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5 November 2021

Catherine Van Laeren
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Department of Planning, Industry and Environment
4 Parramatta Square
PARRAMATTA NSW 2150

Dear Cath

Draft submission to, amendments to SEPP (Western Sydney Aerotropolis) 2020, Open Space Needs Study, draft Aerotropolis Development Control Plan - Phase 2 and Luddenham Village Discussion Paper

Thank you for the opportunity to comment on the amendments to SEPP (Western Sydney Aerotropolis) 2020, draft Aerotropolis Development Control Plan Phase 2 and Luddenham Village Discussion Paper. However, it is disappointing that Council was not granted an extension to enable the matter to be reported to a Council meeting to seek an endorsed submission.

Noting that formal endorsement of this submission is subject to the determination of Council at the Ordinary Meeting of 22 November 2021, please find our **draft** submission attached for your consideration.

We would like to acknowledge that the exhibition of these documents highlights the considerable amount of work undertaken by Council officers and officers from both the Western Sydney Planning Partnership and Department of Planning, Industry and Environment (DPIE). We note that further consultation will also continue with Council on finalising the Precinct Plans, resolving the content of the DCP Phase 2 and the master planning guidelines

Whilst we understand that there is a need to finalise the planning package for the Western Sydney Aerotropolis to facilitate development within the Aerotropolis, it is imperative that further consideration be given to the proposed amendments to SEPP (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP), Open Space Needs Study, the draft Aerotropolis Development Control Plan Phase 2 and the Luddenham Village Discussion Paper before these documents are finalised.

If you have any further questions regarding this matter, please contact Glen Weekley, Executive Planner on 4732 7415 or Glen.Weekley@penrith.city

Yours sincerely,



Natasha Borgia
City Planning Manager

Proposed amendments to SEPP (Western Sydney Aerotropolis) 2020

Further considerations need to be given to the following amendments:

Land Zoning and Land Reservation Acquisition Map

Zoning of Open Space and Stormwater Infrastructure

We support land identified for Publicly Accessible Open Space and Stormwater Infrastructure being identified on the Land Reservation Acquisition Map.

To maintain the transparency of our Environmental Planning Instruments, land identified for open space provision should be clearly identifiable on the Land Use Zoning map of the Aerotropolis SEPP. In the absence of the RE1 Public Recreation zone, the land identified as publicly accessible open space should be zoned as SP2 Publicly Accessible Open Space, or SP2 Local Open Space and SP2 Regional Open Space. We do not support the land being zoned Agribusiness, Enterprise or Mixed Use, if the intention is for this land to be used as publicly accessible open space.

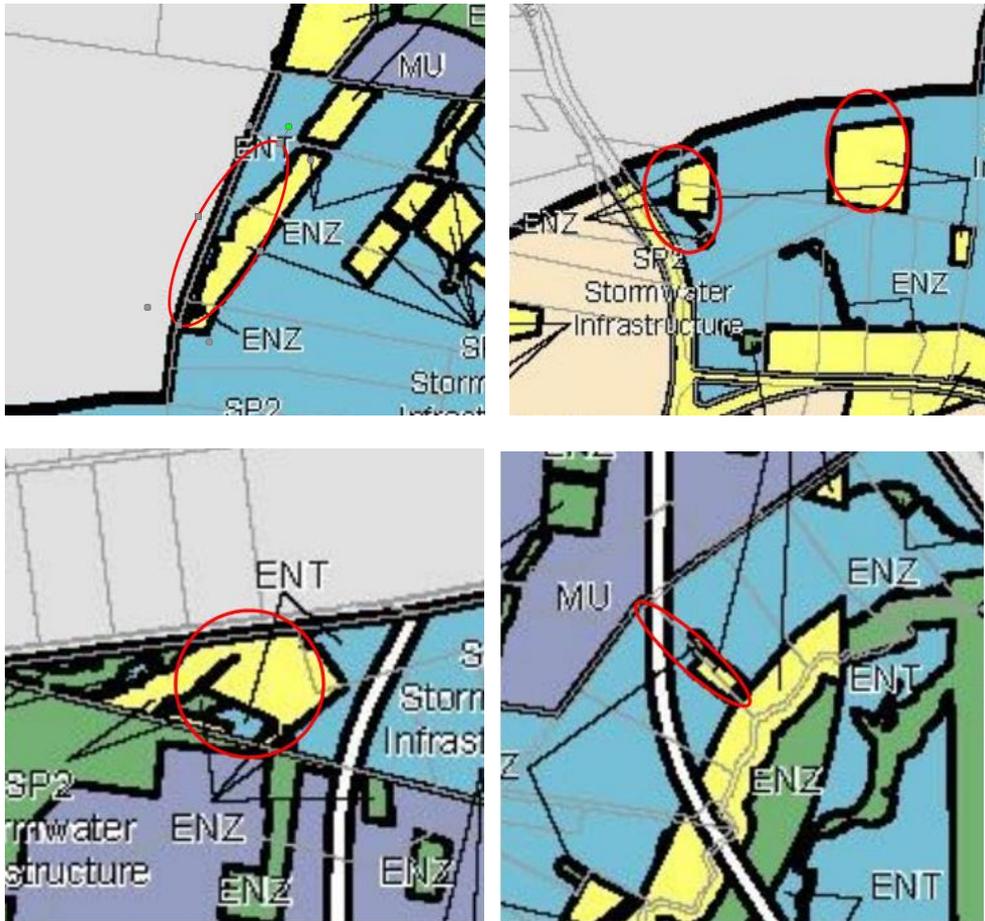
We fully support land required for stormwater infrastructure being zoned SP2 Stormwater Infrastructure on the Land Use Zoning Map. This is the practice elsewhere in New South Wales, where a Local Environmental Plan applies, and we do not see why a different approach would need to be undertaken in the Aerotropolis. As with our comments relating to the open space, land identified for stormwater infrastructure should be clearly identifiable on the Land Use Zoning map of the Aerotropolis SEPP. We do not support the land being zoned Agribusiness, Enterprise or Mixed Use, or the use of overlays, if the intention is for this land to be used as stormwater infrastructure.

Areas of undevelopable land

Due to the revision of the open space network, there are several parcels of land in the Northern Gateway Precinct that were previously identified as open space in the Aerotropolis Precinct Plan, and that are zoned Enterprise, that do not meet the minimum block size control of 150m x 150m of the Aerotropolis Precinct Plan due to the location of stormwater infrastructure and rendering these properties not being able to be developed.

The following map highlights the parcels that cannot be developed and the adjoining SP2 Stormwater Infrastructure Zone and the Land Reservation Acquisition affectation should also apply to these parcels of lands.

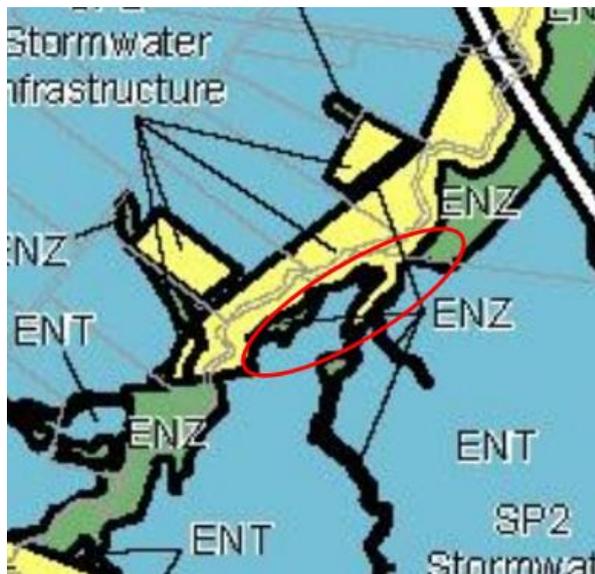
Land management of these parcels of land will be an issue if they remain in private ownership.



Map 1 Undevelopable Parcels due to location of Stormwater Infrastructure

There are also a couple of parcels of land that were previously identified as open space in the Precinct Plan that also appear to be undevelopable as they are isolated by the Outer Sydney Orbital Corridor and constrained by adjoining SP Stormwater Infrastructure zone or Environment and Recreation zone.

Unless these parcels of land are to be acquired as part of the Outer Sydney Orbital, these parcels should also be identified for acquisition as they are unable to be developed.



Map 2 Parcels of Enterprise zoned land isolated by the Outer Sydney Orbital

Changes to the eastern boundary of Wianamatta-South Creek Precinct and application of the Aerotropolis SEPP

The EIE does not provide an explanation as to why land located on the northern side of Elizabeth Drive that is in the Wianamatta-South Creek Precinct and located in the Penrith LGA, is not included in the proposed amendment and will not be regarded as a non-initial precinct, even though the adjacent Kemps Creek Precinct is a non-initial precinct.

Planning controls that apply to the Wianamatta-South Creek Precinct and the Kemps Creek Precinct should apply equally across both Precincts.

Acquisition of Publicly Accessible Open Space

Parcels of open space identified to be acquired by Council as local open space in the Northern Gateway Precinct are identified as Hilltop parks. These parks have been identified to provide opportunities for views and connection to Country. However, due to the topography of the land, the overall benefit of the open space to the broader community is reduced. It is unlikely that sporting facilities will be able to be located on this open space.

A further review of the open space in the Northern Gateway Precinct needs to be undertaken to ensure any land identified for local open space meets the needs of the community. A new location, on more accessible land, needs to be identified within the Northern Gateway Precinct that provides Council with the ability to provide a broad range of recreational activities for the community, including sporting facilities. The existing Hilltop Parks should be reclassified as regional open space delivered through State Infrastructure Contributions.

Acquisition of land for stormwater infrastructure

We support, in principle, the concept of a fully integrated water, wastewater, recycled water and trunk stormwater system in the Aerotropolis and acknowledge that the most effective way of achieving this is if the control of all aspects of the system resides with a single entity. Unfortunately, significant uncertainty remains about the implementation and operating arrangements and their consequential implications for Penrith City Council.

Key concerns include:

- The recent proposal for Council to acquire land adjacent to stormwater infrastructure was not included in the exhibited EIE. Council has not been able to determine the suitability of this proposal from a useability and affordability perspective.
- We do not support the management of stormwater basins by one authority and the management of adjacent land by another as this has the potential to create significant issues for the management and maintenance of open space and stormwater assets.
- As stormwater infrastructure forms part of the open space network, it is critical that this land is managed by one authority to ensure the land also functions and a key recreational asset that is accessible to the community.
- Separating the ownership of stormwater infrastructure will also require two authorities to negotiate the acquisition of land, which is not the best outcome for the landowner and increases the cost of acquisition as legal fees double.

- In the absence of a stormwater strategy that deals with both water quality and quantity, we can't be certain that there is sufficient land allocated to address stormwater.
- There are assets located below the 1:100 which is against council policy.
- Uncertainty about asset scope means uncertainty about capital and operating expenditure – this creates a significant financial risk for Council.
- Uncertainty about what infrastructure Council will be able to recover through developer contributions – this creates potentially both a financial and legal risk.
- As a stormwater authority has yet to be determined there is a lack of clarity what the total development charges are going to be.
- It is not clear whether there is an expectation from a regional entity that it will access some of the Council revenue streams arising in the Aerotropolis e.g., rates or stormwater management charges.

The uncertainty over what authority will become the regional stormwater authority makes it difficult for Council to provide conclusive support to the amount of land being identified for acquisition.

Connection to Country

Whilst we support the introduction of the Connection to Country guidelines, the requirements are unclear and do not provide the guidance required to allow a proponent to prepare a DA or Council to assess a DA. The proposed wording “duly considered” could also lead to differences in interpretation between assessing officers and applicants.

The Guidelines need to be refined to ensure that there is not unnecessary delay to the preparation and processing of Development Applications.

The following changes to the Guidelines are recommended:

- Figure 2 needs to be amended to adequately reflect the Development Application (DA) process and needs to place greater emphasis on pre-DA lodgement discussions. Most conversations about how a DA addresses the guidelines must occur pre-DA to allow for the conversation to be incorporated in the design and form part of the DA. This is especially important for engagement with traditional owners as DA processing requirements do not allow for engagement once a DA has been submitted.
- Any consultation with GANSW needs to occur before the lodgement of a DA. DA processing requirements do not allow for consultation with GANSW once a DA has been submitted.
- The guidelines should contain provisions that allow for an accredited consultant to assist in the preparation of a DA. With evidence of the accreditation being submitted with the DA.

Making and amending a Precinct Plan - Western Parkland City Authority to consider a Precinct Plan prior to approval by the Minister for Planning and Public Spaces

The proposed new clause will, on defined matters, require referral of a draft Precinct Plan to the Western Parkland City Authority (WPCA) and have regard to any comments received from the WPCA, prior to the Minister for Planning and Public Spaces approving a Precinct Plan.

The language used in the EIE is not clear on the weight that comments from the Western Sydney Parkland Authority will carry, due to this we have serious

concerns with this proposal, as the Western Sydney Parkland Authority currently are functioning as a developer. It is inappropriate to be giving an Authority that is functioning as a developer this level of input into amendments to the precinct plan.

Amending a Precinct Plan

Whilst we support the expansion of the number of property owners that will be able to utilise the Master Planning Pathways to amend the Precinct Plan. The EIS does not discuss how minor amendments to address justifiable inconsistency will be undertaken.

The Master Planning Pathway (in the absence of seeing the guidelines) still could be considered overly onerous for smaller landowners that are seeking a minor, but justifiable amendment to the Precinct Plan. Landowners within the Aerotropolis should have the same right as a landowner outside of the Aerotropolis to seek minor but justifiable amendments to the planning controls that apply to the land.

As the Aerotropolis Precinct Plan has statutory weight under the Aerotropolis SEPP, the revised Aerotropolis Precinct Plan should have been included in the exhibition package to allow landowners and other stakeholders, such as Councillors, to comment on the proposed amendments.

Making and amending a master plan - Requirement to be consistent with an adopted Precinct Plan

This clause could be considered overly onerous due to the requirement to achieve a better planning outcome for the Master Plan site, surrounding land and the broader Aerotropolis and it could be interpreted the State Government is discouraging amendments to the Precinct. We strongly believe any amendment to the Precinct Plan should be required to:

- justify any inconsistency with the Precinct Plan,
- be consistent with the overarching principles of the Precinct Plan
- and should clearly demonstrate that it does not impact on surrounding landowners' ability to develop their land.

However, having to demonstrate that the Master Plan achieves a better planning outcome for the site, surrounding landowners and the broader Aerotropolis could be unachievable and could place a significant cost and time burden on an applicant.

Sydney Science Park

We are still unclear on the outcomes for Sydney Science Park (SSP). Evidence should support the statement regarding low density outside of the 1.2km to ensure that there is clarity for other landowners in the Aerotropolis on why this is unique to SSP.

There is still uncertainty surrounding the relationship of low-density development, the employment (science and research) and educational land uses that underpinned Council's support for SSP and Sydney Metro's need to activate the Metro Station through significant housing densities around the Station.

There is no discussion in the EIE on other controls such as the dwelling cap or non-residential floor space triggers and no discussion on what Sydney Metro considers are appropriate residential densities around the Metro Station.

Luddenham Village

The consideration of Luddenham Village and its role and purpose within the Aerotropolis has been an important element in Council's submissions to date and appreciate the work undertaken to engage with the community on this matter.

We support the principle of allowing additional permitted uses and expanding the boundary of Luddenham Village to promote the sustainability of Luddenham Village. However, the timing of the amendment to the Aerotropolis SEPP needs to coincide with the associated amendments to the Aerotropolis Precinct Plan, Aerotropolis Development Control Plan Phase 2 and the Aerotropolis Contributions Plan that will follow the finalisation of the Luddenham Village Plan.

This amendment to the Aerotropolis SEPP needs to be considered concurrently with the Luddenham Village Plan and amendments to Aerotropolis Precinct Plan, Aerotropolis Development Control Plan Phase 2 and the Aerotropolis Contributions Plan.

Development applications will not be able to be determined until a full suite of planning controls are in place, so finalising this amendment prior to the other work that needs to be completed will not facilitate development in the interim.

Master Planning Guidelines

The critical detail that will allow Council to determine the suitability of a some of the key amendments proposed in the EIE is contained in the Master Planning Guidelines. However, the Master Planning Guidelines are yet to be released.

The Master Planning Guidelines are a critical component of the planning package for the Aerotropolis as they appear to be providing the detail of how an amendment to the Aerotropolis Precinct Plan will be undertaken. The guidelines should be exhibited in conjunction with the EIE to allow Council and Industry to provide critical comment on the process to amend a Precinct Plan.

The absence of the Master Planning Guidelines makes it difficult for Council to support the finalisation of the planning package for the Aerotropolis.

Open Space Needs Study

We would like to make the following comments on the Open Space Needs Study:

- In the Northern Gateway Precinct, there are parts of lots that will be undevelopable due to the configuration of the stormwater infrastructure. The undevelopable part of the lot needs to be included as part of the stormwater infrastructure and the study updated to reflect the change.
- Sporting facilities may not be able to be provided on the local open space in the Northern Gateway Precinct due to the topography of the land. This will reduce the overall benefit of the open space to the broader community. A further review of the open space in the Northern Gateway Precinct needs to be undertaken to ensure any land identified for local open space meets the needs of the community and is located on land that allows for a broad range of activities to be undertaken.

Draft Aerotropolis Development Control Plan Phase 2

The DCP in its current format cannot be finalised. Verbal advice from DPIE has indicated that the DCP will not be finalised until next year and in consultation with Council. Below are the matters that require consideration and further consultation, with more details in Attachment one:

General

- Council has on numerous occasions requested that the DCP controls be tested to ensure they can deliver on the intended outcomes and objectives. This still has not been undertaken to date.
- The DCP in its current format is unusable as an assessment tool, Performance Outcomes and Benchmark Controls are filtered throughout the document instead of being in a relevant chapter, making it very easy for the reader to miss important controls. Off key concern is the filtering of the minimal subdivision controls throughout the DCP.
- Performance Outcomes and Benchmark Solutions are not direct and are open to interpretation. This could create differences in interpretation between assessment officers and applicants and could lead to increased processing times for Development Applications.
- There are several duplicate controls that conflict with other similar controls.
- The DCP lacks important subdivision controls, especially for agribusiness, industrial and bulky goods development, and appears only to contain maximum block controls as the primary subdivision control and some setback controls from key roads. There needs to be controls for minimum lot size, lot dimensions, lot orientation and earthworks treatments for the different types of development envisaged in the Aerotropolis.
- The DCP does not contain controls to address the interface between residential development and industrial development in Sydney Science Park and Twin Creeks, and agribusiness development in Luddenham Village.
- The DCP does not contain controls for detached dwellings, dual occupancies/attached dwellings or secondary dwellings that the EIE is proposing for Sydney Science Park and potentially Luddenham Village.
- Many of the links to associated guidelines or technical studies do not work. Some of the links are to Australian Standards which require a subscription.

Stormwater and flooding

- Clarification of the status of draft Integrated Water Management Plan (Draft Stormwater and Water Cycle Management Study Interim Report) (Sydney Water, 2020) is required given the report is referenced in the DCP.
- Clarification and additional details are still required on the regional stormwater management approach which is proposed in the DCP and supporting Water Cycle Study. There are still several details regarding timing of delivery, acquisition, funding, roles and responsibilities / governance, which are required to be worked through and resolved before Council can support the inclusion of this approach in the DCP.
- Details need to be provided to enable developers to comply with the new targets while transitioning to the regional approach (i.e. they would have to provide measures on part of their lot until they can connect to any future regional system).

- The DPIE EES Toolkit and Technical Guide to assist designers demonstrate compliance with the controls (for the Aerotropolis Precincts) is yet to be finalised. This document needs to be finalised prior to the finalisation of the DCP, as Council and other stakeholders need to be able to assess the suitability of the Toolkit and Technical Guide to determine if it assists to demonstrate compliance with the controls.
- Technical design guidance needs to be developed for passively irrigated trees and other vegetated stormwater treatment measures identified in the DCP. It will be important that design is done to the satisfaction of the future asset manager (e.g. Council) and they are fit for purpose. It should also be noted that the passively irrigated street trees proposed will have potential financial burdens that need to be considered for future management.
- In the case that the regional stormwater management approach is to be implemented, we are of the view that additional details about the minimum requirements for WSUD measures on-lot (i.e. closer to the development) also need to be included. Stormwater strategies should not solely rely on regional basins for stormwater management, and some WSUD measures should be required within the development footprint due to the multiple benefits they can provide (e.g. landscaping, cooling, provision of shade).
- The DCP does not address DPIE's new LEP flood controls – In particular, regional flood evacuation and climate change. The objectives do not align with the new LEP Flood controls. Flood related development controls within the Aerotropolis need to be the same as controls that apply to other land in the Penrith LGA.
- The DCP does not contain development controls for minimum floor levels for industrial and commercial development or other flood related development controls.
- The DCP does not contain controls for filling.
- Permeable pavement controls are not supported due to the clay-based soil structure. Permeable pavement could lead to Acid Sulphate soils.

Movement Network, Traffic and Transport

- Council's preference is for the future road hierarchy and road layout to be included in the DCP, not in the Aerotropolis Precinct Plan, as this is a key consideration for determining the future subdivision patterns. The cross sections for the different road types also need to be included in the DCP.
- The DCP requires the submission of a Travel Plan for certain developments however, Council has no mechanism to enforce or influence the implementation of the Travel Plan. We question the relevance of including the need to submit a Travel Plan if there is no mechanism to enforce the Travel Plan.
- The DCP requires the submission of a Travel Plan for commercial and industrial development of 3000m² or greater. However, there is a vast difference in traffic and trip generation from a 3000m² commercial development to a 3000m² industrial development. Industrial development needs to be separated from commercial development and the need for a travel plan based on the type of activity not purely floor area.

Car Parking

- The DCP contains both minimum and maximum parking rates outside of 800metres of a Metro and maximum parking rates within 800metres of a Metro. In the past, Council has sought the application of minimum controls. The inclusion of minimum controls outside of 800metres of a Metro Station only partly resolves Council's concern over an adequate level of car parking provision and does not address our concern that development will not need to supply any car parking within 800metres of a Metro Station due to the absence of a minimum control.
- Car parking rates for bulky goods development and childcare centres should not be based on distance from a metro station due to the car dependant nature of the developments. The rate should be a singular rate minimum rate applied across the Aerotropolis.
- The accessible parking rate needs to be increased or minimum rate provided. The accessible parking rate of 1% conflicts with the rate in 7.3.2 (PO2) of 2%.

Biodiversity

- The DCP appears to merge landscape design, native vegetation, and biodiversity into one environmental consideration when they are 3 distinct considerations for development and require their own specific controls. Due to this, the chapter contains conflicting controls. For example, Canopy spread targets do not match tree replacement controls.
- Terminology used in the DCP is inconsistent with standard industry terminology or is outdated terminology.

More detailed comments and recommendations on amendments to individual Performance Outcomes and Benchmark Solutions is contained in Attachment 1. Comments and recommendations on information contained in the appendices is contained in Attachment 2.

Luddenham Village Discussion Paper

We support the consideration of the future sustainability and viability of Luddenham Village in consultation with the community, as this is consistent with Council's previous submissions documents relating to the Aerotropolis over the years. The following are key matters for consideration:

- Options should have included planning controls so the community could determine the best option based on an understanding of the future urban form that the option would deliver.
- Due to the lack of planning controls, there will be a need for further consultation with community on the future urban form of the preferred option.
- There is no discussion on when or if further consultation will occur. Further consultation is required for the Luddenham Village Plan.
- The discussion paper does not clearly outline how the preferred option will be selected.
- The discussion paper does not provide sufficient analysis of the potential commercial opportunities, especially tourism-related land uses.
- There is no meaningful discussion on what floor space may be demanded/required for hotel and motel accommodation and serviced apartments etc.
- The work undertaken did not contain an analysis of villages close to international airports, it's not comparing 'apples with apples'.

- There is limited evidence provided to justify Scenario 3 and 4 and analysis of how they fit in with the other centres in the Aerotropolis. How will this impact Wallacia and Mulgoa.
- There is limited guidance on Agribusiness activities in the Village, given its intention is to be the heart of the agribusiness precinct – how does it integrate, what controls are proposed to address the interface between residential development and Agribusiness activities.
- Servicing – There is limited information in relation to connection to wastewater, further detail is needed on the timing of this connection. It would be misleading to suggest a growth scenario if the wastewater is not connected for another 10 years or so. The Discussion paper may falsely raise the community's expectations on what they will be able to do with their land once planning controls have been finalised, even though timing of servicing is yet to be determine. Without access to key services, it is unlikely development will be able to occur.
- The discussion paper does not acknowledge the need for developer contributions to fund new or upgraded sporting and community facilities or public domain upgrades, that will be required if the community support the growth scenarios. It is difficult to determine what community infrastructure is required when there is a lack of certainty on what the future population will be.
- There is no discussion of how the implementation of the plan for Luddenham Village will be coordinated, especially future public domain works. The key issue of Luddenham Village being divided between two Local Government Areas is not discussed.

We are disappointed that this is not further advanced given that it has been raised consistently by Council in every submission. More detailed analysis that addresses the above comments is required to inform the preparation of the Luddenham Village Plan. We also believe that the Luddenham Village Plan should be presented to the community for feedback prior to the finalisation of the plan.

Until the matters outlined in our submission have been addressed and further information provided, we do not think it is appropriate to be nominating or supporting one specific option at this time.

Other

The finalisation of the Aerotropolis Precinct Plan is also occurring in the background. Our concern is that changes to the Aerotropolis Precinct Plan that have been made post exhibition are unlikely to be exhibited prior to the finalisation of the Aerotropolis Precinct Plan.

Considering the Aerotropolis Precinct Plan has statutory weight under the Aerotropolis SEPP, landowners should be able to provide further comment on the changes made to Aerotropolis Precinct Plan. To maintain transparency in decision making, we believe that the amended Aerotropolis Precinct Plan should be publicly exhibited for a minimum of 28 days.

Infrastructure Contributions

The Aerotropolis Contributions Plan needs to be finalised concurrently with the other components of the Aerotropolis Planning Package to enable the timely determination of development applications.

Council has not been able to finalise the Contribution Plan as we are still waiting on the final inputs in relation to maps and land values. It is unlikely that the Contributions Plan will be able to be finalised until confirmation of which authority will be responsible for stormwater management has been determined. The State Infrastructure Contribution is also yet to be finalised.

As there are no further Council Meetings this year, the Contributions Plan will not be finalised by the end of the year to coincide with the finalisation of the Aerotropolis Planning Package. This may leave Council exposed in the interim or be forced to enter into individual Voluntary Planning Agreements to facilitate development until the Contributions Plan is finalised. Furthermore, Development Applications will not be able to be determined until the Contributions Plan is finalised and endorsed by Council or until planning agreements are executed which is a timely process.

There is also an urgent need for an infrastructure strategy to be prepared to facilitate the delivery and determine the funding of the initial infrastructure that is required to enable development.

Conclusion

We acknowledge that the exhibition of the Western Sydney Aerotropolis Planning Documents is an important step towards finalising the planning package for the Western Sydney Aerotropolis.

However, a further round of consultation is required once the Aerotropolis Precinct Plan, Luddenham Village Plan and the Master Planning Guidelines have been finalised as the full package of planning controls needs to be reviewed concurrently to determine their suitability to deliver the development outcomes desired in the Aerotropolis.

There are still a number of key issues that need to be resolved before Council Officers could make a recommendation to support the finalisation of the Aerotropolis Planning Package.



Attachment One

Comments and recommendations on the Draft DCP

Chapter 1

1.2 Aims of the Plan (p7 of 143)

Comment: Whilst this is generally supported, the aim should be to support development which demonstrates ecologically sustainable development.

Recommendation: It is recommended that the language of this aim be strengthened to require developments to demonstrate and to deliver ecologically sustainable outcomes rather than simply reduce their environmental impact. An ESD report must accompany the DA for certain development types/scales. The ESD report is to set out the sustainability initiatives i.e. solar panels, grey water or rainwater capture/re-use etc.

1.3 Adoption and commencement

Comment: - It is noted that the DCP will only apply to developments lodged after the DCP comes into force.

Recommendation: That the DCP also apply to development lodged although yet to be determined. This will ensure that development occurs in a rational manner and that DAs are not lodged in DA stages with structured development preceded by early works applications, permissible under the current controls. This will also ensure that development contributions are captured for the whole of a development.

1.3.3 Review of the DCP

Comment: It is not clarified what entity will establish or Chair the Working Group under which Penrith and Liverpool Councils will coordinate regular and periodic reviews of the DCP. It is suggested that the initial review at 5 years is too long.

Recommendation: That the time frame for review should initially be 3 years or as set by the Working Group. It is also recommended that the timeline for the establishment of the Working Group (and by whom) be set by the DCP and is to be within a minimum of 3 months from the date of the DCP coming into force.

Recommendation: That clarification be included as to the process (i.e. via the 'Working group') by which any document forming part of the Appendix may be amended, replaced or revoked.

1.5 Using this DCP

Comment: It needs to be clarified if the reference throughout the DCP to 'Master Plan' is interchangeable with 'Precinct Plan' for the purposes of applications.

1.5.2 Performance Based Approach

Comment: The use of the word 'flexible' in the introductory sentence to the clause is not necessary as the pathway for variations is clearly expressed in the following paragraph. The use of the word 'flexible' will likely set an unrealistic expectation that the approach is initially to be flexible, rather than seek to meet the performance criteria. Concern is raised in relation to the unconditional option detailing that, in order to qualify for a variance to the DCP, an applicant need only submit a written justification.

Recommendations: Delete the word 'flexible'. To avoid the case whereby a variance (no matter the scale) is achieved merely through the provision of a statement of justification, whether robust and adequate or not, it is recommended that the clause be amended to add that the consent authority must be satisfied that the written statement which justifies how the development is otherwise meeting the intent of both the objective and performance outcomes as listed in the DCP is achieved as a result of the variance.

Chapter 4 Stormwater, Water Sensitive Urban Design and Integrated Water Management

Section 4.1.2 PO2 – Benchmark Solution

Comment: Unknown why this species has been identified as a key species.

Chapter 5 Native Vegetation and Biodiversity

Comment: Titled 'Native Vegetation and Biodiversity' however content provided in Section 5.1, 5.4 and 5.5 relates to Landscaping and does not relate specifically to Biodiversity.

Recommendation: These sections should be in separate sections under relevant headings.

Section 5.1 Deep Soil and Tree Canopy

Comment: Section should not be here, as stated above, this section relates to Landscaping not biodiversity and should be moved to the relevant section.

Section 5.1.1 Objectives

Recommendation: wording change to the objective O1, suggested wording - "Provision of de-compacted deep soil zones to provide sufficient space for sustainable tree growth to increase the canopy cover across the aerotropolis".

Section 5.1.2

PO1 – Benchmark Solution

Recommendation: Additional point to be inserted - Deep soil planting areas are to be de-compacted before planting with no services to be installed within these zones.



Table 1 (needs reworking, suggested amendments)

Comment - Area for minimum tree canopy when compared to size of site area and the size of the tree to be planted potentially cannot be achieved, particularly if tree canopy is curtailed by buildings.

Recommendation: Minimum numbers of trees to be planted on a site should be provided. Planting requirements may also be dependent on replacement plantings should any trees be removed; this needs to be incorporated in the achievement of canopy cover.

Recommendation: In residential settings there should be a requirement to provide 1 tree in the front setback and one tree in the rear setback with appropriate deep soil to be provided in these locations.

Recommendation: In industrial/commercial areas the use of underground engineered tree pits could be used to achieve growing space for tree root but retain some trafficable surface above. Water harvesting principles could also be incorporated into this design.

Section 5.2 Protection of Biodiversity

Comment: This needs to be the lead section for this Chapter with Sections 5.2 & 5.3 being combined under the one heading.

Recommendation: rename to Vegetation and Biodiversity Management.

Recommendation: As previously stated, Sections 5.1, 5.4 and 5.5 to be moved to another section as they are Landscaping controls.

Section 5.2.2

Recommendation: PO1 – Benchmark Solution Point 1 should be updated to read – (sentence added at end of solution) “Asset Protection Zones (APZs) for bushfire protection purposes are to be located wholly within land zoned for urban purposes and in accordance with the biodiversity certification. Native vegetation is not to be pruned or removed to provide an APZ”.

PO3 - Benchmark Solution

Recommendation: Point 1 should be updated to read – (concise language, ensures longevity of the DCP) “Weed Eradication and Management Plan is required on land adjacent to areas avoided for biodiversity and are to include specific measures to manage the spread of weeds in threatened ecological communities and threatened flora and fauna populations”.

Recommendation: Point 2 should updated to read – (weed reference changed from environmental to priority weeds) “Subdivision design and bulk earthworks must minimise the likelihood of weed dispersion and include measures to eradicate priority weeds in accordance with the Council’s weed policy”.



PO5 – Benchmark Solution

Recommendation: Point 1 should be updated to read – (additional criteria added) “Avoid impacts to habitat features which provide essential habitat for native fauna including ground cover and shrub layers, emerging trees, mature trees, dead trees capable of providing habitat, natural drainage lines and rock outcrops and avoid impacts to soil within the Tree Protection Zone (TPZ) of the retained trees and the subject and neighbouring sites”.

Section 5.3 Protection of Trees and Vegetation

Comment: This section does not address any protection/removal of vegetation if it is less than 3.0 metres in height. It is suggested that this section mimics Part C2, Vegetation Management of the Penrith DCP regarding vegetation clearing or any other approved Vegetation Management Policy adopted by State or Federal Government (at least for land within the Penrith LGA).

Comment: The section also doesn't provide information in regard to what replacement planting would be required if trees/vegetation were permitted to be removed.

Section 5.3.2

PO1 – Performance outcome

Recommendation: Outcome wording to be updated to include native vegetation. Suggested wording – “All ridgeline canopy trees, riparian vegetation, trees of cultural, heritage or amenity significance and mature shade providing trees and associated native understory are retained.”

PO1 – Benchmark Solution

Recommendation: Point 1 should be amended to read – (Change in wording, trunk diameter and grammar) “All existing trees with any of the following attributes shall be retained:

- a. A height in excess of 3m; or
- b. A diameter breast height (DBH) (measured at 1.4m from natural ground level) of 100mm; or
- c. A spread of greater than or equal to 3m”.

Recommendation: Point 3 should be amended to read – (Change in wording permit swapped for consent) – “A person must not remove, clear, prune or otherwise cause harm to any tree or other vegetation without a relevant consent”.

PO2 – Benchmark Solution

Recommendation: Point 2 should be amended to read – (Change in wording invasive species and/or noxious weeds swapped for priority weeds) - “Development is designed to avoid impacts on trees, except for priority weeds in accordance with the Council's weed policy.”



Recommendation: Point 5 should be amended to read – (Additional wording to provide space for root and canopy growth) - “Existing trees have appropriate soil volumes and setbacks from buildings, footpath, road/kerb and gutter and services to provide sufficient space for root and canopy development to ensure the tree reaches its identified mature height and spread.”

PO3 – Performance outcome

Comment: The outcome is written in relation to the protection of trees on development sites, but the Benchmark Solution refers to a vegetation permit. A vegetation permit is not issued to remove trees under a DA, nor should trees be removed under a permit system just to facilitate development.

Comment: A system for the removal of trees not related to development has not been provided within this DCP. Unless tree removal not related to development is going to be managed under the individual LGA DCP’s/Tree policies, then this framework needs to be provided. Regarding the development of a Vegetation Management Policy for the pruning or removal of trees or vegetation it is recommended that the policy mimics Part C2, Vegetation Management of the Penrith DCP.

PO3 – Benchmark Solution

Recommendation: - Point 1 should be amended to read – (First point – wording change to the criteria) - “A tree removal permit will only be issued where:

1. The applicant demonstrates that chance of loss of life/property damage cannot be rectified through means other than the pruning or removal of the tree; or”.

PO4 – Benchmark Solution (wording change ‘minimised’ changed to ‘excluded’ and additional wording at the end of the statement).

Recommendation: Point 1 should be amended to read – Works and construction activities are excluded within the Tree Protection Zone (TPZ) of trees unless a qualified arborist has assessed the tree and provided guidelines as to how the work can be carried out with minimal risk to the long-term survival of the tree and this has been included in an approved Tree Protection Plan (Drawing and Specification).

PO5 – Benchmark Solution (Further consideration re the wording and implication of this Solution is required)

Comment: Point 2 - where it states that nest boxes will be installed to offset the loss of hollow-bearing trees at a ratio of 2:1. Further consideration is required to determine whether the installation of nest boxes will disrupt the already resident fauna species and the type of nest boxes installed and whether the type of nest boxes installed will increase the presence of avifauna that could result in contributing to a wildlife hazard.

Recommendation: It is suggested that the wording is updated to give Council discretion on when this requirement will be imposed. Alternatively, the DCP should provide examples of when this will not be imposed.



PO6 – Benchmark Solution (Additional point to be added)

Recommendation: Additional point to be inserted – If trees are removed from a site, replacement plantings are to be provided at a minimum of 3:1.

Section 5.4 Preferred Plant Species

Section 5.4.2

PO3 – Performance outcome (Additional point to be added)

Recommendation: Additional point to be inserted – If required, trees can be planted in underground engineered tree pits to provide sufficient underground space to sustain the tree to maturity and beyond.

Section 5.5 Street Tree Planting Requirements

Section 5.5.1

Section 5.1.1 Objectives

Recommendation: O3 – Additional objective to be added. Suggested wording – In preparation for planting the site is to be de-compacted to ensure that a growing environment capable of supporting the sustainable growth of a tree is provided.

Recommendation: O4 – Additional objective to be added. Suggested wording – Where site conditions require it adopt the use of underground engineered tree pits to harvest rainwater and provide sufficient space for the development of tree roots and avoid conflict with surrounding infrastructure.

Chapter 6 Access and Movement Framework

6.1 Street Network Function and Design

Recommendation: Include reference to the NSW Government Architect documents; Practitioners' Guide to Movement and Place, Better Placed and Greener Places.

Table 6.1.2 – Performance Outcomes and Benchmark Solutions

PO1 - Benchmark Solution 3

Recommendation: – in relation to the statement “Shared walking and cycling paths are only used in locations where desired pedestrian, cycling usage or place function is low, and shall be a minimum of 3m wide” is included. It must not be left to applicants to determine where shared walking and cycling paths are. DCP to provide Shared walking and cycling paths diagram and/or require these to be provided in consultation with the Council for the area.

PO2

Recommendation: Clarity must be provided in the DCP as to how future technologies are to be designed for and in what way an applicant could demonstrate alignment with the related Performance Outcome.



6.2 Active Transport Network

Table 6.2.2

PO1 - Performance Outcome

Recommendation: Insert requirement for applicants to address accessibility of pedestrian networks.

PO1 – 5. Performance Outcome

Comment: Reference to “*in all locations*” is in conflict with statement at Table 6.1.2 – PO1 which includes that “*Shared walking and cycling paths are only used in locations where desired pedestrian, cycling usage or place function is low, and shall be a minimum of 3m wide*”.

Table 2

Comment: It is not clear what the design intent is for required ‘mid-block connections’ for pedestrians and cyclists each 130-150m apart. How does development present (front) to these mid-block connections? The connections would need to be safe so that antisocial behaviour and opportunity for crime is discouraged noting that the enterprise zoning will be largely warehouse and distribution centres.

Recommendation: An image and diagram of a typical block layout for each Land Use would assist.

Chapter 7 Travel Demand Management and Parking

Table 7.3.2

PO4 – Performance Outcome

Comment: Clarity needs to be provided as to what circumstances “...*flooding or geological constraints preventing the use of basements...*” would constitute. Additional cost of basement construction due to dewatering or tanking construction requirements not considered to be a constraint.

Recommendation: Require sleeving of parking where visible from the public domain. Clarify circumstances preventing basement car parking.

Table 7.3.2

PO13 - Benchmark Solution

Recommendation: Include a minimum requirement for the number of Electric vehicle parking and charging stations. (i.e. 5% of all spaces).



Chapter 8 Building Siting and Design

8.3 Design for Safe Places

Section 8.3.1

PO2 – Performance Outcome

Recommendation: Include detail as to how developments providing 'mid-block connections' are to address CPTED Principles. Dark sky principles to be addressed for all lighting.

8.5 Signage and Wayfinding

Comment: The DCP needs to address advertising, billboards and advertising structures which are expected in the airport surrounds and along major roadways.

Comment: Figure 13 Types of Signage, page 79. This image indicates an awning that is too high. The maximum height of an awning is to be 4m.

Chapter 9 Flooding and Environmental Resilience and Adaptability

9.3 Bushfire Hazard Management

Section 9.3.2

PO1 – Benchmark Solution

Recommendation: Additional point to be added - Point 3 - The siting of a development shall not require the pruning of native vegetation to provide an APZ.

Chapter 15 Certain Land Uses

15.1 Mixed Use Development, Residential and Commercial Development

Comment: It is not certain what the relationship is between the DCP and SEPP 65 and the ADG where the DCP differs. This needs to be clarified. The ADG should prevail to the extent of any inconsistency.

15.1.2

B. Amenity and Sustainability

Comment: Preference is for 650sqm maximum. The proposal to accept 850sqm floor plates is not supported unless maximum floor plate depths are adopted to allow for articulated floor plates exceeding 650-750sqms.



Recommendation: Image at PO2 should include an articulated floor plate.

I. Multi Dwelling Housing Components – Setbacks

Comment: The minimum setback of 4.5m is not supported and is in conflict with the requirements and performance outcomes of other sections.

Recommendation: Minimum setback to be increased to 6m. This allows for canopy spread and shade. Upper floors to be setback 7m. Side setbacks to be a minimum of 3m to allow for privacy and solar access. This aligns with requirements at PO4.

15.11 Boarding Houses

Recommendation: Include design and built form controls as the SEPP does not provide these. Include the requirement for additional area of communal open space at a set rate for large boarding houses, noting the need for and reliance on private open spaces during the pandemic.

Attachment 2 – Comments and recommendation on the APPENDICES

The following comments relate to the Draft Western Sydney Aerotropolis Development Control Plan – Appendices.

General Comments

- Western Sydney Aerotropolis Landscape Species List duplicates a number of species. *Acacia pendula*, *Acacia parramattensis*, *Acacia decurrens* and *Acacia implexa* are replicated three (3) times in the list.
- Exotic species recommended for use in landscaping should have comments in the additional notes/ requirements column outlining where and what circumstances they can be used. Species such as *Pyrostegia venusta* (exotic vine species), if planted in areas adjoining occurrences of native vegetation could, establish in areas containing native vegetation and outcompete native species.
- It is recommended that the Landscape List includes columns to identify where the species is better suited to be used in Landscaping. i.e. what species are suitable as street trees and in different scenarios, for example where there is a footpath vs when there is no footpath.
- It is unclear why many of the native ground covers have additional notes/requirements noting 'Subject to monitoring and/or maintenance plan.' Further explanation should be included.
- The Appendix sets out information for supporting documentation for Development Applications and refers to Wildlife Hazard Assessment and Wildlife Management Plan for certain applications. Further details regarding the qualifications and experience of the consultant and the technical information and specifications required to be included in the report should be specified and included in the DCP. The Western Sydney Aerotropolis Draft Wildlife Management Assessment Report prepared for Western Sydney Planning Partnership prepared by Avisure dated May 2020 appears to be a comprehensive assessment that includes details regarding qualifications and consideration of what is required in the report.
- Construction Environmental Management Plan (CEMP) only addresses biodiversity and traffic. This needs to be amended to include other considerations such as air, water and other environmental considerations.
- D16 refers to the requirement for a Construction Environmental Management Plan for land subject to the Draft Cumberland Plain Conservation Plan. The use of the term CEMP specifically for biodiversity considerations may be confusing. A CEMP is usually an overarching Plan that includes sub-plans to address biodiversity, noise, dust and so on. Is there another term that could be directly associated with the biodiversity considerations rather than a CEMP being referred to under these circumstances. A CEMP is required where construction of the development has potential to cause noise, air, water and land quality impacts as well as impacts on flora and fauna.



D.9 Biodiversity Development Assessment Report

Text in draft DCP	Proposed change or issue identified
<ul style="list-style-type: none"> A Biodiversity Development Assessment Report (BDAR) is required when the impacts of a proposed development trigger the BDAR assessment on land subject to the <i>Biodiversity Conservation Act 2016</i>. The report is to apply the Biodiversity Assessment Method. 	<p><u>Comment:</u> I think there is a typo any maybe should read 'A Biodiversity Development Assessment Report (BDAR) is required when the impacts of a proposed development trigger the Biodiversity Offset Scheme (BOS) on land subject to be assessed in accordance with the <i>Biodiversity Conservation Act 2016</i>.</p> <p><u>Comment:</u> Where the BOS applies to a proposal, an assessor must apply the BAM to assess impacts on biodiversity and document the outcomes in the Biodiversity Development Assessment Report (BDAR). The BDAR must accompany the development application for approval.'</p>
<ul style="list-style-type: none"> The report provides guidance on how a proponent can avoid and minimise potential biodiversity impacts and identifies the number and class of biodiversity credits that need to be offset to achieve a standard of 'no net loss' of biodiversity. 	<p><u>Comment:</u> This statement is unclear and should re-worded.</p> <p><u>Recommendation:</u> Reword. Recommended rewording: 'The report provides evidence on how the proponent has demonstrated the development has been designed to avoid and minimise impacts on biodiversity values and identifies the number and class of biodiversity credits that need to be offset to achieve a standard of 'no net loss' of biodiversity.'</p> <p><u>OR</u> A Biodiversity Development Assessment Report (BDAR):</p> <ul style="list-style-type: none"> Assesses the biodiversity values of the subject land and the impacts of the proposal on those values in accordance with the Biodiversity Assessment Method (BAM). Sets out the measures proposed to be taken to avoid or minimise those impacts Sets out the number and class of biodiversity credits that are required to be retired to offset the residual impacts.



Text in draft DCP	Proposed change or issue identified
	The information required within the report is set out in the <i>Biodiversity Conservation Act 2016</i> (BC Act), <i>Biodiversity Conservation Regulations 2017</i> (BC Reg) and Biodiversity Assessment Method (BAM).
<ul style="list-style-type: none"> A BDAR is required when an accredited ecologist has determined that the development will exceed the threshold for impact on native vegetation or where the development will impact an area mapped on the Biodiversity Values Map. 	<p><u>Comment:</u> This needs to be reworded as it is incorrect as this does not consider the Test of Significance and area clearing threshold. It is also incorrect as a person does not need to be accredited to provide advice on or determine whether the BOS applies.</p> <p><u>Recommendation:</u> Reword. Recommended re-wording:</p> <p>'The Biodiversity Offset Scheme (BOS) applies to a proposal for development, vegetation clearing or other activity that is likely to significantly affect threatened species, ecological communities or their habitats. There are three criteria for determining whether a proposal is likely to significantly affect threatened entities or their habitat – AOBVs, the BOS threshold and the threatened species Test of Significance. When the BOS applies, an assessor must apply the BAM and document the outcomes in a BDAR.'</p>
<ul style="list-style-type: none"> The report must be prepared by an ecologist accredited under the <i>Biodiversity Conservation Act 2016</i>. 	<p><u>Comment:</u> This should say 'The Biodiversity Development Assessment Report or Biodiversity Certification Assessment Report must be prepared by an Accredited Assessor under the <i>Biodiversity Conservation Act 2016</i>.</p>

D.23 Flora and Fauna Assessment

Text in draft DCP	Proposed change or issue identified
<ul style="list-style-type: none"> A Flora and Fauna Assessment is an assessment report that identifies all potential species located on the subject site and where applicable surrounds. This report is used to determine the potential impacts of a proposed 	<p><u>Comment:</u> This point is not needed as it is addressed in other points</p>



Text in draft DCP	Proposed change or issue identified
development on the identified species.	
<ul style="list-style-type: none"> Required for all developments where clearing is required. 	<p><u>Comment:</u> A Flora and Fauna assessment will be required if the development proposal has the potential to impact native vegetation, rare or threatened biota or their habitat on land that is identified as non-certified. (Note: this point is recommended to be the first point)</p>
<ul style="list-style-type: none"> Where wildlife impacts are likely to arise, the proponent may be requested to carry out additional fauna surveys to determine the likely impacts on biodiversity. Impacts may trigger the requirement to complete a Biodiversity Development Assessment Report (BDAR). 	<p><u>Comment:</u> This point is not required as this is covered in other points in regards to surveys and methods and triggers into the Biodiversity Offset Scheme.</p>
<ul style="list-style-type: none"> The assessment and fieldwork are required to be undertaken by suitably qualified and experienced consultants. 	<p><u>Comment:</u> The Flora and Fauna Assessment Report must be undertaken by a suitably qualified and experienced person; i.e. a person with tertiary qualifications in ecology, zoology or botany; with a minimum of 5 years experience in undertaking flora and fauna surveys and assessments; with a demonstrated knowledge of the flora and fauna that occurs in the Penrith local government area; and possessing appropriate licences or approvals under relevant legislation.</p>
Additional points	
<p><u>Comment:</u> The Flora and Fauna Assessment should outline all applicable provisions of local, state and commonwealth legislation relevant to biodiversity conservation required to be considered in the assessment.</p>	
<p><u>Comment:</u> The content and methods of a Flora and Fauna assessment should be consistent with Threatened Biodiversity Survey and Assessment Guidelines for Developments and Activities (Working Draft) (DEC 2004) and other species-specific NSW or Commonwealth guidelines identified as relevant to the site.</p>	
<p><u>Comment:</u> An objective assessment to determine whether the proposed works and development are likely to significantly affect any threatened species, populations or ecological communities or their habitats. This assessment is required under section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>. The test of significance is set out in s. 7.3 of the <i>Biodiversity Conservation Act 2016</i>.</p>	
<p>If a proposed development under Part 4 of the EP&A Act is likely to significantly affect threatened species the biodiversity offsets scheme will apply and a Biodiversity Development Assessment Report must be prepared by an accredited assessor</p>	



D.48 Weed Eradication and Management Plan

Text in draft DCP	Proposed change or issue identified
<ul style="list-style-type: none"> A Weed Eradication and Management Plan is required for land subject to the Draft Cumberland Plain Conservation Plan. 	<p><u>Comment:</u> This point suggests that this only applies to land subject to the Draft Cumberland Plain Conservation Plan. However, in the main body of the DCP in Section 5.2.2 it states that 'Unless specified below, the benchmark solutions apply to both the Growth Centres SEPP certified land and land certified under CPCP.'</p> <p><u>Recommendation:</u> It is suggested that this point is updated to be consistent with the wording in the DCP 'Weed Eradication and Management Plan is required on land adjacent to areas avoided for biodiversity and are to include specific measures to manage the spread of weeds in threatened ecological communities and threatened flora and fauna populations.'</p>
<ul style="list-style-type: none"> The Plan is to be prepared by an ecologist and is to outline the weed control measures during and after construction. 	<p><u>Recommendation:</u> Update wording. Suggested wording: 'The Plan is to be prepared by a restoration ecologist or qualified bush regenerator or experienced person who has a minimum qualification of Certificate IV in Conservation and Land Management or equivalent. The plan is to outline the weed control measures during and after construction.'</p>
<p><u>Additional comments</u></p>	
<p>The Weed Eradication and Management Plan should include:</p> <ul style="list-style-type: none"> An inventory of all Weeds of National Significance, Priority and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation or density (i.e. low, medium, high or expressed as a percentage). A treatment schedule in tabulated form, specifying for each species: <ol style="list-style-type: none"> The method of treatment (mechanical or herbicide use); The rates of application methods of all herbicide treatments; The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and The timing of treatments. An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site. Details of any methods of disposal of weed material Details of monitoring and reporting requirements. 	

TREE MANAGEMENT

Term	Definition in proposed DCP	Proposed changes/Revised wording
Deep Soil	<p>A landscaped area with a minimum dimension of 3m, connected horizontally to the soil system and local ground water system beyond and is unimpeded by any building or structure above or below ground with the exception of minor structures. Minor structures are defined as</p> <p>(a) a path, access ramp or area of paving with a maximum width up to 1.2m</p> <p>(b) essential services infrastructure (such as stormwater pipes) with a maximum diameter up to 300mm</p> <p>(c) landscape structures (such as lightweight fences, light poles or seating) requiring a footing with a maximum size of up to 300mm x 300mm in cross section.</p>	<p><u>Recommendation:</u> Term to be changed to De-compacted Deep Soil</p> <p><u>Comment:</u> 3m - should this dimension be 3m square?</p> <p><u>Comment:</u> 3m square contradicts the requirement of 6m provided in the deep soil table in Section 5.1.2</p> <p><u>Comment:</u> Minor structures should not be permitted within the deep soil zone. The deep soil zone should be for root development only.</p> <p><u>Comment:</u> If the above point is refuted then minor structures should be required to be located on the periphery of the deep soil area and not be an impediment to root growth.</p>
Tree Protection Area	<p>The area (in m2) where development works have potential for impact to trees (including roots). The area may include protection fences and supplementary ground protection</p>	<p><u>Recommendation:</u> Additional point to be added: "The Tree Protection Area should be the same size as the Tree protection Zone unless a reduced area has been assessed and approved by an AQF (Australian Qualification Framework) Level 5 Arborist in accordance with AS4970 – 2009, Protection of trees on development sites in accordance with an approved Tree Protection Plan (Drawing and Specification)".</p>

D6 Arborist Report

Recommendation: - Amended wording – proposed wording below:

D6 Arborist Report

- An arborist report is to provide detailed information about trees that are proposed to be removed on the site or will be impacted by the development.

- The report shall be prepared by a suitably qualified arborist with a minimum AQF (Australian qualification Framework) Level 5 qualification and written in accordance with *AS 4970-2009 Protection of Trees on Development Sites*.
- The report shall assess all trees on the subject site and neighbouring site where the designated Tree Protection Zone (TPZ - as calculated using *AS4970 – 2009*) of a tree intrudes into the subject site.
- The report should apply to all trees impacted, regardless of species and 'prominence' (prominence is subjective and open to individual interpretation).

D27 Landscape Plans

Comments:

- Typing error, one TPZ reference trio be removed D42 Tree Protection Plan
- The Tree Protection Plan (drawing and specification) identifies trees for retention through comprehensive arboricultural impact assessment of a proposed development and determines tree protection measures for trees on public and private land, on the subject and neighbouring sites.
- It provides protection measures for each stage of the development. Protection measures may need to be altered for development stages of the development.

Recommendation

- Additional clause to be added to state who should prepare the document and the standard it is to be written to.

D29 On-site Sewage Management /Wastewater Reports

Comment: Wastewater reports will need to include (but not be limited to) consideration of site topography, geology, flood potential and overland flows, buffer distances to features/buildings/infrastructure on site and also to watercourses, dams and bores (the applicable buffer distance to these may include those located off site)

Comment: There is no reference here to the need for approvals under section 68 of the Local Government Act 1993 and no reference to AS1547;2012 On-site domestic wastewater management. More guidance should be provided to highlight the need for the approval to install and operate OSSM systems and needs to include relevant references that provide guidance on wastewater design, assessment and installation, including Council's policy and 'A WaterNSW Current Recommended Practice 2019'.

Recommendation: Reference needs to be included that all domestic wastewater and greywater systems installed in NSW must be accredited by NSW Health.

Recommendation: Delete requirement for the report 'to be prepared by an Environmental Scientist or Engineer with a minimum of a bachelor's degree qualification'. This is considered unnecessarily restrictive as there may be satisfactory practitioners that do not possess a Bachelor Degree. Instead refer to an appropriately qualified and experienced person with demonstrated ability and experience in the field. (It could consider other and equivalent qualifications).

D33 Rail Noise Assessment

Comment: Need to correct erroneous reference to 800m. Development Near Rail Corridors and Busy Roads Interim Guideline' requires assessment within 80m. The guideline provides various screening tests to determine where a full noise assessment should be undertaken and also includes requirements for vibration assessment for vibration sensitive buildings within 60m of an operational track.

Recommendation: Delete reference to Classified Road here if this is to be a Rail Noise section. Or combine and refer generally to the 'Development Near Rail Corridors and Busy Roads Interim Guideline'. Classified and 'Busy Roads' have provisions different to rail noise and require consideration of traffic volume and speed as well as distance.

D42 Tree Protection Plan

Recommendation: Amend wording

- The Tree Protection Plan (drawing and specification) identifies trees for retention through comprehensive arboricultural impact assessment of a proposed development and determines tree protection measures for trees on public and private land, on the subject and neighbouring sites.
- It provides protection measures for each stage of the development. Protection measures may need to be altered for development stages of the development.
- The Tree Protection Plan (drawing and specification) shall be written by a suitably qualified arborist with a minimum AQF (Australian qualification Framework) Level 5 qualification and in accordance with AS 4970-2009 - *Protection of Trees on Development Sites*.

Appendix E: Reference Documents & Further Reading

Comment:

- Links to reference documents need to be valid and trustworthy.
- Links to Australian Standards documents need to be direct to the supplier of these (SAI Global) as they are subject to purchase and copyright.

E46 Waste Management Plan

Comment: Requirement for all WMP's to be prepared by a specialist of waste management is considered too onerous for all developments, for example, Demolition and Construction WMP's may be prepared by the applicant and do not generally require preparation by a waste Specialist.