



APPENDIX D –
REQUEST FOR ADDITIONAL PERMITTED USE

27 May 2020

Our Ref: 20-073

Ms. Deanne Frankel

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NSW Department of Planning, Industry and Environment
Level 7, 55 Station Street,
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By email: Deanne.Frankel@planning.nsw.gov.au

Dear Deanne,

RE: 275 ADAMS RD LUDDENHAM, LOT 3 DP 623799, CITY OF LIVERPOOL; REQUEST FOR ADDITIONAL PERMITTED USE

CFT No 13 Pty Ltd, a member of Coombes Property Group (CPG), has recently acquired the property at 275 Adams Road, Luddenham NSW (Lot 3 in DP 623799, 'the site') within the Liverpool City Council municipality.

In its current state, the site contains a substantial, largely unrehabilitated quarry and is incompatible with the new Western Sydney Airport (WSA), for both operational and visual reasons. Without a practical and economically viable method of rehabilitating the quarry site, the long-term vision contemplated by the Draft Western Sydney Aerotropolis SEPP (the Aerotropolis SEPP) will not be realised on the site and the WSA will experience operational constraints.

This letter requests that an additional permitted use be applied to the site under the Aerotropolis SEPP to permit waste and resource management facilities to enable the importation of materials, filling and rehabilitation of the void to address these incompatibilities.

1. CPG's vision for the site

CPG owns, develops, and manages a national portfolio of office, retail, entertainment, land and other assets. The company's business model is to retain long-term ownership and control of all its assets. CPG has the following staged vision to the long-term development of the site:

Stage 1: Finalisation of quarrying and initial rehabilitation: CPG would finalise approved extraction, dewater the void and otherwise prepare the site for rehabilitation.

Stage 2: A sustainable and economically viable way to fill the void: CPG in partnership with KLF Holdings Pty Ltd (KLF) and in collaboration between the circular economy industry and the material science research sector, intends to establish a technology-led approach to resource recovery, management, and reuse of Western Sydney's construction waste, and repurposing those materials that cannot be recovered for use to rehabilitate the void. This will provide a sustainable and economically viable method of rehabilitating the void for development.

Stage 3: Transform the land to deliver high value agribusiness jobs: CPG intends to develop the rehabilitated site into a sustainable and high tech agribusiness hub supporting food production, processing, freight transport, warehousing, and distribution, whilst continuing to invest in the resource recovery R&D initiatives. This will deliver the vision of a technology-led agribusiness precinct as part of the Aerotropolis that balances its valuable assets including proximity to the future WSA and Outer Sydney Orbital.

2. Purpose of this letter

The site occupies 19 hectares, located on the north-western boundary of the WSA and in the Agribusiness zone under the Aerotropolis SEPP as shown in Figure 1 and Figure 2.

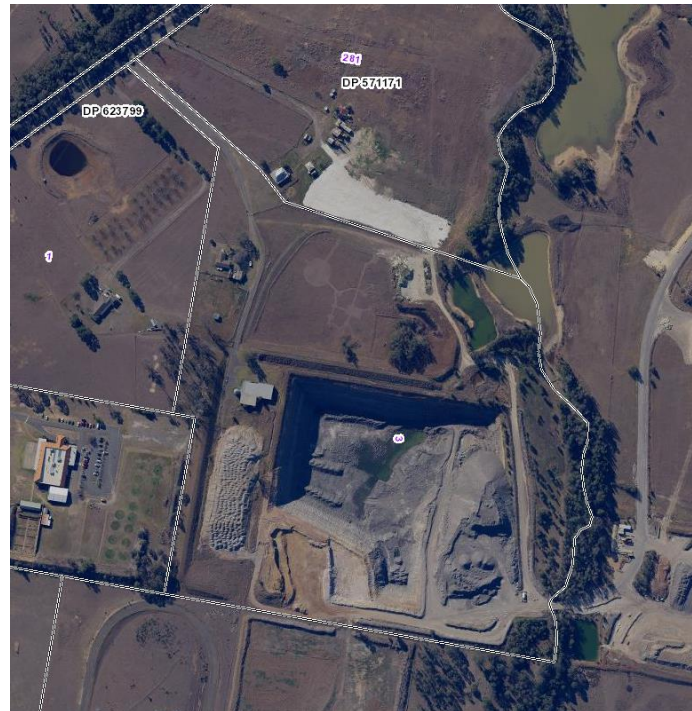


Figure 1: Aerial image of site

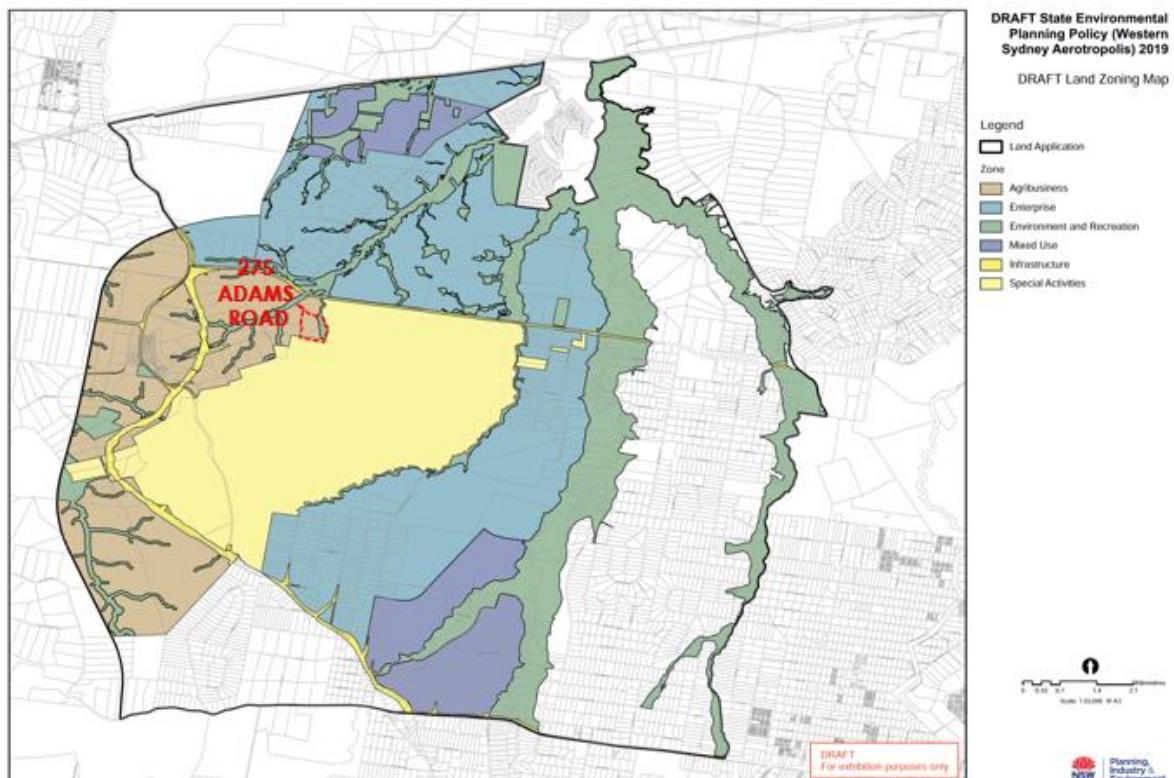


Figure 2: Draft Aerotropolis SEPP Zoning and Site Location

Under the Agribusiness zone, waste and resource management facilities are not permissible and the purpose of this submission is to request that this be added as an additional permitted use specific to the site as envisaged by clause 3.9 of the Draft Aerotropolis SEPP. The additional permitted use would enable establishment of a safe operating environment around the WSA and be subject to certain key conditions to ensure the use would be effectively regulated. Details of the requested additional permitted use, the applicable key conditions, and its compatibility with the WSA and Agribusiness zone objectives are given in Section 3 of this submission.

We also note that CPG has been in discussions with DPIE with regard to a number of other development, modification, and zoning applications pertaining to the site. To ensure clarity, this submission replaces the zoning amendment submission made previously on behalf of CPG by EMM Consulting (dated 20 February 2020).

3. Background

CPG acquired the site in December 2019 and has no relationship with its previous owners. At that time, a substantially developed clay/shale quarry existed on the site as approved under SSD (DA 315-7-2003). Relevant resulting features of the site are the presence of a large void and water body, and extensive areas of unrehabilitated overburden and materials stockpiles (see Figure 1 and Figure Figure 3).



Figure 3: Image of quarry void and water body.

The quarry has not operated since its acquisition by CPG. Additionally, part of the original land on which the quarry was approved and operated on was leased by the previous owners from the Commonwealth (see Figure 4). This area is no longer available due to the construction of the WSA being underway. Importantly, this area contained the approved vehicular access from the quarry to the public road network and no alternative quarry access road is approved. A modification application is currently being prepared to amend the approved access arrangements to the existing site entry point from Adams Road.

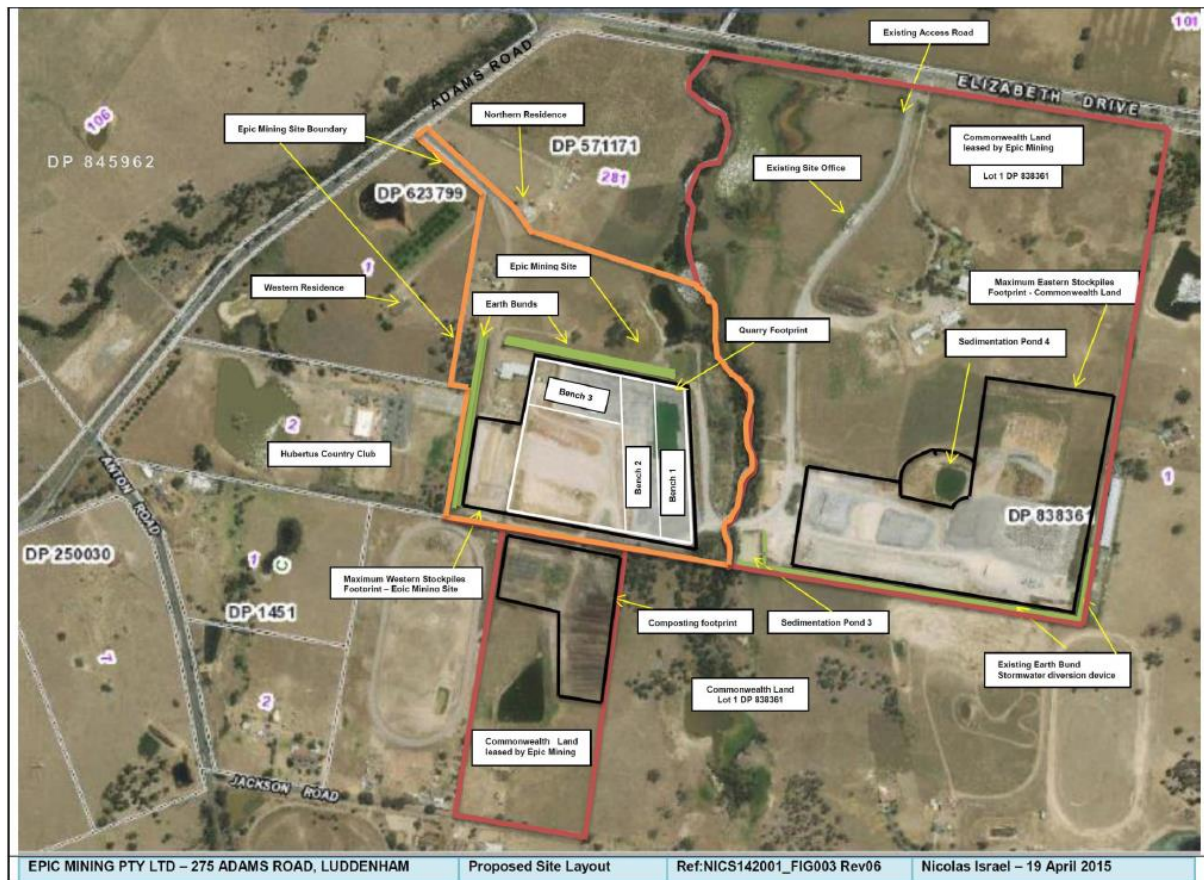


Figure 4: Original quarry site and access.

The quarry consent contained conditions relating to final land use and rehabilitation, including the following:

Condition 5 provided: *The Applicant may undertake quarrying operations on the site until 31 December 2024.*

Note: Under this consent, the Applicant is required to rehabilitate the site and perform additional undertakings to the satisfaction of the Secretary. Consequently, this consent will continue to apply in all other respects other than the right to conduct quarrying operations until the site has been properly rehabilitated.

Condition 30 provided: *The Applicant shall not cause, permit or allow any waste generated outside the site to be received at the site for storage, treatment, processing, reprocessing or disposal, or any waste generated at the site to be disposed of at the site, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.*

Condition 33 provided: *Prior to the carrying out of any development on the site, the Applicant shall prepare a Site Rehabilitation Plan in accordance with the rehabilitation guidelines in the document titled "Sydney Regional Environmental Plan No. 9 – Extractive Industry (No. 2) – Planning Report", to the satisfaction of the Secretary. The Site Rehabilitation Plan shall include a Vegetation Management Plan.*

Condition 36 provided: *Prior to 5 years of the estimated completion of extractive activities at the site, the Applicant shall submit a report to the Department identifying the final land use of the site and method of treatment for the final void.*

Relevantly, the site has no current consent permitting the importation of materials necessary for any substantive rehabilitation works and neither Condition 33 or 36 have been finalised. Also, the absence of any approved access from the site to the public road network means that implementation of any

substantive rehabilitation works is practically impossible as such works would require significant volumes of materials to be brought to site.

Recent consultation with the WSA about CPG's development proposals revealed concerns about potential risks from dust emission and birdlife. In its current state, the site contains approximately 0.8 hectares of bare temporary overburden emplacements, 7.3 hectares of partially extracted quarry and 1.5 hectares of water bodies.

In order to create a satisfactory operating environment for aviation at the WSA and achieve the objectives of the Agribusiness zone removal of water bodies, rehabilitation of the void, and reforming the land to enable suitable reuse will all be required. Given the approved site access is no longer available, and the limitations imposed by condition 30, realising satisfactory rehabilitation of the site will require new or modified approvals which will take some time to assess and determine. In the absence of these necessary approvals, the site will remain in its current unsatisfactory condition and present potential ongoing risks to safe airport operations.

4. Description of proposed development and additional permitted use

In its current state the site is incompatible with the WSA, for both operational and visual reasons. Without a practical and economically viable method of rehabilitating the quarry site, the vision contemplated by the Aerotropolis SEPP will not be realised on the site.

CPG's staged approach to rehabilitation and productive reuse of the site, described in Section 1, would resolve this fundamental incompatibility.

Most of the proposed uses in the vision for the site would be permissible under the Agribusiness zoning, with the notable exception of importation of materials which would be classified as disposal of construction and demolition wastes. Therefore, to enable rehabilitation and realisation of a satisfactory operating environment for the WSA **inclusion of a waste and resource management facility as an additional permitted use is essential.**

This submission requests that such a facility be included in the final Aerotropolis SEPP as an additional permitted use on the site subject to key conditions to ensure its compatibility with the WSA. The key conditions are:

Quarrying would cease once the airport becomes operational in 2026.

- The waste disposal and reprocessing facilities would be enclosed except for the void where enclosure would be impractical. To manage dust emissions from filling of the void, established leading practice measures such as covering of waste and regular watering would be implemented.
- Waste disposal would be limited to non-putrescible materials suitable for use in rehabilitating the void and would cease once the void is filled, meaning only waste reprocessing would continue.
- A sunset provision of five years would apply to an application for the additional permitted use (ie. a time limit for when a development application can be made). This would ensure that waste disposal was not seen as being a generally appropriate use in the Agribusiness zone but one that is responsive to the site's unique conditions. It would also provide sufficient time for both the preparation of well-considered plans of the new facilities and careful assessment of them.

5. Justification of the additional permitted use

There are three strong public interest grounds for including a waste and resource management facility as an additional permitted use for the site in the final Aerotropolis SEPP.

First, the additional permitted use would enable the establishment of a suitable operating environment around the WSA. At the commencement of airport operations in 2026, quarrying activities would cease, and initial rehabilitation would be in place, including the stabilisation of landforms, removal of disused water bodies, and dewatering of the void. In the following years, the void would be filled and final land forming completed, making the site suitable for development in line with the Aerotropolis vision. These outcomes would clearly be superior to the alternative - the continued presence of a partially rehabilitated quarry site under care and maintenance only.

Second, the additional permitted use with an application sunset clause would provide the time needed for the preparation of a well-considered application and the careful assessment of it. Although it is not uncommon for waste disposal and reprocessing facilities to exist around airports, the preparation of effective designs and safeguards requires detailed consideration of numerous location-specific factors. The current timetable for making the final Aerotropolis SEPP, combined with the recent change in site ownership to an experienced and sophisticated owner, means that additional time is needed to complete these essential activities to the necessary standards.

Third, the proposed final land uses are largely compatible with the objectives of the Agribusiness zone and vision for the Aerotropolis, whereas the continued presence of a partially rehabilitated quarry would be incompatible with most objectives as shown in Table 1.

Table 1: Compatibility with the Agribusiness zone objectives

Objective	Proposed - 3 stage vision technology-led transformation	Alternative - Care and maintenance only
To encourage sustainable and high technology Agribusiness and Agricultural production with links to food production and processing.	Partially compatible - following rehabilitation, establishment of high technology food processing, packaging, and distribution.	Largely incompatible - agricultural or processing uses over approximately 50% of the site (void, other quarried areas, and overburden) would not be possible. and the residual area might be capable of accommodating a small food processing, packaging, and distribution facility. .
To encourage diversity in Agricultural and Agribusiness enterprises and systems appropriate for the area.	Partially compatible - as above.	Incompatible - the residual area is too small to accommodate any viable agricultural use and only limited food processing would be feasible (see above).
To encourage the development of integrated food and supply chain related industries.	Compatible - the final land uses could include food production and supply industries.	Largely incompatible - areas outside the quarry and stockpile footprints could only accommodate small food supply chain facilities.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	Compatible - a fully rehabilitated site complete with the proposed safeguards on waste disposal and reprocessing activities would be compatible with the WSA and other permissible uses in the Agribusiness zone.	Incompatible - a partially rehabilitated quarry containing bare ground, a large void and water bodies would be incompatible with the WSA.
To maintain and enhance natural rural character, biodiversity and sustainability of the area.	Partially compatible - the final land uses would be sustainable and biodiversity values along Oakey Creek would be retained but the uses would not have a "natural rural" character given the site's proximity to the WSA.	Partially compatible - quarries are typical land uses in rural areas, but the partially rehabilitated quarry would not be sustainable or have a natural character.
To allow for non-agricultural land uses that will not restrict the use	Compatible - the final uses would not restrict use of	Partially compatible - the partially rehabilitated quarry

Objective	Proposed - 3 stage vision technology-led transformation	Alternative - Care and maintenance only
of the land in the locality for agricultural purposes.	surrounding land for agricultural purposes.	would not restrict most agricultural use in the locality, although dust emissions may be an issue for some more intensive uses like or cut flower chicken production.
To allow for the sustainable and holistic development of agritourism product and experiences.	Mostly incompatible - most of the final uses would not be suitable for agritourism given its proximity to the WSA.	Incompatible - the partially rehabilitated quarry would not be compatible with agritourism.
To protect the operations of the Airport, including 24-hour operations, and provide appropriate protections for the community.	Compatible - the final uses including the proposed safeguards would not restrict airport operations.	Incompatible - the partially rehabilitated quarry could create risks related to dust emission and bird strikes, as raised by WSA.
Ensure there are no sensitive land uses (such as residential, aged care, early education and childcare, educational establishments and hospitals amongst other uses) located within the ANEC 20 and above contours.	Not applicable.	Not applicable.
Ensure that land uses up to the ANEC 20 contour are subject to appropriate design and construction standards to reduce any potential for airport noise impacts.	Compatible - no noise sensitive uses are proposed.	Compatible - the partially rehabilitated quarry would not be noise sensitive.

6. Conclusions

The current condition of the site is neither compatible with the WSA nor the proposed Agribusiness zone generally. Without full rehabilitation, the site will remain as an incompatible use. CPG's proposed three stage proposal to rehabilitate and transform the site would be in line with the long-term vision contemplated by the Aerotropolis SEPP and remove this incompatibility. To achieve proper rehabilitation of the site, importing suitable fill materials is essential, therefore **the inclusion of a waste and resource management facility as an additional permitted use is equally essential**. As such, the inclusion of a waste and resource management facility as an additional permitted use applicable only to this site in the final Aerotropolis SEPP along with the safeguards given herein would be compatible with relevant planning objectives and strongly serve the public interest.

Yours sincerely,



Paul Mitchell OAM
Director, Major Projects