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19 February 2020

Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: David McNamara

Dear Sir/Madam

RE: Submission – Western Sydney Aerotropolis Plan & Western Sydney Aerotropolis Discussion Paper on the proposed State Environmental Planning Policy.

We are the consultant town planners for the Langway Pty Ltd, the registered proprietor of land legally identified as [REDACTED] in Deposited Plan [REDACTED] and known as [REDACTED] Badgerys Creek (**the subject property**).

Summary of Objection

Our client objects to the proposed rezoning of the entirety of the subject property from RU – *Rural Landscape* under *Penrith Local Environmental Plan 2010 (LEP 2010)* to *Environment and Recreation* as depicted on the ‘Structure Plan’¹ and on the “Land Zone” Map². **Figure 1** below depicts the proposed zoning of our client’s property.

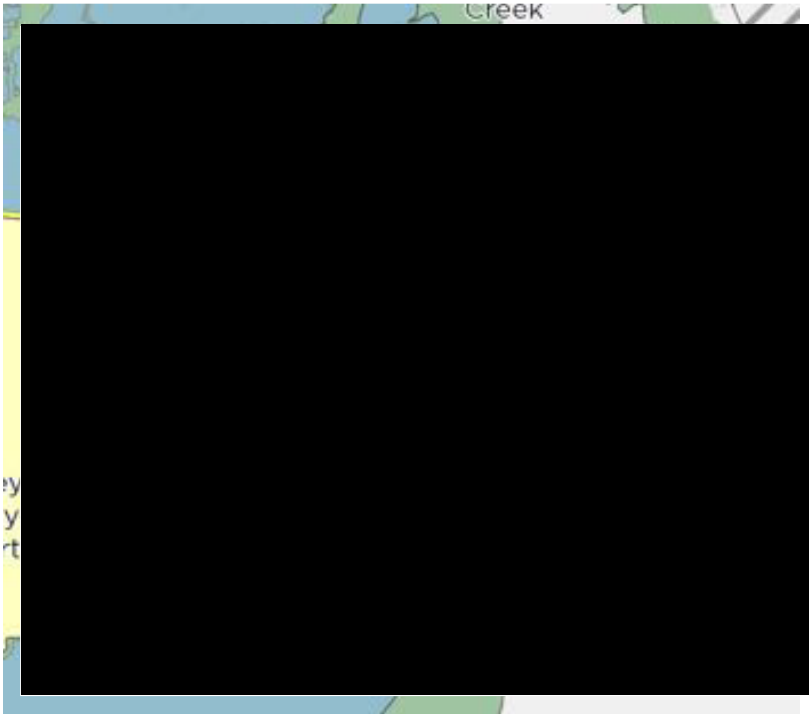


Figure 1: Proposed zoning of subject property under the SEPP

¹ Page 26 and 67 of the Aerotropolis Plan & p2 of the SEPP Discussion Paper

² Page 29 of the Aerotropolis Plan

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Our client requests that the zoning of his property under the SEPP, be *Enterprise*.

The subject property

The subject property is located on the northern side of Elizabeth Drive in Badgerys Creek and addresses an unnamed road to its east. The site is regular in configuration having a width of approximately [REDACTED] metres, a depth of approximately [REDACTED] metres and a site area of [REDACTED].




The subject property is cleared of vegetation with the exception of an area of shrubs and trees towards the southern portion of the site. This vegetated area does not form a connection with vegetation on adjoining properties, and is bisected by an unsealed vehicular track. An aerial photograph of the subject property is below at **Figure 2**.



Figure 2: Aerial image of the subject property as at 22 January 2020 (source nearmaps)

The subject property has been the subject of modification to its natural landform to accommodate two resource recovery facilities. Areas of the property have been levelled, whilst other areas have had embankments created. **Figure 3** are photographs of the subject property.

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<p>Photo 1: Image taken near corner of Elizabeth Drive and unnamed road.</p>	
<p>Photo 2: Image taken of subject property from unnamed road (mid block)</p>	
<p>Photo 3: Image taken of subject property from unnamed road (mid block)</p>	

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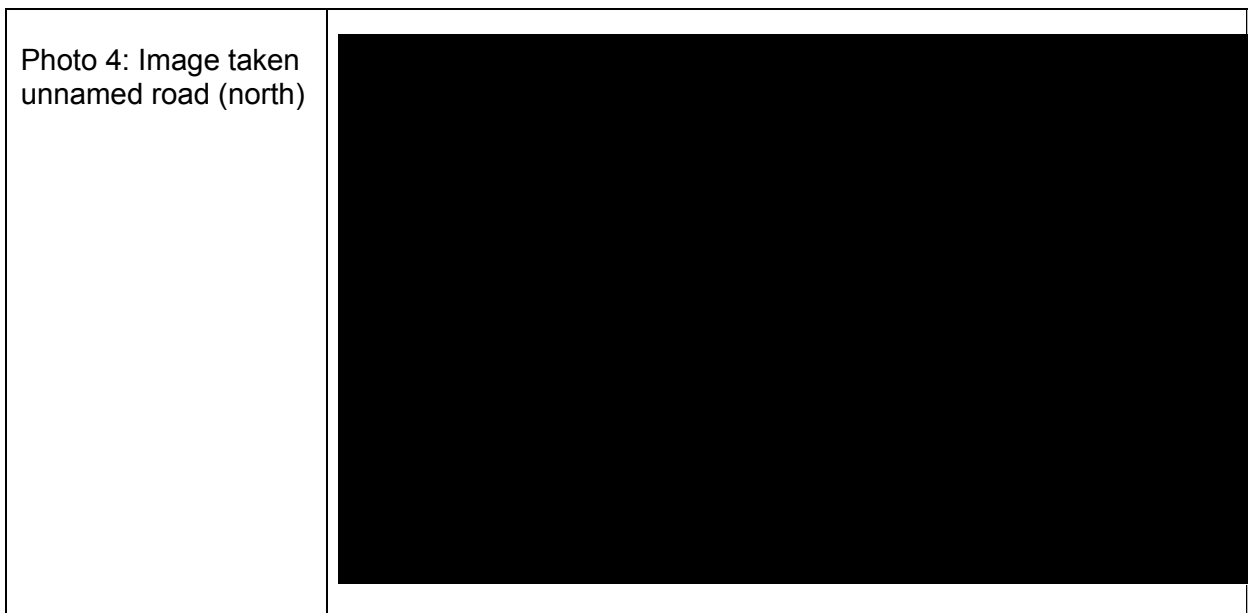


Figure 3: Photographs taken on 14 February 2020

The following development consents have been granted with respect to the subject property:

- Consent No. [REDACTED] for the *Erection and Operation of a Poultry Abattoir and Processing Facility*. This consent is operational, as development occurred pursuant to the consent before the lapsing period expired. Our client intends to develop its land for this purpose if the Aerotropolis Plan is not amended pursuant to this objection. We are instructed that this consent permitted the removal of trees which currently exist on the subject property.
- Consent No. [REDACTED] for a *Resource Recovery Facility*. Development is currently occurring pursuant to this development consent.

The subject property:

- Is not environmental sensitive land pursuant LEP2010
- Is not land containing terrestrial biodiversity pursuant to LEP 2010
- Is not affected by the 1% AEP³ flood event
- Is not mapped as containing endangered ecological communities or having high biodiversity value.

The subject property is adjoined to the south, east and west by rural and residential land uses. To the north the subject property is directly adjoined by the Kemps Creek Resource Recovery Facility, which is a facility which accepts a variety of waste including asbestos.

Figure 4 is an aerial photograph of the site and surrounds.

³ Annual Exceedance Probability

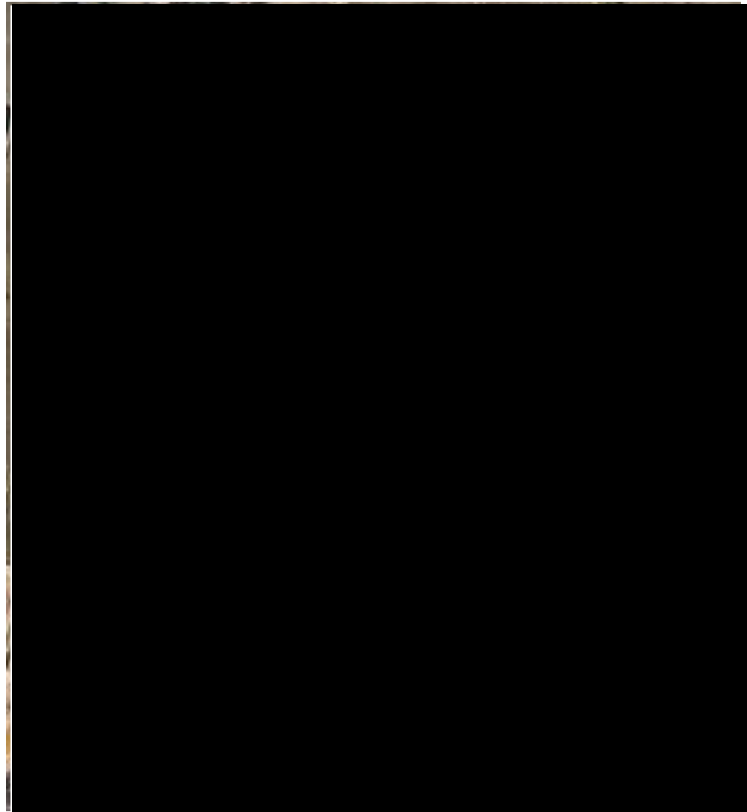


Figure 4: Aerial image of site and surrounds as at 22 January 2020

Details of Objection to Draft Masterplan

The proposed Environment and Recreation zoning applied to the subject property is objected to for the following reasons:

1. The subject property's unsuitability for conservation

The subject property is identified on the 'Blue Green Infrastructure' Map as having "Potential for Conservation".⁴ No explanation of justification is given as to why the subject property achieves this classification and in our submission the classification does not reflect the ecological significance of the subject property.

In our view the site is unsuitable for a zoning which seeks to promote environmental conservation for the following reasons:

- As described above, the subject property is devoid of bushland, with the exception of a small section of vegetation located towards the southern boundary. We are instructed that this bushland has been approved for removal by development consent No. [REDACTED]. The subject property does not contain an endangered ecological community, nor does it not form part of a wildlife corridor. We note that the surrounding and nearby properties are completely absent of bushland or significant vegetation.

⁴ Page 34 Aerotropolis Plan.

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- The zoning of our client's entire property for conservation purposes would not achieve the Plan's objective of creating a new green linkage between Badgerys Creek and Wianmatta-South Creek.⁵ The site would be isolated by adjoining commercial/industrial uses and no visual connection would be achieved with the riparian corridors to the east or west.
- The historic and current use of the property has seen the natural landform modified. As such natural features such as rock outcrops and natural watercourses are no longer present on the property. The site has extremely limited opportunities for fauna habitat.
- The subject property is located within the ANEC/ANEF contours of 25-30⁶. In such areas noise sensitive landuses are prohibited due to the impact of significant aircraft noise. The creation of a natural area would be inappropriate.
- The subject property is located within the 3km wildlife buffer.⁷ Due to the risk of wildlife strike, the Aerotropolis Plan at clause 5.13 discourages "*parks or biodiversity conservation sites*" in close proximity to the airport. In addition the Plan discourages the planting of vegetation that could attract wildlife. The creation of an environmental conservation area on the subject property would be contrary to clause 5.13 of the Plan.
- The land is not affected by flooding and does not contain significant conservation values. The property does not satisfy the criteria for a biodiversity corridor identified in clause 2.10 of the Discussion Paper.

There is no strategic rationale for the creation of a conservation area on the subject property. The structure plan locates conservation and recreation areas generally along the axis created by Wianmatta-South Creek and Kemps Creek. These areas contain existing significant vegetation, are affected by flooding and provide a wildlife corridor. In contrast, the subject property is isolated, is devoid of significant vegetation, has experienced landform modification, is currently being used as a waste recovery facility and is adjoined to the north by a large tip, which we are advised emits a strong odour. From a strategic planning viewpoint, the subject property is completely unsuitable for environmental conservation purposes.

2. The subject property's unsuitability for recreation

The subject property is unsuitable for use as a park or recreation area. As stated above the land will be subjected to high aircraft noise levels, which would make the property unsuitable for passive or active recreational activities. Further the limitation on planting trees which could attract wildlife would mean that any recreation area would be barren.

Under the structure plan, the subject property would be surrounded by an extensive area zoned for enterprise purposes. Having regard to the proposed noise levels, development in the immediate vicinity to the subject property is likely to be for industrial purposes⁸ and due to its location at the end of the proposed runway uses such as "*storage*" or the *manufacture of*

⁵ Clause 7.2.4 Aerotropolis Plan

⁶ Page 44 Aerotropolis Plan

⁷ Page 48-49 Aerotropolis Plan

⁸ Page 44 Aerotropolis Pan

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certain dangerous goods” will be encouraged.⁹ The creation of a public recreation area or park surrounded by such industrial landuses is not a sensible strategic decision. Indeed the Plan specifically discourages such areas from containing landuses that encourage large numbers of people to gather, due to the public safety issues.

Whilst it is acknowledged that modern industrial and business precincts, should be supplemented with green areas and recreational facilities for the workforce, these uses would be more appropriately located away from the end of the runways and away from areas subjected to excessive aircraft noise.

3. Appropriateness of Enterprise zoning

The subject property is ideally sized, configured and located to accommodate a land zone that would encourage an industrial or commercial landuse. In our view such a zoning would be appropriate for the property and would assist in furthering the objectives and vision of the structure plan.

The property is not constrained by flooding or a steep gradient and does not contain heritage significance. The existing vegetation that does exist on the subject property could be conserved with any future development on the subject property.

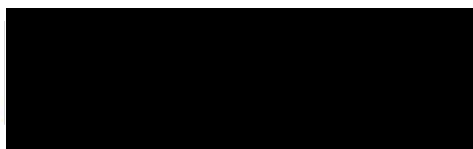
Conclusion

On the basis of the matters contained in this submission we requests that the ‘Land Zone Map’ be amended to remove the proposed ‘Environment and Recreation’ zoning from our client’s property and its replacement with an Enterprise zoning.

If you have any questions or require further information please contact the writer.

Yours faithfully

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Andrew Gough BTP (Hons), LLB

Our Ref:2001

⁹ Clause 5.1.5 Aerotropolis Plan