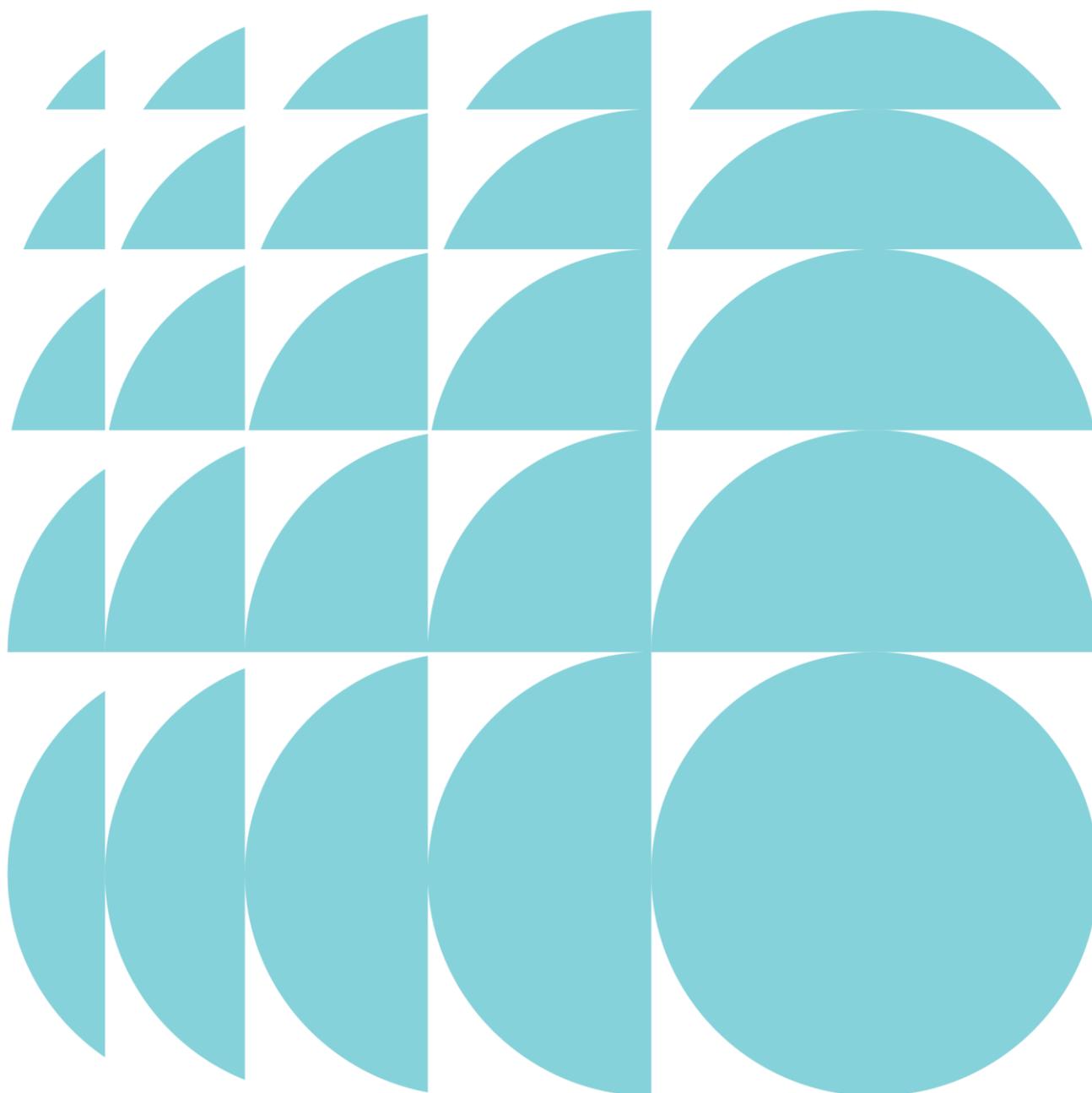


ETHOS URBAN

**Submission to the Draft Western Sydney
Aerotropolis Planning Package**

Submitted to Department of Planning, Industry
and Environment
On behalf of Mirvac Projects Pty Ltd

13 March 2020 | 218005



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Executive Summary

This submission has been prepared by Ethos Urban on behalf of Mirvac in response to the Department of Planning, Industry and Environment's (DPIE) release of the *Western Sydney Aerotropolis Planning Package (WSAPP)*. Mirvac welcomes the opportunity to comment on the WSAPP and commends the Department on the release of the WSAPP as another vital step forward in accelerating the planning and delivery of the Western Sydney Aerotropolis and continuing to build the confidence and certainty desired by occupiers and investors that is imperative the precinct's success. Mirvac continues to receive customer feedback that reaffirms the demand for employment land and there has been a heightened level of interest from customers following the release of WSAPP. Mirvac welcomes the opportunity to continue to work with all levels of Government to advance the aspirations of this Aerotropolis and the Elizabeth Enterprise Precinct. In particular, Mirvac desires to be a key partner and driver in achieving high quality architectural and urban design outcomes, sustainability initiatives and employment generating precincts to advance the Aerotropolis' success to be at the forefront of integrated 'high-tech' development.

The Elizabeth Enterprise Precinct (EEP)

This submission relates to the future Mirvac Elizabeth Enterprise Precinct (EEP), which comprises a large 244-hectare site some 800m to the north east of the Western Sydney International Airport (WSIA) with direct frontage to Elizabeth Drive and being bisected by the South Creek corridor.

Mirvac's vision for the site is to develop a market leading employment estate catering for a range of users including logistics, ecommerce / last mile, advanced manufacturing, hi-tech, warehousing, health and research and development with an estimated 6,000 jobs on completion, complementing the nearby Western Sydney International Airport (WSIA).

Building on the success of Mirvac's Calibre estate in Eastern Creek, the EEP is intended to be a benchmark employment estate for the Aerotropolis representing high quality architectural, urban design and sustainability outcomes.

With approximately 3.4 kms of frontage to the South Creek corridor, and approximately 15 ha of rehabilitation area within Stage 1 of the project alone, Mirvac has a unique opportunity to lead the Wianamatta-South Creek Precinct design and interface and welcomes the opportunity to collaborate in the Precinct Planning process.

The EEP site is entirely contained within the identified 20-30 ANEC/ANEF aircraft noise exposure contours, limiting the EEP to employment generating land use to service current and future market demands. The EEP development therefore supports and protects a 24hr operation for the WSIA.

Development of EEP will occur over a number of years due to the scale of the estate however it is intended to be operational well in advance of commencement of airport operations. This provides an important opportunity for Mirvac to deliver the first stages in advance of the WSIA commencing operations in order to provide clear 'on the ground' employment outcomes which are complementary and consistent with the Western Parkland City and Aerotropolis' vision in order to support the Airport and momentum of the precinct as it evolves.

Extensive planning and design studies have been completed for the estate in support of a prior proposal for fast-tracking the development of the site. A draft Precinct Plan was prepared and submitted to the Planning Partnership and Penrith City Council in July 2019. A Development Application has been lodged with Penrith City Council to enable the placement of clean fill within Stage 1 of the EEP.

Comments and recommendations on the WSAPP

Mirvac highlight and commend DPIE for the following key elements of the WSAPP:

- Provides a strategic and statutory framework to guide land use and planning for the Aerotropolis and re-enforces the commitment of the Western Sydney Planning Partnership to facilitating the delivery of the Western Sydney Aerotropolis and wider Western Sydney Parkland City;
- Provides greater clarity and certainty regarding the timing and delivery of Precincts, land use zoning and potential infrastructure corridors; and
- Recognises the importance of prioritising the precinct planning and delivery of employment land to satisfy Sydney's current undersupply and complement and support the early years of the operation of the WSIA and Aerotropolis

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

- **Precinct Plans and Prioritisation:** Mirvac strongly supports the inclusion of the Badgerys Creek Precinct as an Initial Precinct and the proposed proponent led precinct planning process for sites greater than 100ha area. This allows EEP West (Stages 1 & 2 of EEP) to be a key opportunity to deliver early 'on the ground' high quality outcomes in the precinct prior to Airport operation. However, the boundary of the Wianamatta South-Creek Precinct should be updated for both EEP West and EEP East (Stages 3 and 4) to reflect the existing 1 in 100-year South Creek flood extent determined in the Penrith City Council South Creek Floodplain Risk Management Study (dated August 2019). More clarity needs to be provided on the Precinct Planning / process. A proponent led approach to master planning is strongly supported and recommended to build on the work already undertaken for EEP West, however, more clarity needs to be provided on the Precinct Planning / process to assist resolution of the precinct plans before the end of 2020;
- **Zoning Boundaries:** The Environment and Recreation Zone boundary, which doubles as the Wianamatta South Creek Precinct Boundary, should be updated to reflect the existing 1 in 100-year flood extent determined in the Penrith City Council South Creek Floodplain Risk Management Study (dated August 2019) as it contains the most updated and correct flood modelling and contours in consideration of detailed survey levels. The revision of the zone boundary to the existing 1 in 100-year flood extent will not compromise functional green space given careful consideration of types of land uses and footprints. Alternatively, further flexibility in land use and zoning boundaries should be provided depending on Precinct Planning Outcomes. Some minor regularisation of the Environment and Recreation Zone boundary could occur if supported by the South Creek Floodplain Risk Management Study and Plan and consistency with the current NSW Floodplain Development Manual;
- **Zoning Uses:** Mirvac supports the use of the 'Enterprise Zone' and permitted uses within the zone. However, the Planning Partnership should consider the use of an 'open' zoning framework to promote flexibility for land uses, both current and future innovative and high technology land uses that are desirable within an evolving Aerotropolis.
- **Aerotropolis SEPP:** The SEPP should provide flexibility for interim development and land forming whilst Precinct Plans are being prepared, exhibited and finalised where consistent with the Aerotropolis Plan outcomes. This is imperative to expedite development of enterprise land required to complement the construction and initial operation of the Airport and create synergies with the construction and delivery of other city shaping infrastructure across Sydney. Mirvac are also very supportive of a regime where Precinct Plans can adopt a complying development framework to allow for the expediting of development applications that are consistent with the Precinct Plan controls. This represents a key initiative to promote certainty and lower risk for prospective occupiers considering relocation to the EEP;
- **Infrastructure:** A number of road network initiatives are greatly supported and recommended to be prioritised, including an upgrade to Elizabeth Drive from the M7 as an alternative route to and from the Airport that can activate the adjacent developable lands, a connection at the Airport between M12 and Elizabeth Drive, the Devonshire Street extension to Mamre Road and connection to the M12 to facilitate traffic flow around the Aerotropolis and reduce traffic around the EEP, and the Eastern Ring Road Concept as a key link between passenger entry and the Aerotropolis Core. However, for the purposes of maximising in-demand development

opportunities, Mirvac requests that Transport for NSW review all possible alternatives for the location of the East-West Rail Link Stabling Facility. Mirvac recommends that the Sewerage Treatment Plant be located north of the M12, as the land, confluence of creek systems and proposed land uses are more suitable. In order to facilitate interim development, further certainty is required regarding the timing and zoning of those two pieces of infrastructure;

- **Flooding:** The latest 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;
- **Interim servicing:** It is recommended that WSAPP enables flexible supportive arrangements for interim servicing solutions so as to not delay investment in the precinct;
- **Regional Infrastructure Contributions:** The infrastructure contributions regime should be broad and simplified, and should not exceed that of nearby employment zones such as the WSEA to avoid loss of competitiveness and consequent prevention of investment in the Badgerys Creek Priority Precinct. Where local infrastructure is being provided as part of a master plan delivery, contributions should not apply for these local infrastructure elements; and
- **Timing:** The timeline for finalising the Aerotropolis Plan, SEPP, DCP and Precinct Plans must be strictly followed to provide certainty to industry and ensure development is delivered on time to complement the construction and operation of the Airport. This includes providing flexibility for interim development and land forming which require extensive time to complete. The Planning Partnership must deliver on the target dates of rezoning and draft Precinct Plans by mid-2020 to provide confidence and certainty to prospective occupiers and investors and ensure momentum for the Aerotropolis' development continues to grow.

This submission expands on the above and provides greater detail on the key role that Mirvac and the EEP can play in the growth, maturity and success of the Airport and Aerotropolis.

In recognition of the above, Mirvac provide the following comments and recommended changes to the WSAPP to improve its effectiveness as a strategic, land use and planning framework and ensure that its implementation facilitates appropriate economic development to serve both the Aerotropolis but also Greater Sydney.

Table 1 WSAPP comments / recommendations summary

No.	WSAPP comments / recommendations	Submission Section	Relevant WSAPP section/clause
1	Revise the Wianamatta-South Creek Precinct and Environment and Recreation Zone boundary to follow the existing 1 in 100-year flood extent identified in the latest 2019 Penrith City Council Draft South Creek Floodplain Risk Management Study and Plan (dated August 2019), which uses accurate detailed survey levels and flood modelling data.	Section 3.1; 3.2; 3.4	WSAP 6.4.2; 7.2.3; 7.3.3; WSASEPP 3.4; 4.2
2	Provide clarity on the timing of delivery for the Kemps Creek Precinct.	Section 3.1	WSAP 7.4.2; 7.5.2
3	Provide clarity on the precinct planning process , particularly regarding the extent of collaboration with existing landowners and the proposed scope of the precinct plans.	Section 3.1	WSAP 7; 9.2.2; WSASEPP 8.1;
4	Strong support for a 'complying development' regime for precinct plans as a key initiative to provide greater certainty for prospective EEP West tenants.	Section 3.1	WSASEPP 8.5
5	Use a proponent led approach to master planning in the high-level Precinct Planning process, for sites greater than 100ha such as EEP West to build on work already undertaken.	Section 3.1	WSASEPP 8.4

No.	WSAPP comments / recommendations	Submission Section	Relevant WSAPP section/clause
6	Provide clarification on the intended master planning process in terms of the preparation, approval/endorsement and the status of master plans when preparing development applications.	Section 3.1	WSASEPP 8.4
7	Implement 'open' zoning , to promote flexibility for land uses, both current and future innovative and high technology land uses that are desirable within an evolving Aerotropolis.	Section 3.2; 3.4; 3.6	WSASEPP 2.3; 3.2
8	Achieve a functional green space in a revised Environment and Recreation Zone through consideration of types of land uses and their footprints.	Section 3.2	WSAP 7.2.3
9	Provide flexible land use and zone boundaries depending on Precinct Planning outcomes.	Section 3.2	WSASEPP 2.3; 3.2; 3.4
10	Provide a M12 interchange at Devonshire Road / Mamre Road to facilitate traffic flow within the Aerotropolis. The M12 should not be an airport access only motorway.	Section 3.3	WSAP 4.2; 7.5.2 WSASEPP 2.5
11	Upgrade Elizabeth Drive as it is a critical east-west link, serves as an alternative route to the M12, will facilitate traffic generated by airport arrivals and allow for the construction of utility services within a 60m road corridor.	Section 3.3	WSAP 4.2; 7.3.2; 7.3.4 WSASEPP 2.5
12	Prioritise the Devonshire Street extension to Mamre Road and connection to the M12 , to facilitate traffic flow around the Aerotropolis and reduce traffic around the EEP.	Section 3.3	WSAP 4.2; 7.5.2 WSASEPP 2.5
13	Support for the Eastern Ring Road concept as it will provide a crucial north south connection between the Badgerys Creek Precinct through to the Aerotropolis Core and for the Aerotropolis Core through to the Airport.	Section 3.3	WSAP 4.2; 7.3.4 WSASEPP 2.5
14	NSW Government need to advise if alternative locations have been considered and provide justification as to why the proposed East-West Rail Link and Stabling Facility transport corridor is located over EEP East. A response is need to as why other locations such as north of the M12 corridor were not considered.	Section 3.3	WSAP 4.2; 7.5.2 WSASEPP 2.5
15	Provide certainty regarding the timing and zoning of the East-West Rail Link Stabling Facility to assist in the formulation of development opportunities of EEP East and its interim development.	Section 3.3	WSAP 4.2; 7.5.2 WSASEPP 2.5
16	Locate the proposed sewage treatment plant to the north of the M12 to reduce the extent of area currently identified for the East-West Rail Link Stabling Facility and critical infrastructure.	Section 3.3	WSAP 4.2; 7.5.2 WSASEPP 2.5
17	Provide a solution for interim servicing	Section 3.3	WSAP 8.4
18	Support for public transport to be staged with development, the use of a flexible servicing strategy and the further investigation of other Sydney Metro Stations.	Section 3.3	WSAP 4.2; WSASEPP 2.5
19	Re-evaluate flood planning approaches relating to reforestation, cut and fill, urban runoff infrastructure, protection of farm dams and performance-based flood outcomes.	Section 3.4	WSAP 6.4.2; SU16
20	Support for an inclusion of detailed assessment of flood extents , to further refine zoning boundaries and specific opportunities and constraints for development on a site-by-site basis.	Section 3.4	WSASEPP 4.2
21	State/regional infrastructure contributions should not exceed that of nearby employment zones such as the WSEA to avoid loss of competitiveness and consequent preventing of investment in the Badgerys Creek Priority Precinct.	Section 3.5	WSAP 8.2.1 WSASEPP 2.8
22	Local developer contributions should not apply where local infrastructure is being provided as part of a master plan	Section 3.5	WSAP 8.2.2 WSASEPP 2.8

No.	WSAPP comments / recommendations	Submission Section	Relevant WSAPP section/clause
23	The SEPP should facilitate opportunities for land forming of sites in employment zones in the interim where consistent with Aerotropolis Plan outcomes.	Section 3.2; 3.6	WSASEPP 8.1
24	Involve existing landowners of sites with potential for conservation in the finalising of the new strategic bio-certification process.	Section 3.2	WSASEPP 2.10; 3.4; 6.2

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

Mirvac welcomes the opportunity to partner in contributing further to the planning of Western Sydney and desires further collaboration and dialogue to ensure the timely success of this exciting opportunity for Sydney.

1.0 Introduction

This submission has been prepared by Ethos Urban on behalf of Mirvac in response to the Department of Planning, Industry and Environment's (DPIE) release of the *Western Sydney Aerotropolis Planning Package (WSAPP)*. Mirvac welcomes 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.

1.1 Documents Reviewed

In preparing this submission we have reviewed the following documents:

- Draft Western Sydney Aerotropolis Plan;
- Draft Western Sydney Aerotropolis Discussion Paper on the Proposed State Environmental Planning Policy;
- Draft Western Sydney Aerotropolis Development Control Plan 2019 Phase 1; and
- Western Sydney Aerotropolis Summary of Key Planning Documents.

1.2 Mirvac as an Aerotropolis partner

Mirvac is committed to be an Aerotropolis participant and through this participation support the success of the Aerotropolis and Western Sydney International Airport (WSIA). Consistent with the vision for the Aerotropolis, the vision for the EEP is for a high quality employment precinct that leads the market in terms of sustainability initiatives.

Mirvac has more than 45 years of experience in urban transformation, delivering high quality development outcomes for Sydney and are one of few large diversified institutional property groups that can master plan, develop and manage precincts of this scale. The EEP provides an opportunity to meet the short, medium and long-term needs of Western Sydney and Australian industry by evolving with the emerging Western City Aerotropolis.

In particular, Mirvac has a strong commitment to Western Sydney, having developed or are in the process of developing a number of high-quality employment precincts including:

- Calibre at Eastern Creek;
- Hoxton Park Distribution Centre at Hoxton Park; and
- Nexus Industry Park at Prestons.

Mirvac is excited about playing a key role and participating in the growth, development and success of the Aerotropolis, particularly by facilitating a key catalyst development to generate employment during the initial stages of the Western Sydney Airport. Mirvac look forward to working closely with the NSW Government to deliver on the Aerotropolis vision.

Mirvac welcomes the opportunity to contribute further to the planning of Western Sydney and welcomes further collaboration and dialogue to ensure the timely success of this exciting opportunity for Sydney

2.0 The Elizabeth Enterprise Precinct

2.1 Site location and context

The Elizabeth Enterprise Precinct (EEP) as shown below within **Figure 1** comprises a large contiguous 244-hectare estate, containing the following lots:

- Stage 1 - Lot 5 in DP860456;
- Stage 2 - Lot 741 in DP810111;
- Stage 3 - Lots 1 and 2 in DP587135; and
- Stage 4 - Lots 7, 9 and 10 in DP812284.

Stage 1 and 2 form EEP West and Stage 3 and 4 form EEP East.

With reference to the WSAPP, the EEP site is partly located across three of the identified precincts as follows:

- Badgerys Creek (Initial Precinct);
- Wianamata-South Creek (Initial Precinct); and
- Kemps Creek.

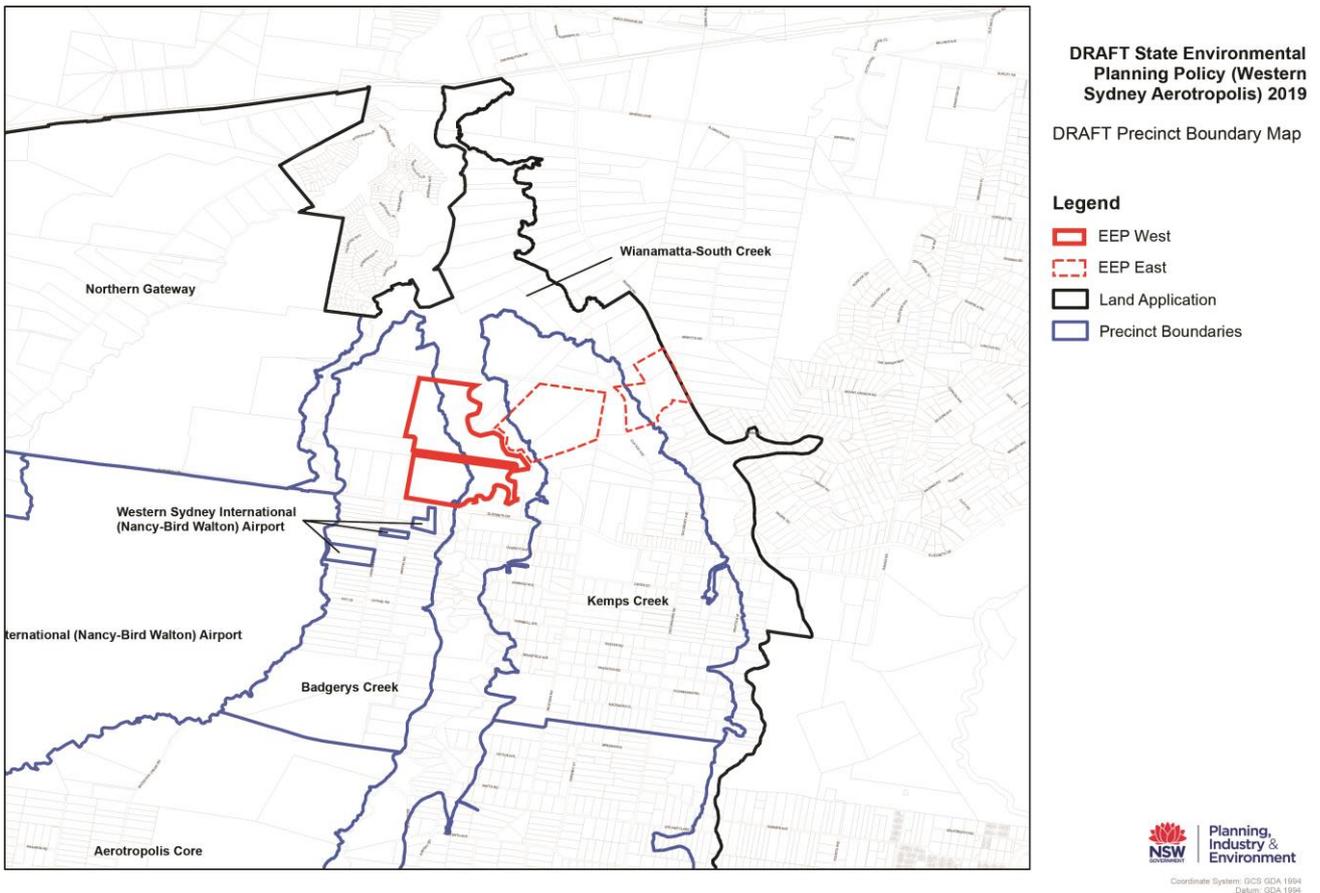


Figure 1 WSAPP Precincts EEP overlay

Source: DPIE edited by Ethos Urban

Whilst this submission addresses the entire EEP site as a whole, it focusses on EEP West as it falls in identified Initial Precincts and are intended to be developed in advance of commencement of WSIA operations.

EEP West is located north of Elizabeth Drive, Badgerys Creek within the Penrith Local Government Area (LGA). The site is located approximately 15km south-east of the Penrith CBD and 40km west of the Sydney CBD, and approximately 800m to the east of the currently under construction Western Sydney International (Nancy-Bird Walton) Airport (WSIA).

EEP West is also located within proximity to transport corridors proposed to connect the Aerotropolis and WSIA to broader Sydney. These include the proposed M12, Outer Sydney Orbital and Sydney Metro Greater West.

2.2 Development Vision

Following on from Mirvac’s success with the Calibre Industrial Estate at Eastern Creek, the development vision for the EEP is to create a highquality employment estate in a key emerging precinct within Western Sydney with emphasis on high quality design, flexibility, technology and sustainability initiatives.

An example of the high-quality nature of the proposed EEP development as delivered within the Mirvac Calibre Industrial Estate at Eastern Creek (see **Figure 2**). Mirvac would welcome the opportunity to take the Department on a tour of this estate.



Figure 2 Mirvac Calibre Industrial Estate at Eastern Creek

Source: Mirvac – Calibre Industrial Estate

The EEP will become a home for Australian industry and evolve through a staged development approach to accommodate a variety of employment uses and evolve to meet the future needs of Western Sydney and complement the construction and operation of the WSIA. The EEP aims to facilitate the development of a flexible employment precinct at no cost to Government that is connected globally, locally, environmentally and digitally, supporting the growth of Western Sydney, the 24-hour Western Sydney International Airport and the Aerotropolis.

The flexibility of the EEP will enable a multitude of uses and ability to cater for higher order uses complementing those envisaged, including, though not limited to, the following:

- Advanced manufacturing;
- Air Freight and Ecommerce logistics;
- Wholesale;
- Industrial Retail Outlet;
- Showroom
- Creative and innovation;
- Health and pharmaceutical;
- Time sensitive food related logistics;
- Food manufacturing;
- Data centres; and
- Other uses as required to support the requirements of Western Sydney.

A key attribute of the EEP is its size and single control within which the Wianamatta-South Creek corridor is a key centralising element. The EEP recognises the opportunity to activate approximately 37.7 hectares of the

Wianamatta-South Creek precinct and supports that Precinct as the blue and green infrastructure spine for amenity and recreation throughout the Aerotropolis whilst acknowledging the requirement for the sensitive economic development of adjacent lands to deliver the vision for Wianamatta-South Creek and provide employment generating development.

The EEP has the potential to provide early examples of high quality outcomes consistent with the Wianamatta-South Creek strategic outcomes through integrating employment land uses and creating a desirable interface between the Badgerys Creek Precinct Wianamatta-South Creek. This is consistent with the ambitions of the WSAPP for Wianamatta-South Creek in terms of infrastructure management, recreation and biodiversity conservation. South Creek is an asset for the site which will add a high-quality environment and provide liveability for employees and visitors to the precinct.

2.3 Background and development staging

The EEP is envisaged to be developed in stages which will allow the delivery of a range of complementary uses and will evolve as the precinct developments and the Western Sydney Airport is delivered.

EEP West is intended to be developed in advance of the Airport to provide the much-needed early catalyst activity, 'on the ground' employment outcomes in advance of commencement of the Airport operations and efficient infrastructure delivery.

Over the medium term, later stages of the EEP will evolve with the requirements of the Aerotropolis which are expected to attract a greater portion of higher order employment uses associated with research and development and knowledge intensive manufacturing.

2.3.1 EEP West - Stage 1

Stage 1 of EEP West, as the initial stage of the development, will deliver much needed additional employment land supply to Western Sydney and on the ground employment outcomes in advance of commencement of the Airport operations. The flexibility of the employment land will allow for the continual provision of employment land uses to complement firstly the construction, then operation of the WSIA and surrounding Aerotropolis.

A development application for a waste management facility within Stage 1 was lodged to Penrith Council in 2019 to enable the importation, placement and compaction of clean fill and enable initial land forming and bulk earthworks required to allow the development of employment land within Stage 1. It is noted that this DA lodged with Council pre-dates the notification of the proposed Western Sydney Aerotropolis SEPP and will therefore not be subject to the draft SEPP's provisions. Notwithstanding this, the proposed facility is consistent with delivering the proposed outcomes of the draft SEPP.

2.4 The EEP Strategic Alignment with WSAPP Vision

The EEP is highly consistent with, and strongly supports, the vision of the WSAPP, and seeks to provide a development outcome on the site that is complementary to the broader WSIA and Aerotropolis.

Table 2 EEP Strategic Alignment with WSAPP Vision

Element of WSAPP Vision	Strategic Alignment
A landscape-led approach	The EEP represents a key opportunity to shape development around the Wianamatta-South Creek blue and green 'spine'. The EEP aims to regenerate and restore natural assets, including the creek and flora, to create a green and healthy working environment. By first understanding the landscape, the EEP aims to integrate employment uses with existing landscape amenity.
Creating a global gateway	<p>Prior to the EEP being included within the boundaries of the Western Sydney Aerotropolis, the EEP covered a large portion of the remaining unzoned land under the <i>State Environmental Planning Policy (Western Sydney Employment Area) 2009</i> (WSEA SEPP), in an area referred to as the Broader WSEA (BWSEA).</p> <p>The establishment of the WSIA further accentuates the importance of the EEP's role in attracting and generating early economic activity that supports the</p>

Element of WSAPP Vision	Strategic Alignment
	<p>Airport's operations. The aim of the EEP to support Australian industry and innovation aligns with the WSAPP's vision of attracting the best and brightest to work in the Aerotropolis, whilst meeting the high demand of industrial land in Sydney.</p>
Designing a cool, green new city	<p>The EEP Masterplan adheres to the vision of a compact urban form. It will foster a dynamic, flexible and integrated employment community by creating public places for people to work, socialise and pursue recreational activities.</p> <p>There is a particular focus on the interface between employment land use and the Wianamatta-South Creek precinct to promote sustainable recreation and biodiversity conservation by restoring and regenerating over 37 hectares of natural assets along South Creek and integrating those natural assets with a high-quality public domain.</p>
Transitioning to an Aerotropolis	<p>The nature of the Aerotropolis will be ever evolving. The EEP aims to facilitate the ongoing evolution of land use and urban forms within the Aerotropolis by creating an efficient and resilient precinct that is flexible and adaptable over time and achieves environmental best practice and demonstrates leadership in sustainability.</p>
Retaining a green, biodiverse landscape	<p>The EEP aims to regenerate over 37 hectares of existing natural assets within its land that form a part of the Wianamatta-South Creek Precinct. This regeneration and subsequent sensitive integration with the public domain will ensure the conservation of biodiversity and reduction of development impacts as the Aerotropolis seeks to embed a circular economy approach.</p>

3.0 Comments and Recommendations on the WSAPP

Mirvac welcomes 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 and continuing to build the confidence and certainty desired by occupiers and investors that is imperative the precinct's success.

Mirvac has a number of concerns with the exhibited WSAPP that require clarification or reconsideration prior to finalisation of the WSAP and SEPP. These issues are at the heart of the successful achievement of a robust Aerotropolis in the short, medium and long term.

3.1 Precinct Plans and Prioritisation

3.1.1 Badgerys Creek Precinct

Mirvac strongly supports the recognition of the Badgerys Creek Precinct as an Initial Precinct. This supports efficient infrastructure delivery, provides a key opportunity for enabling industries to facilitate the construction of the Aerotropolis, and will assist in delivery of ongoing employment land uses that complement the operation of the Airport. With Stage 1 and 2 of the EEP having land within the Badgerys Creek Precinct, the opportunity exists to foster a dynamic, flexible and integrated employment community that delivers a mix of commercial and light industrial land uses moving towards higher order uses overtime as the precinct responds to the evolving needs of the Airport and Aerotropolis and employment land uses seek to complement the future 24-hour operation of the Airport.

The identification of the Badgerys Creek Precinct as an Initial Precinct is also supported as it allows for an integrated approach to the design and implementation of the Badgerys Creek Precinct with the Wianamatta-South Creek Precinct. This will allow for an integrated approach to implement a landscape buffer with appropriate biodiversity conservation whilst delivering public open space that complements employment land uses to create an integrated employment community that provides public spaces for people to work, socialise and pursue recreational activities.

3.1.2 Wianamatta-South Creek Precinct

Mirvac notes that the Wianamatta-South Creek Precinct boundary has generally been defined using the existing 1 in 100-year flood extent from Penrith Council's adopted Updated South Creek Flood Study dated 30th January 2015. This flood study was prepared by Worley Parsons on behalf of Penrith City Council, acting in association with Liverpool, Blacktown and Fairfield City Councils. This flood study was based on Light Detection and Ranging (LiDAR) survey gathered between 2002 and 2006.

However, Mirvac notes that Penrith City Council exhibited an updated Draft South Creek Floodplain Risk Management Study and Plan in late 2019 with exhibition closing 28 November 2019. The Draft South Creek Floodplain Risk Management Study and Plan recommended an update to the Local Flood Plan for South Creek catchment (Measures RM.1). This flood study includes detailed survey for the EEP with the existing 1 in 100-year flood extent differing from Penrith City Council's previously adopted flood study based on LiDAR survey.

Mirvac requests that the Wianamatta-South Creek boundary be updated to reflect the existing 1 in 100-year flood extent as depicted in the 2019 Draft South Creek Floodplain Risk Management Study. This is further expanded upon in Section 3.4 Flooding.

Whilst the Western Sydney Aerotropolis Plan Draft states that "*In some areas the precinct is wider than the 1 in 100-year flood level to ensure a functional green area*", the intention of achieving functional green space can still be achieved in a revised Wianamatta-South Creek Precinct through careful consideration of the type and scale of recreational and environmental land uses and their footprints. There are 37 hectares of the Wianamatta-South Creek Precincts located within the EEP providing the opportunity to achieve these outcomes which would be further developed as part of the Precinct and Master Planning phases.

Clarification 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.

No.	WSAPP comments / recommendations
1	Revise the Wianamatta-South Creek Precinct and Environment and Recreation Zone boundary to follow the existing 1 in 100-year flood extent identified in the latest 2019 Penrith City Council Draft South Creek Floodplain Risk Management Study and Plan (dated August 2019), which uses accurate detailed survey levels and flood modelling data.
3	Provide clarity on the precinct planning process , particularly regarding the extent of collaboration with existing landowners and the proposed scope of the precinct plans.

3.1.3 Kemps Creek Precinct

EEP East is located within the Kemps Creek Precinct. We note that the Kemps Creek precinct now excludes land to the east of Kemps Creek beyond the eastern boundary of Wianamatta-South Creek. Mirvac understand this decision and the rationale regarding staging and timing. We do however request that clarity be provided on the envisaged timing of the delivery of the Kemps Creek Precinct.

No.	WSAPP comments / recommendations
2	Provide clarity on the timing of delivery for the Kemps Creek Precinct.

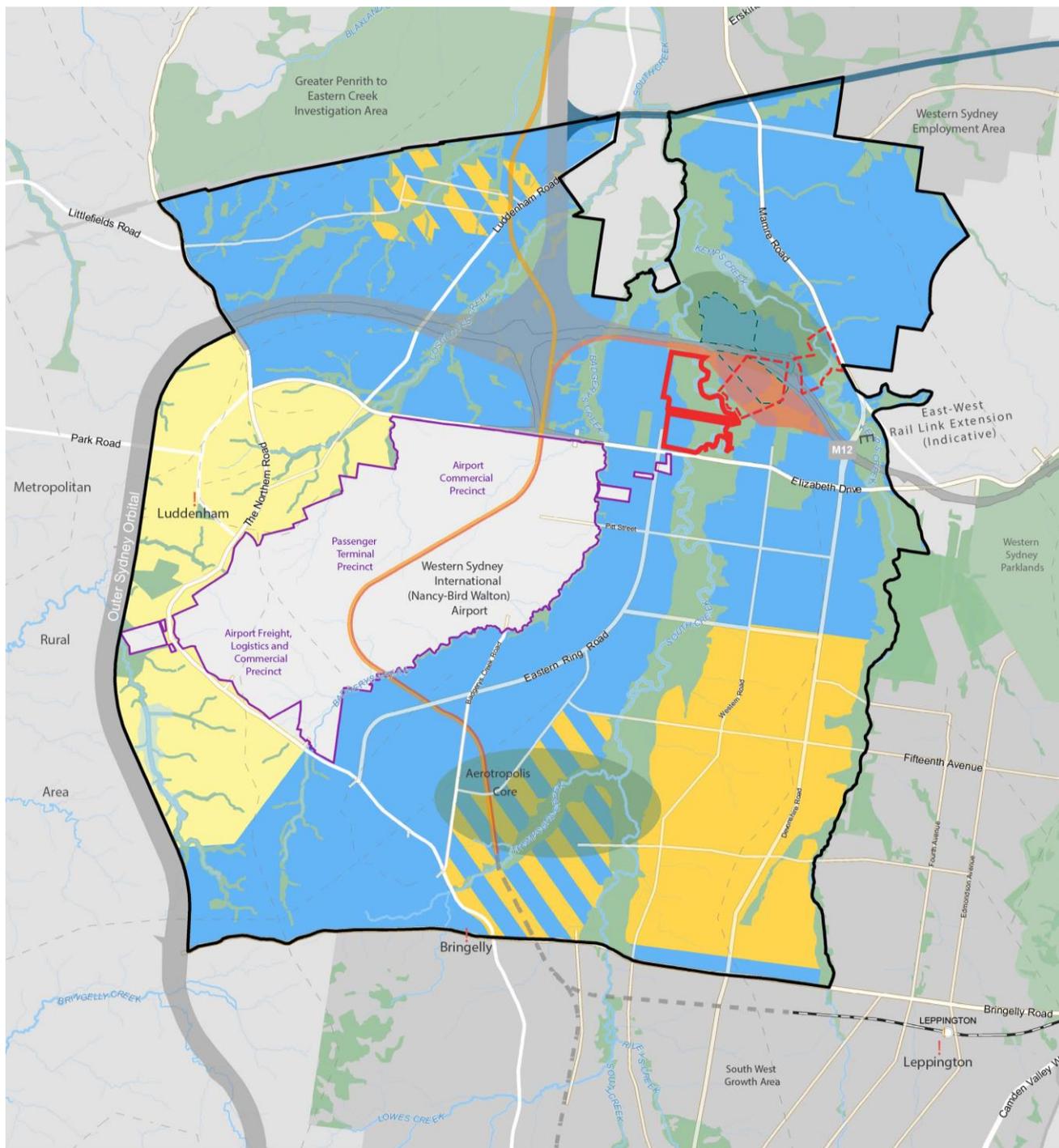


Figure 3 The EEP site within the WSAPP Structure Plan

Source: WSAPP edited by Ethos Urban

3.1.4 Precinct Plans Process

Mirvac notes that the Planning Partnership are responsible for preparation of Precinct Plans. However, it is not clear if existing work completed by landowners will be accepted or considered, such as short-long term masterplans and up-to-date detailed flood studies. A proponent led approach to master planning is recommended to build on the work already undertaken for EEP West. The potential for using a proponent-led master planning approach for sites within the higher-level Precinct Planning process would ensure that the clearest and most effective outcome for developable sites is achieved in an efficient manner consistent with the intended delivery of land and employment used.

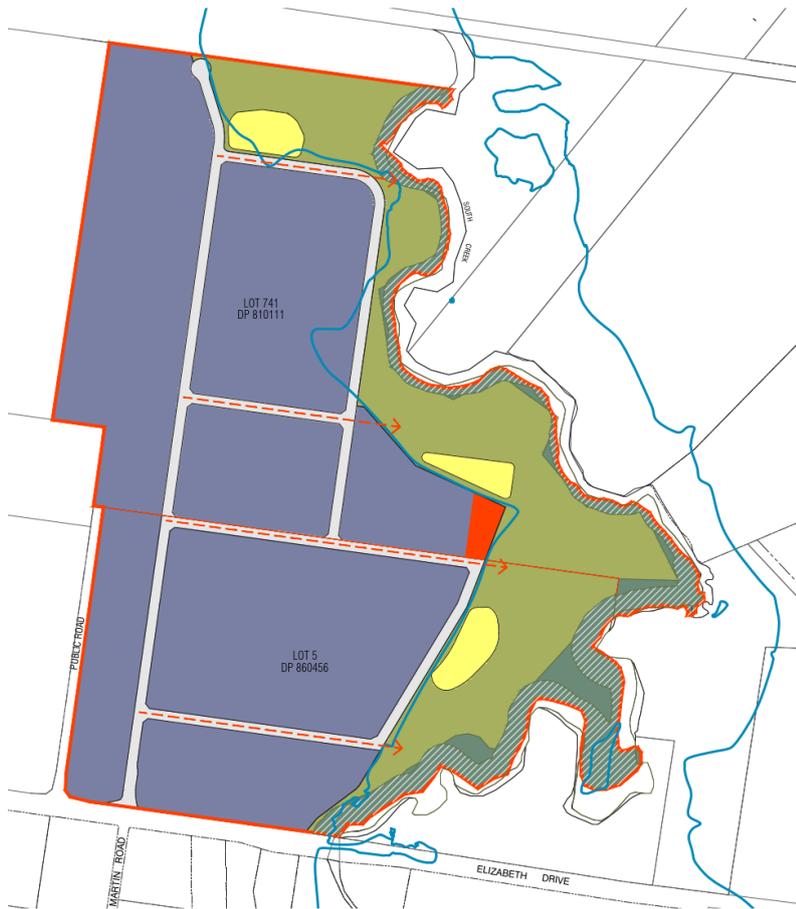


Figure 4 EEP West Draft Indicative Layout Plan

Source: Mirvac

It is also unclear whether Precinct Plans need to cover a whole precinct or could be part-precinct or site specific.

It is noted that there is no governance structure relating to master plans that has been developed, and that there is limited information on the intended master planning process, and how this would operate within the existing planning regime. It may be that a master plan is prepared for a suitable site (achieving certain minimum area prerequisites for example), and this is then submitted for approval through the Part 4 Concept Planning Pathway that is currently available, establishing an approved site layout. Any submitted master plan would be required to ensure general consistency with the approved (or concurrently submitted) Precinct Plan. It is likely that the Precinct Plan would be endorsed through the WSA SEPP, with the master plan being approved through development consent via the applicable Council, and noting reference to the applicable Precinct Plan.

Alternatively, master plans could be prepared and submitted as a WSA SEPP amendment, with future built form development applications requiring consistency with the approved master plan and the overarching Precinct Plan.

Importantly, any master planning process supporting Precinct Plans should ensure the availability of a streamlined approval process, such as exempt and complying development. The master plan framework should also include the

flexibility to incorporate code assessment regimes which should be explored in the Aerotropolis planning framework. Mirvac supports the proposed 'complying development' regime for precinct plans as it would provide greater certainty for prospective tenants considering relocation or expansion of businesses into the EEP.

Mirvac supports the proposed timeline of precinct planning to commence during the first half of 2020, rezoning to occur in mid-2020 and the precinct plans being finalised by the end of 2020. However, clarity on the process is required to achieve efficiency within this timeline and achieve outcomes that address the interest and concerns of relevant stakeholders and existing landowners.

Overall, there is a lack of detail provided on this process. Mirvac believes that there needs to be clarity on the precinct planning process to achieve efficient and optimal outcomes that respond to site specific needs and issues and key stakeholders in the development process and welcome further discussion in this regard.

No.	WSAPP comments / recommendations
3	Provide clarity on the precinct planning process , particularly regarding the extent of collaboration with existing landowners and the proposed scope of the precinct plans.
5	Use a proponent led approach to master planning in the high-level Precinct Planning process, for sites greater than 100ha such as EEP West to build on work already undertaken.
6	Provide clarification on the intended master planning process in terms of the preparation, approval/endorsement and the status of master plans when preparing development applications.

3.2 Intended Western Sydney Aerotropolis State Environmental Planning Policy

The intended SEPP as drafted, provides for a range of land uses, however the current 'closed' zoning tables could restrict the ability for both current and future innovative and high technology uses from being developed in the Aerotropolis. These desirable land uses are restricted by virtue of the current structure of the zoning tables prohibiting any land use that is not listed under the 'permissible uses' section of each land use table.

It is strongly recommended 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.

Mirvac notes that the SEPP will prevent any development on sites from occurring until a Precinct Plan is in place, in order to allow Council to assess the proposal's strategic alignment, compatibility with neighbouring land uses, effect on the orderly provision of infrastructure and concurrence with other government authorities. Whilst Mirvac understands the need for rigorous development assessment as part of the complex delivery of an integrated Aerotropolis, the SEPP should also provide opportunities for interim development to expedite the overall development process.

Specifically, the SEPP should facilitate opportunities for land forming of sites in employment zones in the interim where consistent with Aerotropolis Plan outcomes. Opportunities for land forming are particularly important as they are often a 12-18-month operation. If they can only commence in 2021 after the completion and adoption of Precinct Plans, then actual development will not be able to commence until late 2022, with completion of any end uses and buildings on-site potentially unlikely the end of 2023. It is imperative that interim development is expedited to ensure that land uses complementary to the construction and initial operation of the Airport can be developed. This ensures that land uses (complementary to the WSIA) are established prior to aircraft operation commencing, and would enable potential airport related uses to be 'ready to go' from the first day of the WSIA being operational.

This would also significantly assist the NSW Government with its delivery of major infrastructure projects which require sites for the deposition of tunnel material. There are significant synergies between the demand for spoil sites and the need for clean material for bulk earthwork in the precinct which can provide an efficient and cost-effective

solution to the disposal of the material. The planning framework for the Aerotropolis needs to urgently facilitate these outcomes.

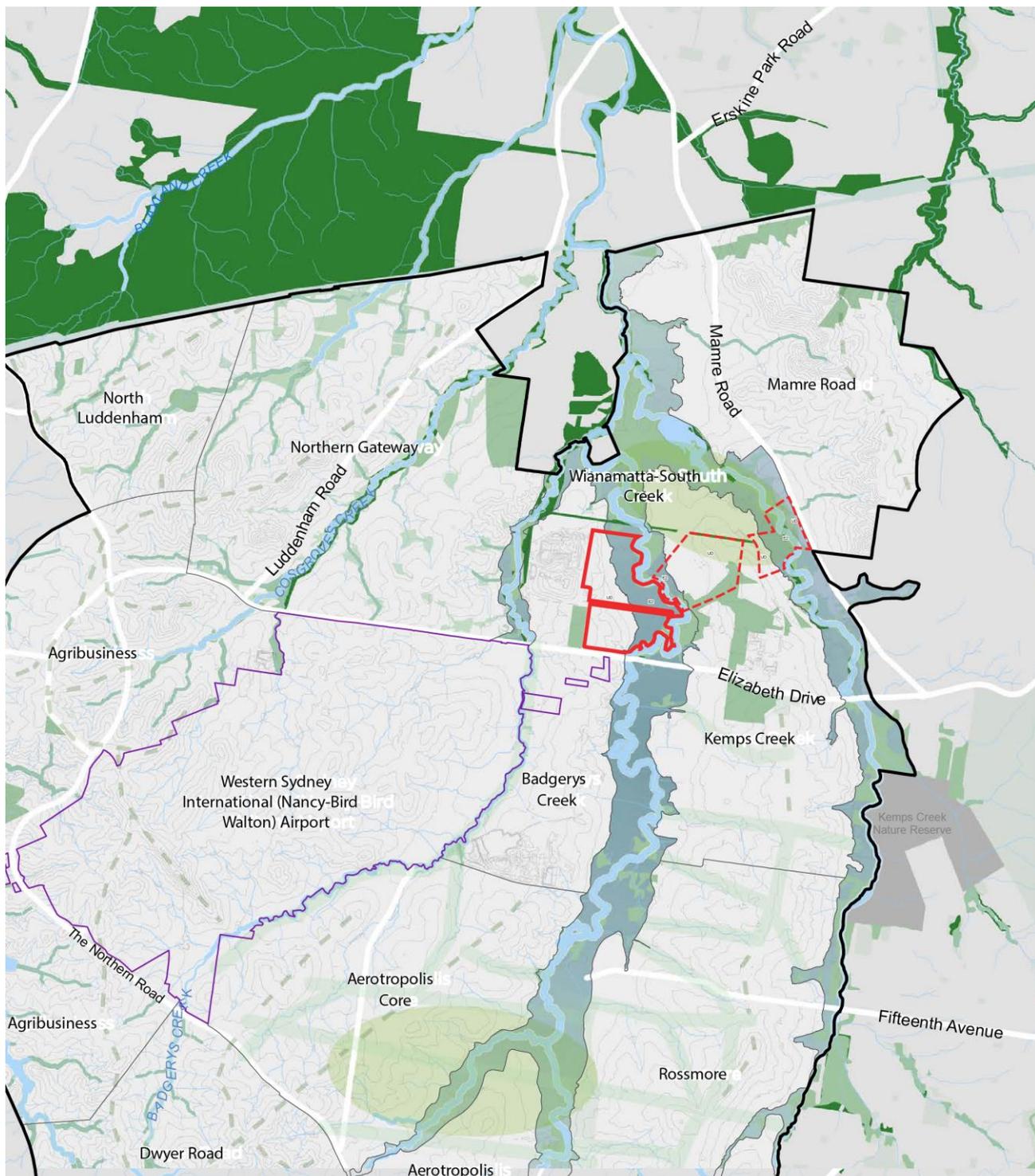
In the same vein, Mirvac supports the opportunity to submit development applications prior to the completion of and/or concurrently with precinct planning in order to facilitate interim development and expedite the development process.

Mirvac supports the optional Master Planning Process that can follow the Precinct Plan process as a means to achieve better site-specific planning outcomes. Mirvac proposes that this be expanded beyond an opportunity that is only available under limited circumstances for sites with a minimum site area of 100ha to those sites that have the potential and ability to deliver unique development types and land uses, where clearly aligned with the vision of the Aerotropolis. Consideration of the proponent's ability to deliver this outcome should also be a factor.

Mirvac also supports the development of a complying and exempt development frameworks, with the potential for code assessment regimes and the inclusion of a staging plan within Precinct Plans to inform the roll out of development including sequencing of infrastructure.

Additional information on the process of achieving design excellence should be provided as soon as possible.

As EEP East is identified as having potential for conservation (see **Figure 5**), Mirvac supports a new strategic bio-certification process that is being implemented through a Cumberland Plain Conservation Plan to be finalised in 2020. Landowners who own sites with potential for conservation should be involved in the finalising of this new strategic bio-certification process to ensure the process is consistent across the broader Aerotropolis.



- Blue Green Infrastructure**
Western Sydney Aerotropolis
- EEP West
 - EEP East
 - Public Recreation
 - Potential for Conservation
 - Environmental Conservation
 - National Parks and Nature Reserves
 - Wianamatta-South Creek
 - Topographic Contour 5m
 - Waterways
 - Topographic Ridgeline
 - Linear Parks (Investigation)
 - Regional Parkland (Investigation)



Figure 5 EEP East identified as Potential for Conservation in WSAPP Blue and Green Infrastructure Plan

Source: WSAPP edited by Ethos Urban

No.	WSAPP comments / recommendations
4	Strong support for a 'complying development' regime for precinct plans as a key initiative to provide greater certainty for prospective EEP West tenants.
7	Implement 'open' zoning , to promote flexibility for land uses, both current and future innovative and high technology land uses that are desirable within an evolving Aerotropolis.
23	The SEPP should facilitate opportunities for land forming of sites in employment zones in the interim where consistent with Aerotropolis Plan outcomes.
24	Involve existing landowners of sites with potential for conservation in the finalising of the new strategic bio-certification process.

3.2.1 Zoning

The majority of EEP West is proposed to be zoned 'Enterprise Zone'. Mirvac supports the use of the 'Enterprise Zone' in the Badgerys Creek Precinct which provides the necessary current flexibility to accommodate a range of complementary economic activities and uses consistent with the vision for the precinct.

Mirvac also supports the Badgerys Creek Precinct implementation strategy that identifies the need for flexible land use zoning to maximise diversity and attract investment. However, this desired flexibility is not currently present with the proposed zoning in the Draft Aerotropolis SEPP as addressed below.

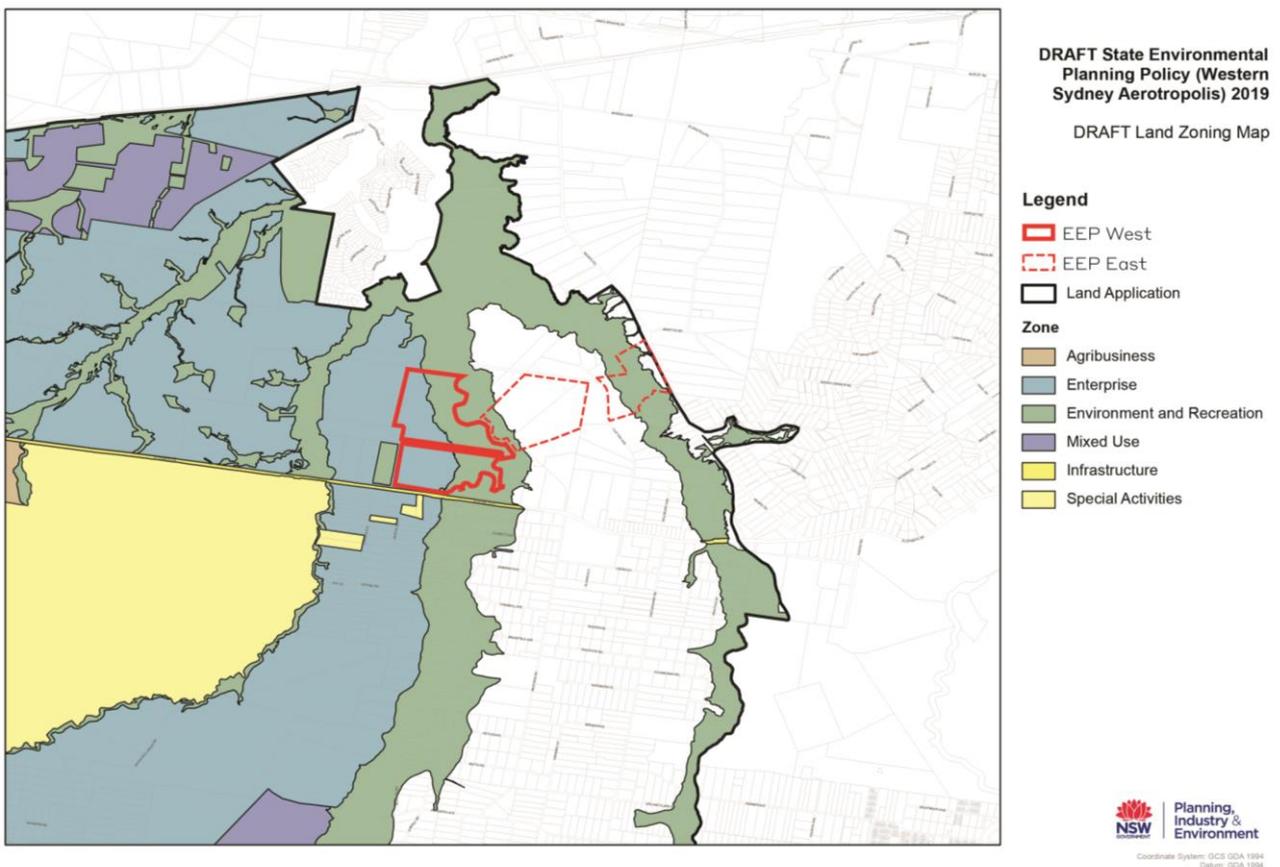


Figure 6 EEP proposed WSAPP zoning and development staging

Source: DPIE edited by Ethos Urban

Enterprise Zone

The Enterprise Zone is proposed as a ‘closed’ zone, where it provides a list of ‘permitted with consent’ land uses, with all other land uses being prohibited. Whilst the list of land uses that are ‘permitted with consent’ contains a level of flexibility with the inclusion of broad land use categories as permissible land uses, the ‘closed’ zoning approach is restrictive in terms of future potential land uses on the site which may not be easily defined within the currently identified set of land uses. Mirvac believes that the land use table for the Enterprise Zone should be structured in an ‘open’ zone manner, with prohibited uses being identified and all other land uses being permissible with consent (or without consent if desired).

This would greatly assist the Aerotropolis being at the forefront of technological change and retain the ability to adapt to future industrial and commercial land uses to complement the evolving function and nature of the Airport and wider Aerotropolis and city. Enterprise uses are supported while mitigating impacts of airport operations. It is appropriate that residential development and other noise sensitive uses are not permitted.

No.	WSAPP comments / recommendations
7	Implement ‘open’ zoning, to promote flexibility for land uses, both current and future innovative and high technology land uses that are desirable within an evolving Aerotropolis.

Environment and Recreation Zone

The ‘Environment and Recreation Zone’ is proposed on land within the Wianamatta-South Creek Precinct, and like the Enterprise Zone is proposed as a ‘closed’ zone. Mirvac supports the use of this zone to promote the blue and green infrastructure spine of the Aerotropolis.

As previously noted, Mirvac understands that the boundary of the Environment and Recreation Zone, which is also used to identify the Wianamatta-South Creek Precinct boundary, was mapped according to the existing 1 in 100-year flood level identified in Penrith Council’s adopted Updated South Creek Flood Study dated 30th January 2015 and prepared by WorleyParsons, except in areas where the boundary has deliberately kept broad to ensure a functional green space is available for a variety of appropriate and compatible land uses.

Mirvac believes that it is in the interest of all stakeholders to revise the South Creek Environmental and Recreation Zone boundary to reflect current and accurate flood data and modelling to ensure that developable enterprise land is maximised whilst remaining sensitive to the most current flood trends and modelling. Should the revised zone boundary follow the updated existing 1 in 100-year flood extent, the current Environment and Recreation zone will become slightly narrower, which would allow an expansion of the enterprise precinct zoned land. Please refer to Section 3.4 Flooding and **Figure 13** for further explanation regarding Mirvac’s recommendation for revised zone boundaries. **Figure 7** below shows the existing zone boundaries and **Figure 8** shows the recommended zone boundaries which consider the updated 1 in 100-year flood level.

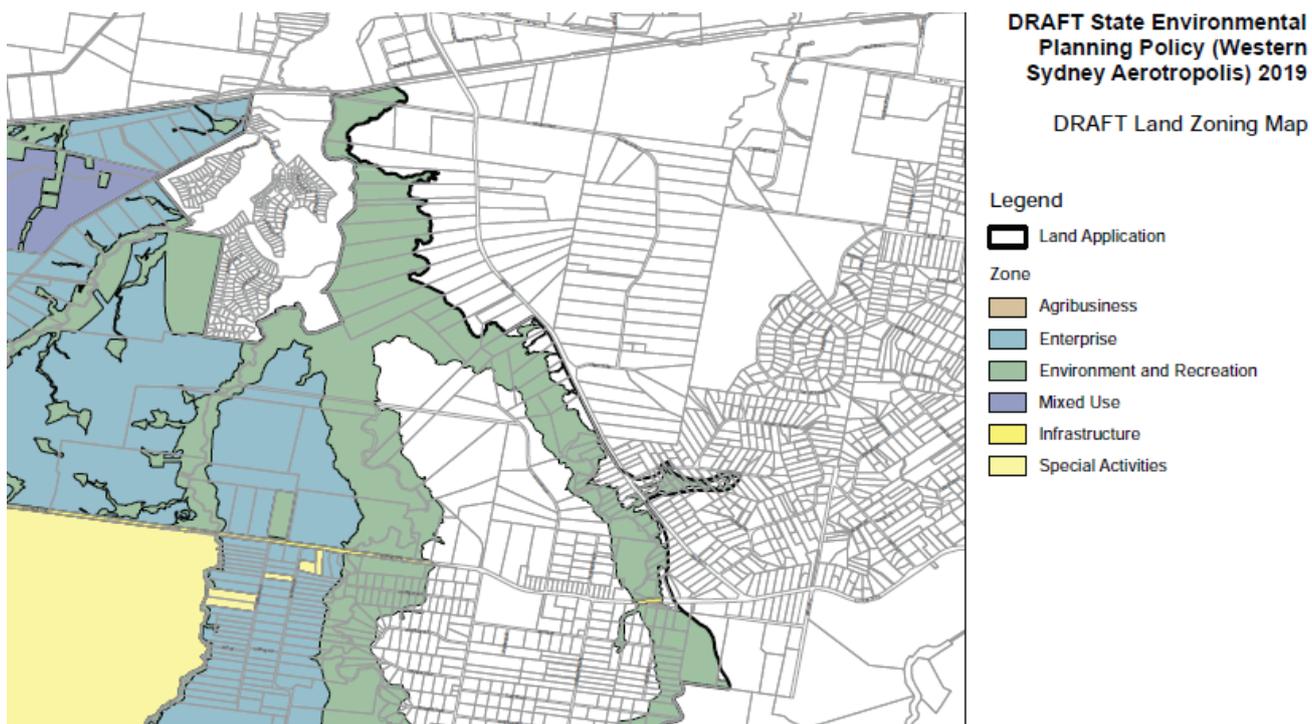


Figure 7 Existing Zone Boundaries

Source: DPIE

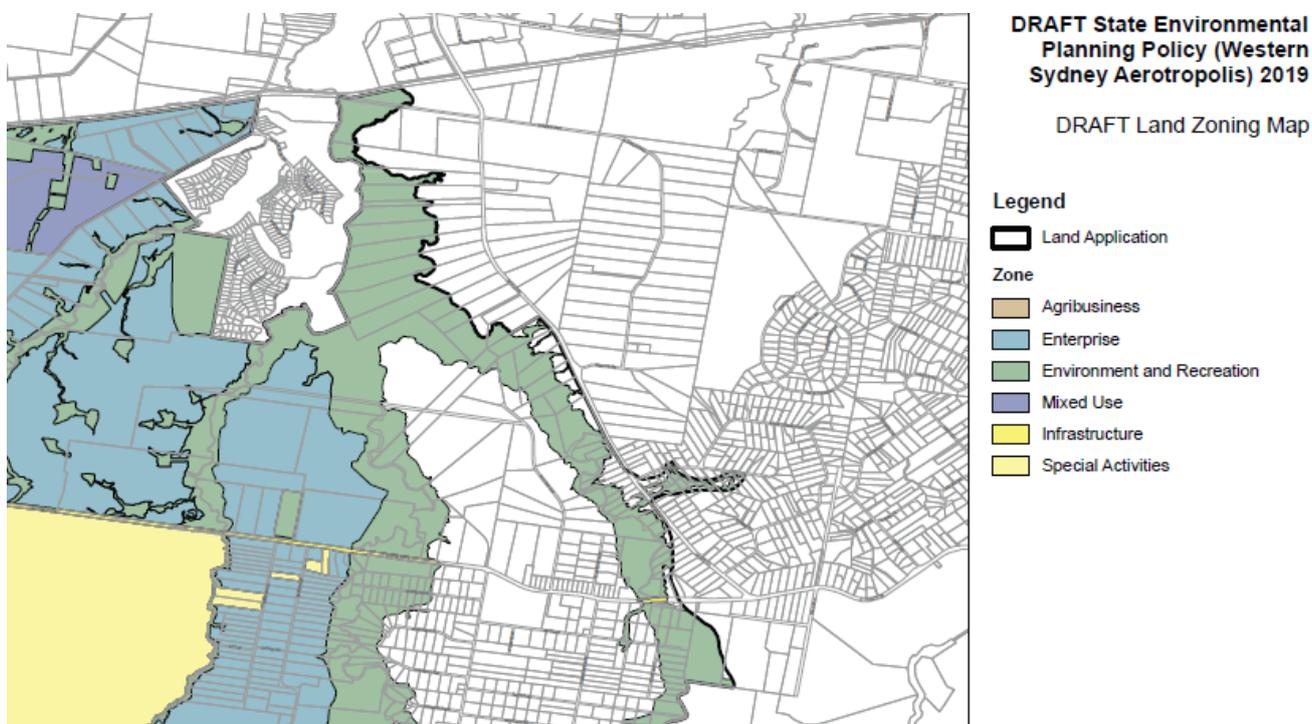


Figure 8 Recommended zone boundaries based on Penrith City Council's 2019 Draft South Creek Floodplain Risk Management Plan existing 1 in 100-year flood extent

Source: DPIE edited by Ethos Urban

Revising the zone boundary to the updated 1 in 100-year flood level would also need to be considered in areas where the boundary has deliberately kept broad to ensure a functional green space is available for a variety of appropriate and compatible land uses. Mirvac believes that the intention for reserving functional green space can

still be achieved within a narrower Environment and Recreation Zone by careful consideration of types of recreational and environmental land uses and their footprints.

In the alternative, that the revision of the zone boundary to the updated 1 in 100-year flood level and use of 'open' zoning is considered inappropriate or unfavourable, Mirvac recommends that a degree of flexible zoning be provided. Flexible zoning for development near zone boundaries would be provided for in the Aerotropolis SEPP to allow for uses permissible in the adjacent Enterprise Zone to continue into the Environment and Recreation Zone, and vice versa, for an arbitrary number of metres. The determination for that arbitrary distance would best be determined at the detailed precinct planning stage on a tailored site-by-site basis to achieve the most appropriate planning outcomes.

No.	WSAPP comments / recommendations
1	Revise the Wianamatta-South Creek Precinct and Environment and Recreation Zone boundary to follow the existing 1 in 100-year flood extent identified in the latest 2019 Penrith City Council Draft South Creek Floodplain Risk Management Study and Plan (dated August 2019), which uses accurate detailed survey levels and flood modelling data.
8	Achieve a functional green space in a revised Environment and Recreation Zone through consideration of types of land uses and their footprints.
9	Provide flexible land use and zone boundaries depending on Precinct Planning outcomes.

3.3 Infrastructure

Infrastructure proposed as part of the WSAPP is discussed below. Of these, there are three key road linkages seem as critical to be advanced prior to commencement of Airport operations:

- upgrade of Elizabeth Drive from M7 to Airport as a key East / West link and acting as an alternative route to and from the main passenger entry to the Airport and to activate the adjacent development lands;
- connections to the M12 at Airport / Elizabeth Drive and the Mamre Road and Devonshire Street connection; and
- the Eastern Ring Road to provide connection from passenger entry to Aerotropolis Core.

3.3.1 M12 Motorway

It is noted that the M12 is currently designed only for access to the Airport. Providing an interchange at Mamre Road would greatly facilitate the flow and movement of traffic into, around, and out of the Badgerys Creek Precinct and minimise congestion at the Airport entry, along Elizabeth Drive and in the vicinity of the EEP. Further, it is strongly recommended that access from the M12 to Elizabeth Drive be considered further to the west of the EEP site.

3.3.2 Elizabeth Drive

An upgrade to Elizabeth Drive is strongly supported, with the potential for collaboration with Mirvac on the Martin Road / Elizabeth Drive intersection and entry to the EEP.

The upgrade of Elizabeth Drive will provide a critical East West connection for vehicles but will also be an important corridor for utility services. Utility services are capable of being located within a 60m road corridor as was done for the Bringelly Road upgrade.

The upgrade of Elizabeth Drive is required to provide an alternative route to / from the airport if there were to be a breakdown on the M12 Motorway. Further, the Elizabeth Drive upgrade is required to ensure adequate infrastructure is in place for international arrivals and tourists to Western Sydney.

3.3.3 Devonshire Street / Mamre Road Connection

Mirvac supports the prioritisation of the Devonshire Street extension to Mamre Road with access to the M12 via an interchange. This is supported and must be prioritised as these road connections are paramount for access to

employment land prior to the opening of the Airport in 2023. Bringing forward the timeline for the extension and interchange will greatly facilitate and support the development of the Aerotropolis.

3.3.4 Eastern Ring Road

Mirvac supports the Eastern Ring Road concept as it will provide a crucial north south connection between the Badgerys Creek Precinct through to the Aerotropolis Core and for the Aerotropolis Core through to the Airport. It will facilitate the efficient movement of goods, both during and after construction, and be generally supportive of economic activity within the Aerotropolis. Specific to the EEP, the Eastern Ring Road will provide a key linkage between the EEP and the Aerotropolis Core and Airport, allowing for industry within the EEP to efficiently complement and interact with other operations and industry within the wider Aerotropolis.

3.3.5 Potential East-West Rail Link Stabling Facility and Critical Infrastructure

Mirvac notes that there is a potential East-West Rail Link, stabling and critical infrastructure site to be located on Stage 3 of the EEP (see **Figure 9**), situated within the Kemps Creek Precinct. As the Kemps Creek Precinct is not an initial precinct, it is not yet zoned. It is also not identified in the Land Reservation Acquisition Map. Whilst Mirvac understands the need for a level of flexibility to be provided to Transport for NSW, this lack of status and certainty represents a challenge for the development, or even interim development, of EEP East. It is also unclear as to whether any areas outside of the Aerotropolis have been considered for this facility, rather than impacting on intended future employment generating land. Should this relocation not be possible, then a meeting is requested with Transport for NSW and the Planning Partnership to discuss reduction of the required land as part of the finalisation of the rezoning process by mid-2020.

Mirvac also understands that there are two location options for a sewerage treatment plant (STP), being the 'critical infrastructure' mentioned in the WSAPP, to be located either north or south of the M12. Mirvac supports the northern location for the STP north of the M12, to reduce the extent of impact on suitably developable land for complementary employment uses. The northern location is also considered more appropriate as it is located at the confluence of both Badgerys Creek and Kemps Creek, providing greater discharge options, the land is generally lower, and being co-located with the proposed Regional Park will provide recycled water and irrigation opportunities. Nonetheless, Mirvac understands that the size and location of the stabling facility and critical infrastructure is indicative and is open to working with the Planning Partnership on these issues as an affected landowner.

Further consultation is sought with Government on the proposed location of the East-West Rail Link. In particular, clarification is sought on what other options have been considered by Transport for NSW and justification on why the proposed corridor has been selected as the WSAPP does not provide any clarification for its appropriateness.

3.3.6 Interim Servicing

Mirvac believes interim servicing solutions are necessary to allow for the impending development within the Badgerys Creek. This may be achieved through phasing of development within precincts with interim services provided in accordance with the phasing, ahead of a permanent servicing solution in the future.

3.3.7 Public Transport

Mirvac supports public transport to be staged with development, with a rapid bus service and initial services on Sydney Metro Greater West to be supported by local services delivered in line with demand. Mirvac also supports the further investigation of Sydney Metro Stations within closer proximity to the EEP. A flexible servicing strategy is supported.

No.	WSAPP comments / recommendations
10	Provide a M12 interchange at Devonshire Road / Mamre Road to facilitate traffic flow within the Aerotropolis. The M12 should not be an airport access only motorway.
11	Upgrade Elizabeth Drive as it is a critical east-west link, serves as an alternative route to the M12, will facilitate traffic generated by airport arrivals and allow for the construction of utility services within a 60m road corridor.

No.	WSAPP comments / recommendations
12	Prioritise the Devonshire Street extension to Mamre Road and connection to the M12 , to facilitate traffic flow around the Aerotropolis and reduce traffic around the EEP.
13	Support for the Eastern Ring Road concept as it will provide a crucial north south connection between the Badgerys Creek Precinct through to the Aerotropolis Core and for the Aerotropolis Core through to the Airport.
14	NSW Government need to advise if alternative locations have been considered and provide justification as to why the proposed East-West Rail Link and Stabling Facility transport corridor is located over EEP West. A response is need to as why other locations such as north of the M12 corridor were not considered.
15	Provide certainty regarding the timing and zoning of the East-West Rail Link Stabling Facility to assist in the formulation of development opportunities of Stage 3 of the EEP and its interim development.
16	Locate the proposed sewage treatment plant to the north of the M12 to reduce the extent of area currently identified for the East-West Rail Link Stabling Facility and critical infrastructure.
17	Provide a solution for interim servicing
18	Support for public transport to be staged with development, the use of a flexible servicing strategy and the further investigation of other Sydney Metro Stations.

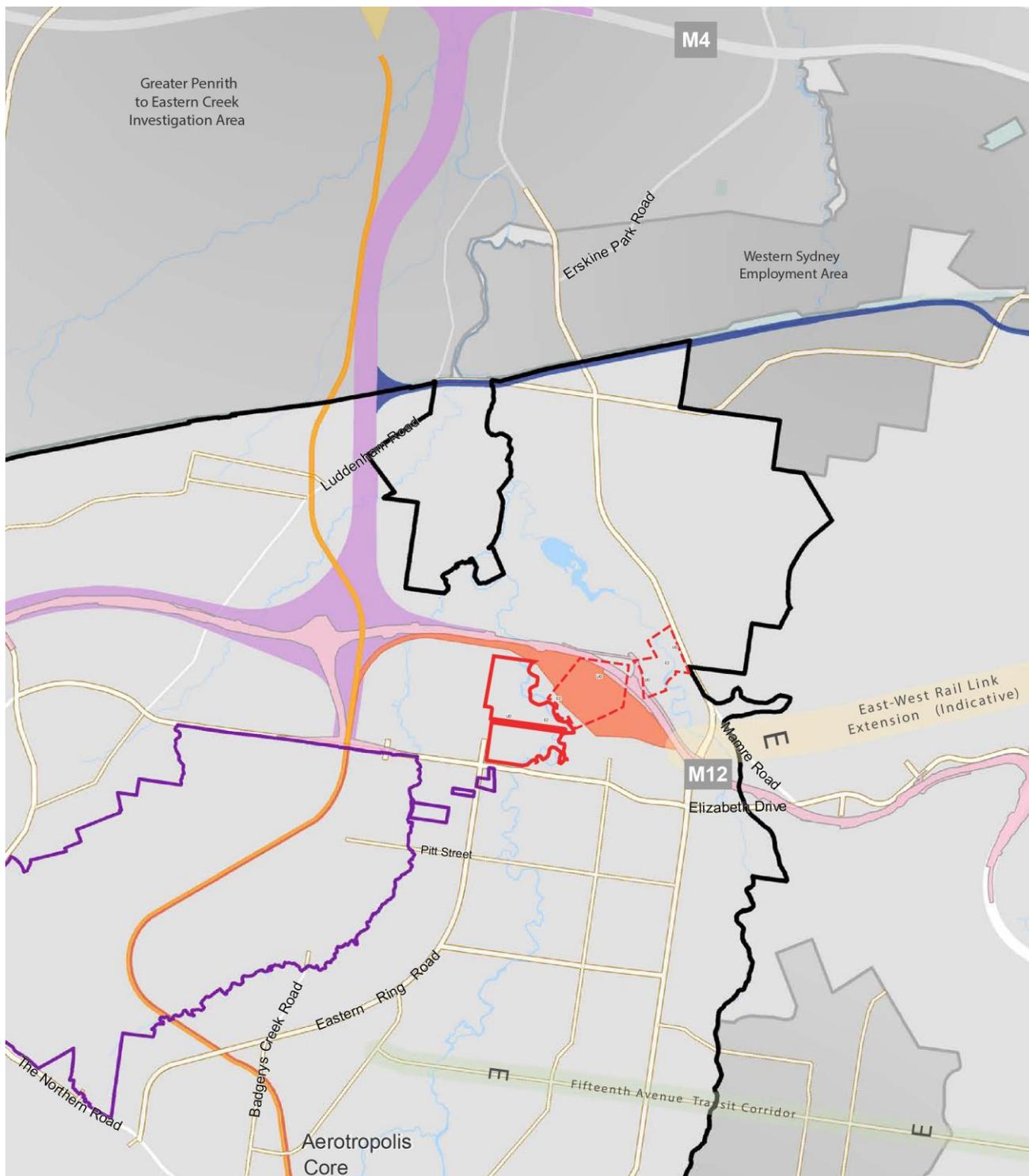


Figure 9 The EEP site and Proposed Transport Corridors in the WSAPP

Source: WSAPP edited by Ethos Urban

3.4 Flooding

3.4.1 Flood Planning Level

Part of EEP West is within the identified flood extent in the WSAPP. The draft SEPP states:

The SEPP will define the flood planning level as the level of the 1 in 100 chance per year flood, plus 0.5 metres freeboard to manage development for the purposes of floodplain management. Flood prone land (the floodplain) is defined in the NSW Government Floodplain Development Manual (2005) as land susceptible to flooding by the probable maximum flood (PMF).

Mirvac supports the flood planning level being defined in the proposed SEPP by using the indicator of the existing 1 in 100-year flood event as regularised with sensible economic use of land and that the building finished floor levels should have the 500mm freeboard.

Mirvac also supports that urban development on flood prone land outside of the 1 in 100-year flood extent will be permitted, subject to risk-based flood-related development controls, noting that no urban land uses will be permitted on land within the 1 in 100-year flood extent.

The following sections provide specific comments and recommendations pertaining to the key documents of the WSAP and the treatment of flooding.

Draft Western Sydney Aerotropolis Plan

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% AEP flood levels on the EEP 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*”. Mirvac notes 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% AEP flood which is contrary to the primary objective of the NSW Flood Prone Land Policy as outlined below:

- flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development; and
- if all development applications and proposals for rezoning of flood prone land are assessed according to rigid and prescriptive criteria, some appropriate proposals may be unreasonably disallowed or restricted, and equally, quite inappropriate proposals may be approved.

Draft Western Sydney Aerotropolis State Environmental Planning Policy

Section 4.1 of the draft Intended SEPP states that South Creek will be protected from urban runoff. If it is proposed that the tributaries of South Creek include un-named drainage lines which convey runoff to the creeks then in order to protect these “tributaries” from urban runoff then stormwater quantity (OSD) and quality measures (gross pollutant traps, biofilters etc.) would need to be installed and maintained at all stormwater discharge points into the “tributaries”. It is Council’s responsibility to monitor and maintain stormwater quality. However, confirmation is sought on whether Council will accept responsibility for such a large-scale installation of drainage infrastructure and its ongoing maintenance.

Section 4.1 of the draft Intended SEPP also states that suitably sized and located farm dams will be protected to support water retention in the landscape. There is also no indication as to the selection criteria for farm dams to be protected. Based on benchmark criteria developed for the upper South Creek catchment, none of the current farm dams on the EEP would be classified as a regional farm dam individually nor as a cascade of dams on several drainage lines. Consequently, where the boundary of the South Creek catchment includes farm dams within the

EEP then the boundary should be adjusted to remove the farm dams from the precinct, such as the farm dam adjacent to Elizabeth Drive west of South Creek.

Draft Western Sydney Aerotropolis Development Control Plan

Section 4.2 of the draft DCP proposes performance-based outcomes for flooding. Mirvac supports performance-based outcomes. However, flood prone land is a valuable resource and should not be sterilised by unnecessarily precluding development according to rigid criteria. Therefore, there needs to be flexibility and site-specific performance-based outcomes to effectively manage the valuable resource of flood prone land.

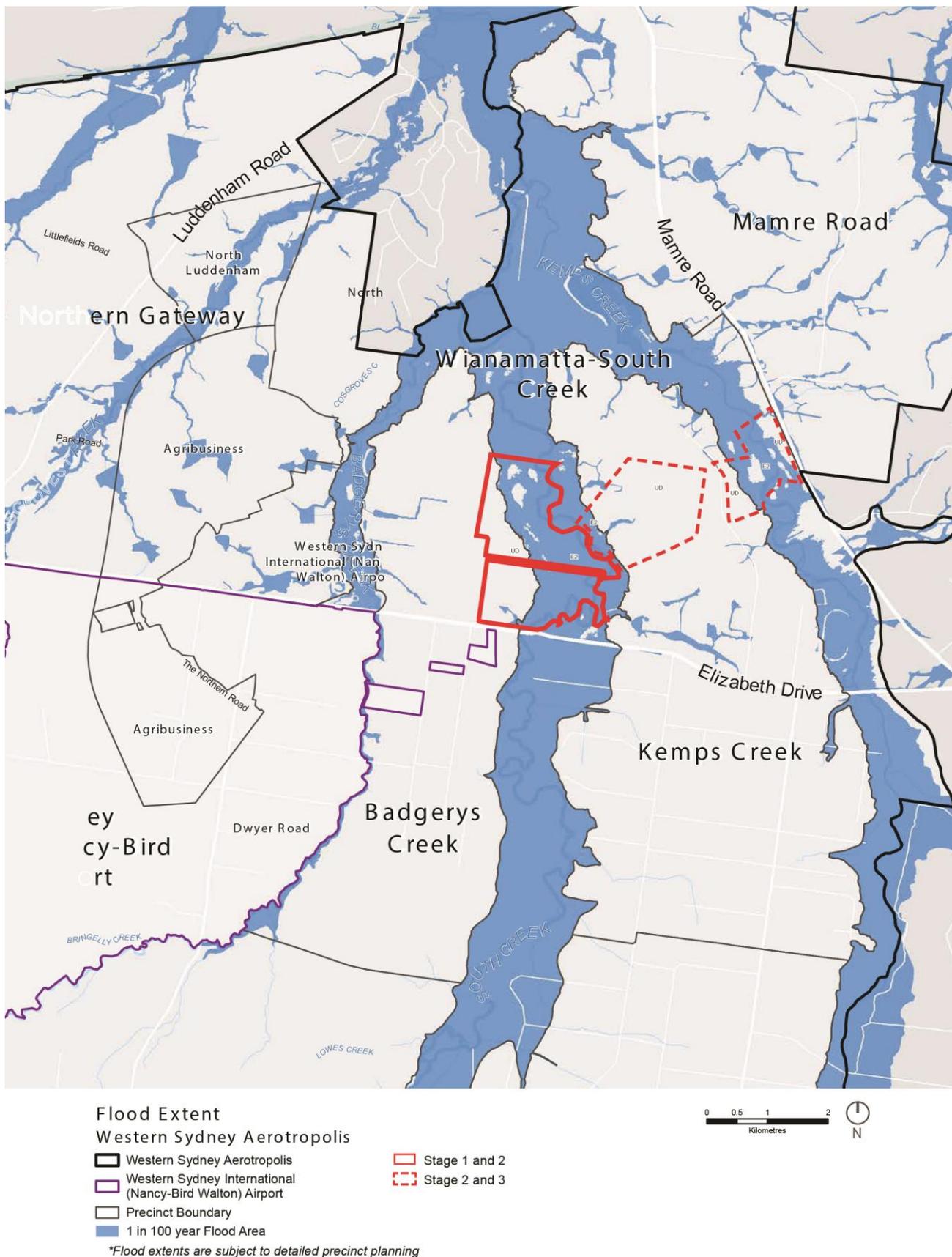


Figure 10 Flood extent plan in WSAPP (Based on Worley Parsons 2015 LiDAR survey)
 Source: WSAPP edited by Ethos Urban

3.4.2 Updated 1 in 100-year Flood Level and Precinct/Zone Boundaries

As previously noted, Mirvac understands that the boundary of the Environment and Recreation Zone, which is also used to identify the Wianamatta-South Creek Precinct boundary, was mapped according to the 1 in 100-year flood level identified in Penrith Council’s adopted Updated South Creek Flood Study dated 30th January 2015 and prepared by WorleyParsons which is based on flood data collected in 2003, except in areas where the boundary has deliberately kept broad to ensure a functional green space is available for a variety of appropriate and compatible land uses. That mapping is depicted in **Figure 11** below which generally aligns with the currently identified boundaries for the Wianamatta-South Creek Precinct and Environment and Recreation Zone.

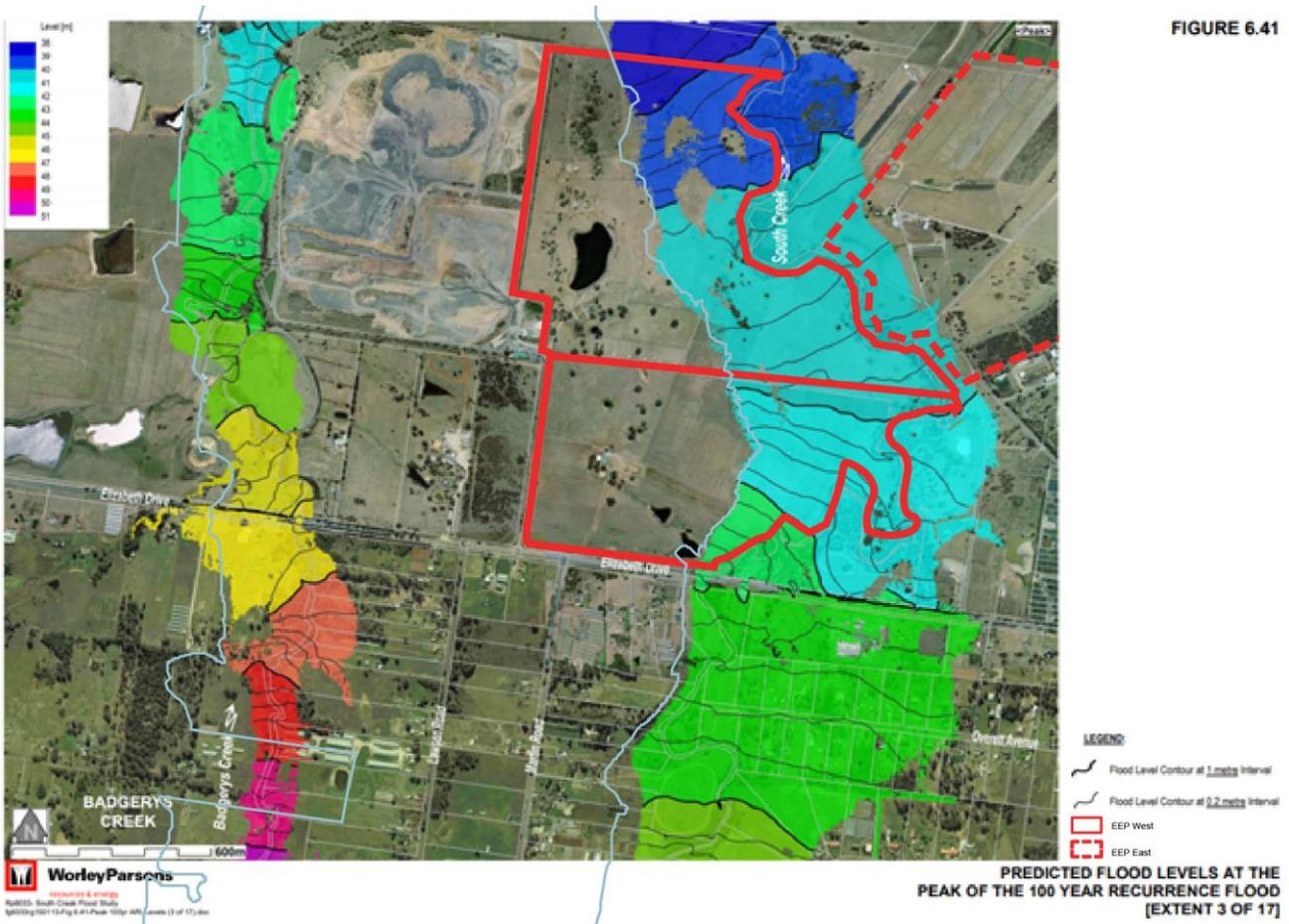


Figure 11 1 in 100-year flood level identified in Penrith Council’s adopted South Creek Flood Study dated 30th January 2015 prepared by WorleyParsons

Source: Penrith Council’s Updated South Creek Flood Study dated 30th January 2015 prepared by WorleyParsons

Mirvac believes that it is in the interest of all stakeholders to use the most up-to-date flood modelling and analysis contained in Penrith Council’s 2019 Draft Floodplain Risk Management Plan and Study which was released for public exhibition in September 2019, as the flood data from 2015 does not reflect detailed survey, current trends and data in flooding in the South Creek area.

Mirvac proposes that the Wianamatta-South Creek Precinct and Environment and Recreation Zone boundaries follow the orange area in **Figure 12** which shows the updated 1 in 100-year flood extent in Penrith Council’s 2019 Draft Floodplain Risk Management Plan and Study. It is also proposed that the zoning boundaries across EEP East (Stages 3 and 4) be amended to reflect the updated 1 in 100-year flood extent, consistent with the approach for EEP West.

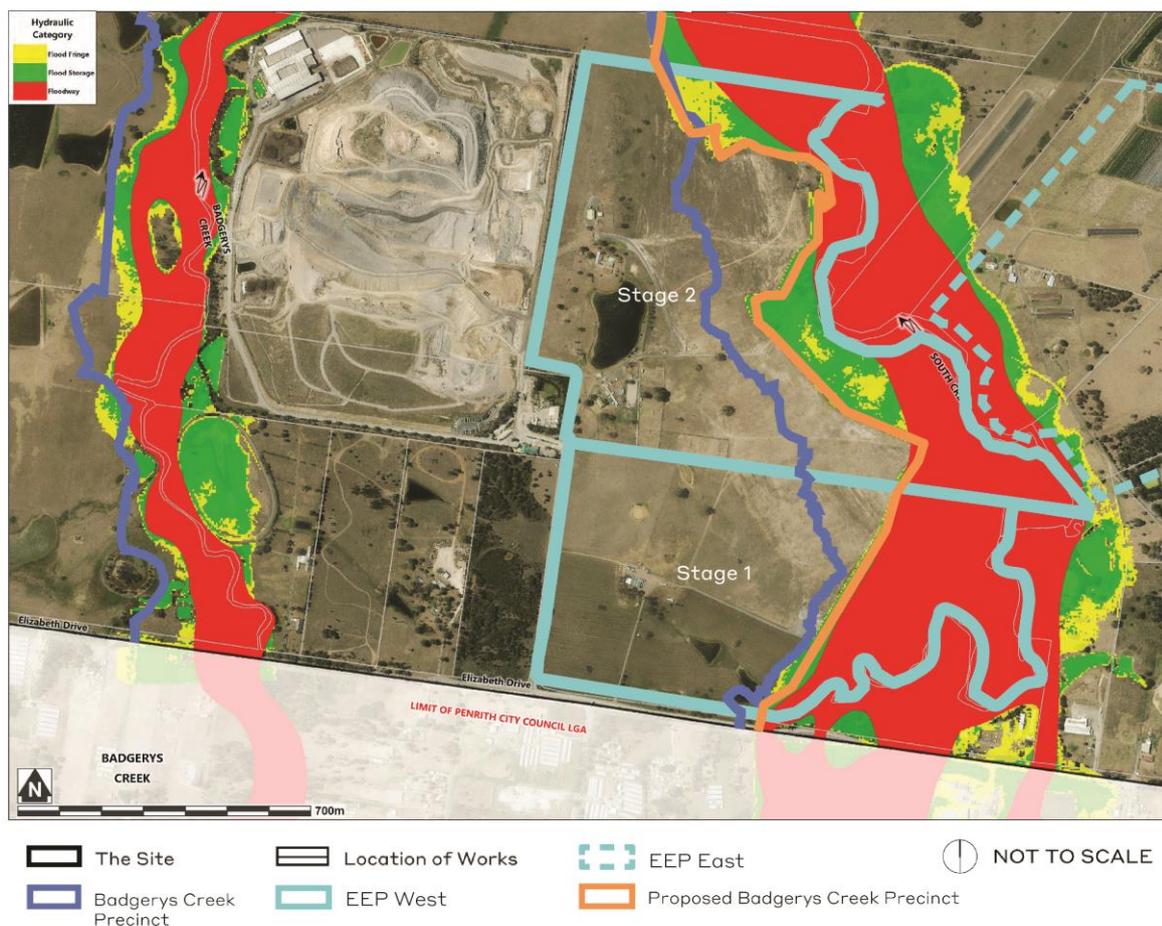


Figure 12 Proposed Badgerys Creek Precinct boundary to follow updated 1 in 100-year flood level (shown in orange)

Source: Draft Penrith Floodplain Risk Management Plan and Study 2019 edited by Ethos Urban

As in **Figure 12** the purple line represents the current precinct boundary per the draft WSAPP generally based on the outdated 1 in 100-year flood mapping from 2015. Revising the flood extent from the purple line to the orange line would result in a considerable expansion in land available for urban uses as part of the Enterprise Zone. This would increase the opportunity to provide additional employment land which is in high demand.

Figure 13 below shows the recommended zone boundaries which consider the updated existing 1 in 100-year flood extent.

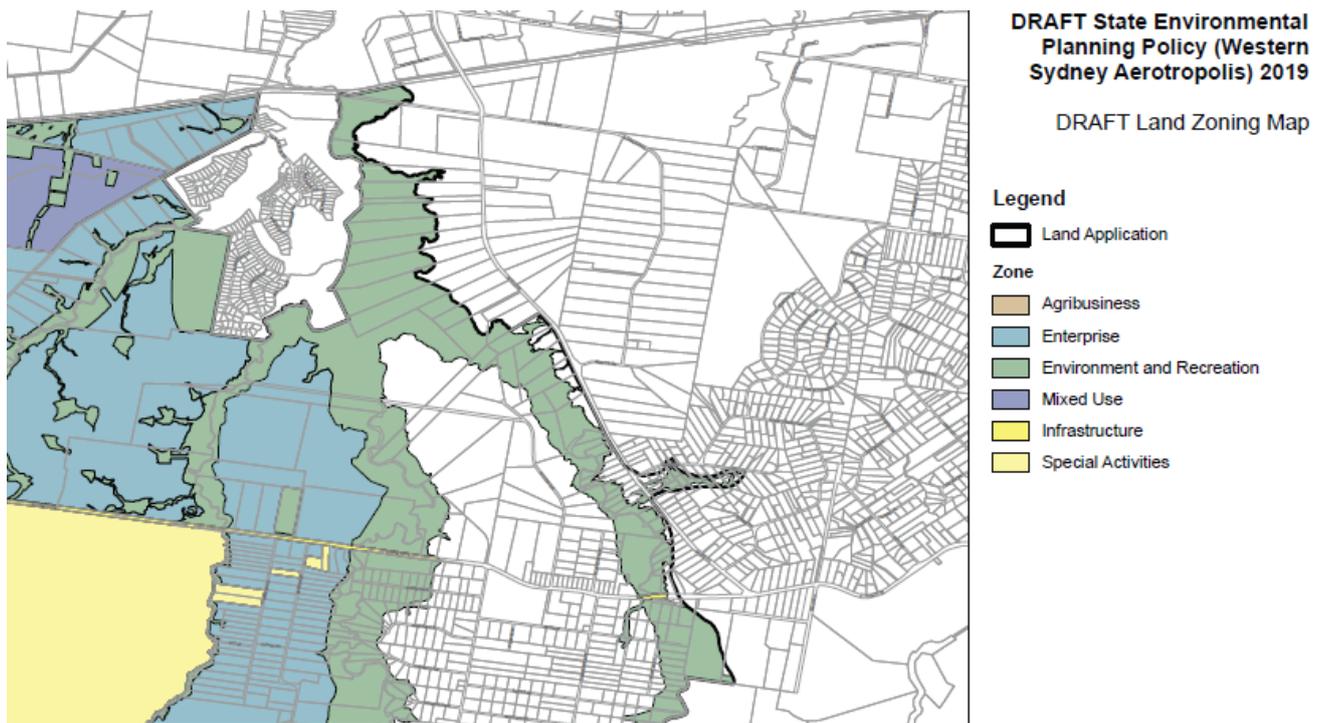


Figure 13 Recommended zone boundaries based on Penrith City Council’s 2019 Draft South Creek Floodplain Risk Management Plan existing 1 in 100-year flood extent

Source: DPIE edited by Ethos Urban

Revising the zone boundary to the updated 1 in 100-year flood level would also result changes to areas where the boundary has deliberately kept broad to ensure a functional green space is available for a variety of appropriate and compatible land uses. As explained above, Mirvac believes that the intention for reserving functional green space can still be achieved within a narrower Environment and Recreation Zone by careful consideration of types and scale of recreational and environmental land uses and their footprints.

Moreover, Mirvac supports that flood extents are subject to Precinct Planning. This is important as a detailed assessment of flood extents pertaining to the specific precincts allows further identification of the specific opportunities and constraints for development on a site-by-site basis.

No.	WSAPP comments / recommendations
1	Revise the Wianamatta-South Creek Precinct and Environment and Recreation Zone boundary to follow the existing 1 in 100-year flood extent identified in the latest 2019 Penrith City Council Draft South Creek Floodplain Risk Management Study and Plan (dated August 2019), which uses accurate detailed survey levels and flood modelling data.
8	Achieve a functional green space in a revised Environment and Recreation Zone through consideration of types of land uses and their footprints.
19	Re-evaluate flood planning approaches relating to reforestation, cut and fill, urban runoff infrastructure, protection of farm dams and performance-based flood outcomes.
20	Support for an inclusion of detailed assessment of flood extents , to further refine zoning boundaries and specific opportunities and constraints for development on a site-by-site basis.

3.5 Infrastructure Contributions

Mirvac supports the ongoing process of setting local and state infrastructure contributions. It also understands that there is a lack of clarity on infrastructure contributions and that the Planning Partnership is open to input from developers on potential contribution mechanisms which would be most beneficial for their sites and tenants.

Mirvac's primary interest is to facilitate an infrastructure contributions framework that is attractive for its tenants and delivers a level of certainty. Some general principles are that infrastructure contributions should:

- be based on a clear nexus and apportionment;
- provide equity with other similar precincts;
- factor in competitiveness of development with other employment areas in NSW and other states; and
- be simple and not be an on-going administrative burden to development.

With regard to local developer contributions, there needs to be a clear 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 significantly strain local community facilities and any Section 7.11 local developer contribution framework should be based on reasonable nexus and apportionment principles. Mirvac considers the WSEA contributions regime as the current industry benchmark. Moreover, should Mirvac be responsible for developing infrastructure such as parkland, a concession or offset would be appropriate. Where local infrastructure is being provided as part of a master plan delivery, contributions should not apply for these local infrastructure elements.

With regard to state contributions, they should not exceed that of nearby employment zones such as the WSEA to avoid loss of competitiveness and consequent investment prevention in the Badgerys Creek Priority Precinct.

There is also the possibility of exploring a contributions mechanism based off the London Elizabeth Line model which uses a stepped mechanism where sites closer to railway stations are captured by a higher number and rate of contributions than sites further away. In the same way, for example, a potential contributions mechanism could operate where sites closer to the Airport would be captured by a SIC and local contributions whilst sites further away on the Aerotropolis boundary would only be captured by local contributions given that their infrastructure requirements may fall within catchments outside of the Aerotropolis.

No.	WSAPP comments / recommendations
21	State/regional infrastructure contributions should not exceed that of nearby employment zones such as the WSEA to avoid loss of competitiveness and consequent preventing of investment in the Badgerys Creek Priority Precinct.
22	Local developer contributions should not apply where local infrastructure is being provided as part of a master plan

3.6 Timing

Mirvac supports the timeline of the WSAPP, with the Aerotropolis Plan, Phase 1 DCP and SEPP to be finalised by mid-2020 and Draft Precinct Plans to be prepared Q1 and Q2 of 2020 then exhibited and finalised/adopted in Q3 and Q4 2020

In the interim, as explained above, the SEPP should facilitate opportunities for land forming of sites in employment zones in the interim where consistent with Aerotropolis Plan outcomes in order to expedite the development of land uses complementary to the construction and initial operation of the Airport.

No.	WSAPP comments / recommendations
23	The SEPP should facilitate opportunities for land forming of sites in employment zones in the interim where consistent with Aerotropolis Plan outcomes.

4.0 Conclusion

Mirvac supports 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 welcomes the opportunity to contribute further to the planning of Western Sydney and welcomes further collaboration and dialogue to ensure the timely success of this exciting opportunity for Sydney.