

Submission to Western Sydney Aerotropolis
for
Langway Pty Ltd

13 March 2020

1. Introduction

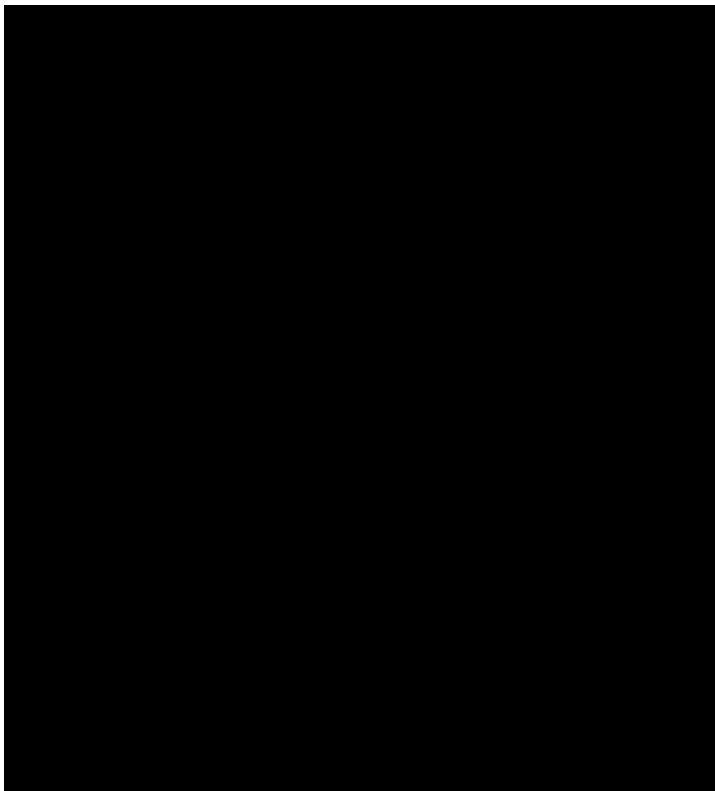
This submission is prepared on behalf of our client, Langway Pty Ltd, the registered owner of land formally identified as [REDACTED] in Deposited Plan [REDACTED] and more commonly known as [REDACTED], Badgerys Creek (**subject site**).

The subject site is located within the Badgerys Creek Precinct (refer [Figure 1](#)) that forms part of the Western Sydney Aerotropolis boundary as identified in the *Draft Western Sydney Aerotropolis Plan*.

This submission is complimentary to an earlier submission lodged with the Department of Planning, Industry and Environment by Gough Planning dated 11 February 2020.

The following documents have been referenced in the preparation of this submission:

- Draft Western Sydney Aerotropolis Plan
- Draft Western Sydney Aerotropolis Development Control Plan Phase 1
- Western Sydney Aerotropolis proposed SEPP Discussion Paper
- Penrith Local Environmental Plan 2010
- Environment and Recreation Zone Fact Sheet



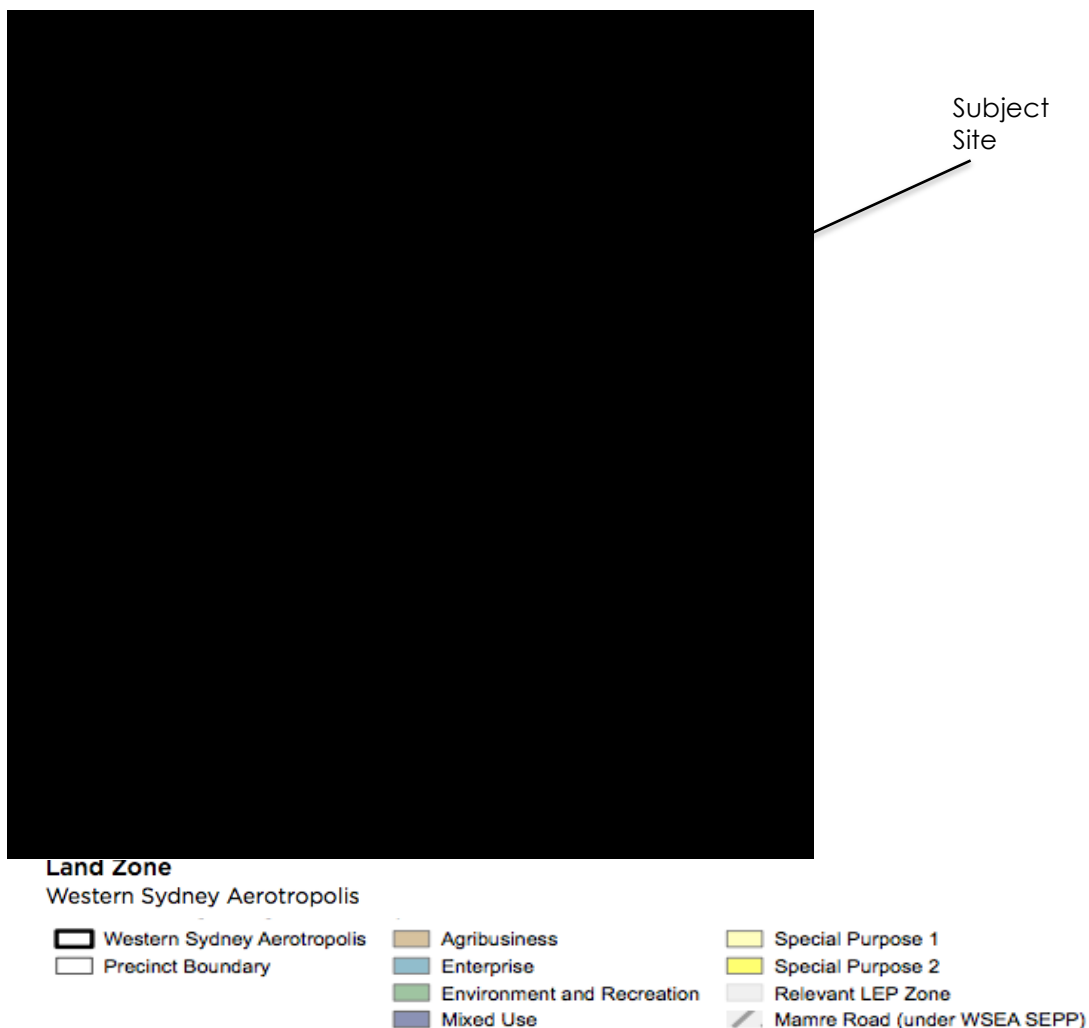
- Western Sydney Aerotropolis
- Western Sydney International (Nancy-Bird Walton) Airport
- Initial Precincts
- Wianamatta-South Creek
- ★ Subject site

2. Summary of Submission

The *Draft Western Sydney Aerotropolis Plan (the Plan)* proposes to rezone the subject site, outlined in black in [Figure 2](#), from 'R2 Rural Landscape' pursuant to *Penrith Local Environmental Plan 2010* to 'Environment and Recreation'.

Following a detailed and comprehensive review of the key Western Sydney Aerotropolis documents that are currently on public exhibition we are of the opinion that:

1. there is insufficient justification for the rezoning of the subject site to *Environment and Recreation*; and
2. the subject site should instead be rezoned *Enterprise*, the same as the surrounding lands.



3. Subject site

The subject site, outlined in red in Figure 3, is located on the northern side of Elizabeth Drive, Badgerys Creek on the corner of an unnamed access road. The site is rectangular in shape with an approximate [REDACTED] metre frontage to Elizabeth Drive and approximate area of [REDACTED]

To the north, the subject site is adjoined by the SUEZ Kemps Creek Resource Recovery Park that deals with waste types such as:

- Biosolids
- Contaminated waste
- Mixed putrescibles
- Non putrescibles

To the south, east and west the subject site is adjoined by rural/residential land uses.

It is understood that the subject site is currently occupied by:

- Crush and Haul Resource Recovery Facility; and
- BRM Recycling.

In addition, substantial work has commenced on the construction of a *poultry abattoir and processing facility* that was granted approval by Penrith Council. This approval also permits the removal of trees that currently exist on the subject site.

It is important to note that because of these existing and proposed land uses, the subject site has been substantially cleared of any significant vegetation as shown in Figure 3 and Figure 4 and will be cleared of more vegetation as a result of approved poultry abattoir and processing facility.

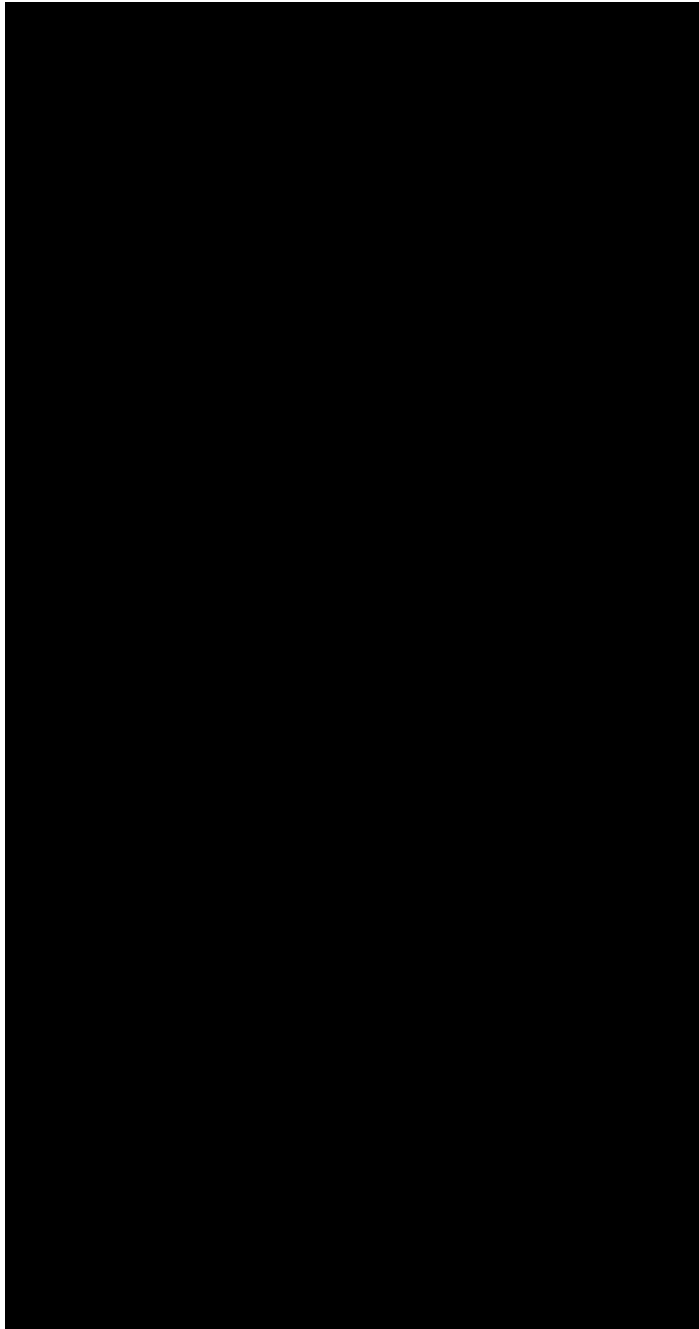
Pursuant to *Penrith Local Environmental Plan 2010* (LEP) the subject site is zoned *R2 Rural Landscape* with a primary objective "to encourage sustainable primary industry production". In providing a mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith, the LEP:

- Does not identify the subject site as environmentally sensitive land;
- Does not identify the subject site as containing terrestrial biodiversity;
- Does not identify the subject site as being affected by the 1% AEP flood event; and
- Does not identify the subject site as containing endangered ecological communities or having high biodiversity value.

In addition, the subject site is not mapped on the Biodiversity Values (BV) Map

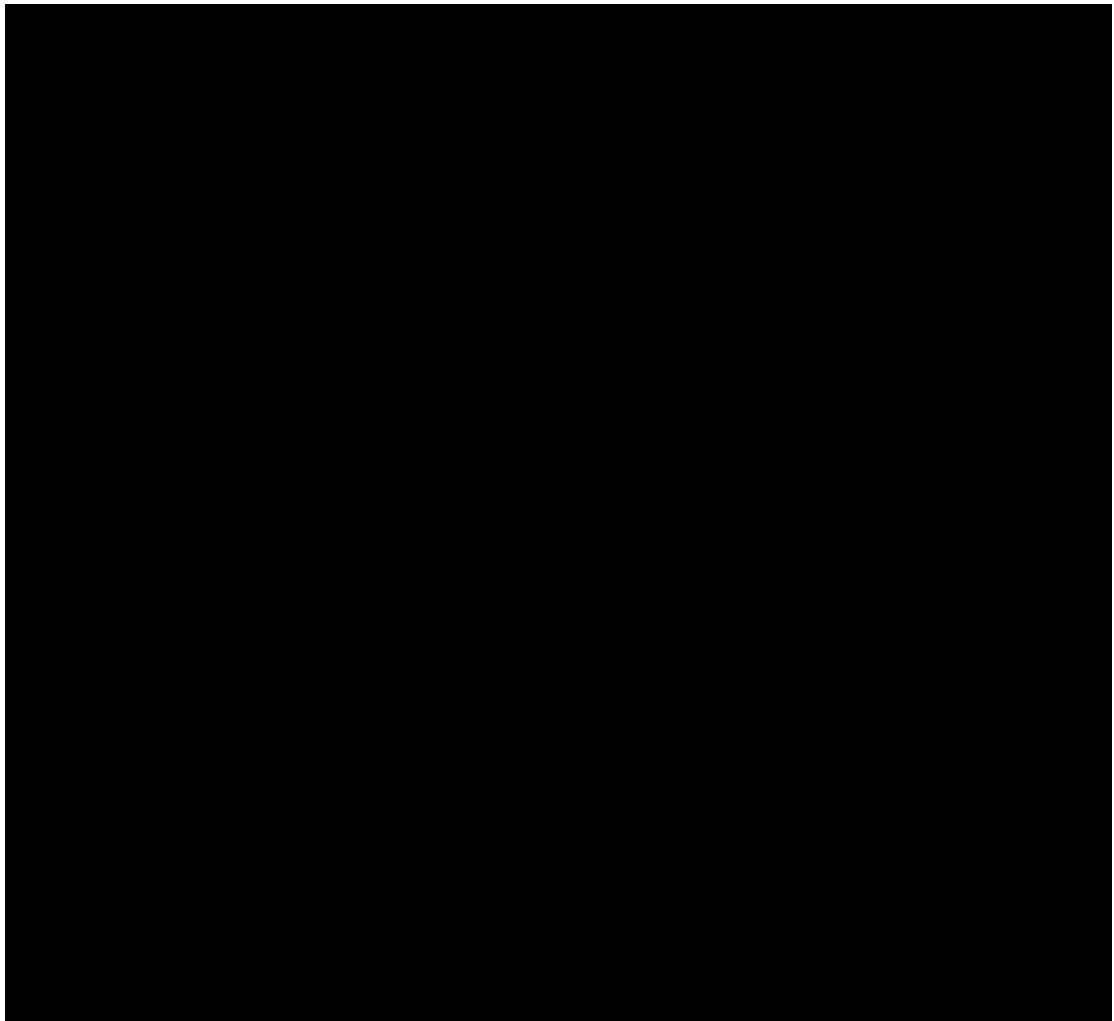
prepared by the Department of Planning, Industry and Environment (DPIE) under Part 7 of the *Biodiversity Conservation Act 2016 (BC Act)*. The DPIE website notes the BV Map “*identifies land with high biodiversity value that is particularly sensitive to impacts from development and clearing*”.

Figure 3: Aerial view of subject site



Source: Google Maps

Figure 4: Images of subject site



4. Submission

The Plan proposes to rezone the subject site from *R2 Rural Landscape* pursuant to *Penrith Local Environmental Plan 2010* to *Environment and Recreation*.

Following a detailed and comprehensive review of the key Western Sydney Aerotropolis documents that are currently on public exhibition we are of the opinion that there is insufficient justification for the rezoning of the subject site to *Environment and Recreation*.

This opinion has been formed based on;

1. A review of the existing development approvals on the subject site and how they may impact on the proposed rezoning;
2. An assessment of the elements associated with the Blue-Green Grid in the Plan; and
3. An assessment of the purpose and location of the *Environment and Recreation* zone having regard to the *Environment and Recreation Fact Sheet* prepared by Western Sydney Planning Partnership (WSPP).

The opinions expressed in this submission are also supported by an assessment of the ecological values present within the subject site undertaken by EcoPlanning. A copy of the assessment is attached to this submission.

1. Review of existing development approvals

As detailed in the attached EcoPlanning report, some clearing of native vegetation and grassland across the subject site commenced in 1997 in accordance with a development approval for a poultry abattoir. The clearing footprint that is currently evident on site commenced in 2018 as a result of additional development approvals that are currently active on site. While some native vegetation has been retained, it is considered to be too small and not sustainable.

2. Assessment of the elements associated with the Blue-Green Grid

Having due regard to the elements of the Blue-Green Grid described in the Plan the subject site is considered not well suited to being zoned *Environment and Recreation* because;

- It is not located within the setting of the Wianamatta-South Creek corridor that is embraced in the Plan as the central element of the urban design and water management of the Western Parkland.
- It is not located along any ridgeline that may help frame the Western Parkland City setting and reduce the visual dominance of urban areas across the vast expanse of the Aerotropolis.

- It is not located alongside infrastructure corridors and minor creeks that offer quality local open spaces for walking and cycling connections as well as recreation.
- It is located within the 3km wildlife buffer identified in the Plan and raises serious safety concerns regarding impacts of birds and other wildlife on aircraft, particularly during take-off and landing. The Plan discourages the planting of vegetation that can attract wildlife, particular for land such as the subject site that is in very close proximity to the end of the runway where planes come in for landing and/or take off.

There is no apparent justification for rezoning this parcel of land for conservation and/or recreational purposes given:

- The relatively small size of two (2) separate areas identified as having native vegetation communities; and
- The subject site is an isolated parcel of proposed conservation/recreation land in a 'sea' of land zoned for enterprise purposes with no opportunity for creating any linkages with green corridors to the east or west.

3. Assessment of the purpose and location of the *Environment and Recreation zone*

The *Environment and Recreation Fact Sheet* prepared by WSPP provides invaluable direction as to:

What is the purpose of the Environment and Recreation zone? and

Where is the Environment and Recreation zone?

In relation to purpose, the fact sheet states:

The Environment and Recreation Zone identifies land under the Structure Plans for purposes including regional parks, biodiversity conservation and flood management/mitigation.

and

The aims of the Environment and Recreation Zone are:

- *to protect, manage and restore areas of ecological, scientific, cultural or aesthetic values*
- *to encourage leisure, cultural and recreation facilities and support service to provide activation, and access, and enable areas for cafes, events, community celebrations and education/interpretative facilities*
- *to prevent development that could destroy, damage or otherwise have an adverse effect on those values*
- *to provide a range of recreational settings and activities and compatible land uses.*

In assessing the ecological values of the subject site, EcoPlanning has determined

that:

- the study area has been the subject of considerable recent disturbance;
- most native vegetation has been cleared from the site: and
- remaining vegetation is not sustainable in the long term.

Having due consideration to the findings of the ecological assessment, it is fair and reasonable to conclude the subject site;

- is not suitable for the purpose of a regional park or for biodiversity conservation; and
- does not have the ecological values needed to justify applying the aims of the *Environment and Recreation* zone.

The subject site is also not well located to existing water bodies, flood plains etc to be considered suitable for flood management/mitigation use.

In relation to where, the fact sheet identifies three (3) pre-conditions for locating the Environment and Recreation zone. The zone is to apply specifically to:

- *all land affected by the 1:100 chance per year flood;*

and also apply to:

- *land covered by the Strategic Assessment and Biodiversity Certification for the Growth Centres; and*
- *land covered by the Cumberland Plain Conservation Plan (CPCP). The CPCP will address impacts on high value biodiversity from urban growth through a conservation program.*

The only exception is being made to along Thompsons Creek, within the Aerotropolis Core Precinct, where the South Precinct Boundary is to be extended beyond the 1:100 chance per year flood extent to create additional opportunities for green space and recreation.

The following addresses the stated preconditions for where the *Environment and Recreation* zone should be located:

Precondition 1 - All land affected by the 1:100 chance per year flood

As identified in Penrith Council Flood Maps, the subject site is not affected by the 1:100 year flood. Compliance with this precondition is considered critical because the fact sheet is, in the first instance, specific about locating the *Environment and Recreation* zone in this area.

Precondition 2 - Land covered by the Strategic Assessment and Biodiversity Certification for the Growth Centres

The subject site is outside any Growth Centre boundaries.

Precondition 3 - Land covered by the Cumberland Plain Conservation Plan (CPCP)

It is understood the *draft Cumberland Plain Conservation Plan (DCPCP)* will be publicly exhibited later in 2020, and community and stakeholders will have an opportunity to have their say on the Plan. The field surveys and biodiversity assessments that have been referenced in the Western Sydney Aerotropolis exhibition documents are currently not publicly available and are expected to be made available as part of the public exhibition of the DCPCP. In the absence of any detailed background biodiversity assessments, the attached ecological assessment undertaken by EcoPlanning is a site specific assessment that provides detail of the ecological values present within the subject site.

While the subject site is located within the study area for the CPCP this precondition relates directly to how the CPCP will address the impact of urban growth on areas identified as being high value biodiversity. The ecological assessment undertaken by EcoPlanning confirms the subject site is not an area that can be considered as being high value biodiversity.

The subject site does not meet any of the preconditions for locating the *Environment and Recreation* zone and is not located within the only area specifically identified as being exempt from these preconditions.

5. Conclusion

1. A detailed analysis of the purpose and aims of the *Environment and Recreation* zone, as defined in WSPP's fact sheet, has been undertaken in relation to the proposed rezoning of the subject site and forms part of this submission.
2. As can be seen from this analysis, the subject site:
 - Is not considered suitable for a regional park, biodiversity conservation or flood management/mitigation;
 - Does not have the ecological values needed to justify applying the aims of the *Environment and Recreation* zone;
 - Does not meet the specified pre-conditions for where the *Environment and Recreation* zone should be located; and
3. The subject site is located in close proximity to the end of the proposed airport runway and raises serious safety concerns regarding impacts of birds and other wildlife on aircraft, particularly during take-off and landing.
4. The subject site is currently operating as a resource recovery facility and recycling facility and substantial works have also commenced on a Penrith Council approval for *poultry abattoir and processing facility*. This approval also permits the removal of trees that currently exist on the subject site.
5. In our opinion, there is insufficient justification for rezoning the subject site *Environment and Recreation* as proposed in the *Draft Western Sydney Aerotropolis Plan*. Subsequently, the subject site should be rezoned *Enterprise* in accordance with the surrounding lands in the Badgerys Creek precinct.

PPD Planning Consultants



[Redacted]

13 March 2020