

13 March 2020

218005

Western Sydney Planning Partnership
PO Box 257
Parramatta NSW 2124

Dear Western Sydney Planning Partnership,

SUBMISSION WESTERN SYDNEY AEROTROPOLIS PLANNING PACKAGE

This submission has been prepared by Ethos Urban, on behalf of Mirvac, CSR and other local landowners in the Badgerys Creek Landowner Precinct Group ("BCLPG") in response to the Department of Planning, Industry and Environment's (DPIE) release of the *Western Sydney Aerotropolis Planning Package* (WSAPP). Mirvac, CSR and the BCLPG welcome the opportunity to comment on the WSAPP and commends the Department on the release of the WSAPP as another step forward in the planning and delivery of the Western Sydney Aerotropolis.

To ensure the successful achievement of a robust Aerotropolis in the short, medium and long term; Mirvac, CSR and the BCLPG request the consideration of the comments and recommendations contained within this submission, prior to finalisation of the various components of the WSAPP. A summary of the comments and recommendations is provided below and depicted in the **enclosed** marked-up version of the Badgerys Creek Precinct Plan.

- **Elizabeth Drive Upgrade** – It is requested commitment is provided, prior to Airport operations, for Elizabeth Drive upgrade from the Western Sydney Airport to the M7 Motorway. Further, it is requested commitment is provided, prior to Airport operations, for access to and from Elizabeth Drive to the M12 fronting the Western Sydney Airport and the proposed Devonshire / Mamre Road / M12 interchange;
- **Eastern Ring Road** – Mirvac, CSR and the BCLPG promote the delivery of the Eastern Ring Road and the delivery of Pitt Street connecting to the Airport Business Park;
- **Lead Infrastructure** – Mirvac, CSR and the BCLPG promote the early delivery of permanent lead infrastructure such as power, water, wastewater and communications to support development of the Badgerys Creek Precinct;
- **Permissible Uses** – Mirvac, CSR and the BCLPG recommends that permissible uses in the proposed 'flexible employment' zones be reviewed with the potential of creating 'open' zones to reduce 'prohibited' uses and facilitate innovative employment land uses in the future;
- **Agribusiness Precinct** – Mirvac, CSR and the BCLPG recommends that permissible uses in the agribusiness precinct be sufficiently related to agricultural uses to protect the Government's stated strategic intent for this area;
- **Contributions** – Mirvac, CSR and the BCLPG seek confirmation of both regional and local contribution regimes and proposes that they be aligned with other local contributions benchmarks, while section 7.11/7.12 contributions should not be applicable if local infrastructure is delivered by a developer on sites over a certain scale (e.g. 100ha); and
- **South Creek** – Mirvac, CSR and the BCLPG seek confirmation of the South Creek Precinct ownership regime and recommends that the Wianamatta South Creek boundary be revised to reflect the existing 1 in 100-year flood line shown in the Penrith City Council 2019 South Creek Floodplain Management Study and Plan.

This submission expands on the above, providing greater detail on the key role that Badgerys Creek Precinct can play in the growth, maturity and success of the Airport and Aerotropolis. It is supported by the attached map showing the key principles of the Badgerys Creek Precinct, supported by Mirvac, CSR and the BCLPG.

1.0 Elizabeth Drive Upgrade

Mirvac, CSR and the BCLPG supports the WSAPP's proposed road network and associated road upgrades and extension. However, seek commitment for access to and from Elizabeth Drive from the M12 at the Airport Entry and an associated Elizabeth Drive upgrade (including the extent within the Badgerys Creek Precinct) prior to Airport operations. Further commitment and prioritisation of the Devonshire Street extension to Mamre Road with access to the M12 via an interchange. Bringing forward the timeline for the Elizabeth Drive M12 access, Devonshire Road extension and Mamre Road M12 interchange will greatly facilitate and support the development of the Aerotropolis, given imminent large-scale construction and occupation of the Precinct by tenants forecast from 2022. Therefore, commitment and funding need to be expedited.

It is noted that the M12 is currently designed only for access to the Airport. Providing an interchange at Mamre Road and access to Elizabeth Drive would greatly facilitate the flow and movement of traffic into, around, and out of the Badgerys Creek Precinct and minimise 'bottleneck' congestion at the Airport entry.

2.0 Eastern Ring Road

Mirvac, CSR and the BCLPG support the Eastern Ring Road concept, connecting into the Martin Road / Elizabeth Drive intersection. It is unnecessary to have the Eastern Ring Road extend north of Elizabeth Drive given a potential Elizabeth Drive M12 access and Devonshire Road / Mamre Road / M12 interchange.

The Eastern Ring Road will be a key link between the Badgerys Creek Precinct and the rest of the Aerotropolis and Airport that will facilitate the efficient movement of goods, both during and after construction, and be generally supportive of economic activity within the Aerotropolis.

Mirvac, CSR and the BCLPG support the delivery of the Pitt Street connection to the Airport Business Park. However, it is only supported if it does not risk de-prioritising the upgrade to the section of Elizabeth Drive that provides access from the Airport to the Eastern Ring Road. Given the intention to deliver the Pitt Street connection, the need for an additional east-west connection over South Creek south of Pitt Street should be reconsidered.

3.0 Lead Infrastructure

Mirvac, CSR and the BCLPG recommends the delivery of permanent lead infrastructure, such as power, water, wastewater and communications to support the efficient development of the Badgerys Creek Precinct. This may be achieved through a phasing of development with services being provided in accordance with the phasing. It is important to note that these services must be provided as soon as possible to allow time for construction and tenant occupancy forecast from 2022.

4.0 Permissible Uses

Mirvac, CSR and the BCLPG strongly recommends that the zones, as proposed, be reverted to 'open' zones, where the list of permissible uses remains as 'anything not listed as prohibited' (and may be permissible without consent if desired). This enables new innovative uses that may evolve as part of the development of the Aerotropolis, that, while not specifically defined per a land use definition (due to the limitations of the Standard Instrument), would still be permissible within the relevant zone, and therefore approvable via a merit-based assessment by the relevant authority. This would avoid time delays associated with amending the permissible land uses in the SEPP every time a new technology or land use is proposed that does not meet established Standard Template definitions.

It is noted that 'using flexible land use zoning to maximise diversity and attract investment' is an implementation strategy for the Badgerys Creek Precinct. The currently proposed 'closed' zones do not reflect this intended strategy as the lack of flexibility as currently proposed through the Intended SEPP restricts the potential diversity available to

developers. Rather, the use of ‘open’ zones would achieve greater alignment with the flexible zoning implementation strategy.

5.0 Agribusiness Precinct

Mirvac, CSR and the BCLPG recommends the reconsideration of the permissible uses within the Agribusiness Zone, which applies to the Agribusiness Precinct, to ensure that the permissible uses relate to agricultural uses. This is recommended in order to protect and achieve the NSW Government’s stated strategic intent for the Agribusiness Precinct as a cluster for world-leading agricultural innovation, production and logistics.

6.0 Contributions

Mirvac, CSR and the BCLPG supports the ongoing process of setting local and state infrastructure contributions. However, it notes that there is a lack of clarity on infrastructure contributions in the WSAPP. Therefore, clarity and confirmation on both State, Regional and Local contributions for individual precincts should be made available to provide certainty to industry.

With regard to local developer contributions, there needs to be a clearer understanding that the local infrastructure needs of an employment precinct are significantly different to residential or business precincts. The characteristics of the development proposed for this precinct and the broader Aerotropolis are unlikely to significant increase reliance on local community facilities and any Section 7.11 local developer contribution framework should be based on reasonable nexus and apportionment principles. Mirvac, CSR and the BCLPG considers the Western Sydney Employment Area (WSEA) contributions regime as the current industry benchmark and so any Regional or State SIC should not be greater than that applied in the WSEA contributions regime.

Moreover, it is recommended that contributions be capable of an offset if individual developers complete works-in-kind for items of regional infrastructure. It is also recommended that section 7.11 or section 7.12 plans are not applicable if local infrastructure is delivered on sites over a certain scale (e.g. 100 hectares).

7.0 South Creek

Mirvac, CSR and the BCLPG notes that the Wianamatta-South Creek Precinct boundary has generally been defined using the 1 in 100-year flood level from Penrith Council’s adopted Updated South Creek Flood Study dated 30th January 2015 and prepared by WorleyParsons, which is based on aerial LiDAR data collected between 2002 to 2003. The latest existing 1 in 100-year flood extent data from Penrith City Council’s 2019 Draft South Creek Floodplain Risk Management Plan and Study (dated August 2019) is recommended to be used to revise the boundary of the Wianamatta-South Creek Precinct and Environment and Recreation Zone, in accordance with the relevant flood planning controls contained in the NSW Floodplain Development Manual. This will allow in more accurate zoning and mitigate the sterilisation of valuable employment area.

Section 6.4.2 of the WSAP states that “*flood management... should account for reforestation...as part of landscape based approach*”. Impacts of this approach of accounting for reforestation needs to be further assessed, as reforestation has the potential to increase the 1 in 100-year flood levels throughout the Badgerys Creek Precinct by 0.3m to 0.6m. This potential increase in flooding impact would cause unsafe conditions on Elizabeth Drive and result in more instances of flooding. As an impact of this scale is in excess of what any Council would typically accept as part of any change in land use, the suitability of this reforestation strategy in light of flooding needs to be re-evaluated.

As part of the WSAP Planning Principles, Sustainability Planning Principle SU16 of the WSAP states “*Prohibit cut and fill to alter the 1% AEP flood extent*”. It is noted that the aim of any flood impact assessment is to assess the impact of cut and fill and to limit the impacts on adjoining properties. SU16 prohibits the consideration of earthworks

within the 1 in 100-year flood extent which is contrary to the primary objectives of the NSW Flood Prone Land Policy.

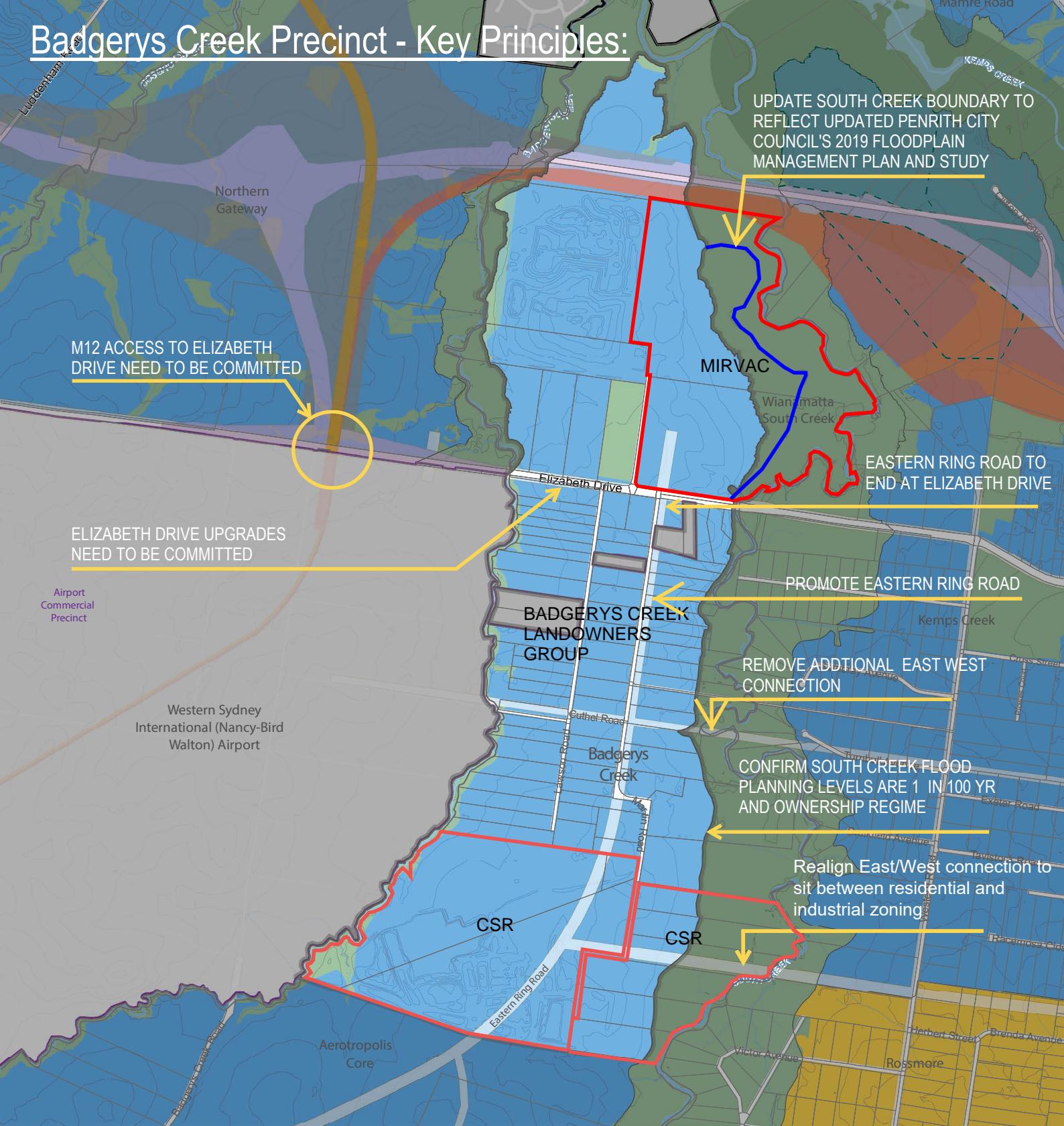
Clarification and confirmation is also requested on the intended future ownership structure of the Wianamatta-South Creek Precinct, specifically around the South Creek corridor in order to achieve holistic management and alignment between landowners. The WSAPP is not clear as to the future ownership and management of this land, and how this is intended to be resolved.

8.0 Conclusion

Mirvac, CSR and the BCLPG support the WSAPP and to ensure the successful achievement of a robust Aerotropolis in the short, medium and long term; requests the consideration of the comments and recommendations contained within this submission prior to finalisation of the various components of the WSAPP.

Mirvac and CSR, as the BCLPG, welcome the opportunity to contribute further to the planning of Western Sydney and welcomes further collaboration and dialogue during the precinct planning phase of the Aerotropolis to ensure the timely success of this exciting opportunity for Sydney.

Badgerys Creek Precinct - Key Principles:



Structure Plan - Badgerys Creek

Western Sydney Aerotropolis

- Western Sydney Aerotropolis
- Western Sydney International (Nancy-Bird Walton) Airport
- Topographic Contour 5m
- Regional Parkland (Investigation)
- Key Network Upgrades
- - - Critical Utility / Infrastructure (Investigation)
- Proposed Sydney Metro Greater West

- Potential East-West Rail Link, Stabling and Critical Infrastructure
- Proposed M12 Motorway Corridor
- Proposed Transport Corridor
- Environment and Recreation
- Flexible Employment
- Urban Land

0 0.2 0.4 0.8
Kilometres

