

12 October 2020

218005

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601 High Street,
Penrith
NSW 2750

Dear Sandra,

**DA19/0826 - 1669-1732 ELIZABETH DRIVE, BADGERYS CREEK:
CONSISTENCY WITH WESTERN SYDNEY AEROTROPOLIS PLANNING PACKAGE**

This letter is submitted to Penrith City Council on behalf of Mirvac Projects Pty Ltd in support of DA19/0826 (the application) located at 1669-1732 Elizabeth Drive, Badgerys Creek (the site).

We write in response to Penrith City Council's request that the Applicant submit a letter noting the consistency of DA19/0826 with the Western Sydney Aerotropolis Planning Package (WSAPP), released on 11 September 2020, which includes the following documentation:

- Western Sydney Aerotropolis Plan (WSAP) 2020;
- Western Sydney Aerotropolis (Aerotropolis) State Environmental Planning Policy (Aerotropolis SEPP);
- Western Sydney Aerotropolis SEPP Maps;
- Western Sydney Aerotropolis Development Control Plan (DCP) Phase 1; and
- Western Sydney Aerotropolis Structure Plan Map.

To assist Penrith City Council in finalising assessment of DA19/0826, this letter provides an assessment of the proposal's consistency against the relevant Aerotropolis SEPP clauses, WSAP strategic objectives, and DCP Phase 1 performance outcomes.

Notwithstanding the application (lodged on 26 November 2019) is subject to savings and transitional provisions contained in clause 53(1) of the Aerotropolis SEPP which states:

A development application for development on land to which this Policy applies that was lodged and not finally determined before the commencement of this Policy is to be determined as if this Policy had not commenced.

1.0 Overview of Proposed Development

Application DA19/0826 seeks approval for the following:

- The demolition and removal of existing rural structures;
- Heritage Salvage Works, subject to a separate s140 permit and an AHIP being obtained, if required;
- Clearing of existing vegetation on the subject site and associated dam dewatering and decommissioning;
- The importation, placement and compaction of clean spoil material in accordance with the Fill Management Plan submitted as part of the application;

- Ancillary onsite cut to fill bulk earthworks associated with the disposal of spoil;
- An ancillary temporary site office building and compound;
- Connection and augmentation of services and utilities to the site; and
- Construction of stormwater, erosion and sediment control systems.

2.0 Western Sydney Aerotropolis Plan

The site is located within two initial precincts of the Aerotropolis:

- Badgerys Creek Precinct; and
- Wianamatta-South Creek Precinct.

The boundary between the Badgerys Creek Precinct and the Wianamatta-South Creek Precinct is defined within the WSAP as the existing 100yr flood extent. At the request of Penrith City Council, the proposed works under DA19/0826 have maintained a 50m offset from the Wianamatta-South Creek Precinct boundary to enable the site to benefit from precinct interface details once made available.

The entirety of the proposed works under DA19/0826 are located within the Badgerys Creek Precinct which is an initial precinct under the WSAP.

Location of the proposed application relative to the Badgerys Creek Structure Plan as shown within the WSAP is shown below within **Figure 1**.

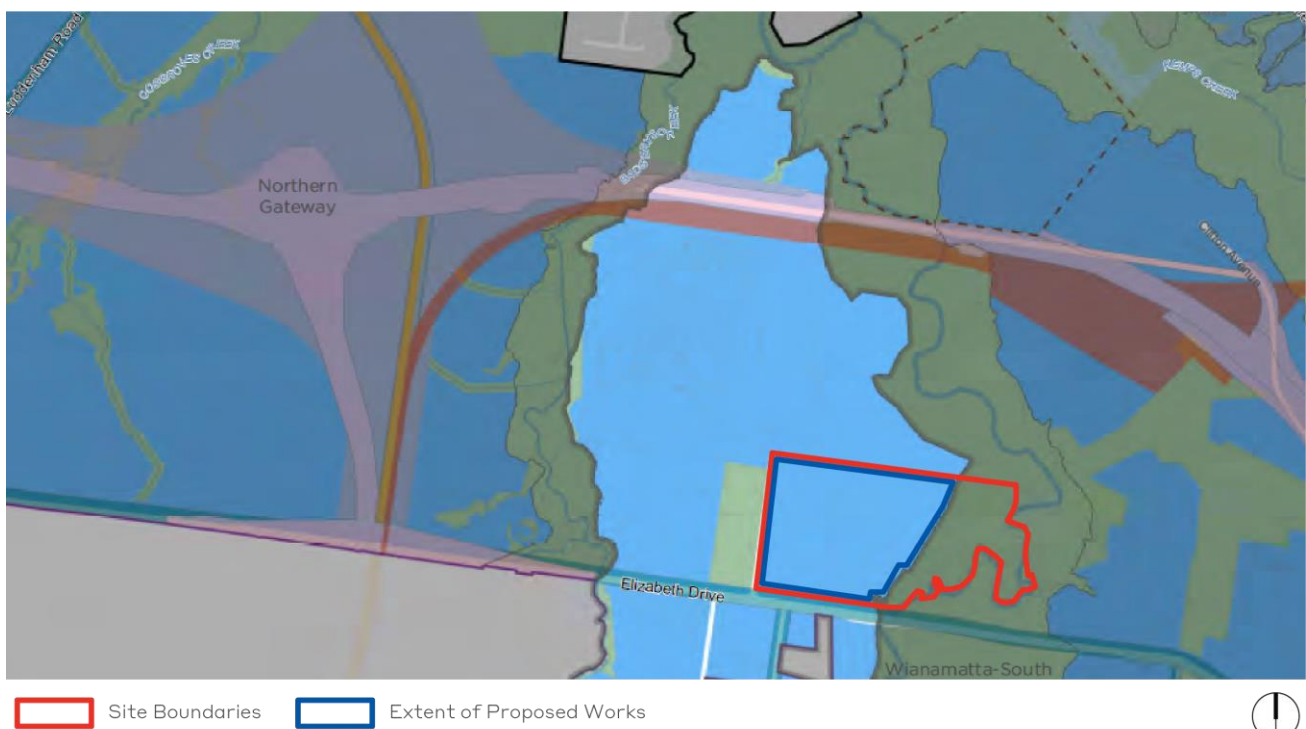


Figure 1 The subject site relative to the Structure Plan

Source: Department of Planning, Industry and Environment

Consideration of the proposed application's consistency with the Western Sydney Aerotropolis Plan is provided below in **Table 1** below:

Table 1 Consideration against the Western Sydney Aerotropolis Plan

WSAP Precinct Description	Proposal	Consistency
Directly adjoining the Airport to the east, the Badgerys Creek Precinct will support airport operations, the new urban centre in the Aerotropolis Core to the south and the Northern Gateway to the west. The precinct will meet demand for a range of employment generating uses that benefit from its proximity to airport operations and the new urban centre, but do not require direct access to high capacity public transport.	Earthworks levels and benching arrangements have been designed to provide flexibility to cater for a broad range of employment generating uses consistent with the intent of the Badgerys Creek Precinct.	Yes
The precinct is not suitable for noise sensitive land uses such as residential, schools and hospitals.	No noise sensitive land uses are proposed.	Yes
Defence and aerospace and technology based industry which complements and supports the Aerotropolis Core may also locate here.	Earthworks levels and benching arrangements have been designed to provide flexibility to cater for a broad range of employment generating uses consistent with the intent of the Badgerys Creek Precinct.	Yes
This precinct may initially support the infrastructure that enables the construction of the Airport an Aerotropolis, boosting the local economy and creating employment opportunities.	The proposal will create employment opportunities and deliver on the ground outcomes for the Badgerys Creek Precinct.	Yes
Some land uses, buildings and structures may be temporary in the short to medium term and transition to higher order uses in the longer term. New enabling industries to facilitate construction of the Aerotropolis may be permitted subject to interface treatments and an ability for the site to transition to higher order uses.	Earthworks levels and benching arrangements have been designed to provide flexibility to cater for a broad range of employment generating uses consistent with the intent of the Badgerys Creek Precinct.	Yes
Interface treatments may be required between existing rural industries and new land uses until they either transition to other uses or are modernised to co-exist with adjoining land uses.	The site is bound by Elizabeth Drive to the south, existing unnamed road to the West, Mirvac Elizabeth Enterprise Precinct Stage 2 to the North, and Wianamatta-South Creek to the East. There are no requirements for interface treatments to adjoining rural industries.	Yes
The precinct will be in a green setting with new green linkages and active transport opportunities between Badgerys Creek to the west and Wianamatta-South Creek to the east. Development should take advantage of views to these creek lines surrounding the precinct.	Earthworks levels and benching arrangement follows the natural topography and tiers towards the Wianamatta-South Creek to the east therefore enabling greater opportunities for future built form (subject to future application) to benefit from views to these creek lines.	Yes

The application is consistent with the vision of the Badgerys Creek precinct as the early site preparation works will not preclude future employment generating development, but instead, benefit and enable future development on the site that is consistent with the Airport enabling industries envisaged by the WSAP. Moreover, the DA will not preclude future development of open space, recreational facilities, water management infrastructure or conservation in the Wianamatta-South Creek Precinct. As such, the DA is consistent with the strategic vision of the WSAP and therefore considered to be in the interests of the broader development of the Aerotropolis.

3.0 Western Sydney Aerotropolis State Environmental Planning Policy (SEPP)

The entirety of the proposed works under DA19/0826 are located within the Enterprise zone as shown within the WSA SEPP Maps as shown below within **Figure 2**.

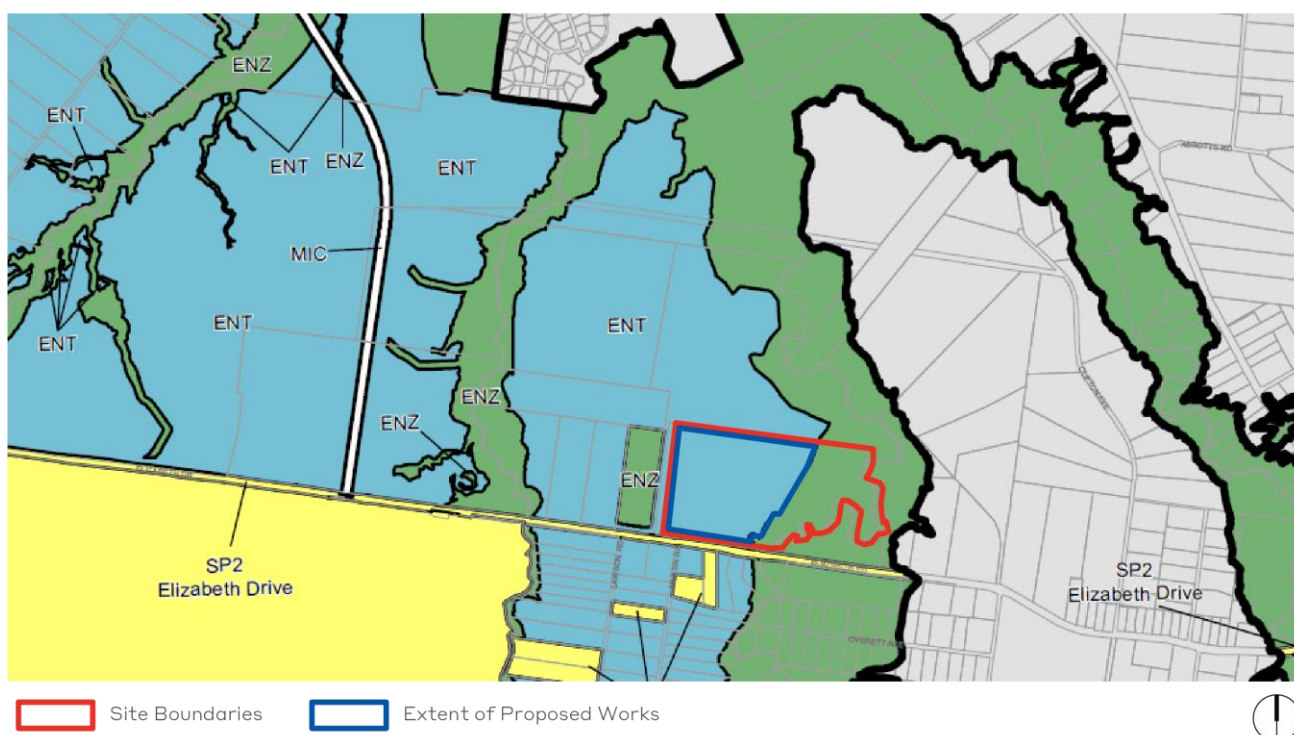


Figure 2 The proposed works extent are fully contained within the Enterprise Zone

Source: Department of Planning, Industry and Environment

Consideration of the proposed application's consistency with the Aerotropolis SEPP is provided below in **Table 2**.

Table 2 Consideration against the Aerotropolis SEPP

Clause	Provision / Standard	Proposal	Consistent
Clause 3 – Aims of the Policy	(a) to facilitate development in the Western Sydney Aerotropolis in accordance with the objectives and principles of the Western Sydney Aerotropolis Plan	The proposal facilitates development that is consistent with the objectives and principles of the WSAP in that the proposed site preparation works will enable and expedite the development of employment generating uses in Airport enabling industries and useable open space along the Wianamatta-South Creek corridor.	Yes
	(b) to promote sustainable, orderly and transformational development in the Western Sydney Aerotropolis,	The proposed waste disposal facility does not preclude future development, maintains flexibility of future land uses and allows for the expedited construction of transformative Airport enabling industries.	Yes
	(c) to ensure development is compatible with the long-term growth and development of the Western Sydney Airport (including in relation to the operation of the Airport 24 hours a day) and other critical transport infrastructure,	The proposal does not contain sensitive uses or pose a wildlife risk to the Airport.	Yes
	(d) to promote employment and world-class innovation and provide for residential development in suitable locations,	The proposed bulk earth works as part of the waste disposal facility will prepare the site for future employment generating land uses.	Yes

Clause	Provision / Standard	Proposal	Consistent
	(e) to recognise the physical and cultural connection of the local Aboriginal community to the land and to incorporate local Aboriginal knowledge, culture and tradition into development,	The proposal recognises and protects Aboriginal heritage through the salvaging of significant artefacts where the protection of sites is not possible.	Yes
	(f) to preserve land for future infrastructure development,	The proposal does not preclude future development of transport and public open space infrastructure.	Yes
	(g) to protect, maintain and enhance, and to minimise the impact of development on, trees and vegetation, soil quality and the health of waterways and to contribute to the conservation of biodiversity,	The proposal contains thorough mitigation measures to protect the Wianamatta-South Creek corridor and enable its future conservation and development.	Yes
	(h) to recognise and protect the ecological and cultural value of Wianamatta-South Creek.	The proposal recognises the ecological and cultural value of the Wianamatta-South Creek corridor through a range of thorough mitigation measures to protect the corridor and enable its future conservation and development.	Yes
Clause 14 – Zone Objectives and Land Use Table	Enterprise Zone	Waste Management Facilities are not prohibited in the Enterprise Zone, being an innominate use, and are therefore permitted with consent. The proposal is consistent with the objectives of the zone in that: <ul style="list-style-type: none"> It will enable the future development of a range of employment uses; It promotes the circular economy by providing a site for the disposal of clean fill from Sydney's State Significant Infrastructure projects that will form bulk earth works enabling future enterprise development; and Promotes the orderly and economic use of the site without detracting from future commercial uses of the site. 	Yes
Clause 21 – Wildlife Hazards	Development on land within the 3km wildlife buffer zone	The site is partly located within the 3km wildlife buffer zone. The proposal is not prohibited as the proposed waste management facility will not consist of outdoor processing, storage or handling of organic or putrescible waste. All imported soil material will generally consist of Virgin Excavated Natural Material (VENM). Under no circumstances would putrescible or organic waste be imported to site. As such, the type of VENM proposed to be imported to the site will decrease risk of wildlife strikes occurring. Under the NASF, the site will have a moderate wildlife attraction risk with appropriate strategies to mitigate wildlife strikes proposed within the EIS.	Yes
Clause 23 - Lighting	External lighting in connection with construction works that is likely to be obtrusive or create light spill outside the land on which the construction works are carried out	The site is located in Light Control Zone D and within the 6km Lighting Intensity Radius. Lighting distraction will not be a matter of consideration for the proposed development due to its intended completion prior to airport operations commencing at the site	Yes
Clause 24 – Airspace Operations	Development that penetrates the prescribed airspace	Part of the site is within a transitional surface area of 125.5m AHD. The finished surface levels as proposed are up to RL 58.5m AHD which will not penetrate the OLS.	Yes

Clause	Provision / Standard	Proposal	Consistent
Clause 26 – Flood Planning	Development in the flood planning area	The proposal does not seek to modify the existing landform of the site below the existing 100-year flood extent. The proposal is entirely contained above the existing 100-year flood extent. Therefore, the proposal will not adversely affect flood behaviour and will be compatible with the flood hazard of the site. A Flood Risk Assessment and Flood Impact Assessment were submitted with the EIS at Appendix G .	Yes
Clause 27 – Preservation of trees and vegetation in Environment and Recreation Zone and Cumberland Plain	Disturbance of native vegetation caused by clearing	The proposal does not propose waste disposal in the riparian zone, thereby protecting the native vegetation. Mitigation strategies have been proposed to minimise the potential of sedimentation, contamination and nutrient rich run-off. There is no risk of increased soil erosion, salination, land slip or flooding. A BDAR Report was submitted with the EIS at Appendix F .	Yes
Clause 28 – Heritage	Heritage assessment	The proposal will have no physical (direct) impact on nearby heritage items. The proposal will have negligible visual (indirect) impact on nearby heritage items. A Heritage Impact Statement was submitted with the EIS at Appendix I	Yes
	Archaeological sites	The proposed earthworks within the study area have the potential to impact local and state significant archaeological remains relating to James and Elizabeth Badgery's occupation of Exeter Farm. An Archaeological Research Design (ARD) will be prepared to provide a methodology for archaeological test excavation and refinement of archival research, after which the final level of impact to archaeological remains will be known. An Archaeological Survey Report was submitted with the EIS at Appendix J	Yes
	Aboriginal places of heritage significance	An ACHAR has been prepared that recommends mitigation measures to minimise impacts to potential Aboriginal archaeology. It was submitted as additional information in August 2020.	Yes

4.0 Western Sydney Aerotropolis Development Control Plan Phase 1

Consideration of the proposed application's consistency with the Western Sydney Aerotropolis Development Control Plan Phase 1 is provided in **Table 3** below.

Table 3 Consideration against the Badgerys Creek Vision Statement

Vision Statement	Proposal	Consistency
Directly adjoining the Airport to the east, the Badgerys Creek Precinct will support airport operations and the new mixed-use urban centre in the Aerotropolis Core to the South as well as the Northern Gateway to the north.	Earthworks levels and benching arrangement has been designed to provide flexibility to cater for a broad range of employment generating uses consistent with the intent of the Badgerys Creek Precinct.	Yes
Land uses, buildings and structures may be temporal in nature in the short to medium term and transition to higher order technology, advanced manufacturing and industry uses in the longer term.		
In the longer term, land uses in the precinct will complement the adjacent Airport. Non-temporal land uses, and larger buildings will incorporate a range of new technology which will support a sustainable precinct reliant on renewable energy, and supportive of responsible water usage.		

Vision Statement	Proposal	Consistency
Interface treatments will be required between existing resource recovery industries and new land uses until they transition to other uses. New enabling industries to facilitate construction of the Aerotropolis may be permitted subject to interface treatments and an ability for the site to transition to higher order uses.	The site is bound by Elizabeth Drive to the south, existing unnamed road to the West, Mirvac Elizabeth Enterprise Precinct Stage 2 to the North, and Wianamatta-South Creek to the East. There are no requirements for interface treatments to adjoining rural industries.	Yes
Affected by aircraft noise, this precinct is not suitable for noise sensitive land uses. However, it will meet demand for a range of employment generating uses that do not require or benefit from direct access to public transport but would benefit from proximity to airport operations. Defence industries and aerospace, advanced manufacturing and technology-based industry may be located within the precinct.	No noise sensitive land uses are proposed. Earthworks levels and benching arrangement has been designed to provide flexibility to cater for a broad range of employment generating uses consistent with the intent of the Badgerys Creek Precinct.	Yes
The precinct's design will start with a connect to Country. Wianamatta-South Creek will be the key structural element to the open space network within the Aerotropolis providing key connectivity linkages and environmental conservation areas. It will provide an important interface to surrounding development. The precinct will be in a green landscaped setting with new natural and native linkages which contribute to the provision of positive biodiversity outcomes. Active transport opportunities between Badgerys Creek to the west and Wianamatta-South Creek to the east will also feature in the precinct. Development should take advantage of views to the creek lines surrounding the precinct.	Earthworks levels and benching arrangements follows the natural topography and tiers towards the Wianamatta-South Creek to the east therefore enabling greater opportunities for future built form (subject to future applications) to benefit from views to these creek lines. At the request of Penrith City Council, the proposed works under DA19/0826 have maintained a 50m offset from the Wianamatta-South Creek Precinct boundary to enable the site to benefit from precinct interface details once made available.	Yes
Strong connectivity to other precincts and the rest of Greater Sydney will occur. The precinct will connect to the surrounding regional road network via an upgraded Elizabeth Drive and new airport ring road(s). New link roads will provide direct connections to the Aerotropolis Core and improved access to the Northern Gateway. Staging of development is important and will be reliant on improved road access and public transport provision, including rapid bus transport along fifteenth Avenue.	The site will benefit from these infrastructure upgrades in the fullness of time and does not preclude or impact on the delivery of these infrastructure upgrades. At the request of Penrith City Council, the proposed works under DA19/0826 have maintained a 30m offset from the existing Elizabeth Drive road reserve boundary to enable potential future infrastructure upgrades.	Yes
Emerging and future technologies will be embraced through flexible and sustainable infrastructure delivery and network installations incorporated into the public realm. This infrastructure will be adaptable over time to accommodate future changes in technology.	Earthworks levels and benching arrangement has been designed to provide flexibility to cater for a broad range of employment generating uses consistent with the intent of the Badgerys Creek Precinct.	Yes

Table 4 Consideration against the Badgerys Creek Vision Statement - Objectives

Objectives	Proposal	Consistency
(a) Facilitate high-quality and innovative development.	The application does not preclude meeting this objective as part of future built form development applications.	Yes
(b) Facilitate a wide variety of employment uses.	Earthworks levels and benching arrangement has been designed to provide flexibility to cater for a broad range of employment generating uses consistent with the intent of the Badgerys Creek Precinct.	Yes
(c) Facilitate compact urban development well connected to functional, green, private open spaces.	The application does not preclude meeting this objective as part of future built form development applications.	Yes

Objectives	Proposal	Consistency
(d) Allow for the successful implementation and integration of the blue-green grid for the Western Parkland City.	The application does not preclude meeting this objective as part of future built form development applications.	Yes
(e) Protect the operations of the Airport, including 24-hour operations, and provides appropriate protections for the community.	The application does not impact future airport operations.	Yes
(f) Encourage the location of enabling land uses that will support the development and construction of the Aerotropolis and transition to permanent employment generating land uses over time.	The application supports this object.	Yes
(g) Require buildings to integrate with creek lines to improve the amenity for workers.	Earthworks levels and benching arrangements follows the natural topography and tiers towards the Wianamatta-South Creek to the east therefore enabling greater opportunities for future built form (subject to future application) to benefit from views to these creek lines.	Yes
(h) Built form to have a high level of visual interest utilising passive elements that mitigate climatic factors including increased solar gain.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
(i) Provide safe, activated, interesting and healthy streets with pedestrian, cycle and public transport movements prioritised.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
(j) Innovative development embraces and promotes new and emerging technologies and utility provision.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
(k) Support and integrate sustainable energy, waste and water as well as circular economy into development and operations.	The proposal seeks to utilise clean spoil from key Sydney based State Significant Infrastructure Projects and building projects to deliver required earthworks levels to facilitate future employment generating uses on the site (subject to future development applications).	Yes
(l) Achieve high levels of water retention in the landscape to achieve healthy waterways, facilitate and support effective flood mitigation.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
(m) Ensure that design minimises energy and optimises water management providing pathways to net zero emissions and enhancement of environment across the entire Aerotropolis.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes

4.1 Biodiversity

Table 5 Consideration against WSA DCP Phase 1 – Biodiversity Performance Outcomes

Performance Outcome	Proposal	Consistency
PO1 Human-induced disturbances to biodiversity at urban interfaces are minimised.	Impacts and mitigation measures from the proposal have been assessed in accordance with the <i>Biodiversity Conservation Act 2016 (BC Act)</i> and the Biodiversity Assessment Method (BAM) with ecosystem offsets identified within the submitted Biodiversity Development Assessment Report for the proposal.	Yes
PO2 Impacts to biodiversity such as vegetation disturbance are avoided or minimised on land identified for conservation, land avoided from development due to biodiversity values or on land that is part of a green infrastructure network within the Aerotropolis.		
PO3 Landscape and urban design features complement biodiversity values.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes

Performance Outcome	Proposal	Consistency
PO4 Native vegetation is retained in open space networks and the wider green infrastructure systems.	Native vegetation is retained within open space networks within the Environment and Recreation zoning / Wianamatta-South Creek portion of the site. There are no proposed works within the Environment and Recreation zoning / Wianamatta-South Creek portion of the site.	Yes
PO5 Wildlife corridors and aquatic habitats are protected and enhanced to facilitate the connected movement of native animals through the landscape and increase habitat connectivity. Native vegetation is also maintained and improved in wildlife corridors.		
PO6 Riparian corridors and aquatic habitats are protected and enhanced to facilitate the movement of terrestrial and aquatic species.		
PO7 Habitat features are protected, enhanced and retained to maintain and/or improve populations of threatened, vulnerable and endangered species.		
PO8 Ongoing and indirect impacts arising from development on threatened species and ecological communities are mitigated.		
PO9 Development responds to landscape to protect natural contours, drainage and vegetation.	Earthworks levels and benching arrangements follows the natural topography and tiers towards the Wianamatta-South Creek to the east providing flexibility to cater for a broad range of future employment generating uses consistent with the intent of the Badgerys Creek Precinct and enabling opportunities for future built form to benefit from views to these creek lines.	Yes

4.2 Native Vegetation

Table 6 Consideration against WSA DCP Phase 1 – Native Vegetation Performance Outcomes

Performance Outcome	Proposal	Consistency
PO1 Native vegetation communities, significant tree habitat and canopy are protected and enhanced.	Native vegetation is retained within the Wianamatta-South Creek portion of the site. There are no proposed works within the Wianamatta-South Creek portion of the site.	Yes
PO2 Ongoing and indirect impacts arising from development on native vegetation are mitigated.		
PO3 Native vegetation and tree canopy within open space areas are maintained and enhanced.		
	Impacts and mitigation measures from the proposal have been assessed in accordance with the <i>Biodiversity Conservation Act 2016 (BC Act)</i> and the Biodiversity Assessment Method (BAM) with ecosystem offsets identified within the submitted Biodiversity Development Assessment Report for the proposal.	

4.3 Waterway Health

Table 7 Consideration against WSA DCP Phase 1 – Waterway Health Performance Outcomes

Performance Outcome	Proposal	Consistency
PO1 Waterway values are protected and enhanced through risk-based approaches that mitigate development impacts. * * Risk-based framework for considering waterway health outcomes in strategic land-use planning decisions.	A Soil and Water Management Plan has been prepared lodged as part of the development application in accordance with the NSW Department of Housing Publication titled: Managing Urban Stormwater – Soils and Construction (2004).	Yes

Performance Outcome		Proposal	Consistency
PO2	Where Key Fish Habitat occurs, proposed development incorporates the current policies for fish friendly instream structures and bridges (e.g. Fish Passage Requirements for Waterway Crossings).	The proposal does not impact Key Fish Habitat.	Yes
PO3	Proposed development demonstrates that stormwater management practices and infrastructure achieve stormwater quality and flow management targets.	A Soil and Water Management Plan has been prepared lodged as part of the development application in accordance with the NSW Department of Housing Publication titled: Managing Urban Stormwater – Soils and Construction (2004).	Yes

4.4 Stormwater and Water Sensitive Urban Design

Table 8 Consideration against WSA DCP Phase 1 – Stormwater and Water Sensitive Urban Design Performance Outcomes

Performance Outcome		Proposal	Consistency
PO1	Impervious areas directly connected to the stormwater system shall be minimised. Runoff from impervious areas such as roofs, driveways and rainwater tank overflows shall be directed onto grass and other landscaped areas designed to accept such flows.	No impervious areas are proposed as part of the proposal.	Yes
PO2	All stormwater treatment measures, including infiltration, stormwater harvesting, and reuse will need to demonstrate that they do not increase existing urban salinity or result increased salt loads in waterways, wetlands drainage lines or soils.	A salinity and aggressivity investigation inclusive of water, soil and vegetation management strategies was prepared and lodged as part of the development application.	Yes
PO3	Any stormwater harvesting approaches will need to be consistent with a regional wastewater approach and the precinct water balance.	No stormwater harvesting is proposed as part of the proposal.	Yes
PO4	All stormwater treatment measures need to be designed with consideration for ongoing operation and maintenance.	Design, documentation, installation and maintenance requirements for stormwater treatment measures has been detailed within Civil Engineering report issued as part of the development application.	Yes

4.5 Airport Safeguarding

Table 9 Consideration against WSA DCP Phase 1 – Airport Safeguarding Performance Outcomes

Performance Outcome		Proposal	Consistency
PO1	The height of buildings, structures, landscaping and cranes do not impact on the operations of the Airport or create a hazard to the safe navigation of aircraft.	No built form is proposed as part of the proposal.	Yes
PO2	Development is appropriately located and designed to prevent or minimise adverse impacts from aircraft noise.	No built form is included as part of the proposal.	Yes
PO3	Development is constructed in accordance with Australian Standards AS2021 – Acoustics Noise Intrusion – Building Siting and Construction.		
PO4	Residential development must be located in accordance with the Aerotropolis SEPP and associated mapping.		

Performance Outcome	Proposal	Consistency
PO5	Renovations to existing houses or extensions within the ANEC / ANEF 20 and above must be constructed in accordance with Australian Standards AS2021 – Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.	
PO6	Development does not create a permanent or temporary physical or transient obstruction in the protected operational airspace of the Airport and complies with the Airports Act 1996 and Airports (Protection of Airspace) Regulations 1996.	Yes
PO7	Development does not impact on the operational aspects of the Airport with regard to light emission and reflective surfaces.	Yes
PO8	Development in public safety areas does not increase the risk to life or property.	Yes
PO9	Emissions do not create air turbulence, or impact visibility or engine operation in the operational airspace of the Airport.	Yes.
PO10	Development does not cause wildlife to create a safety hazard in the operational airspace of the Airport.	Yes.
PO11	Any development in the mapped building restricted area must include an aviation impact assessment.	Yes
PO12	Development must not impact upon communication, navigation and surveillance systems.	Yes

4.6 Flooding

Table 10 Consideration against WSA DCP Phase 1 – Flooding Performance Outcomes

Performance Outcome	Proposal	Consistency
PO1	Ensure the siting and layout of development responds to flooding affectation and maintains personal safety at all times. The site layout and ultimate footprint of the development should be compatible with the flood risk. This includes applying subdivision design for greater resilience to flooding.	Yes
PO2	Manage the passage of floodwaters through the floodplain.	
PO3	Avoid the intensification and new development on land subject to the 1 in 100-year flood event.	
PO4	Fill should not reduce the capacity of the floodplain.	
PO5	Fill should remain stable and not be affected by erosion and scour.	Yes

Performance Outcome		Proposal	Consistency
PO6	Development must not change the flood characteristics of the area, and is to consider cumulative impacts of development, outside the site including: <ul style="list-style-type: none"> • Loss of flood storage; • Loss of or changes to flood flow paths; • Acceleration or obstruction of flood flows; • Increase in the depth, duration or velocity of flood waters; or • Any reduction in flood warning times elsewhere on the floodplain 	The proposed works generally maintain a 50m offset from the Wianamatta-South Creek boundary which is defined by the existing 100-year flood extent.	Yes
PO7	Prevent intensification of inappropriate use of land within high flood risk areas or floodways.		
PO8	Ensure development is sited to enable vehicular egress in the event of a flood.		
PO9	Ensure public safety and the environment are not adversely affected by the detrimental impacts of floodwater on hazardous material manufactured or stored in bulk.		
PO10	Ensure essential services infrastructure within a site (including electricity, gas, water supply, wastewater and telecommunications) maintains its function during and immediately after flood events.	No essential services are proposed as part of the works.	Yes
PO11	Development must be designed and constructed so that it remains structurally sound for the life of the development, considering the flood events likely to impact the structure, foundations/footing system and external walls. Development must be designed to prevent flotation, collapse or permanent lateral movement (as per ASCE24-14).	The proposed works generally maintain a 50m offset from the Wianamatta-South Creek boundary which is defined by the existing 100-year flood extent. No built form is proposed as part of the proposal.	Yes
PO12	Flooding and drainage characteristics upstream or downstream of the site are not worsened by development, including any proposed works on natural creeks. The development is to also avoid significant adverse effects on the floodplain environment that would cause erosion, siltation, destruction of riparian vegetation or a reduction in the stability of the river bank / watercourse.	The proposed works generally maintain a 50m offset from the Wianamatta-South Creek boundary which is defined by the existing 100-year flood extent.	Yes
PO13	Fencing must be designed and constructed so that it does not impede and/or direct the flow of floodwaters, add debris to floodwaters or increase flood affectation on surrounding land.	No permanent fencing is proposed as part of the works. Temporary fencing will be located above the existing 100yr flood extent as defined within the Aerotropolis SEPP maps.	Yes
PO14	Development is to be designed in accordance with NSW Governments Flood Prone Land Policy and Floodplain Development Manual.	The proposed works generally maintain a 50m offset from the Wianamatta-South Creek boundary which is defined by the existing 100-year flood extent.	Yes
PO15	Post-development flows that enter or are conveyed across the Pipelines corridor must be equal to or less than the pre-development flows for each storm event up to and including 1% AEP event.	No increase to impervious areas are proposed.	Yes
PO16	Developments need to consider the cumulative impact of flooding risk on the Warragamba Pipelines Corridor and the need to protect this infrastructure from flooding impacts.	The proposed works generally maintain a 50m offset from the Wianamatta-South Creek boundary which is defined by the existing 100-year flood extent.	

4.7 Bushfire Hazard Management

Table 11 Consideration against WSA DCP Phase 1 – Bushfire Hazard Management Performance Outcomes

Performance Outcome		Proposal	Consistency
PO1	Development is provided with a safely located, freely accessible and adequate water supply for firefighting purposes.	A bushfire assessment was prepared and lodged as part of the development application noting that as no built form is proposed, the bushfire protection measures required by the <i>Planning for Bushfire Protection 2006</i> do not apply.	Yes
PO2	Development uses adequate buffers and Asset Protection Zones and avoids area of medium and high risk bushfire risks.		
PO3	Siting of buildings, lot design and design of development provides for the safety of people and property by mitigating the bushfire risk.		
PO4	The manufacture or storage of hazardous materials in bulk must consider the impacts of bushfire on public safety and the environment.		
PO5	For development that will result in multiple buildings or lots, roads and access are designed to mitigate against bushfire hazard by ensuring adequate access for: Firefighting and other emergency vehicles; and The evacuation of people in the event of an emergency.		
PO6	For development that will result in multiple buildings or lots, fire breaks are provided that: Adequately and effectively separate the development site from surrounding vegetation to mitigate against bushfire hazard; Have sufficient width to enable continuous access for firefighting and other emergency vehicles, resident and equipment; and Are in secure tenure and are maintained		
PO7	Development is to be in accordance with Rural Fires Act 1997, Planning for Bushfire Protection 2006 and Planning for Bush Fire Protection Pre-Release 2018.		
PO8	Ensure more than one evacuation route is provided for any lots affected by bushfire risk. The two (or more) access paths should not converge at any point, and would ideally head in opposite directions so as to minimise the likelihood that both are severed during a fire.		

4.8 Odour

Table 12 Consideration against WSA DCP Phase 1 – Odour Performance Outcomes

Performance Outcome		Proposal	Consistency
PO1	Development does not unreasonably affect the amenity and environmental quality of the locality, nearby residential premises, sensitive uses or public spaces due to odour impacts.	A quantitative assessment of the potential air quality, dust and odour impacts of the development was prepared and lodged as part of the development application. No built form is proposed as part of the proposed works.	Yes
PO2	Residential development and other sensitive land uses do not encroach upon existing or approved uses that may impact upon the amenity of those proposed uses in terms of odour nuisance.		
PO3	Putrescibles waste generated as a result of the development does not cause odour nuisance issues for adjoining land uses.		

Performance Outcome	Proposal	Consistency
PO4 Construction work is undertaken in a manner which does not cause unacceptable impacts on surrounding areas as a result of odour.		
PO5 Development is to be in accordance with Technical framework: Assessment and management of odour from stationary sources in NSW.		

4.9 Noise and Vibration

Table 13 Consideration against WSA DCP Phase 1 – Noise and Vibration Performance Outcomes

Performance Outcome	Proposal	Consistency
PO1 The generation of noise and vibration from the development does not cause environmental harm or nuisance to adjoining properties or other noise sensitive land uses. Development should: <ul style="list-style-type: none"> Be located in appropriate areas; Propose best practice design and noise attenuation measures; and Propose operational practices that will minimise noise nuisance for adjoining sensitive land uses. 	A Construction Noise and Vibration Management Plan (CNVMP) was prepared and lodged as part of the development application.	Yes
PO2 Noise sensitive land uses are located to avoid adverse impacts from transport corridors or noise generating documents (e.g. the Airport, entertainment venues, child care centres or industrial zones).	No noise sensitive land uses are proposed as part of the proposal.	Yes
PO3 Mechanical plant and equipment do not adversely impact on the acoustic and vibration amenity of adjoining sites.	A Construction Noise and Vibration Management Plan (CNVMP) was prepared and lodged as part of the development application.	Yes
PO4 The construction phase of the development does not cause adverse acoustic impacts on surrounding sensitive uses/receivers.	A Construction Noise and Vibration Management Plan (CNVMP) was prepared and lodged as part of the development application.	Yes
PO5 Industrial development is to be in accordance with Protection of the Environment Operations Act 1997 and NSW Industrial Noise Policy 2000.	No built form is proposed as part of the proposal.	Yes

4.10 Air Quality

Table 14 Consideration against WSA DCP Phase 1 – Air Quality Performance Outcomes

Performance Outcome	Proposal	Consistency
PO1 Air emissions resulting from development, including the siting of vents and stacks, do not cause environmental harm or nuisance, and surrounding land uses are not exposed to concentrated levels of air contaminants.	A quantitative assessment of the potential air quality, dust and odour impacts of the development was prepared and lodged as part of the development application. No built form is proposed as part of the proposed works.	Yes
PO2 Proposed sensitive land uses are adequately separated from existing lawful land uses that produce air emissions.	No sensitive land uses are proposed as part of the proposal.	Yes
PO3 Development is to be in accordance with Protection of the Environment Operations Act 1997 and other Environmental Protection Authority guidelines for air quality.	A quantitative assessment of the potential air quality, dust and odour impacts of the development was prepared and lodged as part of the development application. No built form is proposed as part of the proposed works.	Yes

4.11 Acid Sulphate Soils and Salinity

Table 15 Consideration against WSA DCP Phase 1 – Acid Sulphate Soils and Salinity Performance Outcomes

Performance Outcome	Proposal	Consistency
PO1	A salinity and aggressivity investigation inclusive of water, soil and vegetation management strategies was prepared and lodged as part of the development application. No high salinity soils were identified on site.	Yes
PO2		
PO3		
PO4		
PO5	Proposed works includes cut to fill operations. Cut extents have been minimised and balanced against potential future need of retaining walls fronting public road reserves. A salinity and aggressivity investigation inclusive of water, soil and vegetation management strategies was prepared and lodged as part of the development application. No high salinity soils were identified on site.	Yes

4.12 Contaminated Land

Table 16 Consideration against WSA DCP Phase 1 – Contaminated Land Performance Outcomes

Performance Outcome	Proposal	Consistency
PO1	A Phase 1 and Phase 2 site investigation was completed and submitted as part of the development application with no findings precluding potential future land uses consistent with the Aerotropolis SEPP. A non-statutory audit of the Phase 1 and Phase 2 site investigation documentation has been completed by an NSW EPA accredited site auditor.	Yes
PO2	No built form is proposed as part of the proposed works	Yes
PO3	All works are proposed to be completed in accordance with detailed Fill Importation Management Plan (FIMP) prepared and submitted as part of development application. A non-statutory audit of the	Yes
PO4	A Remediation Action Plan (RAP) is currently being prepared for the site as requested by Penrith City Council. The engaged NSW EPA accredited auditor has noted to Penrith City Council that given the relatively benign nature of the site that a RAP could be a condition of consent noting that the subject site is subject to the future WSA ANEF 20 noise contours which will preclude more sensitive land uses such as residential, schools and hospitals.	Yes

4.13 Land Stability

Table 17 Consideration against WSA DCP Phase 1 – Land Stability Performance Outcomes

Performance Outcome		Proposal	Consistency
PO1	Development on sloping or potentially unstable sites maintains the safety of people, property and infrastructure from the risk of landslide.	Earthworks levels and benching arrangement follows the natural topography and tiers towards the Wianamatta-South Creek to the east therefore enabling greater opportunities for future built form (subject to future application) to benefit from views to these creek lines.	Yes
PO2	Public safety and the environment are not adversely affected by the impacts of landslide on hazardous material made or stored on the subject site.	No storage or manufacture of hazardous materials are proposed as part of the works.	Yes
PO3	The siting, form, bulk, scale and design, of development minimises impacts on the natural landform and landscape character.	The site is affected from the ANEF20 noise contour which will preclude smaller footprint developments such as residential. Therefore, the site will generally require larger format land uses consistent with typical employment requirements. The Badgerys Creek Precinct is proposed to facilitate land uses, buildings and structures in the short to medium term and transition to higher order uses in the longer term. Noting the site's requirements for land use flexibility, locality relative to future western Sydney airport flight path, and the existing topography grading towards Wianamatta-South Creek, the proposed siting, form, bulk, scale and design of earthworks is considered appropriate to enable flexibility to future development whilst mitigating the need for future earthworks under the Western Sydney Airport flight path. At the request of Penrith City Council, earthworks batters are proposed at 1 in 4 with a 50m offset from the Wianamatta-South Creek Precinct boundary to enable the site to benefit from precinct interface details once made available. The site will be stabilised in accordance with the civil engineering documentation issued as part of the development application.	Yes
PO4	Development includes measures that ensure: <ul style="list-style-type: none">• The long-term stability of the development site;• The need for significant earthworks is avoided;• Landslide hazards are avoided; and• The risk of erosion is avoided.		
PO5	Vegetation clearing is avoided and additional planting is undertaken to strengthen landslide risk areas.		

4.14 Urban Design

Table 18 Consideration against WSA DCP Phase 1 – Urban Design Performance Outcomes

Performance Outcome		Proposal	Consistency
PO1	Ensure the layout of the urban structure integrates, protects and appropriately responds to the land form and water systems.	The proposed development will contribute to the future urban structure of future built form on the site.	Yes
PO2	Ensure that urban development retains water in the landscape using both public and private landscape spaces including streets to provide a high level of liveability.	The proposed development will contribute to achievement of this outcome.	Yes

Performance Outcome		Proposal	Consistency
PO3	Develop a green infrastructure framework including high-quality open space and increased tree canopy, structured around the Wianamatta-South Creek green spine and tributaries, biodiversity land to be conserved, remnant vegetation, water features, habitat linkages across ridges to link catchments, cultural values and view lines.	Not applicable to the proposed development.	Yes
PO4	Align active and public transport networks within an easy walk from urban development and landscape amenity to encourage social connectivity.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO5	Orient urban development towards landscape and transport amenity, developing fine grain walkable neighbourhoods with creek-orientated schools, community facilities and hubs.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
Public Domain			
PO6	Development contributes to the amenity, activity, vibrancy, diversity and safety of streets and the public domain through the day and night.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO7	Development protects sunlight to parks, streets and public domain.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO8	Provide public domain that prioritises pedestrians, cycling and public transit use, with public open space located within walking distance of local centres, housing and jobs consistent with the Premiers Priorities.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO9	Development protects and shares high-quality views to significant scenic landscapes, particularly ridges, creek lines and riparian corridors.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO10	Provide increased tree canopy that is consistent with Greener Places, integrates with built form, enhances scenic landscapes and provides sufficient shade and amenity in centres.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO11	Provide high-quality landscaped open space that is green, integrated, connected as part of the green grid, multi-functional, accessible and of sufficient size to enable recreational and passive activities.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO12	Implement a sustainable landscape maintenance and management plan.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO13	Co-locate open space with other community assets to enhance to local character and retain significant items of cultural or heritage significance.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO14	Ensure that public art is an integrated and cohesive part of new development.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO15	Ensure facilities provided for waste and recycling services in developments and public places do not impact on amenity for residents, neighbours and the public such as visually unpleasant waste storage areas, noise, traffic and odours from waste collection services.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes

Performance Outcome		Proposal	Consistency
Urban Development			
PO16	Provide a range of urban typologies which minimises urban heat island effect and appropriately respond to the urban context and topography of the area including stormwater and rainwater retention and re-use, recycling and efficient use.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO17	Provide a fine grain compact urban form including block sizes which will improve permeability, access to public transport and maximise opportunities for green space.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO18	Development enables integrated water management, including stormwater and rainwater retention and re-use, recycling and efficient use. It is to be guided by an integrated water management plan.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO19	Ensure waste and recycling collection infrastructure is integrated within developments and where possible across separate developments while addressing storage, safety, efficiency, accessibility to waste, reuse and recycling services without compromising the safety and amenity of the public domain.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
Interface with Transport and Surrounding Land Uses			
PO20	Encourage vibrant, interactive, safe and accessible places in the centres surrounding the metro stations, transport nodes and bus linkages, with interfacing land use mix, density and development typologies achieving appropriate outcomes within station and public transport walking catchments.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications.	Yes
PO21	Provide suitable interfaces between industrial areas, trade gateways, intermodal facilities, transport corridors and surrounding land uses.	The proposed development will contribute to the future built form and layout of the site for future development under separate applications with interfaces to be developed as the site progresses.	Yes
PO22	Limit incompatible uses in areas exposed to urban hazards (including but not limited to uses including intense freight, industrial, rural and infrastructure activities.	No incompatible uses are proposed.	Yes

4.15 Street Design and Network Layout

Table 19 Consideration against WSA DCP Phase 1 – Street Design and Network Layout Performance Outcomes

Performance Outcome		Proposal	Consistency
Street Design			
PO1	Provide streets which are attractive, functional and safe for all street users at all times of the day.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO2	Prioritise pedestrian, cycle and public transport movements.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO3	Contribute to the amenity of the place and integrate with surrounding land use and adjoining built form.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes

Performance Outcome		Proposal	Consistency
PO4	Increase opportunities for community, social and recreational uses of street space.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO5	All streets should be green, shaded, landscaped and provide an urban tree canopy which does not cause wildlife to create a safety hazard in the operational airspace of the Airport.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO6	All streets must provide sufficient space for footpaths, street trees, planting, utility services, stormwater drainage and filtration, and lighting / multi-purpose poles.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO7	Carriageway widths and impervious road surfaces (vehicular and pedestrian) should be minimised.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO8	Alternatives to high heat absorbing and reradiating materials (such as asphalt) should be used where possible.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO9	Provide minimum appropriate levels of on street car parking, to support the adjacent land use. Parking provided should be prioritised towards ride and car sharing schemes with the aim of designing streets that are suitable for walking and cycling and close to amenities.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO10	Streets are designed to be resilient to natural and man-made hazards.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO11	Street design is to consider the Western Sydney Street Design Guidelines.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO12	All streets providing access to waste and recycling services must be designed to accommodate the safe travel and manoeuvring of waste collection vehicles.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes

Street Networks

PO13	Street networks must be safe system compliant and should be integrated, accessible, legible and permeable, and prioritise walking, cycling via separated cycleways and public transport.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO14	Street layouts should respond to the existing landscape and topography.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO15	Street networks should provide direct, convenient and comfortable connections through neighbourhoods and centres, and to essential attractions and services.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO16	Street networks should maximise opportunities to interchange between transport modes and co-locate interchange points with other destinations.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes

Performance Outcome	Proposal	Consistency
PO17 Development is located on roads that are appropriate for the nature of traffic generated, having regard to the safety and efficiency of the transport network.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO18 Streets are to be able to adapt to changing modes and innovative and new technologies.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO19 Development does not compromise the orderly provision and staging of the transport network.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO20 Water sensitive urban design systems should be integrated in streets to maximise retention and reuse of stormwater to reduce the load on end of pipe infrastructure and minimise downstream impacts on local waterways. Optimise opportunities for innovative urban water management such as passive irrigation of street trees and measures to reduce and/or slow stormwater runoff.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes
PO21 Street networks, including pedestrian and cycle networks, should reflect the function and role of streets based on the hierarchy of street types.	The proposed development will establish the levels for future built form, street design and layout that will be consistent with these performance outcomes.	Yes

4.16 Building Design

Table 20 Consideration against WSA DCP Phase 1 – Building Design Performance Outcomes

Performance Outcome	Proposal	Consistency
Built Form Principles		
PO1 Buildings, site layout and landscaping are designed to care for and connect to Country.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. Earthworks levels and benching arrangement follows the natural topography and tiers towards the Wianamatta-South Creek to the east therefore enabling greater opportunities for future built form (subject to future application) to benefit from views to these creek lines.	Yes
PO2 Provide a diverse range of dwelling and types and sizes to meet a range of household sizes and income needs.	No dwellings are to be developed on the site.	N/A
PO3 Provide appropriate heights, massing, articulation and façade treatments.	No permanent built form is proposed as part of this application.	N/A
PO4 Buildings are designed to be accessible.	No permanent built form is proposed as part of this application.	N/A
PO5 Building design positively integrates with the public domain, streets and open space.	No permanent built form is proposed as part of this application.	N/A
PO6 Buildings are designed to minimise carbon output and resources, maximising natural ventilation and light through passive design, solar access, protect privacy, enhance view sharing and maximise internal and external thermal comfort.	No permanent built form is proposed as part of this application.	N/A

Performance Outcome	Proposal	Consistency
PO7	Development is designed to encourage travel by public transport, walking and cycling providing appropriate end of trip facilities.	N/A
PO8	Car parking and access, service bays, building plant and structures located and designed to avoid dominating or detracting from pedestrian amenity or streetscape character.	N/A
PO9	Provide innovative and environmentally responsible design that achieves energy efficiency, renewable energy outcomes, retains water within the landscape and reduces the urban heat island effect.	N/A
PO10	Building massing responds to context including built environment and the public domain including significant land forms and landscape.	N/A
PO11	Implement crime prevention through environment design (CPTED) principles into built form and building design.	N/A
PO12	Provide well designed waste and recycling facilities in all new developments to ensure waste management services are safe, efficient, cost effective, maximise recycling and reuse, and facilities contribute to the built form and liveability of the community.	N/A

Active Frontages

PO13	Provide active uses on ground level frontages to streets and public open spaces in centres which foster casual, social and business interaction.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO14	All ground floor uses are of high design quality addressing the public domain providing a high level of casual surveillance.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO15	Provide continuity of ground floor shops along street and lanes and promote outdoor dining areas, with sufficient space for generous tree canopy and awnings.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO16	Encourage frequent building entries that face and open towards the street and minimise large driveways and servicing on all active frontages.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A

Public Art

PO17	Ensure that high quality public art is an integrated and cohesive part of new development.	No public art is proposed as the application is for earthworks and benching.	N/A
PO18	Recognise former uses through interpretive public art.	No public art is proposed as the application is for earthworks and benching.	N/A

Performance Outcome		Proposal	Consistency
Solar Access			
PO19	Design, orientate and site development to maximise and prioritise solar access to the living areas of dwellings and open spaces and, all other areas of the development.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO20	Development retains high levels of solar access to the neighbouring properties and the public domain.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
Visual and Acoustic Privacy			
PO21	New development is designed so that its occupants enjoy high-quality visual and acoustic privacy, whilst not producing adverse privacy impacts for adjoining and nearby properties.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO22	Development is designed and constructed to minimise noise intrusion from existing and planned transport corridors, including road and rail, and aircraft noise to avoid adverse impacts on amenity for users/residents.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO23	Noise attenuation measures are compatible with the intended scale, form and character of the area.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
Private Open Space			
PO24	Common and private open space is sufficient in size and configuration including with respect to context and building typologies.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO25	Common and private open space is designed and located to maximise solar access and amenity, while also providing opportunities for shading	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO26	Common and private open space is designed to receive a high level of privacy.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO27	Maximise green private open space include tree canopy, planting and pervious surfaces.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A

Performance Outcome		Proposal	Consistency
Landscaping			
PO28	Preserve and increase the tree canopy cover (with appropriate species) and landscaping to reduce ambient temperatures and urban heat island.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO29	Promote connection to Country by using Indigenous plant species, where appropriate.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO30	Maximise pervious surfaces across the site.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO31	All hard stand surfaces associated with car parking and driveways are to be offset from boundaries and buildings to provide landscaping opportunities, soften the visual impact and provide protection from glare.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO32	Provide treatments that foster attractive outlooks to and from the public domain, as well as to and from public and private open spaces within the site.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO33	Implement a sustainable landscape maintenance and management plan.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
Design Excellence Processes			
PO34	Ensure all building and public domain development addresses NSW Policy objectives for good design as outlined in Better Placed.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A
PO35	Ensure building and public domain design is in accordance with the relevant design excellence guideline, including where a competitive design or other process may be required and that the process extends into detailed design including materiality and delivery.	The proposal will enable the future development of the site in a manner consistent with the requirements of this performance objective, including built form design, street network layout and public open space. No built form is however proposed as part of this application.	N/A

4.17 Role and Hierarchy of Centres

Table 21 Consideration against WSA DCP Phase 1 – Role and Hierarchy of Centres Performance Outcomes

Performance Outcome		Proposal	Consistency
Metropolitan Centres			
PO1	Provide access to a large number and range of jobs and services delivering a well-connected city – a 30-minute city.	The site sits adjacent to the Western Sydney Airport and within the Badgerys Creek Aerotropolis, a metropolitan cluster under A Metropolis of Three Cities, and as such, will contribute to development and establishment of employment opportunities within this area.	Yes
PO2	Provide a polycentric urban structure across the Aerotropolis, Liverpool, Greater Penrith, and Campbelltown-Macarthur.	The site sits adjacent to the Western Sydney Airport and within the Badgerys Creek Aerotropolis, a metropolitan cluster under A Metropolis of Three Cities, and as such, will contribute to development and establishment of employment opportunities within this area.	Yes
PO3	Establish metropolitan centres around Metro/mass transit nodes and highly accessible areas.	The site sits adjacent to the Western Sydney Airport and within the Badgerys Creek Aerotropolis, a metropolitan cluster under A Metropolis of Three Cities, and as such, will contribute to development and establishment of employment opportunities within this area.	Yes
PO4	Support creative and cultural uses, where appropriate.	The site sits adjacent to the Western Sydney Airport and within the Badgerys Creek Aerotropolis, a metropolitan cluster under A Metropolis of Three Cities, and as such, will contribute to development and establishment of employment opportunities within this area.	Yes
Strategic Centres			
PO5	Allow the private sector to decide where and when to invest, consistent with the sequencing of appropriate infrastructure.	Not applicable.	N/A
PO6	Co-locate a wide mix of land uses, in particular employment including health and education, supported by limited residential development, in appropriate locations.	Not applicable.	N/A
PO7	Provide high levels of amenity, accessibility within a walkable and cycle friendly environment.	Not applicable.	N/A
PO8	Establish strategic centres around metro/mass transit nodes and highly accessible areas.	Not applicable.	N/A
Local Centres			
PO9	Establish walkable communities by increasing the level of residential development within walking distance to day-to-day goods and services.	Not applicable as no residential development is proposed.	N/A
PO10	Provide fine grain urban form with a diversity of commercial spaces, community and public places, and co-location of services and infrastructure.	Not applicable to this proposal which proposes earthworks and benching to establish future employment generating uses.	N/A
PO11	Enable connectivity to metropolitan and strategic centres through an accessible and integrated transport (i.e. buses) and road network.	The future development of the site, supported through this application, will be well connected to key areas of the Aerotropolis consistent with this performance outcome.	Yes
Rural Villages			
PO12	Provide a mix of rural industries, local services, tourism and businesses and provide the day-to-day needs of employees and visitors.	Not applicable.	N/A

Performance Outcome		Proposal	Consistency
PO13	Encourage growth and intensification of business activity where they maintain or enhance local character.	Not applicable.	N/A

4.18 Night Time Economy

Table 22 Consideration against WSA DCP Phase 1 – Night Time Economy Performance Outcomes

Performance Outcome		Proposal	Consistency
Night Time Economy			
PO1	Provide a thriving night time economy with diverse options and broad community appeal.	Not applicable.	N/A
PO2	Night time uses are located in appropriate areas and designed to have minimal adverse impacts on the amenity and safety of patrons, nearby residents and the broader community.	Not applicable.	N/A
PO3	Night time uses are accessible by appropriate public transport.	Not applicable.	N/A

4.19 Digital Technology

Table 23 Consideration against WSA DCP Phase 1 – Digital Technology Performance Outcomes

Performance Outcome		Proposal	Consistency
Digital Technology			
PO1	Deliver the Western City Digital Action Plan.	Not directly applicable to this proposal, however future built form on the site (subject to separate applications) can contribute to this performance outcome.	N/A
PO2	Incorporate enabling infrastructure in all streets and development.	Not directly applicable to this proposal, however future built form on the site (subject to separate applications) can contribute to this performance outcome.	N/A
PO3	Ensure coordinated delivery of telecommunications infrastructure and sharing of pits and data exchange facilities between Government, industry and developers.	Not directly applicable to this proposal, however future built form on the site (subject to separate applications) can contribute to this performance outcome.	N/A
PO4	Where feasible digital technology is integrated into building design or street furniture.	Not directly applicable to this proposal, however future built form on the site (subject to separate applications) can contribute to this performance outcome.	N/A
PO5	Buildings and infrastructure are designed to cater for changing needs and emerging technologies.	Not directly applicable to this proposal, however future built form on the site (subject to separate applications) can contribute to this performance outcome.	N/A

4.20 Urban Ecology and Sustainability

Table 24 Consideration against WSA DCP Phase 1 – Urban Ecology and Sustainability Performance Outcomes

Performance Outcome		Proposal	Consistency
Water Sensitive Urban Design			
PO1	Achieve an integrated land use planning approach to the provision of potable and recycled water and the management of wastewater and stormwater.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
PO2	Stormwater infrastructure to be designed to have dual functions of water cycle management and recreation / amenity.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
PO3	Integrate water into the landscape and urban form to enhance ecological, visual, social, economic and cultural values.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
Design for Climate, Urban Heat and Thermal Comfort			
PO4	Use cool materials, low-reflectivity roofing and other building materials, streets pavements that are low reflectivity and pervious.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
PO5	Building materials used should contribute to internal and external thermal comfort, minimise the necessity for mechanical heating and air conditioning.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
PO6	Integrate waterways and recycled water reuse into site design, maximise permeable surfaces, implement innovative solutions to retain water within the landscape.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
PO7	Protect, enhance and extend the urban tree canopy. Prioritisation of established, older growth trees.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
PO8	Prioritise healthy and resilient living, including targets for internal and external thermal comfort and energy efficiency.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
Green Infrastructure			
PO9	Provide a comprehensive network of green spaces, natural systems and semi-natural systems that support sustainable communities.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
PO10	Preserve high-quality vegetation on ridges to create an interconnected web of well-located open spaces connected through the Western Parkland City.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
PO11	Provide multi-functional connected high-quality active and passive open spaces adjacent to riparian corridors which connect ridges to the Wianamatta-South Creek spine.	Not applicable for this application though the application does not preclude meeting this objective as part of future built form development applications.	Yes
Tree Preservation			
PO12	New development takes into account existing vegetation in the site planning, design, development, construction and operation of the development.	Impacts and mitigation measures from the proposal have been assessed in accordance with the <i>Biodiversity Conservation Act 2016 (BC Act)</i> and the Biodiversity Assessment Method	Yes

Performance Outcome		Proposal	Consistency
PO13	Native vegetation which supports habitat for native fauna and biodiversity is protected and enhanced.	(BAM) with ecosystem offsets identified within the submitted Biodiversity Development Assessment Report for the proposal.	
PO14	Trees are maintained in an appropriate manner that balances community safety with health, resilience and environmental outcomes.		
PO15	Removal of trees in the Aerotropolis must be in accordance with the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and Biodiversity Conservation Act 2016.		
PO16	All existing mature shade providing trees be retained.		
Circular Economy			
PO17	Implement circular economy principles as setout in the NSW Circular Economy Policy Statement throughout all lifecycle stages of the development.	The proposal will enable the site to be a readily available disposal facility for excess spoil material, thereby enabling the development of a circular economy and promoting the orderly and economic use of the site in the interim without limiting its use in the future.	Yes
PO18	Implement resource recovery, re-use and recycling of waste in all stages of development including construction and operation.	The proposal seeks to utilise clean spoil from key Sydney based State Significant Infrastructure Projects and building projects to deliver required earthworks levels to facilitate future employment generating uses on the site (subject to future development applications).	Yes
PO19	Implement innovative waste management storage and collection systems that are healthy, efficient and minimises disruption to amenity.	The proposal will enable the site to be a readily available disposal facility for excess spoil material, thereby enabling the development of a circular economy and promoting the orderly and economic use of the site in the interim without limiting its use in the future. The proposal seeks to utilise clean spoil from key Sydney based State Significant Infrastructure Projects and building projects to deliver required earthworks levels to facilitate future employment generating uses on the site (subject to future development applications).	Yes
PO20	Utilise sustainable energy, water and waste systems to encourage a circular economy that improves efficiency and results in low-carbon developments.	Future built form on the site will be able to achieve this objective.	Yes

4.21 Heritage Items

Table 25 Consideration against WSA DCP Phase 1 – Heritage Items Performance Outcomes

Performance Outcome		Proposal	Consistency
PO1	Encourage the retention of existing heritage items and their significant elements.	An assessment of heritage impacts was completed within the submitted Statement of Heritage Impact, along with the Archaeological Survey Report as part of the original application.	Yes
PO2	Ensure development is based on the understanding and conservation of the heritage significance of the item, being sympathetic and respectful to the value of heritage places and celebrate Country.		
PO3	Encourage heritage items to be used for purposes that are appropriate to their heritage significance, including adaptive reuse where appropriate.		

Performance Outcome		Proposal	Consistency
PO4	Maintain the setting of the heritage item including the relationship between the item and its surroundings.		
PO5	Encourage the removal of inappropriate alterations and additions, and the reinstatement of significant missing details and building elements.		
PO6	Maintain a sufficient curtilage around an item to minimise the impact of new development.		
PO7	Minimise the impact of new development adjacent to or within the vicinity of a heritage item.		
PO8	Promote the protection of places which have the potential to have heritage significance but are not identified as heritage items or places.		
PO9	Ensure that the subdivision of land on which a heritage building is located does not isolate the building from its setting or context, or adversely affect its amenity or privacy.		

4.22 Historic Archaeology

Table 26 Consideration against WSA DCP Phase 1 – Historic Archaeology Performance Outcomes

Performance Outcome		Proposal	Consistency
PO1	Encourage the retention of significant relics identified on site.	The proposed earthworks would have a direct impact on non-Aboriginal archaeological items of heritage significance which may be located within the site, which may include archaeological remains however a separate process for a s140 permit will be undertake outside of the development application process. This is an appropriate mitigation measure, which also includes archival research and preparation of a Heritage Management Plan as part of the works.	Yes
PO2	Ensure development is based on the understanding and conservation of the relic.		
PO3	Encourage interpretation of the relic to improve understanding within the community.		
PO4	Enhance the significance of the relic through integration into future development.		
PO5	Minimise the impact of new development adjacent to or within the vicinity of a relic.		

4.23 Aboriginal Culture and Heritage

Table 27 Consideration against WSA DCP Phase 1 – Aboriginal Culture and Heritage Performance Outcomes

Performance Outcome		Proposal	Consistency
PO1	Development does not result in the demolition or removal of or damage to the Aboriginal heritage place or object.	There are several AHIMS sites on the subject site that will be impacted by the proposed works, however these will generally be buried in-situ by the placement of fill on the site. Archaeological test excavation be conducted in accordance with the Code of Practice, and that during detailed design attempts should be made to minimise the impact on known Aboriginal sites and areas of PAD. As part of this process, an Aboriginal Heritage Impact Permit (AHIP) will be applied for, which will incorporate an Aboriginal Cultural Heritage Assessment Report.	Yes
PO2	Development retains, conserves and does not detract from the features and values of the Aboriginal heritage place or object.		
PO3	Development is compatible with the Aboriginal heritage significance of the place.		
PO4	Development is designed to care for and connect to Country.		
PO5	New development adjacent to or within the vicinity of an item or place of Aboriginal heritage significance should have no impact on that item or place.		

5.0 Conclusion

Notwithstanding the applicable savings and transitional provisions contained in clause 53(1) of the Aerotropolis SEPP, Ethos Urban recommends the proposed development under DA19/0826 is consistent with the WSAPP for the following reasons:

- The proposed development is consistent with the aims, objectives and performance outcomes of the Western Sydney Aerotropolis Plan, Aerotropolis SEPP and Aerotropolis DCP Phase 1;
- The proposed development is wholly contained within the Badgerys Creek initial precinct and is permissible with consent;
- Consistent with Council's request, the proposed development maintains a 50m offset from the Wianamatta-South Creek Boundary to enable the site to benefit from precinct interface details once made available;
- Consistent with Council's request, the proposed development maintains a 30m offset from the existing Elizabeth Drive road reserve to enable potential future infrastructure upgrades;
- The site is boarded by Elizabeth Drive to the south, existing unnamed road to the West, future Elizabeth Enterprise Precinct Stage 2 to the North, and Wianamatta-South Creek to the East. There are no requirements for interface treatments to adjoining rural industries;
- The proposed development does not propose (or preclude) infrastructure or built form which will be subject to and benefit from future precinct planning and development controls;
- The proposed development provides earthworks levels and benching arrangements consistent with the desired Badgerys Creek Precinct flexibility required to facilitate a broad range of employment generating uses;
- The proposed development responds to the existing topography and enables future opportunities for built form (subject to future development applications) to benefit from views to Wianamatta-South Creek;
- The proposed development and associated mitigation measures will result in no increased risk to Airport safeguarding; and
- The proposed development and associated mitigation measures will result in acceptable biodiversity, flooding and heritage impact in accordance with the Western Sydney Aerotropolis Development Control Plan – Phase 1 performance outcomes.

Yours sincerely,



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