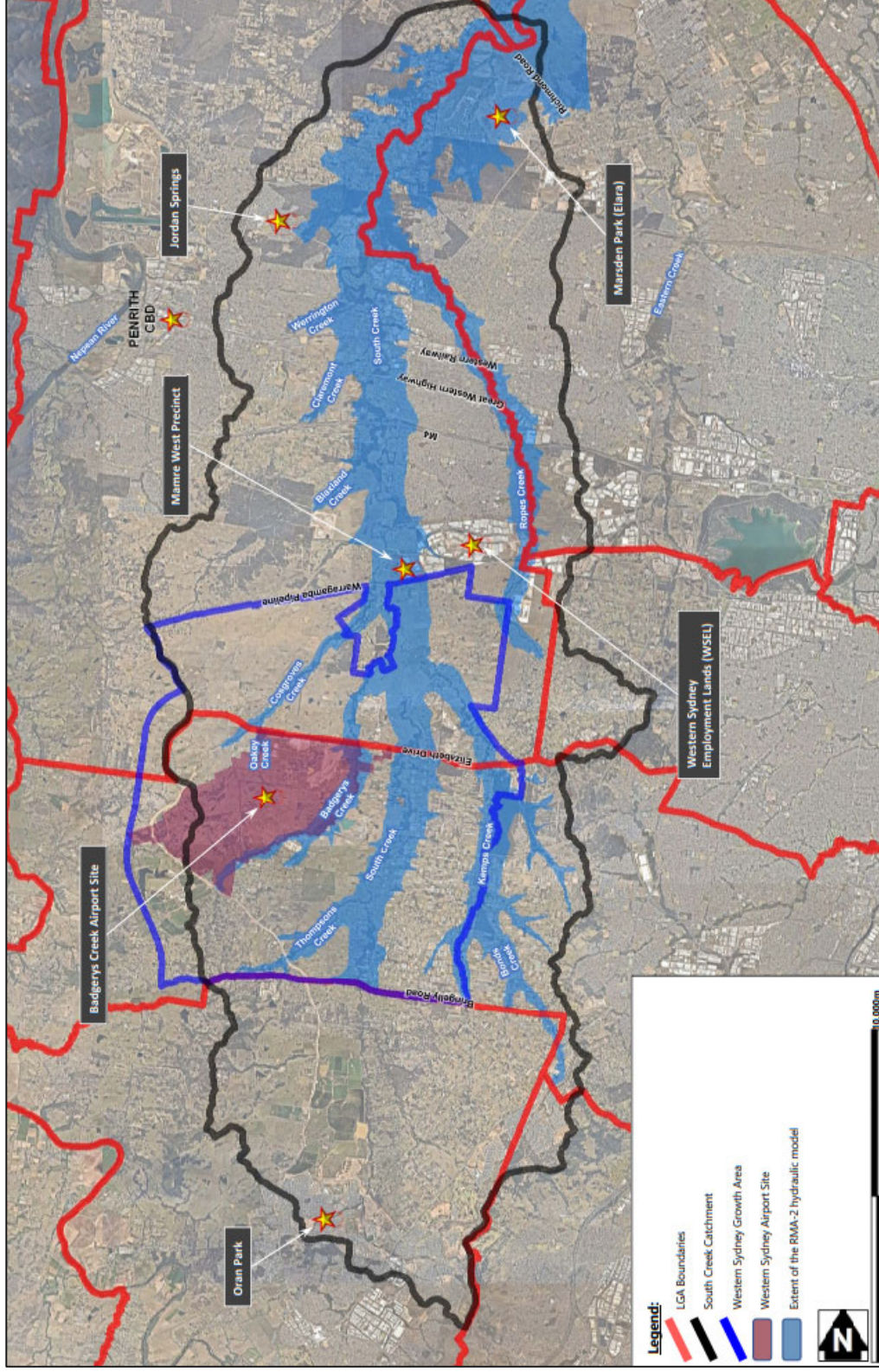
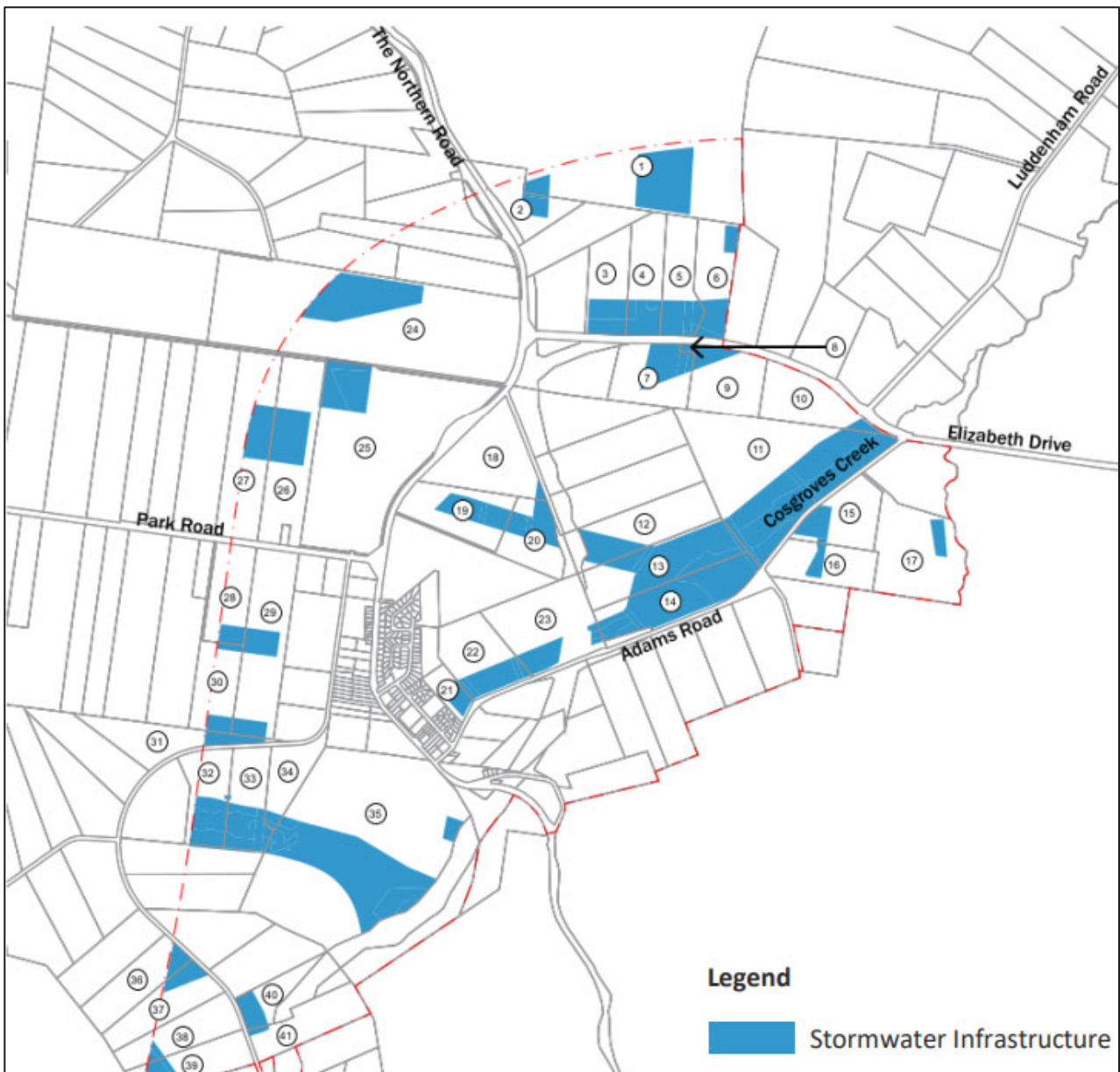


Figure 6 - Hydraulic Model for South Creek Sector Review

Figure 7 – Stormwater Infrastructure – Open Space Needs Study



Despite the areas identified in blue in **Figure 7** being identified for acquisition via an SP2 Zone in the EIE, it is understood that a stormwater overlay is being considered by DPIE as an alternative. This overlay would identify the locations for this land that will be required for stormwater infrastructure and detention basins but not fix them within a specific SP2 Zone.

Irrespective of the approach taken by DPIE, the Luddenham Landowners Consortium strongly objects to the extensive areas of its site being designated for stormwater infrastructure or opens space purposes:

- The areas for stormwater infrastructure should not be identified in a fixed and inflexible SP2 zone or overlay in any statutory document such as the Aerotropolis SEPP or Precinct Plan.
- The extent of basins can be confirmed and rationalised at DA stage. An indicative basin plan should 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 which can verify 1:100 flood extents and appropriately configure and rationalise the extent of any stormwater infrastructure and on-site detention which can also respond to any Connection to Country requirements on a case by case basis.

- The areas required for stormwater infrastructure go significantly beyond the Vegetated Riparian Zone from the top of bank required under the *Water Management Act, 2000*
- The location of large wetlands/stormwater infrastructure, detention basins and requirements for stormwater harvesting on the site conflicts with the benchmark solution (10.3.2, PO1, 3) in the draft DCP for detention basins within the 3km buffer to drain within 48 hours to minimise wildlife attraction that may create a safety hazard to the operations of the airport. The Mean Annual Rainfall Volume targets in the DCP also conflict with this requirement as it requires stormwater to be held and re-used on site. A better approach in the ENZ location on the site would be engineer a solution to minimise flood storage areas on site to prevent wildlife attraction and its obvious conflict with the operation of WSA.
- We understand that Sydney Water’s integrated water cycle approach (rainwater retention and stormwater harvesting) is unproven, un-costed and won’t be realised in the short to medium term.
- If a regional solution for evaporative ponds for stormwater quality management was pursued, then large areas designated for onsite stormwater management and flood storage would not be required.
- The Open Space Needs Study also states that stormwater infrastructure has been located on land already identified for open space to limit impact on developable land however, in many cases the additional open space areas identified within the precinct plan (as demonstrated in Figures 2, 3, 4, 6 and 7 above) already impacted developable land beyond the gazetted ENZ zone boundaries.
- Reducing the developable area beyond the current Aerotropolis SEPP zoning and beyond the known flood impacted would significantly reduce the development opportunities in the Agribusiness Precinct.
- Whilst the ENZ is not proposed to be increased, the implementation of a stormwater infrastructure overlay within any statutory instrument would essentially result in an increase to the ENZ by quarantining these areas as additional open space.
- If the land for stormwater is to be acquired, the EIE does not provide clarity on who the relevant acquisition authority will be and what capacity the Trunk Drainage Manager will have to acquire land identified by the stormwater infrastructure overlay. It is also unclear whether the areas to be acquired would impact on contributions.

Recommendations

- Any stormwater infrastructure overlay must be flexible to allow these areas to be properly investigated, designed, refined, and developed in a manner that incorporates Connection to Country and airport safeguarding principles whilst also minimising the impacts upon the developable areas of key development sites.
- Critical infrastructure such as stormwater detention and open space, should be confirmed at the development application stage. Details of this infrastructure must be removed from statutory documents. We advocate an approach that includes the indicative areas required for stormwater within the Aerotropolis DCP such that reasonable alternative outcomes and locations can be demonstrated
- If these areas for stormwater infrastructure are to be acquired, the funding mechanism for any acquisition of this infrastructure must be clarified including whether this will result in an increase to exhibited local / state contribution rates.

4.6. CHANGES TO STATE SIGNIFICANT DEVELOPMENT

The EIE indicates that concern has been raised in the statutory planning framework provided by the SRD SEPP and the ability to utilise section 4.38(3) of the EP&A Act to progress State Significant Development’s that may be incompatible with the objectives and strategic intent of a particular land use zone. In response, the EIE states that it is proposed a clause be added to Schedule 1 of the SRD SEPP to ensure development cannot be declared as SSD unless consistent with the Aerotropolis SEPP.

Despite the wording within the EIE we note section 4.38(3) of the EP&A Act provides flexibility to State significant development (‘SSD’), including the opportunity to grant development consent despite development being partly prohibited by an environmental planning instrument.

Section 4.38(3) enables detailed ground truthing of riparian corridors and flood extents and biodiversity areas that have been zoned ENZ and provides flexibility to develop these areas on merit subject to a rigorous

assessment through the SSDA process. Given the absence of detailed ground truthing, Master Planning Guidelines and inconsistencies in the planning documents, the proposed changes to SRD SEPP to prevent the use of this section of the EP&A Act is concerning.

No details are provided within the EIE regarding the wording of the proposed clause or how it would be applied, particularly where a proposed development may trigger a State significant classification under another existing clause in Schedule 1 of the SRD SEPP.

The EIE indicates a new provision under Schedule 1 of the SRD SEPP would prevent development from being declared SSD unless it is consistent with the Aerotropolis SEPP. However, Schedule 1 applies to specific development typologies which are deemed State significant development based on their economic or employment values. This includes developments which may be proposed and encouraged within the Agribusiness Precinct) including:

- Clause 3 - Agricultural produce industries and food and beverage processing
- Clause 11 - Other manufacturing industries
- Clause 12 - Warehouses or distribution centres

Further 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 identified as SSD under the SRD SEPP.

It is also important 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 and the objectives for the Agribusiness Precinct are achieved.

It is considered critical that the current SSD approvals pathway is maintained to facilitate the lodgement of major proposals which are captured under Schedule 1 of the SRD SEPP. This will enable the aims of the Aerotropolis Plan and the Aerotropolis 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.

Recommendation

- The proposed changes to the SRD SEPP must be abandoned as they will unnecessarily impact upon the delivery of development that would ordinarily be classified as SSD.

5. CONCLUSION

The Luddenham Landowners Consortium commends DPIE on the exhibition of the EIE, the Open Space Needs Study and Development Control Plan.

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

- The lack of any detail around the wording of the proposed clauses and amendments to the identified State Environmental Planning Policies including the Aerotropolis SEPP.
- The extent of land identified as SP2 / Stormwater Infrastructure and the significant impact a fixed zone / overlay would have on otherwise developable land. The SP2 Stormwater Infrastructure areas should be informed by:
 - Ground-truthed survey;
 - Stream order determination and corresponding Waterway classification in accordance with NSW Department of Industry; and
 - Accurate flood studies which take into account the land ownership topography.
- Conflicts between the requirement for stormwater infrastructure and detention basins and the requirements to safeguard airport operations and minimise wildlife attraction and bird strike.
- Proposed changes to the State and Regional Development SEPP to limit the use of s4.38(3) of the EP&A Act to undertake detailed and accurate ground truthing of key environmental constraints.
- Areas designated SP2 Stormwater Infrastructure in excess of standard NSW government practice (i.e. as informed above) should not be zoned SP2 Stormwater Infrastructure and this zone should not be used to constrain land to reduce acquisition costs;
- Land which the government requires in excess of the “normal practice” adjacent to categorised streams to deliver a wider vision or open space outcome should be acquired at the rate for the zoning that would have otherwise been applied;
- SP2 Open Space areas should be limited to only the necessary land take to support the surrounding employment land uses; and
- Any acquisition should disregard any decrease in the value of the land from the SP2 Drainage infrastructure zoning if it was otherwise unconstrained and could have been developed in accordance with current practice for the underlying/adjacent zoning.

It is requested that the DPIE engage with landowners and the development industry to resolve the matters raised in this submission and seek an agreement to provide all stakeholders the confidence on the timing for the delivery of development. A robust but flexible planning framework is required to deliver quality outcomes. The framework must be able to respond to innovation yet must be based on a clear evidence base.

Critical infrastructure such as stormwater detention and open space, should be confirmed at the development application (DA) stage following detailed investigations.

Following identification of indicative areas, controls and objectives in the DCP the obligation would then fall on applicants/landowners to undertake detailed flood studies which take into account the land ownership, topography, riparian corridors and stream order determination and corresponding waterway classification in accordance with NSW Department of Industry. In this way the outcomes will be evidenced based.

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 Luddenham Landowners Consortium (**Instructing Party**) for the purpose of Submission (**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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APPENDIX A LEGAL ADVICE

MinterEllison.

4 November 2021

BY EMAIL

Luddenham Landowners Consortium

Dear Consortium

Aerotropolis SEPP, Acquisition and the VG

We provide this advice to the Luddenham Landowners Consortium (**Consortium**) who collectively own approximately 270 hectares of land located adjacent to the western boundary of the proposed Western Sydney International Airport and extending west to a line close to the eastern edge of Luddenham Village (**Consortium Land**).

Our review indicates that there are two possible scenarios, under which amendments will be made to the *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP)*.

Scenario 1

Land affected by the 'Revised' Open Space Network Overlay (as mapped in the Open Space Needs Study) will, by the end of the year, be designated as 'Land for Acquisition' on the Land Reservation Acquisition Map under the Aerotropolis SEPP. The underlying zones of the Consortium Land, 'ENZ Environment and Recreation' and 'AGB Agribusiness', will remain unchanged.

Scenario 2

Same as Scenario 1, land affected by the 'Revised' Open Space Network Overlay will, by the end of the year, be designated as 'Land for Acquisition' on the Land Reservation Acquisition Map under the Aerotropolis SEPP. However, different to Scenario 1, the underlying zones of the Consortium Land that are affected by the 'Revised' Open Space Network Overlay, zonings 'ENZ Environment and Recreation' and 'AGB Agribusiness', will be changed to 'SP2 Stormwater Infrastructure'.

Under Scenario 2, the rezoning from 'AGB Agribusiness' to 'SP2 Stormwater Infrastructure' appears to be a down zoning of the affected Consortium Land. We consider that this is possibly the reason that the Department is committed to recommending to the Minister that Scenario 1 is the preferred approach to amending the Aerotropolis SEPP.

That said, this advice is only on the operation of the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW) (Just Terms Act)* and the role of the Valuer General (**VG**). As a general proposition, in NSW if land *is not* up for public sale and it is to be acquired by an authority of the State (such as the Council or the Department), the processes and procedures under the Just Terms Act must be followed.

Under the Just Terms Act, the VG has no role to play in the determination of compensation, unless and until: 1) an acquisition notice has been published in the Gazette; and 2) the parties (the acquiring authority and the former landowner) cannot reach agreement as to the amount of compensation to pay. In this situation, the VG must determine the compensation after giving due consideration to all heads of compensation under the Just Terms Act and any relevant caselaw.

The heads of compensation are listed in section 55 of the Just Terms Act:

In determining the amount of compensation to which a person is entitled, regard must be had to the following matters only (as assessed in accordance with this Division)—

- (a) the market value of the land on the date of its acquisition,*
- (b) any special value of the land to the person on the date of its acquisition,*
- (c) any loss attributable to severance,*
- (d) any loss attributable to disturbance,*
- (e) the disadvantage resulting from relocation,*
- (f) any increase or decrease in the value of any other land of the person at the date of acquisition which adjoins or is severed from the acquired land by reason of the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired.*

For our purposes, we are looking at market value under section 55(a), this head is further defined under section 56 (*Market Value*), and means:

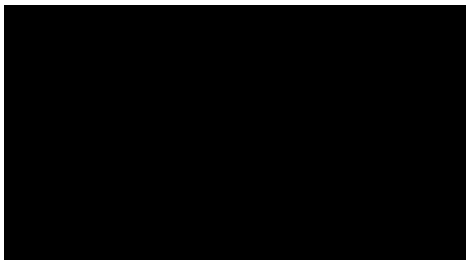
market value of land at any time means the amount that would have been paid for the land if it had been sold at that time by a willing but not anxious seller to a willing but not anxious buyer, disregarding (for the purpose of determining the amount that would have been paid) —

- (a) any increase or decrease in the value of the land caused by the carrying out of, or the proposal to carry out, the public purpose for which the land was acquired ...*

What this means is that the 'public purpose' behind the acquisition must be disregarded in any market value of land. So under Scenario 1 the 'Revised' Open Space Network Overlay must be disregarded, and under Scenario 2 the rezoning to 'SP2 Stormwater Infrastructure' must be disregarded (ie the market value will be determined on the current zoning of the Consortium Land, the 'ENZ Environment and Recreation' and 'AGB Agribusiness' zoning). This statutory disregard has been applied in a long line of compensation appeal cases in the Land and Environment Court, and is the current law.

We note the VG's Aerotropolis 'Open Space Network' Fact Sheet is a fact sheet on how the VG values land for land rating and tax purposes under the Valuation of Land Act, not the Just Terms Act. If the Fact Sheet was taken into consideration by the VG when making a determination of the market value of land, this would be against the Just Terms Act and caselaw, and his/her determination would be open to appeal.

Yours faithfully
MinterEllison





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 10:45 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: eie-submission_luddenham-landholders-consortium-final.pdf

Submitted on Fri, 05/11/2021 - 22:41

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Luddenham Landowners

Last name

Consortium

I would like my submission to remain confidential

No

Info

Suburb/Town & Postcode

2000

Please provide your view on the project

I object to it

Submission file

[eie-submission_luddenham-landholders-consortium-final.pdf](#)

Submission

This submission has been prepared on behalf on the Luddenham Landowners Consortium.

I agree to the above statement

Yes

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 8:53 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Explanation of Intended Effect
Attachments: department-of-planning-submission-for-overlay_0.docx

Submitted on Fri, 05/11/2021 - 20:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

ROGER

Last name

MOSS

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Address

[REDACTED] MARTIN ROAD

Suburb/Town & Postcode

BADGERYS CREEK NSW 2555

Contact number

[REDACTED]

Please provide your view on the project

I am just providing comments

Submission file

[department-of-planning-submission-for-overlay_0.docx](#)

Submission

DEPARTMENT OF PLANNING SUBMISSION FOR OVERLAY

I agree to the above statement

Yes

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