

DECEMBER 2024

**WESTERN SYDNEY AIRPORT BUSINESS PARK  
(SSD-64409468)**

**SUBMISSION BY ANTHONY KRILICH**

**KRILICH – LOT 1 DP 220176 (NO. 2600) ELIZABETH DRIVE  
LUDDENHAM NSW 2745**

## WESTERN SYDNEY AIRPORT BUSINESS PARK (SSD-64409468)

### INTRODUCTION

This submission is prepared in response to the exhibition of the **Western Business Airport Business Park** State Significant Development Application SSD-64409468.

This submission is made by the landowner and occupants of No. 2620 Elizabeth Drive Luddenham. The details of our property are as follows:

**PTY:** Lot 1 DP 220176 (No. 2600) Elizabeth Drive, Luddenham

**OWNER:** Lenko Krilich

We thank the *Department of Planning, Housing and Infrastructure* for providing us with the opportunity to comment on this development application.

The main issue that this landholder has is in relation to the development applications consistency with the **Western Sydney Aerotropolis Precinct Plan** (Sept 24) *Movement Framework – Transport Network* under Part 4.6 of this Plan, and the road network proposed by this development application.

The **development needs to be amended and modified** to be consistent with the *Movement Framework – Transport Network* of the Precinct Plan specifically in relation to the proposed location of the **east/west Collector Street** on the northern boundary of the development. This Collector Street needs to be equally located across adjoining lots and should be equally shared between the development site and the adjoining lots.

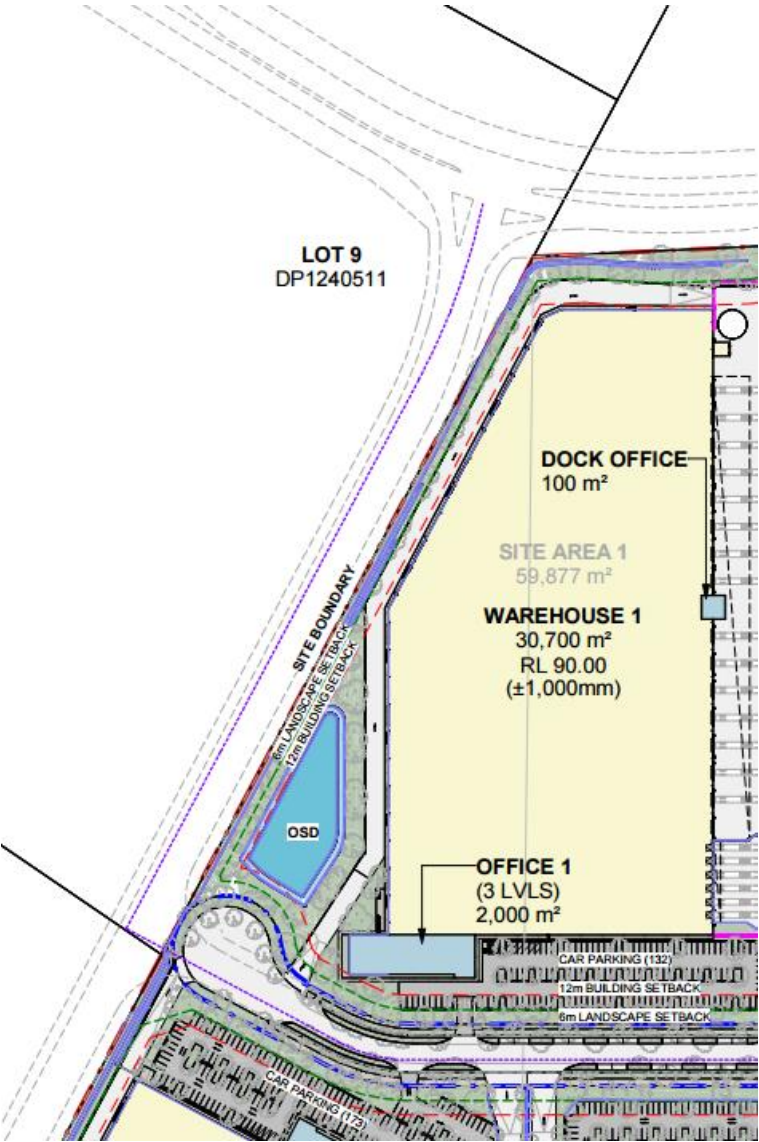
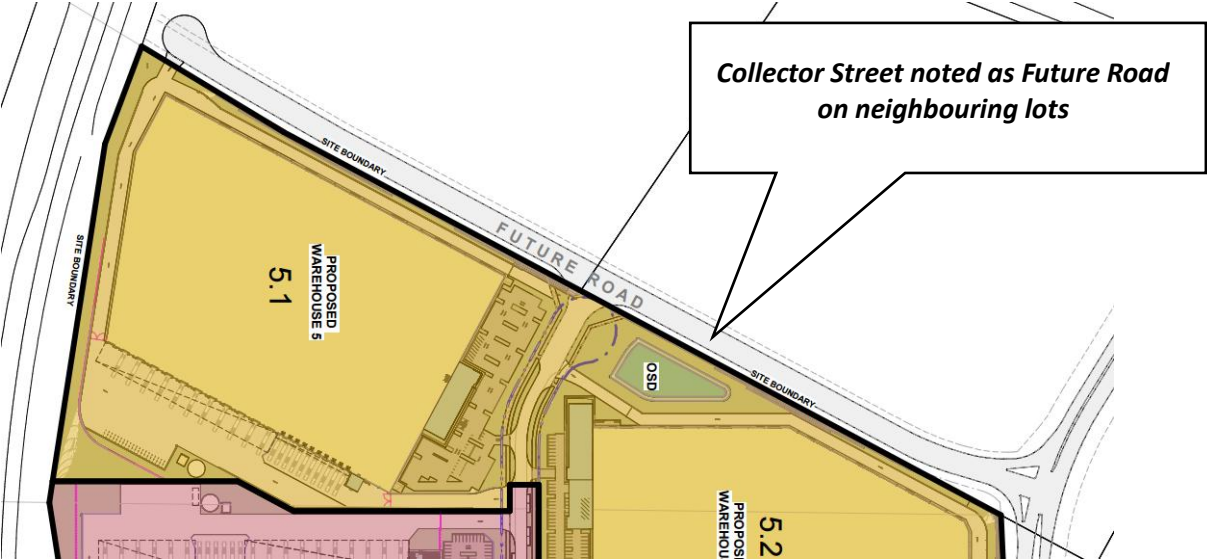
### COLLECTOR STREET LOCATION IN THE SSD APPLICATION

The proponent has shown a road network that is not consistent with the Precinct Plan. In particular the **Collector Street** shown on neighbouring Lots 8 and 9 in DP1240511 is in a location that is not consistent with the Precinct Plan.

This road is shown wholly on neighbouring lots and also in a location that is off the common boundaries with the development site.

The alignment of this road affects other lots within the locality including our property. Its location sets a precedence for the remainder of the Transport Network within the Agribusiness Precinct, and it needs to be correctly approved in a location that is consistent with the Precinct Plan.

The Collector Street that is part of this objection is shown on the following plan extracts:



The development application needs to be amended or modified to show this Collector Street in an area that is equally shared, and is to be equally built between the subject site and neighbouring lots on a 50:50 basis. Its proposed location affects development on neighbouring lots and the development potential of these lots and other lots in the area.

## CONSISTENCY WITH WESTERN SYDNEY AEROTROPOLIS PRECINCT PLAN

*State Environmental Planning Policy (Precincts – Western Parkland City) 2021* under Section 4.39 requires **consistency** of a development with the Precinct Plan:

### 4.39 Development must be consistent with precinct plan

- (1) Development consent must not be granted to development on land to which a precinct plan applies unless the consent authority is satisfied that the development is consistent with the precinct plan.
- (2) Subsection (1) does not apply if—
  - (a) the consent authority has considered a written request from the applicant that seeks to justify an inconsistency by demonstrating that—
    - (i) the inconsistency is minor, and
    - (ii) consistency with the plan is unreasonable or unnecessary in the circumstances, and
    - (iii) sufficient environmental planning grounds justify the inconsistency, and
  - (b) the consent authority is satisfied that—
    - (i) the applicant's written request adequately addresses the matters required to be demonstrated by paragraph (a), and
    - (ii) the development is consistent with the strategic vision and general objectives for the precinct.
- (3) The consent authority must keep a written record of its assessment of the matters in the applicant's written request that were required to be demonstrated by subsection (2)(a).

The Precinct Plan under Part 1.3 also lists requirements in how to use the Precinct Plan in development assessment.

A development application is required to be consistent with the Precinct Plan.

The consent authority (the *Department*) will determine if a development application is consistent with the Precinct Plan based on an assessment of compliance with the requirements, and with reference to the relevant objectives in the Precinct Plan.

From the submitted plans and environmental impact statement (EIS), it is clear that the **development application is inconsistent** with Part 4.6 - *Movement Framework – Transport Network* of the Precinct Plan with respect to the Collector Street location for this development.

It is also noted that the EIS also utilises the older Precinct Plan and not the currently adopted September 2024 Precinct Plan in its application of the 24 September 2024. This submission uses the latest Precinct Plan.

## PART 4.6: MOVEMENT FRAMEWORK – TRANSPORT NETWORK

Collector Street locations are shown *indicatively* within the Precinct Plan under *Figure 10 – Street Hierarchy*. An extract of this Figure 10 is shown below:



Extract from Figure 10 – Aerotropolis Precinct Plan September 2024.

From Figure 10, it is clear that the Street Hierarchy for the Aerotropolis is *indicatively drawn* and not accurately drawn. The Street Hierarchy was also always never meant to be accurately drawn, and the Department clearly exhibited the Precinct Plan that was based on this fact that these roads were all indicatively drawn and not precise locations. If they were precise locations, detailed landholder submissions would have been made during exhibition of the Precinct Plan on this road network and road locations.

The question therefore arises why has the proponent and the EIS interpreted this road network as a precise location? It is clear to any layperson and professional that this is an *indicative drawing*, full of drafting errors and logical mistakes, and drawn as freehand non-accurate indicative plan. Road location and widths in this plan are determined on the pencil thickness used in drawing it.

This matter was raised with the proponent at the Draft EIS stage and the EIS highlights this in its *Community Consultation* section:



5.4 Community Consultation

Private landholders in the surrounding area were consulted via a letterbox drop in March 2024. Consultation letters were distributed to all immediately surrounding neighbours, as well as to landholders north-ward to Elizabeth Drive, east-ward and south-ward to Western Sydney Airport, south-westward to Luddenham Village, and north-westward to landholders on both sides of The Northern Road. In total, this area encompasses approximately 28 landholdings.

This distribution area is considered appropriate for the project given the location of the site within (and surrounded on all sides by) the Agribusiness Precinct, the consistency of the project with the strategic and statutory planning framework for the Aerotropolis, and the potential for environmental impacts on surrounding land (such as by way of visual amenity, noise, traffic, etc.).

Responses were received from three neighbouring landowners, who generally support the proposal but raised issues around the proposed road layout, specifically the alignment of the future road to the north of the site boundary (on their landholdings). As outlined in Section 4.4, the road network for the project and surrounding area is consistent with the transport network under the WSA Precinct Plan.

This response by the proponent in the EIS is false. The road network for the project and surrounding area is **not consistent** with the transport network under the WSA Precent Plan.

The proponent makes further comments in the EIS:

|  |     |   |
|--|-----|---|
| 09 Transport networks to facilitate movement of freight and people, and prioritise sustainable transport modes | Yes | The WSABP has been designed to be wholly consistent with the transport network under the precinct plan, and includes a number of facilities to promote sustainable transport modes (see Sections 3.11 and 6.1). |
|--|-----|---|

Again, this is an incorrect comment. The WSABP proposal is not wholly consistent with the Precinct Plan and the EIS is flawed in not adequately responding to this (only) community concern.

Clearly under Section 4.39(2) of the *Aerotropolis SEPP* and 1.3 of the Precinct Plan, the Department must consider a **written request to vary the Precinct Plan** if the applicant is proposing this Collector Street location. This has not been provided.

**The Department cannot therefore consider this application as submitted.**

## Precinct Plan Part 4.6.2 - Requirements

Part 4.6.2 of the Precinct Plan shows the *Requirements* for the street hierarchy and typology:

Requirements SH3 states the following:

- SH3 The layout and location of Local Streets and Collector Streets on **Figure 10** is indicative. Where a development application proposes a variation to the Local Street or Collector Street, the applicant must demonstrate that in addition to the requirements in SH2, that the variation:
- Achieves a permeable street network;
  - Encourages walking and cycling and minimises travel distances;
  - Maximises connectivity to community facilities, open space and centres;
  - Takes into account topography and the flow of water in the landscape;
  - Will not detrimentally impact on access to adjoining properties or result in isolation of properties; and
  - Will not impede the orderly development of adjoining properties.

This requirement therefore confirms clearly that the Collector Street location in Figure 10 is **indicative**, not a precise location.

The proponent's variation to the Collector Street location highlighted in this objection clearly does not satisfy these requirements under SH3 for varying the location of the Collector Street under SH3e and SH3f:

- The application will detrimentally impact on access to adjoining properties and result in isolation of properties, including lot severance of these properties.
- The application will impede the orderly development of the two adjoining properties to the north of the site and will set a precedence for the remainder of the area in terms of an incorrect street/transport layout.

The flow of water into the landscape by the development under SH3d is also not satisfied as the drainage network for the northern part of the development cannot be undertaken without the drainage infrastructure in this Collector Street on neighbouring lands being utilised.

Requirement SH5 states the following:

- SH5 Roads and streets are aligned to follow property boundaries where possible to reduce lot severance.

The proponent's variation to the Collector Street location highlighted in this objection clearly does not satisfy the requirements under SH5.

Collector Streets are to be aligned to follow property boundaries to reduce lot severance. This is clearly possible with this application, but has not been undertaken so as to maximise development on the proponents site, while offloading road construction onto neighbouring landowners.

The proposal also requires this Collector Street to connect into its own internal north/south Collector Street eventually (shown as a cul-de-sac head on its plans) yet does not recognise that it should be built in a 50/50 setup equally and equitably across property boundaries.

Requirements SH2 states the following:

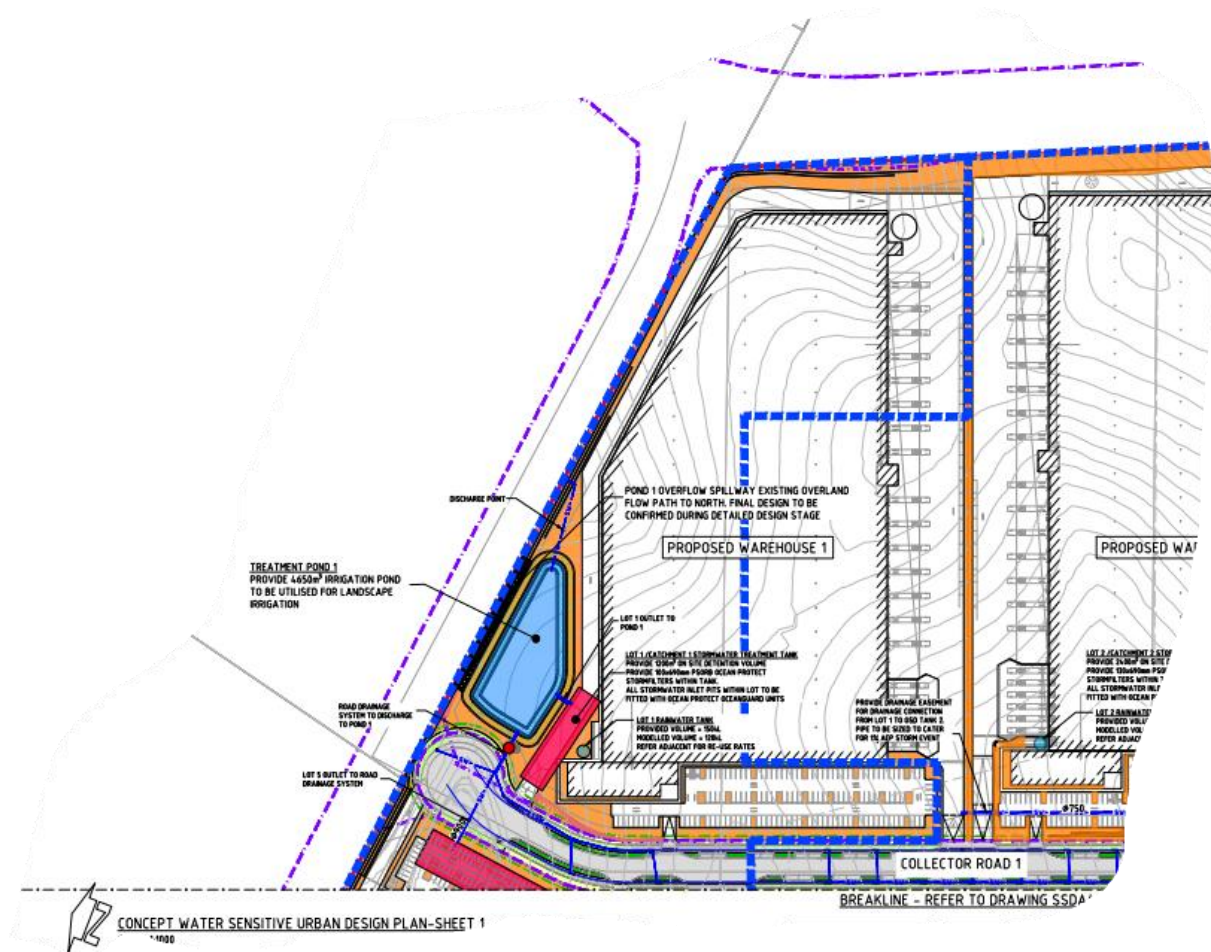
- SH2    Local and Collector streets are to be designed to:
- a.    Connect to other streets in the hierarchy in a logical sequence, so that Local Streets connect to other Local Streets or to Collector Streets;
  - b.    Incorporate priority-controlled intersection treatments;
  - c.    Minimise 4-way intersections and avoid intersections with more than 4 streets;
  - d.    Provide interfaces between urban land and land identified for open space, conservation, or stormwater management;
  - e.    Enable land in different ownerships to be developed independently and ensure that legal and physical access to properties is maintained at all stages in the development process;
  - f.    Convey stormwater within the Total Water Cycle Management network as shown on Figure 6;
  - g.    Contribute to tree canopy and the Blue Green Infrastructure Framework shown on **Figure 5**; and
  - h.    Maximise opportunities for the energy efficient design of buildings.

The proponent's variation to the Collector Street location also impacts on the delivery of stormwater drainage to the northern part of the development.

How will this part of the site convey stormwater to the Total Water Cycle Management network if relying on a Collector Street (and its associated drainage) built on neighbouring land?

This is proposed as shown on the following page:





The northern part of the development which drains onto the two adjoining lots to the north therefore relies on stormwater drainage in this Collector Street to be built for it to be viable. Requirement SH2f is therefore not complied with.

Requirement SH2e is also not complied with. Although this development can be developed independently on its site, physical and legal access to a Collector Street located and severed from the site is not achieved, and the required connection to the north-south Collector Street on the development site cannot be legally connected and implemented with the development.

The proponent has therefore shown a road network that is not consistent with the Precinct Plan and the Requirements and Objectives of the Precinct Plan.

#### Precinct Plan Part 4.6.2 – Objectives

The Collector Street location stated in this submission **does not comply with the Objectives** of Part 4.6.2 of the Precinct Plan.

## Objectives

- SH01 Establish a hierarchy of streets that supports the development of the Aerotropolis and provides streets for safe and efficient movement of freight and people, and that is connected to other parts of Greater Sydney and NSW.
- SH02 Create streets that are attractive, green, sustainable, safe, functional, adaptable and integrated with topography and the natural environment.
- SH03 Minimise lot severance and maximise the efficiency of the road network to facilitate development across multiple properties.
- SH04 Reflect the varied role of streets in urban environments such as public spaces, places for social interaction, service provision, movement connections, water and stormwater management, biodiversity and environmental functions.
- SH05 Design the public transport network to achieve operational integrity and permeability for buses, both local and rapid, so that as the needs of the network change, bus routes and bus priority can easily adapt.

As highlighted by the previous comments, the proposal **does not satisfy the Objectives** for the street hierarchy and typology in the Precinct Plan as follows:

- *Objective SH01* – Not satisfied as the Collector Street location on the neighbouring two lots will not support development of the Aerotropolis and will hinder its development, by offloading this street network for others to implement.
- *Objective SH02* – Not satisfied as the Collector Street location is not functional, adaptable and integrated with the topography and natural environment of this area.
- *Objective SH03* – Not satisfied and the Collector Street location clearly does not facilitate development across multiple properties and causes lot severance. Its location unreasonably restricts the future orderly neighbouring lot development while benefiting the proponent's development. It does not maximise the efficiency of the road network.
- *Objective SH04* – Not satisfied as the Collector Street location will fail to deliver stormwater management for a substantial part of the development and relies on others to deliver and provide for its stormwater management.
- *Objective SH05* – Not satisfied as the Collector Street location will hinder the development of the eventual public transport network and bus network for the Precinct.

The interpretation of the location of the Collectors Street in question under this WSABP development is therefore incorrect and **inconsistent with the relevant Objectives in the Precinct Plan**.

The proponent has therefore shown a road network that is not consistent with the Precinct Plan and the Requirements and Objectives of the Precinct Plan.

## OTHER CONSIDERATIONS FOR THE COLLECTOR STREET LOCATION

The Department should also consider following additional matters for consideration in part of its evaluation and determination of the development application.

### Funding for the Road Network and Collector Streets

The Department needs to consider how this future Collector Street will be funded and built to achieve the objectives of the Precinct Plan.

These Collector Streets are not funded through the *Liverpool City Council Section 7.12 Aerotropolis Contributions Plan*.

Anton Road North, being a sub-arterial road on the eastern boundary of the subject site, is funded and land is to be acquired for this road via the Section 7.12 Plan. This is shown below:

**Figure 22 – Liverpool Land Acquisition Plan**



Similarly, other roads are funded by the *Western Sydney Aerotropolis Infrastructure Contribution (SIC)*. This includes the extension of Luddenham Road south of Elizabeth Drive to the proposed site, and also Elizabeth Drive itself.

The east-west Collector Street in question under this submission is not funded by these contribution plans and is to be **funded and built by developers**. So who will pay for this? Will there be a mechanism to pay for this, such as via a Voluntary Planning Agreement? Will the developer be required to fund and build this Collector Street?

Accordingly, its location is critical to get right and needs to be equitably located and funded between differing developers/landowners.

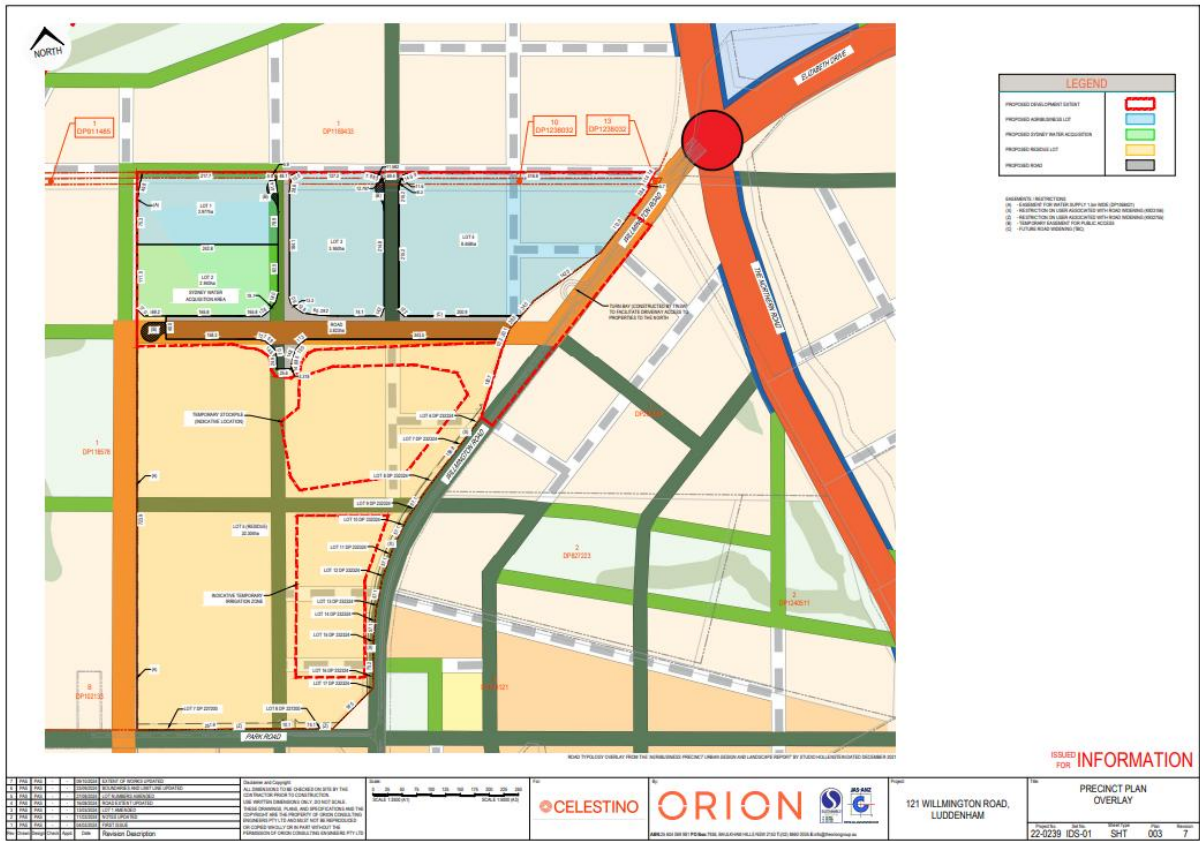
The interpretation of the location of this Collectors Street in question in the EIS is incorrect and inconsistent with the Precinct Plan.

Collector Street Location on Neighbouring Development Applications

Another SSD application neighbouring this site is the **Subdivision of 121 Wilmington Road Luddenham** under **SSD-77336995**. This SSD application is for *Celestino Developments Pty Ltd*.

*Celestino Developments Pty Ltd* have been integrally involved with the Aerotropolis since inception, being the proponents of the *Sydney Science Park* at Luddenham in the Northern Gateway. They have been a part of the Departments implementation of the Aerotropolis Planning Package from the start. They were also part of the *Greater Sydney Commission* in preparing the *Western City District Plan*.

This SSD application provides for subdivision plans, including a *Precinct Plan Overlay* plan of the road network for their subdivision. **It also shows this Collector Street in question in the correct location.** This is presented below:



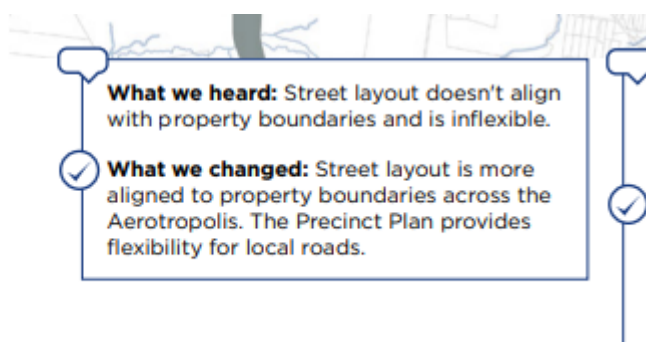


This SSD application by *Celestino Development Pty Ltd* therefore proves that the Collector Street location in the EIS for the WSABP development is in the incorrect location.

The interpretation of the location of this Collectors Street in question in the EIS is therefore incorrect and **inconsistent with the Precinct Plan and neighbouring other SSD applications**.

### The Departments Exhibition of the Precinct Plan and Finalisation Report

The Department issued a *Finalisation Report* titled ***Aerotropolis – Responding to the Issues – Parts 1 and 2*** in March 2022. This Finalisation Report highlighted community concerns regarding road locations and property boundaries. Some of these comments by the Department are shown below:





open space where it is needed for community benefit such as around local centres.

The urban design review has realigned the street network with property boundaries, so that development can progress in an equitable manner.

The amount and level of detail in the Precinct Plan was rationalised to remove content duplicated from the WSAP. Some content that is more detailed (including the finer grain street network) is moved to the DCP.

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| Submission Number  | Key Issue Raised                       | Summary of Issue  | The Departments Response and relevant section of Finalisation Report  |
|--|--|---|---|
| 579, 509, 483, 487, 415, 431, 463, 464, 462, 438, 365, 291, 284, 303, 201, 193, 195, 166, 144, 132, 118, 119, 90, 106, 2, 15, 14, 582, 581, 580, 575, 577, 570, 515, 538, 483, 453, 324, 325, 365, 359, 295, 285, 291, 259, 195, 118, 580, 570, 509, 487 | Infrastructure sequencing and delivery | A number of submissions raised concerns regarding the Staging and Sequencing of the Initial Precincts and identified that the plan did not have regard for property boundaries... | Minor changes have been made to land within Priority 1 and the Precinct Plans have been amended to consider the existing cadastral pattern. See section 4.4.10 and 4.4.12 |

Clearly equitable delivery of local roads such as this Collector Street were identified early in the whole Aerotropolis Planning Package as a major issue, and community concerns such as in this objection letter were issues for the community and stakeholders from the start.

For these reasons, Collector Streets and Local Roads were always identified as being in indicative locations only in the final Precinct Plan, which were to be equitably delivered under development applications.

The interpretation of the location of this Collectors Street in question in the EIS is not equitable and has no regard for property boundaries in the existing cadastral pattern. The development is therefore **inconsistent with the Precinct Plan**.

EIS incorrectly identify zoning of the lands

The EIS incorrectly identifies the zoning map that applies to the site and surrounds. An extract of the EIS zoning map is shown below in comparison with the current zoning map, which has applied for some time now since 17 August 2022 (the ENZ was been removed from surrounding sites two years ago).

This matter is highlighted as simple town planning zoning errors such as this call into question the accuracy of the EIS. Statements in the EIS purporting “consistency with the Transport Network” and the developments “consistency with the Precinct Plan” need to be questioned.



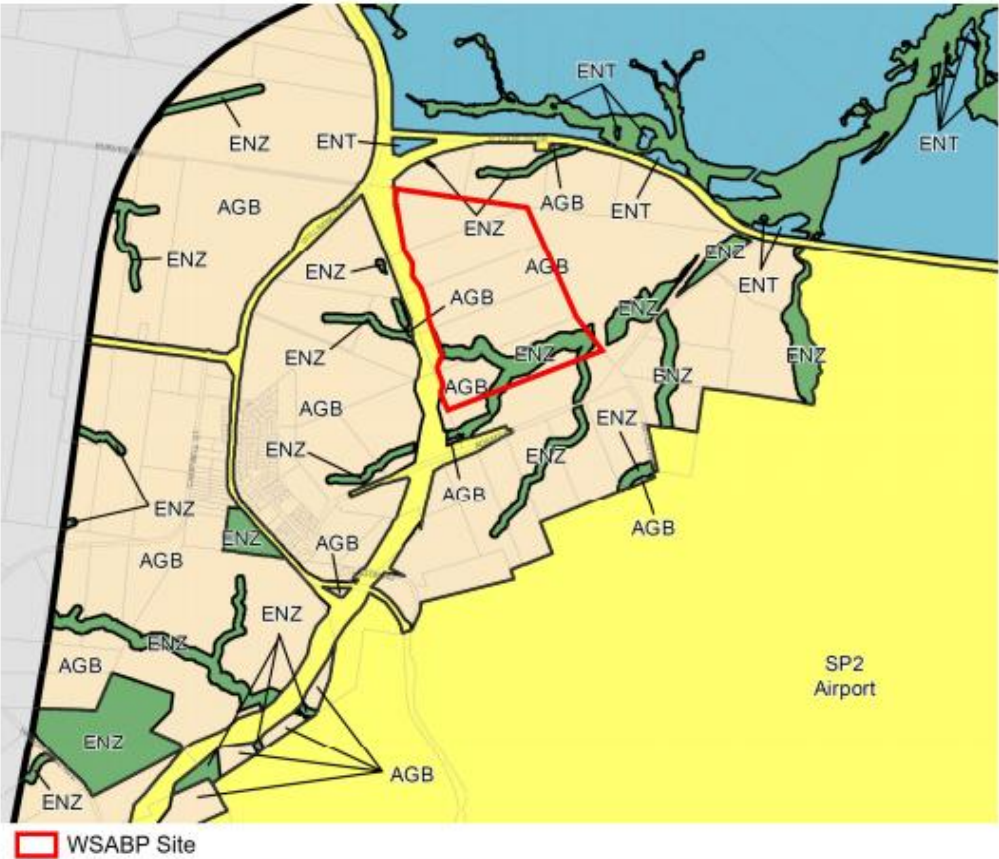
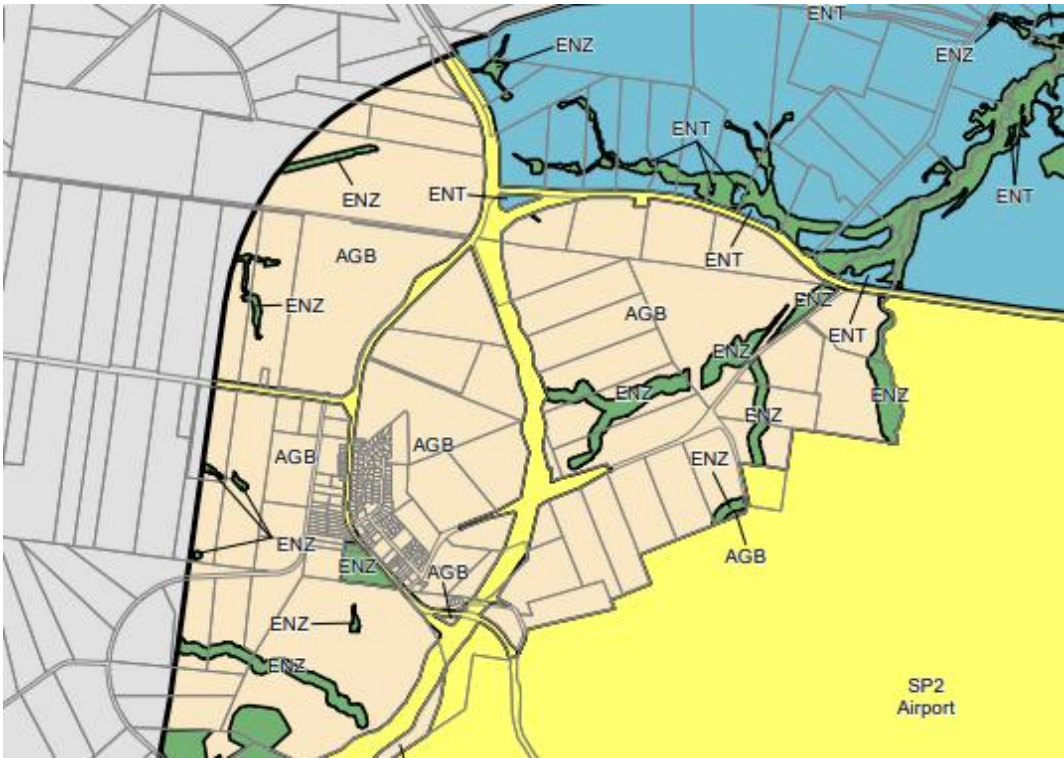


Figure 4.4: Zoning Plan (Source: Western Parkland City SEPP)

Zoning plan is incorrect and needs to reference correct zoning map (since 2022) is shown below



CONCLUSION

As stated in this submission, the main issue that this landowner has is in relation to the consistency with the *Western Sydney Aerotropolis Precinct Plan (Sept 24) Movement Framework – Transport Network* shown under Part 4.6 of this Plan, and the road network proposed by this development application. In particular, this landowner objects to the intended location of the **east-west Collector Street** located on the neighbouring northern properties (Lots 8 and 9 in DP1240511) as this sets a precedent for the location of this Collector Street on our property.

We believe that the **WSABP proposal needs to be amended and modified** to be consistent with the *Movement Framework – Transport Network* of the Precinct Plan specifically in relation to the location of this **east/west Collector Street** on the northern boundary of the development.

This submission has shown that the location of this Collector Street is inconsistent with the Requirements and Objectives of the Precinct Plan.

This Collector Street needs to be equally located across adjoining lots and should be equitably shared between the development site and the adjoining lots.

*This submission has been prepared by Anthony Krilich on behalf of Lenko Krilich*



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**Anthony Krilich**

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