



WESTERN SYDNEY AEROTROPOLIS

## Finalisation Report

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AEROTROPOLIS PLANNING PACKAGE –  
AEROTROPOLIS CORE, BADGERYS CREEK,  
NORTHERN GATEWAY, AGRIBUSINESS AND  
WIANAMATTA-SOUTH CREEK PRECINCTS

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## Executive summary

On 1 October 2020, the *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (Aerotropolis SEPP) and Phase 1 Development Control Plan came into force to guide the planning of the Aerotropolis in accordance with the Western Sydney Aerotropolis Plan (WSAP). On 1 March 2022 the Aerotropolis SEPP was repealed as a stand-alone SEPP and integrated into the consolidated *State Environmental Planning Policy (Precincts – Western Parkland City) 2021*. For the purposes of this report, the SEPP will be referred to as the Aerotropolis SEPP.

In November 2020 a draft Precinct Plan and draft Special Infrastructure Contribution (SIC) for the Aerotropolis was exhibited. At the same time, Liverpool and Penrith Council exhibited a draft Local Infrastructure Contributions Plan (LIC). This exhibition raised a number of matters that needed to be addressed in the final Precinct Plan and identified some community concerns regarding the implementation of the Aerotropolis planning framework.

As a result, in May 2021, the Minister for Planning and Public Spaces appointed Professor Roberta Ryan as the Independent Community Commissioner (Community Commissioner) for the Aerotropolis. In August 2021, the Community Commissioner presented a report to the Minister with a series of recommendations on how the planning framework and implementation plan for the Aerotropolis could be amended to improve certainty for landowners and provide a clear way forward for planning in the Aerotropolis.

A number of amendments to the Aerotropolis SEPP (SEPP Amendments) were identified and an Explanation of Intended Effects (EIE) was exhibited in October 2021, along with a draft Phase 2 Development Control Plan (DCP), including draft Recognise Country Guidelines, draft Aviation Safeguarding Guidelines and a discussion paper on the future of Luddenham Village.

This report documents the consultation process, summarises the issues raised in the submissions on the draft Precinct Plan, SIC and SEPP Amendments and reports on how those issues have been addressed. This report supports the endorsement and publication of the following key planning documents for the Aerotropolis:

- SEPP Amendment, incorporating amendments to:
  - *State Environmental Planning Policy (Precincts – Western Parkland City) 2021, Chapter 4* (previously *(Western Sydney Aerotropolis) 2020*)
  - *State Environmental Planning Policy (Planning Systems) 2021* (previously *(State and Regional Development) 2011*)
  - *State Environmental Planning Policy (Industry and Employment) 2021* (previously *(Western Sydney Employment Area) 2009*)
  - *Liverpool Local Environmental Plan 2008*
  - *Penrith Local Environmental Plan 2011*
- The Precinct Plan for the initial precincts including:
  - Aerotropolis Core
  - Agribusiness
  - Badgerys Creek
  - Northern Gateway
  - Wianamatta-South Creek
- The Aerotropolis Special Infrastructure Contribution
- The Luddenham Village Interim Strategy (with amendment incorporated into the SEPP).

The Precinct Plan, SIC and SEPP Amendments will enable the delivery of the Western Sydney Aerotropolis in accordance with the vision identified in the Western Sydney Aerotropolis Plan. The Phase 2 DCP and LIC are not being finalised as part of this package – this will occur in 2022. This report also recommends and supports the adoption of the Luddenham Village Interim Strategy, prior to the finalisation of the Luddenham Village Plan, noting the SEPP Amendments do propose changes to the permissible land uses in Luddenham Village in accordance with the exhibited EIE.

# 1 Introduction

## 1.1 Overview

The Western Sydney Aerotropolis (Aerotropolis) will create the opportunity to bring up to 200,000 new jobs to Western Sydney. These jobs, leveraging the Western Sydney International (Nancy-Bird Walton) Airport (Western Sydney Airport), are intended to be primarily generated in high-technology fields, medical research, and education. The Aerotropolis will be Australia's next global gateway, with new jobs and places to learn, close to where people live, within a cool, green and connected Western Parkland City.

The vision for the Western Parkland City is for the Aerotropolis to emerge as a Metropolitan Cluster within the district, alongside Liverpool, Penrith and Campbelltown-Macarthur. The Western Sydney Aerotropolis Plan, finalised in September 2020, sets the vision and strategic planning framework for the area. It includes overarching objectives, planning principles and implementation strategies for the Aerotropolis, and aligns with the Greater Sydney Region Plan and Western City District Plan.

The Aerotropolis was initially rezoned in September 2020, under the *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (now Precincts - Western Parkland City SEPP but referred to in this report as the Aerotropolis SEPP). The Aerotropolis includes nine precincts, of which the following five were rezoned as initial precincts: Aerotropolis Core, Agribusiness, Northern Gateway, Badgerys Creek, and Wianamatta-South Creek. Mamre Road is also an initial precinct within the WSAP but was rezoned under a separate planning instrument.

A Phase 1 Development Control Plan (DCP) for the Aerotropolis also came into effect on 1 October 2020.

This report recommends further amendments to the Aerotropolis SEPP and the adoption of the Precinct Plan and Special Infrastructure Contribution as the next step in the implementation of the Aerotropolis planning framework.

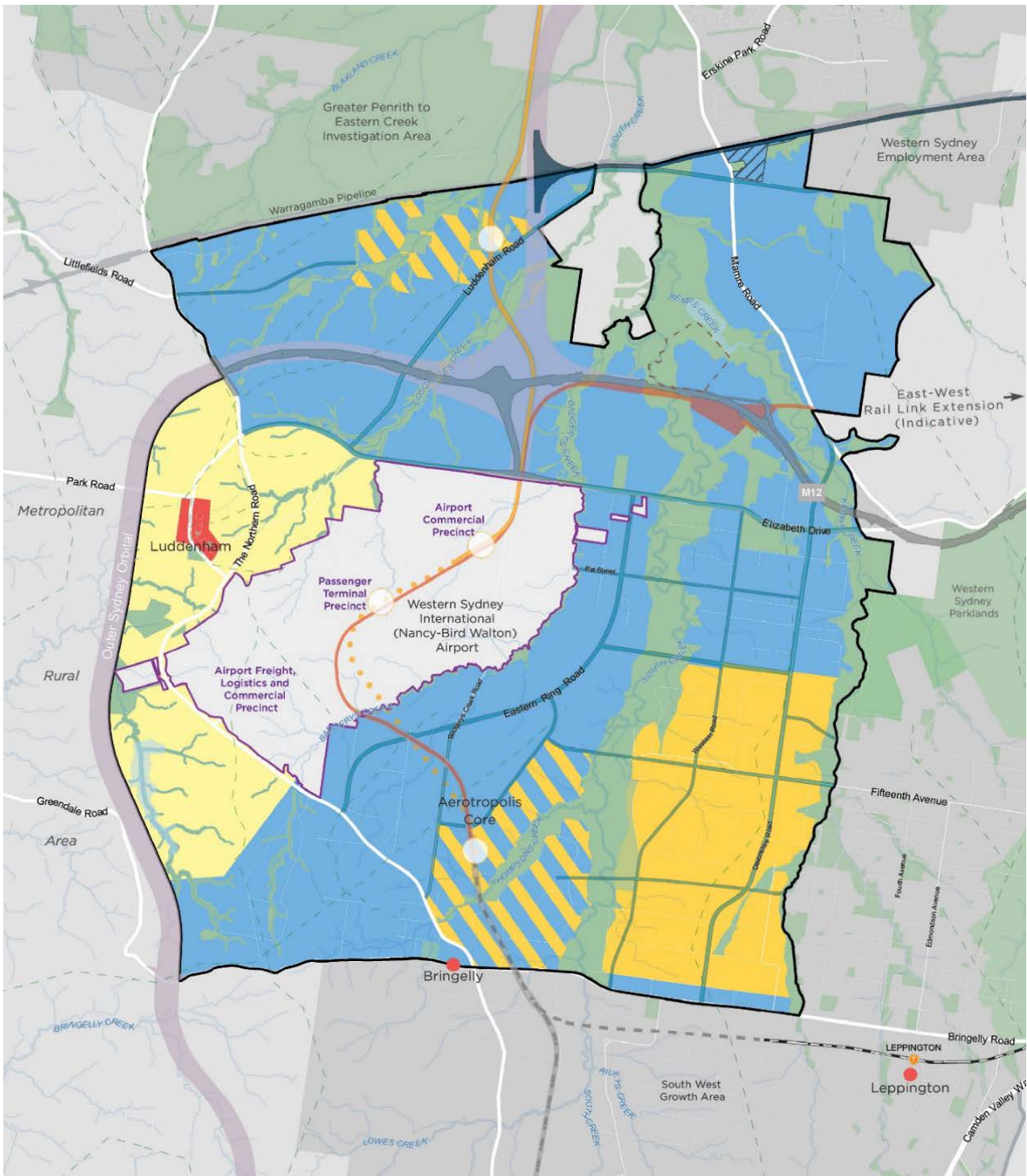
### 1.1.1 Independent Community Commissioner

In May 2021, the former Minister for Planning and Public Spaces appointed Professor Roberta Ryan as the Aerotropolis Independent Community Commissioner (Community Commissioner) to help address the concerns of smaller landowners in the Aerotropolis. After consulting with the community, the Community Commissioner released her [report](#) to the Minister in August 2021, which included 40 recommendations (Attachment L6). Some of the amendments to the Aerotropolis SEPP and Precinct Plan included in this planning package are in direct response to the recommendations made by the Community Commissioner; for example, the amendments to the Environment and Recreation zone for land bordering non-initial precincts. It is recognised that not all the Community Commissioner's recommendations have been addressed through the amendments to the planning framework and further work is required. The Responding to the Issues – Part 2 provides an update on how the government is responding.

## 1.2 Aerotropolis precinct planning background

Figure 1 below identifies the structure plan for the Aerotropolis that is embedded in the Western Sydney Aerotropolis Plan. Figure 2 identifies the nine precincts within the Aerotropolis and the five initial precincts.



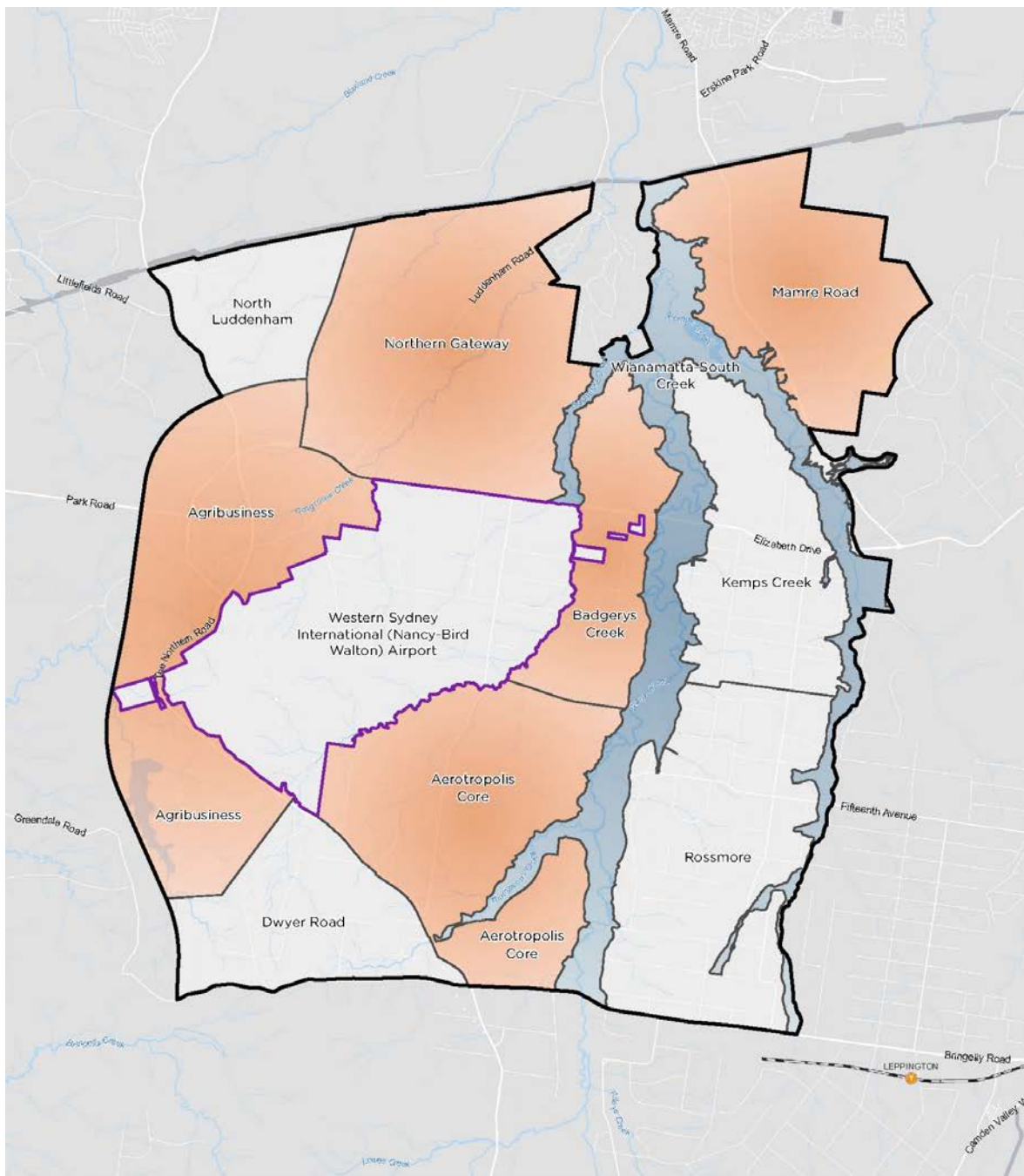


**Structure Plan**

**Western Sydney Aerotropolis**

- |   |   |   |
|---|---|---|
| <ul style="list-style-type: none"> <li> Western Sydney Aerotropolis</li> <li> Western Sydney International (Nancy-Bird Walton) Airport</li> <li> Key Network Upgrade</li> <li> M12 Motorway Corridor</li> <li> Proposed Transport Corridor Potential</li> <li> Intermodal Terminal</li> <li> Upper South Creek Advanced Water Recycling Centre</li> </ul> | <ul style="list-style-type: none"> <li> Metro Station</li> <li> Sydney Metro - Western Sydney Airport</li> <li> Sydney Metro - Western Sydney Airport Tunnel Alignment</li> <li> Proposed Future Rail Links</li> <li> Potential East-West Rail Link and Stabling</li> <li> Western Sydney Freight Line Corridor</li> <li> North South Rail Line Corridor</li> </ul> | <ul style="list-style-type: none"> <li> Centre</li> <li> Topographic Ridgeline</li> <li> Luddenham Village</li> <li> Agribusiness</li> <li> Environment and Recreation</li> <li> Enterprise</li> <li> Urban Land</li> <li> Mixed Use</li> </ul> |
|---|---|---|

**Figure 1: Western Sydney Aerotropolis Plan – Structure Plan (2020)**



**Figure 2: Western Sydney Aerotropolis Plan – Initial precincts (2020)**

The Aerotropolis SEPP implements the WSAP through the rezoning of the initial precincts. The initial precincts were chosen to align with the provision of infrastructure and demand. A Precinct Plan for the initial precincts is required to be adopted to enable development to proceed in the Aerotropolis. The Aerotropolis SEPP also identifies a separate master-planning process that can be undertaken by landowners in the Aerotropolis. It is noted the Aerotropolis Master Plan Guidelines (the Guidelines) were endorsed by the Planning Secretary on 24 December 2021, enabling these to be published on the NSW Planning Portal and therefore coming into effect once the SEPP Amendments are made.

## 1.2.1 Timeline

Planning for and around the Aerotropolis requires the consideration of a number of statutory plans and strategic policies. The following represents a summary of documents that have been prepared and released in relation to the Aerotropolis.

**Table 1:** Aerotropolis documents prepared and released

Timeline	
<b>2018</b>	<ul style="list-style-type: none"> <li>Western Sydney Aerotropolis – Land Use and Infrastructure Implementation Plan.</li> </ul>
<b>September 2020</b>	<ul style="list-style-type: none"> <li>Western Sydney Aerotropolis Plan finalised.</li> <li>State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 gazetted and initial precincts rezoned.</li> <li>Phase 1 Development Control Plan finalised.</li> </ul>
<b>November 2020</b>	<ul style="list-style-type: none"> <li>Draft Precinct Plan for initial precincts released for community consultation.</li> <li>Draft SIC and Draft Local Infrastructure Contributions Plan released for community consultation.</li> </ul>
<b>November 2020 - March 2021</b>	<ul style="list-style-type: none"> <li>Public consultation.</li> <li>673 submissions received.</li> </ul>
<b>May 2021</b>	<ul style="list-style-type: none"> <li>Appointment of Independent Community Commissioner for the Aerotropolis, Professor Roberta Ryan.</li> </ul>
<b>August 2021</b>	<ul style="list-style-type: none"> <li>Independent Community Commissioner provides recommendations to the Minister.</li> </ul>
<b>October 2021</b>	<ul style="list-style-type: none"> <li>Explanation of Intended Effect (EIE) released for community consultation.</li> <li>Luddenham Village Discussion Paper released for community consultation.</li> <li>Phase 2 Development Control Plan released for community consultation.</li> <li>Draft Recognise Country: Guidelines for Development in the Aerotropolis and Aviation Safeguarding Guidelines released for community consultation.</li> </ul>
<b>October 2021 – November 2021</b>	<ul style="list-style-type: none"> <li>Public consultation.</li> <li>297 submissions received.</li> </ul>
<b>December 2021</b>	<ul style="list-style-type: none"> <li>Master Plan Guidelines published on the NSW Planning Portal</li> </ul>
<b>1 March 2021</b>	<ul style="list-style-type: none"> <li>Consolidated SEPPs amendment comes into effect. The existing Aerotropolis stand alone SEPP is consolidated into <i>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</i></li> </ul>
<b>March 2022 (we are here)</b>	<ul style="list-style-type: none"> <li>Amendments to Aerotropolis SEPP made.</li> <li>Precinct Plan finalised for initial Aerotropolis precincts.</li> <li>Luddenham Village Interim Strategy released.</li> <li>Master Planning Guidelines come into effect.</li> <li>SIC finalised.</li> </ul>

Next steps	
<b>2022 onwards</b>	<ul style="list-style-type: none"> <li>• Council's finalise their Local Infrastructure Contributions.</li> <li>• Phase 2 Development Control Plan finalised.</li> <li>• Submission of master plans and development applications to consent authorities.</li> <li>• Ongoing work on the Luddenham Village Plan, as per the Interim Strategy.</li> </ul>
<b>Longer term</b>	<ul style="list-style-type: none"> <li>• Precinct planning for remaining precincts.</li> </ul>

## 1.3 Project governance

The success of the Aerotropolis requires strategic, integrated planning across different levels of government, and collaboration with business and the community. Through the Western Sydney City Deal, the planning work for the Aerotropolis has been largely undertaken by the Western Sydney Planning Partnership (WSPP), a local government-led initiative that brings together the councils of Blacktown, Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly, with key State agencies, including the former NSW Department of Planning, Industry and Environment, Transport for NSW, Sydney Water and the Greater Sydney Commission. The WSPP has undertaken the work on a client/provider model with the Minister for Planning and Public Spaces representing the client.

In July 2021, DPE became responsible for the finalisation of the planning package and planning in the Aerotropolis and have engaged with key stakeholders, including the Western Sydney Airport Corporation, Western City Planning Authority, Penrith and Liverpool Council and key state government agencies in the finalisation of the planning package.

## 2 What is proposed in this finalisation report?

The finalisation package relates to the following three key deliverables:

- Finalisation of the SEPP Amendments
- Finalisation of the Precinct Plan for the initial precincts
- Finalisation of the Aerotropolis Special Infrastructure Contribution.

### 2.1 SEPP Amendments Package

The SEPP Amendments proposed were outlined in the Explanation of Intended Effect (EIE) and proposed changes to *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020*, *State Environmental Planning Policy (State and Regional Development) 2011*, *State Environmental Planning Policy (Western Sydney Employment Area) 2009*, *Liverpool Local Environmental Plan 2008* and *Penrith Local Environmental Plan 2011*.

Prior to the finalisation of the SEPP amendments package for the Aerotropolis, the Consolidated SEPPs amendment was implemented which resulted in a name change to all of the SEPPs that were incorporated into the proposed amendment. While the name of the relevant SEPPs have changed, the SEPP consolidation does not change the legal effect of the existing SEPPs, with section 30A of the *Interpretation Act 1987* applying to the transferred provisions. For the purpose of this report, the following references apply:

- The former SEPP (Western Sydney Airport) 2020 will be referred to as the Aerotropolis SEPP and references amendments to the Precincts - Western Parkland City SEPP.
- The former SEPP (State and Regional Development) 2011 or SRD SEPP references amendments to the new consolidated Planning Systems SEPP.
- The former SEPP (Western Sydney Employment Area) 2009 or WSEA SEPP refers to amendments to the new consolidated Industry and Employment SEPP.

This finalisation report describes the proposed changes that have been made as a result of the public exhibition and recommends that the Aerotropolis SEPP be amended.

The finalisation of the SEPP Amendments Package responds to:

- Submissions made by landowners, the community, industry, local councils, and other stakeholders in response to the EIE for the SEPP Amendments.
- The recommendations made by the Independent Community Commissioner.
- Submissions made by landowners, the community, industry, local councils, and other stakeholders in response to the draft Aerotropolis Precinct Plan.
- A general review of the Aerotropolis planning framework and necessary amendments to the Aerotropolis SEPP to reinforce the WSAP, including the need for minor housekeeping amendments.

The amendments are discussed below in Section 4.4 of this report, which specifically responds to the key issues arising from the public consultation periods, and Section 5.1 of this report, which details other changes made to the Aerotropolis SEPP as part of its finalisation after the exhibition period. The key changes made via the Aerotropolis SEPP package include:

- The Environment and Recreation land bordering the non-initial precincts of Kemps Creek and Rossmore has been removed so it reverts to its former rural zoning (in response to the Community Commissioner Recommendations 10 and 25).
- Minor adjustments to the boundary of the Agribusiness and North Luddenham Precincts.
- Introducing provisions enabling previously permissible land uses (in response to the Community Commissioner Recommendation 15).
- Introducing a Building Restricted Area Map and corresponding Commonwealth consultation requirements, to provide additional airport operations safeguarding.
- Rezoning additional land to meet biodiversity certification requirements in the Aerotropolis Core and Badgerys Creek Precincts.
- Including the draft Recognition of Country Guidelines as a matter for consideration in the assessment of development applications until DCP Phase 2 is adopted.
- Amending the Design Review Panel and Architectural design competition requirements.
- Introducing provisions to facilitate minor amendments to the Precinct Plan via a development application.
- Expanding the ability to master plan in the Aerotropolis by removing the 100-hectare minimum but incorporating additional criteria into the master plan guidelines. The Aerotropolis SEPP was also amended to refer to the date of publication of the master plan guidelines as approved by the Planning Secretary.
- Including referral powers for the Western Parkland City Authority relevant to its interests.
- Introducing complying development provisions that have regard to airport safeguarding and the Aerotropolis vision.
- Implementing the initial amendments to Luddenham Village, as set out in the Interim Strategy, which establishes minimum lot sizes, a revised village boundary and additional permitted uses.
- Rezoning land in the Sydney Science Park and incorporating additional clauses relevant to the site in the Aerotropolis SEPP, including the maximum number of dwellings.
- Amendments to *State Environmental Planning Policy (State and Regional Development) 2011* to ensure State Significant Development is in line with the vision of the Western Sydney Aerotropolis.
- Rezoning land under the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* to incorporate appropriate land into the Mamre Road Precinct.
- Remove roads as a prohibited use in the High Biodiversity Area.

## 2.2 Precinct Plan

The finalisation of the Precinct Plan for the five initial precincts (Precinct Plan) provides a clear framework of further matters that will be considered in the assessment of development applications. The Precinct Plan is given statutory weight through the Aerotropolis SEPP and provides more detailed land use planning controls.

The Precinct Plan illustrates the height and floor space ratios (FSR), street network, and lot and block pattern of future development within each initial precinct, and has been informed by an Urban Design Framework provided at Attachment L 7A.

The amendments to the draft Precinct Plan following its exhibition are discussed below in Section 4.4 of this report, which specifically responds to the key issues arising from public consultation. At a high level, the changes to the exhibited Precinct Plan include modifications to the layout, location

and area of open space and stormwater land that reflect the SEPP Amendments (including changes to the Open Space Network), changes to the alignment and hierarchy of roads to more accurately reflect existing lot boundaries and cadastre, and simplification of the FSR and height requirements, including incentives for the delivery of additional open space within each of the precincts. In the Agribusiness Precinct, Luddenham Village has been removed from the Precinct Plan and interim development controls have been elevated into the SEPP Amendments, pending finalisation of the Luddenham Village Plan.

Key elements of each of the precincts are identified in Table 2 below, with the overall structure plan provided at Figure 3.

**Table 2:** Key components of initial precincts

Component	Land use	Jobs	Dwellings	Open space and stormwater land	Environmental conservation land*
Precinct					
<b>Aerotropolis Core</b>	778 hectares of employment land for Enterprise uses 513 hectares of mixed-use land 33 hectares of land for Environment and Recreation uses	Up to 50,000 – 60,000	8,000	202 hectares	26 hectares
<b>Badgerys Creek</b>	606 hectares of employment land for Enterprise uses 20 hectares of land for Environment and Recreation uses	Up to 11,000	No additional dwellings	40 hectares	10 hectares
<b>Wianamatta-South Creek</b>	895 hectares of land for Environment and Recreation uses	N/A	No additional dwellings	144 hectares (including Thompsons Creek)	421 hectares
<b>Northern Gateway</b>	633 hectares of Enterprise land and 193 hectares of Mixed-Use land within Sydney Science Park	Up to 21,000	3,400 (within Sydney Science Park)	233 hectares	137 hectares
<b>Agribusiness</b>	1,010 hectares of employment land for Agribusiness and Enterprise uses	Up to 5,400 (by 2036) Up to 10,000 (by 2056)	No additional dwellings <sup>†</sup>	231 hectares	170 hectares

\* (ENV and/or CPCP)

† Note: Potential increase in residential in Luddenham Village to be confirmed once Luddenham Village Plan is finalised

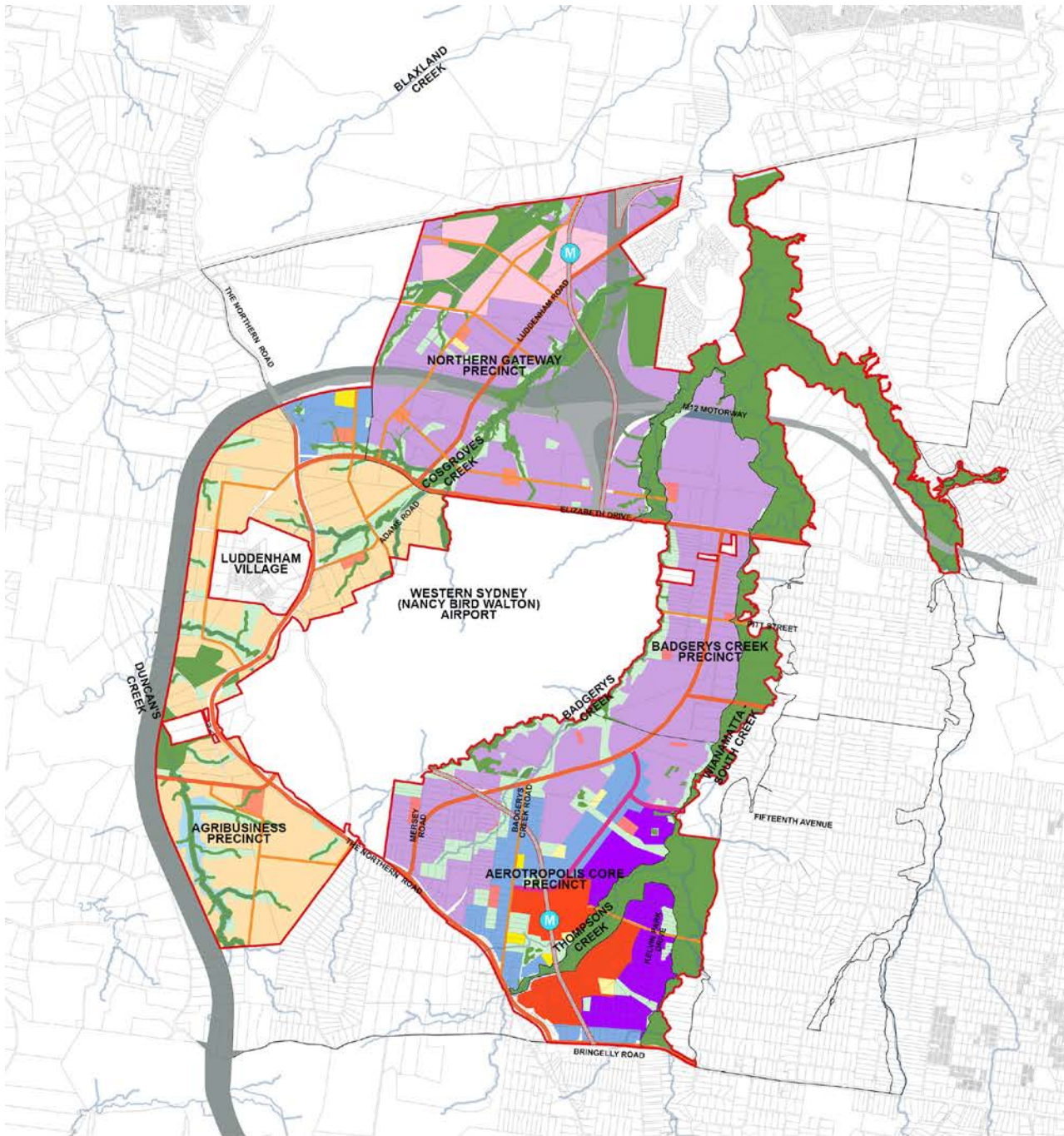


Figure 3: Structure Plan – Initial Precincts



## 2.3 Special Infrastructure Contribution

This finalisation report recommends the endorsement of Western Sydney Aerotropolis Special Infrastructure Contribution (SIC). The SIC program is one of many tools used by the NSW Government to plan for and fund infrastructure in new precincts. The Western Sydney Aerotropolis SIC may enable up to \$1.1 billion to be levied to support the delivery of key infrastructure such as public transport networks, schools and regional open space. This represents a portion of the total cost of infrastructure required to support the Aerotropolis, with the balance to be funded through other sources.

Due to the significant investment by the Commonwealth and State Governments in transport infrastructure in the Aerotropolis, the SIC rate is two-tiered system. A Net Developable Area charge will apply to the entire Special Contributions Area and an additional Station Precinct charge based on a percentage of the cost of development will apply to development on land located within 1.2km of Sydney Metro's proposed Western Sydney Aerotropolis and Luddenham stations. The Station Precinct charge will recover a portion of the State and Commonwealth government's investment in the Station Precinct Enhancement Program (i.e. Sydney Metro Western Sydney Airport) as agreed in the Western Sydney City Deal. An amendment to the *Environmental Planning and Assessment Regulation 2000* is needed to facilitate payment to the Commonwealth of its 'share' of the additional levy.

The NDA charge will typically be applied at subdivision stage and will contribute towards transport, social infrastructure, regional open space, other State and regional infrastructure, and biodiversity offsets under the proposed Cumberland Plain Conservation Plan. The Station Precinct charge will apply to development on land zoned Mixed Use and Enterprise within 1.2 kilometres of the proposed Aerotropolis and Luddenham Stations and will recover some of the Commonwealth and State Governments' investment in the metro line.

The final rates in the SIC are outlined in the table below.

**Table 3: SIC rates**

<b>Zone</b>	<b>NDA charge per hectare of net developable area (indexed annually)</b>	<b>Station precinct charge (% of the cost of carrying out development)</b>
Mixed Use	\$500,000	2%
Enterprise	\$200,000	1%
Agribusiness	\$200,000	N/A
Industrial	\$200,000	N/A
Environment and Recreation	Nil	N/A
SP2 Infrastructure	Nil	N/A

## 3 Exhibition details

### 3.1 Exhibition and submission periods

#### 3.1.1 Precinct Plan Package

The draft Precinct Plan for the initial precincts was exhibited from 10 November 2020 until 12 March 2021. All submissions received by the then Department of Planning, Industry and Environment have been considered in the submissions report provided at Attachment L1. A total of 673 submissions were received in response to the Precinct Plan.

As a result of review of the submissions received and the changes to the Precinct Plan resulting from the original exhibition, it was identified that a number of amendments would be required to the Aerotropolis SEPP to ensure updated findings from the Precinct Plan process were implemented. These amendments were included in the exhibited EIE in October 2021 and reflected in the SEPP amendments package (see below).

#### 3.1.2 SIC Package

The draft SIC for the Aerotropolis was exhibited from 10 November 2020 until 12 March 2021.

A total of 21 submissions were received in response to the draft SIC. In addition, approximately 63 submissions received on the Precinct Plan Package discussed infrastructure contributions. All submissions received by the then Department of Planning, Industry and Environment have been considered in the submissions report provided at Attachment L2.

#### 3.1.3 SEPP Amendments Package

The SEPP EIE, Luddenham Village Discussion Paper and Phase 2 DCP (SEPP Amendments Package) were exhibited from 8 October 2021 until 5 November 2021. A total of 253 submissions were received. All submissions received by the then Department of Planning, Industry and Environment have been considered in the submissions report provided at Attachment L3.

## 3.2 Exhibited materials

### 3.2.1 Precinct Plan Package

The following documents were publicly exhibited as part of the Draft Aerotropolis Precinct Plan Package:

- Draft Precinct Plan for initial precincts
- Draft Special Infrastructure Contribution (SIC) for the Western Sydney Aerotropolis
- Urban Design and Landscape Report
- Aboriginal and Non-Aboriginal heritage Report (Attachment K 7B)
- Aboriginal Engagement Outcomes Report (Attachment K 7C)
- Air Quality and Odour Report (Attachment K 7D)
- Biodiversity Assessment Report (Attachment K 7E)

- Bushfire Risk Assessment (Attachment K 7F)
- Economic and Market Feasibility Report (Attachment K 7G)
- Land Capability and Contamination (Attachment K 7H)
- Open Space Needs Study (Attachment K 7I)
- Social Infrastructure Audit and Needs Report (Attachment K 7J)
- Stormwater, Water Cycle Management Study Interim Report (Attachment K 7K)
- Sustainability and Heat Report (Attachment K 7L)
- Transport Planning and Modelling Report (Attachment K 7M)
- Utilities Audit (Attachment K 7N)
- Wildlife management Assessment Report (Attachment K 7O).

The final Precinct Plan adopted through the Aerotropolis Planning Package is available on the NSW Planning Portal.

### 3.2.2 SIC Package

The following documents were publicly exhibited as part of the SIC Package:

- Draft Special Infrastructure Contribution – Determination
- Draft Special Infrastructure Contribution Feasibility Analysis
- Draft Special Infrastructure Contribution Brochure
- Draft Special Infrastructure Contribution Factsheet
- Draft Special Contributions Area map.

The final determination and SIC package is available on the NSW Planning Portal.

### 3.2.3 SEPP Amendments Package

The following documents were publicly exhibited as part of the SEPP Amendments Package:

- Explanation of Intended Effect (EIE) for the Aerotropolis SEPP
- Luddenham Village Discussion Paper.

The Draft Phase 2 Development Control Plan (DCP) and accompanying guidelines (Recognising Country and Aviation Safeguarding) were also exhibited when the EIE was exhibited. The Draft Phase 2 DCP is not being recommended for finalisation as part of this report and will be finalised later in 2022.

The SEPP amendment is available on the NSW Legislation website.

## 3.3 Notification

### 3.3.1 Precinct Plan Package

During the exhibition period, notification letters were sent to approximately 2,820 landowners and residents within the Aerotropolis Precinct and surrounding areas. The Department also sent notification letters to key stakeholders (see Attachment K4) advising of the exhibition.

### 3.3.2 SIC Package

The Department sent notification letter to key stakeholders including NSW Treasury, peak industry bodies and councils advising of the exhibition. Electronic Direct Mail (EDM) was also sent to those that registered to advise the commencement of the exhibition.

### 3.3.3 SEPP Amendments Package

- 2,231 notification letters were sent to landowners and residents within the Aerotropolis Precinct and surrounding areas.
- 244 letters were sent to landowners advising their property was listed on the Land Reservation Acquisition (LRA) map.
- 241 letters were sent to residents within the Wianamatta-South Creek area notifying them of proposed changes to the Environment and Recreation boundary.
- 209 letters were sent to residents in Luddenham notifying them of the exhibition and inviting them to workshops to discuss the options for making Luddenham a sustainable village into the future.
- 43 letters were sent to landowners in Martin and Lawson Roads, Badgerys Creek, explaining how proposed changes in the EIE would impact their land.

The Department also sent notification emails to key industry stakeholders, councils, and Commonwealth and State agencies identified in Attachment K4, advising of the exhibition.

## 3.4 Public notice

### 3.4.1 Precinct Plan Package

A media release announcing the public exhibition period was issued by the Department on 10 November 2020. Phase one of the advertising campaign from 10 November to 18 December 2020 included seven advertisements over four publications. Adverts were placed in the local press within the Penrith and Liverpool areas, the Liverpool City Champion and Penrith Western Weekender, and two in the metropolitan press, the Sydney Morning Herald and the Daily Telegraph. A paid social media advertising campaign ran from 11 November to 20 December 2020, with Facebook and Instagram posts and stories.

Phase two of the advertising campaign ran from 18 January to 12 March 2021. Adverts were placed in the Liverpool City Champion and Penrith Western Weekender from 12 to 26 February 2021 and the Koori Mail from 10 February advising of the details of the public exhibition. A digital display advertising campaign ran on the news.com.au and Daily Telegraph news sites from 12 to 26 February 2021 geotargeting residents in the Liverpool Blacktown and Penrith local government areas. A paid social media advertising campaign ran from 18 January to 12 March 2021, with Facebook and Instagram posts and stories. The target audiences included the Aerotropolis and Greater Sydney areas, Indigenous audiences, and the re-targeting of people who had landed on the Aerotropolis webpages in previous campaigns.

### 3.4.2 SIC Package

A media release announcing the public exhibition period was issued by the Department on 10 November 2020. Social media posts announcing to start of the exhibition period.

### 3.4.3 SEPP Amendments Package

A media release announcing the public exhibition from 5 October to 8 November 2021 was issued as a joint release by the then Minister for Planning and Public Spaces, Rob Stokes, and the Minister for Western Sydney, Stuart Ayres, on 5 October 2021.

Adverts were placed in the Penrith Western Weekender and the Koori Mail advising of the details of the public exhibition. Digital advertising ran on the Liverpool Leader website during the exhibition period.

Social media posts on LinkedIn and Twitter announcing to start of the exhibition period. Follow-up posts occurred in week three of the exhibition, reminding the community to make a submission.

## 3.5 Community engagement

### 3.5.1 Precinct Plan Package

The following community engagement activities occurred during the exhibition period of the Precinct Plan for the initial precincts:

- Four electronic direct mails (EDM) were sent throughout the exhibition campaign to landowners who were registered in the database.
- A dedicated precinct webpage was maintained on the Department's website, which included all exhibition documents and technical reports.
- A call and email service was set up for the community to contact planners.
- Between 22-24 February and 1-5 March 2021, 133 landowners booked a one-to-one session with the Aerotropolis planning team to find about more about what the plans meant for them and raise any comments or concerns.
- Three Enquiry by Design workshops were hosted by the Department, with community members, the Community Liaison Group, large landowners and State agencies, to seek input into the Precinct Plan for the initial precincts.
- Due to the COVID-19 lockdown, the Department hosted virtual community and stakeholder information sessions. There were three online information sessions and an industry briefing about the package conducted during the exhibition period. The sessions held are outlined in the following table.

**Table 4:** Design workshops and community information sessions

Date	Time	Aerotropolis community briefing sessions
15 July 2020	1.30pm-4.15pm	Enquiry by Design workshop 1
22 July 2020	5.30pm-7.30pm	Enquiry by Design workshop 2
29 July 2020	9.30am-12.30pm	Enquiry by Design workshop 3
17 November 2020	5pm – 6pm	Agribusiness session
19 November 2020	5pm – 6pm	Aerotropolis Core, Badgerys Creek, Wianamatta-South Creek session
25 November 2020	5pm – 6pm	Northern Gateway session

### 3.5.2 SIC Package

The following community engagement activities occurred during the exhibition period of the draft SIC:

- Throughout the exhibition campaign, electronic direct mails (EDM) were sent to landowners who were registered in the database.
- A dedicated SIC webpage was maintained on the Department’s website, which included all exhibition documents and technical reports.
- A call and email service was set up for the community to contact planners.
- Due to the COVID-19 lockdown, the Department hosted virtual community and stakeholder information sessions. There were three online information sessions and an industry briefing about the package conducted during the exhibition period. The sessions held are outlined in the following table.

**Table 5: Community Information Sessions**

Date	Time	Aerotropolis community briefing sessions
17 November 2020	5pm – 6pm	Agribusiness session
18 November 2020	3pm – 4pm	Peak industry group briefing – overview
19 November 2020	5pm – 6pm	Aerotropolis Core, Badgerys Creek, Wianamatta-South Creek session
25 November 2020	5pm – 6pm	Northern Gateway Session
18 December 2020	9:30am – 10:30am	Peak industry group briefing – feasibility analysis
11 May 2021	3pm – 4pm	Peak industry group briefing – discussion on submissions

### 3.5.3 SEPP Amendments Package

The following community engagement activities occurred during the exhibition period of the SEPP Amendments:

- Three electronic direct mails (EDM) were sent throughout the exhibition campaign to 2,749 subscribers who were registered in the database.
- Dedicated webpages were maintained on the Department’s website, which included all exhibition documents, technical reports, and information about community session times.
- A dedicated, 1800-number, call and email service was set up that the community could contact to arrange for a planner to call them back. 331 calls and 213 emails were responded to.
- During the exhibition period, the Department conducted 14 one-on-one landowner meetings. The Independent Community Commissioner Roberta Ryan and Department representatives meet with another 19 small landowners. Professor Ryan held an additional 60 meetings with small landowners and 4 Community Consultative Committee meetings, two of which included a wider group of previous Community Liaison Group members. Meetings were also held with larger landowners in the Aerotropolis.
- Due to the COVID-19 lockdown, the Department hosted virtual community and stakeholder information sessions. Thirteen online information sessions and two industry briefing sessions

were held regarding the package during the exhibition period. A total of 388 participants attended the information sessions. The online information sessions were separated into precinct and subject matters, and the sessions held are outlined in the following table.

**Table 6:** Community information sessions

Date	Time	Aerotropolis community briefing sessions
11 October 2021	6.00pm – 8.00pm	Open Space Acquisition session with representatives from the Valuer Generals office
12 October 2021	5.00pm – 6.30pm	Greater Sydney Commission Youth Panel discussion
12 October 2021	6.00pm – 7.00pm	Wianamatta-South Creek (WMSC) Section 1 residents
13 October 2021	6.00pm – 8.00pm	WMSC general information session on EIE boundary changes
14 October 2021	11.00am – 12.00pm	WMSC Section 2 residents
15 October 2021	2.00pm – 3.00pm	WMSC Section 3 residents
16 October 2021	10.30am – 12.30pm	General community Session 1
16 October 2021	1pm – 2pm	Residents of Lawson and Martin Roads in Badgerys Creek impacted by stormwater
18 October 2021	5.30pm – 6.30pm	WMSC Section 4 residents
19 October 2021	6.00pm – 8.00pm	General Community Session 2
20 October 2021	9am – 10.30am	Industry briefing on the draft Phase 2 DCP
20 October 2021	11.00am – 12.30pm	Luddenham Village workshop session
21 October 2021	6.00pm – 7.30pm	Luddenham Village workshop session
25 October 2021	6.00pm – 7.00pm	WMSC Section 5 residents
27 October 2021	From 6.00pm	Industry stakeholders

## 4 Response to submissions

This section discusses the issues raised in submissions, and those raised in ongoing discussions with State agencies, landowners and key stakeholders.

### 4.1 Submissions received

All submissions received on the Draft Precinct Plan Package are listed and summarised at Attachment K1, along with the Department's response. Table 7 provides a summary of the number of submissions received from each stakeholder group on the Precinct Plan for the initial precincts.

All submissions received on the draft SIC are listed and summarised at Attachment K2, along with the Department's response. Table 8 provides a summary of the number of submissions received from each stakeholder on the SIC Package.

All submissions received on the SEPP Amendments Package and Luddenham Discussion Paper are listed and summarised at Attachment K3, along with the Department's response. Table 9 provides a summary of the number of submissions received from each stakeholder group on the SEPP Amendments.

**Table 7:** Summary of Precinct Plan Package submissions

Stakeholder	Number of submissions (Precinct Plan Package)
Local community/landholders	637
NSW Government agencies and councils	14
Industry organisations	22
<b>Total</b>	<b>673</b>

**Table 8:** Summary of SIC Package submissions

Stakeholder	Number of submissions (SIC Package)
Local community	5
Landholders/developers	9
NSW Government agencies and councils	3
Industry organisations	4
<b>Total</b>	<b>21</b>

In addition, approximately 63 submissions received on the Precinct Plan Package discussed infrastructure contributions. These were made of up small landowners (45) and larger landowners (11), and local councils (3), as well as other state government, development and housing industry organisations, and the Western Sydney Airport Corporation.



**Table 9: Summary of SEPP Amendments Package submissions**

Stakeholder	Number of submissions (SEPP Amendments Package)	Number of submissions (Luddenham Village Discussion Paper)	Number of submissions (total)
Landowners/local community	188	17	205
Community organisations/local businesses	9	5	14
Developers/planning consultants	11	2	13
Agencies and public authorities	6	6	12
Councils	3	2	5
Industry groups	4	0	4
<b>Total submissions</b>	<b>221</b>	<b>32</b>	<b>253</b>

In addition to the above, 33 submissions were received in response to the Phase 2 DCP and 44 submissions received were out of scope. These submissions have not been addressed as part of this finalisation and the submissions received regarding the Phase 2 DCP will be addressed during the finalisation of the DCP in 2022.

## 4.2 Issues raised in submissions

### 4.2.1 Precinct Plan Package

The key issues raised through the landowner, community and developer submissions on the Precinct Plan Package related to:

- The amount of open space and stormwater land proposed in the Precinct Plan and the rationale used to locate it.
- How land for open space and stormwater will be acquired.
- Uncertainty about the Environment and Recreation zone, including its impact on land values, what it can be used for, opportunities for development, and how existing uses could operate.
- Concern relating to the ground-truthing of land identified as having biodiversity value and concern that retention of vegetation could lead to bird attraction, which is inconsistent with aviation safeguards.
- Concern that land has been identified for flooding to limit development potential and a lack of confidence in flood studies undertaken.
- Concerns over the ongoing viability of Luddenham Village and limited potential for residential development.
- Uncertainty about whether existing landowners could continue to live on their property and clarification on existing uses.
- Lack of clarity over why the placement of roads and open space did not align with the cadastral boundaries.

- Lack of clarity over how the initial and non-initial precincts were selected and a request for greater certainty on the timing of future precinct rezonings.
- Uncertainty around aviation safeguarding, including compensation for sound proofing existing homes within the ANEC-20 and above contours, impacts of noise from the airport and future airport operations.

A number of the above key issues required resolution through the Aerotropolis SEPP and were the rationale for the amendment of this SEPP recommended as part of this Finalisation report. These amendments to the Aerotropolis SEPP are listed below (Section 4.2.3). Section 4.4 of this report provides a summary of changes that have been made to the Precinct Plan post-exhibition as a result of submissions received or where it is considered that further justification is required in the consideration of key issues.

## 4.2.2 SIC Package

The key issues raised through the landowner, community and developer submissions on the SIC Package related to:

- The submissions acknowledged the importance of the Western Sydney Aerotropolis SIC in delivering the required infrastructure for the region.
- Respondents identified works-in-kind agreements as a useful mechanism for the NSW Government to partner with developers and encourage investment in early developments.
- The community requested the cumulative cost across State and local government contributions and levies should not make development unfeasible. It also requested extending the phasing of the charges to allow a longer transition period.
- Respondents identified the importance of consistent assumptions, clarity in roles and responsibilities, and a coordinated approach in infrastructure delivery across the Western Parkland City.
- The submitters requested more information on infrastructure, such as delivery timeframes and identifying the responsible entity, and how these projects will be prioritised, managed and delivered.
- The need for confirmation on what will happen with the executed and draft State Voluntary Planning Agreements (SVPA).
- Some respondents also recommended the proposed SIC should be aligned with the mechanisms outlined in the infrastructure contributions reforms.

## 4.2.3 SEPP Amendments Package

The key matters raised through the landowner, community and developer submissions on the SEPP Amendments Package related to:

- Provisions for previously permissible uses.
- Amending the Precinct Plan and minor inconsistencies with the Precinct Plan.
- The master-planning process.
- Amendments to the *State and Regional Development SEPP*.
- Design excellence provisions.
- Acquisition of land and land valuation.
- The quantity and location of stormwater land.

- Timing of development and infrastructure servicing.
- Biodiversity.

The following section of this report details the changes that have been made to the Aerotropolis SEPP following its exhibition, as a result of submissions received. It also outlines the housekeeping amendments made to the Aerotropolis SEPP as part of this finalisation.

## 4.3 Government agency and utilities submissions

### 4.3.1 Precinct Plan Package

Through the Planning Partnership Office, the Department consulted extensively with NSW Government agencies, including Liverpool City Council and Penrith City Council, receiving five submissions from councils and eight submissions from NSW Government agencies. Submissions were received from the following:

- Liverpool City Council
- Penrith City Council
- Camden Council
- Fairfield City Council
- The Hills Shire Council
- Transport for NSW
- Environment, Energy and Science
- Department of Primary Industries
- Water NSW
- Environmental Protection Authority
- Heritage NSW
- Schools Infrastructure NSW
- South Western Local Health District.

Attachment K1 outlines the issues raised in each submission and the Department's considerations.

### 4.3.2 SIC Package

Submissions were received from the following agencies and local councils on the Aerotropolis SIC Package:

- Camden Council
- Liverpool City Council
- Penrith City Council
- Schools infrastructure NSW.

### 4.3.3 SEPP Amendments Package

Submissions received from the following agencies and local councils on the SEPP Amendments Package are outlined in the following table.

**Table 10: SEPP Amendments Package submissions**

Agency submissions to the EIE	Agency submissions to the Luddenham Village Discussion Paper
<ul style="list-style-type: none"> <li>• Penrith City Council (single submission)</li> <li>• Liverpool City Council (single submission)</li> <li>• Fairfield City Council</li> <li>• Western Sydney Airport (single submission)</li> <li>• Water NSW</li> <li>• Sydney Water</li> <li>• Transport for NSW</li> <li>• Sydney Metro</li> <li>• Environmental Protection Authority</li> <li>• Department of Primary Industries (Biosecurity and Food Safety branch)</li> </ul>	<ul style="list-style-type: none"> <li>• Penrith City Council (single submission)</li> <li>• Liverpool City Council (single submission)</li> <li>• Western Sydney Airport (single submission)</li> <li>• Department of Primary Industries</li> <li>• Sydney Water</li> <li>• Transport for NSW (single submission)</li> <li>• Endeavour Energy</li> <li>• Environmental Protection Authority</li> </ul>

## 4.4 Landowner, community and developer submissions

This section outlines the key matters that arose out of submissions from landowners, the community and developers. This section discusses matters relating to both the Aerotropolis SEPP and the Precinct Plan. The key matters and responses to submissions have been addressed under different themes, with responses provided for Aerotropolis SEPP and the Precinct Plan as relevant. More detailed responses to submissions is provided in the submissions reports at Appendix L1, L2 and L3.

### 4.4.1 Land for stormwater infrastructure

#### Issue

The EIE and exhibited mapping proposed that land identified for stormwater infrastructure was to be rezoned to SP2 Infrastructure. Many submissions requested the former zoning under the Aerotropolis SEPP be reinstated to enable flexibility for the delivery of infrastructure and surrounding development.

#### Response

The proposal to rezone land as SP2 for stormwater infrastructure was withdrawn in response to community concerns. The original land zoning in place under the Aerotropolis SEPP has been retained and land is no longer being rezoned to SP2 Infrastructure for stormwater infrastructure. Sydney Water will be identified as the regional stormwater authority for the Aerotropolis catchments, facilitating an integrated water-cycle management approach. While this represents a change to the mechanism of zoning of the land and identifying an acquisition authority, it will still ensure that land is protected for the purpose of stormwater infrastructure and the land to be acquired for this purpose is identified. Sydney Water have also been given a concurrence role to ensure that any future development applications that occur on land that is affected by the acquisition layer has appropriate consideration for the future use of the land.

## Issue

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Lack of simplicity regarding who would own and manage the proposed stormwater infrastructure and whether the land on which the infrastructure is located would be subject to acquisition by the government. Concerns were also raised regarding the amount of open space for stormwater.

## Response

Sydney Water will be appointed the stormwater manager for the Aerotropolis catchments. Sydney Water is identified as the acquisition authority for stormwater land. This land will not be needed immediately and will be acquired as part of a coordinated approach aligning the stormwater system delivery with development. Sydney Water are also working pro-actively with Councils, facilitated by the Departments Water Group to ensure ongoing management arrangements are in place to ensure that the land that is required for both the regional stormwater system and local open space is effectively managed.

The evidence base for the area of land needed for stormwater management is included in the Open Space Needs Study together with the more technical analysis of stormwater options that is in the Stormwater and Water Cycle Management Study (Sydney Water 2021). The technical analysis includes hydrological and water quality modelling necessary to determine the size of basins for delivering the integrated water cycle approach and as part of a treatment train including on lot treatments for managing the water way health indicators.

## Issue

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Location of proposed stormwater infrastructure was identified as land constrained, due to, for example, topography or other infrastructure, and submitters requested a review of the allocation of stormwater land on their property.

## Response

Stormwater infrastructure locations was reviewed in response to submissions. Where a change in the amount of land needed for stormwater infrastructure was identified, the landowner was contacted, and the change in the affectation of the property was confirmed. As a result of the review amendments, boundary adjustments to the land required for stormwater infrastructure were identified for 17 properties. These changes are reflected in the Precinct Plan and the Aerotropolis SEPP as amended.

All landowners that own land to be acquired will be notified upon the making of the SEPP.

### 4.4.2 Land for open space

## Issue

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Submissions from the community raised concerns about the amount of open space that was identified in the Precinct Plan for the initial precincts. The submissions were also concerned that the rationale and the process used to locate proposed open space was not available for public review, with some smaller landowners concerned the Precinct Plan favoured larger landholders.

## Response

A comprehensive review of the Open Space Network has been undertaken, with a focus on refining and rationalising the area needed for open space. The Open Space Network has been assessed against benchmarks and open space locations have been prioritised to serve a variety of purposes, including stormwater management, passive and active recreation needs, walking and cycling paths, scenic and cultural connections, biodiversity conservation and linkages, and accessibility for residents and workers. The review and subsequent changes to the Open Space Network have reduced the need to acquire some private properties for open space purposes.

Furthermore, the open space types have been amended in the Precinct Plan to ensure they are simplified, and their proposed use is made clear.

As a result of the above review, open space has been reduced by 42 per cent or 622 hectares, which still ensures that 16.2 per cent of land in the initial precincts of the Aerotropolis are protected for open space purposes. Land included in the revised Open Space Network has been identified, explained and justified in the Open Space Needs Study.

Land identified for open space will need to be acquired over time to support the growth and the changing nature of the Aerotropolis.

The identification of land for open space acquisition under the Aerotropolis SEPP has been identified in the Land Acquisition Reservation Map. Sydney Water, as the regional stormwater authority, will be responsible for the acquisition of land for stormwater.

Land for local open space purposes has also been identified on the SEPP Land Reservation Acquisition Map. Both Liverpool and Penrith Council's have exhibited a draft Section 7.12 plan and have identified that they are working towards the finalisation of these plans by May 2022, which would then be subject to Ministerial approval. Therefore, the planning package recommends that Councils become the acquisition authority for the local open space network identified on the Land Reservation Acquisition Map on 1 July 2022, noting that under Clause 271 of the Regulations no development applications can be approved unless a contributions plan is in place or the applicant has entered into a planning agreement with the planning authority.

The Department, in conjunction with key stakeholders will continue to investigate a coordinated approach to land acquisition where more than one acquiring authority has an interest in the same land.

A number of submissions received in response to the Explanation of Intended Effect requested changes to open space locations. A review of these requests has been undertaken and a number of open space areas on 6 properties have been reviewed and confirmed.

All landowners that own land to be acquired will be notified upon the making of the SEPP.

## Issue

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A number of submissions expressed concern that, if their land is acquired, they will be compensated based on the new 'green' zoning of their land, rather than the zoning or planning controls that applied prior to the rezoning for open space under the Aerotropolis SEPP or prior to the release of the Precinct Plan.

## Response

To ensure the Aerotropolis meets the open space needs of the future population, all land marked as open space will be acquired for a public purpose.

Section 56 of the *Land Acquisition (Just Terms Compensation) Act 1991* stipulates that 'market value' does not include any increase or decrease in the value of the land caused by the public purpose for which the land was acquired.

### 4.4.3 Environment and Recreation zone

#### Issue

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The Environment and Recreation zone created uncertainty for landowners regarding the implications for land that falls within the zone and the uses that could be carried out within this

land. Landowners were concerned with the extent of the Environment and Recreation zone across the precincts.

## Response

In response to the Community Commissioner's recommendations to consider the rationalisation of the Environment and Recreation zone and the views of affected landowners, the Environment and Recreation land use zone for a portion of land south of Elizabeth Drive, along the eastern edge of Wianamatta-South Creek and the entirety of Kemps Creek, is being rezoned back to its former rural zoning under the *Liverpool Local Environmental Plan 2008*. The land will remain within the Wianamatta-South Creek Precinct as it is mapped in the Aerotropolis SEPP Aerotropolis Boundary Map, but has been divided into two to reflect that part is in an initial precinct, and part non-initial precinct.

Where the Environment and Recreation zone is replaced with the RU4 Primary Production Small Lots land use zone, the Aerotropolis SEPP will still apply to the land, but only for matters such as the protection of airport operations and transport corridors in accordance with clause 5 of the Aerotropolis SEPP.

The Land Application Map, Western Sydney Aerotropolis Boundary Map, Land Zoning Map, Flood Planning Map, and High Biodiversity Value Areas Map have been updated in the Aerotropolis SEPP to reflect these changes. The *Liverpool Local Environmental Plan 2008* and *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)* have also been updated to reflect the amendment.

## Issue

A number of submissions raised concerns regarding land zoned Environment and Recreation and whether land identified as Environment and Recreation would be included on the Land Reservation Acquisition Map. Landowners also suggested that zoning of land to be acquired not be amended to become an SP2 zone and retain its original zoning.

## Response

Land zoned Environment and Recreation is land that is constrained for development due to a number of factors including flooding and or protected vegetation. Some areas zoned Environment and Recreation have been identified for acquisition for a public purpose including the regional park at Thompsons Creek, and some locations identified for local open space and stormwater infrastructure. Additional mechanisms have also been embedded in the Precinct Plan to encourage the ongoing management of the Environment and Recreation land through incentive provisions such as transfer of floor space ratio from the Environment and Recreation zone to the adjoining Mixed Use zone.

### 4.4.4 Luddenham Village

## Issue

In reviewing the submissions on the Draft Aerotropolis Precinct Plan and the Community Commissioner's report there was a need to develop a plan to provide the opportunity for a sustainable future for Luddenham Village.

## Response

A Luddenham Village Discussion Paper (Discussion Paper) was released for public exhibition from 8 October to 5 November 2021. This document aimed to provide a framework for a conversation with the community and key stakeholders about the role of Luddenham Village in the future Aerotropolis and, more specifically, the Agribusiness Precinct.

The Discussion Paper provided a series of scenarios with varying planning outcomes for Luddenham Village. Based on the community workshop and submissions received, the majority of the community supported residential growth scenarios for Luddenham Village (scenarios 3 and 4).

## Issue

Concerns were raised over the residential growth scenarios presented in the Luddenham Village Discussion Paper, particularly in relation to the aircraft noise impacts on the future Luddenham Village community in advance of the aircraft noise contours being finalised. These concerns relate to the potential intensification of noise sensitive development (residential development) on land in close proximity to an international airport that will operate 24 hours a day, seven days a week.

## Response

The NSW Government will continue to work with relevant government stakeholders and the community to achieve the best planning outcome for Luddenham Village and has prepared the Luddenham Village Interim Strategy, which is published on the Department's website. The Interim Strategy identifies how the planning framework for Luddenham Village has changed as a result of the finalisation of the planning package, but also identifies the work that the Department will do to finalise the Luddenham Village Plan. It should be noted that Luddenham Village is not forecast to be connected to reticulated water and sewer until 2025-26, which in effect limits the development capacity in the immediate future. However, if servicing occurs before this time, the Interim Strategy provides a pathway to further advance the work in Luddenham.

As outlined in the Interim Strategy, the Luddenham Village Plan will be finalised when there is greater certainty regarding noise impacts and servicing, and at this time subsequent amendments to the Aerotropolis SEPP and Precinct Plan will be considered, again in consultation with the community and stakeholders.

As proposed in the EIE, a boundary has been delineated for Luddenham Village that aligns with the existing residential zoned areas. The following land uses have been added as additional permissible uses under Schedule 1 of the Aerotropolis SEPP for land within Luddenham Village:

- Dwelling houses (outside of ANEC 20)
- Dual occupancy (outside of ANEC 20)
- Secondary dwellings (outside of ANEC 20)
- Registered clubs
- Hotel or motel accommodation
- Service apartments.

The existing minimum lot sizes stipulated under the Liverpool LEP and the Penrith LEP will continue to apply to the land and be embedded in the SEPP, as further subdivision of land is not recommended until servicing infrastructure is in place.

### 4.4.5 Provisions for previously permissible uses

The Community Commissioner's Recommendation 15 by identified the need for additional provisions in the Aerotropolis SEPP to permit existing land uses that were previously permissible prior to the making of the Aerotropolis SEPP. The Community Commissioner refers to these land uses as transitional land uses, in recognition that the Aerotropolis will gradually evolve over time.

In response to the Community Commissioner's recommendations for transitional land uses and clarification of existing use rights, a new clause has been incorporated into the Aerotropolis SEPP and applies to land zoned Enterprise, Mixed Use, Agribusiness, and Environment and Recreation.



Under this clause, development that was previously permissible prior to the rezoning of land within the Aerotropolis in 2020, will continue to be permissible with development consent, providing that it is consistent with the rest of the Aerotropolis SEPP, including the airport safeguard provisions in Part 3 of the Aerotropolis SEPP.

### Issue

Submissions sought clarification with regard to how approvals granted prior to the commencement of the Aerotropolis SEPP in 2020, will apply to sites and whether new development applications can be lodged in association with existing approvals under the provisions.

### Response

The making of the Aerotropolis SEPP does not void any existing development consent. The new provisions will provide a framework for lodging new development applications for uses that were previously permissible immediately prior to the making of the Aerotropolis SEPP. The provisions acknowledge the Aerotropolis will transition over a number of years. It is important that future development of previously permissible uses does not stifle the ability to achieve a thriving city centre and high-tech employment hub. For this reason, development considered under the previously permissible-uses provisions must not further fragment land or result in the intensification of uses that are not envisaged for each precinct.

The land use zones under the Aerotropolis SEPP will continue to apply, providing a clear direction for the future development of the Aerotropolis.

A new Guideline to Existing Use Rights and Previously Permissible Land Uses was published on the Department's website in October 2021, to inform and educate landowners on existing use rights and how the new clause will work.

### Issue

Submissions have raised concerns it will be too difficult to look up previously permissible uses given that there are new zones applying to land in the Aerotropolis.

### Response

The Guideline to Existing Use Rights and Previously Permissible Land Uses was published on the Department's website in October 2021 and provides a guide to previous permitted uses in each zone.

Further, the NSW legislation website contains all historic versions of LEPs and SEPPs. It is possible to identify previous zoning maps and land use permissibility for sites immediately before land was rezoned under the Aerotropolis SEPP. For most land within the Aerotropolis, land was previously zoned under either the *Penrith Local Environmental Plan 2010* or the *Liverpool Local Environmental Plan 2008*. Each LEP map on the NSW legislation website page provides the dates for which that map was in force, making it possible to identify the former zoning of land.

## 4.4.6 Amending a Precinct Plan and minor inconsistencies with a Precinct Plan

Part 7 of the Aerotropolis SEPP governs the planning framework with regards to Precinct Plans and master plans. It establishes the requirements for a Precinct Plan and the need for development to be consistent with a Precinct Plan to enable the consent authority to issue development consent. Prior to this amendment, the Aerotropolis SEPP was silent on how a Precinct Plan may be amended. Furthermore, the Aerotropolis SEPP did not include a pathway or provisions for development to be inconsistent with a Precinct Plan.

Under the new provisions, a master plan may propose amendments to a Precinct Plan. The requirement for exhibition and approvals are now detailed in the Aerotropolis SEPP. For development that is not subject to a master plan, it is possible to seek minor variations to a Precinct Plan under additional provision contained with the Aerotropolis SEPP.

### Issue

Submissions raised concerns regarding the appropriateness of the Western Parkland City Authority (WPCA) acting in both a referral role for the Precinct Plan for the initial precincts and as a developer delivering Bradfield.

### Response

The new clause in the Aerotropolis SEPP provides a referral mechanism to enable the WPCA to proactively identify and contribute to the solutions of high-profile and high-risk interface issues in the Aerotropolis, together with ensuring urban development outcomes are empowered by the timely provision of infrastructure. This role relates to the WPCA's responsibilities for delivery, coordination and attracting investment to the Western Parkland City. Precinct planning plays a critical role in delivering the Aerotropolis, which will be a core driver of investment in the Western Parkland City. The WPCA has adopted a governance structure that separates its development and planning functions.

### Issue

Submissions noted the importance of having a pathway to seek consent for minor inconsistencies to the Precinct Plan for development outside of the master-planning process. It was noted this process should be simple and should form part of the development application process.

### Response

The Aerotropolis SEPP has been amended to include a provision that allows minor variation to the Precinct Plan, if the consent authority has considered a written request from the applicant that justifies the inconsistency by demonstrating both of the following:

- Consistency with the plan is unreasonable or unnecessary in the circumstance.
- Sufficient environmental planning grounds justify the inconsistency.

The consent authority must be satisfied the proposed development is consistent with the strategic vision and general objectives for the precinct.

Further, the Precinct Plan has also been amended to provide greater levels of flexibility in the assessment of development applications.

## 4.4.7 Amendments to State Environmental Planning Policy (State and Regional Development) 2011

### Issue

Submissions raised concerns the SEPP amendments will reduce flexibility for State Significant Development, with the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) provisions facilitating a merit-based approach to development assessment.

Further concern has been raised that the statutory planning framework provided by the SRD SEPP and section 4.38(3) of the *Environmental Planning and Assessment Act 1979* (the Act) allows consent to be granted to State Significant Development that may be incompatible with the objectives and strategic intent of a particular land use zone.

## Response

The requirement for development to be permissible within the land use zone is an important aspect of ensuring the Aerotropolis develops in accordance with the WSAP. The amendment to the SRD SEPP, which requires proponents to comply with the Aerotropolis SEPP land use zones will ensure that land zoned Environment and Recreation is preserved for the purposes identified under the WSAP and only contains development that is permissible under the Aerotropolis SEPP. This will enable the protection of Environment and Recreation zone land for ecological and hydrological functions, and will support the creation of a parkland city. For the Mixed Use, Enterprise, and Agribusiness zones across the Aerotropolis, this amendment is considered to have a negligible impact, given the broad range of land uses that are permitted in these zones.

### 4.4.8 Special Infrastructure Contributions

#### Issue

Responders were concerned about the potential cumulative impact of multiple contribution levies on development feasibility within the Aerotropolis. They also recommended extending the phasing-in period for the charges.

#### Response

The charge rates were determined based on the infrastructure demand of development and a feasibility analysis. The varying charge rates reflect the infrastructure demand generated by different uses in the Aerotropolis. The cumulative impacts of State and local infrastructure contributions, and other development costs, fees and charges were considered as part of the feasibility analysis. This analysis has been updated and finalised to align with the final Precinct Plan. The Department will monitor charge rates and the phasing-in period, ensuring a balance between adequate funding for infrastructure and development viability.

#### Issue

It was noted that revenue raised through the Aerotropolis SIC will only partially fund infrastructure identified within the Aerotropolis Place Infrastructure Compact. Responders sought clarification on where the remaining funding will be sourced from and some suggested, where appropriate, developers deliver priority infrastructure projects as 'works in kind'.

Responders were also concerned about the lack of transparency regarding the selection and prioritisation of projects, the cost of infrastructure, and infrastructure delivery timeframes. The importance of a land acquisition strategy was highlighted to provide certainty to investors and property owners.

#### Response

The SIC is one of many ways the NSW Government provides funding of key infrastructure to support communities, residents and jobs. The NSW Government will explore other ways to fund projects, such as through general consolidated funds, infrastructure grant programs, and 'works in kind'.

The detailed SIC infrastructure schedule is available in the SIC Determination. The schedule includes the cost of each infrastructure item, and the cost of each item apportioned to future development in the Aerotropolis. Land acquisition and construction costs were considered in the calculation of each item. The infrastructure schedule supports the delivery of the Precinct Plan. Reading these two documents and other strategic documents, such as Greater Sydney Commission's (GSC) Western Sydney Place-based Infrastructure Compact (PIC), in parallel, provides a complete picture of the infrastructure to be provided.

The expenditure of funds collected would be in accordance with the established framework for the entire NSW SIC program. This includes a prioritisation and assurance process for the allocation of funds towards infrastructure projects and is overseen by an executive steering committee, including members of the Department, NSW Treasury and Infrastructure NSW.

Disbursements of funds collected under the proposed SIC will be subject to this internal assurance process and governance arrangement. Funded projects will also follow Infrastructure NSW's assurance process.

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### **Issue**

Alignment between the Aerotropolis SIC and other plans and agreements was viewed as crucial to providing consistency across the various planning and infrastructure documents that govern development in the Western Parkland City.

### **Response**

The SIC has been informed by various planning and infrastructure strategies, such as the Western Sydney Aerotropolis Plan, Aerotropolis SEPP, Precinct Plan and the GSC's PIC for Western Sydney. Commonwealth and State Government agencies and councils were also consulted on, and have contributed to, the Aerotropolis SIC to ensure policy alignment (such as council's local contribution plan).

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### **Issue**

Responders highlighted the importance of the Aerotropolis SIC aligning with the infrastructure contributions reform.

### **Response**

As per the Productivity Commission recommendation, the NSW Government has finalised the Aerotropolis SIC ahead of the infrastructure contributions reform. The exhibition of the proposed Regional Infrastructure Contributions (RIC) ended on 10 December 2021. The infrastructure contributions reform roadmap seeks to introduce this legislation to implement the reforms by July 2022.

The RIC will not apply where an implemented SIC is in place. However, to realise the benefits of the proposed RIC framework to implement a simple and consistent state infrastructure contributions system, it is intended that all land within the four RIC regions is transitioned into the new framework over time, as required.

## **4.4.9 Traffic and transport/roads**

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### **Issue**

Transport for NSW have undertaken further design and engineering work as part of the M12 Motorway development approvals process. This has resulted in the need to update the Transport Corridors map under the Aerotropolis SEPP, to reflect the revised alignments for the M12 Motorway and Outer Sydney Orbital.

### **Response**

The Aerotropolis SEPP amendment has included refinements to the road network identified under the Transport Corridors Map. Sections of the Outer Sydney Orbital south of the M12 Motorway alignment, within the Northern Gateway, Agribusiness and North Luddenham Precincts, have been removed from the map. The removal of these sections has been informed by design and engineering work undertaken by Transport for NSW. This work has clarified the design for the

major interchange of the M12 Motorway and Outer Sydney Orbital, with the new design able to accommodate the Outer Sydney Orbital in a smaller footprint.

As a consequence of removing a section of the Outer Sydney Orbital in the North Luddenham Precinct, the precinct boundaries have been adjusted to include this land within the Agribusiness Precinct. Since the North Luddenham Precinct is a non-initial precinct, this amendment has been made in response to the risk of sterilising this land if it were to remain as a narrow strip of rural land between the M12 Motorway and the Agribusiness Precinct.

As part of the finalisation of the Aerotropolis SEPP amendments, further adjustments have also been made to the alignments of the M12 Motorway and Luddenham Road. Adjustments made to the M12 Motorway alignment on the Transport Corridors SEPP map reflect the design and engineering work undertaken by Transport for NSW in preparing its detailed design.

## Issue

Mode share targets were provided in the draft Precinct Plan for the initial precincts. These seek to deliver high levels of sustainable transport (active and public) trips that respond to and support planned infrastructure investments, in particular significant improvements to public transport accessibility in the area brought about by the introduction of Sydney Metro – Western Sydney Airport and planning for rapid bus services. The mode share targets from the draft Precinct Plan for the initial precincts are identified in the table below.

**Table 11:** Draft Precinct Plan for initial precincts target mode share (original)

Precinct	Target mode share		
	Active transport	Public transport	Car
Aerotropolis wide (average)	6%	38%	56%

Feedback received in submissions was generally supportive of the mode share targets identified. However, it was noted that given these targets represent a significant shift from existing travel patterns and behaviour in the area, there is a need to more clearly articulate how these targets would be achieved by showing how they can be staged over time. Feedback was also received that there is an opportunity to further explore the opportunities to maximise the benefits of Sydney Metro to include sustainable mode share targets around the station catchments.

## Response

Mode share targets across the Aerotropolis have been reviewed in the Precinct Plan to include staged targets for 2026, 2036 and 2056. These amendments provide clarity on the pathway towards the achievement of high levels of sustainable transport usage in the Aerotropolis over time. Sustainable travel modes have also increased for the 2056 scenario, from 44 per cent to 50 per cent, due to additional consideration of opportunities to encourage higher public transport patronage within the Sydney Metro station catchments.

**Table 12:** Final Precinct Plan for initial precincts target mode share (amended)

Year	Target mode share		
	Active transport	Public transport	Car
2026 – Aerotropolis wide (average)	3%	18%	79%
2036 – Aerotropolis wide (average)	5%	30%	65%

2056 – Aerotropolis wide (average)	7%	43%	50%
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## Issue

The draft Precinct Plan presented a full, fine-grain street network for each of the initial precincts. Some submissions raised concerns the inclusion of the full, fine-grain street network in the draft Precinct Plan unreasonably limited the flexibility to adjust for individual sites based on site-specific conditions and where adjustments to the street layout may result in a better outcome. This was a particular concern given the draft Precinct Plan would have statutory weight, making provisions contained within it much more challenging to vary at the development stage.

## Response

The Precinct Plan has been modified to provide a higher level of flexibility for the fine-grain street network, so that suitable adjustments may be made at the development application stage. This has been achieved by presenting local and collector streets as indicative in the Precinct Plan.

Applicants may vary local and collector streets shown in the Precinct Plan, so long as they can demonstrate the alternative design:

- Achieves a permeable street network.
- Encourages walking and cycling and minimises travel distances.
- Maximises connectivity to community facilities, open space and centres.
- Takes account of topography and the flow of water in the landscape.
- Will not detrimentally impact on access to adjoining properties or result in isolation of properties.
- Will not impede the orderly development of adjoining properties.

### 4.4.10 Lot severance

## Issue

Submissions raised concerns with the draft Precinct Plan, and the residual parcels of land that were undevelopable due to roads, open space, stormwater or application of the Environment and Recreation zone.

## Response

As part of the urban design review process, proposed road alignments were amended, to the degree feasible, to better coordinate with the existing lot boundaries (cadastre) and ground conditions to minimise irregular land leftovers, site isolation or severance. The amendments to the road network, in combination with the proposed indicative layout for local roads that allow more flexibility in the implementation of the plans, will reduce the degree and frequency of lot severance occurring in the Aerotropolis and release larger areas of developable land.

An alternative approach has been employed for privately owned properties located in the Kelvin Park Drive area within the Wianamatta-South Creek Precinct that are zoned Environment and Recreation. A 'transferrable FSR' mechanism has been applied. Where FSR transfer is taken up, the associated floor space is to be transferred to the corresponding land title within the mixed-use zone, and the land provided for public access (or public ownership). The land may be dedicated for public use, or an alternative arrangement secured providing for public access and appropriate maintenance regimes. The lots that can apply a 'transferrable FSR' are indicated in yellow on the FSR control map contained in the final Precinct Plan.

#### 4.4.11 Built form and urban design

##### Issue

The following concerns were raised in a number of submissions relating to urban typologies:

- The site coverage requirements of the Precinct Plan for the initial precincts were significantly more restrictive than requirements that typically apply to similar employment lands throughout Western Sydney. These requirements will restrict early investment and employment generation in the Aerotropolis.
- The Precinct Plan for the initial precincts was unclear about the areas that are excluded from the permeable portion of a site. Furthermore, the rationale for the excluded areas was unclear and submissions suggested the excluded areas are the most 'fit for purpose' to achieve desired permeability.
- Further clarity was sought as to whether permeable areas count towards the net developable area (NDA) and whether the Special Infrastructure Contributions (SIC) will be payable on an increased area of land that does not generate revenue compared to other employment areas.

##### Response

The controls that regulate/define urban typologies (permeability and site coverage specifically) within the draft Precinct Plan have been reviewed against the requirements of the Western Sydney Employment Area DCP to investigate the possibility of aligning these controls with the existing best practice examples. The draft Precinct Plan proposed urban typology, site coverage and permeability requirements that ensure environmental performance standards established for the planning of the Aerotropolis are met and the landscape-led approach of the WSAP is achieved. As a result, site coverage and permeability outcomes exceeded those required in other Western Sydney Employment Areas in the vicinity of the Aerotropolis.

Further consideration of site coverage and permeability requirements against the other built-form controls contained in the Precinct Plan and discussion with technical experts has been undertaken. In response to the concerns raised by stakeholders through submissions, the urban typologies, permeability and site coverage requirements have been moved to the Phase 2 DCP. Relocating these requirements to the DCP allows for more flexibility in delivering urban typologies planned for the Aerotropolis while also ensuring the environmental performance requirements are achieved.

Further, within the Enterprise and Agribusiness Zone, a mechanism has been included in the Precinct Plan that enables the Environment and Recreation land to be included in the calculation for the permeable land requirement that will be embedded in DCP Phase 2.

##### Issue

Concerns were raised relating to site amalgamation, subdivision, and urban block pattern and structure including:

- The lot subdivision pattern does not align with the existing property boundaries and will result in unfeasible development.
- The rationale and process for the lot amalgamation is unclear and has not considered the existing ground conditions and future land uses.
- Lot amalgamation is not considered to be the correct avenue to coordinate open space or major roads, as acquisition through the Aerotropolis SEPP can achieve this in a much more orderly fashion.
- It was suggested that provisions for different maximum block sizes should be removed from the Precinct Plan and incorporated into the Phase 2 DCP.

## Response

The requirements for lot and block structure (maximum block sizes), amalgamation and subdivision controls have been removed from the Precinct Plan and included in the Phase 2 DCP, although the Precinct Plan does still contain key objectives and requirements that should be adhered to in the subdivision of land. This will resolve any inconsistency with the existing lot boundary and ground conditions, and eliminate any lack of certainty in the application and implementation of amalgamation and subdivision requirements.

## Issue

Concerns were raised that the fine-grain urban form shown in the draft Precinct Plan prevents flexibility, limits good design outcomes, and is not responsive to unique site considerations for sites over 5,000 square metres. Site owners and adjoining owners have not yet had the opportunity to discuss their plans and, therefore, the proposed road network around these sites was considered premature.

## Response

The Precinct Plan has been amended to enable greater flexibility in the design of local and collector roads. Further, the requirements for sites greater than 5,000 square metres have been moved to the Phase 2 DCP. This change will allow for more flexibility in designing street pattern and block sizes, the placement of buildings on sites, and improving that access and visibility of open spaces.

## Issue

The following concerns were raised in a number of submissions in relation to built form, yield and density, Height of Building (HoB) and Floor Space Ratio (FSR) controls:

- There is no consistency in the application of FSR and HoB controls to the land within the Aerotropolis. A more consistent approach towards the application of built form and yield controls throughout the initial precincts was recommended.
- There was also concern the justification for the HoB and FSR controls was not clear and, in some cases, will not deliver expected development yield, when considering the prescribed land use zoning of the subject lots and the location of these lots in the proximity of the Sydney Metro stations. Furthermore, the yield and density framework, and the urban typologies considered, do not account for key enabling industries. In considering the HoB and FSR controls, consideration also needs to be given to ensuring development potential in the Aerotropolis Core does not detract from surrounding centres. A finer-grain level of detail was suggested to determine the specific HoB and FSR that applies to the sites within the Aerotropolis.
- A suggestion was made that the built form parameters must be removed from the Precinct Plan and contained in the Phase 2 DCP. The aim of this suggestions is to provide the consent authority guidance on built form controls, but not restrict development to innovate and meet market demand.

## Response

An extensive urban design review of lot and block patterns, the road network, and open space areas against the existing ground conditions (including cadastral boundaries), technical standards and requirements has been undertaken to recognise land ownerships and address stakeholders' concerns. The findings of this review process have resulted in the following amendments to the Precinct Plan:

- FSR and HoB maps have been amended to remove the height ranges, which have been replaced with a single maximum height figure.



- The permissible maximum HoB figures were reviewed to allow for taller buildings, where feasible.
- The maximum FSR requirements only apply to centres and areas zoned Mixed Use. For areas outside centres and mixed-use zoned land, built form and yield will be controlled through DCP controls.
- The revised HoB and FSR controls on developable land were tested by taking into account the additional land released as a result of the reduced open space area, to ensure targeted yield and density can be delivered.
- HoB and FSR control maps are fine tuned to exclude non-developable land and align with the existing lot boundaries.

As a result of the above changes and collective review of controls that define yield, density, built form and lot/block pattern, there is consistency in the application of FSR and HoB controls on land within the Aerotropolis.

#### 4.4.12 Timing and infrastructure delivery

##### Issue

A number of submissions sought to understand the staging of development within the initial precincts. Submissions also questioned the timing of the delivery of the road network identified under the Aerotropolis SEPP.

##### Response

It is the responsibility of the relevant planning authority, in consultation with utilities providers and Transport for NSW, to determine when infrastructure will be delivered. While there is no set timeframe for when development will be suitable, it will be based on the following principles:

- Market demand development, including the pace of uptake of development in other parts of the Aerotropolis.
- Confirmation from utilities providers, including Sydney Water, and infrastructure delivery agencies, including Transport for NSW, that planned servicing and infrastructure provision will be in place to support development.

No amendment has been made to the Aerotropolis SEPP regarding this issue.

##### Issue

A number of submissions sought to understand the staging and sequencing of development within the initial precincts.

Generally, submissions were received from landowners outside of the first priority areas within the initial precincts who requested to be included within the first priority areas. Concerns were raised that the Sequencing Plan, within the Precinct Plan, does not promote a market-led approach to the delivery of the Aerotropolis and hinders the coordination of development. Furthermore, for Luddenham Village, as it is split into two stages (1 and 3), this is likely to hinder the delivery of the village.

##### Response

The draft Precinct Plan provided a staging and sequencing plan for the initial precincts of the Aerotropolis that identifies first, second and third priority areas. The staging and sequencing plan is informed by:

- Tri-level government Western Sydney City Deal commitments.

- Job creation potential.
- A focus on and around the new Sydney Metro stations to support the new public transport.
- Government priority areas within the Aerotropolis Core.
- Infrastructure utility investment extending from existing infrastructure, leveraging from government investment in the M12 Motorway, the Northern Road and associated access to the airport and Elizabeth Drive upgrades.

In response to submissions received and confirmation of servicing timeframes from Sydney Water, the staging and sequencing map in the Precinct Plan has been adjusted to include areas to the west of Northern Road in Luddenham Village to ensure that the whole of the village is included in Priority Area 1.

In addition, parts of Badgerys Creek Precinct south of Elizabeth Drive are suitable for inclusion in Priority Area 1 for the following reasons:

- There is job creation potential in bringing forward the rezoning of additional employment land in the Aerotropolis.
- It would promote the coordinated development of land along the upgraded Elizabeth Drive corridor.
- Servicing of the land for development can occur in the early stages. This can be achieved as main trunk infrastructure to service areas to the south, around the Aerotropolis Core, will also open up opportunities to service this area in the early stages.

### Issue

Submissions raised concerns that for land in the second and third priority areas, there is a lack of detail in the draft Precinct Plan about when it will be suitable to develop this land. Submissions asked whether a defined timeframe could be used, or trigger points, such as development take up in Priority Area 1 reaching a certain stage.

### Response

To address this concern, the Precinct Plan has been amended to provide further clarity, noting the timing for bringing the priority areas 2 and 3 forward for development will be based on the availability of servicing infrastructure and the pace of development uptake in Priority Area 1. It is the responsibility of the relevant planning authority, in consultation with utilities providers and Transport for NSW, to determine when this happens. While there is no set timeframe for when development will be suitable in Priority Areas 2 and 3, it will be based on the following principles:

- Market demand, including the pace of uptake of development in other parts of the Aerotropolis, and the need to rezone land to service this growth.
- Confirmation from utilities providers, including Sydney Water, and infrastructure delivery agencies, including Transport for NSW, that planned servicing and infrastructure provision will be in place to support development without impacting on the ability to service Priority Area 1.

## 4.4.13 Biodiversity

### Issue

Several submissions raised the following issues in relation to biodiversity and vegetation:

- Vegetation mapping was not field validated and, in some cases, incorrect, with some mapped sites having sparse vegetation and/or of poor quality.

- Sites are mapped on the Open Space Network despite being mapped as low condition Cumberland Plain Woodland.
- Submissions requested that biodiversity offsets/credits are applied in lieu of biodiversity retention.
- Submissions suggested it was unfair for owners of existing certified land to absorb the removal of Existing Native Vegetation land from non-certified land.

## Response

In finalising the Precinct Plan, the exhibited draft Cumberland Plain Conservation Plan (CPCP) information and mapping has been adopted. This mapping also responds to issues raised during public exhibition of the draft CPCP.

The draft CPCP is one of the largest strategic conservation planning programs in Australia and is designed to address impacts on biodiversity from urban growth, through commitments and actions to improve ecological resilience and function in the long term. There are a range of conservation measures being undertaken, including the protection of high-conservation-value core and corridor areas, revegetation and renewal, development controls, and investment in species-recovery initiatives. The draft CPCP was on public exhibition from 26 August to 9 October 2020. Western Sydney Aerotropolis planning has aligned areas zoned Environment and Recreation with the draft CPCP boundaries. Several of the Precinct Plan submissions raise the same issues from the CPCP exhibition and questioned where applicable zoning changes will be made. This will occur when the CPCP is finalised and the relevant Aerotropolis SEPP maps are expected to be updated to ensure alignment between CPCP biodiversity protection layers and the Aerotropolis SEPP.

For land subject to the Sydney Region Growth Centres, numerous sites were field validated that have biodiversity values identified by desktop analysis. Although access was not provided to all sites requested, aerial imagery was used to refine previous Office of Environment and Heritage (2013) vegetation mapping for these sites. In some cases, the Existing Native Vegetation being calculated on site was reduced following further analysis.

The Open Space Network of the Precinct Plan was delineated based on a multi-criteria analysis that considered several site opportunities and constraints, including locating open space and Existing Native Vegetation within the one-in-100-year flood zone, and along streams and riparian corridors.

Land subject to the Sydney Region Growth Centres has differing biodiversity planning controls to those precincts subject to the *Biodiversity Conservation Act 2016* (BC Act). This means that entering the Biodiversity Offset Scheme is not applicable.

Since the exhibition of the draft Precinct Plan and as discussed earlier in this report, a portion of the Wianamatta-South Creek precinct has been removed from the initial precincts. As a result of the removal of some land from the initial precincts, a total of 92.39 hectares of Existing Native Vegetation is to be retained within the Aerotropolis initial precincts, which exceeds the biodiversity protection requirements of the Aerotropolis initial precincts as identified in the draft Growth Centres Conservation Plan.

Unless the land is already zoned Environment and Recreation, protection of Existing Native Vegetation through rezoning on lots less than 20 hectares in size within the Aerotropolis Core and Badgerys Creek precincts is no longer proposed. This responds to the Independent Community Commissioner's Recommendation 10, where the SEPP will be amended to rationalise the Environment and Recreation zone. This approach also responds to the revised biodiversity protection requirements based on the revised Wianamatta-South Creek Initial Precinct boundary. Lands where Existing Native Vegetation is being protected will be subject to Section 4.25 (previously Clause 27 of the Aerotropolis SEPP) and be shown on the High Biodiversity Value Areas map in the Aerotropolis SEPP.

A new Section 4.25A has also been included in the SEPP amendment which enables a public authority to carry out works within areas mapped 'High Biodiversity Value Area (Existing Native Vegetation)' provided the development will not result in the clearing of native vegetation. If native vegetation clearing is required, the development must be referred to the Planning Secretary for consideration.

Section 4.25(5) has also been amended to remove the prohibition relating to the construction of 'roads' in the High Biodiversity Value Areas. Any roads that are proposed to be constructed in the High Biodiversity Value Area will be subject to the assessment provisions under sub-clause (4), which includes criteria relating to minimising disturbance and compensatory planting. The Precinct Plan also includes additional flexibility regarding the construction of local and collector roads so that these can be moved or adjusted if it results in an improved outcome or is required to satisfy the provisions of Section 4.25 of the SEPP.

#### 4.4.14 Flooding and water cycle management

##### Issue

Community submissions raised concern over the different flood studies in circulation that apply to the Aerotropolis. The Environment and Recreation zone in the Aerotropolis is based on the one-in-100-year flood planning level (as well as other areas of high biodiversity value) based on the South Creek Floodplain Risk Management Study and Plan 2004 (Liverpool City Council).

The draft Wianamatta-South Creek Flood Study 2020 was also prepared, and this study changes the one-in-100-year flood planning level in certain areas of the Aerotropolis.

Some landowners have a different level of affectation between the South Creek Floodplain Risk Management Study and Plan 2004 and the draft Wianamatta-South Creek Flood Study 2020 undertaken by Liverpool City Council, and expect that the flooding and zoning should be based on the flood study with the least impact to their land.

Submissions also raised a lack of confidence in the flood studies as they are from some time ago (2004), noting the potential for considerable amount of change in the locality that will lead to changes, such as a reduction in some areas affected by flooding.

##### Response

The South Creek Floodplain Risk Management Study and Plan 2004 (Liverpool City Council) remains the adopted information for this area and the draft Wianamatta-South Creek Flood Study 2020 (Draft Study) has not been endorsed by the council. Therefore, the flooding data to inform the Precinct Plan and SEPP has not changed.

The Draft Study or any new flood modelling undertaken by Liverpool City or Penrith City Councils in the future, will be considered only after formal adoption by Council. Once adopted, the flooding provision within the Aerotropolis SEPP may be amended to reflect any new flood study, if required.

Where flood impact is reduced, the Environment and Recreation zone may be reduced to align with the new flood information, as long as the land is not mapped high biodiversity value or impacts on the total quantum of land required to be provided for Endangered Native Vegetation purposes.

##### Issue

Submissions noted a Flood Impact Assessment did not accompany the draft Precinct Plan package to inform the effects of development on the one-in-100-year flood planning level.

## Response

A Flood Impact Assessment has been prepared and accompanies the final Precinct Plan. The Assessment undertakes a qualitative assessment of the potential flooding impacts of the likely development (including impacts from open space, stormwater, transport infrastructure and vegetation densification) within and downstream of the Aerotropolis. This will be provided to Council's to inform any future flood studies.

### 4.4.15 Aboriginal engagement and connecting with Country

#### Issue

One submission raised concern about the Acknowledgment of Country statement on the opening page of the draft Precinct Plan. This submission argued that the statement incorrectly included certain groups and was not clear about the responsibilities of Local Aboriginal Land Councils.

#### Response

The Acknowledgement of Country statement appears in many other planning documents and has generally been well received. The existing acknowledgement was developed in consultation with key Aboriginal stakeholders and considers the important inclusionary concepts of flexible borders when dealing with Aboriginal communities and the connections they have with Country. These connections may not necessarily align to particular boundaries or be represented by formally recognised groups such as Local Aboriginal Land Councils (LALCs). While the statutory role of the Gandangara LALC for the southern part of the Aerotropolis is acknowledged, it should also be noted the Deerubbin LALC also has responsibilities for the northern part of the Aerotropolis, and there are other traditional owner groups that are not legally recognised, such as the Dharug custodians. Furthermore, the Tharawal LALC, while not part of the Aerotropolis area, shares the southern border of the Aerotropolis with the Gandangara LALC. Because of this, the existing acknowledgement statement has been retained to ensure groups that have a connection to the area are included.

#### Issue

Submissions raised concern about the amount of engagement and the legitimacy of the engagement process with Aboriginal organisations and communities.

#### Response

Targeted engagement activities were undertaken as part of the Draft Aboriginal and Non-Aboriginal Cultural Heritage Assessment (prepared by Extent Heritage, October 2020), and the Western Sydney Aerotropolis Aboriginal Engagement Outcomes Report (prepared by GHD/Zion Engagement & Planning, October 2020). Aboriginal communities and stakeholders living in the Western Parkland City were invited to participate in the engagement program to inform precinct planning during June and July 2020. GHD/Zion worked with Aboriginal representatives from local government to identify stakeholders and organisations to be contacted and invited to participate. Several different engagement tools were available throughout the program; however, online platforms were prioritised to comply with COVID-19 safety restrictions. In total, 132 people participated in 29 engagement activities to complete GHD/Zions report. Additionally, engagement was undertaken with Gandangara LALC, Traditional Owners and Knowledge Holders, and cultural advisors in June 2021 to discuss the draft Recognise Country Guidelines.

#### Issue

Submissions sought clarification about how the Recognise Country Guidelines apply to different development types.

## Response

The draft Phase 2 DCP and Recognise Country Guidelines aim to support development to further embed, enhance and celebrate Aboriginal cultural values and practices within the built form of the Aerotropolis and provide ongoing benefits for Aboriginal peoples. The relevant DCP controls and Guidelines only apply to certain development types – State Significant Development, State Significant Infrastructure, master plans (as defined in the Aerotropolis SEPP) and developments over 20 hectares in size or over \$20 million in capital investment value. These thresholds have been determined to ensure the Guidelines are implemented for development of a certain scale that can deliver recognisable outcomes. The Aerotropolis SEPP includes a new clause that applies the draft Guidelines as a matter of consideration prior to the finalisation of the Guidelines and Phase 2 DCP in 2022.

### 4.4.16 Initial and non-initial precincts

#### Issue

Submissions sought clarification on the timing and rezoning of non-initial precincts (Kemps Creek, Dwyer Road, North Luddenham and Rossmore).

#### Response

The Western Sydney Aerotropolis Plan refers to the non-initial precincts (Kemps Creek, Dwyer Road, North Luddenham and Rossmore). The initial precincts were selected to ensure that areas for development aligned with infrastructure provision, such as public transport and water and sewer services. The timing for the rezoning of non-initial precincts will depend on infrastructure provision and the amount and nature of development in adjoining areas, including the initial precincts of the Aerotropolis.

The NSW Government will continue to monitor the uptake of land; however, there is no intention to rezone further precincts at this time.

### 4.4.17 Aviation safeguarding and wildlife strike

#### Issue

Concerns were raised regarding the aviation safeguarding considerations, including wildlife strike and protected airspace.

#### Response

A core planning objective for the Western Sydney Aerotropolis is to safeguard the 24-hour operations of the Western Sydney International (Nancy-Bird Walton) Airport, while also minimising the amenity impacts on existing and future communities. As such, the following airport safeguarding considerations need to be considered and managed:

- Aircraft noise
- Windshear and turbulence
- Wildlife strike
- Wind turbines
- Lighting distractions to pilots
- Intrusions into protected airspace of airports
- Communication, navigation and surveillance facilities

- Public safety areas at the end of runways.

The statutory aviation safeguarding provisions under the Aerotropolis SEPP were publicly exhibited and finalised in late 2020.

Part 3 of the Aerotropolis SEPP relates to aviation safeguarding provisions and, in some instances, relates to land outside the Aerotropolis boundary.

The Aerotropolis SEPP will be supported by the Phase 2 DCP, which identifies the objectives, performance outcomes and benchmark solutions to allow appropriate development within the Aerotropolis.

The aviation safeguarding provisions have also informed various components of the Precinct Plan, such as land use allocation, appropriate building heights and landscape management.

#### 4.4.18 Heritage

##### Issue

Submissions raised concerns about the inclusion of potential/unlisted heritage items within the draft Precinct Plan and the implications for landowners.

##### Response

Potential heritage items have been identified as a result of heritage assessment, with further investigation required to determine their significance. As such, the potential heritage items have been included in the Precinct Plan, which requires further assessment at the development application stage. This is consistent with the approach taken in other greenfield areas.

#### 4.4.19 Sustainability and heat

A Sustainability and Heat Report was released alongside the draft Precinct Plan detailing the key principles and strategies for improved suitability and development outcomes in the Aerotropolis.

Amendments were made to the Precinct Plan to include a requirement to consider urban heat island effects and sustainability criteria in the assessment of development applications. This issue will be addressed further in the draft Phase 2 DCP to improve outcomes and will be resolved with the finalisation of the DCP.

#### 4.4.20 Social Infrastructure

##### Issue

The following concerns were raised with regard to social infrastructure:

- Maps showing indicative locations only of social infrastructure should be included in the Precinct Plan.
- Social infrastructure locations provided in the Precinct Plan do not reflect future land use of the site and the likely demand for that infrastructure.
- Community facilities should be designed to support a range of management models to best facilitate activation.
- Social infrastructure should be located in areas of high amenity.
- A specialised Indigenous health facility will be needed by 2056 and details should be included in the Precinct Plan.

## Response

Social infrastructure required to support the new population will be funded through the Section 7.12 plan and provided by councils. Clause 271 of the Environmental Planning and Assessment Regulation 2000 states that no development applications can be approved in the Aerotropolis unless a contributions plan is in place or a planning agreement is negotiated.

An Aerotropolis Social Infrastructure Needs Assessment (provided at Attachment K 6J) was prepared to understand the likely demographics of the future community and the needs of different users, including workers, visitors, tourists and residents within the Western Sydney Aerotropolis Precincts. Recommendations within the assessment directly informed the development of the draft Precinct Plan.

As a result of community feedback, the locations of social infrastructure provision are now being shown as indicative on all relevant maps. This allows for flexibility in the provision of these facilities, and allows infrastructure to be developed in line with the likely demand for it and to respond to local growth rates and trends. Where applicable, social infrastructure facilities will be built to accommodate multiple purposes and could be utilised by multiple providers. The indicative locations of social infrastructure are in locations of high amenity, near or in town centres, with access to multiple modes of transport infrastructure. This will assist with creating vitality in these centres.

The Aerotropolis Social Infrastructure Needs Assessment provides recommendations for social infrastructure to 2036 and to 2056. The need of these facilities may change with time, in accordance with changing trends in delivery of services. Provision of future social infrastructure will be developed in consultation with the future community.

### 4.4.21 Utilities

#### Issue

Submissions raised concerns regarding how utilities, including water infrastructure, electricity and gas, would be delivered across the Aerotropolis.

#### Response

Jemena, Endeavour Energy and Sydney Water, together with telecommunication companies, have invested early in the planning of power, gas, drinking water and wastewater services to support the development of the Aerotropolis, with the airport acting as a catalyst for the delivery of essential infrastructure.

Sydney Water is delivering major integrated water infrastructure, including the State Significant Infrastructure Upper South Creek Advanced Water Recycling Centre (AWRC). Construction is expected to occur from mid-2022 and be operational by mid-2025. Recycled water will be available from the AWRC once it is completed. The AWRC will collect and treat wastewater to produce renewable energy, biosolids for beneficial reuse and high-quality non-drinking water. The water will be fit for use at home for irrigation, industrial, business and agriculture uses, and greening public open spaces. The water will be pumped from AWRC across a transfer pipe network to reservoirs. The expected timeframe for delivery of this trunk infrastructure is between 2024 and 2030.

Gas is presently supplied to sections of the Aerotropolis via secondary pressure mains. Jemena requires commitment from customers prior to laying gas mains. However, Jemena have invested in delivering a major gas main along Elizabeth Drive to service Western Sydney Airport and major customers, as an extension from Martin Road. Delivery of these sections of steel pipes are in progress and will be completed before the M12 Motorway and Sydney Metro – Western Sydney Airport works commence in early 2022.



Endeavour Energy have a program of major projects to be delivered across the Aerotropolis between 2022 and 2026. This infrastructure includes new zone substations and distribution and transmission lines across the Aerotropolis. In addition, Endeavour Energy are enabling major relocation works for existing assets to make way for transport infrastructure.

The Western Sydney Utilities –Technical Working Group meets regularly to closely monitor and control all the utility interactions to plan and deliver efficient utility infrastructure and services for the Aerotropolis and the Western Parkland City, now and into the future.

## 5 Other post-exhibition changes

Section 4.4 of this report provides responses to the key issues raised during the consultation periods of the Precinct Plan, SEPP amendments and the SIC. It outlines where elements of the planning package have changed, either as a result of submissions received or to provide greater certainty or clarification. This section outlines changes made to the Aerotropolis SEPP following exhibition.

### 5.1 Aerotropolis SEPP

#### 5.1.1 Design excellence provisions

The Aerotropolis SEPP previously required that a design competition be held for development greater than 40 metres/12 storeys tall, or development with a capital investment value (CIV) greater than \$40 million, irrespective of the development type. Ongoing feedback has been received from the development industry questioning the development thresholds for requiring a design review panel and architectural design competition, with concerns raised over the time and cost implication on the development assessment process. Feedback has also questioned the benefits of these provisions for certain building typologies, with feedback suggesting that warehousing building typologies would not necessarily benefit architecturally from being subject to an architectural design competition process.

Both the design review panel requirements and the architectural design competition requirements have been amended in response to the ongoing feedback received.

The amendments to Clause 33 Design review panel are:

- Increase the minimum threshold requirement for a design review panel to a minimum site area of 10,000 square metres.
- Increase the CIV threshold to \$30 million, so that it is consistent with the SRD SEPP.

The amendments to Clause 34 Architectural design competition are:

- Remove the CIV value so only buildings over 40 metres or 12 storeys are captured.
- Provide exemptions, at the discretion of the consent authority, in consultation with the Government Architect that may also be considered based on locational requirements. These locational requirements have also been embedded in the Precinct Plan to demonstrate places of significance where an exemption to the Architectural Design Competition requirements is unlikely to be granted.

It is considered the above amendments respond to the issues raised by industry since the Aerotropolis SEPP was originally made in 2020.

#### 5.1.2 Release of the Master Plan Guidelines

When made in 2020, the Aerotropolis SEPP introduced a planning pathway for larger development sites over 100 hectares. Once a master plan for a site is approved, complying development pathways can be made available to facilitate efficient project delivery. Ongoing feedback requested that the master plan pathway be available for sites less than 100 hectares in area.

The Aerotropolis SEPP has been amended to remove the requirement for 100 hectares and the requirement for at least 70 per cent of land to be owned by one person.

The Master Plan Guidelines have been finalised as part of this planning package. The Guidelines were approved by the Planning Secretary and are published on the NSW Planning Portal. They are given statutory weight through the making of the Aerotropolis SEPP.

A master plan's primary purpose is to:

- Apply place-based development guidance to sites that are of strategic importance to the Aerotropolis due to size or catalytic potential.
- Provide a mechanism to amend the Precinct Plan while remaining generally consistent with the principles of the Aerotropolis planning framework.
- Create a complying development pathway for nominated development in large-scale precincts, where upfront strategic assessment can suitably manage identified risks.

The Master Plan Guidelines sets out the master plan process. The Department will also publish technical guidance, as required, to supplement the Guidelines and support the delivery of master plans in the Aerotropolis.

### 5.1.3 Draft Recognise Country Guidelines

The draft Recognise Country Guidelines have been included as a matter for consideration in the assessment of development applications in the Aerotropolis SEPP amendment. This will be removed once the draft Guidelines are adopted through the Development Control Plan process. This outcome will ensure that the key principles embedded in the draft Guidelines are implemented in the early phases of development in the Aerotropolis and there is a consistent policy position.

### 5.1.4 Housekeeping amendments

A variety of housekeeping amendments have been included in the finalisation of the Aerotropolis SEPP amendment. These include:

- *Penrith Local Environmental Plan 2010* and *Liverpool Local Environmental Plan 2008* – Relevant maps have been updated to clearly apply the Aerotropolis SEPP and Precinct Plan. Several clauses have also been amended to provide clarity as to the application of airport safeguarding for Western Sydney Airport. Mapping for the new non-initial areas of Wianamatta-South Creek Precinct have been updated under the *Liverpool Local Environmental Plan 2008*.
- Amendments to maps as a result of changes to the Aerotropolis SEPP and the Precinct Plan, include the following:
  - The Land Application and Aerotropolis Boundary Maps, to apply changes to boundaries and non-initial precincts.
  - The Land Zoning Map, to apply changes to land zoning for the non-initial portion of the Wianamatta-South Creek Precinct, redrawing of the Agribusiness Precinct boundary, additional Biodiversity lands in Aerotropolis Core and Badgerys Creek Precincts, and amendments to Sydney Science Park.
  - The Flood Map, to remove the flood layer from the non-initial portion of the Wianamatta-South Creek Precinct and apply the flood layer to the new portion of Agribusiness Precinct due to the Precinct boundary redraw.
  - The High Biodiversity Value Areas Map, to include the additional Biodiversity lands in the Aerotropolis Core and Badgerys Creek Precincts, and clear identification of Existing Native Vegetation.
  - The Heritage Map, to align with minor amendments to Schedule 2 of the Aerotropolis SEPP.

- The Transport Corridors Map, to align with changes to road alignments and approved Sydney Metro station locations.
- The Key Sites Map, to implement the revised Luddenham Village boundary as proposed in the Explanation of Intended Effect.
- A new map for Luddenham Village Minimum Lot Sizes, to include the previously applicable lot sizes within the Penrith and Liverpool Local Environmental Plans in the interim until the Luddenham Village Plan is finalised.
- A new map to show where additional permitted uses are located – Luddenham Village, Sydney Science Park (outside of the 1.2-kilometre radius of the metro station), and 205 Adams Road, Luddenham.

### 5.1.5 Sydney Science Park

The Sydney Science Park site is located within the Northern Gateway Precinct. The area is envisaged to form a strategic centre and will benefit from access to the Luddenham metro station.

The Sydney Science Park site was rezoned in 2016 through an amendment to the *Penrith Local Environment Plan 2010* (Penrith LEP). This rezoning applied a range of land uses including B4 Mixed Use, B7 Business Park and RE1 Public Recreation. The Sydney Science Park has since been incorporated into the Western Sydney Aerotropolis Growth Area with the zones applied under the Aerotropolis SEPP being Mixed Use and Environment and Recreation.

Changes made to the Sydney Science Park site since the exhibition of the SEPP Amendments include rationalisation of the Open Space Network and stormwater lands. This has allowed for an enhanced connection to Country to further preserve and protect landscape ecology and water assets. As a result, this has necessitated an amendment to the Environment and Recreation zone lands within the Sydney Science Park site, as depicted in the updated SEPP map. Importantly, the total quantum of Environment and Recreation zone land within the Sydney Science Park has not changed. These changes to the Environment and Recreation zone allow for a better distribution and use of the Open Space Network. Further changes to the Sydney Science Park include changes to the road network to align roads to cadastre (neighbouring lot boundaries), and further refinement of Precinct Plan layout to align with Sydney Metro for Luddenham Station and revised location's intersections along Luddenham Road.

The Penrith LEP also includes provisions specific for the Sydney Science Park in Clause 7.24, dealing with lot sizes for residential development, triggers to align residential development with the delivery of non-residential floor space, a residential dwelling cap of 3,400, and a limit on retail floor space of 30,000 square metres. The following table demonstrates how Clause 7.24 has been incorporated into the Aerotropolis Planning Framework.

**Table 13:** Alignment of Penrith LEP and the Aerotropolis Planning Framework

Penrith LEP Clause	Aerotropolis Planning Framework
Clause 7.24(1)	Aerotropolis SEPP, Aerotropolis Precinct Plan and supporting urban design and landscape reports
Clause 7.24(2)	Aerotropolis SEPP
Clause 7.24(3)	Aerotropolis SEPP
Clause 7.24(4)	Not applicable.
Clause 7.24(5)	Aerotropolis Precinct Plan – with modification, as explained below
Clause 7.24(6)	Aerotropolis SEPP
Clause 7.24(7)	Aerotropolis SEPP
Clause 7.24(8)	Aerotropolis SEPP
Clause 7.24(9)	Aerotropolis SEPP – land use table.
Schedule 1, Clause 34	Aerotropolis SEPP and confined to the APU map as Area 1

Provisions contained in the Penrith LEP Clause 7.24 are broadly carried over into the Aerotropolis SEPP, with further clarification on changes being that it establishes the range of lot sizes for residential development outlined in the following table.

**Table 14:** Lot sizes for residential development

Development type	Lot size range
Dwelling house	Equal to or greater than 120 square metres but not greater than 450 square metres
Dual occupancy	Equal to or greater than 270 square metres but not greater than 650 square metres
Multi-dwelling housing	Equal to or greater than 800 square metres
Residential flat building	Equal to or greater than 800 square metres

As exhibited in the Aerotropolis SEPP EIE, it has been proposed to allow lower density forms of residential development in the Sydney Science Park. This applies on land zoned Mixed Use and located outside a 1.2-kilometre radius of the metro station. This approach balances the need for early activation and development with the strategic objectives of delivering higher density development closer to the metro station, which is more in line with the vision of developing a strategic centre.

Minimum lot sizes for lower density residential development in the Sydney Science Park have been included in the Aerotropolis Precinct Plan and include:

- Dwelling house – 450 square metres
- Dual occupancy – 650 square metres
- Attached/terrace style housing – 300 square metres.

The reasons for applying minimum lot sizes that are different to the lot size ranges identified in the Penrith LEP are:

- The area outside the 1.2-kilometre radius of the metro station now identified for lower density residential development was not zoned to allow for low-density residential development under the Aerotropolis SEPP.
- Low-density residential development is permitted in areas outside the 1.2- kilometre radius of the metro station as shown in the Aerotropolis SEPP. This change means that lower density residential development is allowed in the Sydney Science Park in a location where residential development was not previously permitted by the Aerotropolis SEPP but was permitted under the previous LEP Additional Permitted Use Clause (Schedule 1, Clause 34). On this basis consideration has been given to suitable lot sizes for residential development, given the context and location of this area that is further away from the strategic centre to be developed closer to the metro station.
- Due to the siting of the lower density residential area further away from the metro station and services to be focused there, minimum residential lot sizes have been nominated that are at the upper limit of those identified in the Penrith LEP, but will also further control residential density in Sydney Science Park and ensure that the dwelling cap is not exceeded.

## 6 Why should the plan now be made?

### 6.1 Consistency with the Strategic Framework

#### 6.1.1 Greater Sydney Region Plan and Western City District Plan

The Greater Sydney Region Plan provides high-level strategic guidance for the development of Greater Sydney to 2056. The Western Sydney Aerotropolis is within the Western City District, which includes the local government areas of Penrith, Liverpool, Campbelltown, Hawkesbury, Wollondilly, Camden, Fairfield and the Blue Mountains, anchored around Liverpool, Greater Penrith and Campbelltown-Macarthur, with the new Western Sydney Airport and Aerotropolis geographically at its centre.

The Western City District Plan identifies the Western City as Greater Sydney's urban parkland, where urban lifestyles meet rural living and residents enjoy the best of both worlds. The Western City District is envisaged to accommodate 27 per cent (464,450) of Sydney's population growth between 2016 and 2036, along with 25 per cent of Sydney housing growth during this same period<sup>1</sup>. With the people of Greater Sydney at its heart, these plans aspire to a 30-minute city, where jobs, services, and quality public spaces are in easy reach of people's homes.

The Aerotropolis will support knowledge-intensive jobs growth in the district, close to where people live. The rezoning of the Aerotropolis initial precincts supports the vision for the Western City District by:

- Supporting a once-in-a-generation economic boom, bringing together infrastructure, businesses and knowledge-intensive jobs.
- Supporting the delivery of housing choice and jobs closer to people's homes.
- Designing urban places for people.
- Valuing green spaces and designing a city in its landscape.
- Linking walking and cycling paths, bushland and a green urban landscape.
- Providing infrastructure to meet future needs.

#### 6.1.2 Future Transport Strategy 2056 and Greater Sydney Services and Infrastructure Plan

The Future Transport Strategy 2056 is an overarching strategy prepared by the NSW Government to achieve a 40-year vision for the NSW transport system. The Strategy outlines a vision, strategic directions and customer outcomes, with infrastructure and services plans underpinning the delivery of these directions across the State. The Strategy works with the Region and District Plans and aims to deliver integrated solutions to transport.

The Strategy is focused on specific customer outcomes for Greater Sydney, including delivering transport initiatives within the Movement and Place Framework.

The Strategy acknowledges that as the State's population is set to increase to 12 million people by 2056, freight volumes are estimated to double in the Greater Sydney area. The Strategy identifies future directions, including the opportunity to maximise the long-term capacity and performance of

<sup>1</sup> Greater Sydney Commission: Western City District Plan (March 2018) p.9

the State's three ports, expand intermodal rail capacity in Western Sydney, and improve east-west connections to support the regional export task.

The developing Western Parkland City will require investment in the mass transit network to shape a sustainable urban form and grow jobs, and support 30-minute access to centres by public transport. To support this, north-south connections through Western Sydney Airport and the Aerotropolis are committed for delivery, along with investigation of expanded northern, southern and east-west rail connections, in collaboration with Australian and local governments.

### 6.1.3 Western Sydney Aerotropolis Plan

The Western Sydney Aerotropolis Plan (WSAP) sets the planning framework for the Aerotropolis, Australia's next global gateway focused on Western Sydney Airport.

The WSAP was developed by the Western Sydney Planning Partnership, a local government-led initiative that brings the Blacktown, Blue Mountains, Camden, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly councils together with key State agencies.

The WSAP introduces statutory mechanisms to implement vision and objectives. The Aerotropolis SEPP came into force in September 2020 alongside the WSAP. This statutory framework will achieve the vision for the Aerotropolis set out in the WSAP.

It aspires to share the benefits of population and economic growth and create employment, develop skills and boost productivity, providing jobs closer to home and towards achieving a 30-minute city. It balances this with an ambitious 'landscape-led' planning approach, where the structure and places of the Aerotropolis are defined by the Blue-Green Infrastructure Framework – a network of blue and green spaces and assets, such as waterways, open spaces and tree canopy.

The proposed amendments to the Precinct Plan respond to the submissions received and the amendments to the *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP)*, *State Environmental Planning Policy (Western Sydney Employment Area) 2009* and *State Environmental Planning Policy (State and Regional Development) 2011* that form part of this finalisation report and are consistent with and implement the WSAP. As such, it is considered the planning package proposed for finalisation gives effect to the Greater Sydney Region Plan: A Metropolis of Three Cities and the Western City District Plan.

### 6.1.4 Section 9.1 Ministerial directions for plan making

The proposed Aerotropolis SEPP amendment is not strictly required to comply with the Minister's directions, as these apply only to the preparation of Local Environmental Plans. However, an assessment of consistency with the relevant directions issued by the Minister under Section 9.1 of the *Environmental Planning and Assessment Act 1979* has been undertaken. Attachment K5 outlines the assessment of consistency.

## 6.2 Responds to stakeholder feedback

Section 4.4 of this report provides a summary of the key issues raised in stakeholder submissions and the Department's response to the key issues including any changes that have been made to the Aerotropolis SEPP, Precinct Plan and SIC to address these issues.

All submissions received on the Precinct Plan Package are summarised at Attachment K1, along with the Department's response.



All submissions received on the SIC are summarised at Attachment K2, along with the Department's response.

All submissions received on the SEPP Amendments are summarised at Attachment K3, along with the Department's response.

The Aerotropolis SEPP and the Precinct Plan for the initial precincts have been amended in response to stakeholder feedback as outlined in this finalisation report.

## 7 Next steps

### 7.1 Finalisation of Phase 2 DCP

The draft Phase 2 DCP provides detailed development controls for the initial precincts within the Western Sydney Aerotropolis (Aerotropolis). It supports the precinct, identifies precinct planning principles to achieve the vision for the Aerotropolis, and sets objectives and performance outcomes for development.

The draft Phase 2 DCP is informed by feedback received on the draft Precinct Plan, and includes development controls to satisfy the required objectives, additional performance outcomes for specific precinct outcomes, and benchmark solutions. A number of the studies that have been prepared to support the Precinct Plan, such as the Bushfire Report and Land Capability, Air Quality and Odour report will also be utilised to inform the Phase 2 DCP.

In response to feedback received on the draft Precinct Plan, a number of elements that were previously included in the draft Precinct Plan have been moved to the Phase 2 DCP. Finalisation of the Phase 2 DCP will occur in 2022, following consultation with councils and relevant stakeholders, and will replace the Phase 1 DCP once adopted.

### 7.2 Infrastructure delivery and development

The staging and sequencing of development in the Aerotropolis is driven by three key factors:

- An alignment with government investment that supports economic growth.
- Access to infrastructure.
- Market demand.

Contingent on the city structure infrastructure being in place at the precinct level, new road, stormwater and utility networks need to be established. While some of the infrastructure needed to activate development at a site level is co-funded by development contributions and government funding, the majority of infrastructure needed to activate development relies on delivery through the development process. How development can expand the network of infrastructure is therefore a key determinate of the sequencing of development.

In the early years of precinct development, the larger sites are typically better placed in terms of economies of scale to facilitate delivery of major roads, trunk water, sewerage and stormwater management as part of the development process. Market demand largely determines the feasibility of development and therefore staging.

It is this demand, or take-up rate, that is the largest determinate of the staging of development. In this way development is staged to manage the costs of development so that development remains viable.

## 7.3 Luddenham Village

An Interim Strategy has been prepared for Luddenham Village. The Interim Strategy outlines the steps required to be undertaken to further consider the future vision for Luddenham. As detailed throughout this report, the NSW Government will continue to work with relevant government agencies, stakeholders and the community to achieve the best planning outcome for Luddenham Village.

Once these further investigations and discussions are undertaken, further amendments to the Aerotropolis SEPP and Precinct Plan will be considered.

## 7.4 Precinct plans for remaining precincts

The non-initial precincts of Rossmore, Kemps Creek, North Luddenham, Dwyer Road and the remainder of Wianamatta-South Creek were selected to ensure that areas for development aligned with infrastructure provision, such as public transport and water and sewer services. The timing for the rezoning of non-initial precincts will depend on infrastructure provision and the amount and nature of development in adjoining areas, including the initial precincts of the Aerotropolis.

# Attachment K1

## Submissions Report: Draft Precinct Plan

# Attachment K2

## Submission Reports: Special Infrastructure Contribution

# Attachment K3

## Submissions Report: SEPP Amendments

# Attachment K4

## Key stakeholders notified of public exhibition

Key stakeholders	
Local councils	Liverpool City Council
	Penrith City Council
	Blacktown Council
	Blue Mountains Council
	Camden Council
	Campbelltown Council
	Wollondilly Council
	Fairfield Council
	Hawkesbury Council
State agencies	Department of Infrastructure, Transport, Regional Development and Communications
	Greater Sydney Commission
	NSW DPIE Biodiversity, Conservation and Science
	NSW DPIE Strategy and Innovation
	NSW DPIE Infrastructure Delivery and Special Programs
	NSW DPIE Water Strategy
	Sydney Metro
	Sydney Water
	Transport for NSW
	Western Parkland City Authority
	Western Sydney Airport Co Limited
Industry groups	Cameron Brae Group
	Housing Industry Association
	Planning Institute of Australia
	Property Council of Australia
	University of Sydney

	Urban Development Institute of Australia
	Urban Taskforce
	Urbis
	Western Sydney Leadership Dialogue
Large landowners	BHL Group
	Celestino
	CSR
	Ingham
	Leppington Pastoral Holdings Pty Ltd
	Lendlease
	Mirvac



# Attachment K5

## Assessment against applicable Section 9.1 Ministerial Directions

Section 9.1 Direction	Statement of Consistency
<b>Employment and Resources</b>	
1.1 Business and Industrial Zones	The rezoning of land within the Aerotropolis encourages development in accordance with the Western Sydney Aerotropolis Plan. The proposed amendments are consistent with the Western City District Plan.
<b>Environment and Heritage</b>	
2.1 Environment Protection Zones	Environmentally sensitive areas that apply to initial precincts have been identified and will be protected by applying an Environment and Recreation zone and included on the High Biodiversity Values map.
2.3 Heritage Conservation	Provisions have been included in the SEPP and Precinct Plan that will identify, protect and conserve heritage items, including Aboriginal objects or Aboriginal places.
2.6 Remediation of Contamination Land	A preliminary site investigation to identify potential sources of contamination, identify whether the proposed zoning is acceptable from a contamination and remediation perspective, and identify areas that may require further investigation or mitigation measures prior to redevelopment was prepared. Further work (site audit) will be undertaken at the Development Application stage.
<b>Housing, Infrastructure and Urban Development</b>	
3.4 Integrated Land Use and Transport	The Precinct Plan and SEPP Amendments will increase job supply in the Western Parkland City, providing jobs closer to workers' homes. The amendments will support the Sydney Metro – Western Sydney Airport to link residential areas with job hubs and connect travellers from the new airport to the rest of Sydney's public transport system. Provisions will also be made to encourage cycling and public transport access to the employment area.
3.5 Development Near Regulated Airports and Defence Airfields	The rezoning and SEPP Amendments will ensure the effective and safe operation of Western Sydney Airport. No increased residential densities are proposed within the ANEC 20 contour.
<b>Hazard and Risk</b>	
4.2 Mine Subsidence	The relinquishing of coal mining leases has been approved by government.

4.3 Flood Prone Land	The SEPP amendments will ensure development is commensurate with flood behaviour. Development for stormwater infrastructure, pedestrian and cycle paths can be provided below the flood planning level where appropriate.
4.6 Planning for Bushfire Protection	All development occurring on Bush Fire Prone Land will be required to be assessed at Development Application stage.
<b>Local Plan Making</b>	
6.2 Reserving Land for Public Purposes	<p>Councils have exhibited a draft Section 7.12 plan to fund land required for public purposes. Councils have advised a formal commitment to the acquisition of land cannot be made until early 2022 and is entwined with the finalisation of the Local Infrastructure Contribution for the Aerotropolis, which is anticipated in May 2022.</p> <p>As such, the SEPP amendment establishes that Council's will be nominated as the local acquisition authority for local open space on 1 July 2022.</p> <p>Sydney Water has agreed to act as the Regional Stormwater Authority and has been identified as the acquisition authority for land identified for the purpose of regional stormwater.</p>
<b>Metropolitan Planning</b>	
7.8 Implementation of Western Sydney Aerotropolis Plan	The SEPP Amendments and Precinct Plans achieve the overall intent of the Western Sydney Aerotropolis Plan and does not undermine the achievement of its objectives, planning principles and priorities for the Western Sydney Aerotropolis.

# Attachment K6

## Recommendations Report of the ICC

# Attachment K7 Technical Reports

# Attachment K7 A

## Urban Design Report – Initial Precincts

# Attachment K 7B

## Aboriginal and Non-Aboriginal Heritage Report

# Attachment K 7C

## Aboriginal Engagement Outcomes Report

# Attachment K 7D

## Air Quality and Odour Report



# Attachment K 7E1 Biodiversity Assessment Report

# Attachment K 7E2 Biodiversity Consistency Report

# Attachment K 7F Bushfire Risk Assessment

# Attachment K 7G

## Economic and Market Feasibility Report

# Attachment K 7H

## Land Capability and Contamination Report

# Attachment K 7I

## Open Space Needs Study

# Attachment K 7J

## Social Infrastructure Audit and Needs Study

# Attachment K 7J

## Stormwater and Water Cycle Management Study



# Attachment 7L Sustainability and Heat Report

# Attachment K 7M

## Transport Planning and Modelling Report

# Attachment K 7N Utilities Audit

# Attachment K 70 Wildlife Management Assessment Report