

**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Pty Ltd
ABN 50 105 256 228

11 March 2021

Mr Andrew Jackson
Director
Western Sydney Planning Partnership
PO Box 257
Parramatta, NSW 2124

Dear Andrew,

SUBMISSION ON THE DRAFT WESTERN SYDNEY AEROTROPOLIS PRECINCT PLANS

This submission has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of Suttons Motor Group (**Suttons**) in response to the release of the draft Aerotropolis Precinct Plan (**Precinct Plan**). As a landowner within the Aerotropolis, Suttons welcomes the opportunity to comment on the draft Precinct Plan and seeks a partnership on the delivery of the Badgerys Creek precinct. It is critical to ensure the draft Precinct Plan provides the right balance to enable flexibility in planning controls to deliver development on-the-ground tomorrow but not preclude each precinct's ability to contribute to the Western Parkland City vision.

Suttons congratulates the Western Sydney Planning Partnership (**WSPP**) on releasing the draft Precinct Plan. It is recognised that the approval of the Precinct Plan is one of the remaining statutory requirements under *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (**Aerotropolis SEPP**) to enable lodgement of development applications to the respective consent authority. Therefore, it is imperative to ensure the Precinct Plan enables the delivery of enterprise uses to facilitate investment and early activation around the Western Sydney Airport, and create the building blocks for this area to transform into Sydney's third CBD.

This submission has been divided into the following key sections:

- **About Suttons:** Overview and history of the client and its site in the Badgerys Creek Precinct;
- **Summary of Recommendations;**
- **Comments and recommendations on the Precinct Plan;**
- **Conclusion and Next Steps:** Discussion on the appropriate next steps to resolve the Precinct Plan.

1. ABOUT SUTTONS

Suttons Motor Group (**Suttons**) was established in the early 1940s by the Sutton family. The Motor Group is still a family-owned and operated business. Today, Suttons operates 24 franchised motor vehicle dealership sites covering 27 different franchises. Suttons is driven by pioneering spirit of service and their culture has been shaped by constant concern for people and their commitment to excellence.

1.1. ABOUT SUTTON'S LANDHOLDING

Suttons owns 10 Martin Road, Badgerys Creek (**the site**), also known as Lot 10 in DP 226448. The 2.012ha site is located to the south of Elizabeth Drive at its intersection with Martin Road. The current zoning is Enterprise under the *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP)*. The site location and zoning are shown at **Figure 1** below. The site is adjacent to two allotments that are zoned SP2 – Infrastructure (Western Sydney Airport). These allotments are zoned BD1 – Business Development under the Western Sydney Airport Plan.

Figure 1 Site Location and Zoning



Picture 1 Aerial photograph

Source: Sixmaps



Picture 2 Zoning

Source: NSW Legislation

2. SUMMARY OF RECOMMENDATIONS

Based on the review of the draft Precinct Plan, we request the following recommendations to be addressed prior to finalisation.

1. The statutory determinative weight of the Precinct Plan in its current format must be reviewed and removed from the Aerotropolis SEPP immediately.
2. Clause 41 of the Aerotropolis must be amended to require development to demonstrate consistency with the Precinct's objectives. This applies a principle-based approach versus compliance with a detailed and wide range of technical requirements.
3. If the WSPP requires application of clause 41 as it currently stands, it is imperative to remove the fine grain detail shown on the Precinct Plan and adopt a high-level structure plan for each precinct. This approach reflects the NSW Government's approach to Wilton Growth Area.
4. While landowners of sites >100ha can utilise the new Master Plan pathway, this option is not available for the majority of landholdings across the Aerotropolis including this site. Therefore, it is imperative for the WSPP to ensure that the Precinct Plans facilitate early investment into the Aerotropolis. If the above recommendations are not adopted, the WSPP risks the Aerotropolis falling short of the vision with limited development outside of major sites.
5. Suttons strongly objects to the 5ha minimum site amalgamation requirement within the draft Precinct Plan. The Suttons site would be required to be amalgamated with adjacent land that is currently zoned SP2 and owned by the Commonwealth. This is clearly an unacceptable outcome. The future development of the site must not be sterilised as a result of this minimum amalgamation requirement.
6. The 5ha minimum site amalgamation requirement must be removed from the draft Precinct Plan. If it is intended that this plan be 'conceptual' then the amalgamation plan must be removed from the draft Precinct Plan placed within a non-statutory document such as the Stage 2 DCP.

7. Allotments zoned SP2 Airport must be removed from the amalgamation plan as the Precinct Plan has no statutory authority over these adjacent land parcels.
8. The WSPP must clarify the amount of information required to demonstrate how the adjacent sites to be amalgamated would integrate with surrounding sites. Is it merely a consultation requirement or must future development to and from adjacent sites be reflected in the plans?
9. The draft Precinct Plan must remove detail on land use types and building footprints, as it conflicts with the intent of the urban development zone. Land uses should be dictated by the market and evidence-based technical investigations at the DA stage.
10. The siting of buildings and infrastructure required to support development should be confirmed at the development application stage or informed by evidence-base prior to finalisation of the draft Precinct Plan. If the siting and location of these items cannot be informed by technical investigations prior to finalisation, then they must be removed from the draft Precinct Plan and confirmed through the development application stage.
11. Built form parameters must be removed from the draft Precinct Plan. These controls must be contained in the Phase 2 DCP. By inserting these controls into the Phase 2 DCP, it provides the consent authority guidance on built form controls but provides flexibility for future development to seek innovative solutions and to evolve to meet market demand.
12. The draft Precinct Plan must acknowledge the cyclical nature of development and not preclude first mover land uses from occurring in the short term. The Precinct Plan must provide flexibility to enable early activation of sites that meet the overall objectives.
13. There is a lack of coordination between the WSPP and TfNSW on the Eastern Ring Road and Elizabeth Drive Upgrade access arrangements which will prevent viable developments from occurring. The WSPP and Transport for NSW must provide for access of Martin Road /Eastern Ring Road to the site to ensure access to Elizabeth Drive towards the east. This will ensure that any development of the site is viable and not prevented by the uncertainty resulting from the Elizabeth Drive upgrade and Eastern Ring Road.
14. The WSPP and TfNSW must urgently engage with the affected land holders (including Suttons) on the design and planning phase for the Eastern Ring Road to resolve any discrepancy from the strategic design and detail design of Eastern Ring Road. Any changes which would require an immediate update of the Aerotropolis SEPP and draft Precinct Plan must be undertaken to ensure appropriate acquisition, corridor protection and delivery can occur in an efficient and timely manner. Certainty must be provided to all affected landowners to minimise the risk of future land sterilisation.
15. The WSPP and TfNSW must urgently review and reduce the proposed road reservations within the Precinct Plan. The recommended alternative section (Figure 6) can meet the objectives of the Western Parkland City via efficient use of both land and landscaping requirements. It also ensures traffic movements can occur in an efficient manner without significant congestion to the broader road network including Elizabeth Drive.
16. The WSPP must work with the Department of Planning, Industry and Environment and Liverpool City Council to understand the cumulative impacts of infrastructure contributions. There must be a comprehensive understand on how infrastructure contribution affects market trends and ensure Western Sydney Aerotropolis maintains its competitiveness with other regional cities across Australia.
17. There must be a nexus between the draft Precinct Plan and State and local contribution plans in regard to infrastructure. There must be a clear understanding of acquisition authorities and infrastructure levy mechanisms to ensure land associated with infrastructure will not be sterilised.

3. COMMENTS AND RECOMMENDATIONS ON THE PRECINCT PLAN

The WSPP release of the draft Aerotropolis Precinct Plan is welcomed. However, the current state of the draft Precinct Plan is not acceptable and must be amended prior to finalisation. In particular, the WSPP must recognise the significance of applying statutory weight to the Precinct Plan via the Aerotropolis SEPP, the lack of evidence-based planning, and lack of consideration for cadastral boundaries. The following sections provide a detailed response to these matters and requests the WSPP to amend the Precinct Plans based on the following recommendations.

3.1. ROLE OF THE PRECINCT PLAN

The gazettal of the Aerotropolis SEPP has elevated the role and function of a Precinct Plan via the Aerotropolis SEPP. Clause 41 in the Aerotropolis SEPP states the following:

“Development consent must not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied that the development is consistent with the precinct plan.”

The wording of Clause 41 means that any development inconsistent with the Precinct Plan would most likely be prohibited. This is confirmed by the draft Precinct Plan which notes that a Precinct Plan may only be varied via the Master Plan process (sites >100ha) or via a Planning Proposal. This is an unacceptable outcome for future development as it makes the planning process significantly more layered and complex and will lead to significant delays the planning assessment process. These delays will ultimately impact upon the delivery of jobs and early activation of the Aerotropolis.

It is understood the intent of a precinct plan is to provide a guide to how development patterns should occur to achieve the 2056 vision. However, the WSPP must recognise on-the-ground development delivered tomorrow will not reflect the development patterns shown in the draft Precinct Plans. In order to achieve a fine-grained road pattern with higher order uses as shown on the draft Precinct Plan, land surrounding the Western Sydney Airport must undergo several development cycles. The current statutory weight of the Precinct Plans and the detailed contained in them will prevent investment in the Aerotropolis in the short and medium term. Therefore, it is recommended for the WSPP to adopt the following recommendations.

Recommendations:

1. The statutory determinative weight of the Precinct Plan in its current format must be reviewed and removed from the Aerotropolis SEPP immediately.
2. Clause 41 of the Aerotropolis must be amended to require development to demonstrate consistency with the Precinct's objectives. This applies a principle-based approach versus compliance with a detailed and wide range of technical requirements.
3. If the WSPP requires application of clause 41 as it currently stands, it is imperative to remove the fine grain detail shown on the Precinct Plan and adopt a high-level structure plan for each precinct. This approach reflects the NSW Government's approach to Wilton Growth Area.
4. While landowners of sites >100ha can utilise the new Master Plan pathway, this option is not available for the majority of landholdings across the Aerotropolis including this site. Therefore, it is imperative for the WSPP to ensure that the Precinct Plans facilitate early investment into the Aerotropolis. If the above recommendations are not adopted, the WSPP risks the Aerotropolis falling short of the vision with limited development outside of major sites.

3.2. AMALGAMATION AND LOT DISTRIBUTION

Section 3.4.12 of the draft Precinct Plan provides objectives and controls relating to site amalgamation. This section also provides specific controls for enterprise zoned land which apply to the land shown in the amalgamation plan (refer **Figure 2** below). The amalgamation plan includes 'conceptual amalgamation parcels' and larger sub-precincts where coordinated urban design outcomes are required for roads and open space.

The draft Precinct Plan also includes a requirement for the amalgamation of land to a minimum of 5ha in areas shown within the amalgamation plan. Whilst the amalgamation plan itself does not appear to identify 10 Martin Road as an allotment that would require amalgamation with adjacent sites, the site area is less than 5ha and under requirements LU6 would require amalgamation with the adjacent sites.

We note that allotments directly adjacent to the site are also identified for amalgamation. Both these sites are currently zoned SP2 – Airport. Whilst the ultimate use of these adjacent parcels is not known, they are zoned BD1 – Business Development under the Western Sydney Airport Plan and as such could accommodate a wide range of future land uses associated with Western Sydney Airport which may or may not align with Suttons future development intentions.

Under the minimum site amalgamation requirement, the Suttons site would be required to be amalgamated with adjacent land that is currently zoned SP2 and owned by the Commonwealth. **This is clearly an unacceptable outcome and one which Suttons strongly objects to as it would in effect sterilise the landholding until these sites are ready to develop.** Further we note that neither the Aerotropolis SEPP nor the draft Precinct Plan have any statutory authority over these Commonwealth allotments.

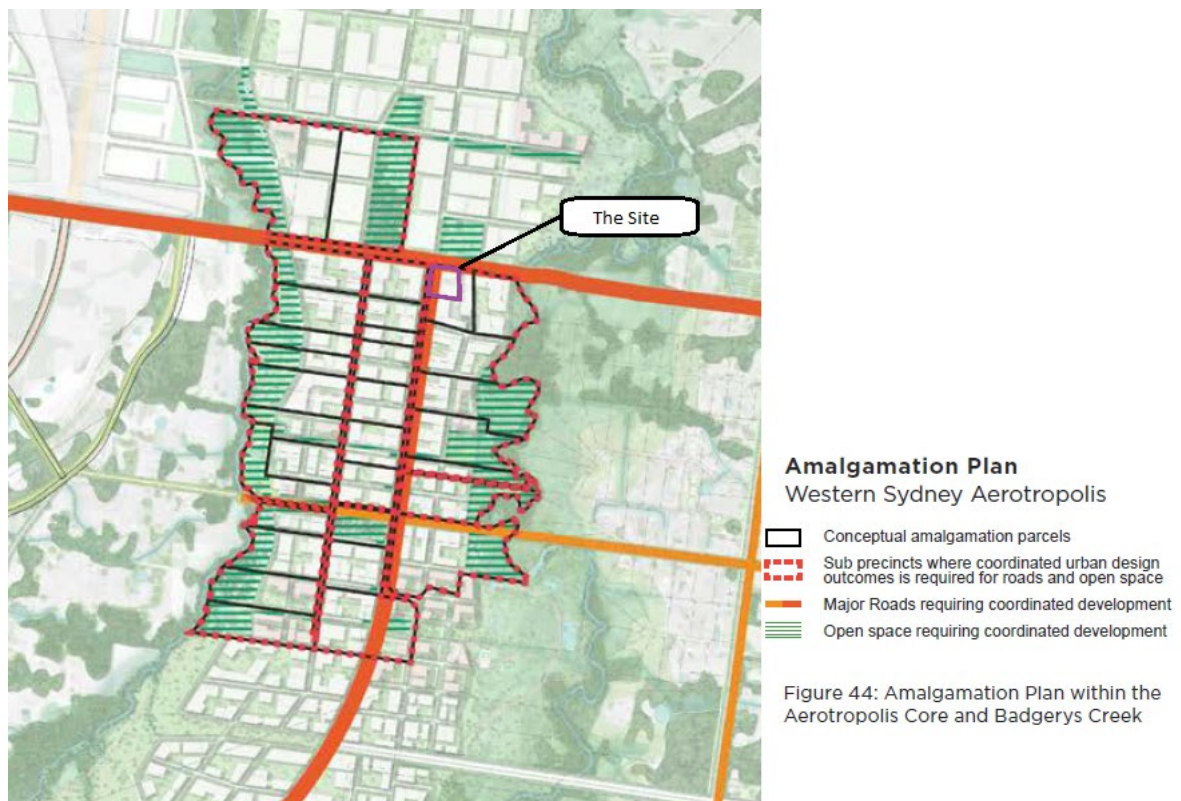
The identification of amalgamation patterns and larger sub precincts does not demonstrate the understanding of a range of site requirements for different future land uses and the potential impact of the 5ha amalgamation requirement might have on the future use of Suttons' site for a motor dealership.

The inclusion of these Commonwealth sites in an amalgamation plan illustrates the complete lack of knowledge of existing site ownership patterns and zoning. Given that the controls within the precinct plan (and the associated Figures) are 'conceptual' and have been provided to 'encourage' the amalgamation of smaller allotments. It is therefore unacceptable that such a definitive amalgamation plan be included in a statutory document.

The amalgamation plan is also unclear as to the boundaries of each sub-precinct and future road widths for the 'Eastern Ring Road' which appears to encroach into private properties (including the Suttons landholding) without providing any specific details around future acquisition requirements within either the Precinct Plan nor the Aerotropolis SEPP.

Given the adjacent SP2 zoned land adjacent to the site, it is critical that the draft Precinct Plan provides flexibility around lot amalgamation and removes the specific requirement for a minimum 5ha amalgamation requirement to ensure that the Suttons landholding is not sterilised from future development.

Figure 2 Proposed Amalgamation Plan



Source: Western Sydney Planning Partnership

Recommendations:

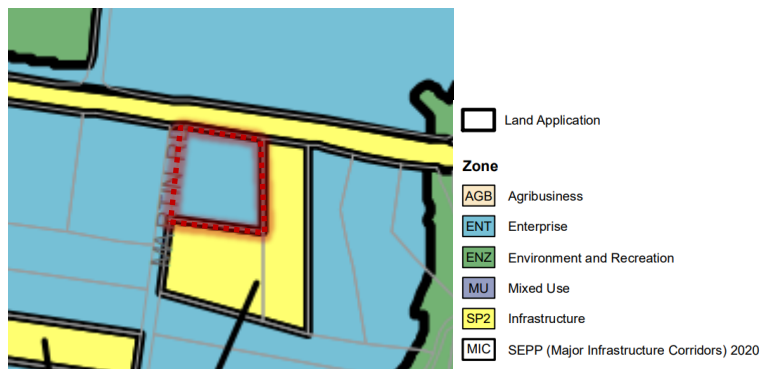
5. Suttons strongly objects to the 5ha minimum site amalgamation requirement within the draft Precinct Plan. The Suttons site would be required to be amalgamated with adjacent land that is currently zoned SP2 and owned by the Commonwealth. This is clearly an unacceptable outcome. The future development of the site must not be sterilised as a result of this minimum amalgamation requirement.
6. The 5ha minimum site amalgamation requirement must be removed from the draft Precinct Plan. If it is intended that this plan be 'conceptual' then the amalgamation plan must be removed from the draft Precinct Plan placed within a non-statutory document such as the Stage 2 DCP.
7. Allotments zoned SP2 Airport must be removed from the amalgamation plan as the Precinct Plan has no statutory authority over these adjacent land parcels.
8. The WSPP must clarify the amount of information required to demonstrate how the adjacent sites to be amalgamated would integrate with surrounding sites. Is it merely a consultation requirement or must future development to and from adjacent sites be reflected in the plans?

3.3. CONSISTENCY BETWEEN ZONING AND DRAFT PRECINCT PLAN

The adoption of urban development zones within the Aerotropolis SEPP sought to minimise spot rezoning and provide the market flexibility to respond to demand. The detail contained in the draft Precinct Plan (refer Figure 2, Picture 3) diminishes the effectiveness of the urban development zones as it identifies building footprints and specific land uses.

This detail should be removed from the precinct plan. It should be up to the market to determine the type of land uses and their locations within the context of the draft Precinct Plan. By detailing land use types and building footprints, it prevents flexibility and market response to investment in the Aerotropolis.

Figure 3 Comparison of Zoning and Precinct Plan



Picture 3 Aerotropolis SEPP Zoning

Source: NSW Legislation



Picture 4 Badgerys Creek Precinct Plan

Source: Western Sydney Planning Partnership

Recommendations:

9. The draft Precinct Plan must remove detail on land use types and building footprints, as it conflicts with the intent of the urban development zone. Land uses should be dictated by the market and evidence-based technical investigations at the DA stage.

3.4. APPLICATION OF EVIDENCE-BASED URBAN DESIGN AND PLANNING

The application of land uses and built form typologies across the draft Precinct Plan is deemed premature. Based on the exhibition package, there has been limited analysis into the existing conditions and identification of future needs for the precincts. The lack of evidence-base investigations calls into question whether the Precinct Plan appropriately reflects the existing conditions and future needs to facilitate delivery of an Aerotropolis. For example, the following matters have not been appropriately addressed in the draft Precinct Plan:

- A robust analysis documenting the relationship of transport corridors with land uses. It is integral to ensure appropriate land uses are adjacent to corridors to minimise negative externalities, such as noise.
- Further information is required to understand how the building footprints were identified. The lack of the Phase 2 Development Control Plan (**DCP**) in the exhibition material does not provide a complete picture. In order to make an informed submission, every landowner requires understanding of setbacks, height, floor space ratio, design and landscape requirements to fully understand the future opportunities on their sites.
- The identification of open space and drainage is premature. The exhibition package does not provide sufficient analysis on the quantum or locational requirements of this infrastructure. This infrastructure is best identified at the development application stage for land zoned enterprise. This will confirm workforce population to support open space and confirm basin types, sizes and their locations in response to the proposed development.

Recommendations:

10. The siting of buildings and infrastructure required to support development should be confirmed at the development application stage or informed by evidence-base prior to finalisation of the draft Precinct Plan. If the siting and location of these items cannot be informed by technical investigations prior to finalisation, then they must be removed from the draft Precinct Plan and confirmed through the development application stage.

3.5. BUILT FORM CONTROLS

The draft Precinct Plan contains built form parameters to guide development, such as height and floor space ratio. The inclusion of these built form parameters in the draft Precinct Plan is not appropriate. Due to the statutory weight of the Precinct Plan, these controls will restrict responses from the market and place risk of lack of investment within the Aerotropolis. In addition, the road network, grid patterns and building footprints are based on a 2056 vision for the Aerotropolis.

The controls need to consider first mover land uses within the Aerotropolis, such as vehicle sales or hire premises, warehouse and distribution centres, data centres, and manufacturing uses. Therefore, it is recommended to remove built form controls from the Precinct Plan and implement these through the Phase 2 DCP. By inserting into the Phase 2 DCP, it provides the consent authority guidance on built form controls but provides enough flexibility for development to innovate and evolve to meet market demand.

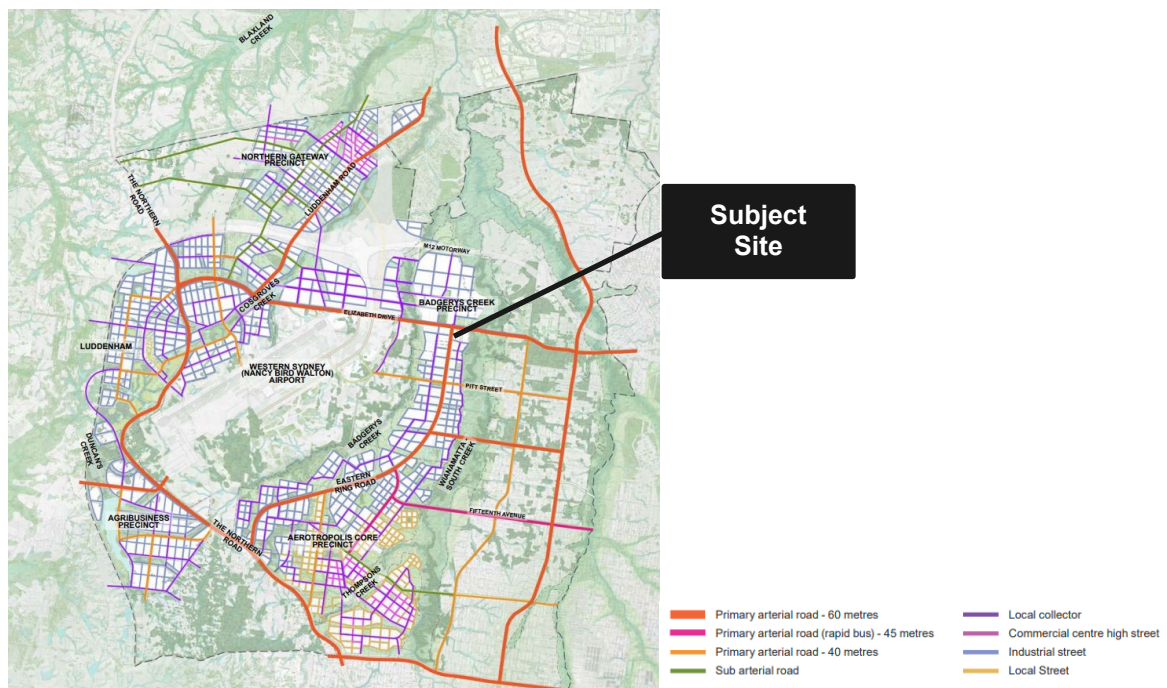
Recommendations:

11. Built form parameters must be removed from the draft Precinct Plan. These controls must be contained in the Phase 2 DCP. By inserting these controls into the Phase 2 DCP, it provides the consent authority guidance on built form controls but provides flexibility for future development to seek innovative solutions and to evolve to meet market demand.
12. The draft Precinct Plan must acknowledge the cyclical nature of development and not preclude first mover land uses from occurring in the short term. The Precinct Plan must provide flexibility to enable early activation of sites that meet the overall objectives.

3.6. TRANSPORT NETWORK

The Precinct Plan identifies that Martin Road will form part of the future Eastern Ring Road. The Eastern Ring Road will serve as the primary north-south arterial road connection between Elizabeth Drive to the north to The Northern Road to the south (refer to **Figure 4**).

Figure 4 Draft Precinct Plan Road Hierarchy

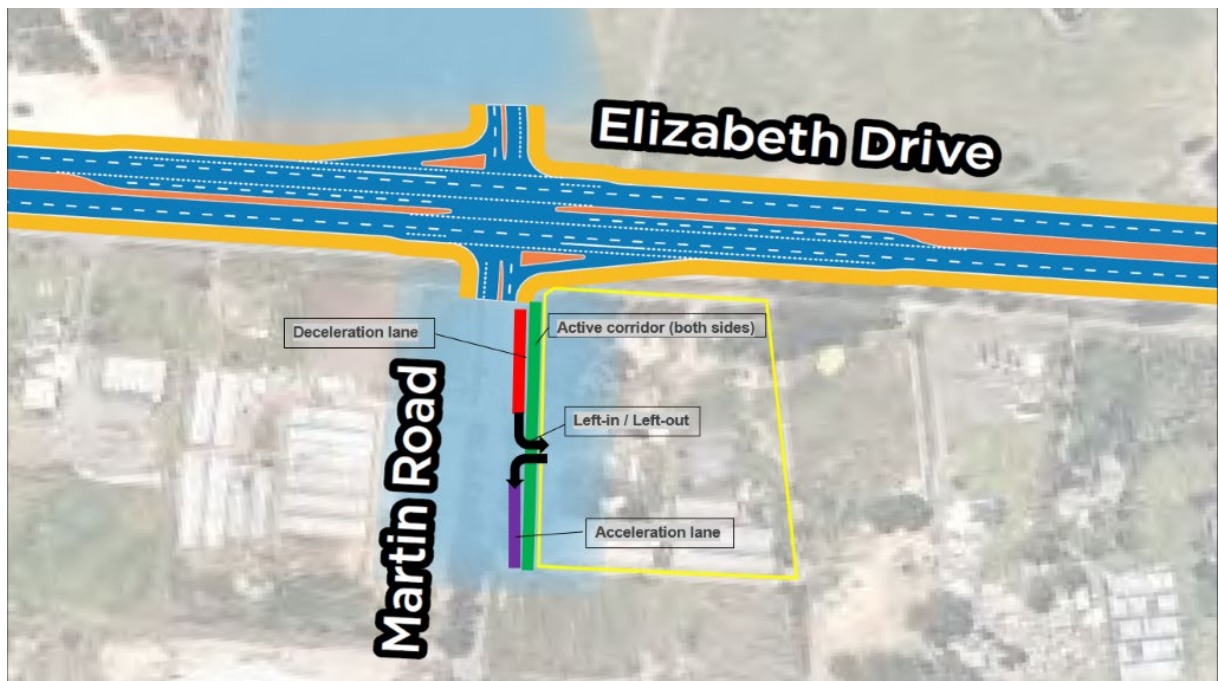


Source: Western Sydney Planning Partnership

The Eastern Ring Road has been identified as a key component of the future road, freight, bus and active transport networks for the Aerotropolis. Given the strategic importance of this road, it is expected that the Martin Road segment will see a significant increase in number of vehicles, pedestrians and cyclists.

Given the site's strategic location between two major arterial roads, access to and from the site is a critical consideration. Both the draft Precinct Plan and any future design of Elizabeth Drive consider access the future access arrangements to and from the site. With access to Elizabeth Drive potentially severely constrained, the site needs access to Martin Road be able to turn right back towards Elizabeth Drive. The timing and delivery of the development must not be delayed or prevented and as such, the WSPP must consider interim access arrangements as proposed in **Figure 5** below.

Figure 5 Interim access arrangements



Source: Transport for NSW/ Urbis

In addition, it is concerning the draft Precinct Plan are dictated by wide road reservations, which create barriers and dividers across the precinct. This will not create good design outcomes and does not align with the vision of the Western Parkland City and the Western Sydney Aerotropolis. In addition, it leads to inefficient outcomes on operations and movements. There are more efficient road reservations, which require less land take and provide better outcomes in relation to traffic movement and place as shown in **Figure 6** below.

Recommendations:

13. There is a lack of coordination between the WSPP and TfNSW on the Eastern Ring Road and Elizabeth Drive Upgrade access arrangements which will prevent viable developments from occurring. The WSPP and Transport for NSW must provide for access of Martin Road /Eastern Ring Road to the site to ensure access to Elizabeth Drive towards the east. This will ensure that any development of the site is viable and not prevented by the uncertainty resulting from the Elizabeth Drive upgrade and Eastern Ring Road.
14. The WSPP and TfNSW must urgently engage with the affected land holders (including Suttons) on the design and planning phase for the Eastern Ring Road to resolve any discrepancy from the strategic design and detail design of Eastern Ring Road. Any changes which would require an immediate update of the Aerotropolis SEPP and draft Precinct Plan must be undertaken to ensure appropriate acquisition, corridor protection and delivery can occur in an efficient and timely manner. Certainty must be provided to all affected landowners to minimise the risk of future land sterilisation.
15. The WSPP and TfNSW must urgently review and reduce the proposed road reservations within the Precinct Plan. The recommended alternative section (**Figure 6**) can meet the objectives of the Western Parkland City via efficient use of both land and landscaping requirements. It also ensures traffic movements can occur in an efficient manner without significant congestion to the broader road network including Elizabeth Drive.

3.7. INFRASTRUCTURE CONTRIBUTIONS

Suttons understand the requirements of infrastructure across Western Sydney and the demand it places on State and local government agencies to facilitate the timely delivery to unlock land for urban development. The use of a contribution plan to levy funds for infrastructure delivery is understood, however, both State and local governments need to holistically look at the cumulative effects of multiple layers of contribution plans and how they affect feasible development outcomes.

At the same time the Precinct Plans are on exhibition, both State and local governments proposed to overhaul the infrastructure contribution by proposing the following:

- Section 7.12 Plan for Western Sydney Aerotropolis: 6.5% levy on capital investment value
- Western Sydney Aerotropolis SIC: \$200,000/ ha of net developable area.

The WSPP must work with the Department of Planning, Industry and Environment and Liverpool City Council to ensure there is a balance between infrastructure contributions and delivery of development. A high-level analysis of the proposed infrastructure contributions to the current market trends indicates a significant impact on Sydney's ability to attract investment into the Aerotropolis.

In addition, the detail of infrastructure, such as open space, sewer and roads, within the draft Precinct Plan must be correlated to an acquisition authority and contribution plan. The identification of this infrastructure without appropriate mechanisms for acquisition and delivery sterilise land and prevent investment. If the identification cannot be coordinated between the respective agencies, then this detail must be removed from the draft Precinct Plan.

Recommendations:

16. The WSPP must work with the Department of Planning, Industry and Environment and Liverpool City Council to understand the cumulative impacts of infrastructure contributions. There must be a comprehensive understanding on how infrastructure contribution affects market trends and ensure Western Sydney Aerotropolis maintains its competitiveness with other regional cities across Australia.
17. There must be a nexus between the draft Precinct Plan and State and local contribution plans in regard to infrastructure. There must be a clear understanding of acquisition authorities and infrastructure levy mechanisms to ensure land associated with infrastructure will not be sterilised.

4. CONCLUSION

The WSPP must assure the draft Precinct Plan will enable on-the-ground investment. The proposed draft Precinct Plan in its exhibited format is overly complex and inconsistent with the Aerotropolis SEPP.

Therefore, we ask the WSPP to address each issue and recommendations raised in this submission prior to the finalisation of the draft Precinct Plan. In particular, we reiterate that the minimum 5ha land amalgamation requirement must be removed from the draft Precinct Plan.

Should further consultation be required, we welcome the opportunity to work with the WSPP to resolve the key issues relating to ensure the vision is achieved whilst also enabling Suttons to progress with the development of its site once the draft Precinct Plans are finalised.

Yours sincerely,

A handwritten signature in black ink, appearing to read "C. Charkos", written in a cursive style.

Christophe Charkos
Associate Director
02 8233 7660
ccharkos@urbis.com.au