

[REDACTED]

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>
Sent: Friday, 12 March 2021 2:26 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Draft Precinct Plans
Attachments: submission-to-the-draft-aerotropolis-precinct-plan.pdf

Submitted on Fri, 12/03/2021 - 13:48

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

On behalf of the landowners of the properties located on Severn Road, Bringelly

Last name

c/o Urbis

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

2000

Submission file

[submission-to-the-draft-aerotropolis-precinct-plan.pdf](#)

Submission

Please refer to the attachment.

I agree to the above statement

Yes

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Urbis Pty Ltd
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12 March 2021

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

Dear Andrew,

SUBMISSION TO THE DRAFT AEROTROPOLIS PRECINCT PLANS – SEVERN ROAD, BRINGELLY

This submission has been prepared by Urbis Pty Ltd (**Urbis**) on behalf of the landowners (**the client**) of the properties located on Severn Road, Bringelly and is in response to the Draft Aerotropolis Precinct Plans (**draft Precinct Plans**).

It is recognised that the Precinct Plans are one of the remaining statutory requirements in the *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 Plans enable the delivery of feasible land use outcomes at the right locations within the precincts. This will facilitate investment around the Western Sydney Airport and create the building blocks for this area to transform into Sydney's third CBD (Central Business District).

The proposed Precinct Plans in relation to our client's land do not meet this overarching objective as it undermines the land use zone under the Aerotropolis SEPP, sterilises strategically located land, and places over prescriptive limitations on development's flexibility to evolve over time.

This submission has been divided into the following key sections:

- Overview of the site and the site's strategic attributes to the Aerotropolis Core;
- Comments and recommendations on the Precinct Plans; and
- Conclusion and summary of recommendations.

1. THE SITE

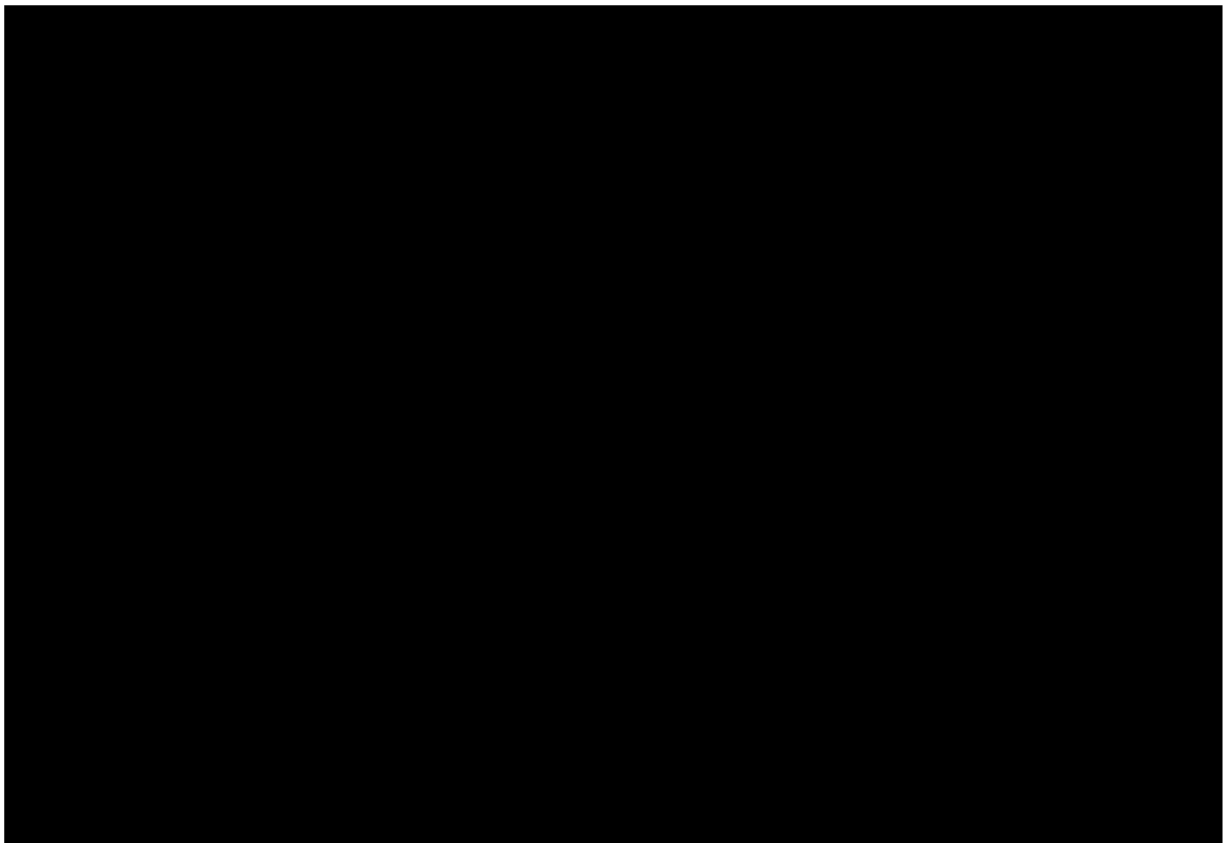
This is a joint submission prepared on behalf of the landowners of the following lots (hereby referred to as the site) and as shown in Figure 1:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The site has a combined area of 11.91 ha, and currently characterised by a mix of rural residential dwellings, rural activities, scattered vegetation and farm dams.

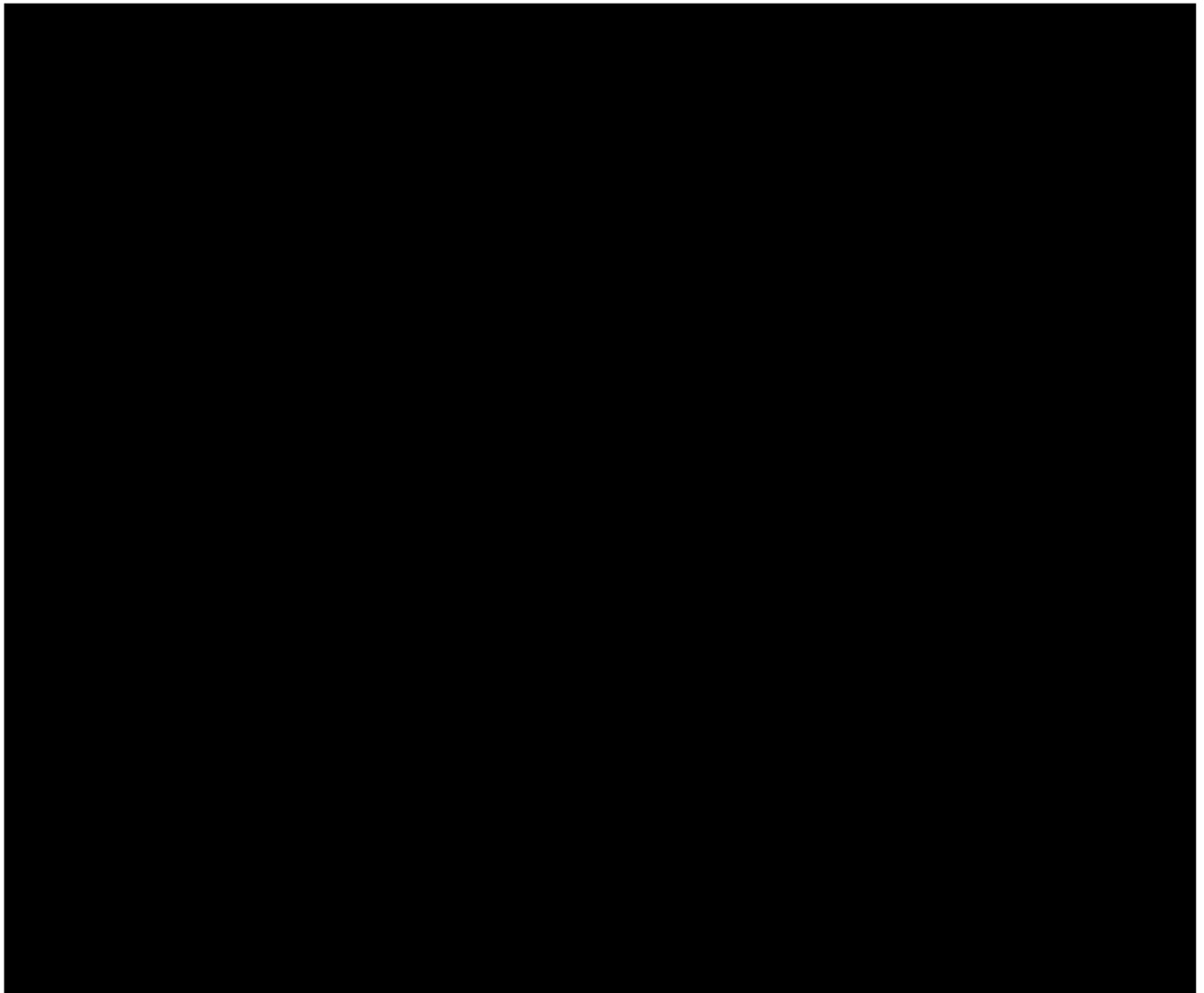
The site and surrounding area were rezoned Enterprise under the Aerotropolis SEPP on 1 October 2020 (refer to Figure 2. This land use zone permits a range of employment uses).

Figure 1 Site location map (site outlined in red)



Source: Six Map

Figure 2 Zoning Map (site outlined in red)



Source: ASEPP

1.1. STRATEGIC ATTRIBUTES

The site is strategically located close to key road infrastructure and the airport land and presents critical enterprise opportunities to boost economic development within the Aerotropolis core. The site has the following strategic attributes:

- The site is located at the heart of the Aerotropolis Core Precinct - less than 3km south of the Western Sydney International Airport and northwest of the Aerotropolis Core Centre.
- The site is accessible and is located near the intersection of Eastern Ring Road and The Northern Road, two of the major primary arterial roads connecting to the Aerotropolis.



- The site will be well serviced by public transport. It is located within 2km of the Aerotropolis Metro Station and along local bus routes.

The landowners are invested in the success of the Western Sydney Aerotropolis and welcome the opportunity to be involved in the development of the Enterprise zone enabling the transition to longer-term uses as envisioned by the NSW Government under the Aerotropolis SEPP.

2. COMMENTS ON THE PRECINCT PLANS

The Western Sydney Planning Partnership's (WSPP) release of the Aerotropolis Precinct Plans is welcomed. However, the current state of these Precinct Plans is not acceptable and should be amended prior to finalisation.

In particular, the WSPP must recognise the significance of the statutory weight of land use zones and development objectives under the Aerotropolis SEPP, the inconsistency between the gazetted land uses zones and the draft Precinct Plans and the lack of real and enforceable mechanisms and frameworks for the equitable acquisition of land for future public purposes such as roads and open space areas. The following sections provide a detailed response to the Precinct Plans and requests the WSPP to amend the Precinct Plans based on the following recommendations.

2.1. ROLE OF THE PRECINCT PLANS AND CONSISTENCY BETWEEN ZONING AND PRECINCT PLANS

The gazettal of the Aerotropolis SEPP elevated the role and function of the Precinct Plans. Clause 41 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 draft Precinct Plans have identified the entire site for future public purposes comprised of WSUD (Water Sensitive Urban Design) drainage basin, open space and a proposed local bus route (refer to Figure 3). This is not consistent with the gazetted zoning and the aims of the Enterprise zone, which will diminish the effectiveness of the urban development zones under the Aerotropolis SEPP.

The draft Precinct Plans will remove any development potential for enterprise purposes supporting the Aerotropolis on approximately 11.91ha of land located at the heart of the Aerotropolis Core. More importantly, it undermines the strategic importance of the site and restrict future developments that will support the ongoing economic development 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 of the precinct. The detail shown in the draft Precinct Plans is over prescriptive and is inconsistent with the objective and role of a precinct plan.

Further, it is premature to identify this level of detail within the draft Precinct Plans as it relates to the site, as the rationale as to why the site was identified for drainage basins and open space has not been sufficiently articulated or justified. There appears no evidence base on which to justify the nomination of the quantum of land for public purposes as proposed and when this is not envisaged under the Aerotropolis SEPP. The apparent ad hoc nature of the draft Precinct Plan provisions has the potential to prevent innovation and market response in the Aerotropolis.

Figure 3 Indicative Open Space and WSUD Drainage Basin Locations (site outlined in red)



Source: Precinct Plans

We understand that the inclusive nature of the land use zones under the Aerotropolis SEPP were implemented to minimise spot rezoning and provide certainty for market demand and future development opportunities. However, the draft Precinct Plans require a planning proposal to be lodged if a proposed site development is inconsistent with the precinct plans. Clearly a development proposal seeking approval for permissible development for the site under the Aerotropolis SEPP would be inconsistent with the draft Precinct Plan and would require a rezoning to enable the development to proceed.

This outcome conflicts with the aims of the Aerotropolis SEPP and contradicts with the objective of the Aerotropolis SEPP in that the draft Precinct Plan as it relates to the site will not:

- (a) facilitate development in the Western Sydney Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan, nor

- (b) promote sustainable, orderly and transformational development in the Western Sydney Aerotropolis.

The necessity to undertake a planning proposal to achieve development that is permissible under the Aerotropolis SEPP and is not a good planning outcome for the site where a costly and time-consuming process is required before a permissible development is able to proceed. This will delay or potentially prevent the sustainable development of the site for the employment uses envisioned under the Aerotropolis SEPP.

To avoid the inherent conflict between the draft Precinct Plans and the Aerotropolis SEPP we propose that the suggested amendments to Aerotropolis SEPP as set out in points 1 and 2 below be implemented. Alternatively, if this is not adopted then we would request that the draft Precinct Plans be amended as set out in point 3 below.

Recommendations:

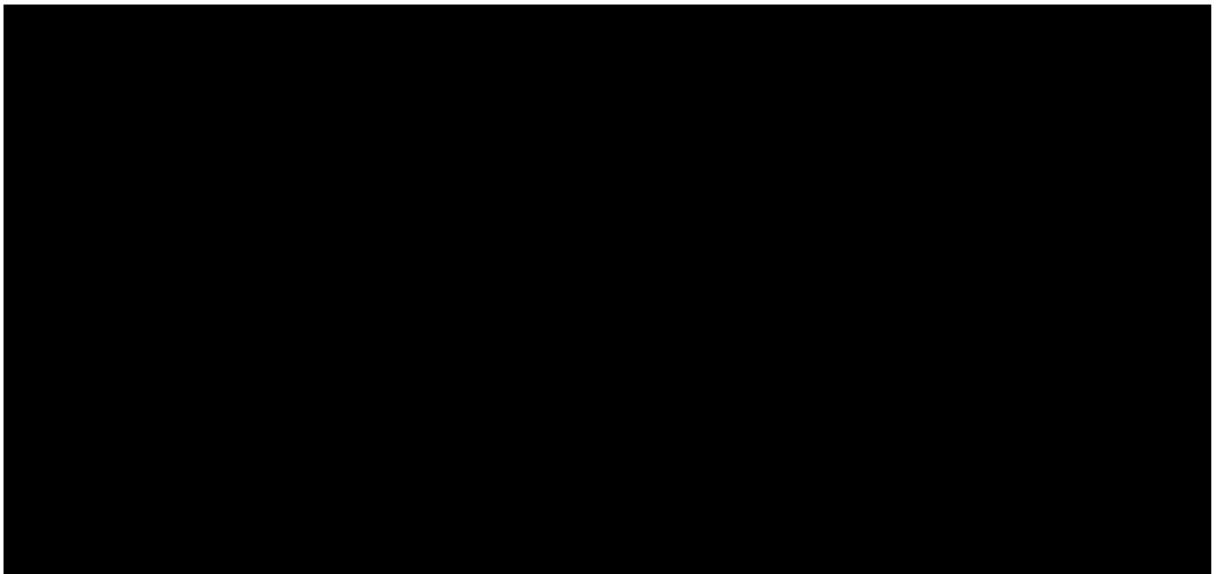
1. Remove the statutory weight of the Precinct Plans.
2. Amend Clause 41 to require developments to demonstrate consistency with the Precinct's overall vision and objectives. This applies a principles-based approach versus reliance on a detailed precinct plan that will become redundant as further ground truthing information becomes available.
3. If the WSP requires application of Clause 41 as it currently stands:
 - 3.1. It is imperative to remove the fine grain detail shown on the Precinct Plans and adopt a high-level structure plan for each precinct. This approach reflects the NSW Government's approach to Wilton Growth Area. Land use, water treatment facilities and open space areas should be dictated by evidence based technical and social needs investigations at the DA stage; or
 - 3.2. Remove the requirement of a Planning Proposal from the Precinct Plans and require development to demonstrate consistency with the Precinct's overarching vision and objectives. This applies a principles-based approach versus reliance on a detailed precinct plan that will become redundant as further information becomes available; or
 - 3.3. Given the statutory nature of the Precinct Plans, a Clause 4.6 must be inserted in the Aerotropolis SEPP to enable flexibility in the controls to respond to site and market conditions.

2.2. TECHNICAL INVESTIGATIONS ARE INCORRECTLY REFLECTED IN THE PRECINCT PLANS

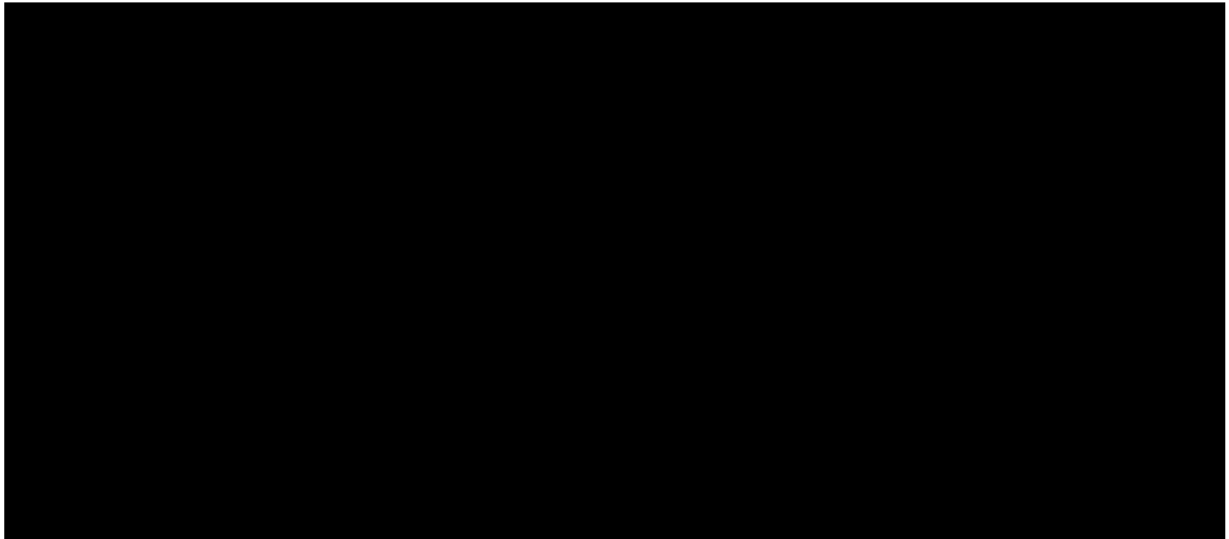
The application of land uses across the Precinct Plans is deemed premature and the technical investigations are incorrectly reflected in the Precinct Plans. Based on the publicly available documents in the exhibition package, the existing environmental conditions of the site conflict with the identified land use. This calls into question whether the Precinct Plans appropriately reflect the existing conditions, the validity of the technical investigation and legitimacy of the overall Precinct Plans.

The following matters have not been appropriately addressed in the draft Precinct Plan in relation to the site.

- Based on the investigation undertaken by Sydney Water, the site has not been identified to have 3rd order or higher order stream. Majority of the existing dams located in the eastern portion of the site are also identified to be not suitable for the Precinct wide riparian corridor connection (refer to Figure 4).
- Despite the investigation by Sydney Water, the Precinct Plan has identified the entire eastern portion of the site for WSUD Drainage Basin, which is inconsistent with the Sydney Water's investigation (refer to Figure 4).



- Based on the work prepared by Ecological, the central portion of the site has been identified as containing Cumberland Woodland. While the eastern portion of the site has been identified by OEH (Office of Environment & Heritage) based on a desk top review only to have potential Cumberland Woodland. It is unclear from the published material the nature of the investigations undertaken within the site and the evidence base prepared to determine that there is remnant Cumberland Plain Woodland present on the site.
- The draft Precinct Plans identify the introduction of large water basins within the eastern portion of the site introducing a burden on the land that presently does not exist. The nomination of the water bodies within the Precinct Plan appears to not be the subject of detailed investigations and nomination in the Aerotropolis SEPP has occurred to the north of the site. There appears to be no evidence base to support the nominated public uses on the land.



The draft Precinct Plans cannot be supported nor progressed until these matters are resolved. The draft Precinct Plans present an urban design vision which does not reflect the zoning of the land or the capability of the site to be developed for employment purposes.

Recommendations:

4. The Precinct Plan must remove detail of land use types and their location in the Precinct Plans, as it minimise the role and intent of flexible zones in the Aerotropolis. Land uses should be dictated by the development and evidence-based technical investigations at the DA stage.

2.3. RISK OF BIRD STRIKE BY HAVING A CONSERVATION AREA IN PROXIMITY TO AIRPORT OPERATION

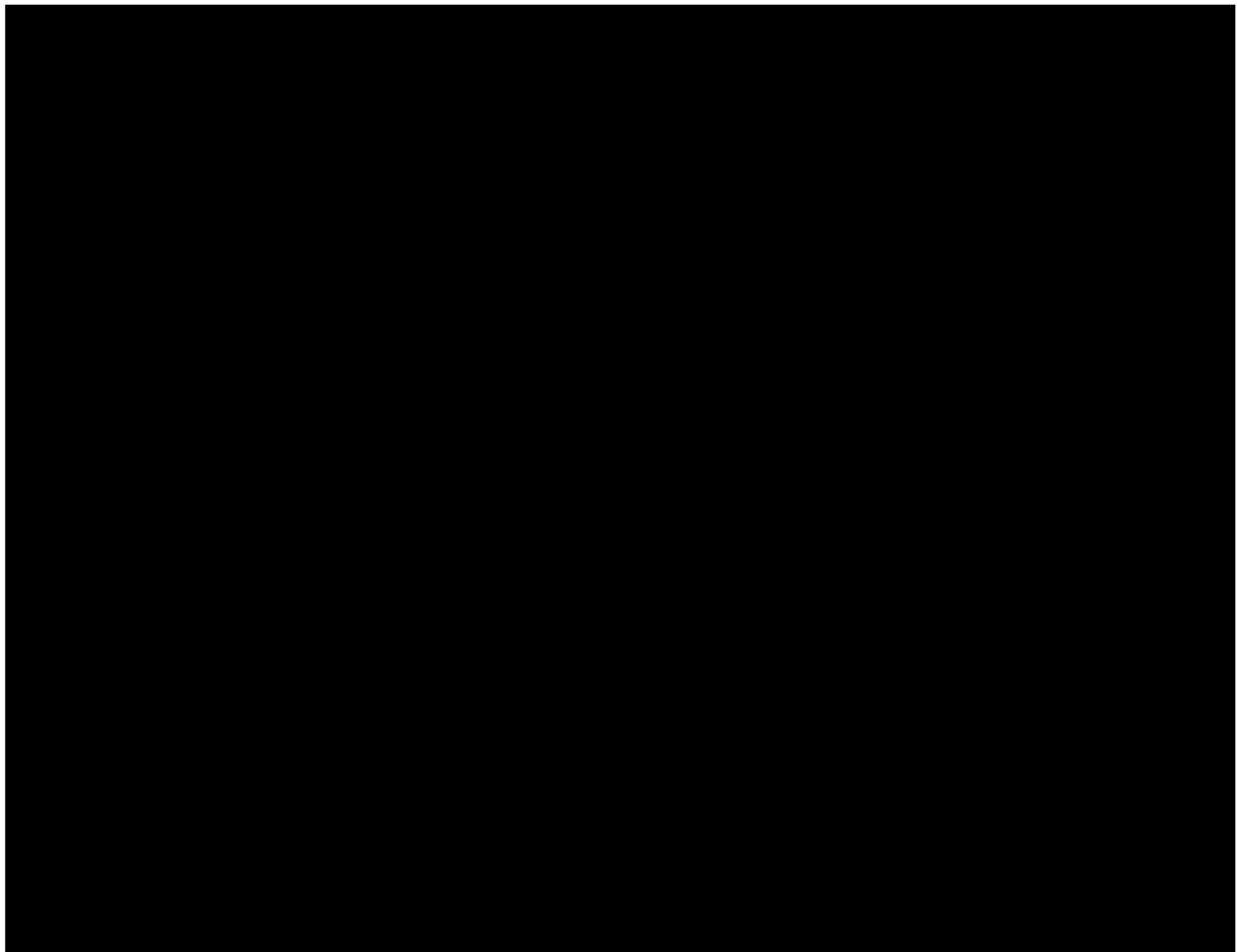
As discussed in the Draft Wildlife Management Assessment Report prepared by Avisure, parks, recreational areas, water bodies and water treatment facilities (including water basin) all encourage wildlife to establish, which increases the risk of bird strike. The Wildlife Management Assessment Report concludes *'the expanses of green spaces, in proximity to the Western Sydney Airport, should be scaled back as to mitigate the attraction of certain wildlife'*.

The site is located inside of the 3km Wildlife Buffer Zone under the Aerotropolis SEPP (refer to Figure 6). The proposed open space area and water basins to be delivered within the site within close proximity to the airport would increase bird strike risk, which poses a risk to the 24/7 operations of the airport and safety of wildlife.

It is appreciated that mitigation measures are recommended in the Draft Wildlife Management Assessment Report. However, the suitability of the entire site as open space and water basin cannot be confirmed until site specific wildlife hazards are assessed. Therefore, it is inappropriate for the draft Precinct Plans to nominate the future of the site as part of a future conversation area without giving due regard to the hazards and dangers posed to the future operations of the airport.

The WSPP needs to demonstrate how the proposed open space and waterbodies would not increase risk to airport operations prior to finalisation of Precinct Plans. A robust analysis of the potential wildlife strikes associated with proposed landscaping and waterbody is required.

Figure 6 Wildlife Buffer Zone Map



Recommendation:

5. The WSPP must review the quantum of vegetation, open space and waterbody (including water basins) identified across the draft Precinct Plans, including the site. This review must critically assess the implications of open space and waterbody within and adjacent to the flight path and the future hazards and risks to the operation of the airport.

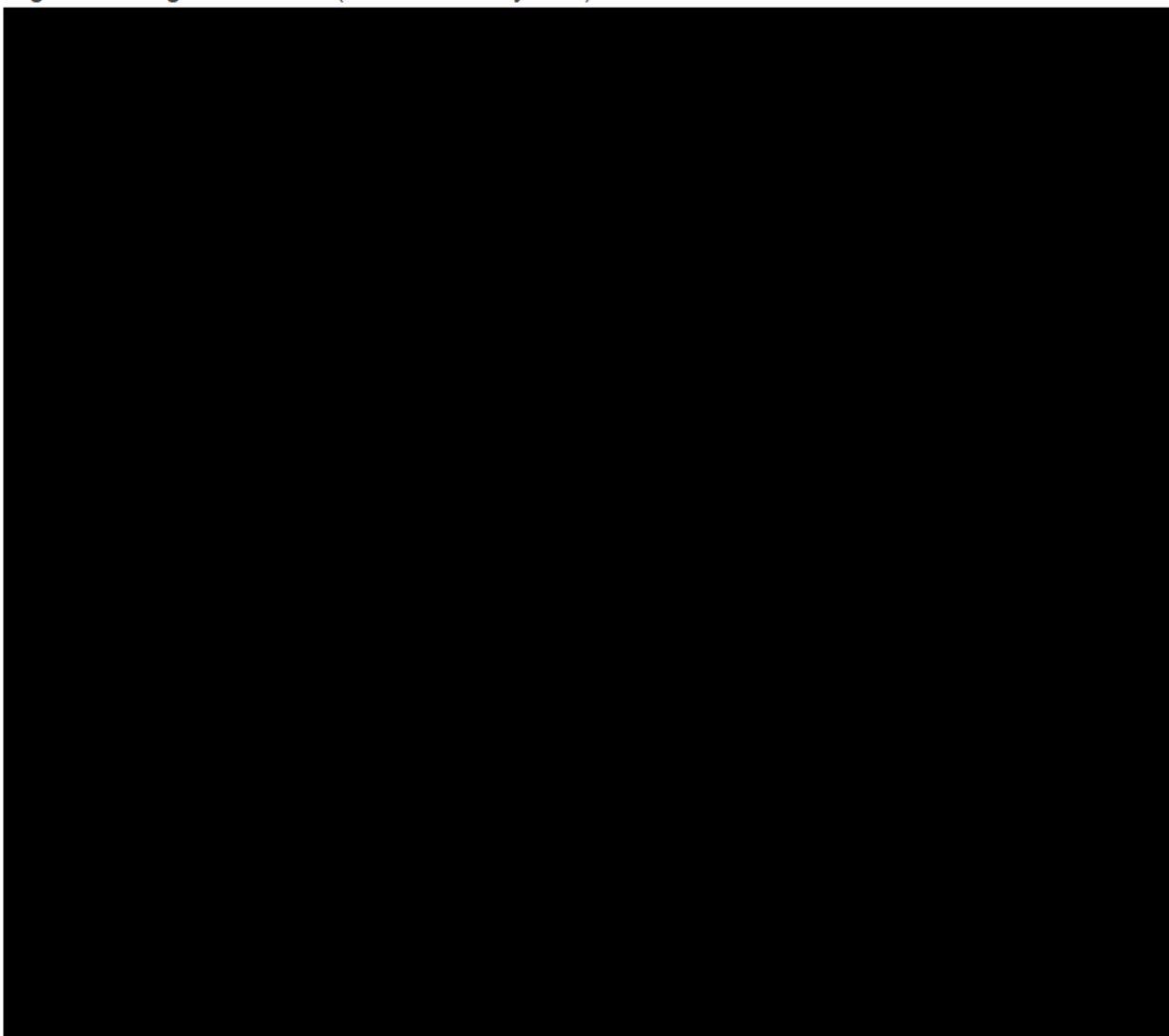
2.4. FEASIBILITY AND MECHANISM FOR OPEN SPACE AMALGAMATION

The draft Precinct Plans contain built form parameters to guide development, such as site coverage and site-specific amalgamation requirements, which is overly prescriptive and provides a very rigid

layout over the whole Precinct, without sufficient knowledge of key constraints and opportunities of urban design elements.

The landholdings subject to this submission is fragmentated. They are required under the draft Precinct Plans to be consolidated into two separate open space areas, dissected by a proposed bus route and the remaining lots to be consolidated with the adjoining land to the east (refer to Figure 7).

Figure 7 Amalgamation Plan (site outlined in yellow)



Source: Precinct Plans

There is no commercial imperative for the amalgamation of the site proposed, in order to deliver land for open space and public purposes. As such the effect of the draft Precinct Plan will not achieve sustainable development as permitted under the Aerotropolis SEPP and is unlikely to achieve the intended open space amalgamation across the Precinct.

Most of the land holdings in the Precinct, including the subject site is fragmented. Where large open space areas are proposed, such as the subject site and land located directly to the north and south of the site, amalgamation is required to consolidate these fragmented lots. This amalgamation removes any development opportunity on the entire land holding and will sterilise urban purpose land.

More importantly, the Aerotropolis SEPP framework does not identify acquisition authority for public infrastructure, such as open space. The Precinct Plans cannot identify open space and drainage without a clear direction on what authority will acquire the land. The Precinct Plans also do not provide mechanism for the ongoing ownership and management of large drainage basins and public open space on private lots. The coordinated development approach will not be achieved without incentive for these private lots. The proposed Precinct Plans sterilise land zoned for urban uses, which significantly burdens existing landowners including the client.

Due to the statutory weight of the Precinct Plans, detailed controls such as land amalgamation will restrict responses from the market in the short to medium term, as they are based on the 2056 vision of the Aerotropolis. The controls need to consider first mover land uses, such as warehouse and distribution centres, data centre, and manufacturing uses. The current controls in the Precinct Plans are too restrictive, and do not account for land uses in the short to medium term.

Instead, the WSPP needs to investigate how current controls can facilitate investment in the short term but enable block patterns to be subdivided to create a fine, urban grid in the long term as land uses intensify over time.

In addition, the built form controls should be removed from the Precinct Plans and implemented through a Phase 2 Development Control Plan (DCP). By inserting into the Phase 2 DCP, it provides the consent authority guidance on built form controls but does not restrict development to innovate to meet market demand.

Recommendations:

6. If open space and water treatment facilities is identified during the detailed design phase, the WSPP must have the appropriate mechanism to enable either the NSW Government or local council to acquire land at a similar rate to urban developable areas. This needs to be rectified as soon as possible, as the proposed Precinct Plans effectively sterilise land for urban development.
7. The Precinct Plans must remove built form parameters, including amalgamation requirements. These controls must be contained in the Phase 2 DCP. By inserting into the Phase 2 DCP, it provides the consent authority guidance on built form controls but does not restrict development to innovate to meet market demand in the short to medium term.

2.5. LACK OF COORDINATION AND MECHANISM FOR LOCAL ROAD NETWORK

As discussed above, the draft Precinct Plans requires the fragmented lots to be consolidated into separate open space areas, dissected by a proposed local road and bus route, located along centre of lot 30 Severn Road, Bringelly (refer to Figure 8).

There is a lack of coordination in Precinct open space and road network planning. The proposed road network does not align with proposed open space network, which the proposed open space network will negatively impact road network connectivity. The proposed road network and open space network must be co-ordinated to ensure connectivity and a good urban design outcome.

There is also a lack of coordination in Precinct road network planning and vegetation investigation. The proposed local road also does not align with vegetation study and will impact on Cumberland Woodland identified by Eco Logical. The proposed road network also needs to consider locations of the Cumberland Woodland and avoid detrimental impact on retained vegetation.

More importantly, the proposed local road is located on private property. Proposed road network needs to consider existing lot pattern and avoid proposing new roads that are located in the centre of private lots. The proposed road and bus network sterilise land zoned for urban uses, which significantly burdens existing landowners including the client. The Aerotropolis SEPP framework does not identify acquisition authority for public infrastructure, such as new road network. The Precinct Plans cannot identify new road structure without a clear direction on what authority will acquire the land and without mechanism for private lot acquisition.

Recommendations:

8. If road network is required to connect through private lot during the detailed design phase, WSPP must have the appropriate mechanism to enable either the NSW Government or local council to acquire land at a similar rate to urban developable areas for local road planning. This needs to be rectified as soon as possible, as the proposed road network in the Precinct Plans effectively sterilise land for urban development.
9. Proposed local road network must consider existing lot pattern, open space network and ground truthing technical study. To ensure coordinated open space and road network planning and avoid impact on existing vegetation.

3. CONCLUSION

We thank the opportunity to comment on the draft Precinct Plans. In order to see a successful Western Sydney Aerotropolis, the WSPP must adopt the following recommendations:

1. Remove the statutory weight of the Precinct Plans.
2. Amend Clause 41 to require developments to demonstrate consistency with the Precinct's overall vision and objectives. This applies a principles-based approach versus reliance on a detailed precinct plan that will become redundant as further ground truthing information becomes available.
3. If the WSPP requires application of Clause 41 as it currently stands:
 - 3.1. It is imperative to remove the fine grain detail shown on the Precinct Plans and adopt a high-level structure plan for each precinct. This approach reflects the NSW Government's approach to Wilton Growth Area. Land use, water treatment facilities and open space areas should be dictated by evidence based technical and social needs investigations at the DA (Development Application) stage; or
 - 3.2. Remove the requirement of a Planning Proposal from the Precinct Plans and require development to demonstrate consistency with the Precinct's overarching vision and objectives. This applies a principles-based approach versus reliance on a detailed precinct plan that will become redundant as further information becomes available; or
 - 3.3. Given the statutory nature of the Precinct Plans, a Clause 4.6 must be inserted in the Aerotropolis SEPP to enable flexibility in the controls to respond to site and market conditions.
4. The Precinct Plan must remove detail of land use types and their location in the Precinct Plans, as it minimises the role and intent of flexible zones in the Aerotropolis. Land uses should be dictated by the market and evidence-based technical investigations at the DA stage.
5. The WSPP must review the quantum of vegetation, open space and waterbody (including water basins) identified across the Precinct Plans, including the site. This review must assess the implications of open space and waterbody within the flight path and provide assurance it will not compromise future airport operations. If it does, alternative airport-aligned land uses, such as Enterprise, must be identified.
6. If open space and water treatment facilities is identified during the detailed design phase, the WSPP must have the appropriate mechanism to enable either the NSW Government or local council to acquire land at a similar rate to urban developable areas. This needs to be rectified as soon as possible, as the proposed Precinct Plans effectively sterilise land for urban development.
7. The Precinct Plans must remove built form parameters, including amalgamation requirements. These controls must be contained in the Phase 2 DCP. By inserting into the Phase 2 DCP, it provides the consent authority guidance on built form controls but does not restrict development to innovate to meet market demand in the short to medium term.
8. If road network is required to connect through private lot during the detailed design phase, WSPP must have the appropriate mechanism to enable either the NSW Government or local council to acquire land at a similar rate to urban developable areas for local road planning. This needs to be rectified as soon as possible, as the proposed road network in the Precinct Plans effectively sterilise land for urban development.

9. Proposed local road network must consider existing lot pattern, open space network and ground truthing technical study. To ensure coordinated open space and road network planning, and avoid impact on existing vegetation.

Should you have any questions regarding the content in the submission, please do not hesitate to contact me.

Yours sincerely,



Clare Brown
Director

