

18 April 2023

To The Director
State Significant Acceleration, Planning and Assessment
NSW Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

To Whom It May Concern:

Project Name: Upper South Creek Advanced Water Recycling Centre-MOD-1 – Exhibition of Critical State Significant Infrastructure (CSSI) Modification Application No. SSI-8609189-Mod-1

Response Type: Support Proposal with Conditions

Subject Property: 1953-2109 Elizabeth Drive, Badgerys Creek

This letter has been prepared by Boyuan Holdings Limited (**BHL**) on behalf of the registered landowner Roberts Jones Badgerys Creek Pty Ltd (**RJBC**) of 1953-2109 Elizabeth Drive, Badgerys Creek NSW 2555 – with legal description Lot 1 in Deposited Plan 1287712 (**Site**).

The Site is located within the Northern Gateway precinct of the Aerotropolis and sits directly opposite the future Western Sydney International (Nancy-Bird Walton) Airport. The Site has a land area of 280.5 hectares and over 1.5 kilometres frontage to Elizabeth Drive.

We are committed to working with NSW Department of Planning and Environment (**NSW DPE**) and Sydney Water and appreciate the opportunity to provide comment on the exhibited Upper South Creek - Advanced Water Recycling Centre (AWRC) – MOD 1 – Removal of Environmental Flows Pipeline.

We understand the proposed amendments to the approved pipeline designs contemplated by MOD-1 do not directly impact the Site. We wanted to take the opportunity to inform NSW DPE that where the AWRC Treated Water Discharge Main Pipeline does impact the Site it creates unacceptable social and economic impacts. These impacts are due to the lack of coordination between Sydney Water and Transport for NSW, inconsistency in their design with the Aerotropolis Planning Framework and the absence of coordination of infrastructure requirements and 'Multi Utility Corridor' concept.

Proposed Development of Subject Property

Roberts Jones Development Pty Ltd (**RJD**), on behalf of Robert Jones Badgerys Creek Pty Ltd (**RJBC**), is the proponent of a state significant development application (**SSD-18406916**) relating to 76.13 hectares of the Site.

The SSD-18406916 includes a concept plan for a new warehouse and logistics estate to be known as Burra Park, estate wide works within the concept plan area and the construction and operation of one (1) warehouse for use as a logistics warehouse and distribution centre.

The planning process for the application commenced with the Request for Secretary's Environmental Assessment Requirements (**SEARs**) on 30 April 2021. The Environmental Impact Statement (**EIS**) was submitted for preliminary review to NSW Department of Planning and Environment (**NSW DPE**) on 1 November 2022. NSW DPE provided comments relating to its adequacy on 18 November 2022 and we will be responding with an updated EIS.

Consultation to Date

We have consulted with Sydney Water since 2020 and held regular meetings with the nominated Sydney Water representatives regarding the proposed development. There have been several applications and letters provided whilst the proposed development has been refined over time, notably:

- 12 August 2020 – Feasibility Letter (Case No.: 185938)
- 25 May 2021 – Sydney Water input to SEARs (SSD-18406916)
- 29 July 2021 – Letter of Intent to Service (SSD-18406916)
- 01 March 2022 – Interim Operating Procedure (IOP) Feasibility Letter (Case No.: 192290)
- 11 March 2022 – Section 73 Notice of Anticipated Requirements (Case No.: 195847).

We have noted on several occasions to Sydney Water representatives the alignment of the AWRC Treated Water Discharge Main Pipeline would impact the proposed development and had been assured that the design and alignment was being coordinated with Transport for NSW and other utility authorities.

Treated Water Discharge Main Pipeline – Design Alignment

We received the 50% detailed design (horizontal alignment only, no vertical alignment details) for the AWRC Treated Water Discharge Main Pipeline through the Site from Sydney Water on 19 January 2023 and have raised several concerns in relation to its impact on the Site and the proposed development.

The AWRC Treated Water Discharge Main Pipeline route alignment runs along the north side of Elizabeth Drive, well outside of the current and future upgraded Elizabeth Drive road verge, within an 8.0-metre-wide easement. This is unacceptable and is inconsistent with the numerous discussions we have had with various Sydney Water representatives with regards to the proposed development.

We have received a Notice of Entry from Sydney Water on 13 April 2023 (dated 27 March 2023) which grants Sydney Water the right to access the Site for all purposes for the design, construction and commissioning of their assets without any agreement from the registered landowner.

The alignment of the Treated Water Discharge Main Pipeline and the impact of land sterilisation caused by future compulsory land acquisitions on the future use of the land under the Aerotropolis Planning Framework was not considered during the Assessment and Concept Approval of the Upper South Creek Advanced Water Recycling Centre. It was not adequately documented during the preparation of the EIS and Sydney Water did not consult with landowners on this aspect of the project. The socio-economic impact of the Treated Water Discharge Main Pipeline was underplayed in the reporting of the impacts. The Aurecon-Arup Socio-economic Impact Assessment states:

“The treated water, environmental flows and brine pipelines traverse a total of 72 properties and easements. Temporary land easements are required during construction to provide Sydney Water with access to property to lay the pipelines. It is understood no permanent acquisition is required in relation to the pipelines, and that land subject to easements during construction will be returned to owners in original condition during the operation of the project.”¹

¹ Appendix X – Socio-economic Impact Assessment, Upper South Creek Advanced Water Recycling Centre, Socio-economic and land use impact assessment, Aurecon-Arup, Page iv.
<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachRef=SSI-8609189%2120211020T044626.189%20GMT>

This is not true per the current 50% detailed design and our limited conversations with Sydney Water on the project, as the land for the permanent 8-metre-wide easement fragments the frontage of the Site, will be acquired, will be sterilised and will be unable to be used per its permissible land uses as per the current land zoning of the Site. The AWRC Concept Approval and Sydney Water's Notice of Entry process dictates that landowners have no ability to influence or stop Sydney Water from proceeding from their 50% detailed design to construction and commissioning with no further engagement.

Coordination between Parties

The Government's aspiration for services integration and coordination is seeking to avoid inefficient development outcomes and sterilising large portions of land at the front door to the new Western Sydney International (Nancy-Bird Walton) Airport. The current design of the AWRC Treated Water Discharge Main Pipeline creates inefficiency and fragmentation of the Site and needs to be amended to better align with the proposed development and the targeted urban design outcomes as desired by the NSW DPE precinct plans. We are aware that the impacts we are likely to experience on the Site if the design is unchanged will similarly be experienced by neighbouring lands, exacerbating the impacts.

We are aware the 50% detailed design for the Treated Water Discharge Main Pipeline alignment is based on the 100% concept design for Elizabeth Drive upgrade, to the extent that Transport for NSW have advised Sydney Water to align the pipeline to avoid all future Transport for NSW works, by avoiding their (undefined) project / operational boundary. This is not a coordinated approach to integrate the designs and is forcing the pipeline to have a greater impact on the Site, exacerbating the social and economic impacts of the works.

Neither the 100% concept design for Elizabeth Drive by Transport for NSW nor the 50% detailed design for the Treated Water Discharge Main Pipeline have been properly consulted with nor agreed to by the registered landowner. All concept designs have been noted for future consultation and agreement with landowners.

The alignment of the pipeline should be closely coordinated between Sydney Water with Transport for NSW, Endeavour Energy, Penrith City Council and other government authorities and agencies as part of an integrated servicing strategy. A coordinated and integrated design solution for servicing the Aerotropolis is a fundamental element of the Government's Aerotropolis planning and design work to date.

Social and Economic Impacts

The key impacts created by the lack of coordination between Sydney Water and Transport for NSW, and the lack of proper and meaningful consultation between these agencies and the registered landowner:

- The social impact on the Western Sydney International Airport's only primary public interface, the approximately 3km that directly fronts Elizabeth Drive (including approximately 1.5km of the Site) has not been considered.
 - The lack of coordination will create an urban design 'dead space' at the front door of the Airport. Any opportunity to create an integrated high technology Aerotropolis employment precinct immediately adjacent to the Airport will be lost.
 - The uncoordinated design of Elizabeth Drive and the pipeline are not demonstrating 'place based' design, is not innovative and does not support the supply of developable land that maximises the efficiency of investment in infrastructure.
 - It does not support the Government vision for the Northern Gateway Precinct's interface of the Airport with the Aerotropolis.
 - The lack of consideration of the design of Burra Park in the concept designs to date is disappointing. Neither Transport for NSW nor Sydney Water have undertaken meaningful engagement with the Burra Park design team, despite repeated attempts by Burra Park to coordinate.

- The economic impact of the inefficient design and excessive land acquisition is through land lost to sterile and ill-conceived earthworks batters and pipeline easements.
 - The designs and future limitations on the land will preclude any viable future use of the excess land acquired.
 - The designs as proposed will include considerable and expensive land acquisition costs for Government that could be minimised or avoided through better design coordination between agencies and between agencies and landowners.
 - Avoiding land acquisitions would have the dual purpose of minimising the cost to deliver the projects, maximising the supply of developable land and efficiency of the investment in infrastructure.

Process Forward

We support the Upper South Creek Advanced Water Recycling Centre project and we will continue to work collaboratively and proactively with NSW Department of Planning and Environment and Sydney Water.

We would appreciate your assistance in seeking design coordination between the Sydney Water pipeline, Elizabeth Drive concept design and our project. We believe a more integrated and coordinated design will deliver better outcomes for all parties and result in a superior outcome along the main public interface of the Western Sydney International Airport.

Should you have any questions in relation to this letter / matter, please contact the undersigned.

Yours faithfully,

BHL Group



Contact:

Adam Carmody
Development Director
BHL Group
M: 0417 027 553
E: Adam.Carmody@bhlgroup.com.au