

RHODES PLANNING

Town Planning Consultants

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Western Sydney Planning Partnership
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SUBMISSION IN RESPECT OF [REDACTED] [REDACTED] LAWSON ROAD BADGERYS CREEK

This submission is made in respect of land contained within the Badgerys Creek Precinct of the Draft Aerotropolis Precinct Plan (November 2020). We have previously lodged a submission (27th February 2020) on behalf of the owner of the land (Mr James Chan – James Chan Global Pty Ltd), who has owned the land for 17 years.

For convenience a summary of the subject land is:

- [REDACTED] Lawson Road Badgerys Creek
- The land has a frontage of 53m to Lawson Road and a secondary frontage to Pitt Street of 356m. Area of the land is 2.03ha.
- Lawson Road has a reservation width of 20m and is constructed to a two lane rural road standard.
- Pitt Street has a reservation width of 15m. It has a road reservation area of 5600sqm.
- Cuthel Lane/Road runs easterly off Lawson Road opposite the midpoint of the subject land. It has a reservation width of 10m and a reservation area of 2800sqm.
- The centreline offset between Pitt Street and Cuthel Road is about 40m.

An aerial view of the land is provided overleaf.



PLATE 1 AERIAL VIEW OF SUBJECT LAND

No information relating to any determination of the matters raised in the submission has been received whilst an amended Draft Precinct Plan has been exhibited with submissions closing on the 12th March 2021.

On notification of the exhibition of the amended Draft Precinct Plan and, in an attempt for some clarification, we forwarded the following email:

Request for clarification in respect of [REDACTED] Lawson Road ([REDACTED]) Badgerys Creek

In February 2020 Rhodes Planning lodged a submission on behalf of the owner of the land (Submission 371).

In essence the submission suggested that the alignment of the of Pitt Street in its proposed upgraded form should adopt the existing Pitt Street road reservation to the west of Lawson Road.

A comparison of the exhibited Proposed Transport Corridors Map and the final Proposed Transport Corridors Map would suggest that my suggestion has been adopted although this assumption is within the context of map scale and detail.

Prior to formulating any submission to the now exhibited precinct plan could you advise:

Is the alignment of the proposed upgraded Pitt Street to adopt the centreline of the existing Pitt Street, as is, west of Lawson Road?

Is the upgraded Pitt Street to have a reservation width of 40m?

Is the required road widening to be applied equally to either side of the existing reservation? It is noted that the existing reservation width is 15m creating a road widening requirement of 12.5m either side.

If the proposed reservation width is in fact 40m then this is some 18m(?) wider than a local industrial road. Am I right in assuming that the additional land take will be the subject of compensation and if so in what manner?

Your advice in regard to the above will enable an informed response to the exhibited material.

Unfortunately, no response to this email has been received, however, the approach of utilising the existing road reservations appears to have been adopted. In this case, Pitt Street would form the centre of a proposed east west road with an ultimate width of 40m.

Based on the currently exhibited Draft Precinct Plan we note the following:

- As at 1/11/2020 under the SEPP, all of the subject land is zoned ENT – Enterprise.
- No road widening of Pitt Street is shown by zoning.
- From the Precinct Plan written statement, Pitt Street is to be 40m wide.
- Pitt Street is now 15m wide, meaning road widening of 12.5m either side. Confirmation of this is required.

In addition, there is open space/vegetation shown along the full length of the Pitt Street frontage, as well as at the rear and through the centre. How does the location of this open space/vegetation relate to the widened road reserve (that is planting within road verges as complemented by on-site development landscaping)?

Here it is noted that the maps of the northern gateway and agribusiness precincts have much greater detail than that of Badgerys Creek. Why is this?

On behalf of the landowner we are instructed to object to road widening along the Pitt Street frontage, as well as, designation of open/vegetation areas along the Pitt Street frontage and generally through the subject land. The objection is strongly pressed in the absence of clear acquisition provisions.

We note that the SEPP does not appear to contain acquisition provisions in respect of both road widening and open space.

In this regard we ask who is responsible for acquiring road widening and open space land and what provisions are to be included in the SEPP to facilitate this?

The precinct plan suggests that Pitt Street (currently 15m wide) is to be a major East West Road with a width of 40m meaning that some 12.5 m of road widening is required either side but this road Why is it that road widening is not zoned under the SEPP?

The precinct plans also indicate substantial proposed vegetation along the Pitt Street frontage as well as some at the rear and internal. A playing field is shown at the rear of the adjoining land?

What is proposed in terms of zoning these public purposes areas? It is noted that the SEPP acquisition provisions do not provide for these types of “local” public purposes. The wording is different to the Growth Centres SEPP?

Comparing this situation to the Growth Centres SEPP the approach taken with these two areas was to prepare the draft planning package including Draft SEPP Maps, a draft indicative layout plan/s and for that matter DCPs and state infrastructure levy. When finalised the SEPP maps reflected the adopted ILP? In turn the SEPP contained acquisition provisions for all public purposes shown on the SEPP

and ILP maps.

What has happened with the Aerotropolis SEPP approach is that interested parties (landowners, Government Authorities and developers) were informed, with the publication of the SEPP zoning maps (on the 1st October 2020), that particular land would be zoned in a particular manner. Based on the SEPP zoning maps interested parties had a clear expectation that land could be developed in accordance with the permissible uses under the five zones shown by legend forming part of the zoning map (LZN_001). Yet less than two months after the SEPP zoning maps, with the exhibition of the Draft Precinct Plan, those previously informed development rights have been substantially reduced and in some cases removed in total. In addition, these changes are now put forward without any indication of acquisition provisions.

Given this situation it is not surprising that there has been considerable reaction by landowners.

We ask, once the Precinct Plans are finalised, is it intended to amend the SEPP to reflect the public purpose zones and to include commensurate acquisition provisions?

We request consideration and advice regarding of these matters and would welcome further discussion.

Yours faithfully,



Gary Rhodes
Consultant Town Planner

[Redacted contact information]

Landowner Contact
James Chan

[Redacted contact information]