



**Subject:**  
**Date:**



FW: Webform submission from: [webform\_submission:source-title]  
Monday, 23 March 2020 11:31:27 AM

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**Sent:** Friday, 13 March 2020 9:58 AM

**To:** PPO Engagement <engagement@ppo.nsw.gov.au>;

**Subject:** FW: Webform submission from: [webform\_submission:source-title]

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**Sent:** Thursday, 12 March 2020 5:34 PM

**To:** DPE PS ePlanning Exhibitions Mailbox

**Subject:** Webform submission from: [webform\_submission:source-title]

Submitted on Thu, 12/03/2020 - 17:33

Submitted by: Anonymous

Submitted values are:

Submission Type: I am submitting on behalf of my organisation

First Name: Josh

Last Name: Owen

Name Withheld: No

Email:

Suburb/Town & Postcode: North Sydney 2060

Submission file:

Submission: Submission attached

URL: <https://pp.planningportal.nsw.gov.au/draftplans/exhibition/western-sydney-aerotropolis-planning-package>



## **SUBMISSION TO THE DRAFT WESTERN SYDNEY AEROTROPOLIS PLAN**

### **PREPARED ON BEHALF OF THE DERWENT ROAD & BADGERYS CREEK ROAD LANDOWNER GROUP**

This submission to the NSW Government's Draft Western Sydney Aerotropolis Plan (the Plan) has been prepared by APP Corporation Pty Limited on behalf of the Derwent Road and Badgerys Creek Road Landowner Group (the LOG).

The LOG comprises 21 landowners controlling 48ha of land between Badgerys Creek Road and Derwent Road. The site is positioned immediately to the north of The Northern Road and 1.6km south of the Western Sydney Airport (WSA). The lands are zoned RU4 Primary Production - Small Lots under Liverpool Local Environmental Plan 2008.

The lands are in the Aerotropolis Core Precinct under the Plan. The LOG understands the implications of the Plan on the future use of their properties and their key objectives are to:

1. Advocate for a greater level of flexibility in the application of the mixed-use zoning within the Aerotropolis Core;
2. Work collaboratively to plan for their landholding as a strategically important site for future master planning; and
3. Advocate for greater certainty around the timing of rezoning, precinct planning and delivery of infrastructure.

The LOG firstly wants to commend the Department of Planning, Industry and Environment (DPIE), the Planning Partnership (PP), and Western Sydney Aerotropolis Authority (WCAA) for preparing the Plan for Sydney's newest economic hub. The Aerotropolis will be a nationally significant metropolitan centre providing greater productivity and jobs for the Western Parkland City as well as a diverse range of housing types, in a vibrant mixed-use community.

The LOG appreciates that fragmented smaller land holdings can be a significant impediment to effective rezoning, sales and coordinated infrastructure delivery in the Aerotropolis. It is understood that consolidation enables master planned outcomes which are imperative to the success of the Aerotropolis. Accordingly, the Derwent Road and Badgerys Creek Road LOG have organised themselves as a collective under a Memorandum of Understanding (MOU). Signatures of all owners have been provided in support of this submission and are attached. The LOG is looking forward to working collaboratively with Government into the future to deliver the shared objectives of orderly economic, liveable and sustainable outcomes for the Aerotropolis Core.

The purpose of this submission is to identify the changes in the zoning for the LOG lands between the Stage 1 Land Use Infrastructure and Implementation Plan (LUIIP) and the Aerotropolis Plan and recommend that flexibility should be incorporated in the final Plan and the Aerotropolis SEPP to allow for site specific mixed use proposals beyond the ANEF 20-25 contour, and particularly on the subject lands.

The NSW Government's 'precautionary approach' to aircraft noise exposure and location of mixed-use lands are understood for safeguarding the future operations of the WSA. However, the current

relationship between aircraft noise and land-use planning should be reconsidered in the context of achieving the key objectives of the Aerotropolis Core.

The coordination of land-use and infrastructure planning is integral to the success of the Aerotropolis. Greater flexibility in land-use planning will allow development to respond to future opportunities and constraints.

### **The Aerotropolis Core Precinct**

The Aerotropolis Core Precinct is 1,382ha of land in Bringelly set to provide 50-60,000 new jobs and accommodate 20-24,000 new residents centred around a new Sydney Metro Station with retail, creative industries, civil and cultural facilities and world class public open spaces. The key objectives of the Precinct are, inter alia:

- *To create a major metropolitan 24-hour vibrant, global centre and robust local economy built around professional services, high technology advanced manufacturing, research training, education and creative industries.*
- *Provide high frequency public transport and efficient movement corridors to other centres in Greater Sydney.*
- *Provide an entertainment quarter with opportunities to interface with the Wianamatta-South Creek Corridor.*
- *Create opportunities for tourism and conference uses and facilities.*
- *Protect transport corridors early to minimise possible land use conflicts and allow the orderly and timely provision of infrastructure.*
- *Create public spaces with civic, community and cultural facilities, public art, pop-up installations and creative placemaking.*
- *Activate the station precincts and respond to and leverage the high frequency public connections (including Sydney Metro) to the Airport and other centres in Greater Sydney.*

The creation of a vibrant 24-hour major metropolitan centre is an exciting prospect for Western Sydney. As a predominantly enterprise and mixed-use precinct, establishing a sustainable and economically viable centre will be key and depends on planning with people and place at the forefront. Flexible governance that recognises the need to facilitate commercial investment is vital to the success of the Aerotropolis Core. Amongst other things, this requires establishing a strong resident population and implementing planning controls that incentivise medium and higher density residential development in order to attract the population that will support job growth.

As stated in the Plan, the key considerations for planning in the Aerotropolis Core Precinct are:

- Aircraft noise and its impact on land-uses.
- Safeguarding Airport operations.
- Gradual residential development to support the vibrancy, social cohesion and night time economy of the centre.
- Transition from initial development types to higher order commercial development.
- Early activation.
- Innovative and adaptable housing stock.
- Integrated land use and transport planning, as well as movement and place outcomes that activate the ground plane.

Where residential uses can be adequately attenuated from noise generated by Aircraft, these should be supported irrespective of which ANEC/ANEF contour they are located in. This approach would be in line with the following implementation strategies for the Aerotropolis Core:

- Use of flexible zoning to maximise diversity and attract investment; and
- Investigate best practice housing stock suitable for innovation and commercial districts.

In accordance with the Plan residential uses within the Aerotropolis Core will be located well outside of the ANEC/ANEF 20+ noise contours. This is a stricter interpretation of Australian Standard 2021 than that which has prevailed since the 1970's.

Residential development in the Precinct is also intended to be 'within 800m or a 10-minute walk of the future Metro Station', promoting Transit Oriented Development and establishing a key node within the Aerotropolis Core. The LOG lands are likely positioned within 800m of a future metro station in the Aerotropolis Core and will have excellent direct access to future public transport in the form of bus networks along The Northern Road, Badgerys Creek Road and the future Eastern Ring Road.

Innovative housing stock will allow development solutions to respond to opportunities and environmental constraints that exist, to ensure that a high amenity-built environment is established. As is the case across many residential areas in Greater Sydney already affected by aircraft noise, construction standards, considered design approaches and other attenuation measures can be incorporated to preserve residential amenity in the Aerotropolis Core.

#### **Comparisons between the Stage 1 & Stage 2 Plan**

Under the Western Sydney Aerotropolis Stage 1 Initial Precinct Land Use and Infrastructure Implementation Plan (LUIIP), the LOG lands were identified as 'Mixed Flexible Employment and Urban Land' (see Figure 1).

By contrast, the Plan now identifies the LOG lands as 'Flexible Employment'. This corresponds under the State Environmental Planning Policy (SEPP) Discussion Paper, as an 'Enterprise' zone "*where enterprises are supported while mitigating impacts of airport operations.*" Residential development is not permitted, however a range of other sensitive land uses including childcare centres, educational establishments, health services facilities and serviced apartments are permissible with consent. The objectives of the Enterprise zone are:

- *To ensure a range of uses that enable successful aerospace and defence industries.*
- *To manage the transition of land from non-urban uses to employment uses.*
- *To support the development of well-planned and serviced new urban communities in accordance with the Precinct Indicative Layout Plan.*
- *To safeguard land uses for non-urban purposes from development that could prejudice the use of the land for future commercial land use purposes.*
- *To encourage a precinct built around professional services, high technology, food production and processing, health and education and creative industries.*
- *To ensure that land which has the potential to impact environmental conservation areas is developed appropriately and enhance biodiversity outcomes for the Precinct.*
- *To protect the operations of the Airport, including 24-hour operations and provide appropriate protections for the community.*
- *Ensure there are no sensitive land uses (such as residential aged care, early education and child care, educational establishments and hospital amongst other uses) located within the ANEC 20 and above contours.*
- *Ensure that land uses up to the ANEC 20 contour are subject to appropriate design and construction standards to reduce any potential for airport noise impacts.*
- *Prevent potential conflicts between airport operations and land use/development outcomes.*

The future land uses in the Enterprise zone as listed in the SEPP Discussion Paper are:

*Animal boarding or training establishment, building identification sign, car park, centre based child care facility, commercial premises, community facility, depot, educational establishment, electricity generating works, emergency services facilities, entertainment facility, environmental protection works, flood mitigation works, freight transport facility, function centre, funeral home, garden centre, general industry, hardware and building supplies, hazardous industries, health services facility, hotel or motel accommodation, industrial retail outlet, industrial training facility, information and education facility, landscape material supplies, light industry, liquid fuel depot, neighbourhood shop, passenger transport facility, places of public worship, public administration building, pubs, recreation area, recreation facility (indoor), recreation facility (major), registered club, research station, restricted premises, road, service station, serviced apartment, sex services premises, signage, storage premises, telecommunications facility, transport depot, truck depot, vehicle body repair station/workshop, vehicle sales or hire premises, veterinary hospital, warehouse or distribution centre, waste or resource management facility, water supply system, water treatment facility, wholesale supplies.*

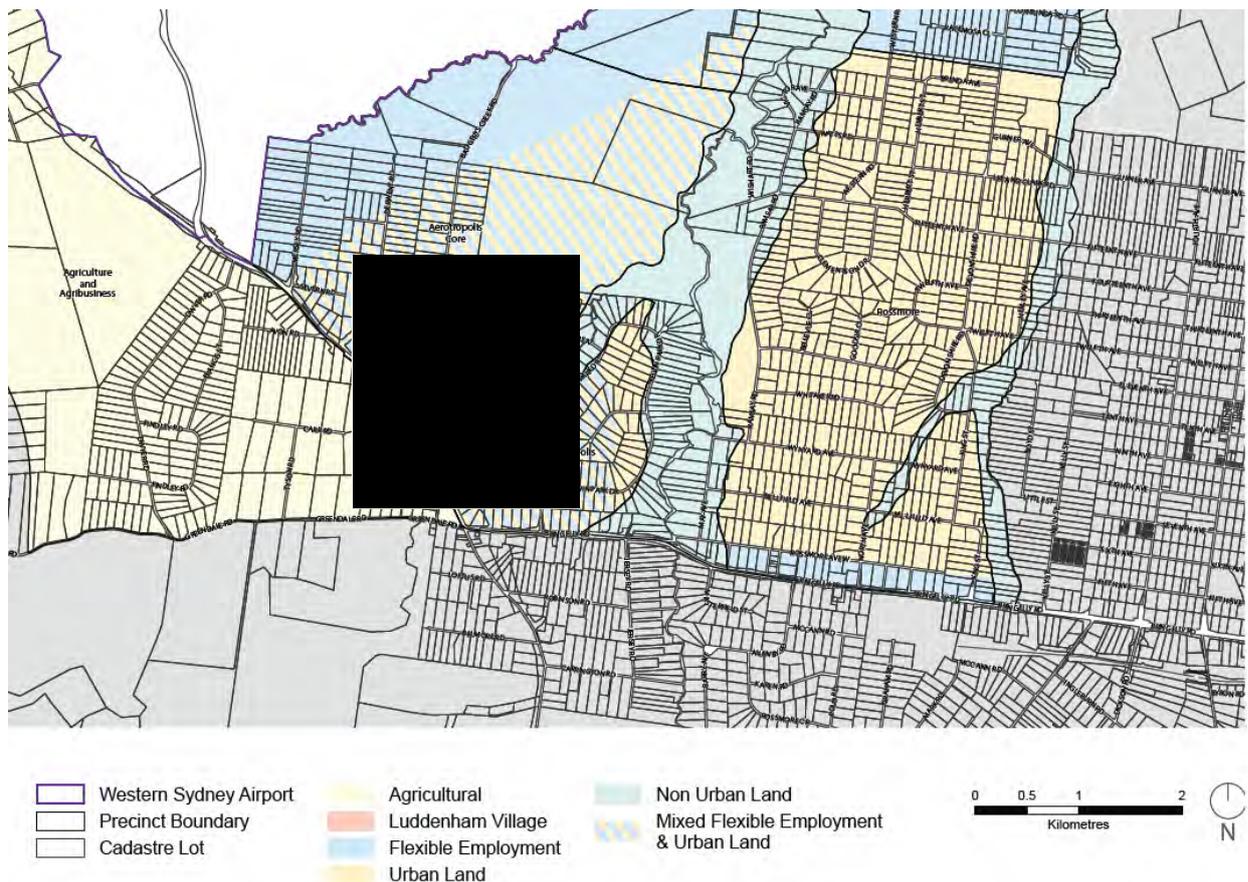
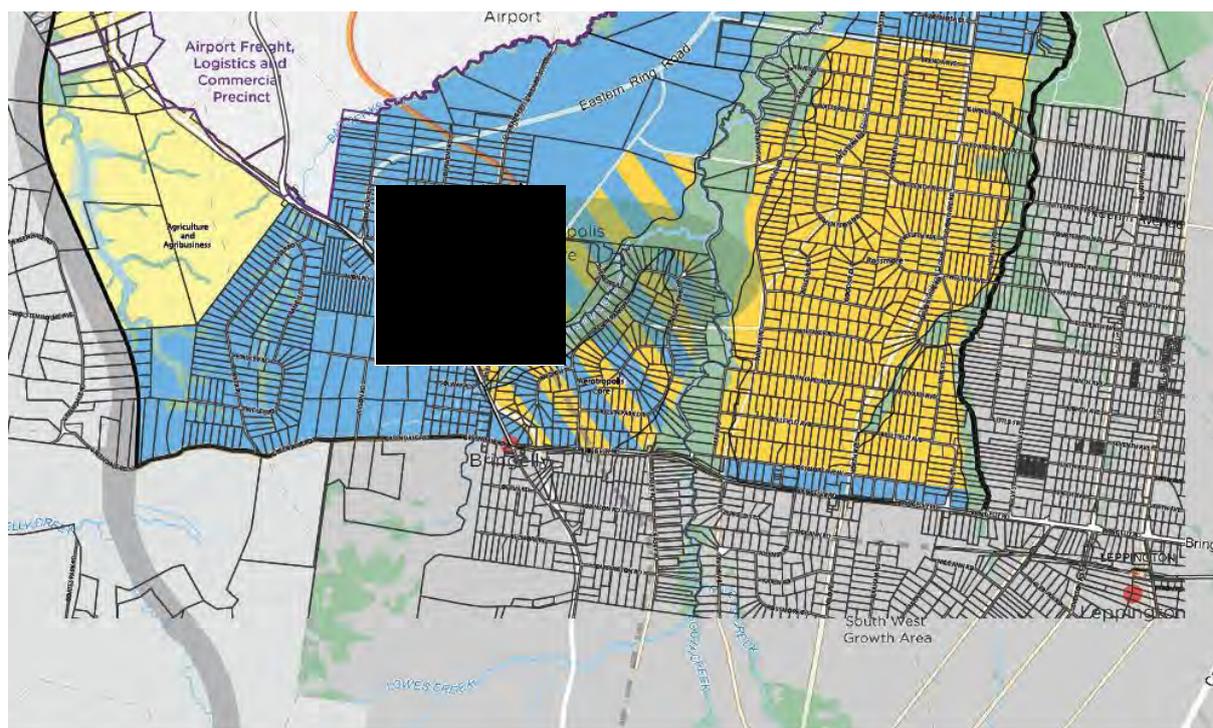


Figure 1 – Aerotropolis Stage 1 Structure Plan (DRLOG lands shown in pink)



**Structure Plan**

**Western Sydney Aerotropolis**

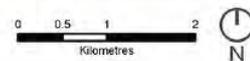


Figure 2 – Aerotropolis Stage 2 Structure Plan (DRLOG lands shown in pink)

**Planning for Aircraft Noise**

The ANEC/ANEF calculations are a means of portraying aircraft noise exposure on land. Development decisions around noise affectations have applied AS2021 *Acoustics—Aircraft noise intrusion— Building siting and construction* since the 1970’s. The ANEC/ANEF rating considers:

- the intensity, duration, tonal content and spectrum of audible frequencies of the noise of aircraft take-offs, landings and reverse thrust after landing (the noise generated on the airport from ground running of aircraft engines or taxiing movements is not included for practical reasons).
- the forecast frequency of aircraft types and movements on the various flightpaths.
- the average daily distribution of aircraft take-offs and landing movements.
- the topography of the area surrounding the airport.

Since it was first derived in the 1970’s, AS2021 has been used nationally as a broadly accepted noise tool, with much success. It is apparent that the Federal and State Governments’ approaches to planning for aircraft has been a key factor in the change to the Structure Plan since the Stage 1 Aerotropolis LUIMP (August 2018). The new Aerotropolis Plan states:

*Due to the ‘greenfield nature’ of the Aerotropolis, a precautionary approach is being applied to land use planning for noise sensitive uses which includes limiting new residential development to areas outside the 20ANEC/ANEF noise contour. This is stricter than what is conditionally acceptable within the ANEF 25-30*

*contour within Australian Standard AS2021-2015 Acoustics Aircraft Noise Intrusion Building Siting and Construction.*

The NSW Government was an active participant in the formation of the latest version of AS2021 developed between 2012 and 2015 and should be fully aware of its content, use and acceptance. The current maps associated with the airport have been derived as a “proof of concept” to ascertain if airspace surrounding Badgerys Creek could support an airport without interfering with the existing Kingsford Smith and Bankstown Airports. The final flight paths and real long-term forecasts (ANEF) showing the extent of the affectation won’t be available until 2024. At this time all stakeholders will have adequate information to make informed decisions about land use. Until then, important land-use planning decisions should provide development flexibility in planning frameworks, such as zoning under the SEPP until all the facts about Aircraft noise are fully determined.

### **Safeguarding the 24-hour Airport**

It is understood that the approach to aircraft noise being applied under the Plan is in response to the principles of the National Airports Safeguarding Framework (NASF) - a national approach to ensure an appropriate balance is maintained between the social, economic and environmental needs of the community and the effective use of airports. The principal aims of the NASF are to:

- Improve amenity by minimising aircraft noise-sensitive development near airports; and
- Improve safety outcomes by ensuring aviation safety requirements are recognised in land use planning decisions through guidelines being adopted by jurisdictions on safety-related issues.

Besides aircraft noise, the NASF includes measures to protect against wildlife strike, wind shear and turbulence, public safety areas, lighting and reflectivity, wind turbines and helicopter landing sites. The NASF will be implemented via the Aerotropolis SEPP, DCP, Section 9.1 Direction 3.5, precinct planning and master planning processes. It is acknowledged that the full extent of the NASF has not been adopted in the Aerotropolis Plan. The NASF includes new noise contours (N70) which have not been adopted in the Plan.

Safeguarding the operations of the WSA is important, and the principles of the NASF are supported, however, the implementation of blanket limitations this early in planning is potentially detrimental to achieving the objectives of the Aerotropolis Core, including the creation of a vibrant mixed-use precinct.

It is entirely possible that future development proposals on the LOG lands could successfully demonstrate consistency with the aims of the NASF. This more granular level of detailed investigation will be done as part of site constraints and opportunities investigations and detailed reporting at the precinct / master planning and Development Application (DA) phase and are likely to include:

- Site / development specific noise impact assessments;
- Nomination of construction materials, standards and approaches to mitigate impacts of aircraft noise to enable good levels of residential amenity;
- Wind impact assessments;
- Reflectivity and light spill impact assessments;
- Consideration of the OLS and any height obstructions to aircraft operations;
- A more detailed assessment and nomination of public safety areas;
- Wind shear impact assessments; and
- Consolidation environmental impact assessment.

It is important that industrial cities embrace opportunities for mixed use development where possible to create vibrancy and contribute to the 24-hour economy. As such, it is the basis of this submission that greater flexibility be applied at this stage in planning (i.e. within the final Plan) to ensure that zoning best responds to the known conditions of the lands and future development proposals. This will also reduce the need for future rezoning proposals for mixed use over additional lands outside of the current zoning that are later identified as being suitable for such outcomes.

### **Local Case Studies**

The Plan is inconsistent with the approach to land use planning around airports in three other known case studies nearby in Western Sydney. Liverpool and Fairfield Council's current approach to residential development is consistent with the commonly accepted interpretations of AS2021 and are explained below:

#### **Liverpool Local Environmental Plan 2008 (Clause 7.18)**

The Liverpool LEP includes provisions for residential development in areas subject to potential airport noise from Bankstown and Badgerys Creek Airports. The objectives of this clause are that development:

- *has regard to the use or potential future use of each site as an airport, and*
- *does not hinder or have any other adverse impact on the development or operation of the airports on those sites.*

In accordance with commonly accepted interpretations of the Australian Standards, residential accommodation on land where the ANEF exceeds 20, and commercial premises (business, office, retail and tourist/visitor accommodation) on land that exceeds ANEF 25 is prohibited unless it meets the requirements of AS2021-2000 Acoustics-Aircraft noise instruction-building siting and construction.

That is to say, the LEP recognises the ability for development to be sited within the ANEF 20 noise contour if it can demonstrate suitable design solutions and the achievement of good amenity outcomes. There are multiple examples across Liverpool where residential development has been supported in recent times where developments have been able to demonstrate sufficient attenuation measures as part of the DA stage.

#### **Horsley Park – Fairfield City Council**

In 2019, the Structure Plan for Horsley Park resolved issues pertaining to certain lands within the precinct being affected by the ANEC 20-25 contours associated with Western Sydney Airport. The draft preferred Structure Plan by Council and the community is to support development of low density residential, agribusiness and estate homes (1 acre) within the affected area. The solution acknowledges the fact that there are possible design solutions to mitigate the impacts of aircraft noise, to allow residential development within this area.

The Structure Plan has been endorsed by Council and is currently under consideration by the Greater Sydney Commission. It is understood that the issue of potential impacts from aircraft noise on the new residential areas is still a matter for consideration.

#### **Bankstown Local Environmental Plan 2015 (Clause 6.6)**

The Bankstown LEP includes provisions for residential development in areas subject to aircraft noise from the Bankstown Airport. The following provisions highlight how aircraft noise impacts are managed for new residential developments in areas around the airport including Georges Hall and Milperra:

(2) Development consent may be granted to development that is the erection of a dwelling (other than a dwelling house) on land in the vicinity of the Bankstown Airport where the ANEC contour is between 20 and 25 only if the dwelling meets the standards specified in AS 2021—2000.

(3) Development consent may be granted to development that is the erection of a dwelling house or seniors housing on land in the vicinity of the Bankstown Airport where the ANEC contour exceeds 25 only if the consent authority is satisfied that the nature of occupation or internal noise attenuation measures enable reasonable amenity for the occupants.

The LOG lands have been identified as being located 600m to the east of the outer extent of the 20-25 ANEC contour (see Figure 3 below). It is not clearly understood, given the above examples, as to why the subject lands have been excluded from the mixed-use zone area based on aircraft noise considerations.

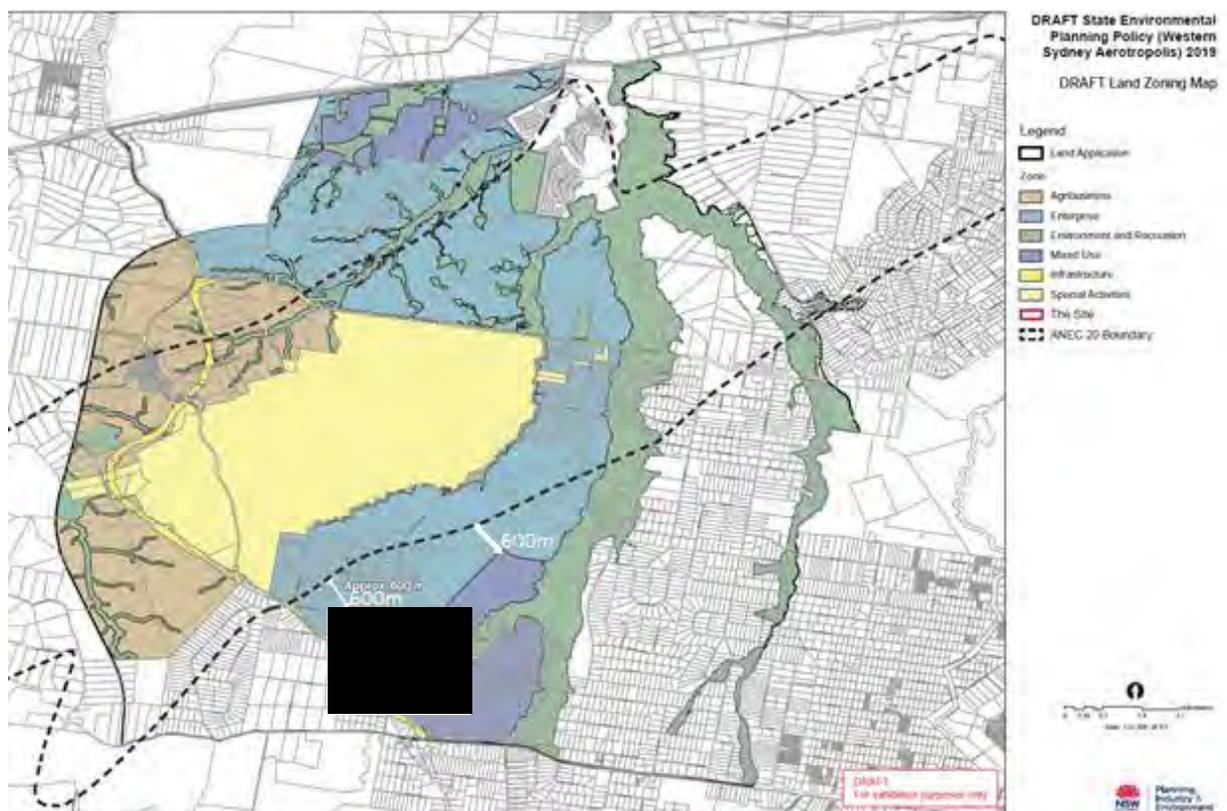


Figure 3 – Aerotropolis SEPP Draft Zoning Map and ANEC 20 Overlay

### Equal Noise Impact and Additional Building Costs

It is understood that the DPIE have flagged concerns with additional building costs for attenuating residential properties in mixed use developments. Noise attenuation measures will add costs to construction that will need to be considered by developers in both the Derwent Road lands, and all of the lands within the Mixed-Use Precinct to the east in the Aerotropolis Core, as both areas are equal distant from the ANEC 20-25 and the future runways (refer to Figure 3 above). This issue should not be a determining factor in the rezoning of the land all lands in and around the Aerotropolis will need to assess and consider potential impacts of future aircraft noise, even those lands within the Mixed-Use Precinct.

### Mixed Use Zone Boundary

As clearly shown in Figure 3, the closest point of the Derwent Road lands is roughly 600m from the edge of the ANEC 20-25 boundary presented in the Plan. The closest point of the lands zoned for future Mixed

Use are also located an equal distance of 600m to the east. It appears that Badgerys Creek Road has been utilised as an arbitrary zone boundary to differentiate between the Mixed Use and Enterprise Zones, although the main difference between the two zones is the permissibility of certain residential uses in the Mixed-Use Zone.

The Group fully accept that the ANEC and future ANEF limits should be utilised to support certain zoning outcomes. It is not understood why lands of an equal distance from the current ANEC 20-25 boundary and the future runways are zoned differently? On this basis alone, there is a strong argument to include the Derwent Road lands in the Mixed-Use zone, particularly where it can be demonstrated that:

- The lands are consolidated to enable the orderly future development of mixed-use developments in close proximity to public transport and amenity; and
- Developments can be suitably constructed and attenuated to protect future residents from any aircraft noise impacts.

### **A Flexible Approach for the Aerotropolis Plan**

The PP have acknowledged the need to develop a framework around land use and development outcomes without limiting ‘flexible approaches’, particularly when precinct planning is still some time away. Discussion about zoning needs to include flexibility in order to let the market dictate levels of interest and utilise precinct approaches to deliver place-based planning outcomes.

In adopting the 20 ANEC restriction to all forms of residential development, the Government is not considering the radical technological advancement driving growth in Aviation - Noise reduction capabilities, advanced avionics and improved operating efficiency will change the way we think about airports. Elon Musk’s idea for the electric (VTOL supersonic jet) plane – the vertical take-off and landing supersonic jet in itself would completely change land-use planning around the Western Sydney Airport if it was to come to fruition.

Much like the *Future Transport Strategy 2056*, the Aerotropolis Plan needs to consider the implications of rapid technological advancement and ensure that the planning framework does not restrict our ability to harness its full potential. Whether technological advancements result in reduced noise impacts or increased flight capacities, incorporating flexibility into planning decisions will allow these changes as and when they occur.

Constant innovation is changing the way people and business do things and the ‘precautionary approach’ adopted in the Plan is not the solution. Planning for the Aerotropolis must be fundamentally centred around flexibility, allowing detailed planning to be addressed through the future precinct / master planning and DA processes. The DRLOG understand the general reasoning behind the implementation of the new approach to aircraft noise and safeguarding, but these issues should be resolved at the detailed planning stage, especially where a proposal can suitably justify that other more sensitive uses such as shop top housing can be appropriately managed so as to not impact on amenity or the operations of the airport.

### **Recommendations:**

Considering the above, the following updates to the Aerotropolis Plan and Aerotropolis SEPP are recommended:

- The subject lands beyond the outer extent of the ANEC 20-25 contour shown in the plan should be reconsidered for rezoning to Mixed Use.
- If the extent of the zone boundaries is fixed at this stage, wording should be included in the Plan and provisions inserted into the SEPP to allow for additional lands in the Aerotropolis Core

Precinct to be considered for mixed use development at the precinct / master planning phase where site specific technical reporting is able to demonstrate successful mitigation of all aircraft acoustic impacts to residential and other sensitive uses.

- Incorporate wording into the Plan which allows for greater flexibility in the application of mixed use in response to site specific conditions of the land, development proposals and distance from the final ANEF 20-25 contour. Commensurate provision(s) should be included in the SEPP to avoid the need for future rezoning.
- Incorporate mapping which shows lands beyond the current calculated extent of the 20-25 ANEC contour as a fuzzy area which could be utilised for future mixed-use subject to detailed site investigations and reporting at the DA stage. This map should also form part of the SEPP to provide clarity and statutory consideration for future DAs.

Should you wish to discuss any of the matters contained in this submission, please contact the undersigned on [REDACTED] or [REDACTED].

Yours sincerely

A large black rectangular redaction box covering the signature of the undersigned.

**Josh Owen**

**SENIOR ASSOCIATE PLANNER**

**APP CORPORATION PTY LIMITED**

**IN WITNESS WHEREOF, the Landowners have executed this non-binding MOU as indicated below.**

Address	Owners Full Names	Signature 1	Signature 2	Date
[Redacted] The Northern Road Bringelly NSW 2556	[Redacted]	[Redacted]	[Redacted]	21/2/2020
[Redacted] The Northern Road Bringelly NSW 2556				20/2/2020
[Redacted] The Northern Road Bringelly NSW 2556				19/2/2020
[Redacted] The Northern Road Bringelly NSW 2556				19/2/2020
[Redacted] The Northern Road Bringelly NSW 2556				21/2/2020
[Redacted] Derwent Road Bringelly NSW 2556				19/2/2020
[Redacted] Derwent Road Bringelly NSW 2556				20/2/2020
[Redacted] Derwent Road Bringelly NSW 2556				20/2/2020
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[Redacted] Badgerys Creek Road Bringelly NSW 2556				21/2/2020
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