

OUR REF | 200943  
YOUR REF  
CONTACT | ALI HAMMOUD  
DATE | 11 MARCH 2021



Western Sydney Planning Partnership  
PO Box 257  
PARRAMATTA NSW 2124

To whom this may concern,

**SUBMISSION TO WESTERN SYDNEY AEROTROPOLIS DRAFT PRECINCT PLANS  
PROPERTY: 70 MERSEY ROAD, BRINGELLY**

Thank you for the opportunity to provide feedback on the Western Sydney Aerotropolis Draft Precinct Plans. We act on behalf of the owner of [REDACTED] Mersey Road, Bringelly who has engaged our firm to prepare this submission in response to the exhibition of the above mentioned plans. We acknowledge the tremendous efforts and investment undertaken by the Western Sydney Planning Partnership in the Bringelly area to create a world class airport and business hub.

As part of our scope, we have reviewed the documents that have been placed on exhibition including the following:

- Draft Aerotropolis Precinct Plan
- Overview of Aerotropolis Core, Badgerys Creek and Wianamatta-South Creek Precinct Plans
- Supporting map with lot boundaries – Aerotropolis Core, Badgerys Creek, Wianamatta-South Creek Precincts
- Draft Western Sydney Aerotropolis and Aerotropolis Core, Wianamatta-South Creek and Badgerys Creek Precincts Urban Design and Landscape Plan Report
- Draft Wildlife Management Assessment Report
- Draft Western Sydney Aerotropolis Constraints and Land Capability Assessment – Stage 1 Report
- Western Sydney Aerotropolis - Draft Biodiversity Assessment
- Draft Bushfire Risk Assessment: Western Sydney Aerotropolis
- DRAFT Sustainability and Heat Report

Our primary concern with the exhibition material and proposed/draft plans is over the inconsistency between plans and lack of detail in the plans particular to our client's site but also in relation to the broader precinct itself.

We have reviewed a copy of the submission made by Liverpool City Council in response to the exhibition and share the following conclusive statement:

*“The level of detail provided within the draft Precinct Plan is suitable to assist in the progression of plans for large and/or master plan sites. However, the detail is not sufficient for the plan to be interpreted at the individual lot level, as certainty of what is to be developed is not provided. A higher level of detail is required to support the assessment of individual development applications and state significant developments. An Indicative Layout Plan (ILP) which condenses all relevant precinct information within a single plan is required for the initial Aerotropolis precincts.”*

This submission also outlines various inconsistencies in the publicly exhibited documents across various agencies including the Proposed Special Infrastructure Contribution for Western Sydney Aerotropolis which is also on exhibition at the same time as the above plans.

As such, the strategic planning associated with our client's site should therefore be carefully reviewed for the reasons outlines within this submission.

## 1 THE SITE

The site at ■ Mersey Road, Bringelly is approximately 40,490m<sup>2</sup> in area (4 hectares or 10 acres) and the legal description is ■. The site is unique given the rear boundary adjoins the land being developed for the Western Sydney International (Nancy-Bird Walton) Airport.

Existing on the site is a detached dwelling, double garage and associated structures. There is also a mobile phone tower located at the rear of the site. The site has been rezoned ENT Enterprise under the ***State Environmental Planning Policy (Western Sydney Aerotropolis) 2020*** (the Aerotropolis SEPP) and is located within the proposed Aerotropolis Core Precinct. Figures 1 to 4 on the following pages identify the site in the context of the surrounding area and the Draft Precinct Plan.

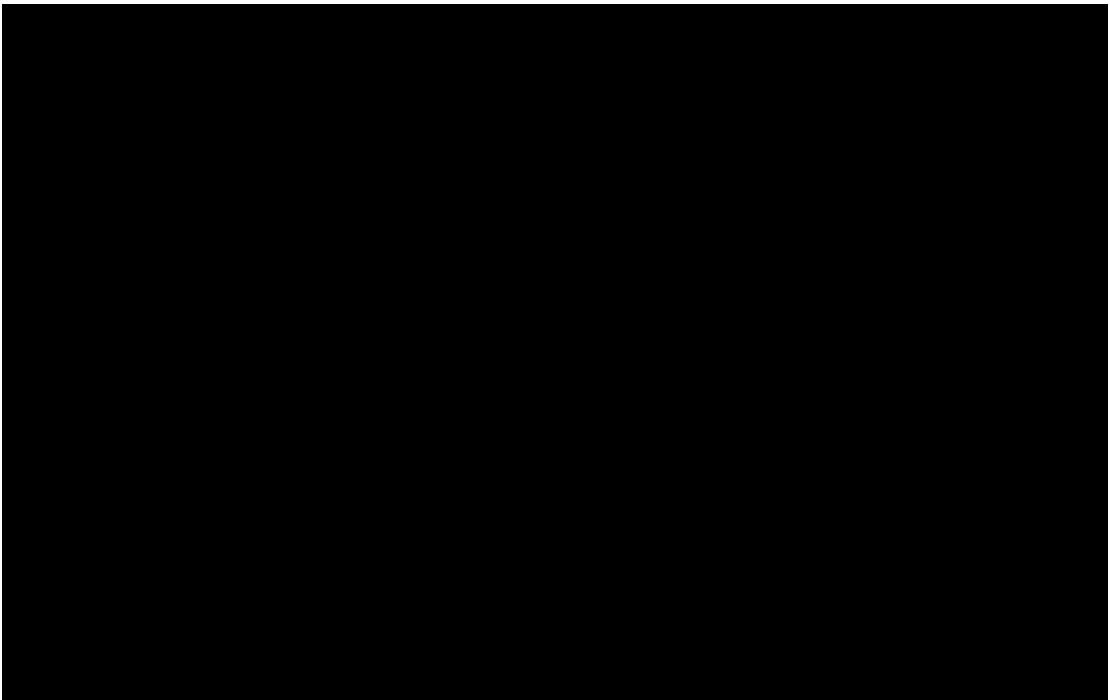


FIGURE 1: THE SITE AND SURROUNDING AREA

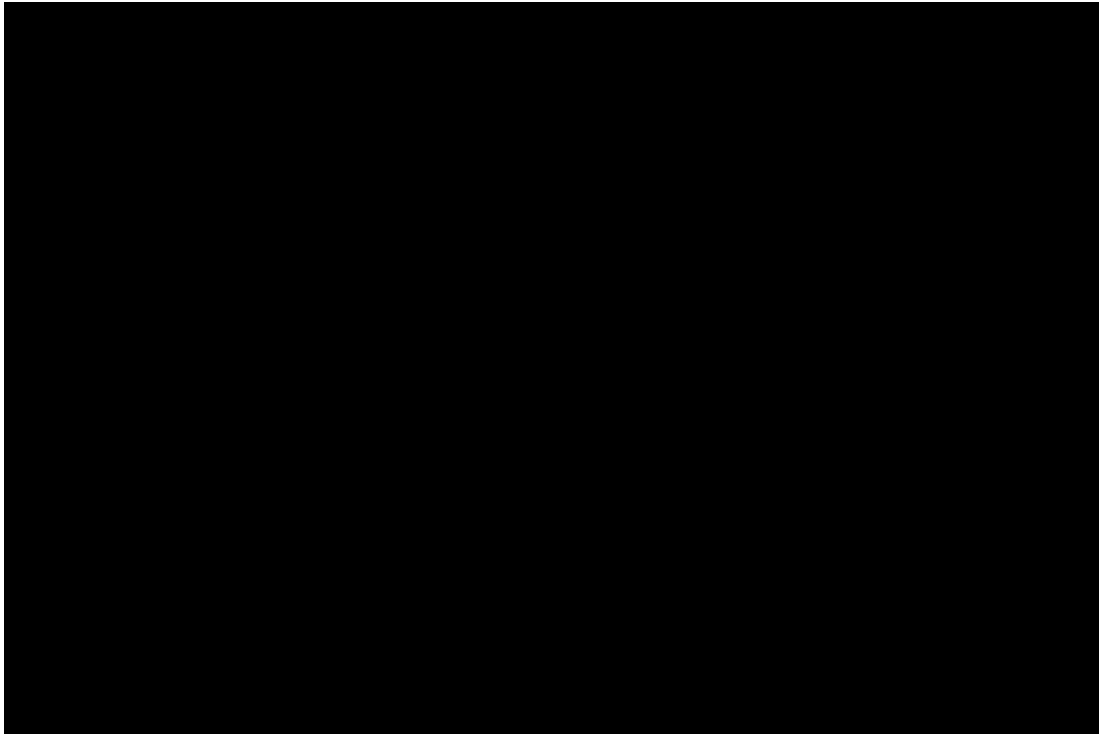


FIGURE 2: THE SITE AND THE WESTERN SYDNEY INTERNATIONAL AIRPORT IN THE BACKGROUND

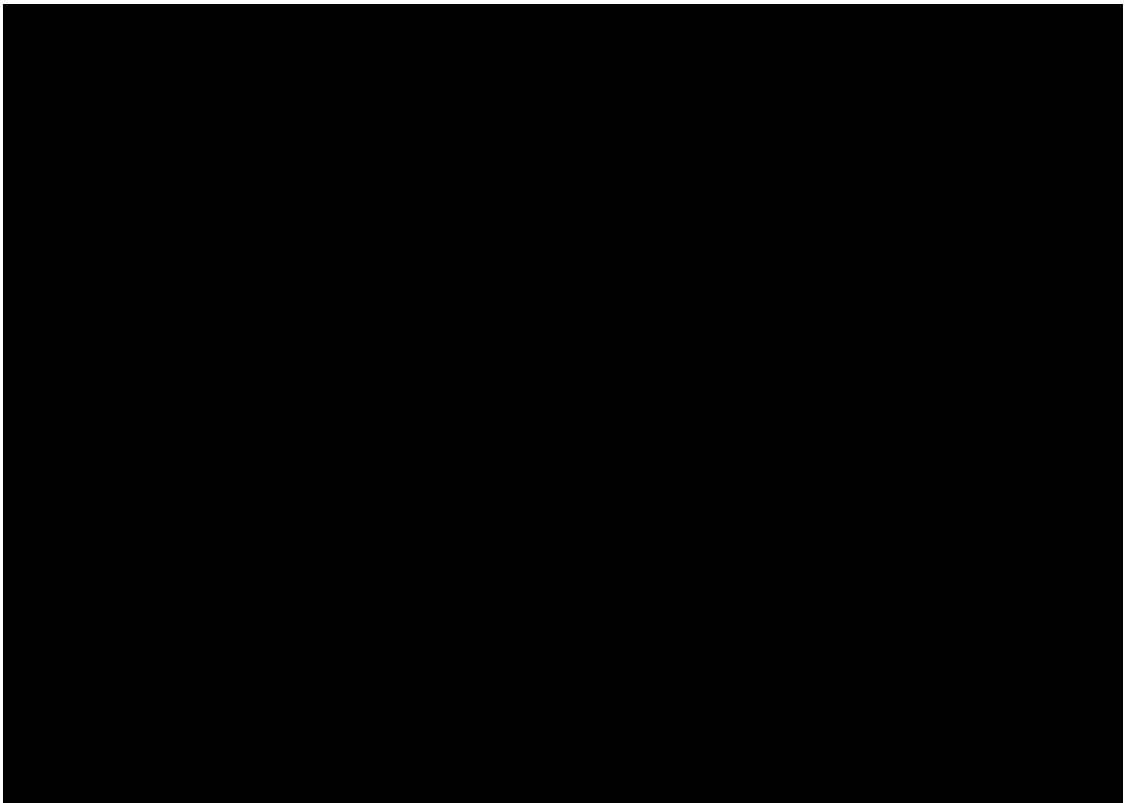


FIGURE 3: THE SITE IN RELATION TO THE AEROTROPOLIS PRECINCT PLAN

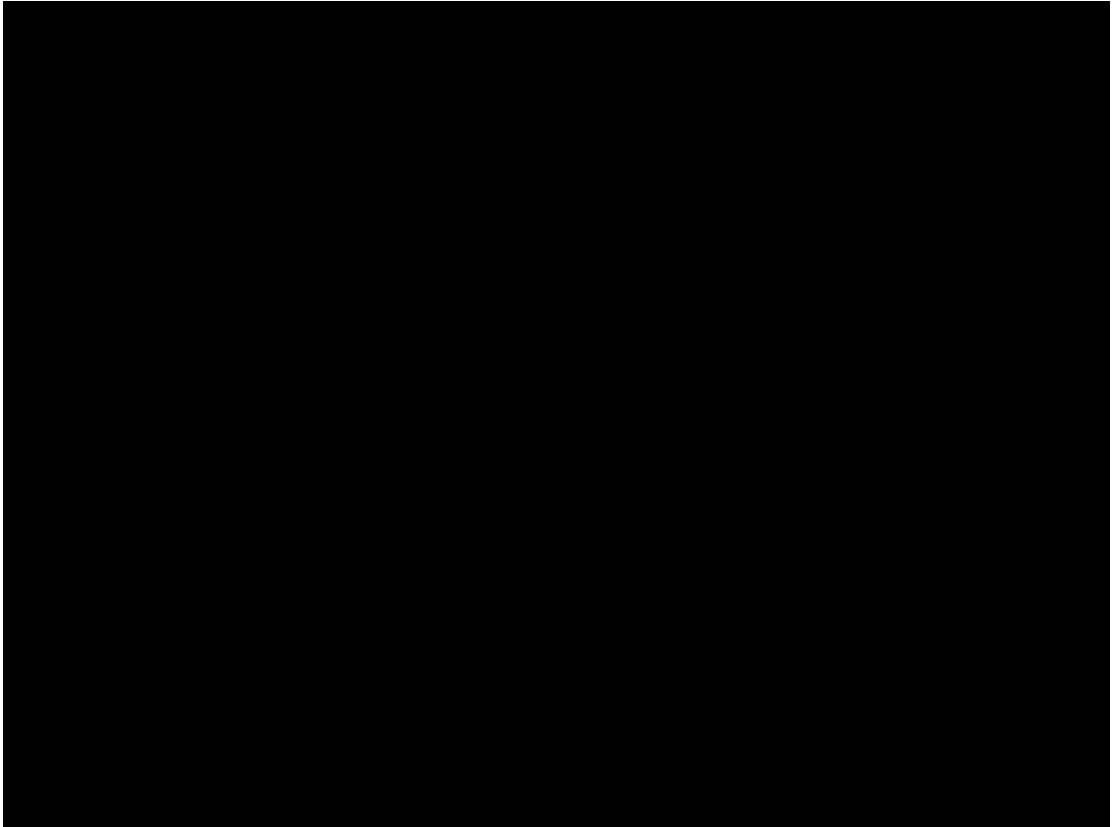


FIGURE 4: THE SITE IN RELATION TO THE AMALGAMATION PLAN

## 2 CONCERN: OPEN SPACE PLANNING

Having reviewed the various plans and technical reports accompanying the suite of documents on exhibition, we raise concern and object to the quantity of green open space indicated on the Precinct Plan, along with the lack of a detailed strategy to acquire, embellish and compensate landowners for this ambitious open space regime. The Figure below provides an extract of the Open Space Network Map from the Draft Precinct Plan showing the site in relation to the overall network:

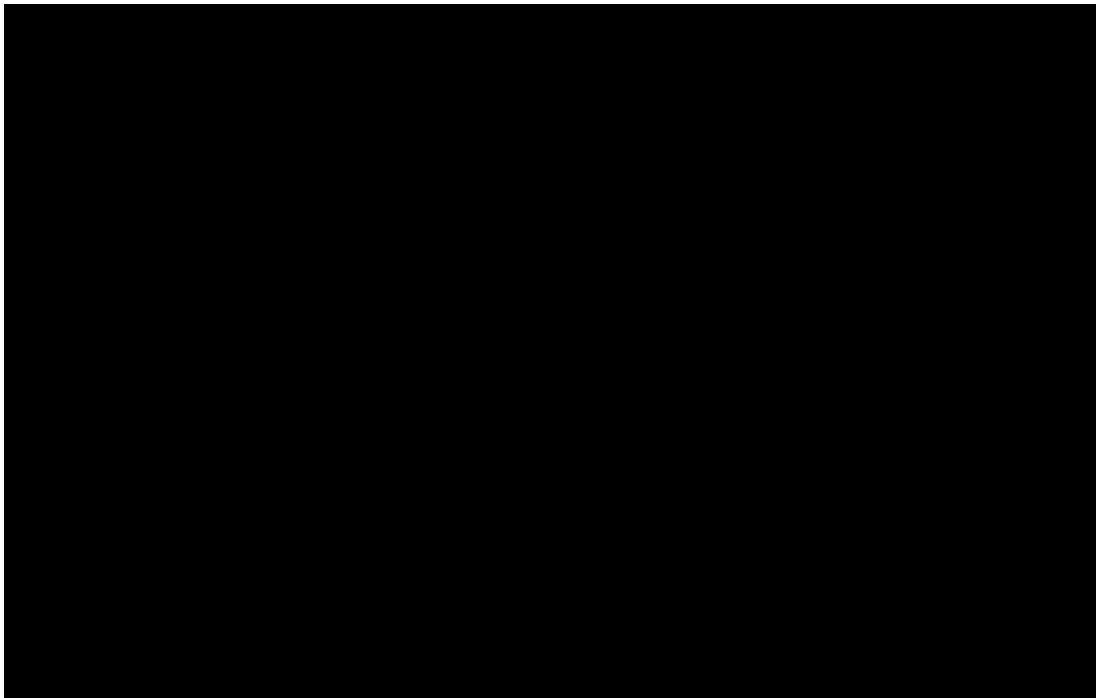


FIGURE 5: THE SITE IN RELATION TO THE OPEN SPACE NETWORK MAP

The requirements relative to the above map are provided on page 82 of the Draft Precinct Plan. The following are of relevance to this site and the broader Mersey Road strip of properties in general:

- ▶ BG5 requires development to *“Integrate urban parks and pocket parks into the built form and locate them within local and neighbourhood centres”*. The subject site and the broader Mersey Road strip of properties do not form a local or neighbourhood centre and the location of the urban park shown on the Open Space Network Map does not appear to be warranted given the lack of a direct correlation with a connected local or neighbourhood centre.
- ▶ BG9 requires development to *“Increase setbacks along the northern and western facades of buildings to enable increased planting of trees with larger canopy and maximise the number of trees in car parks. Design footpaths for tree growth”*. The site has an eastern frontage to Mersey Road and the Open Space Network Map proposes open space within the eastern setback frontage of the site which goes against the intent of the BG9 requirement reproduced above.

Section 3.2.8 of the Draft Precinct Plan identifies Biodiversity and Vegetation Corridors in relation to waterways and Cumberland Plain Woodland.

## 2.1 BIODIVERSITY CORRIDOR

Figure 16 on Page 85 of the Draft Precinct Plan identifies waterways, vegetation and riparian corridors for land within the precinct, an extract of which is provided below:

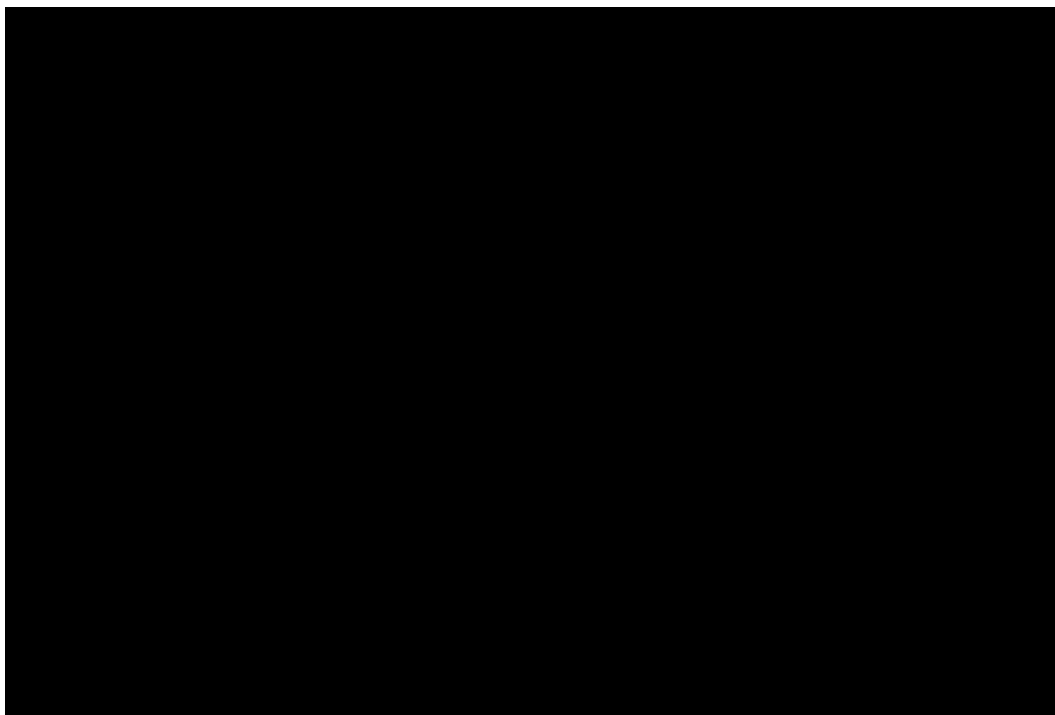


FIGURE 6: THE SITE IN RELATION TO THE WATERWAYS, VEGETATION AND RIPARIAN CORRIDORS

It is noted that the subject site is mapped on the above map in the light shade of green representing *“HEV waterways and water dependent ecosystems outside VRZ”*. Concerns and objections are raised to this classification as the land does not contain a natural connecting waterway to other land as advised by the owner. Some minor overland flows are experienced on this and adjoining properties within the Mersey Road area however this has been attributed to from lack of stormwater system infrastructure in the area as opposed to a naturally occurring waterway.

A Survey of the land was undertaken by a Registered Surveyor which has confirmed that the topography of the land does not contain any characteristics of a natural waterway, in particular depressions or signs of connectivity with a natural waterway.

## 2.2 VEGETATION CORRIDOR

Figure 17 on Page 87 of the Draft Precinct Plan identifies Validated Existing Native Vegetation for land within the precinct, an extract of which is provided below:

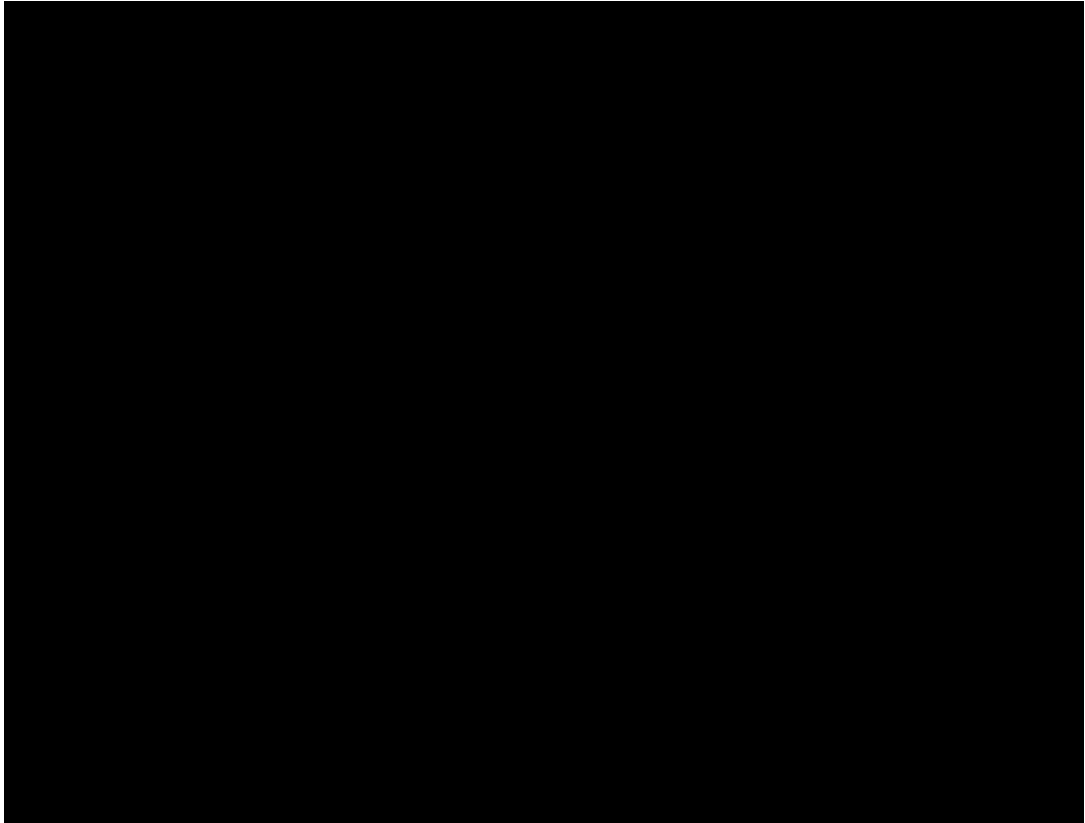


FIGURE 7: THE SITE IN RELATION TO THE VALIDATED EXISTING NATIVE VEGETATION MAP

As can be seen from the map extract above, the land is not shown to contain any Validated Existing Native Vegetation.

## 2.3 WILDLIFE/BIRD STRIKES

A review of the Western Sydney Aerotropolis Draft Wildlife Management Assessment Report by Avisure has revealed that outstanding concerns remain in relation to inconsistencies between the planning framework for the Aerotropolis and aviation safety. Of particular note, page 73 of the above reports provides the following general comment:

*Landscaping to satisfy the Western Parkland City vision contradicts the principles of airport safeguarding against wildlife hazards and has not been adequately addressed in some of the key Aerotropolis landscaping and planning documentation.*

Given that the subject site is situated on the boundary with the Airport, the site is of paramount concern with regard to the risk for bird and wildlife strikes to occur with the extent of open space and landscaping envisaged for the precinct.

Having considered the content of the report and the context, concerns and objections are raised with the extent of open space and landscaping envisaged for the Aerotropolis precinct and the risk of bird and wildlife strikes this would pose on the adjoining airport.

## 2.4 SUMMARY

Having regard to all the above, there are concerns that the open space allocation throughout the precinct has not been determined considering the characteristics of individual sites and there appears to be no merit for some of the open space required. To this extent and in relation to the subject site, the mapped open space required for the site does not appear to have any merit in relation to being located within the front setback as this does not provide for any continuity of natural corridors, etc.

Rather, it appears as though the open space network has been determined having regard to the ambition of creating a “green” precinct on a broader scale which is difficult and unlikely to achieve on the site-by-site micro scale. It is therefore requested that significant refinement of the open space requirements be made.

## 3 CONCERN: ACQUISITION & CONTRIBUTIONS

The typical approach to land use zoning and strategic planning policy creation within the NSW Planning System is to include land use zoning along with mapping of land reservations for acquisition for open space, stormwater basins/drainage infrastructure and classified roads. This mapping is then accompanied by a Contributions Plan that details how the public infrastructure will be funded and delivered. The Aerotropolis SEPP does not make any provisions for land to be reserved and/or acquired for these purposes, particularly the extensive public open space network that is required of development.

These concerns are shared by Liverpool City Council as stated in their submission, particularly regarding the following:

*“The extent of open space within the draft Precinct Plan is significant and has raised concerns regarding acquisition costs, delivery, and maintenance. Through the drafting process of the plan, the extent of open space was further reduced in response to comments by Council staff. However, the submission again recommends the extent is reduced to ensure its effective delivery.”*

The Council has placed their Western Sydney Aerotropolis Local Infrastructure Contributions Plan (LICP) on exhibition during the same time as the exhibition for the Draft Precinct Plans. Upon review of the Council’s LICP, the Draft Precinct Plans and the Draft Western Sydney Aerotropolis Special Infrastructure Contributions (SIC) Plan, there appears to be significant disconnect between the amount of land required for local and state infrastructure including open space and the amount of land accounted for within those LICP and SIC plans.

Objections are raised to the amount of open space required within the Draft Precinct Plans and the lack of information or accounting for acquisition costs, delivery, and maintenance of the local infrastructure planned for the precinct.

We have provided comments earlier in this letter along with requests that the extent of significant open space required be refined significantly. Alternatively, our client reasonably requests that any and all land within their site that is identified for open space or other infrastructure be identified and reserved for acquisition with appropriate and reasonable funding being allocated within the LICP/SIC.

## 4 CONCERN: BUILT FORM CONTROLS

### 4.1 HEIGHT

One of the challenges identified for the Aerotropolis Core is to ensure building heights and densities comply with OLS limitations. Based on our understanding, the maximum height of the site will be 24m, however other than the reference to the OLS, the documents do not provide any rationale for this height. The published documents do not provide the projected Obstacle Limitation Surface (OLS) maps and therefore it is difficult for us to establish whether the proposed height maximum of 24m is appropriate or whether the site is being disadvantaged by the prescribed height.

Under 3.4.2 Height and in Figure 31 in the Draft Aerotropolis Precinct Plan, it specifies a maximum height of 24m for the site. However, when reviewing the height map on page 266 of The Urban Design Framework Plan, it suggests a height range between 10m to 24m.

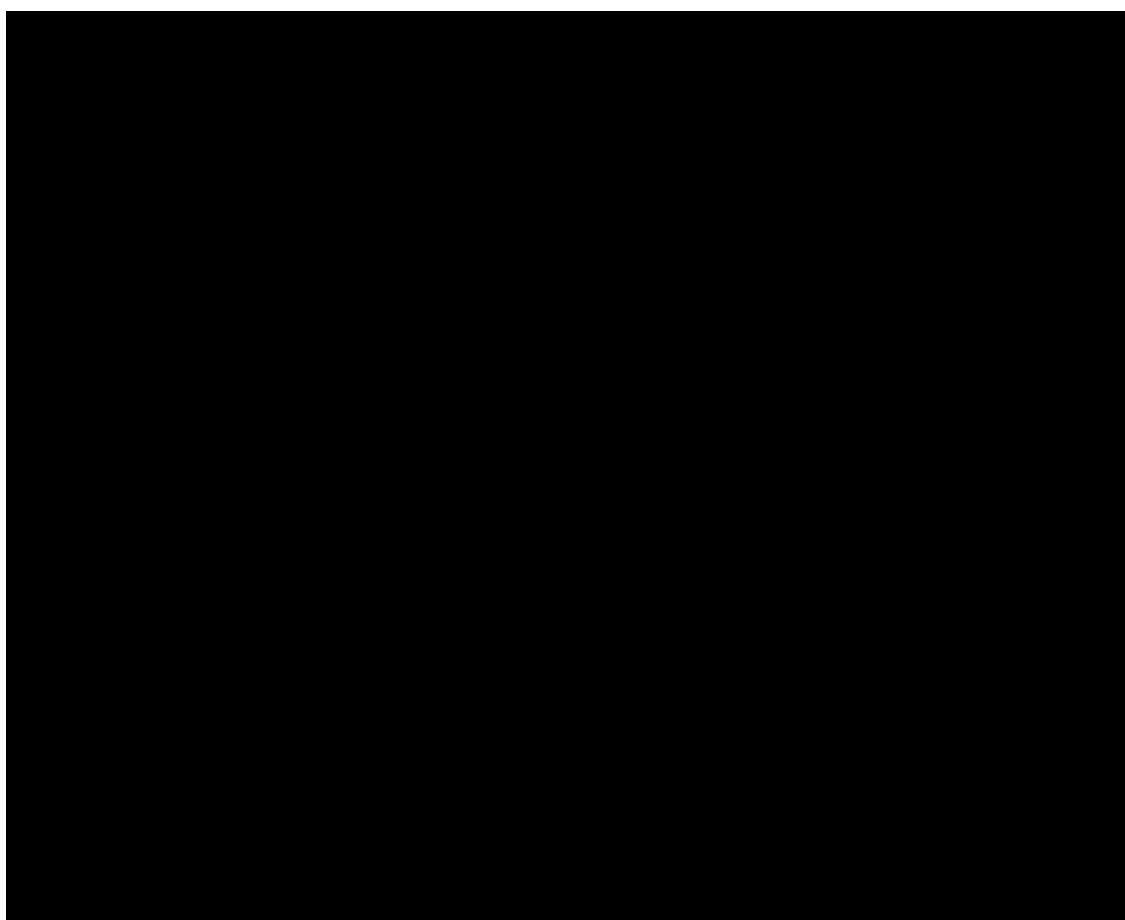


FIGURE 8: MAXIMUM HEIGHT PLAN SHOWING THE SITE (DRAFT AEROTROPOLIS PRECINCT PLAN)



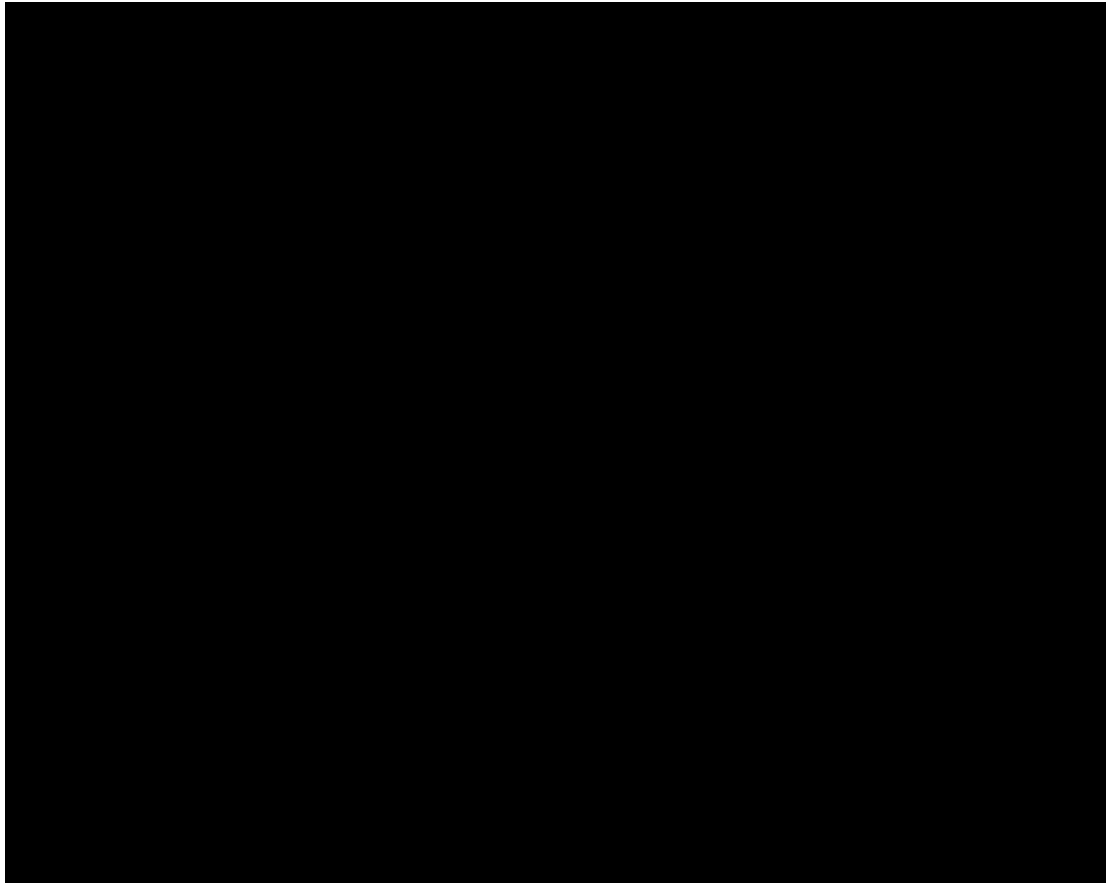


FIGURE 9: HEIGHT MAP SHOWING THE SITE (THE URBAN DESIGN FRAMEWORK PLAN)

We acknowledge the heights of buildings within the vicinity of the site will need to be flexible due to topographic conditions and the proximity to the airport, although there needs to be consistency between the two reports. For example, a 10m high industrial building is significantly lower than a 24m building, and the height of a building would dictate the types of businesses that can be operated. A lower building may only facilitate a warehouse and offices, while a taller building could accommodate a wider range of uses and multi-purpose spaces. Further urban design work is encouraged in order to establish the specific height requirements for ■ Mersey Road and the surrounding properties.

## 4.2 FSR

The Draft Precinct Plan indicates FSR requirements for mixed use centres, however it does not prescribe FSR to the site or the surrounding properties. According to the Urban Design Framework Plan, the FSR for the nominated areas was derived from the desired built form outcome, the employment and population targets established from the Western Sydney Aerotropolis Plan (WSAP). The WSAP provided a projection of between 8,000 to 10,000 jobs, but there is no commentary or evidence regarding how the proposed maximum FSRs was established for the mixed use centres. The Urban Design Framework Plan suggests different building typologies such as between 40% to 60% of open space for business and enterprise, and between 15% to 35% for light industry enterprise.

Section 3.4.5 in the Draft Precinct Plan provides guidelines for employment density according to the type of land use, however it is not clear how these will be enforced by Council. There is a requirement for a development to meet the targeted densities and that written justification would be necessary for any variation. It is not apparent what would be required to justify a variation to the employment targets and how this would be assessed by Council in the context of a Development Application (DA).

Under Section 3.4.6 of the Draft Precinct Plan, Table 5 lists detailed requirements for different uses and site coverage and permeability. However, the table includes a 'base scenario' and an 'alternative' scenario. While it is noteworthy to incorporate two different controls for various situations, there is no definition for these terms in the report. The table also provides different terminologies used compared to those specified in the Urban Design Framework Plan. For example, the table in the Draft Precinct Plan uses "Employment – business and light industrial" and "Employment - Large format industrial" and the Urban Design Framework Plan utilises the terms "Business and Enterprise" and "Light Industry Enterprise". Once again, we have identified inconsistencies between the two reports, which are intended to provide landowners with the planning framework for future development.

We acknowledge that not all commercial/industrial zoned land require an FSR, although further clarification on the building envelope controls that will be applied to the site is necessary.

### 4.3 SETBACKS

According to the Street Hierarchy and Network map in the Draft Precinct Plan, the road network surrounding the site will comprise a 'local collector' and an 'industrial street'. Figure 25 on page 108 illustrates a local collector road should be 25m wide with various suggestions for the public domain and indicative front setbacks for buildings of between 4-6m. On page 112, Figure 26 provides similar illustrations for an industrial street including the following note:

*"Building setbacks to allow for deep soil, permeability, large tree planting and WSUD. Dimensions to be confirmed subject to further studies. 6m min for sites <2,000sqm / 15m min for sites >2,000sqm"*

While it is useful for our client and other landowners to have a general understanding of the future roads surrounding their properties, there are no tangible controls provided for front setbacks. The note under Figure 26 suggesting that further studies are required to establish the front setback requirements, implies there will be additional planning documents produced in the future detailing these setbacks.

Front setbacks associated with industrial buildings also generally incorporate landscaping and these requirements need to be conveyed to property owners. The Draft Precinct Plan focuses on integrating the Aerotropolis with the existing natural environment, however the report is silent in relation to specific landscaping requirements for sites. Such ambiguous statements provide our client with further uncertainty for the future development potential of their site and potential impacts from other developments to their site.

### 4.4 PERMISSIBLE USES

The site and surrounding area are identified on page 121 of the Draft Precinct Plan as:

*"Neighbourhood hub– the District plan refers to employment activity hub or indigenous business hub. In the enterprise zone this could be a hub of business, with community facilities."*

Page 124 then sets out the role and intent of sites within this area:

*“Provide daily convenience goods and small range of services to support workers. Typical uses- Some retail floor space (not a supermarket, or significant specialised retail); multiple retail premises (not just a petrol station or one standalone store); activity or business hub; community facilities. Does not include residential uses.”*

These types of uses are presumably permitted under the proposed ENT Enterprise zone, although it would have been more consistent if the Precinct Plan specify the permitted uses, similar to what are listed in the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020. The plan therefore lacks detail to enable our clients to make an informed decision about the future uses that could be achieved on their site.

## 4.5 SETBACKS

According to the Street Hierarchy and Network map in the Draft Precinct Plan, the road network surrounding the site will comprise a ‘local collector’ and an ‘industrial street’. Figure 25 on page 108 illustrates a local collector road should be 25m wide with various suggestions for the public domain and indicative front setbacks for buildings of between 4-6m. On page 112, Figure 26 provides similar illustrations for an industrial street including the following note:

*“Building setbacks to allow for deep soil, permeability, large tree planting and WSUD. Dimensions to be confirmed subject to further studies. 6m min for sites <2,000sqm / 15m min for sites >2,000sqm”*

While it is useful for our client and other landowners to have a general understanding of the proposed roads surrounding their properties, there are no tangible controls provided for front setbacks. The note under Figure 26 suggesting that further studies are required to establish the front setback requirements, implies there will be additional planning documents produced in the future detailing these setbacks. Front setbacks associated with industrial buildings also generally incorporate landscaping and these requirements need to be conveyed to property owners. The Draft Precinct Plan focuses on integrating the Aerotropolis with the existing natural environment, however the report is silent in relation to specific landscaping requirements for sites. Such ambiguous statements provide our client with further uncertainty for the future development potential of their site and potential impacts from other developments to their site.

## 4.6 PERMISSIBLE USES

On page 121 the site and surrounding area is identified as:

*“Neighbourhood hub– the District plan refers to employment activity hub or indigenous business hub. In the enterprise zone this could be a hub of business, with community facilities.”*

Page 124 then sets out the role and intent of sites within this area:

*“Provide daily convenience goods and small range of services to support workers. Typical uses- Some retail floor space (not a supermarket, or significant specialised retail); multiple retail premises (not just a petrol station or one standalone store); activity or business hub; community facilities. Does not include residential uses.”*

These types of uses are presumably permitted under the proposed ENT Enterprise zone, although we would have liked to see the precinct plan specify the permitted uses, similar to what is regularly presented in a Local Environmental Plan (LEP). The suggested uses can be defined in the context of an LEP but the plan lacks detail to facilitate our clients to make an informed decision about the future uses that could be achieved on their site.

## 4.7 SUBDIVISION AND AMALGAMATION

Table 6 under 3.4.8 prescribes the maximum block site, however it does not incorporate a minimum lot size that should generally be considered when proposing a subdivision. 4.3.2 prescribes minimum lot sizes for sites within the Agribusiness Precinct, although within the Aerotropolis Core where our client's site is located. The site is 10 acres and therefore the provisions under 3.4.11 for sites larger than 5,000sqm would apply. There is a requirement for future subdivisions to follow the Precinct Plan comprising new roads and through-site connections. The site owner and adjoining owners have not yet had the opportunity to discuss their plans and therefore we are of the view that the proposed road network around these sites is premature. Our client will need to invest in urban design solutions to refine how future development on the site can be consistent with the Precinct Plan.

Under 3.4.12 Amalgamation it states;

*Precinct planning needs to achieve land use and development objectives in key areas and key sites. Fragmented lands can hold up development or impede the scale of mixed use or employment development. This Precinct Plan does, and the future Phase 2 DCP will, include provisions to encourage amalgamation of lands.*

We understand the complexities associated with the planning process for the Western Sydney Aerotropolis and considering our client owns a significant site adjoining the airport, the timely implementation of infrastructure to support future development on the site is essential. We therefore anticipate that the Phase 2 DCP will incorporate clear guidelines for landowners and incentives to facilitate site amalgamation.

## 4.8 24/7 TRADING

Objective O3 suggests 24/7 operations for aerospace and defence industries, however the plan does not elaborate whether such trading could be applied to other industries. Certainly, allowing a range of businesses to operate 24/7 will complement and support the international airport, however no details have been provided as to whether this will have an impact to businesses within the area such as traffic, parking and acoustic impacts. Naturally, should such trading hours be permitted, it would be expected to see this translate into planning controls such as DCPs containing both incentives and restrictions for certain businesses.

# 5 CONCLUSION

Overall, we would like to thank the Western Sydney Planning Partnership for undertaking this monumental project and we are in support of the objectives and vision of the Draft Precinct Plans. The intention of this submission is to encourage and consider how the future planning controls will apply to the site in the future without generating detrimental outcomes. This submission makes some requests to change, clarification or further investigation in relation to a range of matters, in particular, the open space allocation and associated acquisition and funding.

We welcome the opportunity to collaborate further to the planning of the Western Sydney Aerotropolis and encourage further discussions in relation to the implications of the future controls for ■ Mersey Road, Bringelly.

Should you wish to discuss the content of this letter further, please do not hesitate to contact our client Mr Jacob Farrugia (land owner) directly on ■■■■■■■■■■ or Ali Hammoud (submission author/Town Planner) on ■■■■■■■■■■ or ■■■■■■■■■■

Yours Faithfully

A handwritten signature in black ink, appearing to be 'Ali Hammoud', with a period at the end.

Ali Hammoud  
**Director | Principal Planner**