

From: [Deanne Frankel](#)
To: [DPE FO OSL Reception Mailbox](#); [Clare Delliston](#); [Sarah Holley](#)
Subject: RE: Submission in relation to the Western Sydney Aerotropolis Draft Precinct Plans
Date: Monday, 1 February 2021 5:00:06 PM
Attachments: [image001.jpg](#)
[image005.jpg](#)
[image006.jpg](#)
[image007.jpg](#)
[image008.jpg](#)

Hi Clare,

Thanks for the email and for forwarding this submission through.

Hi Sarah,

Could I ask to register this and save this along with all our other submissions?

Regards,

Deanne Frankel
Director, Western Sydney Aerotropolis

Place, Design and Public Spaces | Department of Planning, Industry and Environment

T [REDACTED] | **E** [REDACTED]
4 Parramatta Square, 12 Darcy St Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124
www.dpie.nsw.gov.au



The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.



From: Clare Delliston [REDACTED] **On Behalf Of** DPE FO OSL Reception Mailbox
Sent: Monday, 1 February 2021 4:19 PM
To: Deanne Frankel [REDACTED]
Subject: FW: Submission in relation to the Western Sydney Aerotropolis Draft Precinct Plans

Importance: High

Hi Deanne,

The below email came through the OSL reception mailbox but its not ours – you may have already seen it as the correspondent sent to many email addresses but if not, is it your area?

Thanks

Kind regards,

Clare Delliston

Business Officer, Office of Strategic Lands

Department of Planning, Industry and Environment

T [REDACTED] | [REDACTED], PARRAMATTA NSW 2124

4 Parramatta Square, 12 Darcy St, Parramatta, NSW 2150

www.dpie.nsw.gov.au



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From: Luddenham Raceway <info@luddenhamraceway.com>

Sent: Monday, 1 February 2021 3:46 PM

To: DPE FO OSL Reception Mailbox <OSL.Reception@planning.nsw.gov.au>; DPE CSE Information Planning Mailbox <information@planning.nsw.gov.au>; DPE PSVC Community Mailbox <community@planning.nsw.gov.au>; DPE GC Legal Services Mailbox <legalservices@planning.nsw.gov.au>

Subject: FW: Submission in relation to the Western Sydney Aerotropolis Draft Precinct Plans

Importance: High

Dear Sir / Madam,

I am writing to you to make a submission in relation to the Western Sydney Aerotropolis Draft Precinct Plans on exhibition until 26 February 2021.

I note that I am unable to use the online submission link as the submission file is too large and will not accept the file, and I was told by the helpline to email for assistance, which I am doing.

I have also posted a Paper copy of the Submission with an enclosed USB so you have a digital copy as well, to Department of Planning, Industry and Environment, Locked Bag 5022,

Parramatta NSW 2124

The submission is too large to attach and send via email so I have provided it via the dropbox link below.

I note that the Submission was prepared on behalf of LPG Holdings Pty Ltd (Affected Property Owner) by Romic Planning.

I give my permission to the Submission to be made public, and note that it is in relation to a property from the Luddenham, NSW 2745 Area.

<https://www.dropbox.com/sh/2toyu63m7bw5his/AACqSVZkNb4D4KMC-LjMs1CRa?dl=0>

Should you require anything further please do not hesitate to contact me via this email.

Please reply at your earliest convenience to confirm receipt of this email and acceptance of the Submission.

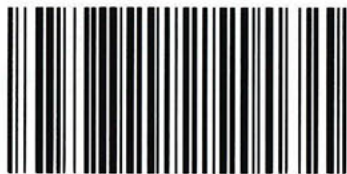
Kind Regards

Maria Vukmirica

Director / Secretary of LPG Holdings Pty Ltd (Affected Property Owner)

Disclaimer

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, on behalf of **Liverpool City Council**.



PCU080421



Romic Planning

DEPARTMENT OF
PLANNING, INDUSTRY
AND ENVIRONMENT

NSW Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Department of Planning
Received

04 FEB 2021

Scanning Room

01 February 2021

Dear Sir / Madam,

RE: SUBMISSION CONCERNING PROPOSED WESTERN SYDNEY AEROTROPOLIS DRAFT PRECINCT PLANS FOR [REDACTED]
[REDACTED] LUDDENHAM ROAD, LUDDENHAM,

Romic Planning has been engaged by LPG Holdings Pty Ltd, which is the Landowner of [REDACTED] Luddenham Road Luddenham, NSW 2745 [REDACTED] to prepare a submission in relation to the proposed Western Sydney Aerotropolis Draft Precinct Plans.

This submission will primarily focus on the Proposed Northern Gateway Urban Design and Landscape Report as it relates to the suitability and compatibility of the aforementioned landholding of my client.

This submission also contains a proposal that has been in development for several years, that would ensure that the property is both in keeping with its current usage as well as the zoning instruments as they stand, and would ensure that the property is recognised for its unique status as a Tourist Landmark on both a national and international stage, while at the same time ensuring that the property is adequately utilised to be maximised for its full potential to ensure the long-term future usage and suitability.

COMPATIBILITY AND SUITABILITY OF THE PROPOSED NORTHERN GATEWAY URBAN DESIGN AND LANDSCAPE REPORT IN RELATION TO THE LAND HOLDING

Please note that this critique is offered on the Proposed Plans to ensure that the proposed changes that are sought to recognise the current land usage of the site as a Tourist Landmark and value to the area, as well as the intended future usage and ensure that as a whole the landholding will be in keeping with the values of country and future generations of usage.

The main critiques with the Proposed Plans have been categorised into the following headings for ease of reference:

- *Existing Landmark Developments already in operation have been overlooked*

It is noted that the Reports prepared in relation to the proposed precinct plans, have taken the unusual approach to only place a high importance on a development that is not even operational at this stage, namely Sydney Science Park. The Luddenham Area already contains existing land uses and businesses that make a significant contribution to the NSW tourism industry.

This focus is at the detriment of many existing Landmark Developments already in operation in the Luddenham Area, which are both independently recognised as major attractions that have put Luddenham on the Map on both a national and international platform.

Located upon my client's landholding, is 'Luddenham Raceway', an attraction that is unique for being the only location in the world to offer an Outdoor Paintball Arena, Outdoor Go Karting Track and an Outdoor Motorsport Park and Track.

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Luddenham Raceway caters to both Public and Corporate clientele and attracts local and international visitors, and boasts over 300,000 plus visitors annually, with these figures supplied by Data records of the long-term tenant on site. Annual visitation is exponentially growing and with the release of the precinct plan and other urban developments, attraction to this facility will only increase in the long term.

Luddenham Raceway has worked with major corporate clients from all over the world including Harley Davidson, Volkswagen, Kia, Maserati, Honda, Suzuki, Yamaha, Kawasaki, KTM, Husqvarna and more, all of whom have come to Luddenham for the sole purpose of using the facilities located at Luddenham Raceway for corporate and commercial purposes, and have bought with them a range of local and international visitors to host corporate events and launches.

Luddenham Raceway also works with driver/rider training providers who offer educational and instructional services to the public, such as Stay Up Right, who is a Government Affiliated provider in Rider Training and Licencing for Motorcyclists, and works to keep speed off the streets with track days that have been endorsed by NSW Police as a fantastic initiative to ensure that drivers have an outlet to safely enjoy their vehicles in a way that won't endanger the public.

By being such a drawcard for the local area, Luddenham Raceway has been able to ensure that local businesses are able to also be utilised by directing corporate clients to the services of catering companies, transportation companies and equipment hire companies and more, because Corporate Clients enjoy having access to a wide range of options and services to ensure the smooth facilitation of events, and having local providers saves on costs and also offers variety.

Luddenham Raceway is a high-quality motor sport part and has also become one of the must-see attractions for international visitors, with approximately 100,000 of its yearly visitors coming from outside of Australia, as it has become famous on international social media apps such as 'Redbook', and is a fantastic stop over point before Tourists travel on the Blue Mountains and other Popular Tourist Attractions in the Greater Western Sydney area.

It is noted that Penrith City Council is one such government body that recognises the draw card of Luddenham Raceway and frequently promotes Luddenham Raceway in promotional materials, as part of its push to have Penrith recognised as 'The Adventure Capital' of NSW, and bring recognition to the area. The current draft precinct plan does not build upon this strength and is a missed opportunity to increase tourism by attracting more international and national visitors.

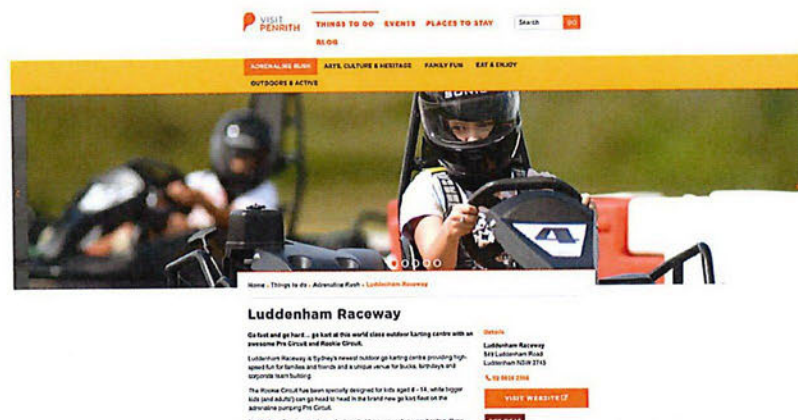


Image 1. Screenshot of Penrith City Council Website, taken 17 January 2021, advertising Luddenham Raceway. <https://www.visitpenrith.com.au/things-to-do/adrenaline-rush/luddenham-raceway>

This has meant that Luddenham Raceway is already recognised as having put Luddenham on the Map and deserves to be noted for the contributions it has made and continues to make to the local economy with the injection of both tourist and corporate dollars it brings to the area, as without Luddenham Raceway over 300,000 people would not have a reason to travel to the Luddenham Area.

It is disappointing that the Northern Gateway Urban Design and Landscape Report does not see Luddenham Raceway as either an opportunity to create a lifestyle space further to the traditional tourist model. More recently there has been a growing acknowledgment by all levels of Government that there are indirect or external benefits generated by capitalising on attractions and initiatives that can go hand in hand with tourism such as hosting large business events.



Image 2. Demonstrates that Luddenham Raceway (highlighted by red rectangle) is clearly visible to traffic along Luddenham Road, with an unobstructed view of the Facility from Luddenham Road.

Another opportunity is Twin Creeks Golf and Country Club¹ which located in Twin Creeks Drive, Luddenham, NSW 2745. The Club has been in operation since February 2006 as an exclusive housing estate and Golf Club and has become known as a landmark facility for Golf in NSW and has hosted the NSW Open for several years.

This development is just outside of the Proposed Northern Gateway Precinct, however given the proximity to the proposed precinct as well as the impact it should be noted due to the sizeable input it would have to the area.

Twin Creeks Golf and Country Club has also received approval for an addition to be known as 'Twin Creeks Resort'², which has a Capital Investment Value of \$98,888,059 and will seek to provide a leisure and recreational

¹ <https://www.twincreekgolf.com.au/cms/>

² <https://www.planningportal.nsw.gov.au/planning-panel/twin-creeks-resort>

facility to both national and international visitors due to its close proximity to the Aerotropolis and its established nature as a Landmark Tourist Attraction.

The Resort is set to be a ground-breaking development for the area, and has set a precedent for Luddenham to be renowned as a major attraction where 'work and play' are seamlessly blended, and conveniently located in the Aerotropolis area, only a stone's throw away from the Western Sydney International (Nancy Bird Walton) Airport.

It would be short sighted to continue to focus on the possibilities of a development that is still under construction and has not yet proven to be viable, while ignoring the vibrant hubs that already exist and are viable and draw hundreds of thousands of visitors to the Luddenham Area, and are known as landmark icons that are already bringing value to the Luddenham Area and generating jobs and taxes.

– *The Proposed Precinct Plan and Land Use Strategy is inconsistent with the Gazetted Zoning*

As of 1 October 2020, the *State Environment Planning Policy (Western Sydney Aerotropolis) 2020 NSW* held that Enterprise Zoning would apply as the gazetted zoning to the majority of my client's Land Holding.

For ease of reference, inserted below is a copy of the Land Use Table and Enterprise Zone, as well as the Land Zoning Map referred to in s 13 of the *State Environment Planning Policy (Western Sydney Aerotropolis) 2020 NSW* (upon which my client's Land Holding has been outlined in red):

Land Use Table

Enterprise Zone

1 Objectives of zone

- To encourage employment and businesses related to professional services, high technology, aviation, logistics, food production and processing, health, education and creative industries.
- To provide a range of employment uses (including aerospace and defence industries) that are compatible with future technology and work arrangements.
- To encourage development that promotes the efficient use of resources, through waste minimisation, recycling and re-use.
- To ensure an appropriate transition from non-urban land uses and environmental conservation areas in surrounding areas to employment uses in the zone.
- To prevent development that is not compatible with or that may detract from the future commercial uses of the land.
- To provide facilities and services to meet the needs of businesses and workers.

2 Permitted without consent

Nil

3 Permitted with consent

Any development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Airstrips; Camping grounds; Caravan parks; Crematoria; Exhibition homes; Exhibition villages; Forestry; Heavy industrial storage establishments; Heavy industries; Helipads; Intensive livestock agriculture; Mortuaries; Open cut mining; Residential accommodation; Rural industries; Turf farming



Planning,
Industry &
Environment

State Environmental Planning
Policy (Western Sydney
Aerotropolis) 2020
Land Zoning Map

Sheet LZN_001

Land Application



Zone

AGB Agribusiness

ENT Enterprise

EN2 Environment and Recreation

MU Mixed Use

SP2 Infrastructure

MIC SEPP (Major Infrastructure Corridors) 2020

CLIENT'S LAND HOLDING

Cadastral

Cadastral 01/05/2020 © Spatial Services

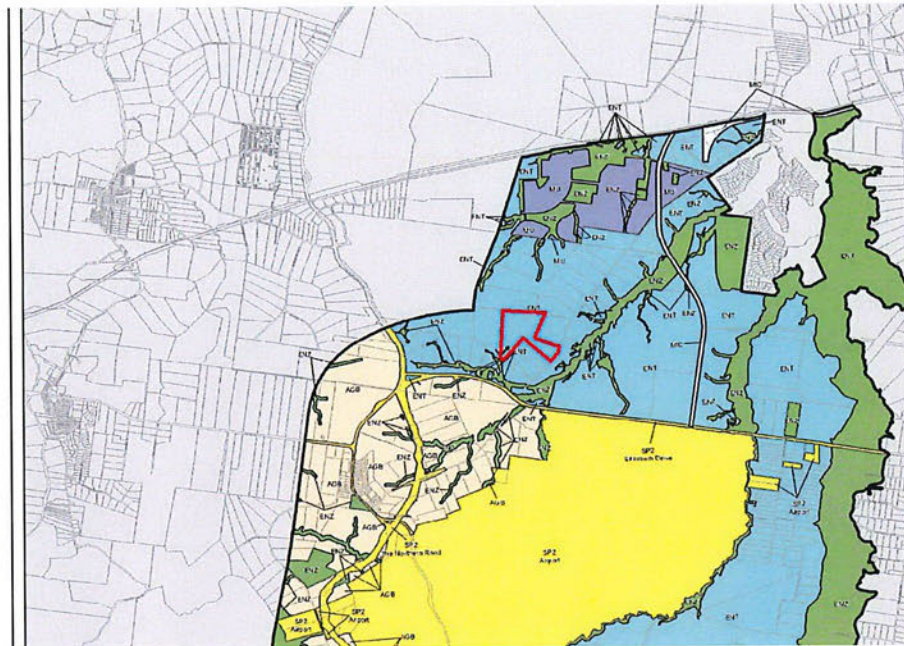


Image 3. Land Zoning Map referred to in s 13 of the State Environment Planning Policy (Western Sydney Aerotropolis) 2020 NSW (upon which my client's Land Holding has been outlined in red for ease of reference).

As outlined above, the Gazetted Zoning seeks to encourage the area to be utilised for a range of activities that aim to ensure the Land is properly utilised so that its potential can be maximised for both current and future use, while ensuring that usage is in line with the overall strategic vision for the area.

It is noted that in s 40 (4) of the State Environment Planning Policy (Western Sydney Aerotropolis) 2020 NSW it is held that "A precinct plan must be consistent with this policy".

However, the proposed precinct plan as it stands would be inconsistent with this policy in relation to my client's Land Holding.

The inconsistencies can be highlighted as follows:

- The Gazetted Planning Documents hold that the majority of my client's Land Holding is zoned for Enterprise Activities, including the Front and Back Portion of the Property, however the Precinct Plan holds that only the back portion of the property would be permitted for use conducive with Enterprise activities, while the front section, (which is the only access point into or out of the Property) would become an 'Open Space' / 'Hill Top Park', as shown at Pages 21, 25, 26, 41 and 63 of the *Northern Gateway Urban Design and Landscape Report*.
- The illustration at these Pages cited are de facto zoning maps which identifies land uses that are totally inconsistent with the zoning maps in the environmental planning instrument which have been adopted and are legally binding. The proposed draft Precinct Plan will not hold any statutory weight and cannot be used as a de facto zoning map and adds more confusion and another layer of complexity to a NSW planning system that is already convoluted and in crisis.

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- The proposed changes to the zoning in the form of draft Precinct Plan maps as shown throughout the *Northern Gateway Urban Design and Landscape Report* on my client's Land Holding are unlawful from a town planning sense and do not hold any legal weight as the proposed precinct plan is not a deemed environmental planning instrument and cannot be enforced as shown. All future permitted land uses are established by the environmental planning instrument and not by a draft Precinct Plan.
- The use of a draft Precinct Plan that is clearly at odds with the gazetted environmental planning policy contradicts the whole framework of the NSW planning system and nullifies the hierarchy established. A Precinct Plan is there to support gazetted environmental planning policy in terms of setting out land use design guidelines and is not to introduce another layer of de facto land zoning map that have legal land use zoning.
- The amount of land earmarked for 'parks' has not been thought out clearly and does not distinguish what is public, private or to be acquired for public acquisition. The application of 'parks' is not justified by way of any data comparisons and projections and moves towards a strategy of imposing 'parks' on land that is not currently zoned 'parks'.
- From a land use perspective, the application of 'parks' and open space areas is identified earlier on in the rezoning process and at the time before land is rezoned from rural purposes to allow urban purposes. The application of 'parks' in this case seems to be an afterthought and is purely bad town planning. The *Northern Gateway Urban Design and Landscape Report* is now attempting to do another rezoning process, and, in this case, the rezoning process is for 'parks' by a disingenuous pathway as a draft precinct plan. This draft precinct plan as it stands does not contain sufficient detailed design controls and lacks any guide of proper urban design guidelines.
- Any land to be shown as 'parks' in the of the *Northern Gateway Urban Design and Landscape Report* suggests parks on private land holdings and these 'parks' cannot be set aside for exclusive use by the public. Any suggestion that Hilltop Parks are to provide connections to creeks such as walkways and picnic areas for the greater public benefit cannot be afforded on private land holdings. Private land cannot be nominated for exclusive public use without some form of dedication as a public space or a public reserve in the environmental planning instrument.
- Regarding future access rights for the public on land shown as 'parks', there is no legal obligation by private landowners to provide free public access, or direct public access. Unauthorised access to private property is known as trespassing and free public access over my Client's Land Holding for a walkway, connection point or picnic areas will not be granted and it is noted that advertising private property as being able to be utilised for such a purpose would create serious safety and security issues, not to mention the potential for litigation if someone was to trespass under the mistaken belief they were permitted access and were to be injured or killed.
- Under the permitted uses of Enterprise Zoning, it is noted that forestry is prohibited, and the current use of my client's land is for this very purpose. The area identified as other vegetation at Page 11 of the *Northern Gateway Urban Design and Landscape Report* does not consider the existing high disturbance which has occurred over this area where the front section of my client's Land Holding which is currently utilised as the sole entry and exit point into the property, as well as a Christmas Tree Farm. We request this notation is removed as shown on Page 11 for the reasons above.

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- The photographs at Page 12 of the *Northern Gateway Urban Design and Landscape Report*, do not show the Luddenham Raceway recreational facility which is clearly visible from Luddenham Road as demonstrated in image 2 of this submission.
- My Client's Land Holding is not conducive to facilitate the growth of Cumberland Woodland Plains due to the soil disturbance that has occurred throughout the lifetime usage of the property which includes but is not limited too various development, construction and farming activities that have taken place over the entirety of the property throughout not only my client's ownership of the property but previous owners' usage and activities.
- As part of the objectives of the Enterprise Zone, it holds that development that is not compatible with or that may detract from the future commercial uses of the land is to be prevented. The establishment of a park, on the sole access point into, or out of, my client's Land Holding would clearly be seen as detracting from the future commercial uses of the land, as it would prevent any commercial usage of the space, and would also prevent the back portion of the property being used for commercial purposes, as the back portion of the property would not be accessible for the proposed usage of a Centre (non-residential) or Enterprise Activities.
- The proposed access arrangements should be shown as half road construction and dedication between properties based on the common law analogy and not simply carve out sections of land for road on the proviso that the nuts and bolts of the *Northern Gateway Urban Design and Landscape Report* can be worked out later at the design and construction phase. Roads that are shown now and over lots that do not have a direct access to existing roads as a path of connection cause further delays as approval authorities are reluctant to modify indicative road pattern layouts as the concept of indicative road patterns is a line set in concrete in the eyes of most development assessment planners in Council which should not be the case.
- We request that the indicative road network follow the current private road accessway on our property which is a dedicated right of carriageway and that half road construction be proposed on our Client's land and the neighbouring land holding to the north.

While the proposed Precinct Plan for the Northern Gateway Precinct Plan is to be recognised for seeking to establish an idyllic, utopian oasis, as it stands the Proposed Precinct Plan is not cohesive with the existing usage of the area, and is incompatible with the Gazetted Planning and requires amendments to ensure that development of the property is compatible with the long term and future commercial usage of the property.

– *Site Soils have been Disturbed on a repeated basis throughout the lifetime of usage of the Property*

The text on page 32 and the Map on Page 33 of the *Northern Gateway Urban Design and Landscape Report* incorrectly indicates that the soil on my client's Land Holding is considered to be an 'undisturbed soil site'.

This categorising of the soil on my client's Land Holding is incorrect, and should be rectified to reflect the true nature of the site, namely that the existing soil profiles are not in their natural state, and have been disturbed over many years of usage and development throughout my client's ownership and usage of the land which began in 1993, and historically disturbance too the property too place before ownership occurred.

Disturbance to the entirety of the site has come from activities such as:

- Construction of a residential dwelling on the ridge of the Hill;

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- Construction of the Development known as Luddenham Raceway, that spans across multiple acres;
- Cattle Farming;
- Tomato Crop Farming (on the front portion of the property for many years);
- Olive Tree Farming;
- Christmas Tree Farming;
- On-site septic tanks for the residents and business usage with large irrigation effluent irrigation areas;
- Extensive Earth Mounds and Acoustic Mounds;
- Concrete Driveways;
- Private Flexible and Regis Roads and Pavements;
- Authorised Stockpile of Fill;
- Authorised Importation and Stock Piling of Sandstone;
- Crushing of Sandstone on site to facilitate the construction process; and
- Chemical usage on site to aid in farming activities e.g. lime stabilisation.
- Cut and Fill activities took place at the front of the property to provide a level base after approval was received for construction of a shed.

We hereby request this mapping is revised to remove the protected soils and natural profiles notation as this is not evident for my Client's Land Holding. A site inspection will also verify this, and can be arranged at your convenience.



Image 4. Aerial View of the Development known as Luddenham Raceway.



Image 5. View of Christmas Tree Farming Activities taking place on my client's property, you will note the image highlights the fact that the properties on the other side of Luddenham Road are known for having Trees upon them, while my client's property and neighbouring properties have little to no trees present upon them.



Image 6. Showing the disturbed soil work that has occurred with various planting activities taking place over the years, as well as highlighting not only the close nature of the new airport, but also the fact that it is the other side of Luddenham Road which is known for having vegetation and trees, and not my client's side of the road.



Image 7. View of the other side showing the soil has been disturbed across the entirety of the frontage for planting activities and also a driveway and related development activities.



Image 8. Shows the soil disturbances on the property and also highlights the fact that the plane of the hill is more undulating on the side of the neighbour, as my Client's building (red roof) is on a more level plane with less undulation.



Image 9. Depicts a view of the undulating terrain on the neighbouring property as well as the septic system on site for the main residence, and it's noted a second system is located elsewhere on the Property to accommodate the facility known as Luddenham Raceway. The Property like the majority in Luddenham is not connected to the mains, so Water Tanks, Septic Systems and Private Poles for electricity are a common feature, and the installation, maintenance and usage of same over the years has all caused disruption to the soil.



Image 10. Depicts the acoustic mound between My client's property and the neighbouring property and is another example of a soil disturbance that has taken place.



Image 11. Depicts the concrete driveway leading up the property towards the residence, and a view of the entry road and mounds for the entry road towards the rear of the property which is where the Facility known as Luddenham Raceway is located. Much soil disturbance has occurred throughout the property to accommodate these and other developments.



Image 12. Another view of the entry, asphalt driveway leading towards the back of the property, featuring acoustic mound associated soil disturbance activities to accommodate the construction of the driveway.



Image 13. Another view of the driveway further up showcasing the Facility and the Olive Grove located on the rear of the property.

- *Developers to receive an unfair advantage at the expense of Land Owners*

Contained in s 43 of the provisions of the *State Environment Planning Policy (Western Sydney Aerotropolis) 2020 NSW* is a provision to allow for approval of a 'Master Plan' on specified land, provided that any such Master Plan would apply to an area of 100 hectares or more of contiguous land, that is at least 70% owned by one person.

This means that if a developer was able to acquire large swathes of contiguous land, the developer would be in a position to seek approval for a Master Plan that would undoubtedly be configured in such a way as to maximise the potential usage and value of the land and provide a return on investment, and land could be obtained at a discounted rate from landowners who would not be in a position to override the limitations that would be imposed under the Proposed Precinct Plan and would be forced into a sale, as the land on its own would be unviable to hold in the long term.

An example of this would be Land Owners such as my client and surrounding properties, have found themselves in a position under the Proposed Precinct Plan, whereby Developers had approached them with initial offers, which were withdrawn and much lower offers made in their stead as they claimed the uncertainty in relation to how the land could be utilised meant that it was now worth less than it had been previously.

It's also noted that both my client, and surrounding properties have been approached by developers with proposals to purchase and investment opportunities for the construction of Hotels and Industrial / Residential Developments, however discussions in relation to expressions of interest stalled and offers were withdrawn after the Draft Precinct Plan was revealed, as the confusion caused by the conflict of the Draft Precinct Plan with the intentions of the gazetted legislation meant that there was uncertainty as to what was permitted which meant that offers were decreased and or withdrawn until some certainty could be ascertained.

This would mean that my client would be paying commercial Land Tax and Council Rates on the property under the assumption of the commercial value of the property as a whole, even though the provisions would render the

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land to be devalued if put up for sale, as a Developer would not pay commercial rates for an area that could not be used for commercial activities, and therefore could acquire multiple such affected land holdings at a discounted rate, before combining them and submitting a master plan which would allow for a healthy profit to be realised, as property was able to be obtained at a significantly devalued rate.

in effect, the proposed Precinct Plan would create a scenario whereby Developers are able to legally obtain a significant advantage over Land Holders, who would not be able to comply with the gazetted legislation to obtain a more favourable Master Plan over Land Holdings.

– *Land Value to be affected*

By virtue of the fact that the Proposed Precinct Plan causes uncertainty as it conflicts with the gazetted legislation, it also creates uncertainty in Land Value as there is no certainty for how the land can be utilised.

Will it be utilised in accordance with the gazetted legislation and therefore be adequate for Enterprise Zoning? Or will it be utilised in accordance with the intentions of the Precinct Plan and be reserved for Greenspace Purposes which completely contradict Enterprise Purposes?

This uncertainty has already caused at least 2 land sales to fall through on nearby properties as the purchasers did not wish to complete as there was no certainty on how the land could be utilised, or they only wished to proceed with a much lower offer as the conflict between the permitted use under the gazetted legislation and the Draft Precinct Plan created uncertainty.

There needs to be some clarity provided on what It will mean for Landowners if the Proposed Precinct Plan is accepted and it creates uncertainty with the gazetted legislation in relation to zoning, and there also needs to be clarity provided on how this will be compensated, as right now the Valuer General is valuing properties in their entirety as falling under a particular zoning, such as Enterprise in the case of my client, which means that the value of the property has risen, which in turn means that Land Tax and Council Rates has risen exponentially.

However, if the proposed Precinct Plan is approved in its current form and the zoning does not change from Enterprise but how the property may be utilised is changed then this means that my client will be paying a substantially increased amount for the property in relation to Land Tax and Council Rates that will not be accurate, and the question is raised of who will compensate my client for this loss? As the Land Value has increased based on the change in zone, however the zone change will not reflect the true nature of how the property may be utilised when considering the draft precinct plan, which means additional costs will be incurred when they are not warranted.

– *Potential for Parklands to be underutilised and fall into disrepair*

The proposed Precinct Plans call for the Local Area to be filled with Hilltop Parks and recreational, open spaces, which in an idealistic utopia would be an ideal to strive towards, however the harsh realities that are faced would mean that there is the very real threat that such spaces would not be properly utilised and would fall into disrepair, with overburdened councils unable to maintain an upkeep such endeavours, as well as the threat that if not properly maintained parks, especially those that are near train lines, could become havens for undesirable activity.

An example of an open space park area that was not able to be maintained is found in that of the space that was previously found in what is now cul-de-sac parking in Riley Street, Penrith, NSW 2745.

In the mid 2000's the space was known as a cul-de-sac with parking, until Council decided to renovate and convert the space into a Park type area, so that locals would have an open park type space to sit and relax.

Unfortunately, this plan did not eventuate for a range of reasons, and after opening the park space Council was inundated with multiple complaints from residents and business owners due to reports of theft, public urination, public fornication, public drunkenness and drug abuse the park was closed and the space was converted back into a cul-de-sac with parking.

Parklands when properly and professionally maintained and managed with security can be an excellent asset for the local community however with no clear guidelines on how Park Areas will be obtained, funded and maintained there is a very real risk that these spaces will not be properly maintained or utilised and will become wasted space that would be better served and more in keeping if a commercial usage was applied to ensure that the area was properly maintained and in keeping with the usage of surrounding developments.

It should also be noted that the Parkland usage would be limited given the propensity for venomous and deadly snakes in the area, such as Brown and Red Belly Black Snakes, which would pose a threat to the health and safety of individuals wandering around a parkland, which would increase the liability risks that would be faced by the operators of any such Parklands, and it would create yet another onerous undertaking to ensure that any such Parklands are properly maintained and staffed to reduce operating risks.

As noted further below in more detail in this objection, Parkland usage would also increase the risk of wildlife and bird strikes which must be mitigated at all costs.

If the Parklands Trust or Local Council was to acquire and manage the development and maintenance of any such Parklands, this could be an alternative to help reduce the misuse and risk associated with such parklands.

– *Potential to increase Bushfire Hazard land parcels*

Since taking ownership of the property my client has been diligent about ensuring that all reasonable and necessary action is taken each year to ensure that the risk for a bushfire is mitigated, as dry, hot and windy conditions, coupled with residing on top of a hill can pose a real risk for fire danger if the area is not properly maintained.

My client's Land Holding and surrounding holdings hold a Vegetation Category 2 Rating³ under the Bushfire Prone Area Land Mapping.

What this rating recognises is the presence of limited vegetation that would pose a fire risk, and has certain controls in place to limit the threat of ignition and prevent the risk of a bushfire starting and travelling up hill.

Under the proposed Precinct Plans, by establishing Parkland at the only entry and exit point to my client's land holding, this is introducing an abundance of vegetation into an area that is not known for having vegetation, and would create a significant fire risk, as fire travels up hill, and by providing an open field with vegetation and growth this would create, and encourage a danger fire path that is a major potential fire hazard that could cause death and destruction upon not only my client's Land Holding but also the surrounding Land Holdings, and the location of the

³ https://www.rfs.nsw.gov.au/__data/assets/pdf_file/0011/4412/Guideline-for-Councils-to-Bushfire-Prone-Area-Land-Mapping.pdf

proposed parklands means that there would be no safe entry of exit point from the property if such a scenario was to occur.

– *Categorisation of Land as Woodlands is inconsistent with previous categorisation of Cleared Land*

As noted above according to the Bushfire Prone Area Land Mapping 2015, my Client's property is recognised as having a Vegetation Category Rating of 2⁴.

The property did not fit the criteria to be Woodlands, under Category 1 or Grasslands, under Category 2.

This classification is in keeping with the Classification that was recognised in the 2014 'SMEC – Biodiversity Report Commonwealth Land at Badgerys Creek'⁵ which holds that the property is not Woodlands or Vegetation and rather falls under Cleared Lands.

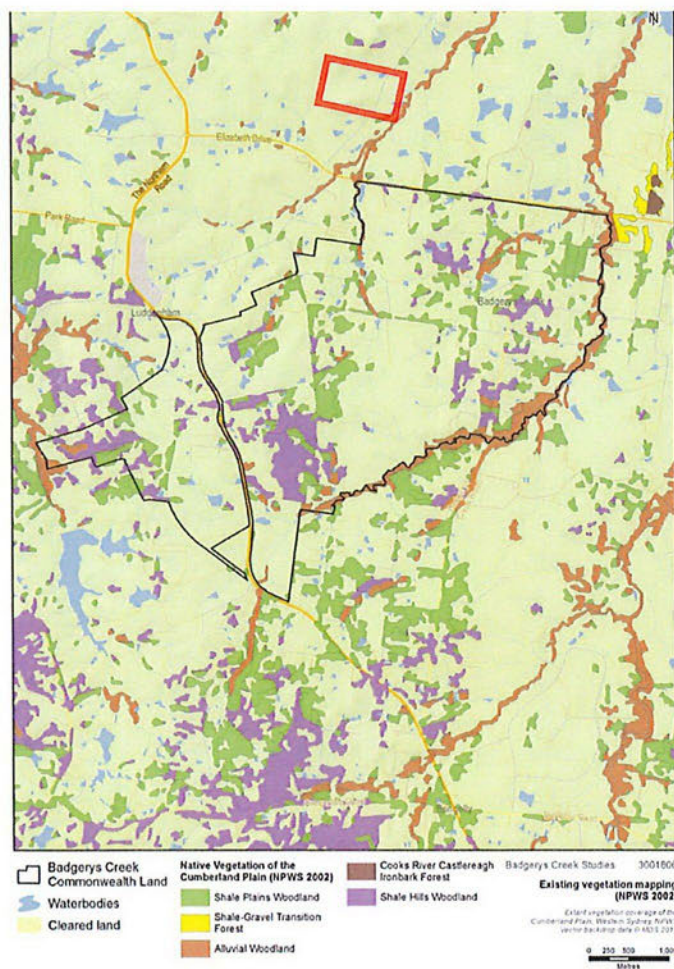


Image 14. Existing Vegetation Mapping as per page 31 from the Biodiversity report referenced above, with my Client's Property highlighted in red rectangle for ease of reference, illustrating the existing classification as Cleared Land.

⁴ Ibid.

⁵ https://www.westernsydneyairport.gov.au/sites/default/files/Appendix_A_Biodiversity_Report.pdf

Since these reports were released in 2014 and 2015 the property has continued to be utilised in the same manner, and no change in vegetation or new growth has occurred.

However, for reasons that are unclear, despite the property continuing to remain clear of vegetation and be utilised in the same manner, the same parcel of land is now classified as Woodlands under the 2020 Eco Logical Australia, Draft Bushfire Management Plan: Northern Gateway and Wianamatta – South Creek Precincts Report⁶.

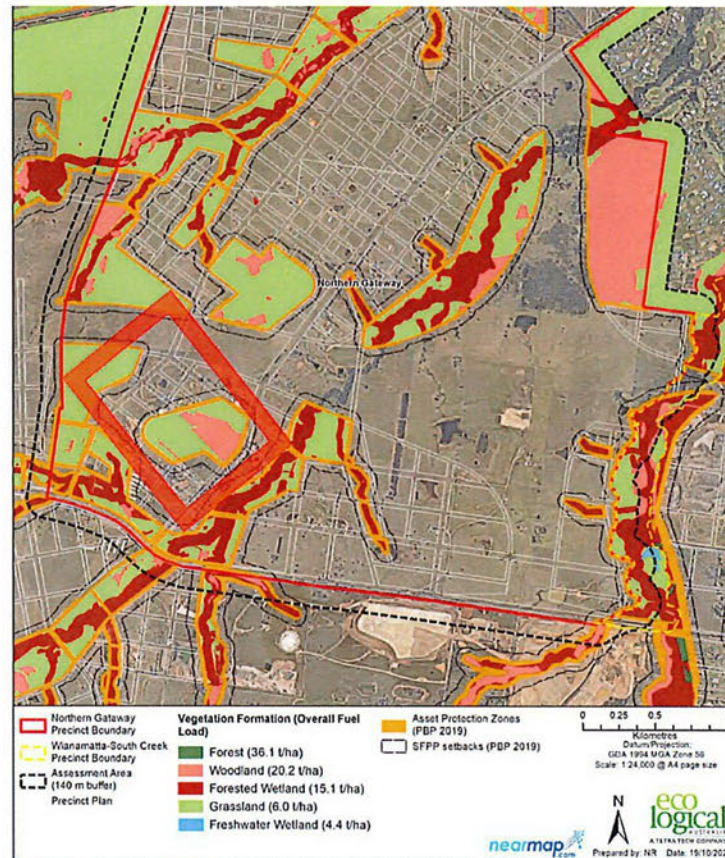


Image 15. Copy of Figure 6. Asset Protection Zones for residential and other non-Special Fire Protection Purposes development (Planning for Bushfire Protection 2019), with my Client's Property highlighted in red rectangle for ease of reference.

It is noted that this change in classification has occurred despite the fact that no woodlands or grasslands are located on the property and never have been.

Below are images showing an Arial Overview of the site highlighting the fact that the site is not compatible with a Woodlands or Grassland classification, and it is suggested that classification of the site as Woodlands may have occurred in error, and it is recommended that this oversight be rectified as a matter of urgency as this misclassification is detrimental to my clients interests and also to the safety and the integrity of the public and the nearby Aerotropolis site.

⁶ [https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00+-+Planning+Portal+Exhibitions/Western+Syd+Aero+Planned+Precincts+/WSAPP+/Draft+Northern+Gateway+and+Wianamatta-South+Creek+Precincts+Bushfire+Management+Plan+-+Oct+2020+\(F\).pdf](https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/00+-+Planning+Portal+Exhibitions/Western+Syd+Aero+Planned+Precincts+/WSAPP+/Draft+Northern+Gateway+and+Wianamatta-South+Creek+Precincts+Bushfire+Management+Plan+-+Oct+2020+(F).pdf)

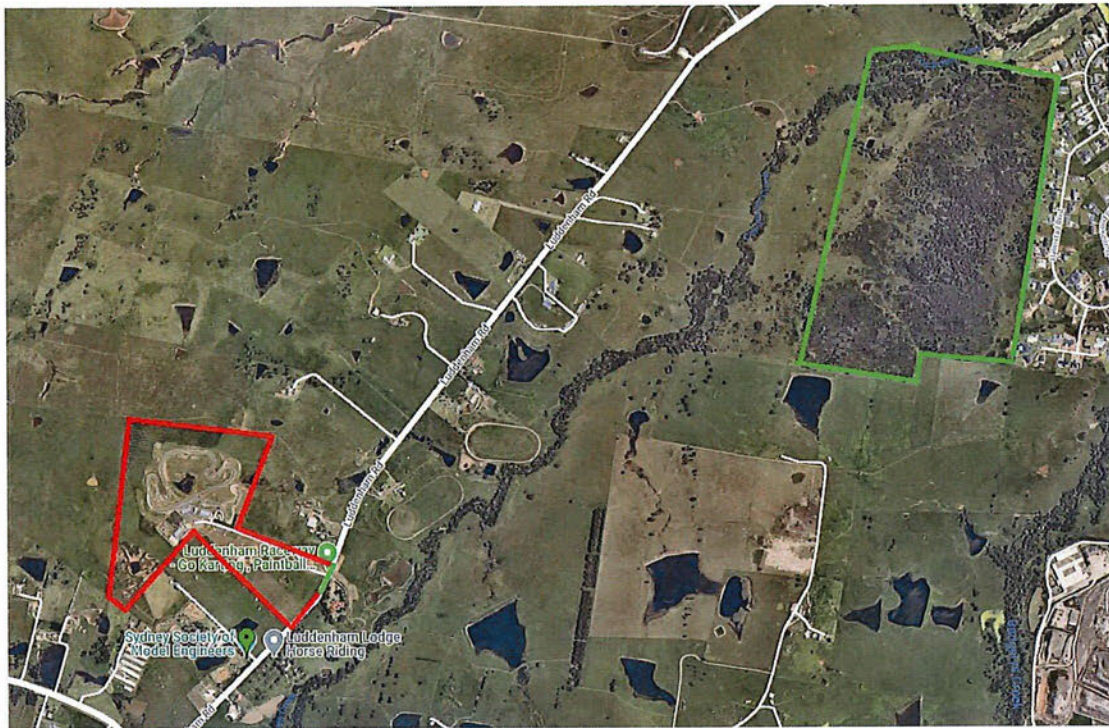


Image 16. This Aerial Image of the Luddenham Area with my Client's Property highlighted in red rectangle for ease of reference, illustrates the fact that no woodlands or grasslands can be found on my client's property while the section highlighted in green showcases property located in the Luddenham Area where a classification of Woodlands is appropriate.



Image 17. This close up Aerial Image of My Client's property and neighbouring properties with my Client's Property highlighted in red rectangle for ease of reference, illustrates the fact that no woodlands or grasslands can be found on my client's property while the section highlighted in green showcases where woodlands can be found on neighbouring properties.

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- Potential to increase Wildlife / Bird Strikes at Airport and or in close proximity to Airport.

My client's Land Holding is located less than 900 meters from the Western Sydney International (Nancy Bird Walton) Airport.

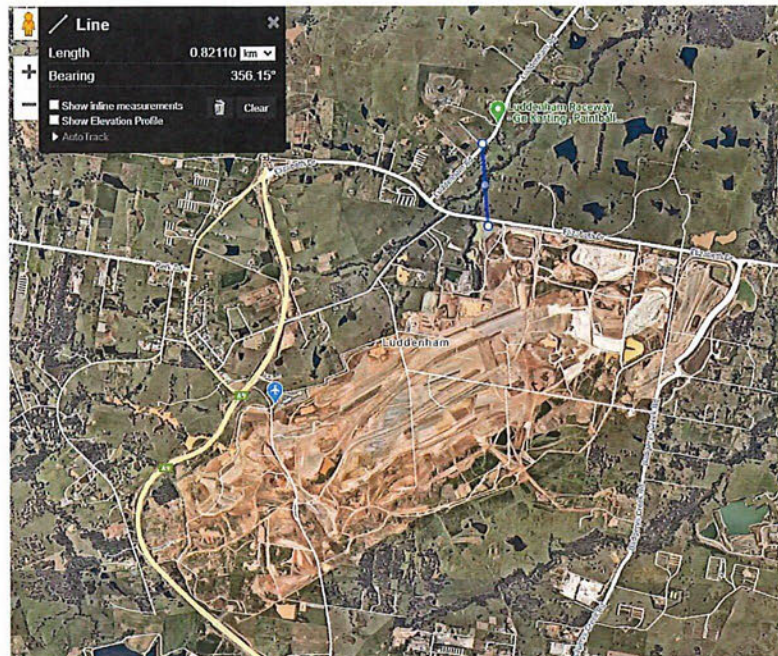


Image 18. Showing Location of My Client's Land Holding from the Airport Site.

The *Avisure Western Sydney Aerotropolis Draft Wildlife Management Assessment Report* commissioned by the Western Sydney Planning Partnership, holds any planning for the area must ensure that a balance is achieved between safeguarding the Airport against wildlife strikes and achieving the landscaping vision of the Western Sydney Aerotropolis and Western Parkland City.

The Report urged that properties in close proximity to the Airport (13km or less) must have greater care taken to ensure the long-term longevity and viability of the airport and reduce the risk of wildlife strikes, by not encouraging the creation of environments that would increase and encourage such risk to occur, and sites within a 3km buffer will be subjected to higher scrutiny.

The Report recommends that to proactively mitigate wildlife risks at the land use planning and design stages, and that proposed land use should be evaluated for its potential to attract wildlife and the likelihood of the numbers and type of wildlife to impact the airport's strike risk rate.

The Report notes that Recreational Facilities (Outdoor), such as the one present on my client's property can be considered as 'moderate risk' in relation to attracting wildlife and thus impacting upon a wildlife strike rate, it is nonsensical that the Draft Precinct Proposal would seek to increase this risk dramatically by imposing additional risk factors onto the property.

Those additional risk factors would specifically be the introduction of Greenspace Areas, that would be considered Outdoor Recreational Areas with trails, bike paths, picnic areas, open spaces, vegetation and community sporting areas etc, and would be an introduction into the area that is completely out of keeping with current usage and

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gazetted zoning requirements and would also add an added increase in risk factor onto the property and other properties in the area.

By adding yet another risk factor into the area, the Planning Department is knowingly and wilfully disregarding expert recommendations which could have serious ramifications that could cause death, permanent harm and injury to human life, not to mention an astronomical financial cost to cover loss and damages.

The *Damage by Aircraft Act 1952* describes 'unlimited liability' to aircraft operators in the event of property damage / destruction or personal injury / loss of life by aircraft or part thereof. This means that there is the potential that should the worst-case scenario occur and a significant strike takes place, then aircraft operators could seek to clarify if aerodrome operators and even land users in the vicinity of the airports demonstrated adequate due diligence in their responsibility to safeguard operations against wildlife strikes.

My client is not prepared to assume responsibility to be forced to put in place measures that would increase their risk of creating an area that would be conducive to attracting wildlife and birds that could cause a strike, and you are hereby put on notice that my client vehemently opposes any such cause of action that would increase this risk, which is what you are intending to do by turning the front access into Greenspace Areas that would increase this risk.

As such if you do choose to disregard the recommendations of this submission and the expert opinions then you must assume full responsibility and agree to be held liable in the event of any such scenario taking place, and my client would require a written undertaking, as well as a fund being established to demonstrate that you accept all responsibility as it is the Department of NSW Planning, Industry and Environment that is seeking to implement these changes, and it is my client who vehemently protests against such changes being made.

– *Incorrect Categorisation of Rural Nature of Luddenham Road*

The Luddenham Area is not known as being an oasis for trees or greenery.

Rather the Landscape has open plains, and sparse greenery, and with the drought over the past several years the terrain has been dry and dusty.

The area is in and of itself prone to open spaces and a lack of greenery, with trees far and few in existence in nature.

There are only a handful of properties in a very large area, that contain trees, and the trees that are in existence were planted by land owners to act as privacy screens and often create hazards when conditions are stormy or windy, as powerlines can be brought down and roads can be blocked due to branches or trees coming down.

It is rare to find trees that were naturally occurring and that have not been cultivated, and it is noted that any such greenery is often cause for road blockages and unsafe debris as it is not properly maintained and is prone to obstructing roads for several days until it is removed by council.

The majority of the tree lined boulevards were found along Elizabeth Drive near the Western Sydney International (Nancy Bird Walton) Airport, as planning protocols meant that greenery and vegetation has been removed and will be limited around the Airport Site to reduce the potential for hazards and wildlife.



Images 19 & 20. showing a tree that has come down on Elizabeth Drive, as the turn in towards Luddenham Road.



Image 21. Showing that the street side that My Client's Property is Located on is known for not having much is any Trees located upon it, while the opposite side of the road has a more spotted tree coverage on various properties.

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Image 22 & 23. Additional Images taken on Luddenham Road demonstrating the fact that Luddenham Road is not recognised as being Tree Lined, and instead has only scattered trees, mostly located on the opposite side of the street from my client's property.

– *Delivery of the Precinct*

More information and clarity needs to be provided about the key milestones in the delivery of the draft Precinct Plan.

All the relevant stages and time frames should clearly be released to allow more business confidence and to generate investment interest.

The form of future development within the precinct is to be clearly influenced by various factors, including the controls applicable to land holdings and the current delivery and mapping of 'parks' would result in a loss of confidence from the property development market.

Any future controls to come from the draft Precinct Plan should specify maximum controls for the area, include details at the very least of the front setback, road corridor widths and hierarchy of roads, built form and architectural design controls, site coverage, minimum deep soil and landscaped area requirements and desired character statements.

– *Subdivision of My Client's Property*

It is brought to the Department's Attention that my Client has subdivided its property, in accordance with discussions with Local and State Government to ensure that the land was properly apportioned to reflect its usage.

It is noted that the property was originally one parcel of land identified as 2/529885 (Parent Property).

As of 10 December 2020, the Subdivision was recognized and Two Child Properties were created.

- Child Property 1 - 1/1267557 – This section is 24.12 ha in size and is used for two purposes:
 - Purpose 1. – Residential purposes (Residential); and

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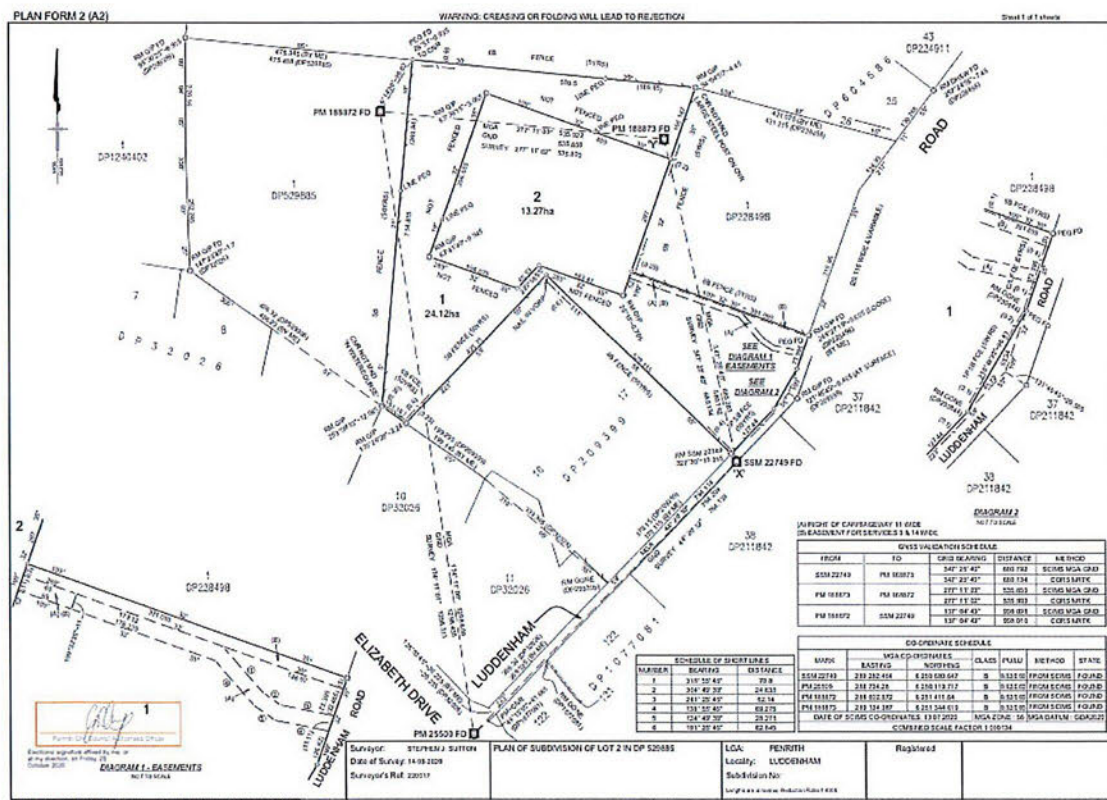
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- Purpose 2. - The dominant usage of the remainder of the lot is significant and substantial farming activities, and Olive Farming, Christmas Tree Farming and Cattle Farming operations are carried out in this area (Farmland).
-
- Child Property 2 - 2/1267557 – This section is 13.27 ha in size and Go Karting, Paintball and Motorsport Activities are carried out (Business).

This information is provided as it follows that the proposed changes of the Draft Precinct Plan would block access for both of the child lots, as the plan would seek to convert the only access point in and out for both properties into a Park area, with no other entry or exit from the property.

In light of the Subdivision that has occurred, what is proposed under the current Draft Precinct Plan is not at all suitable or conducive with the usage of my client's property and it is requested that the Draft Precinct Plan Proposal for my client's land holding be re-examined and reassessed for suitability in light of this information and the other information proposed in this submission.

I am sure all parties can agree that the safety and wellbeing of the residents who live on the property as well as the public and employees who utilise the commercial section should all at a bare minimum be able to expect to be able to access the property, and rest assured in the knowledge that the health and wellbeing of all who live or visit the landholding will not be affected by the increased risk rate of bushfires and Wildlife and Bird Strikes if the current proposal is successful.



Proposal for Mixed Use Lifestyle Space with Hilltop Attraction

For several years, my client has been working on a proposal to ensure that its Land Holding is properly utilised and maximised for current and future usage. This proposal and preferred land use strategy is depicted below.

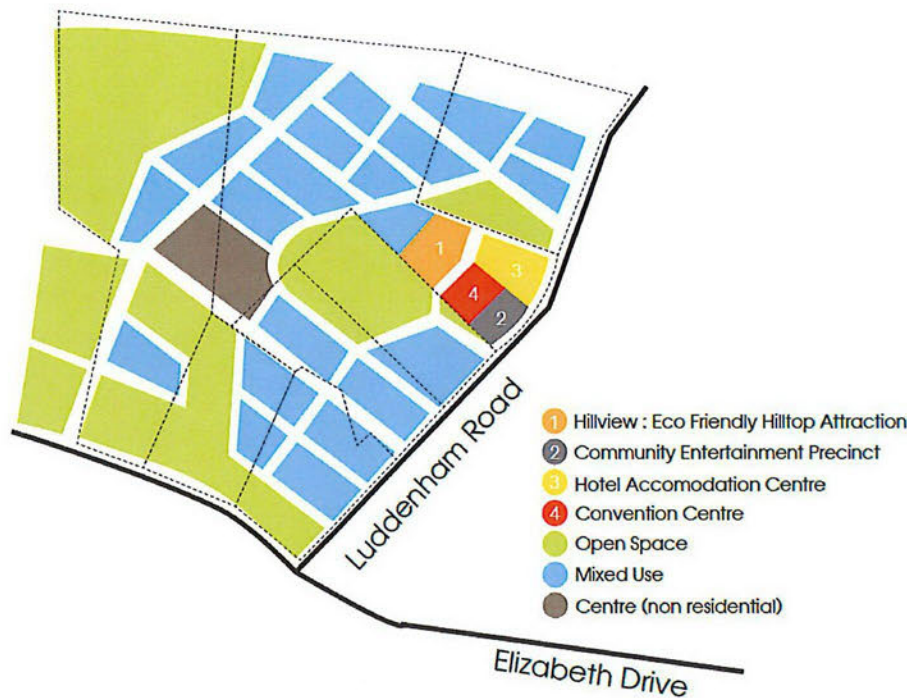


Image 25. Land use strategy map

The proposal would see the Land Holding as its currently used, maximised to increase its compatibility with its Enterprise Zoning, while at the same time maintaining and enhancing its appeal as a landmark tourist attraction, by providing an enhanced gathering space for locals, tourists and corporates to relax and be entertained.

The Northern Gateway Urban Design and Landscape Report places an emphasis only on parklands and does not propose any other attractions and puts aside any existing attractions such as Luddenham Raceway.

As my client lives and works in the Luddenham area and the intention if so any development to be conducive to both the current usage, while also providing room for growth and change that will ensure the unique beauty and inherent charm of the property will be honoured and respected.

The proposal would see that the Land Holding is transformed into a unique destination and to have high quality facilities for international and local visitors.

What is proposed is a unique combination of a mixed Enterprise Zone, while accommodation a Community Entertainment Precinct that will be defined by a Hilltop Attraction that has the potential to become a landmark tourist attraction that will be suitable for tourists, locals and corporates who want to be able to work and play in a unique oasis that is central to the Aerotropolis Precinct.

The overall aim of any future development is to ensure that any such development would be accessible and well connected to existing and future transportation and development and would also be resilient and adaptive to the needs of a growing and changing community.

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By providing a social hub that will be infused with cultural references and celebrate the local character of the area the overall aim is to bring people together and provide a space that will grow with the community and will be sustainable with a focus on eco design, green technology and smart technology to ensure that the space would be a benefit to the community in more ways than one.

The space would incorporate the existing entertainment structures (Motorsport Park Precinct, Outdoor Go Karting Space and Outdoor Paintball Space) and would see suitable structures such as an eco-friendly Hotel, Exhibition Centre for business events, Eco Friendly Convention Centre, Café / Entertainment Space similar to a style such as that of the structure known as the Grounds of Alexandria located in Alexandria, Sydney which blends a dining experience with outdoor attractions that allow patrons to feel that that are in an oasis that blends indoor and outdoor dining with attractions such as a petting zoo.

Such a development could be incorporated to allow patrons to visit and experience a unique 'food to table' experience whereby they could see how local produce is grown and supplied which would allow visitors to recognise the unique heritage of the area and its traditional past usage as a working farm.

This social hub is envisaged to be a place for people to come together in celebration of the new Northern Gateway by considering existing activities and allowing future land activities to operate side by side that can easily be funded by either a fully private or a public private partnership model and can also provide many external benefits that are generated by business events.

Such a development would go hand in hand with seamlessly blending enterprise use and a city centre (as ear marked on current plans) for the back portion of the property, while the front and hill top would become an attraction that would allow visitors to experience the breathtaking and unique beauty that Luddenham has to offer, and would make the most of the views offered by the ridge top hill, as any such development would showcase and allow visitors to experience the natural wonders and beauty.

Please refer to the two-page hand out entitled '*Mixed Use Lifestyle Space with Hilltop Attraction*' for an illustrated depiction of the proposal.

I thank you for taking the time to consider both the critiques and the proposed amendments, and would note that my client would welcome a meeting with the Planning Authority to ensure that a collaborative planning approach is taken to identify a viable long-term solution that will ensure that the Landholding is in keeping with the gazetted planning instruments as well as the final Precinct Plan.

You may reach me by email momcilo@romicplanning.com and mobile [REDACTED] to organise a suitable meeting date for the parties to discuss the suggestions made and the issues raised.

Yours Sincerely



Momcilo (Momo) Romic
Romic Planning
BTP (UNSW), MEM (UNSW)
NSW Builder Licence No. 252856C

Attachments:

One Page Hand Out entitled '*Mixed Use Lifestyle Space with Hilltop Attraction*' summary and land use strategy map.

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MIXED USE LIFESTYLE SPACE WITH HILLTOP ATTRACTION

It is envisioned that the Northern Gateway Precinct will embrace and utilise the Hilltop Space located upon 821 – 849 Luddenham Road, Luddenham so that it becomes a famed destination in its own right, renowned for seamlessly blending a space for work and play and offering a relaxing respite from a fast-paced world.

The location is conveniently situated near a Metro Station and Motorway as well as the Western Sydney International (Nancy Bird Walton) Airport Site, which means that the site is accessible from both public and private transport and is in an ideal location to offer a relaxing, destination Lifestyle space.

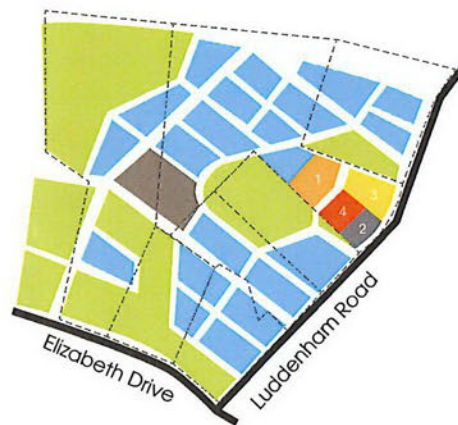
The space will be walkable, workable and will utilise smart and

green technology to ensure the long term sustainability of all development

The Front Portion, which acts as both the entry and exit into the space, would incorporate an Eco-Friendly Hotel and Convention Centre so that visitors and corporate clientele would have a space to relax and work, and enjoy the scenic view, while the

Hilltop would feature a relaxing café / outdoor entertainment space that would incorporate a manicured garden area for visitors to explore as they soak in the natural serenity and take in the view.

The Back portion will incorporate enterprise activities and a city centre (non-residential), and operations for the existing established activities (Outdoor Go Karting Facility, Outdoor Paintball Facility and Motorsport Park) would be able to continue undisturbed.



- 1 Hillview : Eco Friendly Hilltop Attraction
- 2 Community Entertainment Precinct
- 3 Hotel Accomodation Centre
- 4 Convention Centre
- 5 Open Space
- 6 Mixed Use
- 7 Centre (non residential)

