

Submission Objection

Response to (PJEP) Environmental Impact Statement – October 2024
In Reference to SSDA 64409468 (WSABP)

4 December 2024

Prepared for

John Buhach

The Landowner, Lot 8, DP1240511

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1. INTRODUCTION

This submission is prepared on behalf of John Buhach, the landowner of 2700 Elizabeth Drive, Luddenham, Lot 8 DP1240511.

Lot 8 DP1240511 is situated directly adjacent to the northernmost boundary of the proposed Western Sydney Airport Business Park (WSABP), as outlined in the State Significant Development Application (SSDA) - 64409468. (See [Figure 1](#))

This submission is made in response to the PJEP Environmental Impact Statement (EIS), October 2024, prepared for the WSABP.



Figure 1: 2700 Elizabeth Drive, Luddenham, Lot 8 DP1240511

2. KEY OBJECTION

This submission outlines an objection to the **placement of the Collector Road**.

The proponent's decision to place the Collector Road entirely over the southern portion of Lot 8, instead of distributing the burden equitably along the common boundary. (See [Figure 2](#)).

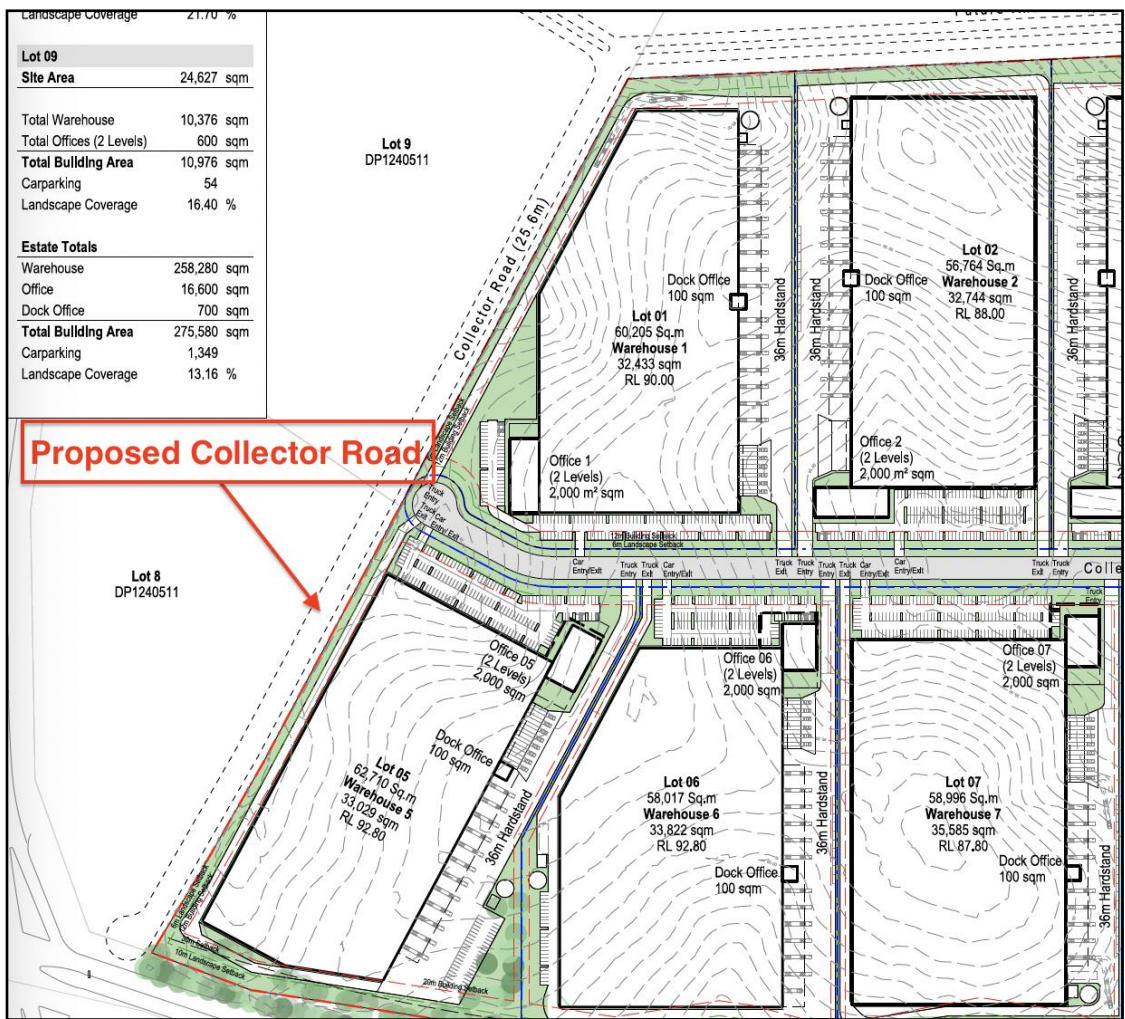


Figure 2: Proposed placement of Collector Road

2.1.1. PROPONENT'S POSITION

The proponent's response to concerns raised by affected landowners, as presented in Chapter 5 (Engagement and Identification of Key Issues), Section 5.4 (Community Consultation) of the Environmental Impact Statement (EIS). (See Figure 3)

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.

Figure 3: Section 5.4 'Community Consultation', EIS

The proponent asserts that their road network design aligns with the transport network outlined in The Western Sydney Aerotropolis Precinct Plan 2023 (note: the current version of the WSAPP is dated September 2024). The proponent points to Section 4.4 of their EIS report as the basis for that assertion.

In Section 4.4 of the EIS, the proponent references Figures 4.9 to 4.11 (and Appendix C) as evidence of compliance with the WSAPP. Upon review, Figure 4.10 is the only relevant figure that could be interpreted as justifying the placement of the Collector Road over neighbouring properties. (See [Figure 4](#))

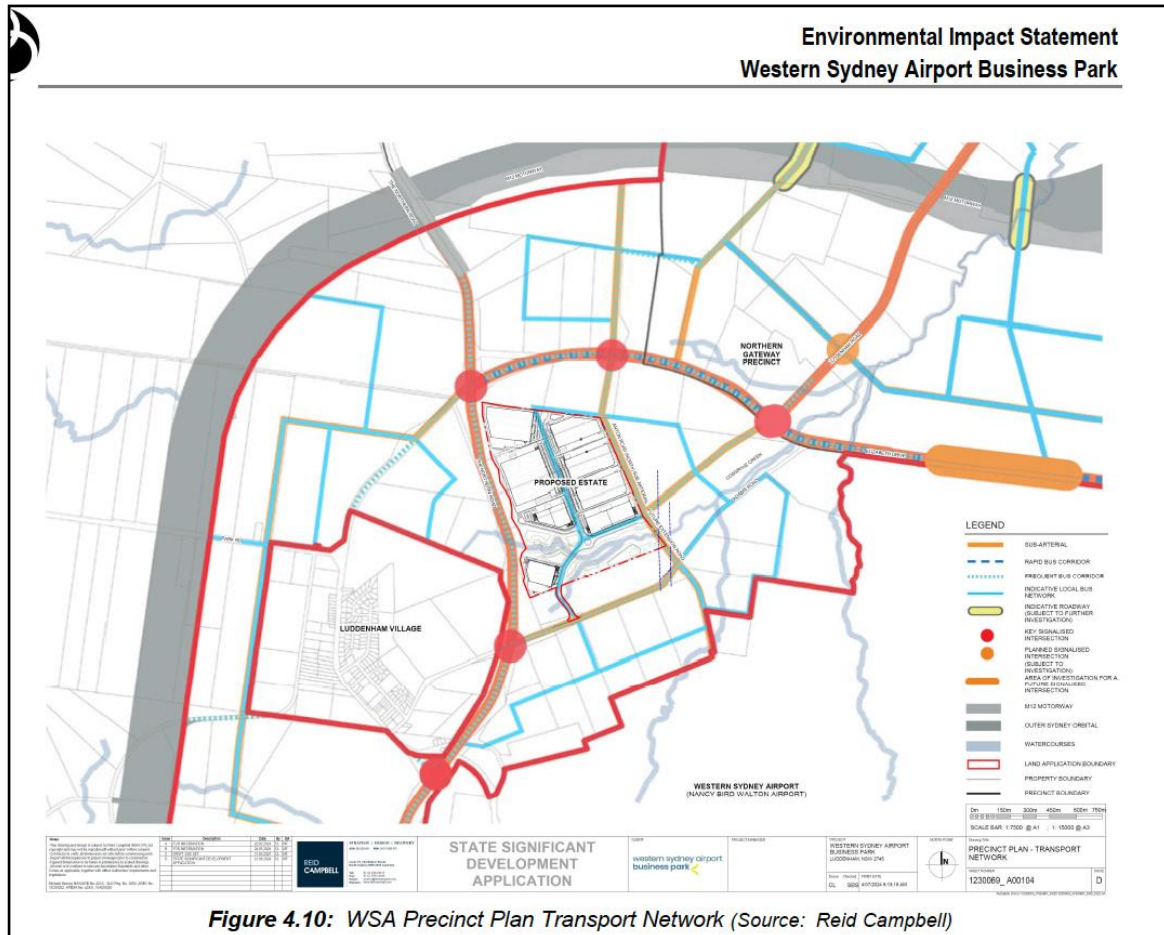


Figure 4.10: WSA Precinct Plan Transport Network (Source: Reid Campbell)

Figure 4: Excerpt from the EIS labelled "Figure 4.10", WSA Precinct Plan Transport Network

In Appendix C, the same indicative plan, sourced from the WSAPP, is used to support the alignment of the Collector Road over neighbouring properties to the north of the proposed development. Red arrows in [Figure 5](#) highlight the indicative layout on which the proponent relies.

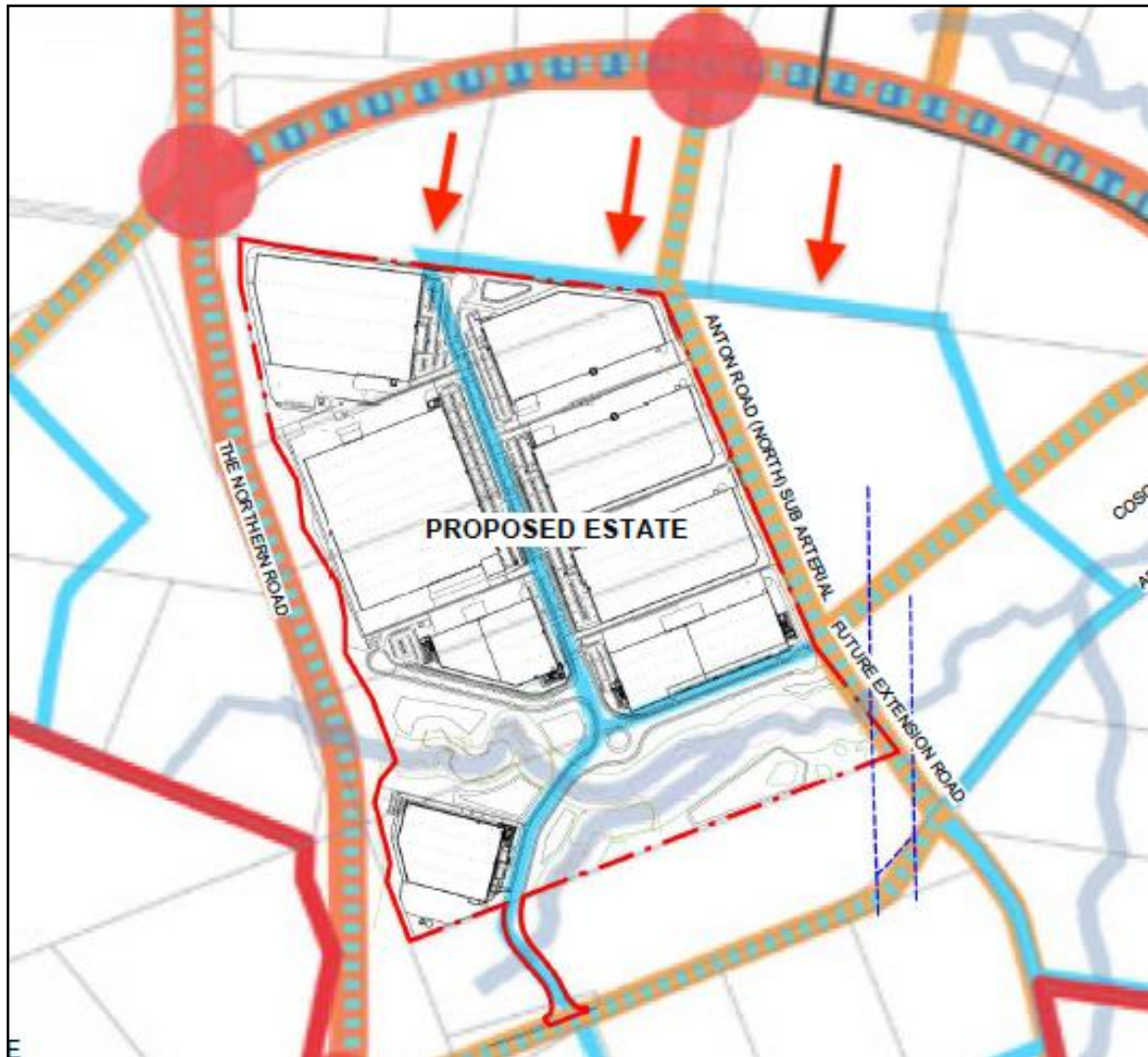


Figure 5: Excerpt from the EIS, "Appendix C"

Further commentary by the proponent on statutory compliance can be found in 'Appendix O' of the EIS, where the proponent reaffirms their adherence to the WSAPP objectives, stating that the design is "wholly consistent with the transport network under the precinct plans." (See [Figure 6](#))

| Environmental Impact Statement Western Sydney Airport Business Park | |
|--|--|
| WESTERN SYDNEY AEROTROPOLIS PRECINCT PLAN | |
| Objective Summary | Comments |
| 2 Precinct Vision and Objectives | |
| 2.1 Precinct Objectives | |
| 01 Start with Country | The design of the development has been guided by Aboriginal Design Principles developed in consultation with Aboriginal knowledge holders. |
| 02 Celebrate culture | The Aboriginal Design Principles for the project celebrate culture in a number of ways, including preservation and rehabilitation of the Cosgroves Creek corridor, providing cultural facilities and movement corridors in the public domain, employing water sensitive urban design strategies, designing buildings to step down the landscape and minimise retaining walls to the public domain, designing buildings to include colour schemes and palettes that reflect the cultural history of the area, and implementing an indigenous-focused public art strategy. |
| 03 Maximise efficiency of infrastructure investment | The proposed estate layout is wholly consistent with the blue and green infrastructure, and transport infrastructure, network overlays in the precinct plan. |
| 04 Protect airport operations | An Aviation Impact Assessment has been undertaken for the project, which indicates that the project would not adversely impact airport operations. Indeed, the proposal provides a significant opportunity to deliver the Integrated Logistics Hub planned for the airport. |
| 05 Grow and diversify the economy of the Western Parkland City | The WSABP would deliver a high quality employment precinct in close proximity to the Western Sydney Airport, to support the economic growth of the Western Parkland City. |
| 06 Enable land use to evolve to contribute to the Western Parkland City | The proposed development would generate significant employment opportunities to support the growth of the Aerotropolis and the wider Western Sydney. |
| 07 Landscape-led design | The WSABP has been designed to comply with the blue and green infrastructure framework for the precinct, align with site topography, and deliver a landscape-led design which includes major restoration and enhancement of the Cosgroves Creek riparian corridor. |
| 08 Provide social infrastructure in strategic locations | The WSABP includes provision of major environmental, cultural and recreation open space and associated facilities within the Cosgroves Creek riparian corridor, as well as a network of shared paths and other facilities to provide connections to and within the estate. |
| 09 Transport networks to facilitate movement of freight and people, and prioritise sustainable transport modes | 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. |

Figure 6: Excerpt from the EIS, "Appendix O"

2.1.2. OBJECTION RATIONALE

2.1.2.1. Planning Documents

It is the opinion of this submission that the proponent's assertions regarding the road network are unreasonable and represent a self-serving interpretation of the WSAPP.

The proponent is attempting to exploit the high-level nature of the Plan where it suits their purposes while disregarding the Plan in areas deemed non-beneficial to their proposal.

The Western Sydney Aerotropolis Precinct Plan (WSAPP) – September 2024 must be used as the guiding framework for all development within the Aerotropolis. The WSAPP plans are indicative, non-prescriptive, and designed to provide flexibility to meet the objectives of the plan. This flexibility was built into the WSAPP to minimise negative impacts on landholdings, including issues such as severance.

In March 2022, the Western Sydney Aerotropolis – Planning Package – Finalisation Report recognised and addressed issues in relation to the 2020 draft PP.

It recognised the limitations of setting in place a rigid road network design. It acknowledged the need for flexibility to allow adjustments for site-specific conditions and accommodating potential layout modifications for better outcomes.

In section 4.4.10 lot severance was addressed. The **response** states that the flexibility of the indicative plan is there to reduce the degree and frequency of lot severance occurring. (See [Figure 7](#))

| Western Sydney Aerotropolis – Planning Package – Finalisation Report | | | |
|--|----|-----|-----|
| 2056 – Aerotropolis wide (average) | 7% | 43% | 50% |
| Issue | | | |
| <p>The draft Precinct Plan presented a full, fine-grain street network for each of the initial precincts. Some submissions raised concerns the inclusion of the full, fine-grain street network in the draft Precinct Plan unreasonably limited the flexibility to adjust for individual sites based on site-specific conditions and where adjustments to the street layout may result in a better outcome. This was a particular concern given the draft Precinct Plan would have statutory weight, making provisions contained within it much more challenging to vary at the development stage.</p> | | | |
| Response | | | |
| <p>The Precinct Plan has been modified to provide a higher level of flexibility for the fine-grain street network, so that suitable adjustments may be made at the development application stage. This has been achieved by presenting local and collector streets as indicative in the Precinct Plan.</p> <p>Applicants may vary local and collector streets shown in the Precinct Plan, so long as they can demonstrate the alternative design:</p> <ul style="list-style-type: none">• Achieves a permeable street network.• Encourages walking and cycling and minimises travel distances.• Maximises connectivity to community facilities, open space and centres.• Takes account of topography and the flow of water in the landscape.• Will not detrimentally impact on access to adjoining properties or result in isolation of properties.• Will not impede the orderly development of adjoining properties. | | | |
| 4.4.10 Lot severance | | | |
| Issue | | | |
| <p>Submissions raised concerns with the draft Precinct Plan, and the residual parcels of land that were undevelopable due to roads, open space, stormwater or application of the Environment and Recreation zone.</p> | | | |
| Response | | | |
| <p>As part of the urban design review process, proposed road alignments were amended, to the degree feasible, to better coordinate with the existing lot boundaries (cadastre) and ground conditions to minimise irregular land leftovers, site isolation or severance. The amendments to the road network, in combination with the proposed indicative layout for local roads that allow more flexibility in the implementation of the plans, will reduce the degree and frequency of lot severance occurring in the Aerotropolis and release larger areas of developable land.</p> <p>An alternative approach has been employed for privately owned properties located in the Kelvin Park Drive area within the Wianamatta-South Creek Precinct that are zoned Environment and Recreation. A 'transferrable FSR' mechanism has been applied. Where FSR transfer is taken up, the associated floor space is to be transferred to the corresponding land title within the mixed-use zone, and the land provided for public access (or public ownership). The land may be dedicated for public use, or an alternative arrangement secured providing for public access and appropriate maintenance regimes. The lots that can apply a 'transferrable FSR' are indicated in yellow on the FSR control map contained in the final Precinct Plan.</p> | | | |
| NSW Department of Planning and Environment 36 | | | |

Figure 7: Excerpt from the Finalisation Report 2022

Acknowledging that State Significant Development is not subject to Development Control Plans, the Western Sydney Aerotropolis DCP provides detailed guidance for development within the Aerotropolis precinct, as such, the highlighted points in [Figure 8](#) and [Figure 9](#) below should not have been ignored.

| 3.0 Development for Enterprise and Industry, and Agribusiness | | |
|--|--|--|
| <p>This Chapter of the DCP applies specifically to development for the purpose of Enterprise and Light Industry, and Agribusiness only. The object of this Chapter is to meet the relevant performance outcomes established for each benchmark solution.</p> | | |
| 3.1 Local road network and design | | |
| 3.1.1 Street design | | |
| Performance Outcomes and Benchmark Solutions | | |
| Performance Outcome | Benchmark Solution | |
| <p>PO1</p> <p>To enable a road network that is safe and efficient for all users and minimises through traffic on minor roads.</p> | <ol style="list-style-type: none"> 1. Road design for local streets, collector streets and park edge streets as identified on the Aerotropolis Precinct Plan are to be consistent with the typical road cross-sections in this Figure 10 to Figure 12. 2. Development applications shall be accompanied by a Traffic and Transport Report. The Report shall assess the impact of projected pedestrian and vehicular traffic associated with the proposal and outline the extent and nature of traffic facilities necessary to preserve or improve the safety and efficiency of the road system. 3. Subdivision and development are to consider the coordinated staging and delivery of surrounding road infrastructure. Development consent will only be granted to land serviced by a suitable road network with traffic capacity to service the development (to the satisfaction of the relevant roads authority). 4. All parking shall be provided either on site or in centralised off- road locations. 5. The internal road pattern is to facilitate 'through-roads' with cul-de-sacs to be avoided unless dictated by topography or other constraints. 6. The road network is to be designed for 30m Performance Based Standards (PBS) Level 2 Type B vehicles and tested for a 36.5m PBS Level 3 Type A vehicles. 7. To accommodate the design vehicle (i.e. B-double and B-triple) the standard kerb return radius will need to increase from 12.5m to 15.0m. 8. Road design shall consider arrangements for broken down vehicles and incident response. <p><i>Note: All street cross-sections illustrate minimum requirements. In certain circumstances these may need to increase to respond to site specific conditions such as topography and the retention of remnant vegetation.</i></p> | |
| <p>PO2</p> <p>To encourage the orderly and economic provision of road and intersection works.</p> <p>To encourage the use of public transport, bicycles and walking.</p> | <ol style="list-style-type: none"> 1. Internal road network intersections are to be provided at the following minimum intervals: <ol style="list-style-type: none"> a. Local to local industrial road – 40m-60m; b. Local to collector/distributor road – 100-200m; and c. Collector/distributor to sub-arterial – 400m-500m | |

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[Figure 8](#):Excerpt from the DCP

4.0 Non-Residential development in Centres

This chapter applies to non-residential development in the following centres of the Aerotropolis, as identified in the Aerotropolis Precinct Plan:

- Commercial Centre – Mixed Use;
- Specialised Centre – Mixed Use;
- Business and Enterprise; and
- Local/Neighbourhood Centre.

This chapter provides specific development controls which look to support the type of development intended for the abovementioned centres. Namely, development which:

- Has a focus on employment hubs and job creation;
- Is of a higher density and finer-grain which can leverage of public transport and interchanges; and
- Supports the needs of workers and surrounding residents through a variety of commercial, social and community uses.

Development controls relating to mixed use residential development in centres and standalone residential development are provided in **Section 5** of this DCP.

4.1 Road network and design

4.1.1 Street design

This section applies to development in centres that includes Collector Roads and Local Streets identified in the Street Network and Hierarchy map in the Aerotropolis Precinct Plan.

Objectives

- O1. Design street networks to support the objectives of the NSW Government's Movement and Place framework.
- ➔ O2. Design the local road network generally consistent with the Aerotropolis Precinct Plan.
- O3. Design the local street network to accommodate diverse modes of transport including cars, public transport, walking and cycling.
- O4. To contribute to the creation of an interesting and attractive streetscape.
- O5. Provide a safe and convenient public transport, pedestrian and cycleway network.

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Figure 9: Excerpt from the DCP

Furthermore, Finalisation Report Attachment 'K1: Submissions Report – Precinct Plan Package' also emphasises this necessity for flexibility with the following statement. (See Figure 10)

“Certain road sections and road layouts are now indicative and no longer a statutory requirement in the Precinct Plan to promote the necessary flexibility and design evolution for future development. See Section 4.4.9.”

| Submission Number | Key Issue Raised | Summary of Issue | The Departments Response and relevant section of Finalisation Report |
|--|-------------------------|---|---|
| 562, 566, 575, 577, 579, 581, 583, 584, 215, 321, 515, 73 | | | |
| 61, 584, 581, 506, 580, 575, 575, 562, 577, 577, 568, 566, 528, 520, 509, 562, 543, 496, 541, 532, 503, 516, 498, 515, 560, 535, 539, 538, 459, 406, 413, 483, 449, 418, 509, 488, 425, 458, 452, 415, 465, 465, 447, 445, 461, 461, 485, 444, 453, 410, 348, 387, 324, 325, 323, 382, 386, 349, 360, 322, 317, 320, 318, 319, 312, 311, 315, 321, 295, 266, 306, 291, 308, 307, 281, 256, 220, 255, 257, 259, 250, 199, 215, 201, 212, 193, 195, 192, 183, 182, 180, 153, 154, 152, 139, 145, 144, 125, 131, 121, 118, 119, 69, 44, 91, 77, 49, 65, 53, 90, 106, 94, 66, 84, 13, 26, 25, 5, 3, 10, 5, 1, 21, 19, 73, 73 | Road Network and Widths | <p>A significant quantum of submissions questioned the amount of detail and fine-grained road layouts proposed in the 2020 draft Precinct Plan. The draft Precinct Plan depicted a road network that showed minor and local road network arrangements. <u>Often these layouts did not consider cadastre lines and other environmental context matters.</u> Further, the level of detail prescribed in the plans also depict an assumed road, block and land use pattern that precinct planning at this level could not preempt.</p> <p>A decision was made to omit the road network detail from the Precinct Plan to only show the higher road hierarchy, such as Collector and above.</p> <p>The road sections depicted in the draft Precinct Plan also showed sections that may not have been congruent to the Western Sydney Street Design Guide. Often these road layouts were wider than they needed to be and generally not aligned to the principles of the WSSDG. <u>The inclusion of prescriptive and land consuming road reserve requirements in the absence of final development proposals, layouts and assessment</u></p> | <p>Certain road sections and road layouts are <u>now indicative</u> and no longer a statutory requirement in the Precinct Plan to promote the necessary flexibility and design evolution for future development.</p> <p>See Section 4.4.9</p> |

Attachment L1: Submissions Report: Precinct Plan Package

| Submission Number | Key Issue Raised | Summary of Issue | The Departments Response and relevant section of Finalisation Report |
|-------------------|------------------|--|--|
| | | <u>was considered inappropriate for precinct planning.</u> | |

Figure 10: Attachment L1 : Submission Report - Precinct Plan Package

Consequently, the road network presented in the updated WSAPP 2024 is depicted as a high-level, indicative treatment and is non-prescriptive by design. The intent was to allow for refinement at the development application stage. During public consultation, stakeholders understood that the detailed design of road layouts would be addressed in the later developmental stage.

See below [Figure 11](#), an image taken from the WSAPP (as labelled 'Figure 10: Street Hierarchy') illustrates the “high-level detail” of the plans as exhibited, where roads and property boundaries are mostly indistinguishable. This was not considered problematic, as stakeholders were aware of the flexibility inherent in the WSAPP's approach.

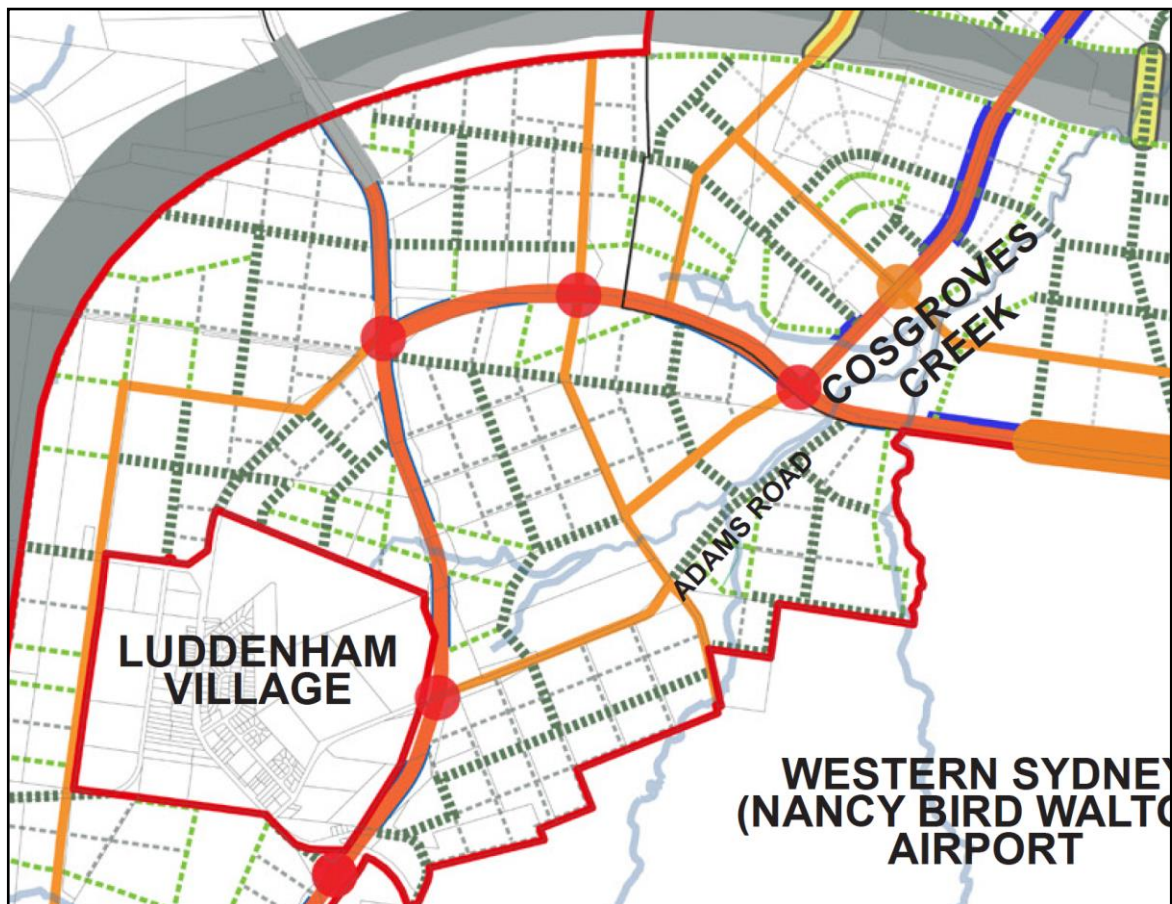


Figure 11: Excerpt from September 2024 WSAPP, labelled “Figure 10”

2.1.2.2. GIS Layers

Although not publicly available or exhibited, the GIS layers used to produce the WSAPP plans reveal the preliminary nature of the road network framework. These layers highlight the obvious misalignment in the plans, further reinforcing the high-level, non-detailed nature of the exhibited plans.

The GIS layers shown in Figure 12 below, clearly reveal the mis-aligned framework used to produce the final WSAPP road network plans.

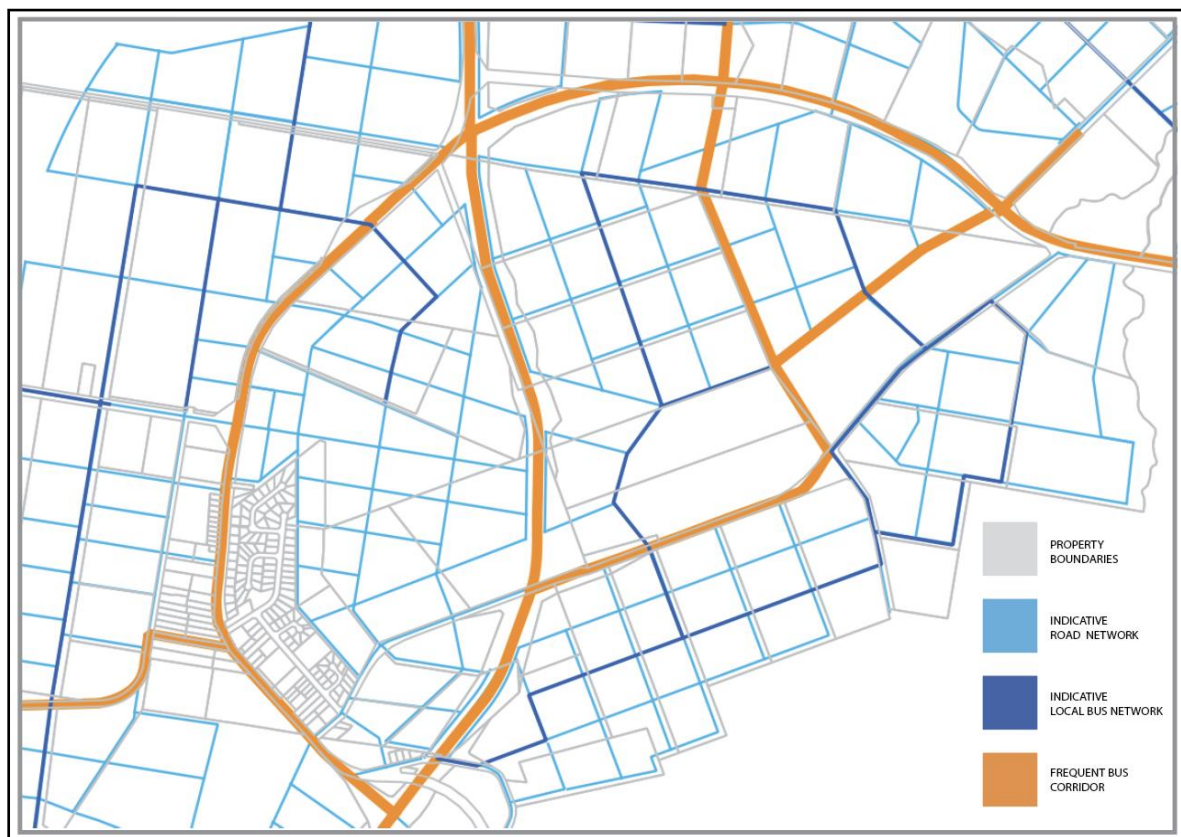


Figure 12: GIS layers used to produce WSAPP

3. CONCLUSION

This submission objects to the proponent's placement of the Collector Road over the southern portion of Lot 8 DP1240511.

The proposal disregards key principles of the Western Sydney Aerotropolis Precinct Plan (WSAPP), resulting in the unnecessary severance of Lot 8 and neighbouring properties to the east. The proponent's self-serving interpretation of the Precinct Plans unfairly shifts the burden of road construction and associated costs onto adjoining landowners.

The proposed road alignment must be redesigned to uphold the WSAPP's principles and objectives, ensuring equitable sharing of road development impacts across affected properties and preventing undue burden on Lot 8 and its similarly impacted eastern neighbours.

The landowner of Lot 8 DP1240511 appreciates the Department's acceptance of this submission in response to SSDA 64409468 and reserves the right to provide additional input via email.