



**COUNCIL ASSESSMENT REPORT**  
SYDNEY WESTERN CITY PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSWC-522 – DA-28/2025
<b>PROPOSED DEVELOPMENT</b>	Concept DA for the establishment of a public art strategy for the Ingham Property Master Plan known as IPG Badgerys Creek Road Master Plan (WSA_MP01). SWCPP Liverpool City Council is the consent authority and the Sydney Western City Planning Panel has the function of determining the application
<b>ADDRESS</b>	475 Badgerys Creek Road, Bradfield Lot 100 DP 1287207
<b>APPLICANT</b>	The Trustee for Ingham Property Unit Trust 4
<b>OWNER</b>	Ingham Property Co 4 Pty Ltd
<b>DA LODGEMENT DATE</b>	28 January 2025
<b>APPLICATION TYPE</b>	Concept DA
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	The Sydney Western City Planning Panel is the determining body as the Capital Investment Value of any future development proposed with the Concept DA is consider community facilities over \$5million, pursuant to Clause 2, Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> :
<b>CIV</b>	The Concept DA has a fixed public art budget of \$10 million.
<b>CLAUSE 4.6 REQUESTS</b>	N/A
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"><li>• State Environmental Planning Policy (Planning System) 2021;</li><li>• State Environmental Planning Policy (Industry and Employment) 2021;</li><li>• Western Sydney Aerotropolis Plan (WSAP) 2020;</li><li>• State Environmental Planning Policy (Precincts—Western Parkland City) 2021.</li></ul>
<b>TOTAL &amp; UNIQUE SUBMISSIONS</b> <b>ISSUES IN SUBMISSIONS</b>	2 submissions (total & unique) Key issues include insufficient amount of art, scale of art in relation to the development, façade art, visual dominance, conflict of interest, panel diversity, panel expertise, the use of local artists and/or first nations artists, whether the budget is proportionate to the proposal, the suitability of the proposed CDC pathway, and impact on existing agricultural business.

<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>Attachment B: Compliance Tables (WSAP, SEPP, WSA Precinct Plan and WSA DCP)</li> <li>Attachment C: Design Excellence Panel Minutes – 192831.2025</li> <li>Attachment D: IDG Draft Badgerys Creek Road Master Plan – 218506.2025</li> <li>Attachment E: IPG Bradfield Masterplan Public Art Strategy – 218507.2025</li> <li>Attachment F: Designing with Country Framework – 218508.2025</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	Nil
<b>RECOMMENDATION</b>	Approval, subject to conditions of consent
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	Electronic Determination
<b>PLAN VERSION</b>	
<b>PREPARED BY</b>	Emily Lawson
<b>DATE OF REPORT</b>	24 July 2025

## 1. EXECUTIVE SUMMARY

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### 1.1 The proposal

Pursuant to Section 4.6 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979), development consent is sought for the concept plan approval for the establishment of a public art strategy for the Ingham Property Master Plan known as IPG Badgerys Creek Road Master Plan (WSA\_MP01). The public art strategy consists of:

- 15 artworks, across four different zones;
- Design parameters guiding practical outcomes such as artwork details and sustainable construction and management;
- Staged delivery in line with the IPG Masterplan.

### 1.2 The Site

The subject site is known as 475 Badgerys Creek Road, Badgerys Creek ('the site') and comprises Lot 100 in DP 1287207 with approximately 1.2km of frontage to Badgerys Creek Road. The site is irregular in shape with a total area of approximately 1,807,726m<sup>2</sup> (181 ha).

### 1.3 Exhibition of the Proposal

The proposal was required to be advertised in accordance with the Liverpool Community Engagement Strategy 2022. The application was advertised and notified between 12 February

and 27 February 2025. 2 submissions were received; the concerns raised in the submissions and the response to the concerns raised are detailed in Section 6.3 of the report.

## 1.4 Reasons for the Report

The Sydney Western City Planning Panel is the determining body as the Capital Investment Value of any future development proposed with the Concept DA is consider community facilities over \$5million, pursuant to Clause 2, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.

## 1.5 Conclusion

The application has been assessed pursuant to the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the State Environmental Planning Policy (Precincts – Western Parkland City) 2021. The proposed development is generally consistent with relevant standards and controls and as such it is recommended the application be approved, subject to conditions.

# THE SITE AND LOCALITY

## 1.1 The Site

The subject site is known as 475 Badgerys Creek Road, Badgerys Creek ('the site'), legally defined as Lot 100 in DP 1287207.



**Figure 1:** Aerial view of site (Source: Nearmap June 2025).

The site is irregular in shape with a total area of approximately 1,807,726m<sup>2</sup> (181 ha). The site has a frontage of approximately 1.2km to Badgerys Creek Road.

The site is bordered by Badgerys Creek Road to the west, South / Wianamatta Creek to the east, Badgerys Creek to the north and neighbouring property adjacent to Thompsons Creek to the south.

The site is zoned ENZ-Environment and Recreation & ENT-Enterprise under State Environmental Planning Policy (Precincts—Western Parkland City) 2021.

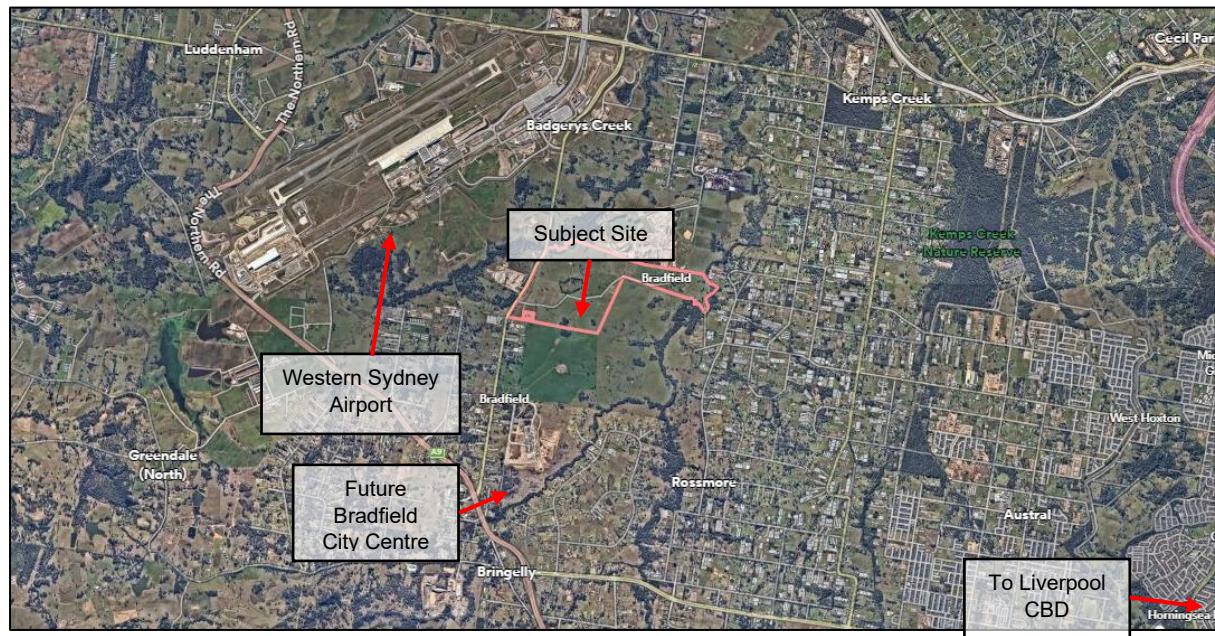
The subject site has scattered vegetation particularly along the fringes zoned ENZ-Environment and Recreation; however the area zoned ENT-Enterprise is certified land for the purposes of the Biodiversity Conservation Act 2016.

## 1.2 The Locality

The site is situated within the Western Sydney Aerotropolis, directly east of the Western Sydney International Airport (WSI). As part of the Western Parkland City, the Aerotropolis is a designated growth area set to evolve into a vibrant economic hub.

The site lies within a key growth corridor comprising various precincts that shape the Western Parkland City. These areas are interconnected by planned transport links, including the Outer Sydney Orbital and the Sydney Metro – Western Sydney Airport line.

Elsewhere, the area surrounding the site is composed of extensive rural properties, which are mainly utilised for agricultural activities, light industrial or manufacturing operations. This mix of land uses reflects a blend of traditional farming practices alongside small-scale production enterprises.



**Figure 2: Locality surrounding the proposed development.**

The table below outlines site constraints.

**Table 1: Site Constraints**

Potential Site Constraints:	Site Constraints:
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<ul style="list-style-type: none"> <li>• Bushfire</li> <li>• Flooding</li> <li>• Heritage Items</li> <li>• Aboriginal heritage</li> <li>• Environmentally Significant Land</li> <li>• Threatened Species/ Flora/ Habitat/ Critical Communities</li> <li>• Acid Sulphate Soils</li> <li>• Aircraft Noise</li> <li>• Flight Paths</li> <li>• Railway Noise</li> <li>• Road Noise/ Classified Road</li> <li>• Significant Vegetation</li> <li>• Contamination</li> </ul>	<ul style="list-style-type: none"> <li>• Moderate to High salinity potential.</li> <li>• Flood Risk Prone Land</li> <li>• Flood Inundation Area</li> <li>• Bushfire Prone Land</li> <li>• ANED Buffer 500m</li> </ul> <p><u>Subject to Aerotropolis provisions and restrictions:</u></p> <ul style="list-style-type: none"> <li>• Obstacle Limitation Surface (OLS): 125.5</li> <li>• Aerotropolis Australian Noise Exposure Concept <ul style="list-style-type: none"> <li>◦ ANEC 20 - 25</li> <li>◦ ANEC 25 - 30</li> </ul> </li> <li>• Lighting Intensity – within 6km radius</li> <li>• Wind Shear zone</li> <li>• Wildlife Buffer Zone 3km</li> <li>• Wind Turbine Buffer Zone 3km</li> <li>• Aerotropolis Transport Corridor: <ul style="list-style-type: none"> <li>◦ Primary Arterial Road</li> <li>◦ Fifteenth Avenue</li> </ul> </li> <li>• Land Reservation Acquisition <ul style="list-style-type: none"> <li>◦ Stormwater Infrastructure</li> </ul> </li> </ul> <p><u>Subject to Aerotropolis Precinct Plan Mapping:</u></p> <ul style="list-style-type: none"> <li>• Heritage Map</li> <li>• Blue Green Infrastructure</li> <li>• Total Water Cycle Management</li> <li>• Protected Existing Vegetation</li> <li>• Transport Network</li> <li>• Active Transport Network</li> <li>• Street Hierarchy</li> <li>• Centres Hierarchy</li> </ul>
<b>Restrictions on title:</b>	Easement for gas main 2 Wide (f)

The table below outlines developments within close proximity to the site.

**Table 2: Adjacent Developments**

Location	Address	Development
Adjacent site to the south	225-245 Badgerys Creek Road	<u>Current:</u> Vacant.
Adjacent site to the south	335 Badgerys Creek Road	<u>Current:</u> Residential dwelling with storage shed.
Adjacent site to the north	235 Martin Road	<u>Current:</u> State controlled airport contractor site. Earthworks.
Site behind to the east	225-245 Badgerys Creek Road	<u>Current:</u> Vacant.
Site opposite to the west	320-400 Badgerys Creek Road	<p><u>Current:</u> DA-693/2009 Operation of an extractive industry (shale quarry) and materials resource recovery facility to run concurrently</p> <p><u>Under Assessment:</u> DA-424/2024 - Demolition of the existing road payment to allow for the construction of a roundabout and associated engineering infrastructure, pedestrian footpaths and landscaping.</p>

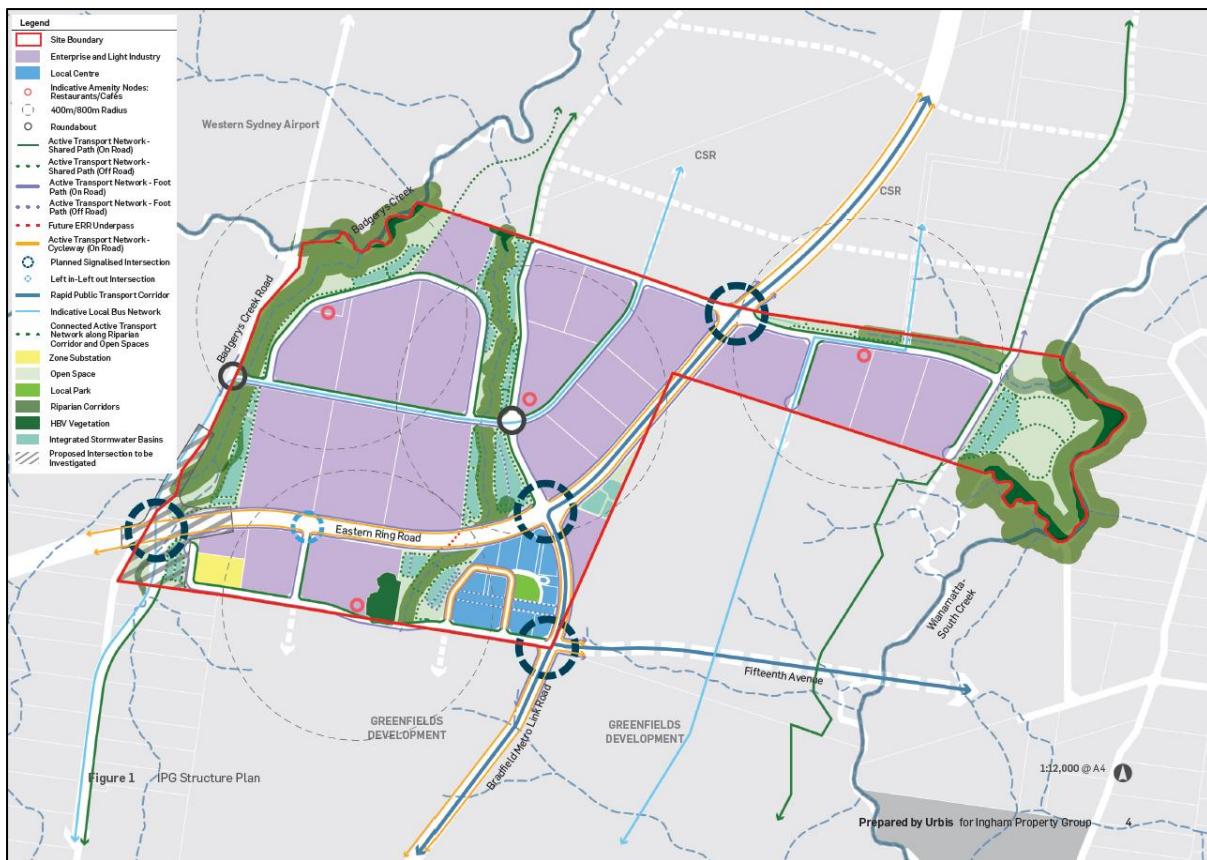
		Subdivision of the site to be dedicated to the roundabout.
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## **2. BACKGROUND**

### **2.1 Context**

The site forms part of the IPG Badgerys Creek Road Master Plan approved by the Minister for Planning and Public Spaces on 11 July 2025. The Master Plan sets out the site-specific vision and objectives consistent with the Western Sydney Aerotropolis planning framework and according to the submitted Statement of Environmental Effects consists of:

- A master plan layout comprising a total of 25 lots which include 23 enterprise lots and 2 commercial lots.
- An enterprise precinct supporting warehouse and distribution, logistics and light industry uses.
- A local centre supporting business and commercial uses, complemented by retail amenity.
- The delivery of 456,600 m<sup>2</sup> of open space and landscape areas consisting of active and passive open space areas across three riparian corridors and the local park within the local centre.
- Indicative built form accommodating a maximum GFA of 625,467 m<sup>2</sup>, consisting of:
  - 506,530 m<sup>2</sup> of enterprise and light industry GFA,
  - 118,417 m<sup>2</sup> of business and commercial GFA, and
  - 520 m<sup>2</sup> of retail amenity node GFA.
- Maximum height provisions ranging from 24m to 52.5m to enable the delivery of high-bay warehousing.
- Site-specific complying development controls which allow and support a streamlined and efficient planning approval pathway for enterprise and industrial development within the Master Plan which complies with the complying development provisions.
- A Design Quality Strategy and Design Verification Checklist to guide future development within the site and to ensure design quality will be achieved.



**Figure 3: IPG Structure Plan (source: IPG Badgerys Creek Road Master Plan (WSA\_MP01))**



**Figure 4: Masterplan – SBA 23.05.2025 (source: Statement of Environmental Effects)**

The preparation of the Master Plan was subject to a two-year Technical Assurance Panel Process (TAP) which included specialist Panel Members including Liverpool City Council. The Public Art Strategy has been developed throughout the two-year TAP Process and has been subject to detailed review by Council throughout this time.

The inclusion and delivery of public art for this project is a requirement arising from the size and capital investment value of the project.

## 2.2 Site History

The following are previous development applications lodged and considered on the subject site.

**Table 3: Chronology of site history**

DA Number	Proposal/Details	Status
PL-50/2024	IPG are proposing to undertake the construction of a roundabout on Badgerys Creek Road along with a section of road located within our site in accordance with the endorsed Master Plan MP_01 for the site	Advice provided 10 July 2024
DA-424/2024	Lodged 18 September 2024: IPG are proposing to undertake the construction of a roundabout on Badgerys Creek Road along with a section of road located within our site in accordance with the endorsed Master Plan MP_01 for the site	<i>Currently under assessment</i>
<b>DA-28/2025 Subject Application</b>	<i>Lodged 28 January 2025 Concept DA for the establishment of a public art strategy for the Ingham Property Master Plan known as IPG Badgerys Creek Road Master Plan (WSA_MP01). SWCPP Liverpool City Council is the consent authority and the Sydney Western City Planning Panel has the function of determining the application</i>	<i>Currently Under Assessment</i>

## 2.3 Application History

The development application was lodged on **28 January 2025**. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

**Table 4: Chronology of the DA**

Date	Event
<b>28 January 2025</b>	DA lodged
<b>3 February 2025</b>	DA referred to internal departments and external agencies
<b>12 February 2025</b>	Advertising and notification of the application commenced
<b>27 February 2025</b>	Advertising and notification of the application concluded (two submissions received)

<b>20 March 2025</b>	Design Excellence Panel (DEP) meeting held
<b>6 June 2025</b>	Request for Additional Information letter issued
<b>27 June 2025</b>	The applicant provided additional information, which was found to be satisfactory in response to the request for Additional Information.
<b>28<sup>th</sup> August 2025</b>	Draft Conditions of consent have been agreed upon between the applicant and Council.

## 2.4 Design Excellence Panel (DEP) Briefing

A Design Excellence Panel (DEP) briefing was held on **20 March 2025**. A summary of recommendations and comments are found in the table below.

**Table 5: Design Excellence Panel Minutes**

DEP Recommendation	Council Comment
<i>The Panel commends the establishment of the Public Art Panel comprised of eminent experts who have national and international experience. The applicant advised that the First Nations expert has not been confirmed as yet. The Panel emphasises the objectives of the Aerotropolis and Recognise Country Guidelines, including design through a process that includes Aboriginal people and connection with Country, and urges the appointment of a First Nations expert.</i>	The Public Art Panel consists of a mix of professionals including a Local First Nations Representative: who can provide guidance on First Nations opportunities and insights.
<i>The Liverpool area has a rich cultural history full of First Nations stories layered with multicultural histories. This project is a highly unique opportunity to celebrate these stories and collaborate with the local community. The Panel encourages continuity and weaving of cultural narratives between the public artworks.</i>	It is noted that for First Nations nominated thematic artworks, that the public art consultant is to be, or include in their team, a specialist Aboriginal and Torres Strait Islander (ATSI) Curator.
<i>The Panel highlight that the Public Art Strategy framework has an aspirational intent and purpose, however in part due to the CDC process appears rigid in its delivery. For example all 15 artworks have very specific locations, and are of the same stand-alone sculptural typology. Public art can take on many forms and the Public Art Panel will make way for many upcoming, creative people to contribute where the approach may pivot. The Panel recommends strategies are incorporated in the Public Art Strategy to enable flexibility in the typology of the pieces.</i>	The Public Art Strategy embraces flexibility across the Masterplan in which will provide a variety of options to local artist to contribute to the growing demand for public art within open space areas of the approved Masterplan.

<p><i>Further to the above, the facades will potentially be of a very significant expanse and are an optimal opportunity as a canvas for public art. The applicant explained due to the extent of tree canopy proposed, the public art on facades will not be visible therefore the facades have not been considered in the strategy. The Panel notes tree canopy takes many years to establish, and even so with facades of this height and length, there will be plenty of space between tree trunks, trees themselves and even above with facades (with heights potentially at 52m). The Panel recommends public art on the facades is considered and where appropriate incorporated in the design.</i></p>	
<p><i>Further to the above and noting the 7-year delivery plan, the Panel notes expansive facades create a unique opportunity to create a canvas for the combination of separate pieces by different up-and-coming artists.</i></p>	<p>Appropriate conditions of consent will be imposed to ensure expansive façade are utilised for public art.</p>
<p><i>There are many significant, unknown aspects as to the future scale of the buildings in the Badgerys Creek Road Master Plan site that the public artworks will be nestled amongst, such as building footprints, length of facades and building height, with potential to be as high as 52m. The Panel encourages flexibility in the Public Art Strategy to enable public art pieces that relate and respond to the scale of the surrounding built form once determined. Important view lines should be established and ensure the pieces are at a size that is visible from surrounding key points once the buildings are built, and not overly dwarfed by surrounding built form.</i></p>	<p>Appropriate conditions of consent are to be imposed.</p>
<p><i>The roofs will be of significant size, highly visible from the air and create a unique opportunity for story telling when people arrive and depart from the airport. The Panel encourages exploration of public art on the rooftops and their consideration as the fifth façade of these developments.</i></p>	<p>Appropriate conditions of consent are to be imposed.</p>
<p><i>The Panel is highly supportive of the extensive solar panels on the roof tops and accompanying solar batteries.</i></p>	<p>Noted.</p>
<p><i>The eminent Public Art Panel members will likely not be able to meet regularly due to competing commitments, however continuity of the Public Art Strategy, vision and collaborations is paramount, particular as this project will be spanning across many years. The Panel recommends embedding strategies to maintain continuity of vision and design direction within a potentially changing Panel.</i></p>	<p>Noted.</p>

<p><i>The Panel has concerns that due to the significant scale of the projects and amount of various disciplines potentially involved, it is imperative that the funds available are deployed judiciously so that costs to the Artists are fully transparent.</i></p>	<p>Appropriate conditions of consent are to be imposed.</p>
<p><i>The Panel appreciates the aspiration to bring in high profile international artists with significant experience with public art of this scale and significance. The Panel however highlights the importance and value of including First Nations people in the design process. For pieces that are being led by artists not from the area, the Panel recommends collaboration with local First Nations artists where they can have a key influential role in the artworks.</i></p>	<p>Appropriate conditions of consent are to be imposed.</p>
<p><i>The Panel has concerns that the CDC process results in the final decision and sign-off of public art ultimately lying with the Certifier. The Panel recommends a process in place where the Chair of the eminent Panel is able to cascade the outcomes of the Panel meetings and Public Art Strategy developments to the Certifier.</i></p>	<p>Appropriate conditions of consent are to be imposed. This includes the provisions of a Attachment A in which provides a breakdown for each artwork and location to consider appropriate concerns raised by the DEP.</p>
<p><i>The Panel has concerns that the public art budget is based on the current market, and over years could end up depleting due to rising construction costs resulting in the later pieces having a reduced budget and compromised size and quality of public art. In addition, each project in the master plan may be of varying scales, therefore it is important the public art ties to the size of the project it is a part of. The Panel recommends each public art piece's budget is a percentage of the project CIV. The Panel recognises the current industry standard in other Councils for public art is typically 1% of CIV value and recommends this percentage is applied. This could be set as a benchmark for the project's ongoing delivery.</i></p>	<p>Conditions of consent will be imposed to ensure art is delivered in line with construction costs.</p>
<p><i>A holistic strategy is required where integration of public art and landscape is considered as a whole. The themes that are developed for the public art are to be seen as a combined design approach with the landscape design. These themes need to be demonstrated and provided at the design stage and tested against the broader principles of the Aerotropolis (Blue- Green Grid). This will provide a transparent process that will enrich the outcome of the precinct and respond to the evolving needs of the development.</i></p>	<p>Conditions of consent are imposed to ensure the Public Art is integrated wholistically within the sites design and overarching Master Plan approval.</p>

### **3. THE PROPOSAL**

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#### **3.1 Outline**

The proposal is for a concept DA pursuant to Clause 4.22 of the *EP&A Act* for the establishment of a Public Art Strategy. The Strategy details indicative artwork locations and requirements for individual artworks to satisfy the Complying Development Framework. The proposal specifically includes 15 artwork locations, across four areas (zones A to D).

The strategy is designed to:

- Identify key locations and types of public art to be commissioned;
- Ensure that artworks are thoughtfully designed, site-specific, and of lasting cultural or artistic value.
- Support the development of detailed artist briefs by offering clear direction and structure.
- Offer step-by-step guidance for those involved in creating, installing, and preserving public artworks.
- Share transparent recommendations on inclusive and just methods for artist selection, with a focus on engaging local talent.
- Confirm that public art projects align with all applicable local and state planning requirements, including the Exempt and Complying Development planning pathway.
- Function as a dynamic tracking tool to monitor the status of proposed and completed artworks within a project area.
- Act as a channel for incorporating public feedback and community voices into the public art process.
- Outline clear procedures for coordinating the journey from concept to completion for each individual artwork.

#### **3.2 The Public Art Panel**

The Public Art Panel plays an advisory role in guiding the delivery of high-quality, innovative public art across the site. Comprising a diverse mix of professionals—including curators, architects, council and developer representatives, and a local First Nations voice. The panel guides artist selection and project development to ensure artworks are well integrated, culturally meaningful, and aligned with design, community, and sustainability goals.

#### **3.3 Artist Collaborations**

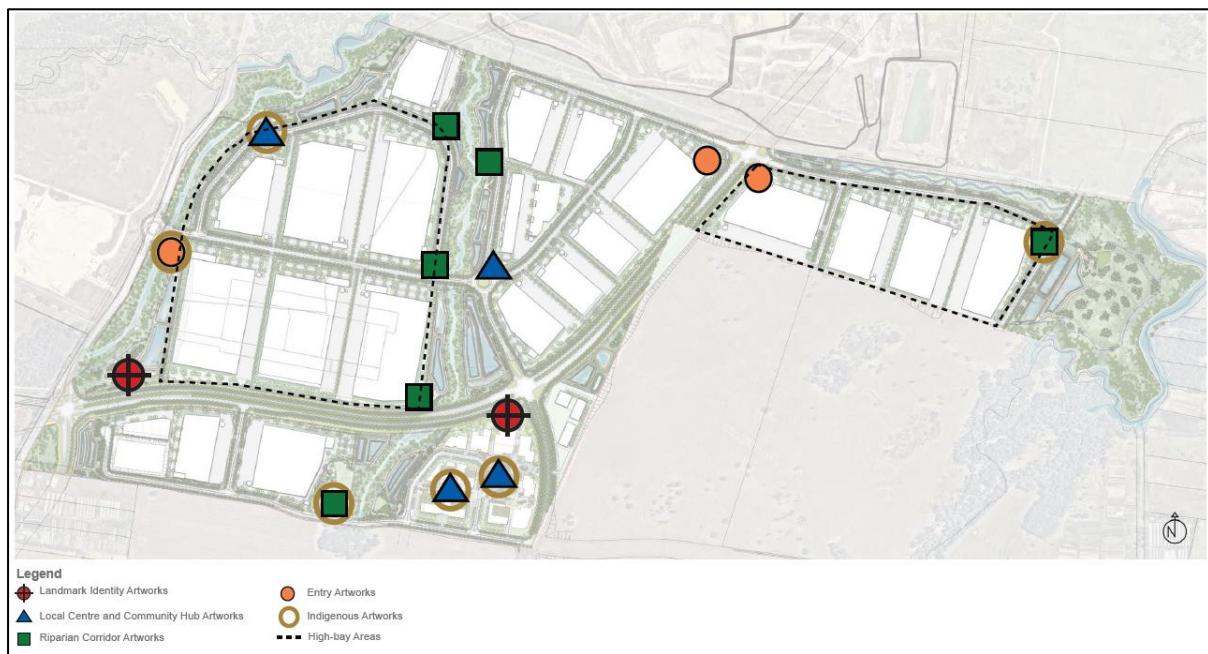
All public artworks involve collaboration whether between artists, with fabricators, or as mentorships with emerging local talent. Lead artists, with guidance from the Public Art Panel, select a collaborator or mentee from the Local Artist Register early in the process to foster creative growth and deliver works shaped by diverse perspectives. For First Nations projects, at least one collaborating artist must identify as First Nations.

#### **3.4 Indicative Artwork Locations**

The Public Art Panel will determine the location of each artwork. Where art is to be provided within the public domain, the art is to be in place for Subdivision Certificate. A number of indicative locations have been identified as shown in the figures below.

The Public Art Strategy outlines suggested zones for public art that enhance the character, movement, and experience of the site. Art may be placed on public or private land, guided

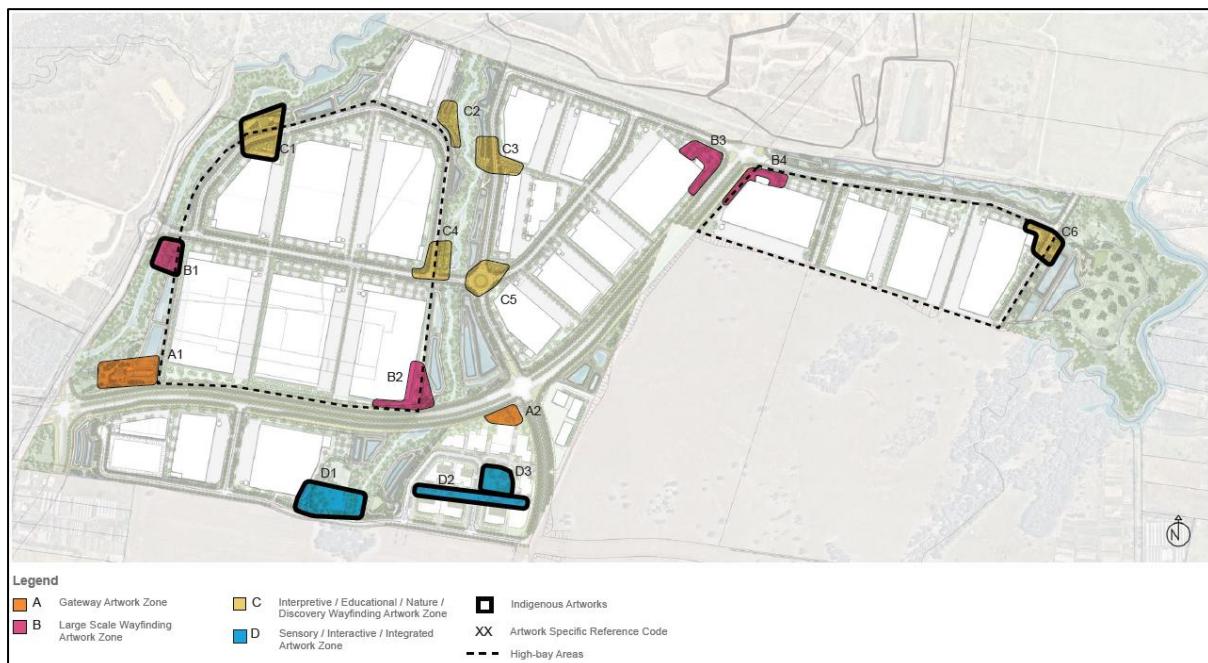
by artist proposals and review processes, with special emphasis on works that reflect Aboriginal culture and connect deeply with the site's natural and cultural landscape.



**Figure 5: Public Artwork Masterplan (source: Public Art Strategy)**

### 3.5 Artform Typologies

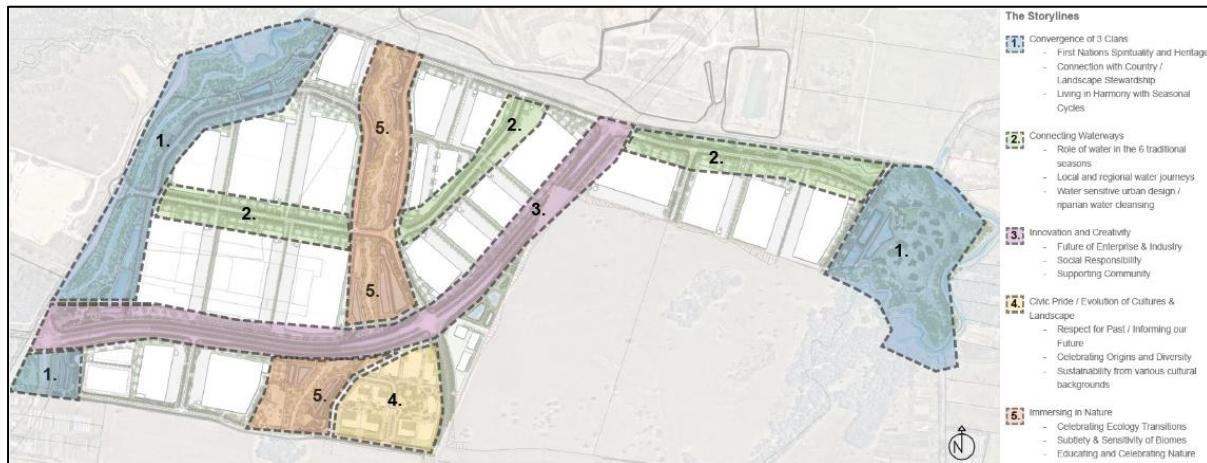
Public art across the site may take many different forms ranging from murals and sculptures to interactive or functional installations. Artworks may serve practical roles such as lighting, seating, or wayfinding, while also offering educational, sensory, or cultural experiences. A variety of typologies are suggested, but final outcomes will depend on artist proposals and guidance from the Public Art Panel.



**Figure 6: Specific Public Art Typologies (source: Public Art Strategy)**

### 3.6 Public Art Storylines

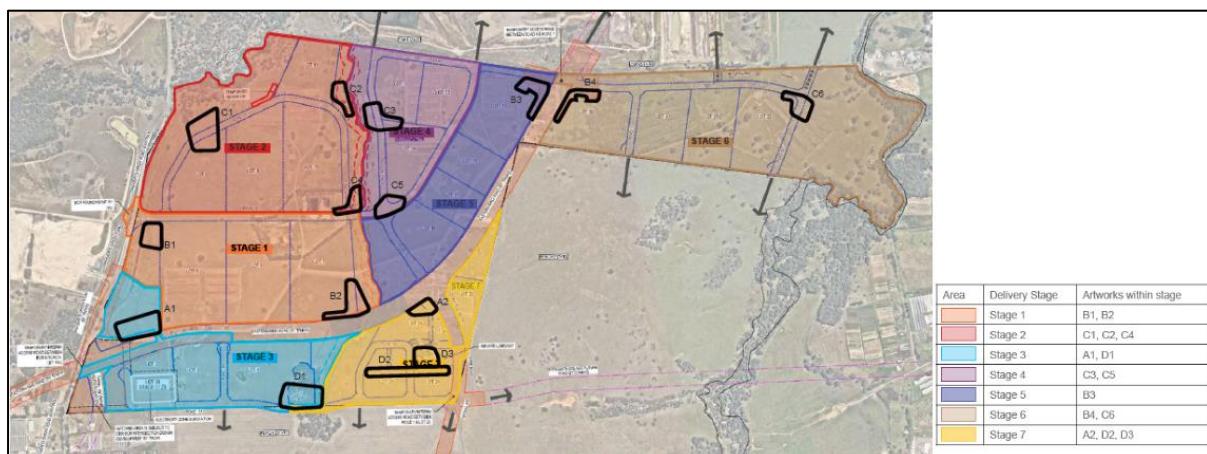
The site's layered storylines are designed to offer a foundation for artworks that reflect Country, water, innovation, community, and nature.



**Figure 7: Public Art Storylines (source: Public Art Strategy)**

### 3.7 Complying Development Requirements

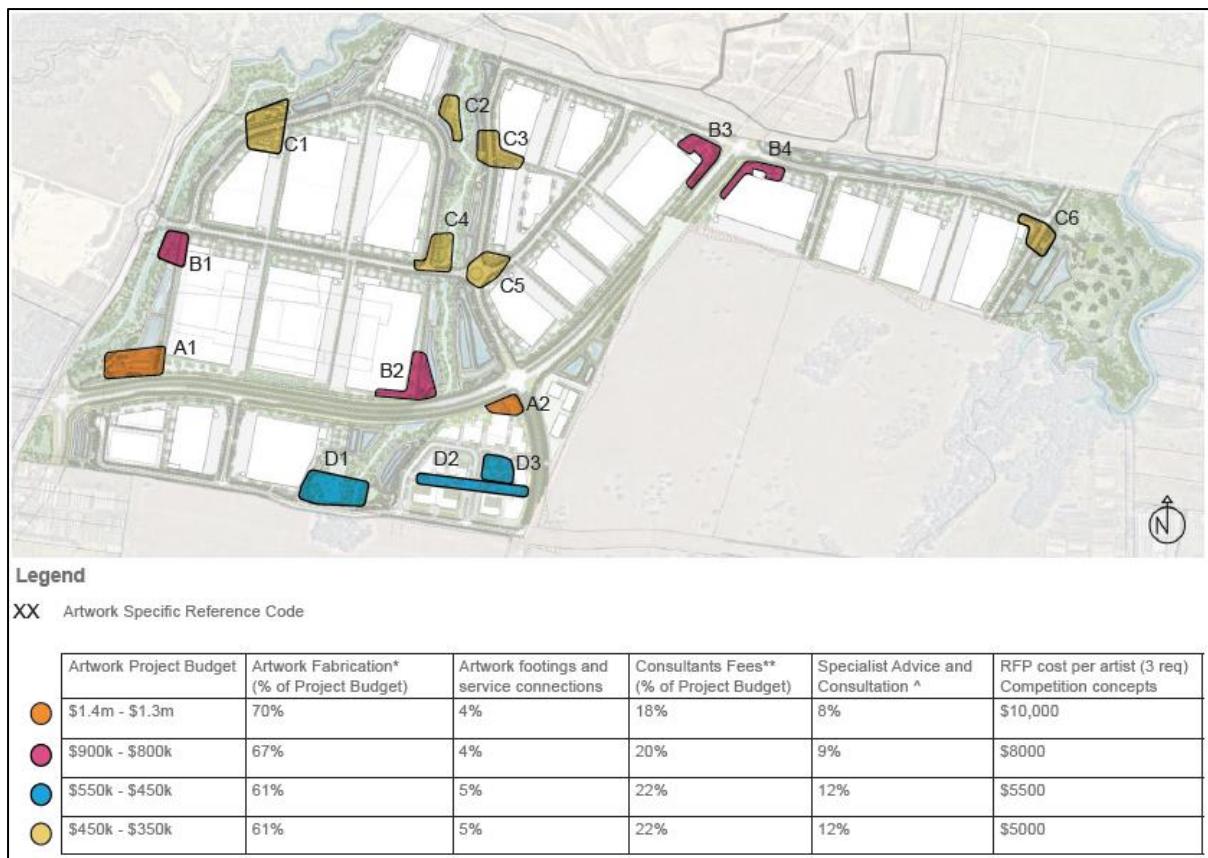
Public art delivery will align with the staged rollout of the masterplan, with each development stage triggering the start of corresponding artwork concept design. Artworks must meet strict design, cultural, and quality criteria receiving concept and detailed design approvals, and completing installation before occupation or practical completion.



**Figure 8: Public Art Triggers for Delivery (source: Public Art Strategy)**

### 3.8 Budget

A \$10 million public art budget has been allocated, with funding scaled according to the size, type, and complexity of each artwork. Larger works like gateways receive higher allocations and smaller, human-scale pieces are adjusted accordingly.



**Figure 9: Artwork Budgets (source: Public Art Strategy)**

### 3.9 Artist Engagement

Artist selection is a curated process that matches creative skill with each artwork's scale. More prominent works like gateway pieces require a formal Expression of Interest and multi-stage approval. Other site artworks follow a streamlined approach, and all projects include collaboration with or mentoring of a local artist.

### 3.10 Indigenous Artwork Requirements

Indigenous artworks commissioned for the site must honour cultural protocols, involving Aboriginal people connected to Western Sydney in their design and consultation, with careful respect for cultural ownership, permissions, and heritage. This includes engaging specialist curators and allowing for additional budget to cover approvals.

## 4. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations
  - (i) any environmental planning instrument, and
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
  - (iii) any development control plan, and
  - (iiiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

These matters are further considered below.

#### **4.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations**

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

##### **(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *Western Sydney Aerotropolis Plan (WSAP) 2020*
- *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 6** and considered in more detail below.

**Table 6: Summary of Applicable Environmental Planning Instruments**

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Planning Systems) 2021	The Sydney Western City Planning Panel is the determining body as the Capital Investment Value of any future development proposed with the Concept DA is consider community facilities over \$5million, pursuant to Clause 2,	Y

	Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 :	
State Environmental Planning Policy (Industry and Employment) 2021	<u>Chapter 3: Advertising and Signage</u> <ul style="list-style-type: none"> <li>• Section 3.6 – Granting of consent to signage</li> <li>• Section 3.11(1) – Matters for consideration</li> </ul> <u>Schedule 5: Assessment criteria</u> <ul style="list-style-type: none"> <li>•</li> </ul>	Y
Western Sydney Aerotropolis Plan (WSAP) 2020	<u>Objectives:</u> <ul style="list-style-type: none"> <li>• Does not conflict with objectives or principles.</li> </ul> <u>Recognise Country:</u> <ul style="list-style-type: none"> <li>• Complies on merit.</li> </ul>	Y
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	<u>Chapter 4 Western Sydney Aerotropolis</u> <ul style="list-style-type: none"> <li>• The proposal is considered to be generally consistent with Chapter 4.</li> </ul> <u>Western Sydney Aerotropolis Precinct Plan 2024:</u> <ul style="list-style-type: none"> <li>• The proposal is considered to be generally consistent with the Precinct Plan.</li> </ul>	Y

Consideration of the relevant SEPPs is outlined below.

***State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')***

(i) Chapter 2: State and Regional Development

The Sydney Western City Planning Panel is the determining body as the Capital Investment Value of any future development proposed with the Concept DA is consider community facilities over \$5million, pursuant to Clause 2, Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*.

***State Environmental Planning Policy (Industry and Employment) 2021***

(i) Chapter 3 – Advertising and Signage

Although the proposed artwork does not propose any advertising, there will be some related interpretive signage and descriptions, and as such Chapter 3 – Advertising and Signage applies to the development. In accordance with Clause 3.6, consent must not be granted unless the consent authority is satisfied—

(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and

The aims and objectives of Chapter 3 are considered below.

(a) *to ensure that signage (including advertising)—*

- (i) *is compatible with the desired amenity and visual character of an area, and*
- (ii) *provides effective communication in suitable locations, and*
- (iii) *is of high quality design and finish, and*

**Complies.** The proposal include general interpretive signage and description signage including signage at entry points in Dharug language, multilingual information signs, braille signage, and attribution signage stating the creator of artworks.

This type of signage would assist in providing effective communication without detracting from the desired amenity or visual character of the area. The Public Art Strategy, including the proposed signage, has been designed in accordance with the IPG Masterplan in order to be wholly compatible and integrated with the future character of the site.

*(b) to regulate signage (but not content) under Part 4 of the Act, and*

**Noted.** Content of signage has not been considered in the assessment under this Part.

*(c) to provide time-limited consents for the display of certain advertisements, and*

**Not Applicable.** The proposal does not include advertising signage and as such is not affected by this objective.

*(d) to regulate the display of advertisements in transport corridors, and*

**Not Applicable.** The proposal does not include advertising signage and as such is not affected by this objective.

*(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

**Not Applicable.** The proposal does not include advertising signage and as such is not affected by this objective.

Overall, the proposal is considered to satisfy the requirements of Clause 3.6(a).

(ii) Schedule 5 Assessment criteria

In accordance with Clause 3.6, consent must not be granted unless the consent authority is satisfied—

*(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

**Table 7: Schedule 5 Assessment criteria**

Criteria	Comment
<b>1 Character of the area</b>	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<b>Complies</b> The proposal is limited to general interpretive signage and description signage including signage at entry points in Dharug language, multilingual information signs, braille signage, and attribution signage stating the creator of artworks.  This signage, particularly when incorporating Indigenous language,

	knowledge, and narrative is intended to reflect the site's cultural heritage. It supports place-based storytelling, wayfinding, and education, aligning with the area's vision for culturally inclusive, environmentally sensitive, and community-connected public spaces.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<p><b>Complies</b></p> <p>The proposal is consistent with the thematic approach outlined for the area, which emphasises cultural storytelling, connection to Country, and placemaking rather than commercial advertising.</p>
<b>2 Special areas</b>	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<p><b>Complies</b></p> <p>No, the proposal does not detract from the amenity or visual quality of environmentally or culturally sensitive areas. Signage would be designed to enhance, not compete with, the natural and cultural character of the area.</p> <p>The Public Art Strategy emphasises respectful integration of artworks into the landscape and the same would be applied to signage.</p>
<b>3 Views and vistas</b>	
Does the proposal obscure or compromise important views?	<p><b>Complies</b></p> <p>The proposed signage does not obscure any views.</p>
Does the proposal dominate the skyline and reduce the quality of vistas?	<p><b>Complies</b></p> <p>The proposed signage does not dominate the skyline or reduce the quality of vistas.</p>
Does the proposal respect the viewing rights of other advertisers?	<p><b>Complies</b></p> <p>The proposed signage would not impede other signage within the area.</p>
<b>4 Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<p><b>Complies</b></p> <p>Yes, it is anticipated that the scale, proportion, and form of the proposal would be designed to harmonise with the surrounding streetscape, setting, and landscape, ensuring a balanced and context-sensitive integration.</p>
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	<p><b>Complies</b></p> <p>The proposed signage would not adversely impact the visual interest of the streetscape.</p>
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	<p><b>Not Applicable</b></p> <p>There is no existing advertising on the site.</p>
Does the proposal screen unsightliness?	<p><b>Not Applicable</b></p> <p>There is no unsightliness in the vicinity which could be screened by signage on the subject lot.</p>

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	<b>Complies</b> The proposal does not protrude above any buildings or structures.
Does the proposal require ongoing vegetation management?	<b>Complies</b> No additional vegetation management will be required for the proposed signage.
<b>5 Site and building</b>	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	<b>Complies</b> The proposed signage would be compatible with the scale, proportion and characteristics of the site.
Does the proposal respect important features of the site or building, or both?	<b>Complies</b> The proposed signage would be designed with appropriate consideration to the site and building features.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	<b>Complies</b> Yes, the proposal is capable of demonstrating innovation and creativity by thoughtfully blending artistic elements with the site's unique cultural and environmental context.
<b>6 Associated devices and logos with advertisements and advertising structures</b>	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	<b>Not Applicable</b> No structures have been designed as part of the signage.
<b>7 Illumination</b>	
Would illumination result in unacceptable glare?	<b>Complies by condition</b> A condition of consent can be imposed requiring illumination to be restricted to appropriate levels.
Would illumination affect safety for pedestrians, vehicles or aircraft?	<b>Complies by condition</b> A condition of consent can be imposed requiring illumination to be restricted to appropriate levels.
Would illumination detract from the amenity of any residence or other form of accommodation?	<b>Complies by condition</b> A condition of consent can be imposed requiring illumination to be restricted to appropriate levels.
Can the intensity of the illumination be adjusted, if necessary?	<b>Complies by condition</b> A condition of consent can be imposed requiring illumination to be adjustable.
Is the illumination subject to a curfew?	<b>Complies by condition</b> A condition of consent can be imposed requiring a curfew if applicable.
<b>8 Safety</b>	
Would the proposal reduce the safety for any public road?	<b>Complies</b> The proposal would not impact the safety of any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	<b>Complies</b> The proposal would not reduce safety for pedestrians or cyclists.

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	<b>Complies</b> The proposal would not obscure sightlines from public areas.
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Based on the above assessment the proposed Public Art Strategy, subject to specific signage detailing, is capable of satisfying the requirements of SEPP (Industry and Employment) 2021.

### ***Western Sydney Aerotropolis Plan (WSAP) 2020***

The Western Sydney Aerotropolis Plan September 2020 (WSAP) is the main strategic planning document governing the Aerotropolis and includes overarching planning principles, distribution of land uses, the phasing of precincts and identification of high-level transport framework, blue-green infrastructure and other key infrastructure.

Clause 35(4)(e) of the *Environmental Planning and Assessment Regulation 2021* requires applications submitted on land within the Western Sydney Aerotropolis to include an assessment of the consistency of the development with the Western Sydney Aerotropolis Plan.

(i) Aerotropolis-shaping objectives and principles

**Table 8: Consideration of WSAP Objectives**

Objective	Requirement	Comment
<b>Productivity</b>	1. An accessible and well-connected Aerotropolis	<b>Complies</b> The proposed public art will assist in creating connected spaces through way finding purpose.
	2. High-value jobs growth is enabled, and existing employment enhanced	N/A
	3. Safeguard airport operations	N/A
<b>Sustainability</b>	4. A landscape-led approach to urban design and planning	<b>Complies</b>
	5. A sustainable, low carbon Aerotropolis that embeds the circular economy	N.A
	6. A resilient and adaptable Aerotropolis	<b>Complies</b>
<b>Infrastructure and Collaboration</b>	7. Infrastructure that connects and services the Western Parkland City as it grows	N/A
	8. A collaborative approach to planning and delivery	N/A

<b>Liveability</b>	9. Diverse, affordable, healthy, resilient and well-located housing	N/A
	10. Social and cultural infrastructure that strengthens communities	N/A
	11. Great places that celebrate local character and bring people together	<b>Complies</b>  The proposed Public Art Strategy enables the deliver of the Masterplan through creating spaces and celebrating local and indigenous artist through the provisions of multiple artworks across the site. It enables the provisions of additional way finding at key intersections and transport routes.

(ii) Recognise Country – Guidelines for development in the Aerotropolis 2022

Recognise Country is the single overarching objective that underpins the WSAP, along with 11 other key objectives as outlined in the table above. Traditional understandings of Country will shape the Aerotropolis, influencing planning, urban design and landscape management. Aboriginal peoples understand that they originated from Country; it is at the centre of their ways of knowing and being. An appreciation of Country ensures Country is cared for throughout the process of design and development.

Pursuant to *Section 1.2.1 Where these Guidelines apply*, the guidelines apply to the subject application as it meets the below criteria:

- Development applications (including concept applications) on sites 20 hectares or more in size
- Development applications progressing under the design excellence process
- Development applications located within or intersects areas of high Aboriginal heritage sensitivity (where deemed appropriate by the responsible planning authority).

As such a Recognise Country Response prepared with cultural values research is to be undertaken.

In order to support projects in applying a culturally appropriate development the Guidelines detail a number of questions that practitioners and assessors should ask themselves. These questions will help projects to be informed by detailed cultural values research and respond appropriately to the values of Country. While the

**Table 9: Recognise Country**

Consideration	Proposal / Comment
<b>2.2 CULTURAL LANDSCAPE</b>	
<b>2.2.1 Cultural values and heritage</b>	

<p>How does this site connect to the broader cultural landscape (i.e. creek lines and ridge lines)?</p>	<p>The Masterplan layout is centred around three riparian corridors which provide north-south connectivity through the site and into the broader Aerotropolis.</p> <p>The proposed concept Public Art Strategy centres around a number of themes, in which priority is placed on the Designing with Country and indigenous custodian themes, migrant stories, agricultural themes and emerging community themes. Colonial themes should only be considered for relevant heritage interpretations.</p>
<p>What values does this site hold and how can they be considered in project decisions?</p>	<p>Public Art to capture and reflect the essence of place, indigenous community values and the stories of the past</p>
<p>How can the cultural values research inform spatial decisions for this project?</p>	<p>First Nations culture will inform the entirety of the site's design and how the buildings are designed and used, this includes an emphasis on the celebration of the rainbow serpent dream story potentially represented as a large-scale artwork on top of buildings as identified within the Public Art Strategy.</p> <p>The public art strategy is intended to form a site wide, integrated and holistic approach to public art across the site, specifically aims to offer employees, visitors, and the emerging community information about Aboriginal stories and heritage.</p>
<p>Are there areas that need to be treated with sensitivity and how do we empower Aboriginal voices for these places?</p>	<p>The Masterplan addresses limiting built form close to sensitive ecological zones.</p> <p>The public art strategy includes an indicative artwork location map. The proposed artwork zones have been carefully considered, taking into account natural features, proposed built form, circulation, view corridors, uses, amenity, activation, character and wayfinding.</p>
<p>From what we have heard, how can we ensure living cultural practices are supported and encouraged?</p>	<p>As part of the Masterplan large open informal gathering spaces which can be utilised for community events, teaching &amp; education are provided.</p> <p>With regards to the proposed concept Public Art Strategy interpretive signage/storytelling (plaques</p>

	or elements with naming, language, stories) are to be incorporated.
Are our project outcomes informed by cultural values research and celebrate cultural values of place?	<p>As part of the Connecting with Country process which informed the design and development of the Masterplan, a series of consultation events with First Nations peoples of the area was conducted. The engagement process included a walk on Country and Design Jams to share ideas.</p> <p>The Public Art Strategy is informed by this research.</p>
Has our project used the cultural values research as a base layer to inform our spatial decisions?	Community engagement and cultural value research has been a base layer to inform decisions.
<b>2.2.2 Landscape</b>	
Has the spatial layout of the project been informed by the natural landscape combined with identified cultural values (i.e. creek and ridgeline connections including views and physical connections)?	As well as the deep resonance of Connecting with Country and living in harmony with the land which is to be continued with contemporary themes of natural and urban ecology, sustainability, water sensitive urban design, and enduring land management practices for the IPG site.
Is the design of the project sympathetic to the natural topography of the landscape?	The proposed artwork zones have been carefully considered, taking into consideration proposed natural features, and built form.
Does the project preserve clear and legible links between ridgetops and creek lines within the site and broader cultural landscape?	The Masterplan layout is centred around three riparian corridors which provide north-south connectivity through the site and into the broader Aerotropolis.
Does the project protect and restore native vegetation corridors and wildlife movement corridors within the site and broader cultural landscape?	<p>The Public Artwork Strategy outlines considerations to:</p> <ul style="list-style-type: none"> <li>-Ensure construction methods minimize disruption to existing soils and vegetation;</li> <li>-Ensure the artwork does not promote public access into habitat or revegetation areas of the riparian zone.</li> <li>-Any planting proposed as part of the artwork must be in accordance with the Vegetation Management Plan or approved by the site Ecologist.</li> </ul>
Are there opportunities for the project to restore landscape through regeneration of native vegetation?	The Public Artwork Strategy is not designed to restore landscape.
Has the project prioritised planting that honours the original landscape?	N/A
<b>2.2.3 Water</b>	

	<p>The Public Art Strategy makes clear that as part of the design process is to identify and mitigate any potential impacts such as water run-off, noise, carbon emissions at the site and the surrounding areas, during construction and for the lifespan of the work.</p> <p>Materials and construction methods must be environmentally friendly, durable, and non-toxic. Avoid materials that could leach harmful substances into the water. Appropriate conditions of consent will be imposed.</p>
How does this site connect to the broader water system within the cultural landscape?	As above.
How is the project responsive to the Wianamatta water cycle of drought and floods?	As above.
Does the project prioritise the most non-intrusive and natural design interventions for water management infrastructure?	As above.
Are there opportunities to orientate development towards the water to increase visibility and connection to Country?	N/A
Have new and innovative approaches to water management been used to limit overengineering the natural environment?	N/A
Are there opportunities for the project to encourage engagement with water?	N/A
<b>2.2.4 Parks and open space</b>	
Based on outcomes of cultural values research, where are the opportunities to preserve significant sites and values through parks and open space?	<p>A search of the Australian Heritage Database on 30th June 2022 by ELA did not identify any World or Nationally significant heritage listed places in the study area. However, 18 Aboriginal sites have been identified by the AHIMS search.</p> <p>The wider cultural landscape includes significant sites of Nepean River, Cubbin Butcha and Bents Basin.</p>
Based on outcomes of consultation, how can we ensure living cultural practices are supported and encouraged?	As part of the Public Art Strategy community consultation is recommended for site specific stories and significant sites.
Based on outcomes of consultation, what types of cultural practices do local Aboriginal communities engage in, and what types of spaces do they need to support these practices?	Storylines have been carefully developed as part of the public art masterplan to support First Nation themes and correlate with the culturally sensitive areas of the site. While the storyline along the arterial road provides a significant opportunity to

	<p>promote the site and other storylines promote connections and journeys between spaces.</p>
How can our project provide open space that can be used for designated, private use and more public space to meet the cultural needs of the Aboriginal community?	<p>The Public Art Strategy aims to offer:</p> <ul style="list-style-type: none"> <li>-Destinations that provide opportunities for engagement and activation that facilitate engendering community and interaction;</li> <li>-Interesting places and spaces to spend time in and visit, places where people want to be;</li> <li>-Insightful and meaningful connection with the landscape, built form and identity / character of the site .</li> </ul>
Are there opportunities for all weather gathering spaces within our open space network and public domain?	<p>The proposed artwork zones have been carefully considered, taking into account natural features, proposed built form, circulation, view corridors, uses, amenity, activation, character and wayfinding.</p>
<b>2.2.5 Caring for Country</b>	
Does the project prioritise design that is sympathetic and responsive to the cultural landscape?	<p>As part of the Masterplan the cultural landscape and context of the site is maintained at the front of mind during the community engagement sessions. The empathetic design approach ensured that First Nations cultures remain at the core and foundation of the project.</p> <p>This engagement continues through to the Public Art Strategy.</p>
Based on outcomes of cultural values research and consultation, can cultural knowledge and nuanced design solutions be embedded in design (e.g. orientation, ventilation, construction techniques)?	<p>The Public Art Strategy proposes the embedding of cultural knowledge through:</p> <ul style="list-style-type: none"> <li>-A place that celebrates the convergence of the three surrounding clans; Dharug, Dharawal and Gandangara;</li> <li>-Users of the site can be welcomed onto Country through signage at entry points in Dharug language. Aboriginal language should be incorporated for buildings, street naming, and wayfinding;</li> <li>-Incorporating stories of dreaming or songlines of these places into design;</li> </ul>
Based on outcomes of consultation, what natural elements and references to Country could be embedded in design (e.g. textures, colours, materials, patterns)?	<p>The Public Art Strategy proposes the embedding of natural elements through:</p> <ul style="list-style-type: none"> <li>-Creating a welcoming space that is the heart of the community by connecting people with the environment, flora, fauna and surrounding context;</li> <li>-Soundscapes can also feature throughout the site through the choice of natural vegetation, wind art</li> </ul>

	<p>installations, and QR codes, particularly in communal spaces;</p> <p>-Green spaces should be incorporated throughout the site, with a focus on the creation of culturally appropriate green spaces planted with natural vegetation attracting native fauna;</p> <p>-The green spaces should allow for open views of the Blue Mountains and have quiet places near the water to emphasise the connection of the First Nations people to the landscape;</p> <p>-An emphasis on connection to the creek and improving the site biodiversity;</p> <p>-An emphasis on green spaces will allow users to ground themselves on Country, be invited to site, be still and engage with the different elements of Country, while enjoying the nature around them;</p> <p>-Participants highlighted the importance of being able to orientate oneself in the site and understand the significance of the landscape they are in;</p> <p>-Highlighting views out to nearby landmarks such as mountains and waterways while referencing the neighbouring clans would create a 'cultural compass' for orientation and wayfinding;</p> <p>-Utilise natural colours and materials inspired by the landscape, that are sustainability and locally sourced.</p>
Does the project engagement plan embed multiple opportunities for Aboriginal stakeholders to inform and influence design outcomes?	The Public Artwork Strategy includes Aboriginal stakeholders throughout the process from the initial engagement process through to the art inspiration and creation stage.
<b>2.3.2 Culturally responsive social infrastructure</b>	
Are there opportunities for the project to provide co-located targeted social infrastructure for Aboriginal communities?	N/A
Are there opportunities for the project to compliment surrounding development through the co-location of targeted social infrastructure?	N/A
Based on outcomes of cultural values research and consultation, where are the opportunities to provide spaces for gathering and celebration of culture?	Indigenous artworks are to be incorporated into the development and located in the more culturally sensitive areas of the site including Badgerys Creek, Winamatta Creek and key gathering spaces such as the Local Centre.
Based on outcomes of consultation, what cultural practices does the local Aboriginal community engage in, and what types of facilities spaces are needed to support these practices?	N/A

Based on outcomes of consultation, are there community aspirations for facilities to support the sharing of culture?	N/A
<b>2.3.3 Culturally responsive public art</b>	
<b>Based on outcomes of consultation, where are the opportunities for the project to provide Aboriginal art that is aligned to cultural heritage, values and Country?</b>	The Public Art Strategy outlines clear requirements for involving Aboriginal artists with a connection to Western Sydney in the design and delivery of Indigenous artworks. It states that all such works must be designed by, or include design input from, an Aboriginal person with ties to the region. Additionally, the strategy requires that appropriate permissions be obtained from Traditional Custodians before any cultural stories or knowledge are depicted. While the strategy sets out these protocols, it does not confirm whether a specific Aboriginal artist has already been engaged or whether permissions have been granted—this would need to be verified during project implementation.
<b>Has an Aboriginal artist with a connection to Western Sydney been engaged to advise and deliver art? Where relevant, has the artist gained permission from Traditional Custodians to depict cultural stories or knowledge of Country through their artwork?</b>	At this stage, an Aboriginal artist with a connection to Western Sydney has not yet been formally engaged; however, the Public Art Strategy requires that all Indigenous artworks be designed by, or developed with input from, such an artist. The strategy also mandates that, where cultural stories or knowledge are depicted, permission must be obtained from Traditional Custodians prior to use. These actions will be undertaken as part of the artwork commissioning and development process.
<b>Has the local Aboriginal community been engaged to inform the location, form, materials and meaning of the artwork?</b>	The Public Art Strategy outlines a commitment to engaging the local Aboriginal community to inform the location, form, materials, and meaning of Indigenous artworks. While community engagement has been built into the process—particularly through requirements for consultation with Aboriginal people connected to Western Sydney and Traditional Custodians—it is not confirmed in the strategy whether this engagement has already occurred. This consultation will take place during the development and commissioning stages of the artwork.
<b>Is the artwork an integrated component of the planning and design process to ensure culturally safe and inclusive places?</b>	Yes, the Public Art Strategy confirms that Indigenous artworks are intended to be integrated into the broader planning and design process, ensuring they contribute to culturally safe and inclusive places. This includes alignment with the Connecting with Country Framework, engagement with Aboriginal artists from Western Sydney, and consideration of cultural significance in the siting, form, and meaning of each artwork throughout the development.

<b>2.4 LANGUAGE AND NAMING</b>	
<b>2.4.1 Place naming</b>	
Based on outcomes of consultation, where are the opportunities to use Aboriginal place names?	N/A
Does the project prioritise the use of Aboriginal place names and how does the project recognise the value of cultural knowledge?	N/A
Does the project engagement plan include collaboration with multiple Aboriginal stakeholders to inform place naming?	N/A
Does the use of cultural knowledge and Aboriginal languages in the project respect IP and ICIP?	N/A
Based on outcomes of a collaborative engagement process, are there opportunities to include multiple Aboriginal place names for a single place?	N/A
<b>2.4.2 Wayfinding and signage</b>	
Based on outcomes of consultation, where are the opportunities to highlight culturally significant sites and places through wayfinding signage (where appropriate)?	The Public Art Strategy identifies culturally sensitive areas such as Badgerys Creek, Winamatta Creek, and key gathering spaces like the Local Centre as locations for Indigenous artworks. These areas present opportunities to incorporate culturally informed wayfinding signage that highlights significant sites and stories, guided by consultation with Aboriginal people connected to Western Sydney and Traditional Custodians. Final locations and content will be shaped through ongoing engagement as part of the design and delivery process.
Are there areas that need to be treated with sensitivity that could benefit from advisory signage?	Yes, the Public Art Strategy identifies culturally sensitive areas such as Badgerys Creek, Winamatta Creek, and parts of the public domain as requiring careful treatment. These locations could benefit from advisory signage to acknowledge cultural significance, guide respectful use of space, and share information about Country and heritage. The inclusion of such signage would be informed by consultation with Traditional Custodians and local Aboriginal communities to ensure accuracy and cultural appropriateness.
Does the project engagement plan include collaboration with multiple Aboriginal stakeholders to the Aboriginal language, knowledge and art used in the design of signage?	The Public Art Strategy outlines a commitment to collaboration with Aboriginal stakeholders, including Traditional Custodians and local Aboriginal communities, particularly in relation to cultural content such as language, knowledge, and art. While a detailed engagement plan is not

	<p>included in the strategy itself, it specifies that all Indigenous artworks and interpretive elements such as signage must involve appropriate consultation and obtain permissions. This indicates that the project engagement process will include collaboration with multiple Aboriginal stakeholders to ensure culturally appropriate use of language and knowledge in signage design.</p>
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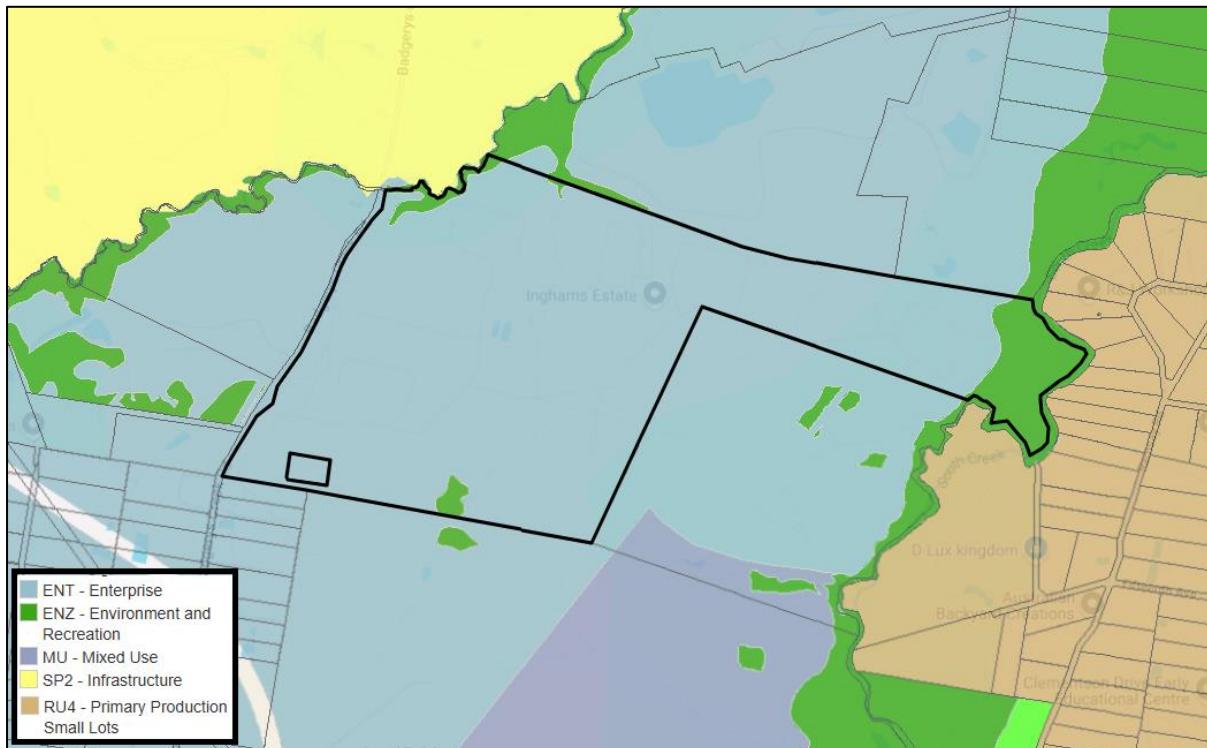
As demonstrated above and the provided Designing with Country Framework the proposal is considered to be generally consistent with the Recognise Country Guidelines.

### **State Environmental Planning Policy (Precincts—Western Parkland City) 2021**

Chapter 4 of the State Environmental Planning Policy (Precincts - Western Parkland City) 2021 (Western Parkland City SEPP) establishes boundaries consistent with the WSAP, applies zoning to the initial precincts, provides performance criteria for master plans and describes a framework for planning pathways.

#### **(i) Zoning**

The subject land is primarily zoned ENT – Enterprise pursuant to State Environmental Planning Policy (Precincts—Western Parkland City) 2021 - Chapter 4 Western Sydney Aerotropolis, with smaller sections of land zoned ENZ – Environment and Recreation to the rear and along the fringes .



**Figure 10: Extract of zoning map at the subject site.**

#### **(ii) Permissibility**

The indicative location of the proposed artworks is within the ENT zone and is defined as *Public Art*, which is not a prohibited form of development and land-use within the zone.

The proposal meets the relevant land use definitions and is permitted within the ENT zone.

### (iii) Objectives of the zone

The objectives of the Enterprise Zone are:

- *To encourage employment and businesses related to professional services, high technology, aviation, logistics, food production and processing, health, education and creative industries.*
- *To provide a range of employment uses (including aerospace and defence industries) that are compatible with future technology and work arrangements.*
- *To encourage development that promotes the efficient use of resources, through waste minimisation, recycling and re-use.*
- *To ensure an appropriate transition from non-urban land uses and environmental conservation areas in surrounding areas to employment uses in the zone.*
- *To prevent development that is not compatible with or that may detract from the future commercial uses of the land.*
- *To provide facilities and services to meet the needs of businesses and workers.*

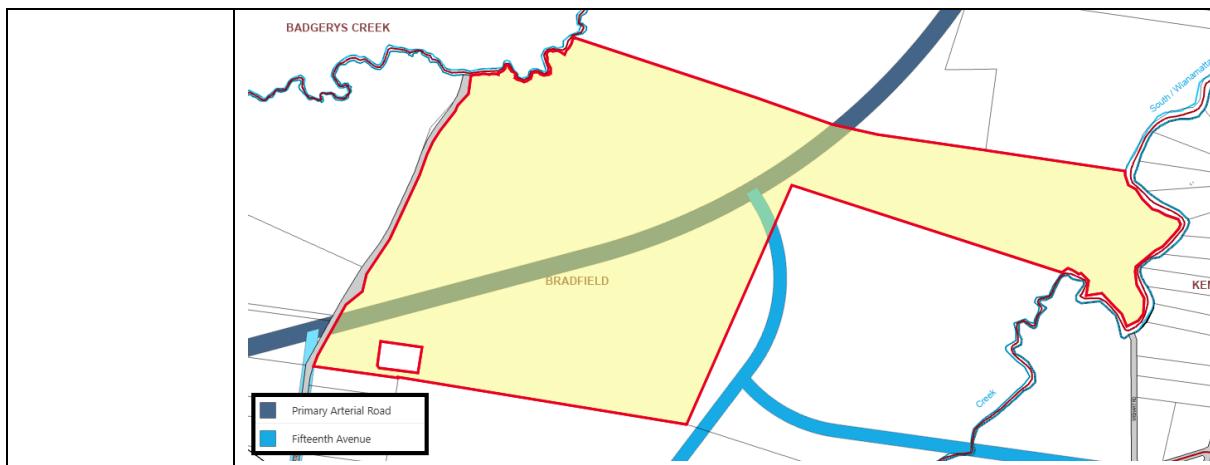
It is considered that the proposed Public Art Strategy aligns with the objectives of the zone as it supports employment and business related to the creative industries.

**Table 10: Consideration Chapter 4 Western Sydney Aerotropolis provisions**

Development Provision	Requirement	Proposed	Comment
<b>PART 4.3 DEVELOPMENT CONTROLS – AIRPORT SAFEGUARDS</b>			
<b>4.17 Aircraft Noise</b>	(a) to prevent certain noise sensitive development on land near the Airport, and (b) to minimise the impact of aircraft noise for other noise sensitive development, and (c) to ensure that land use and development near the Airport do not hinder or have other adverse impacts on the ongoing, safe and efficient 24 hours a day operation of the Airport.	The indicative location of the artwork is on land within the Australian Noise Exposure Concept (ANEC) zone 20 - 30, however, the proposed Public Artwork Strategy is not a noise sensitive development.  The modification works would not hinder or have any impacts on the safe operations of the future airport.	<b>N/A</b>
<b>4.18 Building Wind shear and turbulence.</b>	The objective of this section is to safeguard Airport operations from wind shear and turbulence generated by buildings.	The subject site is located within the Windshear Assessment Trigger Area; however, the proposal does not penetrate the 1:35 surface.	<b>N/A</b>
<b>4.19 Wildlife Hazards</b>	The objective of this section is to regulate development on land surrounding the Airport where wildlife may present a risk to the operation of the Airport.	The subject site is within the 3km buffer zone; however, the proposed development does not fall under 'relevant development' or a prohibited use.	<b>N/A</b>
<b>4.20 Wind Turbines</b>	The objective of this section is to regulate the		<b>N/A</b>

	construction of wind turbines and wind monitoring towers on land within 30 kilometres of the Airport.	The subject site is within the 3km zone; however, the proposal is not for electricity generating works such as turbines or wind monitoring towers.	
<b>4.21 Lighting</b>	The objective of this section is to safeguard Airport operations from the risk of lighting and reflectivity distractions for pilots.	The subject site falls within the 6km Lighting Intensity radius; however, the proposal does not fall under development within purposes specified under clause (2)(a).	<b>N/A</b>
<b>4.22 Airspace Operations</b>	<p>(1) The objectives of this section are—</p> <p>(a) to provide for the effective and ongoing operation of the Airport by ensuring that its operation is not compromised by development that penetrates the prescribed airspace for the Airport, and</p> <p>(b) the relevant Commonwealth body does not object to the development.</p> <p>(2) This section applies to development on land shown on the Obstacle Limitation Surface Map that is a controlled activity within the meaning of Part 12, Division 4 of the Airports Act 1996 of the Commonwealth.</p>	The site is located within the obstacle limitation surface (125.5m), however, the proposal is not for a controlled activity within the meaning of Part 12, Division 4 of the Airports Act 1996 of the Commonwealth.	<b>N/A</b>
<b>4.23 Public Safety</b>	The objective of this section is to regulate development on land on which there is an appreciable risk to public safety from the operation of the Airport.	The land is not within the Public Safety Area.	<b>N/A</b>
<b>4.23A Operation of certain transport facilities</b>	The objective of this section is to regulate development that may impact the operation of certain air transport facilities.	The land is not within the Building Restricted Area	<b>NA</b>
<b>PART 4.4 DEVELOPMENT CONTROLS - GENERAL</b>			
<b>4.24 Flood planning</b>	<p>(1) The objectives of this section are—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land, and</p> <p>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, and</p> <p>(c) to avoid significant adverse impacts on flood</p>	A portion of the site is mapped as Flood impacted, however, the proposed Public Art Strategy would not impact on the existing flood conditions.	<b>N/A</b>

	behaviour and the environment.		
<b>4.25 Preservation of trees and vegetation in Environment and Recreation Zone and Cumberland Plain</b>	<p>1) The objectives of this section are—</p> <p>(a) to preserve the amenity of the Western Sydney Aerotropolis through the preservation of trees and vegetation, and</p> <p>(b) to promote the conservation of, and minimise the impact of development on, native vegetation.</p>	<p>Small portions of the site are zoned Environment and Recreation and mapped as having high Biodiversity Value. The proposed Public Art Strategy would not impact upon this land, furthermore the indicative artwork location is outside of this area.</p>	<b>N/A</b>
<b>4.25A Clearing of Native vegetation</b>	<p>This section applies to land shown as “existing native vegetation” on the High Biodiversity Value Areas Map.</p>	As above	<b>N/A</b>
<b>4.26 Heritage Conservation</b>	<p>1) The objectives of this section are—</p> <p>(a) to conserve the environmental heritage of the land to which this Chapter applies, and</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, and</p> <p>(c) to conserve archaeological sites, and</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance</p>	<p>The land is not mapped as a heritage area.</p>	<b>N/A</b>
<b>4.27 Transport Corridors</b>	<p>(1) Development consent must not be granted to the following development unless the consent authority has obtained the concurrence of Transport for NSW—</p> <p>(a) development on transport corridor land with a capital investment value of more than \$200,000,</p> <p>(b) development that involves the penetration of ground to a depth of at least 2 metres below ground level (existing) on land within 25 metres (measured horizontally) of transport corridor land.</p>	<p>Both a future Primary Arterial Road and the extension the Fifteenth Avenue dissects the site.</p> <p>The Concept DA has a fixed public art budget of \$10 million, however, the indicative location of artwork is not on transport corridor land.</p> <p>The proposed Public Art Strategy does not involve the penetration of the ground within 25m of the transport corridor.</p>	<b>N/A</b>



**Figure 11: Extract of Aerotropolis Transport Corridor Map**

<b>4.28</b> <b>Warragamba</b> <b>Pipelines</b>	<p>Development consent must not be granted to development on land shown as "Warragamba Pipeline" on the Warragamba Pipelines Map unless the consent authority—</p> <ul style="list-style-type: none"> <li>(a) has obtained the concurrence of Water NSW, and</li> <li>(b) is satisfied that the development will not adversely affect—</li> <li>(i) the quantity or quality of water in the Warragamba Pipelines controlled area (declared under the Water NSW Act 2014), or</li> <li>(ii) the operation and security of water supply pipelines from Warragamba Dam to Prospect Reservoir and associated infrastructure.</li> </ul>	<p>The land is not within pipeline areas as per the State Environmental Planning Policy (Precincts— Western Parkland City) 2021 Warragamba Pipelines Map.</p>	<b>N/A</b>
<b>4.28A</b> <b>Sydney</b> <b>Science Park</b>	<p>This section applies to land identified as "Sydney Science Park" on the Sydney Science Park Map.</p>	<p>Land not mapped within the Sydney Science Park</p>	<b>N/A</b>
<b>4.28B</b> <b>Aboriginal</b> <b>cultural</b> <b>guidelines</b>	<p>Development consent must not be granted to development on land to which this Policy applies unless the consent authority has considered <b>Recognise Country: Guidelines for development in the Aerotropolis</b> published in November 2022 on the Department's website.</p>	<p>The proposed Public Art Strategy appropriately incorporated Recognise Country as supported and approved under the Masterplan Approval.</p>	<b>Complies</b>
<b>PART 4.7 PRECINCT PLANS AND MASTER PLAN</b>			
<b>4.31</b> <b>Design</b> <b>review panel</b>	<p>(1) This section applies to the following development—</p> <ul style="list-style-type: none"> <li>(c) development with a site area of at least 10,000m<sup>2</sup>,</li> </ul>	<p>As noted in Section 3.4, Table 5 of this report the proposal was reviewed by the Design Excellence Panel who provided</p>	<b>Complies</b>

	<p>(2) Development consent must not be granted to the development unless—</p> <p>(a) a design review panel reviews the development, and</p> <p>(b) the consent authority takes into account the findings of the design review panel, and</p> <p>(c) the consent authority is of the opinion that the development exhibits design excellence.</p>	<p>their support subject to the actioning of several recommendations.</p>	
<b>4.33 Consideration of design excellence</b>	<p>This section relates to wider consideration relating to design excellence including but not limited to; cultural connection of the local Aboriginal community to the land.</p>	<p>The proposal is considered to meet the requirements for design excellence. As noted above the DEP have provided their support of the proposal. Furthermore, the proposal has been through an extensive 3-year co-design process with the Master Plan that has given consideration to both potential artworks and cultural connections.</p> <p>Over a period of two and a half years, the Master Plan underwent a rigorous review process led by the Technical Assurance Panel (TAP), which included representatives from Liverpool City Council. A significant component of this process was the 'Connecting with Country' consultation, engaging First Nations voices through a series of culturally grounded activities. These included a walk on Country, a collaborative design workshop, and opportunities to respond to emerging themes from the Master Plan. The consultation was facilitated by Yerrabingin, who played an integral role in shaping the urban design. Their contributions are meaningfully embedded in the final Public Art Strategy.</p>	<b>Considered on Merit</b>
<b>4.38 Precinct plans</b>	<p>A precinct plan is to apply to specified land (<b>a precinct</b>) to which this Chapter applies.</p>	<p>The Western Sydney Aerotropolis Precinct Plan September 2024 applies to the site</p>	<b>Noted</b>
<b>4.39 Development must be consistent with precinct plan</b>	<p>The development must be consistent with the precinct plan.</p>	<p>As detailed within Attachment B the proposal is generally consistent with the precinct plan</p>	<b>Complies</b>

<b>4.41 Master plans</b>	The Minister may approve a master plan that applies to specified land to which this Chapter applies.	The site forms part of the IPG Badgerys Creek Road Master Plan approved by the Minister for Planning and Public Spaces on 11 July 2025.	<b>Complies</b>
<b>4.49 Public Utility Infrastructure</b>	(1) Development consent must not be granted to development to which this Division applies unless the consent authority is satisfied that— (a) public utility infrastructure that is essential for the development is available, or (b) the public utility infrastructure will be available when required	No public utility infrastructure required for the Public Art Strategy	<b>N/A</b>

The proposed Public Art Strategy is consistent with the relevant controls outlined in the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 - Chapter 4 Western Sydney Aerotropolis.

### **Western Sydney Aerotropolis Precinct Plan 2024**

The Western Sydney Aerotropolis Precinct Plan, September 2024, has been developed under the Western Parkland City SEPP and provides more detailed outcomes for each initial precinct.

Clause 4.39(1) of State Environmental Planning Policy (Precincts – Western Parkland City) 2021 requires development consent not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied the development is consistent with the precinct plan. Additionally, Clause 35(4)(e) of the *Environmental Planning and Assessment Regulation 2021* requires applications submitted on land within the Western Sydney Aerotropolis to include an assessment of the consistency of the development with the Western Sydney Aerotropolis Precinct Plan.

The proposal is considered to be consistent with the relevant controls outlined in the Western Sydney Aerotropolis Precinct Plan 2023. A full assessment of the development against the requirements of the Precinct Plan is provided in **Attachment B**.

#### **(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are no proposed instruments which have been the subject of public consultation under the EP&A Act and are relevant to the proposal.

#### **(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- **Western Sydney Aerotropolis Development Control Plan (Phase 2) 2022 ('the DCP')**

This DCP provides the planning, design and environmental objectives and controls which will inform the preparation and assessment of Development Applications and Masterplans. These objectives and controls supplement those in Chapter 4 of the State Environmental Planning Policy (Precincts—Western Parkland City) 2021 and the Western Sydney Aerotropolis Precinct Plan.

Chapter 2 – General Controls. This chapter contains objectives and controls which need to be considered for all development on land where this DCP applies. The objectives and controls are designed to manage the natural and built environment across the Aerotropolis. Detailed compliance tables are located in **Attachment B**.

Chapter 3 – Development for Enterprise and Industry, and Agribusiness. This chapter applies specifically to development for the purpose of Enterprise and Light Industry, and Agribusiness only. The object of this Chapter is to meet the relevant performance outcomes established for each benchmark solution. Detailed compliance tables are located in **Attachment B**.

- *Aerotropolis s7.12 Contributions Plan 2024*

The proposed artworks are not considered development for the purpose of calculating 7.12 contributions.

**(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act**

Ingham Property Group will enter into a Voluntary Planning Agreement with Council which recognises the Masterplan approval.

**(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

The provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

## **4.2 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, WSAP, WSA Precinct Plan and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Natural environment – The concept public art plan would have minimal to negligible impacts to the natural environment, noting installation of artwork is to fall holistically within any public domain area and to minimise impacts to landscaping treatments in line with the Masterplan Approval.
- Built environment – The proposed Public Art is to be installed in line with the future built environment consistent with the Masterplan.
- Natural hazards – Appropriate measures have been incorporated in relation to Bushfire Prone Land. The site is not affected by other natural hazards.

- Social impact – The proposal would have a positive social impact through the provision of way finding treatments, additional areas for employees to converge as well appropriate treatment to reduce the perception of excessive bulk and scale on future built forms.
- Economic impact – The provision of public art would provide employment opportunities within the local area and would encourage economic investment in area, in particular to local artist.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

#### **4.3 Section 4.15(1)(c) - Suitability of the site**

The proposal fits within the locality, is appropriately serviced by relevant infrastructure, is not affected by natural hazards and is not prohibited by the adjoining uses. As such, it is considered that the site remains suitable for the proposed modification.

#### **4.4 Section 4.15(1)(d) - Public Submissions**

These submission are considered in Section 6 of this report.

#### **4.5 Section 4.15(1)(e) - Public interest**

The proposal is generally consistent with the relevant planning controls, as well as generally consistent with the previously approved DA. It appropriately mitigates potential impacts and would provide economic and social benefits through the provision of resource management and additional employment opportunity. It is generally consistent with the relevant strategic planning documents and the principles of ecologically sustainable development. On balance, it is considered that the proposed development as modified is consistent with the public interest.

### **5. REFERRALS AND SUBMISSIONS**

#### **5.1 Agency Referrals and Concurrence**

The development application does not require referral to any external agencies or comment/concurrence/referral as required by the EP&A Act.

#### **5.2 Council Officer Referrals**

The development application has been referred to various Council officers for technical review as outlined **Table 11**.

**Table 11: Consideration of Council Referrals**

<b>Officer</b>	<b>Comments</b>	<b>Resolved</b>
Public Art	Approved subject to the imposition of conditions of consent.	Y

Strategic Planning	Approved subject to the imposition of conditions of consent.	Y
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### 5.3 Community Consultation

The proposal was required to be advertised in accordance with the Liverpool Community Engagement Strategy 2022. The application was advertised and notified between 12 February and 27 February 2025. 2 submissions were received; the concerns raised in the submissions and the response to the concerns raised are summarised in the table below.

**Table 12: Submission Summary**

	Submission	Comment
1	The amount of art proposed is insufficient for a proposal of this scale.	Public may be revisited once development has occurred across the site in line with the Masterplan Approval.
2	The proposal has no mechanism to ensure art is delivered proportional to the scale of the development.	The strategy has been assessed and condition imposed to ensure blank walls will not occur for built form across the site.
3	No facade art is proposed. 2 sections of high bay warehouse bulk are more than 650m wide each and 52.5m high and will dominate the skyline north of the Bradfield City Centre.	As stated above.
4	The public art panel has no conflict of interest mechanism to ensure members don't profit from the proposal.	Conditions of consent have been imposed requiring a statement of consistency with each artwork to be submitted to Council and the Panel for endorsement.
5	The public art panel has no diversity mechanism to ensure it is not dominated by rich old white men.	The Panel has been convened with a number of experts and conditions will ensure fairness for public art is achieved.
6	The public art panel member from Liverpool Council should be a relevant technical officer, not a 'senior member' with no relevant expertise	Conditions have been imposed requiring the public art to consider the approved Masterplan and Strategy with a statement of consistency to be lodged prior to OC.
7	Public art must be delivered by local artists only, preferably first nations artists.	Conditions of consent have been imposed requiring public art to be utilized by Local Artist and endorsed by the Public Art Panel.
8	The \$10 million art budget is too little for a proposal of this size and the budget is not locked in. Common industry practice for major projects is 1% of CIV.	Conditions of consent have been imposed to ascertain that Art is delivered in terms of built form.

<b>9</b>	Certainty on the final art budget is required to determine the correct consent authority for this DA.	Noted.
<b>10</b>	CDC is not an appropriate approval pathway to ensure sufficient high quality public art is actually delivered.	The approval pathway has been granted under the Masterplan approval.
<b>11</b>	Opposition to the roundabout due to its potential impact on local agricultural business.	The roundabout does not form part of the subject development application. The impact of the roundabout will be assessed under DA-424/2024.

## 6. DEVELOPMENT CONTRIBUTIONS

Development contributions are applicable to the subject modification application as outlined **Table 13**.

**Table 13: Development Contributions**

<b>Contribution</b>	<b>Comments</b>
7.12 Contributions	This Site is located in the Western Sydney Aerotropolis and is therefore subject to The City of Liverpool Aerotropolis s7.12 Contributions Plan 2024 (Aerotropolis CP) adopted 24 July 2024. A Section 7.12 Levy of 4.6% applies to the Site. The contributions in this plan are based on the costs of land and works needed to provide essential local infrastructure.  Ingham Property Group will enter into a Voluntary Planning Agreement with Council.
Special Infrastructure Contribution (SIC)	The site is located within the Western Sydney Growth Area. Pursuant to Clause 7(1) of the <i>Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Aerotropolis) Determination 2022</i> a SIC is applicable to any land within a Western Sydney Growth centre that when granted has been rezoned land within the Western Sydney Aerotropolis Special Contributions Area.
Housing Productivity Contribution (HPC)	The land falls within the excluded area – Western Sydney Growth Area and Aerotropolis SCAs, therefore the HPC does not apply.

## 7. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment

of the relevant planning controls, aerotropolis provisions and the key issues identified in this report, it is considered that the application can be supported.

Based on the assessment against the relevant planning considerations, it is deemed the site is suitable for the proposed Public Art Strategy. The proposal is considered to be compatible with the locality and take into consideration the approved Masterplan, Designing with Country Framework as well as the approved layout identified within the IPG Masterplan.

## **8. RECOMMENDATION**

The subject application has been assessed having regard to the provisions of Section 4.15 and 4.22 of the EP&A Act 1979, and the Environmental Planning Instruments, including applicable state environmental planning policies, Western Sydney Aerotropolis Plan 2020, Western Sydney Aerotropolis Precinct Plan 2024, Western Sydney Aerotropolis Development Control Plan (Phase 2) 2022 and relevant codes and policies of Council.

It is recommended that the subject concept Development Application DA-28/2025 be approved subject to the modified draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Compliance Tables (WSAP, SEPP, WSA Precinct Plan and WSA DCP)
- Attachment C: Design Excellence Panel Minutes – 192831.2025
- Attachment D: IDG Draft Badgerys Creek Road Master Plan – 218506.2025
- Attachment E: IPG Bradfield Masterplan Public Art Strategy – 218507.2025