

From: noreply@feedback.planningportal.nsw.gov.au on behalf of [Planning Portal - Department of Planning and Environment](#)
To: [PPO Engagement](#)
Cc: planning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Draft Precinct Plans
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Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Robert

Last name

Bennett

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Sydney

Submission file

[2021-03-12-silky-austcorp-submission-agribusiness-draft-precinct-plan-final.pdf](#)

Submission

Submission made on behalf of Silky Property Group and Austcorp No.459 Pty Limited with regard to the Agribusiness Draft Precinct Plan and the draft SIC

I agree to the above statement

Yes

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11 March 2021

Western Sydney Planning Partnership
PO Box 257
Parramatta NSW 2124

To Whom it May Concern

Submission: Western Sydney Agribusiness Precinct Plan

This submission has been prepared on behalf of Silky Property Group (**Silky**) and Austcorp No. 459 Pty Ltd (**Austcorp**) - the latter being the registered proprietor of 2594-2776 The Northern Road, Luddenham, Western Sydney (**the site**). The site is legally described as Lot 1 DP 1240402 and measures approximately 314 hectares (**Ha**) in area.

Background

The site is strategically well located, sitting immediately east of The Northern Road and between the new Western Sydney International "Nancy-Bird Walton" Airport (**Western Sydney Airport**), (3 km to the south) and the Sydney Science Park (200m to the north east). Refer **Figures 1 and 2**.

State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (**the Aerotropolis SEPP**) applies to the all of the site. On gazettal in September 2020, the Aerotropolis SEPP rezoned 31.11 Ha of the site within "The Agribusiness Precinct" (**Agribusiness Precinct**) – an "Initial Precinct Area" (**Initial Precinct**).

The land recently rezoned under the Aerotropolis SEPP comprises:

- » 30.87 Ha of land zoned "ENT Enterprise" (equal to 99.2% of recently rezoned land); and
- » 0.25 Ha of land zoned "ENV Environment and Recreation", associated with an existing minor watercourse (equal to 0.8% of recently rezoned land);

The remainder of the site (measuring circa 285 Ha) sits within the "**North Luddenham Precinct**". Refer **Figure 4**.

Over the past five or more years, Silky / Austcorp have made a number of submissions and attended many meetings on the proposed Western Sydney Aerotropolis and the preparation of the now-finalised *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (**Aerotropolis SEPP**) in which it noted general support for the NSW Government's broad objectives for the new growth area and the proposed zoning and planning framework.



Draft Precinct plan – Overview

The Western Sydney Planning Partnership (WSPP) and the NSW Department of Planning, Industry and Environment (DPIE) are to be congratulated in terms of the volume of information placed on public exhibition and the short time frame in which the relevant studies have been prepared and coordinated.

However, it would appear that very specific site controls have been derived from broad scale assessments undertaken (by necessity) across many hundreds of hectares. The conclusions drawn from the numerous studies may be considered appropriate as a “framework” or “concept plan” permitting further detailed “ground-truthing” at the individual site level; but their use as proscriptive controls (that cannot be varied without significant additional process and expense) is premature and counter-productive to the objectives of the Aerotropolis Growth Area in general and the proscribed zoning in particular.

Significant concern is raised in relation to the proposed controls in the Draft Precinct Plan, which apply a largely inflexible set of planning controls to the site, that do not have regard to the actual ‘on-the-ground’ constraints and opportunities present.

In particular, concern is raised in relation to identification of a portion of the site as accommodating areas of open space and parkland that results in limitations of the development potential of the lands zoned for that specific purpose and a lack of site-specific analysis to support the proposed use of those portions of land for open space purposes.

It is essential that the detailed land use and development controls for the Aerotropolis Growth Area are evidence-based at the appropriate scale and reflect the intent for the area to ensure that the significant Government investment in this area produces the envisaged economic outcomes, employment growth, and delivers strategic objectives that are supported by Silky / Austcorp.

Significant changes and re-consideration of the Draft Precinct Plan is recommended prior to finalisation of the Plans. These include incorporation of a process that permits more detailed site-level studies to reach evidence-based solutions and promote an alternative pattern of development on the ground.

Furthermore, the mapping and intent of the controls in the Draft Precinct Plan is sometimes unclear, and the basis for applying a low 20 metre height limit to an ENT Enterprise zone has not been properly articulated or justified

Site and Surrounds

The site is a working farm, primarily used to graze cattle. It comprises two collections of buildings and structures, including a main homestead and agricultural outbuildings in a central portion of the site.

The landform comprises gently sloping arable farmland, a number of significant farm dams, and occasional small patches and lines of trees (generally confined to lands immediately adjoining the site’s water courses). There is limited significant vegetation on site and the lands are generally not flood liable.

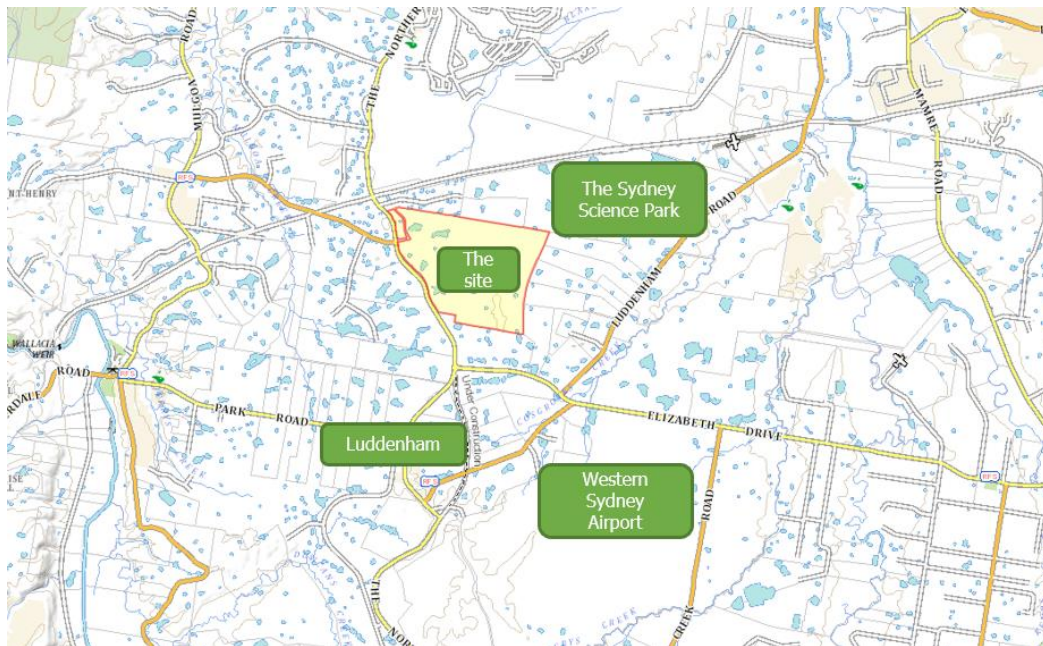


Figure 1: The Site



Source: Six maps

Figure 2: Site Context



Source: Six Maps

Proposed M12 Motorway - Land Acquisition

A portion of land towards the site's southern boundary has been identified for acquisition by TfNSW for the construction of the proposed M12 Motorway (**acquisition lands**). Refer **Figure 3**. The acquisition lands (cross hatched in red) measure approximately 13.56 Ha in area.



Figure 3: The Site and M12 Motorway Corridor



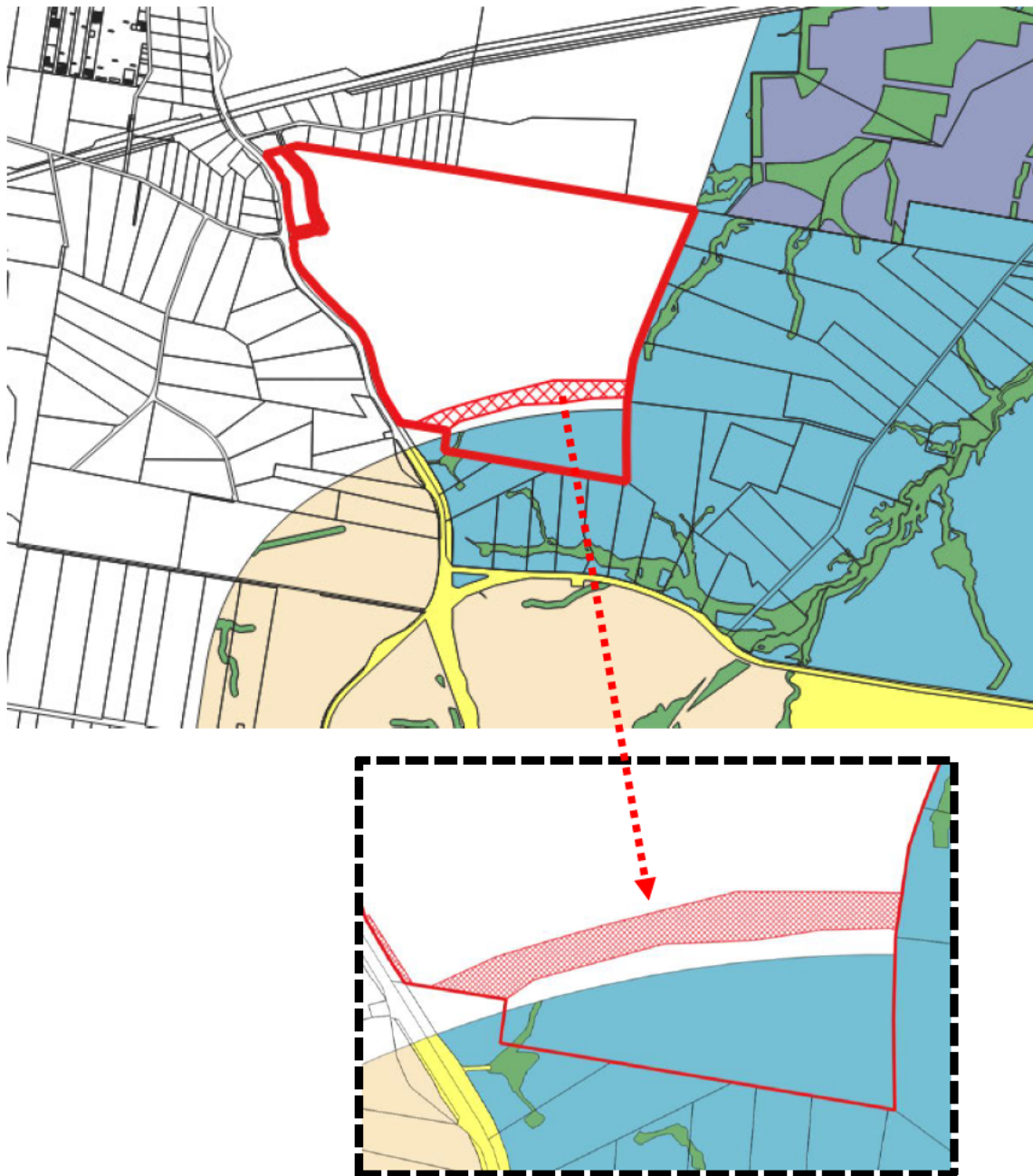
Source: Near Map

The proposed acquisition of land for the M12 Motorway will create a “severed” land parcel measuring approximately 38.3 Ha in area, with primarily two very different land use zones:

- » A 50m-60m strip of RU2 Rural Landscape zoned land, measuring approximately 7.26 Ha, immediately south of the acquisition lands; and
- » A 31 Ha parcel of land primarily zoned ENT Enterprise immediately south of the RU2 Rural Landscape lands. Refer **Figure 4**.



Figure 4: The Site, Aerotropolis SEPP Zoning and M12 Motorway



Source: Aerotropolis SEPP

These land use zones areas have very different operational and management requirements, especially regarding access and egress: the RU2 and the ENT zoned lands will require separate vehicular access to The Northern Road, of appropriate category, width and typology, pursuant to the underlying zoning. To date, no suitable access arrangements have been put forward by or agreed with TfNSW.



In addition, the RU2 zoned lands will require additional appropriate access for stock (primarily cattle) to permit continued operation for farming purposes. A cattle underpass has been proposed, but a number of detailed requirements remain unresolved.

Whilst it is acknowledged the above issues are being discussed and negotiated with NSW Government (TfNSW) under a parallel process, the Draft Precinct Plan for the Agribusiness Precinct– as currently drafted – significantly limits the ability to provide appropriate access / egress arrangements to the severed lands created by the implementation of the M12 Motorway.

Aerotropolis Precinct Plans

The Aerotropolis Precinct Plans will further contribute to the statutory framework of the Aerotropolis Growth Area. Any masterplan that seeks approval in the Aerotropolis Growth Area will likely be required to comply with the relevant Precinct Plan and the Western Sydney Development Control Plan ("**the DCP**"). The Precinct Plans focus on coordinating land use, infrastructure and transport to provide a holistic planning approach.

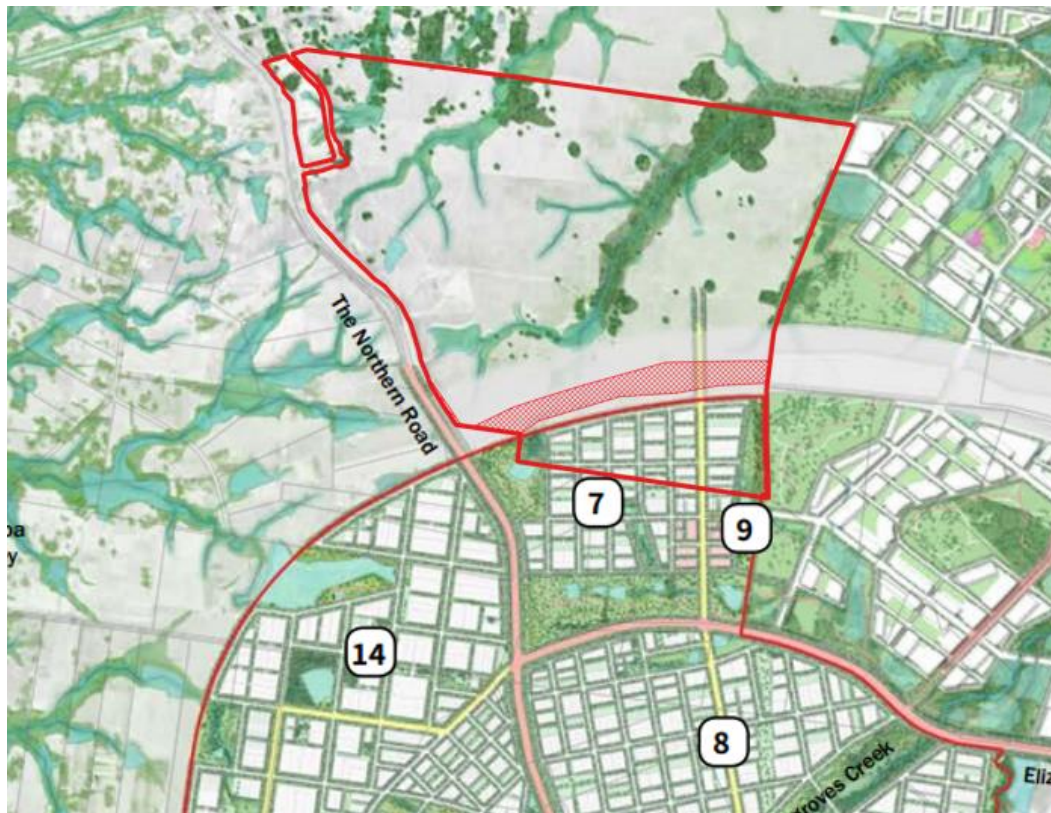
The Agribusiness Precinct

The southern portion of the site rezoned under the Aerotropolis SEPP sits within the Agribusiness Precinct Plan. The Agribusiness Precinct Plan identifies the precinct's objectives and vision as "coordinated enterprise development with associated parkland and strong connectivity to the rest of the Agribusiness Precinct, the Northern Gateway and North Luddenham across the M12".

The Agribusiness Precinct Plan does not apply to the remainder of the site (which sits in the North Luddenham Precinct) but does suggest a particular intent with the identification of infrastructure connections northwards (across the M12 Motorway) to support future development. Refer **Figure 5**.



Figure 5: Draft Precinct Plan - extract



Source: Agribusiness Draft Precinct Plan

Statutory Context

The Aerotropolis SEPP provides zoning controls for the Aerotropolis Growth Area Initial Precincts (**Initial Precincts**). It is understood that the Draft Precinct Plans are intended to provide the statutory development control framework for land within the Initial Precincts, with more detailed guidance to be provided in development controls plans (**DCPs**).

However, the Draft Aerotropolis Precinct Plans currently on exhibition are structured very differently to typical Precinct Plans - like those included as appendices in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

Precinct Plans under the Growth Centres SEPP are structured similar to Standard LEP Instruments; they incorporate principal development standards such as height, density, allotment size, as well as a clause which allows for variation to the Precinct Plan development standards subject to satisfaction of relevant objectives and principles.

In contrast, the Draft Aerotropolis Precinct Plans do not provide specific development standards, other than height controls, and limited floor space ratios (FSRs) for centre locations. Rather, they are structured more like masterplans or DCPs, relying on diagrams and performance criteria to guide development within the Precincts.

The ambiguity of the Aerotropolis Precinct Plans is even more problematic as they are given statutory weight under Clause 41 of the Aerotropolis SEPP. This states that the consent



authority must not grant consent to development on land to which a Precinct Plan applies unless it is satisfied that the development is consistent with a Precinct Plan.

Furthermore, Clause 6(2) of the Aerotropolis SEPP excludes the application of LEPs to land covered by the SEPP. This means that the provisions of Clause 4.6 under the Standard LEP Instrument - which allows reasonable variations to development standards subject to satisfaction of a number of principles and objectives – does not apply to land covered by the Aerotropolis SEPP.

The SEPP itself does not include a provision which allows for a reasonable variation of development standards having regard to the particular circumstances of a site or development. The SEPP states that if a proposed development is not consistent with the Precinct Plan, an amendment to the Precinct Plan may be required via the planning proposal process.

This is problematic from both a statutory planning perspective and a development-delivery perspective. The provisions relating to planning proposals under the *Environmental Planning and Assessment Act 1979* (the Act) do not extend to 'Precinct Plans' and are separate from the provisions relating to SEPPs. It is unclear how amendments to the Precinct Plans will be managed as planning proposals which relate to LEP amendments only.

The SEPP Amendment process that would appear necessary in this instance can be very lengthy and unnecessary where reasonable departures from relevant development standards may otherwise be justified. This contradicts the intention of allowing reasonable flexibility within the planning system and the objective of wanting "evidence-based" outcomes.

We recommend the Precinct Plan be amended to incorporate flexibility in the application of development controls like other similar environmental planning instruments.

If this requires a consequential amendment to the Aerotropolis SEPP, then we recommend that this also be undertaken as a matter of urgency, so that "process" does not hinder the efficient and effective delivery of development.

Broad Scale Analysis and Mapping

The uncertainty created by the format of the Draft Aerotropolis Precinct Plans is exacerbated by the limited site-level detailed information provided for land covered by the Draft Precinct Plans for the Initial Precincts.

This results in broad planning controls being applied across large areas without sufficient consideration being given to the specific attributes of the individual parcels of land to which the controls apply.

For example, the Aerotropolis SEPP rezoned 31.11 Ha of the site as part of the Agribusiness Precinct (**the Agribusiness Zoned Lands**), comprising:

- » 30.87 Ha of land zoned ENT Enterprise (equal to 99.2% of recently rezoned land); and
- » 0.25 Ha of land zoned ENV Environment and Recreation, associated with an existing minor watercourse (equal to 0.8% of recently rezoned land).

Refer **Figure 4**

However, the draft Agribusiness Precinct Plan 'Open Space Framework' plan identifies a portion of the Agribusiness Zoned Lands (on the western edge of the lands) as a 'Nature Park' and a



further portion of the Agribusiness Zoned Lands (on the eastern edge of the lands) as a 'Linear Parklands Park'. Refer **Figure 7**).

Figure 7: Draft Precinct Plan 'Open Space Framework' - extract



Source: Agribusiness Draft Precinct Plan

This limits the development potential of approximately 6.33 Ha (20.3%) of the lands zoned ENT Enterprise. The confusion created by the inconsistency between the Aerotropolis SEPP zoning map and the Draft Precinct Plan maps is exacerbated by the lack of detailed justification for the extent of lands zoned ENT Enterprise which are then identified for nature parks or open space



use. In addition, no acquisition authority or purchase mechanism is identified for these lands leading to significant questions over creation, delivery, dedication and ownership.

It is assumed that the land identified as 'Nature Park' is a response to ENZ Environment and Recreation land zone. However, the ENZ zoned lands comprise 0.25 Ha of land, centred around a First Order (Strahler) Stream and associated riparian corridor. This compares with approximately 2.5Ha of Nature Park. The justification for this significant expansion is unclear.

It is also assumed that the land identified as 'Linear Park' is a response to the existing overhead power lines that run along the eastern boundary of the site. However, the easement required for the overhead powerlines is significantly narrower than the area identified as Linear Park. The justification for this expansion is unclear.

According to the exhibition document, the Agribusiness Precinct Plan fulfils the requirements of Part 7 Division 1 Clause 40 the Aerotropolis SEPP with the Urban Design and Landscape Report forming **the basis** of the Precinct Plan.

If the Draft Precinct Plans are intended to provide statutory land use controls for development within the Aerotropolis, they should be required to meet the rigorous standards and technical requirements for spatial datasets and maps established by DPIE in 2015 to coincide with the commencement of the NSW Planning Portal and database.

Furthermore, the implications of the different designations between 'Open Space' areas (such as Nature Parks and Linear parks) and 'Enterprise' areas shown in Draft Precinct Plan is unclear. It is expected that the zoning map in the SEPP which applies and ENT Enterprise zoning across the vast majority of the site would override the Precinct Plan 'Open Space' designations – however this appears to be contradicted by clause 41 of the Aerotropolis SEPP.

This is even more problematic as the basis for determining what would appear to be a relatively arbitrary delineation between developable land and open space is not clearly articulated and is based on broad precinct-level studies rather than detailed, site specific studies with appropriate 'ground truthing'.

Given the significant implications the Draft Precinct Plan mapping and controls will have on the future delivery of development of the Aerotropolis Growth Area, a different approach is required that builds on the foundation created in the draft Precinct Plan documents but then permits an evolution of thinking as the site-specific detail emerges.

We recommend the Precinct Plan be amended to provide a more flexible approach to identification of appropriate areas of open space (and development) subject to further detailed studies and ground-truthing.

Structure Plan, Open Space Framework, and Development Controls

The Draft Layout and Structure Plan for the Agribusiness Precinct identifies the site as '*7: A coordinated enterprise development, north of Elizabeth Drive with associated parkland and strong connectivity to the rest of the Agribusiness Precinct, the Northern Gateway and North Luddenham across the M12*'. Refer **Figure 5** above.

Whilst no general objection is raised to the description of the site under the Structure Plan, the planning controls for the site do not fully reflect the intent for the site as articulated in the Structure Plan. Notably, existing vegetation is to be retained where it aligns with flood and



biodiversity objectives. The site is not significantly affected by any flood mapping (Refer **Figure 8**) or biodiversity in the SEPP.

Figure 8: Aerotropolis SEPP flooding map



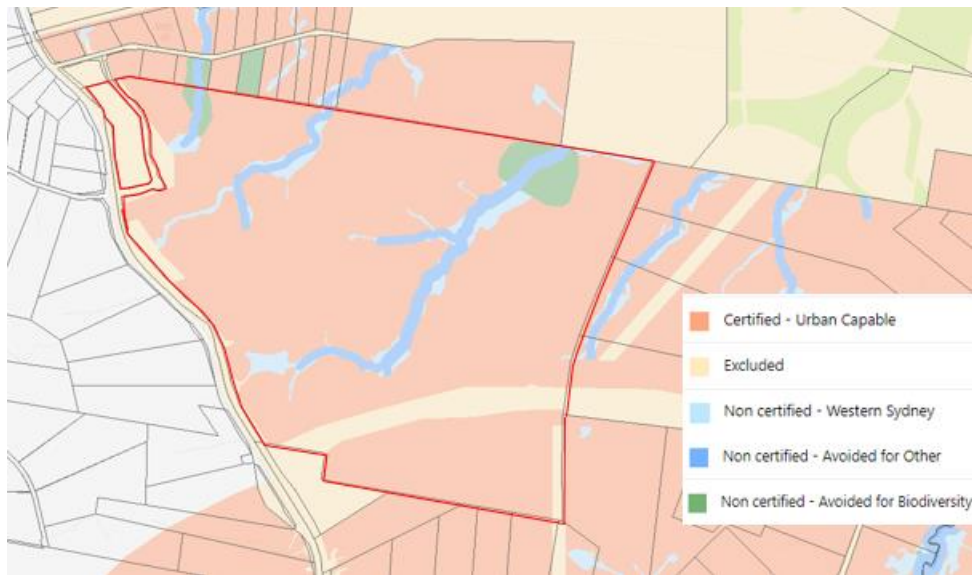
Source: Aerotropolis SEPP

Significant ecological and environmental assessments underpin the draft Cumberland Plain Conservation Plan (the **draft CPCP**) currently being finalised by NSW Government. Work commissioned by NSW Government included assessment of the site for the existence of significant vegetation, specifically any Cumberland Plain ecological communities.

These assessments have confirmed that the majority of the site is devoid of Cumberland plain and considered to be "Urban Capable" land. Refer **Figure 9**.



Figure 9: Draft Cumberland Plain Conservation Plan



Source: Draft Cumberland Plain Conservation Plan

We note that all of the land identified as 'Nature Park' in the Draft Precinct Plan is identified as Urban Capable Land. Whilst a 20 metre-wide (2 x 10m) riparian corridor would typically be required to be provided in association with the First Order [Strahler] Stream in accordance with the *Water Management Act 2000* (Water Management Act), the Draft Precinct Plan Open Space Framework map identifies the same land and significant surrounding environs as a 'Nature Park'.

This effectively sterilises the development potential over this part of the site – far beyond that which would ordinarily be required under the Water Management Act. The basis for this is not clearly articulated or justified.

The suggestion in the Urban Design and Landscape Report that the 'Nature Park' help create a connected parkland network to the north (plus be part of a scenic 'Creek riparian corridor with associated vegetation framing long views') is significantly impacted by the approach of TfNSW and the detailed design of the M12 Motorway which will encase the First Order Stream in a culvert / pipe.

We also note that the majority of the land identified as 'Linear Park' in the Draft Precinct Plan is identified as Urban Capable Land with the remaining element (under the existing powerlines) excluded from the assessment.

We recommend the Precinct Plan be amended to:

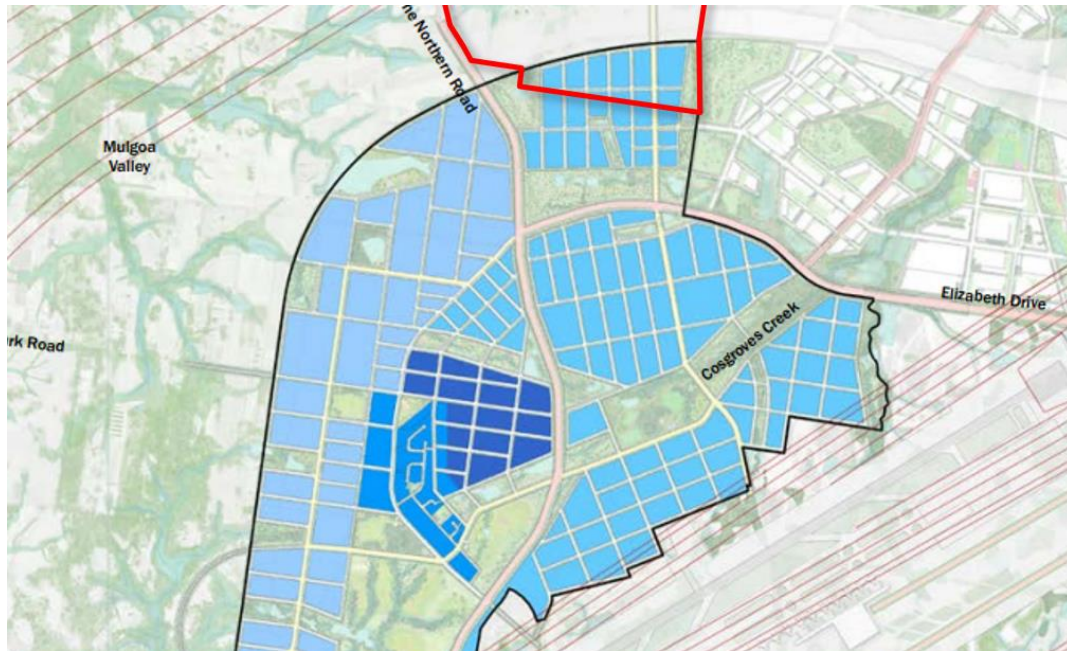
- » Provide a more flexible approach to identification of appropriate areas of open space (and development) subject to further detailed studies and ground-truthing; and
- » Amend references to the 'Open Space' overlay so that it is clear it provides strategic guidance rather than a required outcome on the ground – and is subject to further detailed studies.



Height Limit

A height limit of 20 metres is applied to those parts of the site that are defined (in this report) as the Agribusiness Zoned Lands. Refer **Figure 10**.

Figure 10: Draft Precinct Plan Height & Built Form Framework - extract



Source: Agribusiness Draft Precinct Plan

The Obstacle Limitation Surface (OLS) in the Aerotropolis SEPP defines the upper building height limits for land affected by the airport operation. The height limits are defined in RL AHD (Reduced Level Australian Height Datum) from mean sea level. The majority of the site (and all of the Agribusiness Zoned Lands) are identified as falling within the band 'Inner Horizontal Surface RL 125.5m AHD'.

The site comprises land of between 75m AHD and 100m AHD. As a result, application of RL 125.5m AHD would likely restrict buildings to theoretical maximums of c50m at the lower points of the site and c25m at the higher points of the site.

However, the Draft Precinct Plan designation limits all buildings to a maximum of 20m - less than half the maximum height that would be allowed under the OLS height control for a significant proportion of the site.

The basis for applying such a low height control to a site zoned for what is ostensibly industrial and commercial purposes is not clearly explained and is inconsistent with many of the objectives for the ENT Enterprise zone including the following:

- » To encourage employment and businesses related to professional services, high technology, aviation, logistics, food production and processing, health, education and creative industries.
- » To provide a range of employment uses (including aerospace and defense industries) that are compatible with future technology and work arrangements.



- » To provide facilities and services to meet the needs of businesses and workers.

Many industrial activities, warehouses, logistic centres, office complexes, employment and high technology uses require building heights well in excess of the proposed 20 metre maximum building height. This is increasingly the case where automated processes are able to be sited in buildings where height is not the defining limit.

Providing a greater height limit for the site will incorporate flexibility into the planning system to accommodate future technologies and employment-generating development which may not be envisaged at present. Given that the planning for the new airport will be so significant in Sydney's growth over the next few decades and its ability to respond to rapidly-changing technologies, it is essential that the planning system provide as much flexibility as possible. This is particularly the case for the height controls which would not result in any discernible impacts within such a wide extent of ENT Enterprise zoned land, but would support tangible benefits, if increased.

Increasing the maximum height to between 25-50 metres (and always below the absolute limits set by the OLS) would have no discernible environmental or amenity impacts whilst allowing flexibility to deliver employment-generating uses consistent with the zone objectives.

We recommend a new height limit of between 25-50m be applied to the site in line with the OLS limitations.

Employment Densities

The Draft Precinct Plan also includes targeted employment densities per precinct which may be difficult to manage and track. The Draft Precinct Plan includes guidelines for jobs per hectare based on different types of uses including the following relevant land uses:

For all Precincts:

- » City Centre: 130 – 140 jobs/ hectare
- » Urban Services: 25 – 35 jobs/ hectare
- » Office Park: 130 – 250 jobs/ hectare
- » Campus Style Business Park: 75 – 130 jobs/ hectare
- » General Industrial: 25 – 30 jobs/ hectare
- » Large Logistics: 18 – 25 jobs/ hectare
- » Education/ Community: 30 – 50 jobs/ hectare

For the Agribusiness Precinct:

- » For Agribusiness zone, the employment density for Large Logistics: 10 – 30 jobs/ hectare

Like other provisions in the Draft Precinct Plan, it is unclear whether these 'guidelines' are intended to be statutory controls with which all development will be required to comply, or merely advice on current levels of job density.

Furthermore, it is unclear how potential jobs will be calculated when lodging development applications, and if the Precinct Plans intend to include any flexibility to respond to changes in technology and resulting impacts on jobs for different types of land uses.



We recommend the Precinct Plan be amended to make it clear the employment guidelines are provided as advice only.

Street Typologies

The Aerotropolis Growth Area will require a significant number of new and upgraded road infrastructure to service the volume of new development expected and level of employment to be generated.

The Aerotropolis SEPP identifies a series of State and Regional Roads that the NSW Government expects will need to be upgraded. Refer **Figure 11**.

Figure 11: Aerotropolis SEPP Primary Arterial and Arterial Roads - extract



Source: Aerotropolis SEPP

The SEPP proposes road reservation widths of 60m for Primary Arterial Roads and 40m for Arterial Roads and will apply a Special Infrastructure Contribution (**SIC**) to contribute towards their delivery costs. The proposed SIC is addressed later in this report.

Surrounding road upgrades that will increase the general accessibility of the site within the broader region include:

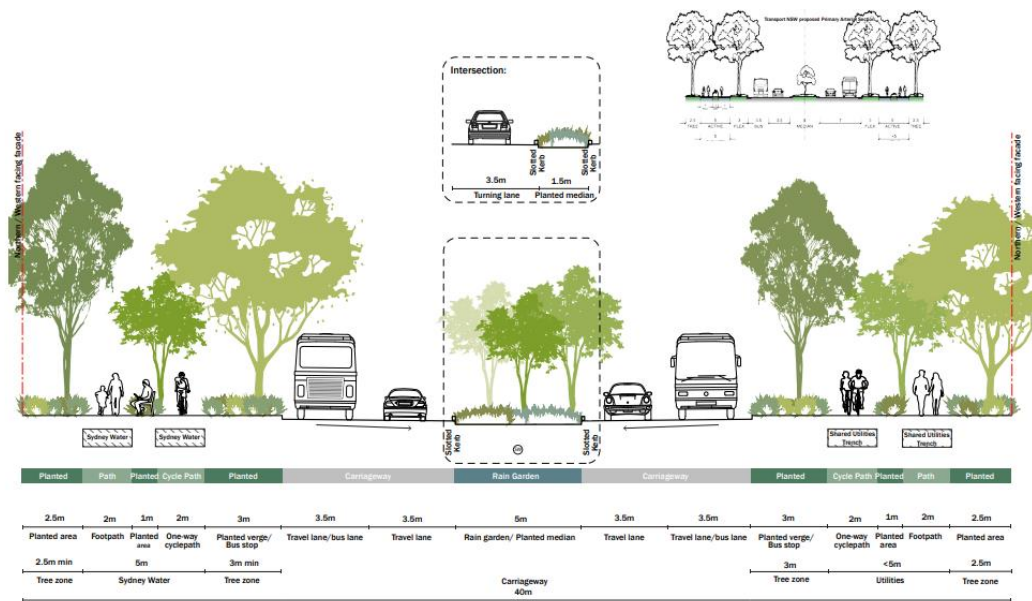
- » The Northern Road (staged upgrade to Primary Arterial already underway)
- » Within the site / North Luddenham Precinct – a new Arterial Road (to be upgraded to “Arterial (40m)”)
- » Elizabeth Drive (to be upgraded to “60m”)



Source: Agribusiness Draft Precinct Plan

- » **TfNSW Sub-Arterial Roads** (40m road reservations) – relevantly the proposed north-south road linking Elizabeth Drive to the 'Agribusiness Zoned Lands' and then northwards (over / under the M12 acquisition lands) to North Luddenham Precinct (and the remainder of the site). Refer **Figures 12 and 14**.

Figure 14: Draft Precinct Plan: Street Typologies – Sub Arterial Road

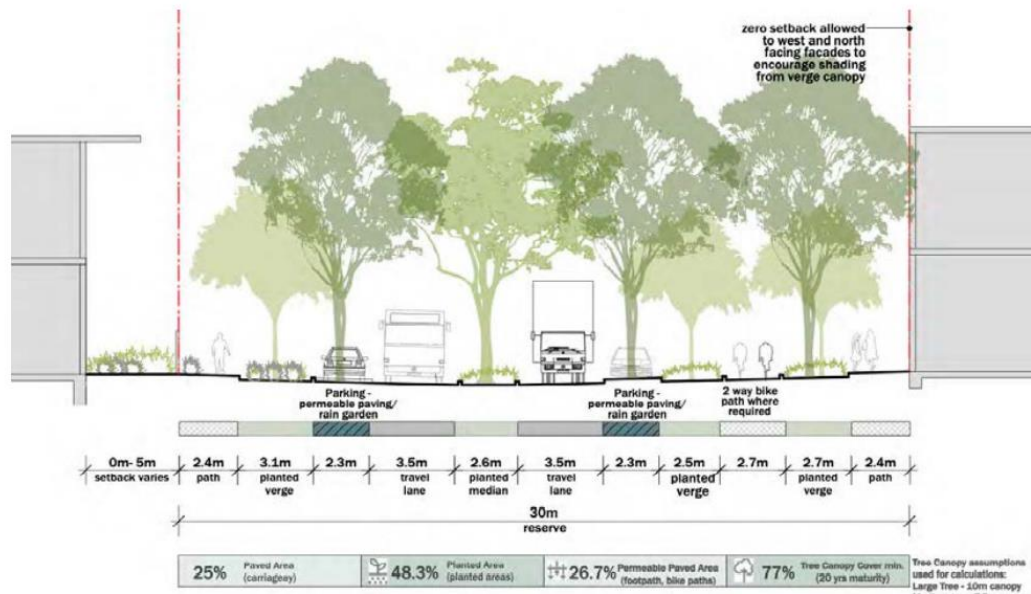


Source: Agribusiness Draft Precinct Plan

- » **Local Collector Roads** (20-30m road reservations) – within the Agribusiness Zoned Lands' (and on the boundary between the ENT Enterprise and RU2 zoned lands south of the M12 acquisition lands). Refer **Figures 12, 15 and 16**.

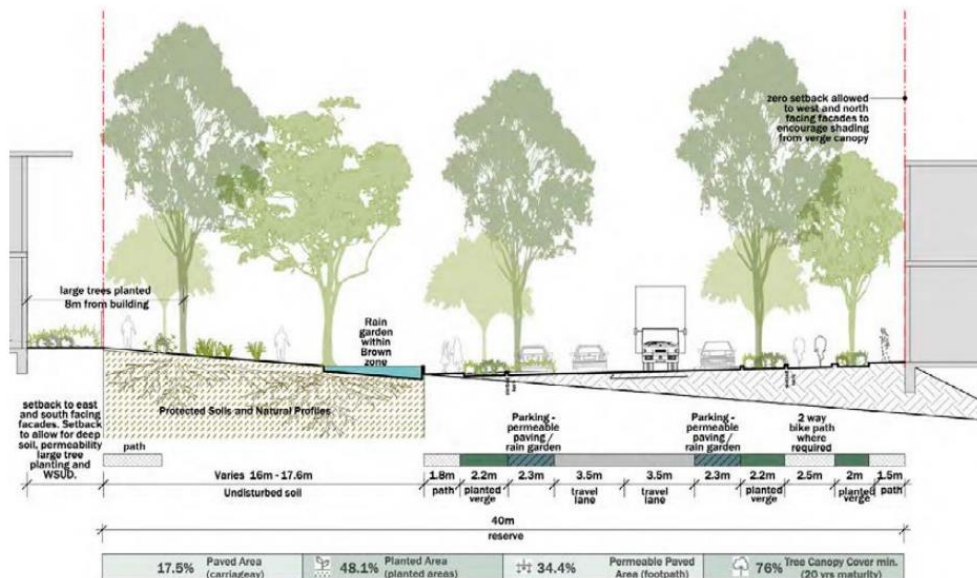


Figure 15: Draft Precinct Plan: Street Typologies – Local Collector Road



Source: Agribusiness Draft Precinct Plan

Figure 16: Draft Precinct Plan: Street Typologies – Local Collector Road



Source: Agribusiness Draft Precinct Plan



The proposed road reservations widths in the Draft Precinct Plan are often significantly wider than more “standard” road reservations required to service industrial land. This appears to be to permit the roads to:

- » accommodate the objective that streets be a primary location for additional vegetation and tree canopy cover; and
- » incorporate Water Sensitive Urban Design (eg permeable paving, rain gardens etc); and
- » incorporate separate cycling and walking paths.

By way of example:

- » the proposed 60m Arterial Roads includes only 14m (23%) of road carriageway / travel lanes with an allowance for an additional 7m of carriageway (total 35%)
- » the proposed 40m Sub Arterial Roads includes only 14m (35%) of road carriageway / travel lanes.
- » the proposed 30m Local Collector Roads includes only 7m (23%) of road carriageway / travel lanes.
- » the proposed 25m Primary / Secondary Industrial Road includes 5.6m to 7m (22% - 28%) of road carriageway / travel lanes.
- » the proposed 19m Park Edge Street includes 5.6m – 6.6m (29% - 35%) of road carriageway / travel lanes.

The wider street typologies are not necessarily opposed, in principle. However, when the wider streets are added to the extensive areas of open space (as identified in the Open Space Framework) and the “parkland setting” of buildings, there is a significant level of concern that the resulting form of development will comprise a form of “industrial sprawl”, where small groups of buildings need to be serviced by significant lengths of infrastructure.

An alternative approach might be to retain the street typologies for nominated primary streets (rather than all primary streets), and require buildings themselves to provide part of the solution to the parkland setting and increased tree / vegetation cover (eg through landscaped rooves)

Further concern is raised with the level of proscription in the Draft Precinct Plan, which states that “*All identified roads on this plan are primary and are in a location integral to the urban framework and to the connectivity of the Urban Design Framework Plan*”. This suggests there is very little room for moving any of the roads coloured in **Figure 19**.

This situation is reinforced in the Draft Precinct plan where secondary roads and streets (uncoloured in **Figure 19**) are identified in the draft Precinct Plan as being “*at a more local scale that should be designed to meet the principles of the Planning Report and connect into the Primary Roads and Streets. Confirmation of location, type and connectivity is to be provided at the application stage.*”



Figure 19: Draft Precinct Plan: Public Transport - extract



Source: Agribusiness Draft Precinct Plan

The proposed level of proscriptive detail in the Draft Precinct Plan for Street Typologies and their location pays little attention to the actual attributes, topography or circumstances of the land.

By way of example, within the site, the northern boundary of the Agribusiness Precinct is formed by the southern boundary of the Transport Corridor for the potential Outer Sydney Orbital rather than the M12 Motorway. Refer **Figures 11 and 19** As a result, there is a 50m-60m wide strip of land sitting between the Agribusiness Precinct northern boundary and the M12 Motorway southern boundary.

Silky / Austcorp wish to continue discussions with NSW Government about the long -term potential of this land and its possible use for delivery of the Outer Sydney Orbital or possible additional development. Should this land become available for development, its potential use could be significantly limited if the network identified in the Draft Precinct Plan is imposed unilaterally and unable to be amended without a formal revision of the Precinct Plan.

Further, imposition of a very specific road network (and equally specific road typologies) as a result of high-level assessment and without regard to the specific end user runs counter to efficient and effective delivery of development.

We recommend the Precinct Plan be amended to:

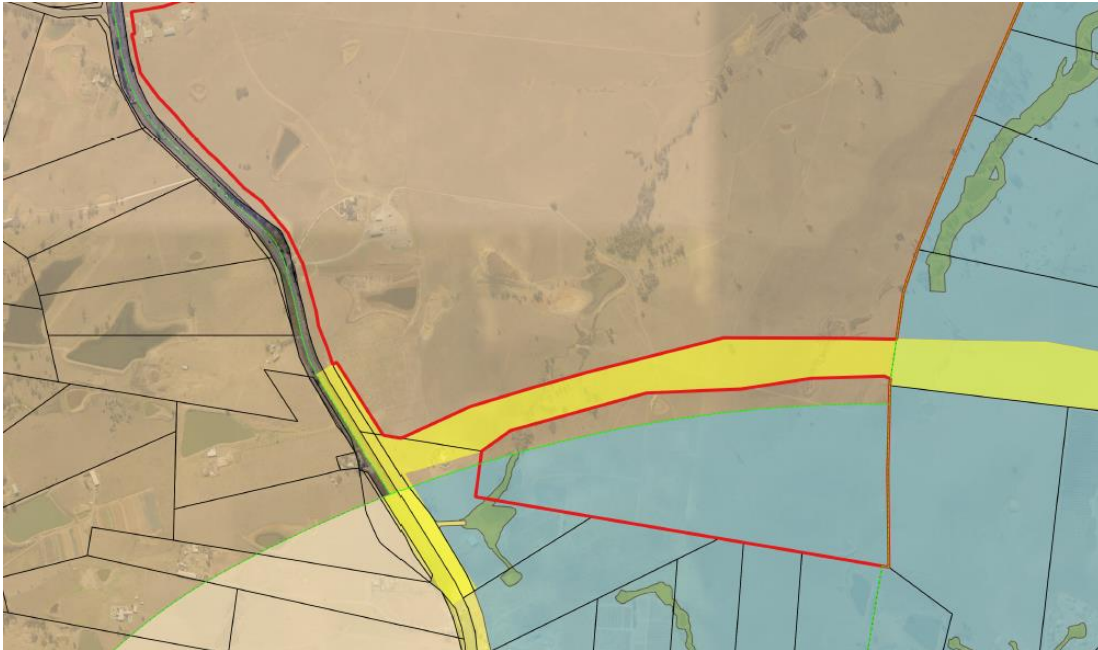
- » Provide a more flexible approach to identification of the street network and specific street typology to better reflect the attributes and topography of the land and support specific development needs on the ground
- » Amend references to the 'Street Typologies' overlay so that it is clear it provides strategic guidance rather than a required outcome on the ground – and is subject to further detailed studies.



The Draft Precinct Plan Response Severed Land.

The proposed acquisition of land for the M12 Motorway will create a “severed” parcel of land and split the existing site into two separate parcels. Refer **Figure 20**.

Figure 20: Severed land



Source: Elton Consulting

The area of severed land created by the M12 Motorway requires special treatment in the Draft Precinct Plan. The RU2 and the ENT zoned lands will require separate vehicular access to The Northern Road, of appropriate category, width and typology, pursuant to their underlying zoning.

To date, no suitable access arrangements have been put forward by or agreed with TfNSW. Without the provision of suitable access, the lands are incapable of being developed in line with their gazetted land use zone.

There is no doubting the importance of the M12 as it will form one of catalysts for development of the Aerotropolis Growth Area. However, its alignment constitutes a burden on the site and creates specific operational and land management issues that need to be addressed and resolved.

It is reasonable to expect the issues generated by the creation of the severed lot (only formed as a result of the M12) to be addressed as part of the land acquisition process for the M12 and also reflected in the Precinct Plan across the relevant lands.

We recommend the Precinct Plan be amended to identify an indicative direct road link between the severed lot and The Northern Road (across land held by TfNSW).

The category, width and typology of street should be subject to further discussion with TfNSW and WSPP/DPIE.



Draft Aerotropolis Special Infrastructure Contribution

Across the Aerotropolis Growth Area, NSW Government intends to apply a Special Infrastructure Contribution (**SIC**). A SIC is a levy on development for NSW Government to fund state and regional infrastructure such as State and Regional roads, public transport infrastructure, health facilities, emergency services, public schools and regional open space improvements required to service new development.

Where a planning proposal is lodged for determination and the SIC plan or charge rate has not been determined, “satisfactory arrangements” will need to be made by the applicant for the provision of state infrastructure. This often requires execution of a State Voluntary Planning Agreement (VPA)

Under the draft Aerotropolis SIC, contributions only apply to land zoned Mixed Use, Enterprise, Industrial or Agribusiness in the Aerotropolis.

The draft SIC proposes two charges:

- a flat rate specific to each zone proportional to the net developable area; and
- a station precinct charge which is a percentage charge based on construction cost. The station precinct charge only applies to land approximately within 1.2km of the Luddenham Metro station and the Aerotropolis station.

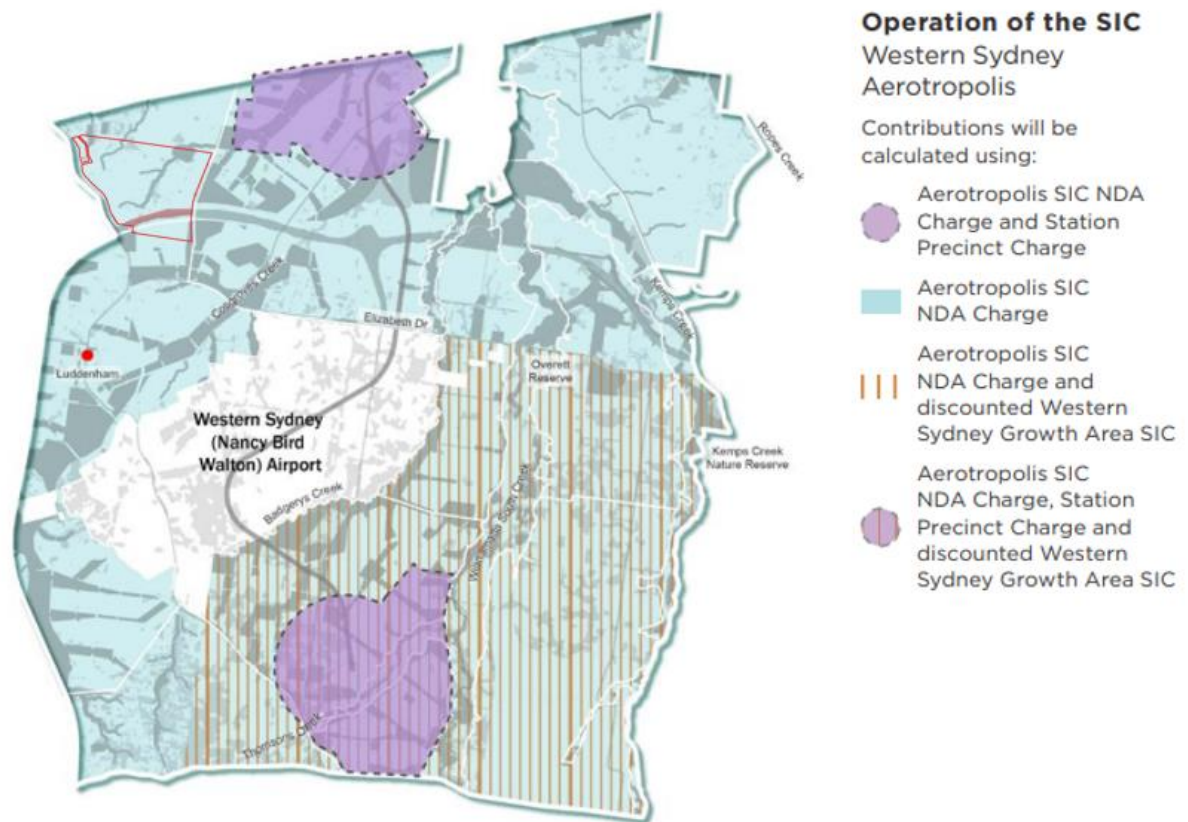
The SIC would only apply to those parts of the site recently zoned ENT Enterprise.

SIC contributions are only payable once a development application is approved. Under the proposed SIC, a contribution rate of \$200,000 per hectare of net developable area is expected to apply (adjusted for CPI every 12 months).

The Aerotropolis SIC applies to the whole of the Aerotropolis Growth Area. Refer **Figure 21**. To begin with, the SIC will only be levied against development in the Initial Precincts



Figure 21: Operation of the SIC



The form and extent of the proposed SIC is not objected to, on the basis it contributes towards to total cost of State and Regional infrastructure required to support development AND which will be delivered in a coordinated and time effective way to help facilitate delivery of the Aerotropolis Growth Area.

We recommend the SIC incorporate a detailed program of works and that progress with specific SIC items be tracked and reported on an annual basis.

Conclusions

WSPP and DPIE are to be congratulated in terms of the volume of information placed on public exhibition and the short time frame in which the relevant studies have been prepared and coordinated.

However, it would appear that very specific site controls have been derived from broad scale assessments undertaken (by necessity) across many hundreds of hectares.

The conclusions drawn from the numerous studies may be considered appropriate as a "framework" or "concept plan" permitting further detailed "ground-truthing" at the individual site level; but their use as proscriptive controls (that cannot be varied without significant additional process and expense) is premature and counter-productive to the objectives of the Aerotropolis Growth Area in general and the proscribed zoning in particular.



Significant concern is raised in relation to the proposed controls in the Draft Precinct Plan, which apply a largely inflexible set of planning controls to the site, that do not have regard to the actual 'on-the-ground' constraints and opportunities present.

In particular, concern is raised in relation to identification of a portion of the site as accommodating areas of open space and parkland that results in limitations of the development potential of the lands zoned for that specific purpose and a lack of site-specific analysis to support the proposed use of those portions of land for open space purposes.

It is essential that the detailed land use and development controls for the Aerotropolis Growth Area are evidence-based at the appropriate scale and reflect the intent for the area to ensure that the significant Government investment in this area produces the envisaged economic outcomes, employment growth, and delivers strategic objectives that are supported by Silky / Austcorp.

Significant changes and re-consideration of the Draft Precinct Plan is recommended prior to finalisation of the Plans. These include incorporation of a process that permits more detailed site-level studies to reach evidence-based solutions and promote an alternative pattern of development on the ground.

Furthermore, the mapping and intent of the controls in the Draft Precinct Plan is sometimes unclear, and the basis for applying a low 20 metre height limit to an ENT Enterprise zone has not been properly articulated or justified.

Special concern is raised with the proscriptive 'Open Space Framework' and the street network which the Draft Precinct plan proposes to apply with very little flexibility and a general lack of reasonable planning or environmental basis for doing so.

On this basis, we request that WSPP take the following recommendations into account when finalising the Agribusiness Precinct Plan:

- » Incorporation of flexibility in the application of development controls like other similar environmental planning instruments.
- » Incorporation of a process that permits more detailed site-level studies to reach evidence-based solutions and promote an alternative pattern of development on the ground; and
- » Application of new height limit of between 25m – 50m to the site in line with the OLS limitations.
- » Clarification that the employment guidelines are provided as advice only.
- » Removal of any reference to the 'Open Space Framework' as a specific development control over the Precinct, rather it be redesignated as 'conceptual' and/or 'strategic guidance' to be investigated during detailed design.
- » Provision of a more flexible approach to the identification of an appropriate street network and across the Precinct and removal of the Street Typologies as a specific development control, rather they be redesignated as 'conceptual' and/or 'strategic guidance' to be investigated during detailed design.
- » Identification of an indicative direct road link between the severed lot (created by the M12 Motorway) and The Northern Road across land held by TfNSW



With regard to the Aerotropolis SIC, we recommend the final SIC incorporate a detailed program of works and that progress with specific SIC items be tracked and reported on an annual basis.

On behalf of Silky / Austcorp, we welcome the opportunity to work with WSPP and DPIE in delivering the Aerotropolis Growth Area consistent with the bold vision set out in the planning package.

Silky / Austcorp requests that it be included in any landowner consultation and other documents that may impact its land. Should you have any queries, please contact Robert Bennett at Elton Consulting.

Yours sincerely
Yours sincerely

Robert Bennett
Director