

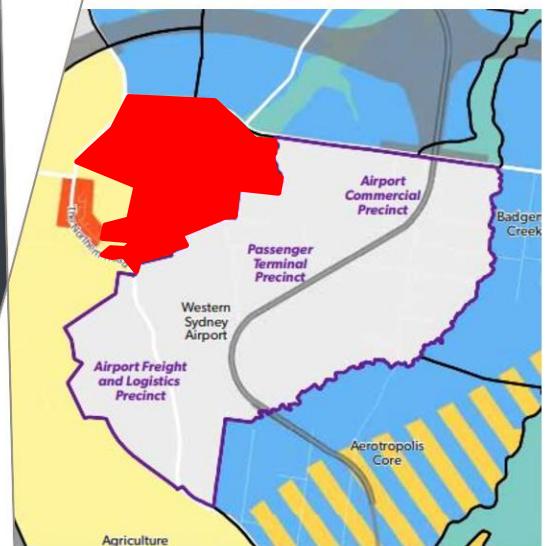
Western Sydney Aerotropolis Plan Stage 2

Submission

80219020

Prepared for
The Luddenham Landholders Consortium

13 March 2020



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Document Information

Prepared for

The Luddenham Landholders
Consortium

Project Name

Western Sydney Aerotropolis
Plan Stage 2

File Reference

80219

Job Reference

80219020

Date

March 2020

Version Number

B

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Effective Date

13/03/2020

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Date Approved

13/03/2020

Job title: Manager Urban Planning

Document History

Version	Effective Date	Description of Revision	Prepared by	Reviewed by
A	21/02/2020	Working Draft		
B	25/02/2020	Final Draft		
C	11/03/2020	Final Draft revised		
D	13/03/2020	FINAL		

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Table of Contents

1	Introduction & synopsis of recommendations	1
1.1	Background	1
1.2	Synopsis of recommendations	1
1.3	Land to which the submission applies	4
1.4	Background to this submission	6
1.5	Process for preparation of this submission	7
2	The Stage 2 Planning Package as it applies to the Consortium Lands	7
2.1	Introduction	7
2.2	Structure Plan (Figures 2-1 & 2-2)	8
3	Commentary on the Stage 2 Planning Package	10
3.1	Enterprise Zoning over the Consortium Lands	10
3.2	Commentary on retaining the zoning as proposed in the Stage 2 WSAP	12
3.2.1	The Agribusiness zone	13
3.2.2	Environment and recreation zone	17
3.2.2.1	Permissible land uses	17
3.2.2.2	Potential inconsistencies with the Department's recommended practices	18
3.2.3	Infrastructure (SP1) zone	19
3.3	Prioritisation of delivery	19
	Infrastructure funding and provision (draft WSAP, Section 8)	19
3.4	19	
3.5	Airport operations	20
3.6	Resilience and adaptability	20
4	Conclusion and Recommendations	21

Tables

Table 1-1	Consortium of landowners (<i>Cardno, 2020</i>)	5
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Figures

Figure 1-2	Location Map (Consortium Lands edged red)	6
Figure 2-1	Consortium lands (edged red) – context within the Western Sydney Aerotropolis. (Draft Western Sydney Aerotropolis Plan Department of Planning, Industry and Environment, Dec 2019) Error! Bookmark not defined.	
Figure 2-2	Draft Agribusiness Precinct Structure Plan (Consortium Lands edged red) (Draft Western Sydney Aerotropolis Plan Department of Planning, Industry and Environment, Dec 2019)	9
Figure 3-1	Draft land zoning map – Consortium lands edged red (Draft SEPP maps - Western Sydney Aerotropolis, 2019)	12

1 Introduction & synopsis of recommendations

1.1 Background

Planning for the Western Sydney Aerotropolis is progressing through an iterative process of plan making informed by regular engagement with stakeholders via public exhibitions. Stage 1 of the process included exhibition of the draft Land Use and Infrastructure Implementation Plan (**the LUIIP**) in 2018. Informed by submissions to the exhibition, Stage 2 of the process has included preparation of a **Planning Package** incorporating:

- The Western Sydney Aerotropolis – Summary of Key Planning Documents, December 2019 (**the Documents Summary**)
- The Western Sydney Aerotropolis Plan. Draft – for public comment, December 2019 (**The draft WSAP**)
- The Western Sydney Aerotropolis Discussion Paper on the Proposed State Environmental Planning Policy – Draft for public comment, December 2019 (**The SEPP Discussion Paper**)
- The Western Sydney Aerotropolis Development Control Plan 2019. Phase 1 Draft – for public comment. December 2019 (**the draft Phase 1 DCP**)

The Luddenham Landholders Consortium (**the Consortium**) collectively owns approximately 270 hectares of land located adjacent to the western boundary of the proposed airport and extending west to a line close to the eastern edge of Luddenham Village (**the Consortium Lands**). The land incorporates all land included within the Western Sydney Employment Area as identified in *State Environmental Planning Policy (Western Sydney Employment Area) 2009*.

The Consortium Lands lie within an area that was identified on the draft LUIIP Structure Plan as “*Agriculture and Agribusiness*”. In the Stage 2 Structure Plan currently on Exhibition, this precinct has decreased in area and been identified as “*Agribusiness*”.

Cardno has been assisting the Luddenham Landholders Consortium with respect to planning for the Western Sydney Aerotropolis Plan since 2018. A Cardno submission to the draft LUIIP exhibition on behalf of the Consortium recommended that the land should be included as part of the Northern Gateway Precinct and should be allocated a zoning to facilitate flexible employment.

The Stage 2 draft WSAP proposes allocation of an Agribusiness Zone to the land and includes the proposed Agribusiness in the first stage of 6 precincts to be for the Aerotropolis.

1.2 Synopsis of recommendations

This submission to the Exhibition of the Stage 2 Planning Package makes the following recommendations:

Recommendation 1: That the Consortium Lands be within the Enterprise Zone

The land south of Elizabeth Drive, included within the WSEA is suited to employment purposes and should be zoned Enterprise under the proposed WSA SEPP.

Recommendation 2: That the Agribusiness Zone objectives be amended as follows (recommended additional Objectives toned blue):

Objectives
<ul style="list-style-type: none">• To encourage sustainable and high technology Agribusiness and Agricultural production with links to food production and processing.• To encourage diversity in Agricultural and Agribusiness enterprises and systems appropriate for the area.• To encourage innovation based land uses within the Precinct.• To facilitate a mixed use Agribusiness Precinct incorporating agricultural production, research, education, trade, agri-tourism and short term accommodation.• To allow for the industrial uses necessary to support production, storage and delivery of agribusiness based products.

- To encourage an integrated, circular agribusiness system incorporating production, processing, delivery, waste materials collection and recycling.
- To encourage the development of integrated food and supply chain related industries.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- ~~To maintain and enhance natural rural character, biodiversity and sustainability of the area;~~
- To ensure that land which has the potential to impact environmental conservation values, natural or rural character is developed appropriately and does not detract from significant views, biodiversity or sustainability outcomes for the Precinct.
- To allow for non-agricultural land uses that will not restrict the use of other land in the locality for agribusiness purposes.
- To allow for the sustainable and holistic development of agritourism product and experiences.
- To protect the operations of the Airport, including 24-hour operations, and provide appropriate protections for the community.
- ~~To maximize employment opportunities within the Precinct.~~
- ~~Unless uses are permitted under existing zonings~~, ensure there are no sensitive land uses (such as residential, aged care, early education and childcare, educational establishments and hospitals amongst other uses) located within the ANEC 20 and above contours.
- Ensure that ~~all land uses up to the ANEC 20 contour~~ are subject to appropriate design and construction standards to reduce any potential for airport noise impacts.

Recommendation 3: That the Agribusiness Zone land use table be amended as follows (recommended additional Permissible Uses toned blue):

Permitted without consent

- Home occupation

Permitted with consent

- Agricultural produce industry
- Animal boarding or training establishment
- Building identification signs
- Business identification signs
- Business premises
- Car park
- Centre based childcare facility
- Community facility
- Earthworks
- Educational establishment
- Eco-tourist facility
- Electricity generating works
- Environmental protection works
- Environmental facility
- Farm building
- Farm stay accommodation
- Filming (agribusiness)

- Flood mitigation work
- Food and drink premises
- Freight transport facility
- Function centre
- Garden centre
- **General industry (agribusiness)**
- Health services facilities
- Industrial training facility
- Information and education facility
- Intensive plant agriculture
- Landscaping material supplies
- Light industry
- Market
- **Office premises**
- Places of public worship
- Plant nursery
- Recreation area
- Research station
- **Road**
- Roadside stall
- **Resource recovery facility (agribusiness)**
- **Respite day care centre**
- **Retail premises (agribusiness and agri-tourism)**
- Rural industry
- Rural supplies
- Rural workers' dwelling
- Service station
- Telecommunications facility
- **Tourist and visitor accommodation**
- **Veterinary hospital**
- Warehouse or distribution centre
- Water recycling facility
- Water supply system
- **Wholesale supplies (agribusiness)**

Recommendation 4: That the Environment and Recreation Zone land use table be amended as follows
(recommended additional land uses toned blue):

Permitted without consent

- Environmental Protection works
- Flood Mitigation works

Permitted with consent

- Aquaculture
- Building identification signs
- Business identification signs
- Car park
- Community facilities

- Environmental facility
- Information and education facility
- Kiosk
- Recreation area
- [Recreation facilities \(indoor\)](#)
- Recreation facilities (outdoor)
- [Restaurants and cafes](#)
- Water recreation structure
- Road

Recommendation 5: Implications of applying the Environment and Recreation Zone to privately owned lands

That the proposal to zone certain lands within the Agribusiness Precinct as Environment and Recreation be reviewed in light of its impacts on the value of these lands and its consistency with advice in the Department's LEP Practice Note PN09-002 with regard to the allocation of Environment Protection Zones.

Recommendation 6: Delivery and timing for the Agribusiness Precinct

That the Agribusiness Precinct should be delivered early in order to encourage investment in agribusiness and allow for parallel development with Flexible Employment in the adjoining Northern Gateway. The Luddenham Landholders Consortium is committed to partnering with development or other business entities to achieve rapid outcomes on their land. Early staging of the Agribusiness Precinct will support their endeavours to attract investors and will provide synergies with future precincts and the airport.

Recommendation 7: Infrastructure contributions mechanisms and timing

That development of mechanisms for infrastructure contributions should ensure that contribution rates are consistent with current rates systems and do not place undue financial burden on landowners.

That timing for levying of contribution rates in the approval process should be set so that levies will not impact on viability of development due to potential cash flow implications for developers.

1.3 Land to which the submission applies

The consortium of landowners that has commissioned Cardno to prepare this submission has interests in the following land parcels.

Address	Legal Title	Area (Hectares)
2600 Elizabeth Drive, Luddenham	Lot 1 DP 220176	11.62
2550 Elizabeth Drive, Luddenham	Lot 2 DP 220176	11.61
2680 Elizabeth Drive, Luddenham	Lot 9 DP 1240511	11.33
2448 & 2450 The Northern Rd, Luddenham	Lot 8 DP 1240511	7.77
2422-2430 The Northern Road, Luddenham	Lot 7 DP 1240511	10.28
2422-2430 The Northern Road, Luddenham	Lot 6 DP 1240511	13.27
2422-2430 The Northern Road, Luddenham	Lot 5 DP 1240511	13.52
140 Adams Road, Luddenham	Lot 4 DP 1240511	14.20
140 Adams Road, Luddenham	Lot 3 DP 1240511	15.86

180 Adams Road, Luddenham	Lot 30 DP 1251450	15.12
230 Adams Road, Luddenham	Lot 106 DP 846962	43.71
2382 The Northern Road, Luddenham	Lot 1 DP 232996	16.18
2310 The Northern Road, Luddenham	Lot 2 DP 827223	12.95
2292 The Northern Road, Luddenham	Lot 2 DP 1240511	9.06
90 Adams Road, Luddenham	Lot 2 DP 519034	1.01
65 Adams Road, Luddenham	Lot 9 DP 1240153	7.04
40 Eaton Road, Luddenham	Lot 4 DP 1234822	9.31
70 Eaton Road, Luddenham	Lot 70 DP 1091926	6.88
105-115 Adams Road, Luddenham	Lot 10 DP 1240153	9.51
145 Adams Road, Luddenham	Lot 5 DP 250030	10.12
1 Anton Road, Luddenham	Lot 1 Sec C DP 1451	6.88
205 Adams Road, Luddenham	Lot 2 DP 623799	10.12
25 Adams Road, Luddenham	Lot 1 DP 215715 Lot 1 DP 1234822	2.18
Total Area		269.53

Table 1-1 Consortium of landowners (*Cardno, 2020*)

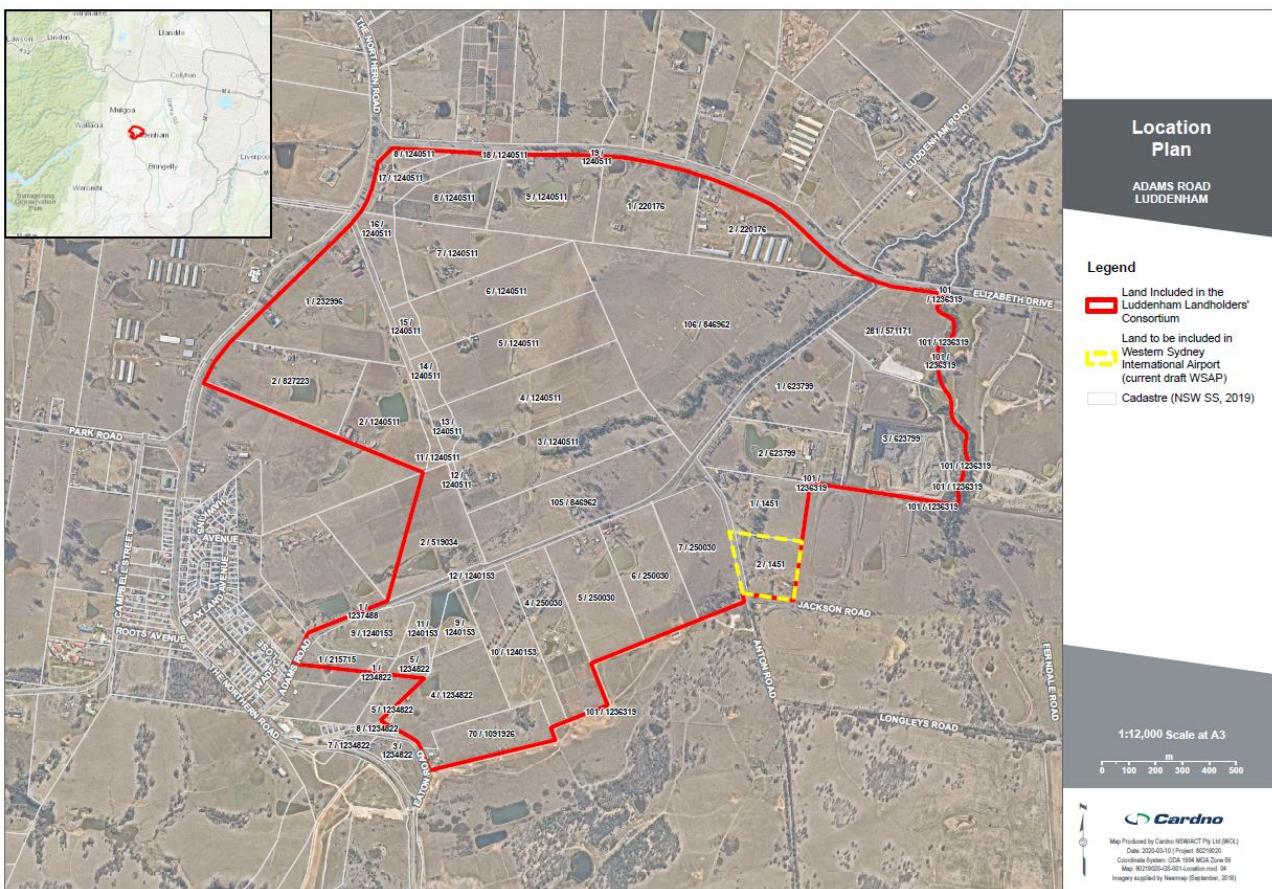


Figure 1-2 Indicates the extent of the Consortium Lands, delineated with a red boundary (the Study Area)

Source: Cardno, 2020

Figure 1-1 indicates the extent of the Consortium Lands, delineated with a red boundary. The figure also indicates land that is proposed to be included in the Airport lands in the current draft WSAP (edged yellow).

1.4 Background to this submission

1.4.1 Stage 1 WSAP submission

To inform the submission made to the exhibition of Stage 1 of the WSAP, Cardno carried out a planning investigation process which included:

1. Review of the strategic planning background of the Study Area in the context of the then current and historic regional planning.
2. Undertaking of a strategic land use and high level land capability assessment of the Study Area to;
3. A high level economic analysis of the Study Area with respect to various land use scenarios (to assess the comparative economic returns and job creation potential traditional agricultural practices against high tech agriculture, logistics and flexible employment).
4. A high level transport infrastructure capability assessment.

The purpose of this exercise was to gain an understanding of the comparative benefits of the proposed designation of the land for Agriculture and Agribusiness against designation for Employment purposes. A secondary purpose was to assess the benefits of including the Precinct in the Stage 1 delivery package for the Aerotropolis.

1.4.2 Mamre Road Precinct exhibition

In late 2019, Cardno also prepared a submission on behalf of the Luddenham Landholders Consortium on the exhibition of proposed amendments to the State Environmental Planning Policy (Western Sydney Employment Area) 2009 Mamre Road precinct in late 2019. Submissions to this exhibition are still under DPIE consideration.

Of direct relevance to the Stage 2 draft WSAP:

- The Consortium Lands are identified as employment lands under the WSEA SEPP. This is the only land within the proposed Agribusiness Zone identified for employment purposes under an environmental planning instrument.
- The Consortium Lands were also uniquely identified in the Western City District Structure Plan as the only land in the proposed Agribusiness Zone as not being within the metropolitan rural area.
- Part of the Consortium Lands are the only land within the Agribusiness Precinct included in the economic corridor of the Western City District Structure Plan. The Consortium Lands were also shown in this early planning stage as being the only land within the Agribusiness Zone as being within a land release area.

1.5 Process for preparation of this submission

The Stage 2 Planning Package currently on exhibition proposes that the Precinct will be zoned Agribusiness and that it will be included as one of six Precincts to be delivered in the first stage of planning for the Aerotropolis.

The recommendations of this submission to the Stage 2 WSAP have been informed by the following process:

- Precedent research to identify strategic objectives and landuses that would contribute to the viability of the Agribusiness Precinct in its context within the Aerotropolis.
- Review of the “Expected planning outcomes - initial precincts” in S.7.3 of the Stage 2 draft WSAP and with recommendations for any additional outcomes that may contribute positively to planning for the Agribusiness Precinct.
- Review of the precinct specific draft objectives and permissible uses for the Agribusiness Precinct in the draft State Environmental Planning Policy (as articulated in the SEPP Discussion Paper) with recommendations for any additional objectives and landuses that would contribute to the viability of the Agribusiness Precinct.
- Review of the proposed Precinct Planning Program with respect to timing for delivery of the Agribusiness Precinct.
- Review and commentary on the proposed strategy for Infrastructure Funding in the Stage 2 draft WSAP.

2 The Stage 2 Planning Package as it applies to the Consortium Lands

2.1 Introduction

Cardno has carried out a review of the Stage 2 Planning Package in order to identify its implications for the future development of the Consortium Lands. The review has been informed by an overview of the general characteristics of and activities that occur within agribusiness precincts and an assessment of the implications of this for planning for the WSA Agribusiness Precinct.

Broadly speaking, the Planning Package addresses two key elements in planning for the WSA:

- Land use and planning objectives
- Delivery programming

Secondary considerations in the Planning Package include:

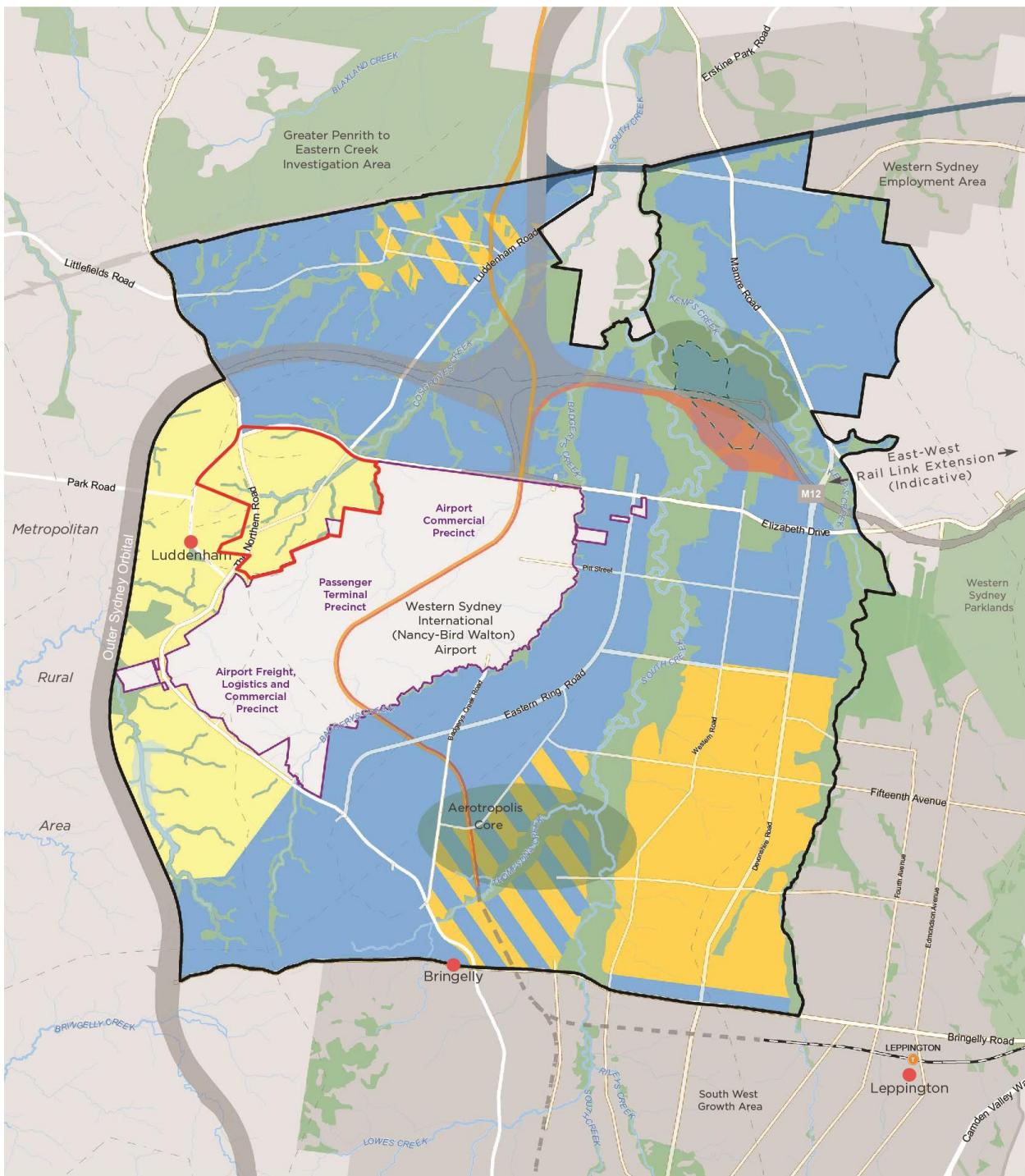
- Infrastructure funding and provision
- Airport operations

-
- Resilience and adaptability

Our review covers each of these considerations.

2.2 Structure Plan (Figures 2-1 & 2-2)

The Stage 2 draft WSAP Structure Plan and Agribusiness Precinct Structure Plan propose zoning of the Consortium Lands as part Agribusiness and part Environment and Recreation in the upcoming WSA SEPP. The proposed re-alignment of The Northern Road, under construction at the time of preparation of this submission, is proposed to be zoned Infrastructure. The Agribusiness Zone covers the majority of the Consortium Lands. Figure 2-2 indicates that a portion of the Consortium Lands in the mid-east has been transferred to Airport Lands.



Structure Plan

Western Sydney Aerotropolis

- Western Sydney Aerotropolis
- Western Sydney International (Nancy-Bird Walton) Airport
- - Topographic Ridgeline
- Key Network Upgrades
- Regional Parkland (Investigation)
- - Critical Utility / Infrastructure (Investigation)

- Proposed Sydney Metro Greater West
- Potential East-West Rail Link, Stabiling and Critical Infrastructure
- - Proposed Future Rail Links (Investigation)
- Proposed Transport Corridor
- Potential Western Sydney Freight Line Corridor
- Proposed Sydney Metro Greater West
- Potential East-West Rail Link, Stabiling and Critical Infrastructure
- - Proposed Future Rail Links (Investigation)
- Proposed Transport Corridor
- Potential Western Sydney Freight Line Corridor

- Centre
- Agribusiness
- Environment and Recreation
- Flexible Employment
- Urban Land
- Mixed Flexible Employment & Urban Land

Figure 2-1 Draft Agribusiness Precinct Structure Plan (Consortium Lands edged red) (Draft Western Sydney Aerotropolis Plan Department of Planning, Industry and Environment, Dec 2019)

3 Commentary on the Stage 2 Planning Package

3.1 Enterprise Zone over the Consortium Lands

The current draft Structure Plan and the Agribusiness Precinct Structure Plan identify the Consortium Lands as Agribusiness with Environment and Recreation land generally following local creek corridors (Figure 2-1 & 2-2). The draft land zoning map (Figure 3-1) reiterates this arrangement and zones the land accordingly.

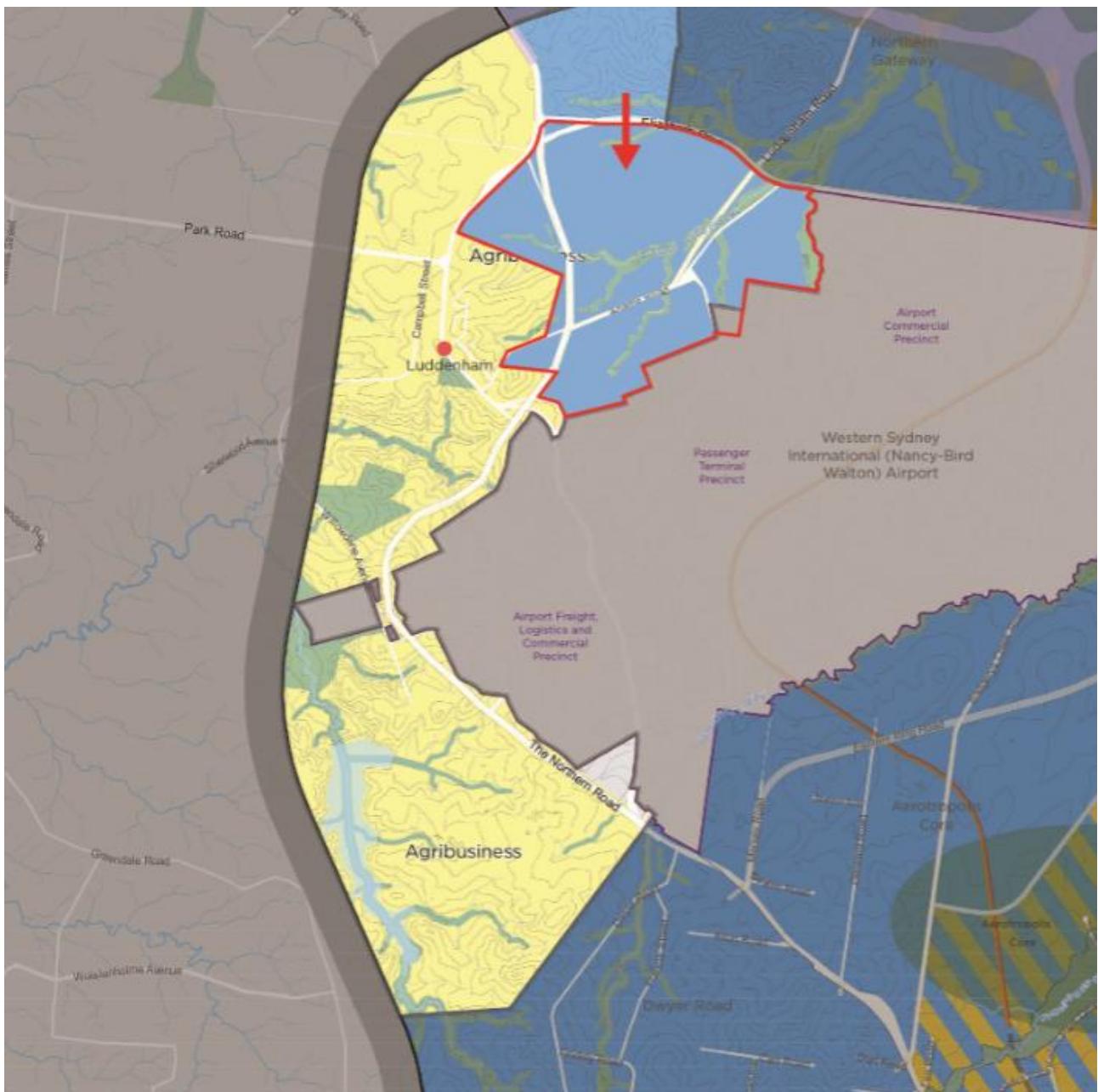
Cardno's submission to the Stage 1 WSAP exhibition included commentary on land capability. Our assessment found that the land directly to the west of the airport boundary and to the east of the Northern Road (in its original alignment) is well suited to employment based uses with respect to:

- Proximity to the airport
- Airport noise – the land is subject to the ANEC 20 contour or above, whereas there are large areas of land not noise affected.
- Slope – the majority of the land is at less than 10%
- Risk – the land is not flood or bushfire prone
- Transport infrastructure – Road upgrades to existing major roads and planned transport and freight carrying infrastructure, including public transport through the Consortium Lands (for example, the Rapid Bus Service).

Conversely, the use of the land for crop production would pose potential risks to airport activities due to the proximity of the land to the airport and a possible increased risk of wildlife strike.

The Cardno Stage 1 submission also included commentary on catchment planning, maintaining that the Consortium Lands lie within the same water catchment as the Northern Gateway and Luddenham North Precincts and that land use planning should reflect this. To quote from the Cardno submission:

"The Study Area lies within the Oaky / Cosgroves Creek catchment (South Creek Sub-Catchment) which is the same catchment that includes the Northern Gateway Precinct. Implementation of a catchment based planning approach to the Study Area would require that it be included as part of a coordinated planning exercise that incorporates the Area with the land to the north of Elizabeth Drive. Logical implementation of this approach would likely result in extension of the land uses associated with the Northern Gateway into the upper reaches of the catchment rather than the current planning in the draft Structure Plan which arbitrarily creates a division between land uses north and south of Elizabeth Drive." (Western Sydney Aerotropolis Stage 1 Land Use and Infrastructure Plan – Submission, Cardno, 2 November 2018).



Structure Plan - Agribusiness

Western Sydney Aerotropolis

0 0.35 0.65 1.3 Kilometres



- Western Sydney Aerotropolis
- Western Sydney International (Nancy-Bird Walton) Airport
- Topographic Contour 5m
- Regional Parkland (Investigation)
- Key Network Upgrades
- Proposed Sydney Metro Greater West
- Potential East-West Rail Link, Stabning and Critical Infrastructure
- Proposed Future Rail Links (Investigation)
- Proposed M12 Motorway Corridor
- Proposed Transport Corridor
- Agribusiness
- Environment and Recreation
- Flexible Employment
- Mixed Flexible Employment & Urban Land



Figure 3-1 Land recommended for zoning as Enterprise.

We note that the great majority of the land in the currently proposed Agribusiness Precinct which lies outside of the Consortium Lands is not within the Oaky / Cosgroves Creek catchment. In this regard, the Consortium Lands displays a further significant characteristic that points to a logical decision to include the land within the Enterprise Precinct to its north.

In light of these findings, we reiterate our opinion that the land to the east of the current Northern Road (the Consortium Lands) is better suited to the Enterprise Zone than to Agribusiness.

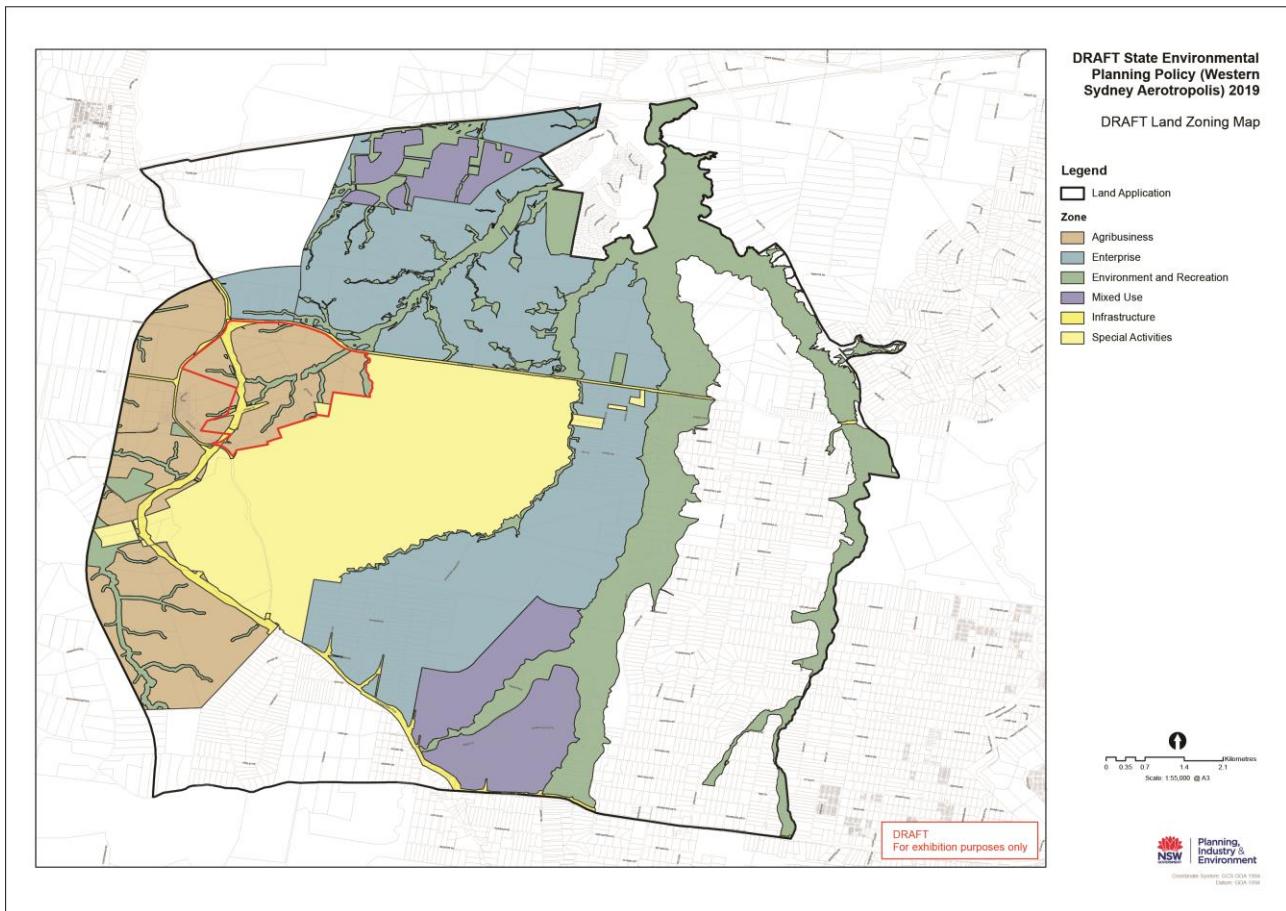


Figure 3-1 Draft land zoning map – Consortium lands edged red (Draft SEPP maps - Western Sydney Aerotropolis, 2019)

3.2 Commentary on zoning as proposed in the Stage 2 WSAP

Our initial opinion, articulated in Section 3.1 of this submission, is that the Consortium Lands should be included in the Enterprise zone. Notwithstanding this, we include in this section, commentary and recommendations on the zones proposed in the Agribusiness Precinct of the Stage 2 draft WSAP.

The Western City & Aerotropolis Authority (**WCAA**) has articulated a number of objectives on its website and in its latest Annual Report for development of the Aerotropolis. With respect to the Agribusiness Precinct, WSA states an overall objective to:

“deliver jobs supporting intense food production, pharmaceutical manufacturing and a 24/7 international freight and logistics hub.” (<https://www.wcaa.sydney/the-precincts>).

The 2018-2019 WSA Annual Report describes the Agribusiness Precinct as:

“.... A sophisticated, intense food production hub along with high tech freight and logistics connecting Western Sydney to global markets.” (WSAA 2018-19 Annual Report, p.8)

Our opinion with regard to the success of the WSA Agribusiness Precinct is that precinct specific planning objectives for Agribusiness in the future SEPP should be aimed specifically at:

- Maximising opportunities for investment at levels ranging from corporate to boutique.
- Encouraging high tech food and pharmaceutical production.
- Facilitating flexibility in land use to encourage development of a vibrant mixed use, agribusiness centred precinct.
- Allowing for the industrial land uses that are critical to processing, storage and delivery of agribusiness based products.
- Maximising opportunities for agribusiness based jobs.

- To better achieve these aims, we propose addition of the following objectives to the Agribusiness Zone land use table for the draft SEPP:
 - To encourage innovation based land uses within the Precinct.
 - To facilitate a mixed use Agribusiness Precinct incorporating agricultural production, research, education, trade, agri-tourism and short term accommodation.
 - To allow for the industrial uses necessary to support production, storage and delivery of agribusiness based products.
 - To encourage an integrated, circular agribusiness system incorporating production, processing, delivery, waste materials collection and recycling.
 - DELETE: To maintain and enhance natural rural character, biodiversity and sustainability of the area;
 - REPLACE WITH: To ensure that land which has the potential to impact environmental conservation values, natural or rural character is developed appropriately and does not detract from significant views, biodiversity or sustainability outcomes for the Precinct.
 - To allow for non-agricultural land uses that will not restrict the use of other land in the locality for agribusiness purposes
 - To maximize employment opportunities within the Precinct.

3.2.1 The Agribusiness Zone

With respect to the proposed Agribusiness zone, Cardno considers it necessary to include a number of land use descriptions that would provide additional flexibility, encourage investment and innovation and contribute to delivery of a diverse and vibrant Agribusiness precinct. We include these proposed additional permissible land uses in the table below with a brief justification of our recommendation for each.

Proposed additions to Permissible with Consent table	Explanation / justification
Agricultural produce industry	The Standard Instrument LEP definition for agriculture produce industry includes allowance for “ <i>....handling, treating, processing or packing, for commercial purposes, of produce from agriculture.</i> ” Inclusion of this as a permissible land use is consistent with our proposed objective to allow for the industrial uses necessary to support the production, storage and delivery of agricultural products.
Building identification signs	Necessary for any building within the zone.
Business identification signs	Necessary for any business activity within the zone.
Centre based childcare facility	To support a working population
Filming (agribusiness)	There appears to be no reason why this would not be permissible within the zone
General industry (agribusiness)	The Standard Instrument definition of General Industry is “ <i>a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity</i> ” Many of the activities likely to be carried out in the agribusiness precinct around processing of agricultural products are likely to fall within this definition.
Light industry (agribusiness)	Per the Standard Instrument LEP definition, this would permit High technology Industry, including

	<p><i>“Pharmaceutical … systems, goods or components.”</i></p>
Office premises	<p>Offices will be necessary to provide administrative support to the agribusiness precinct. The land use would preclude general retail land uses which would be more appropriate in the enterprise zone. Retail uses fall within the Standard Instrument definition of Commercial Premises.</p>
Resource recovery facility (agribusiness)	<p>Resource recovery is a legitimate use within the Agribusiness zone and is consistent with the strategic outcomes for sustainability in the draft Stage 2 WSAP. It is supported by our proposed objective</p> <p>To encourage an integrated, circular agribusiness system incorporating production, processing, delivery, waste materials collection and recycling.</p>
Respite day care centre	<p>Similar to the need to provide childcare facilities for workers in the Agribusiness Precinct, it is necessary for equity purposes to provide for day care for seniors or people with a disability. Direction 4 in the Standard Instrument requires that:</p> <p><i>Respite day care centres must be permitted wherever a centre-based child care facility is permitted in the Land Use Table</i></p>
Retail premises (agribusiness and agri-tourism)	<p>Our opinion is that retail premises would be a use consistent with the objective to deliver a vibrant precinct that maximizes activity and comprehensively caters to the needs of workers and visitors. We propose that retail premises should be permissible if they can be demonstrated to be consistent with agribusiness or tourism related uses.</p>
Road	<p>This is potentially an oversight on the part of the drafters of the draft land use table. It will clearly be necessary to include roads as a permissible use in the zone.</p>
Tourist and visitor accommodation	<p>Accommodation for visiting workers or tourists is considered to be a legitimate use ancillary to the need for the Precinct to support professional and tourist related visitors.</p>
Veterinary hospital	<p>Animal boarding and training establishments are permissible uses in the Agribusiness zone. Veterinary hospitals are an ancillary use to animal boarding and training establishment and are consistent with the objectives of the zone. This use should be permissible.</p>
Warehouse or distribution centre (agribusiness)	<p>We consider that warehousing and distribution centres are legitimate and necessary uses to support agricultural and food production and should be permissible uses within the zone.</p>

Wholesale supplies (agribusiness)	Sale of wholesale supplies relevant to agribusiness within the precinct is also considered to be a legitimate use to support agricultural and food production and should be permissible uses within the zone.
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The land uses bracketed as “agribusiness” or “agribusiness and agri-tourism” are proposed as standard land use definitions with the addition that the use as defined in the Standard Instrument would only be permissible if it can be demonstrated that a proposed use would be ancillary to or would actively advance agribusiness based uses in the Precinct.

It is also noted that rural workers’ dwelling in the land use table would be reliant on existing use rights for dwelling houses due to the Standard Instrument wording for this land use. As dwelling houses are a prohibited use in the Agribusiness Zone, a separate definition for rural workers’ dwelling may need to be added to the SEPP to facilitate this use.

To reflect these additional objectives and permissible land uses, we propose the following amended draft Objectives and Land Use Table for inclusion in the draft WSA SEPP. Proposed additional Objectives and Land Uses are in blue print.

Objectives
<ul style="list-style-type: none"> • To encourage sustainable and high technology Agribusiness and Agricultural production with links to food production and processing. • To encourage diversity in Agricultural and Agribusiness enterprises and systems appropriate for the area. • To encourage innovation based land uses within the Precinct. • To facilitate a mixed use Agribusiness Precinct incorporating agricultural production, research, education, trade, agri-tourism and short term accommodation. • To allow for the industrial uses necessary to support production, storage and delivery of agribusiness based products. • To encourage an integrated, circular agribusiness system incorporating production, processing, delivery, waste materials collection and recycling. • To encourage the development of integrated food and supply chain related industries. • To minimise conflict between land uses within this zone and land uses within adjoining zones. • <u>To maintain and enhance natural rural character, biodiversity and sustainability of the area;</u> • To ensure that land which has the potential to impact environmental conservation values, natural or rural character is developed appropriately and does not detract from significant views, biodiversity or sustainability outcomes for the Precinct. • To allow for non-agricultural land uses that will not restrict the use of other land in the locality for agribusiness purposes. • To allow for the sustainable and holistic development of agritourism product and experiences. • To protect the operations of the Airport, including 24-hour operations, and provide appropriate protections for the community. • To maximize employment opportunities within the Precinct. • Unless uses are permitted under existing zonings, ensure there are no sensitive land uses (such as residential, aged care, early education and childcare, educational establishments and hospitals amongst other uses) located within the ANEC 20 and above contours. • Ensure that all land uses up to the ANEC 20 contour are subject to appropriate design and construction standards to reduce any potential for airport noise impacts.

Permitted without consent

- Home occupation

Permitted with consent

- Agricultural produce industry
- Animal boarding or training establishment
- Building identification signs
- Business identification signs
- Business premises
- Car park
- Centre based childcare facility
- Community facility
- Earthworks
- Educational establishment
- Eco-tourist facility
- Electricity generating works
- Environmental protection works
- Environmental facility
- Farm building
- Farm stay accommodation
- Filming (agribusiness)
- Flood mitigation work
- Food and drink premises
- Freight transport facility
- Function centre
- Garden centre
- General industry (agribusiness)
- Health services facilities
- Industrial training facility
- Information and education facility
- Intensive plant agriculture
- Landscaping material supplies
- Light industry
- Market
- Office premises
- Places of public worship
- Plant nursery
- Recreation area
- Research station
- Road
- Roadside stall
- Resource recovery facility (agribusiness)
- Respite day care centre
- Retail premises (agribusiness and agri-tourism)
- Rural industry
- Rural supplies
- Rural workers' dwelling

- Service station
- Telecommunications facility
- [Tourist and visitor accommodation](#)
- [Veterinary hospital](#)
- Warehouse or distribution centre
- Water recycling facility
- Water supply system
- [Wholesale supplies \(agribusiness\)](#)

3.2.2 Environment and Recreation Zone

The zone has been allocated to riparian zones within the Consortium Lands (Figure 2-2). The zone will be applied to substantial areas of land within the Consortium lands.

We make the following comments and recommendations regarding the proposed Environment and recreation zone:

3.2.2.1 Permissible land uses

The Standard Instrument – Principal Local Environmental Plan prescribes a range of separate zones for environmental protection and recreation. If environment and recreation is to be included in a single zone, the zone objectives and permissible uses will need to ensure protection of environmental values of land subject to the zone while also maximising opportunities for recreational uses. We note that the zone objectives quoted in the in the WSA SEPP Discussion Paper are generally derived from those in the Standard Instrument zones RE1 Public Recreation and E2 Environmental Conservation. Our opinion is that these are appropriate.

With respect to permissible land uses, we recommend that the following uses be added:

Proposed additions to Permissible with Consent table	Explanation / justification
Aquaculture	<p>We note that the land within the Consortium Lands proposed to be zoned Environment and Recreation is currently in private ownership. It would follow then that uses allowed under the Standard Instrument for the RE2 Private Recreation zone should be permissible under the proposed zone.</p> <p>Aquaculture is a permissible use listed in the Standard Instrument for RE1 – Public Recreation and RE2 – Private Recreation zones and in the Waterway (W) zones. Our opinion is that, for consistency, aquaculture should be a permissible use in the proposed environment and recreation zone.</p>
Building identification signs	Necessary for any building within the zone.
Business identification signs	Necessary for any business activity within the zone.
Car park	Necessary use associated with recreational uses
Community facilities	Similar to aquaculture, community facilities are permissible in the RE2 Zone under the Standard Instrument. For consistency and to enhance community use of the recreational lands, community facilities should be permissible in the proposed zone.

Recreation facilities (indoor)	Again, recreation facilities (indoor) are permissible in the RE2 Zone under the Standard Instrument and should be permissible in the proposed zone.
Restaurants and cafes	The Stage 1 LUIPP promoted this outcome in recreational lands, and these uses are generally permissible uses under RE1 and RE2 Zones

Out of this commentary, we recommend the following amended land use table for the Environment and Recreation Zone (recommended additional permissible uses toned blue)

Permitted without consent
<ul style="list-style-type: none"> • Environmental Protection works • Flood Mitigation works
Permitted with consent
<ul style="list-style-type: none"> • Aquaculture • Building identification signs • Business identification signs • Car park • Community facilities • Environmental facility • Information and education facility • Kiosk • Recreation area • Recreation facilities (indoor) • Recreation facilities (outdoor) • Restaurants and cafes • Water recreation structure • Road

3.2.2.2 Potential inconsistencies with the Department's recommended practices

The proposed application of the Environment and Recreation zone will have substantial financial consequences for the landowners.

On 30 April, 2009, the then Department of Planning issued *LEP Practice Note – Standard Instrument for LEPs – Environment Protection Zones (PN 09-002)*. The Department's Practice Note cautioned local councils (and itself) about highly restrictive uses associated with the application of environmental zones. Relevantly:

"Council should be aware that the range of uses should not be drawn too restrictively as they may, depending on circumstances, invoke the Land Acquisition (Just Terms Compensation) Act 1991 and the need for the Minister to designate a relevant acquiring authority. Unless a relevant acquisition authority has been nominated and that authority has agreed to the proposed acquisition, council should ensure, wherever possible, that the range of proposed land uses assists in retaining the land in private ownership." (DoP Practice Note 09-002, p.2).

Our opinion is that the currently proposed zoning of the Consortium Lands as Environment and Recreation incorporating the highly restrictive land uses listed in the current draft land use table meets the circumstances cautioned against by the Department.

3.2.3 Infrastructure (SP1) Zone

The Infrastructure Zone would also affect a substantial area of land within the Consortium Lands. Consideration of a mechanism for just compensation of landowners for loss of development opportunity due to this zoning should be included in the next round of planning documents for any future infrastructure.

3.3 Prioritisation of delivery

The Luddenham Landholders Consortium is committed to delivering development outcomes on their land consistent with the expectations of the Western Sydney Planning Partnership. To that end the Consortium is actively seeking partnerships with investors and major developers. This commitment points to a high degree of certainty that development can be achieved in the medium term, provided that potential partners are provided with the confidence of a suitable delivery timeframe.

The draft *Western Sydney Aerotropolis Plan, December 2019 (draft WSAP)* has changed the prioritisation of the delivery of the Aerotropolis. The first stage draft LUIPP prioritised the Aerotropolis Core, the Northern Gateway and South Creek as the first three stages in delivery of the Aerotropolis. The 2019 draft WSAP has amended the delivery sequencing to six precincts in the Stage One delivery package. The precincts and reason for prioritising each are:

- Aerotropolis Core: Facilitate investment and jobs that will benefit from the Airport.
- Northern Gateway: Facilitate investment and jobs that will benefit from investment in transport infrastructure such as the Sydney Metro Greater West Stage 1.
- Wianamatta - South Creek: a central green spine crucial to the Aerotropolis' amenity, liveability and environment.
- Agribusiness Precinct – to stimulate planning and investment in new industries close to the Airport.
- Mamre Road Precinct – integrated into the Western Sydney Employment Area.
- Badgerys Creek Precinct – to facilitate detailed planning of road infrastructure to support the Airport.

The draft WSAP does not include an indication of programming for delivery of the six initial Precincts. We understand that the delivery of the Aerotropolis will be based on identification and delivery of required infrastructure prior to roll out of development. It is not clear at this point whether the Precincts will be delivered in parallel or sequentially and, if delivered sequentially, in what order.

We see significant advantages in early delivery of the Agribusiness Precinct including:

- Synergies with the Enterprise based land uses proposed for the Northern Gateway.
- Synergies with the mixed use zones through generation of local jobs to encourage residential development.
- Strong and specific synergies with airport and other transport infrastructure.
- The fact that the Consortium Lands are well served with regional transport infrastructure including the realigned Northern Road, the Adams Road intersection and the Elizabeth Drive upgrade, all to be operational in the short term. Essentially, the Consortium Lands are infrastructure and transport ready.
- The potential for a rapid take up of land adjacent to the airport for development. This would in turn lead to a substantial increase in land values and a consequent strong potential for revenue flow to Government via value capture mechanisms.
- The opportunity for sustainable food production and processing to support the growing Aerotropolis.

On this basis and in light of the clear commitment of the Consortium to partner to achieve rapid outcomes, we recommend that Precinct Planning for the Agribusiness Precinct should remain a high priority for delivery in future programming.

3.4 Infrastructure funding and provision (draft WSAP, Section 8)

Section 8 of the draft WSAP canvases mechanisms for infrastructure funding including:

- Special Infrastructure Contributions
- Local Infrastructure Contributions

-
- Value Capture

It is to be expected that more detail on these mechanisms will be provided in subsequent planning stages for the WSA. At this point we make the following observations regarding planning for infrastructure contributions:

- Contribution rates should be consistent with current rates systems and should not place undue financial burden on landowners.
- Timing for levying of rates in the approval process will impact on viability of development due to potential cash flow implications for developers.

3.5 Airport operations

Objectives and controls to safeguard airport operations and the future expansion of the airport and, conversely, to minimise impacts of the 24 hour airport on land use in the Aerotropolis are included in the SEPP Discussion Paper. Essentially these are based on implementation of the NASF guidelines and have not changed since the Stage 1 draft Planning Package.

With respect to the Consortium Lands, the only implication would be the potential for land proposed to be zoned Environment and Recreation to be a contributing factor for wildlife strike. This would, however, be an inevitable risk that would be managed in accordance with the relevant NASF management guidelines.

Our opinion is that the airport operations objectives and controls as currently proposed, if appropriately managed, would not impact on the viability of the Agribusiness Precinct. Conversely, there is a clear symbiosis between the potential operations of a contemporary agribusiness precinct and proximity to mass transport infrastructure including the airport and the land based infrastructure planned for the Aerotropolis.

3.6 Resilience and adaptability

Section 6 of the draft WSAP broadly covers measures to ensure social and economic resilience is built into planning of the WSA. With respect to the Agribusiness Precinct and specifically the Consortium Lands, the most relevant measures are under the heading of Circular Economy.

This submission recommends additional land uses aimed at management, recycling and re-use of waste products from agricultural production to be included in the Land Use Table for the Agribusiness Zone. These recommended uses are of direct relevance to achieving the goals in the draft WSAP for a Circular Economy.

4 Conclusion and Recommendations

In summary, our review of the Stage 2 Planning Package for the Western Sydney Aerotropolis with regard to its connotations for the successful development of the land incorporating the Consortium Lands and the greater Agribusiness Precinct makes the following recommendations:

Recommendation 1: That the Consortium Lands be within the Enterprise Zone

The land south of Elizabeth Drive, included within the WSEA is suited to employment purposes and should be zoned Enterprise under the proposed WSA SEPP.

Recommendation 2: That the Agribusiness Zone objectives be amended as follows (recommended additional Objectives toned blue):

Objectives
<ul style="list-style-type: none">• To encourage sustainable and high technology Agribusiness and Agricultural production with links to food production and processing.• To encourage diversity in Agricultural and Agribusiness enterprises and systems appropriate for the area.• To encourage innovation based land uses within the Precinct.• To facilitate a mixed use Agribusiness Precinct incorporating agricultural production, research, education, trade, agri-tourism and short term accommodation.• To allow for the industrial uses necessary to support production, storage and delivery of agribusiness based products.• To encourage an integrated, circular agribusiness system incorporating production, processing, delivery, waste materials collection and recycling.• To encourage the development of integrated food and supply chain related industries.• To minimise conflict between land uses within this zone and land uses within adjoining zones.• To maintain and enhance natural rural character, biodiversity and sustainability of the area;• To ensure that land which has the potential to impact environmental conservation values, natural or rural character is developed appropriately and does not detract from significant views, biodiversity or sustainability outcomes for the Precinct.• To allow for non-agricultural land uses that will not restrict the use of other land in the locality for agribusiness purposes.• To allow for the sustainable and holistic development of agritourism product and experiences.• To protect the operations of the Airport, including 24-hour operations, and provide appropriate protections for the community.• To maximize employment opportunities within the Precinct.• Unless uses are permitted under existing zonings, ensure there are no sensitive land uses (such as residential, aged care, early education and childcare, educational establishments and hospitals amongst other uses) located within the ANEC 20 and above contours.• Ensure that all land uses up to the ANEC 20 contour are subject to appropriate design and construction standards to reduce any potential for airport noise impacts.

Recommendation 3: That the Agribusiness Zone land use table be amended as follows (recommended additional Permissible Uses toned blue):

Permitted without consent

-
- Home occupation

Permitted with consent

- Agricultural produce industry
- Animal boarding or training establishment
- Building identification signs
- Business identification signs
- Business premises
- Car park
- Centre based childcare facility
- Community facility
- Earthworks
- Educational establishment
- Eco-tourist facility
- Electricity generating works
- Environmental protection works
- Environmental facility
- Farm building
- Farm stay accommodation
- Filming (agribusiness)
- Flood mitigation work
- Food and drink premises
- Freight transport facility
- Function centre
- Garden centre
- General industry (agribusiness)
- Health services facilities
- Industrial training facility
- Information and education facility
- Intensive plant agriculture
- Landscaping material supplies
- Light industry
- Market
- Office premises
- Places of public worship
- Plant nursery
- Recreation area
- Research station
- Road
- Roadside stall
- Resource recovery facility (agribusiness)
- Respite day care centre
- Retail premises (agribusiness and agri-tourism)
- Rural industry
- Rural supplies
- Rural workers' dwelling
- Service station
- Telecommunications facility
- Tourist and visitor accommodation
- Veterinary hospital
- Warehouse or distribution centre

- Water recycling facility
- Water supply system
- Wholesale supplies (agribusiness)

Recommendation 4: That the Environment and Recreation Zone land use table be amended as follows (recommended additional land uses toned blue):

Permitted without consent

- Environmental Protection works
- Flood Mitigation works

Permitted with consent

- Aquaculture
- Building identification signs
- Business identification signs
- Community facilities
- Car park
- Environmental facility
- Information and education facility
- Kiosk
- Recreation area
- Recreation facilities (indoor)
- Recreation facilities (outdoor)
- Restaurants and cafes
- Water recreation structure
- Road

Recommendation 5: Implications of environment and recreation zoning over privately owned lands

That the proposal to zone certain lands within the Agribusiness Precinct as Environment and Recreation be reviewed in light of its impacts on the value of these lands and its consistency with advice in the Department's LEP Practice Note PN09-002 with regard to the allocation of Environment Protection Zones.

Recommendation 6: delivery timing for the Agribusiness Precinct

That the Agribusiness Precinct should be delivered early in order to encourage investment in agribusiness and allow for parallel development with Flexible Employment in the adjoining Northern Gateway. The Luddenham Landholders Consortium is committed to partnering with development or other business entities to achieve rapid outcomes on their land. Early staging of the Agribusiness Precinct will support their endeavours to attract investors and will provide synergies with future precincts and the airport.

Recommendation 7: Infrastructure contributions mechanisms and timing

That development of mechanisms for infrastructure contributions should ensure that contribution rates are consistent with current rates systems and do not place undue financial burden on landowners.

That timing for levying of contribution rates in the approval process should be set so that levies will not impact on viability of development due to potential cash flow implications for developers.