

Our Ref: 202003:JO'G
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SUBMISSION TO THE EXHIBITION OF THE DRAFT AEROTROPOLIS PRECINCT PLAN

I act on behalf of the owners of 8.6ha of land at Luddenham, adjacent to the western boundary of the proposed Western Sydney Airport.

This submission to the exhibition of the draft Aerotropolis Precinct Plan principally raises an inconsistency between the zoning of the subject land in *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (the SEPP)* and the proposed land use in the draft Agribusiness Precinct Plan. Specifically, the land is zoned Agribusiness under the SEPP with a range of development objectives and permitted uses under that zone whereas it is variously indicated as "Nature Park", "Riparian Corridor Parklands" or "Agripark" across the draft Precinct Plan. This situation and its significant implications for landowners with respect to uncertainties for land use outcomes and consequent impacts on land value is the subject of this submission.

1 Credentials

My name is John O'Grady. I am an urban planner and landscape architect, currently in private practice. I hold a Bachelor of Landscape Architecture (University of Sydney, 1985) and a Masters in Planning (University of Technology, Sydney, 2006). I am a Corporate Member of the Planning Institute of Australia and a Registered Planner in New South Wales. I have no conflict of interest regarding the information provided in this submission and I declare that its content is my independent professional opinion.

2 The Subject Land

The landowners that I represent have interests in the land parcel described in Table 1-1 (the **subject land**). The land is irregular in shape with a total area of approximately 8.6 hectares and a boundary and access to Adams Road (Figure 1-1).

Address	Legal Title	Approximate Area (Hectares)
██████████ Luddenham	██████████	0.08
██████████, Luddenham	██████████	2.52
██████████, Luddenham	██████████	3.31
	██████████	2.69

Table 1-1: Subject Land



Figure 2-1 Site location (subject land edged red). Source: SixMaps



Figure 2-2 Local aerial – subject land edged red. Source: SixMaps

3 Previous submissions

In March 2020, a submission was made by Cardno (NSW/ACT) Pty Ltd to the exhibition of the Stage 2 Western Sydney Aerotropolis Planning Package, on behalf of the landowners and others. That submission was with respect to a slightly smaller land parcel which included all lots in the subject land parcel apart from [REDACTED]. In summary, the submission made the following conclusions:

- *That the Luddenham village footprint, including the subject land, should be excised from the proposed Agribusiness zone and should retain its current zoning under the Liverpool Local Environmental Plan, 2008 and future planning instruments.*
- *That alternately another planning mechanism should be included to preserve existing development rights for residential purposes over land within the Luddenham Village footprint, including the subject land.*
- *That constraints to address aircraft noise impacts on residential development within the subject land and the Luddenham Village footprint should be consistent with building acceptability levels indicated in AS2020:2015. Consequently, residential development in these areas should be treated as acceptable contingent on conditions listed in in the Standard to mitigate noise impacts.*

The submission was not taken up and the land was subsequently zoned in its entirety as *Agribusiness* under *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (Figures 1-3).

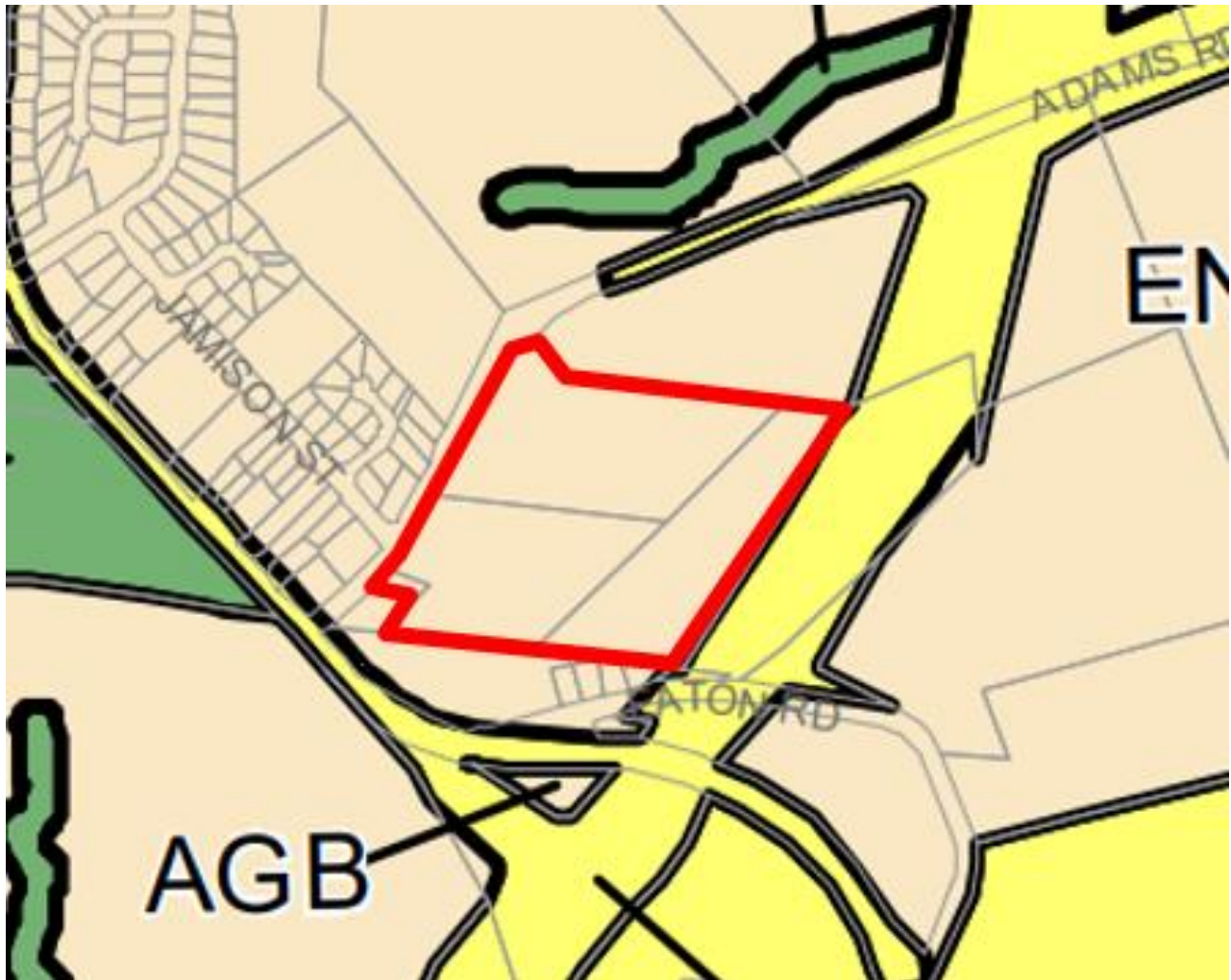


Figure 3-1 Land zoning in the SEPP (Western Sydney Aerotropolis) 2020 (detail extracted from Land Zoning Map, Sheet LZN_001) – subject lands edged red

4 This submission

This submission supports the arguments and conclusions in the previous submission with respect to the zoning of the subject land. As importantly, the submission raises queries with regard to inconsistencies between the zoning of the subject land as Agribusiness and its characterisation in the draft Precinct Plan as parkland and consequences of these actions for landowners.

The submission maintains that:

- The characterisation of the subject land variously across the draft Precinct Plan as "Riparian Corridor Parklands" or "Agripark", along with indications that part of the land may be developed as a cultural centre or museum, is materially inconsistent with its zoning as Agribusiness in the SEPP.
- The transfer of the proposed land use of the subject land from low density residential (as per the Liverpool Local Environmental Plan) to Agribusiness (as per its zoning in the SEPP) and then essentially to the public purpose i.e. parkland or a cultural centre / museum as indicated in the draft Precinct Plan, represents a major departure from its demonstrated development capability and suitability.
- The imposition of the current ANEF Contour mapping as a trigger for a change of zoning to prohibit residential uses on the subject land is inappropriate in the context of the uncertainty of the mapping and likely future changes to technology in aircraft noise attenuation. Potential noise impacts should be considered as part of a Development Assessment process against ANEF mapping at that time of any Application. Contemporary technology that may allow for reduction and amelioration of future

aircraft noise impacts on residential uses should also be accounted as part of a Development Application.

- The planning process has resulted in significant disenfranchisement of the landowners due to the loss in land value from residential to Agribusiness and then to the public purpose. There is a clear need for just compensation of owners of previously residential zoned land.
- The planning package contains no strategy for the orderly acquisition of land for public purposes that would be required to facilitate delivery of the green space and cultural centre / museum concept.
- Similarly, there is no plan for just compensation of disenfranchised landowners in the planning package.
- The planning process leading to the zoning and land use characterisation of the subject land has involved insufficient real engagement with the landowners with particular regard to impacts on the value on their assets.
- The delivery of transport infrastructure for the airport and aerotropolis has involved major loss of vegetation and has impacted on heritage values. It is not acceptable planning practice to compensate for loss of environmental assets on public land through imposts on private landowners without just compensation.

Each of these submissions is expanded below.

4.1 Characterisation of the subject land as parkland.

Figure 4-1 provides a comparison between the zoning of the subject land in the SEPP and its characterisation in the draft Precinct Plan.

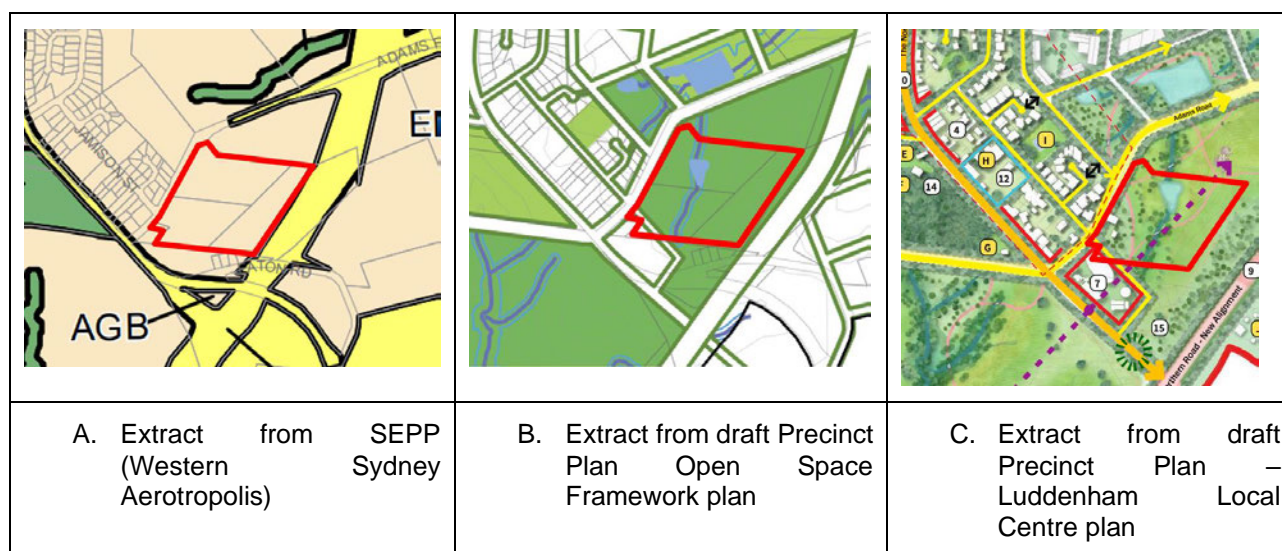


Figure 4-1 Comparative extracts from the SEPP (Western Sydney Aerotropolis) indicating the subject land.

Part A of Figure 4-1 indicates the zoning of the subject land as Agribusiness under the SEPP. Parts B & C indicate the description of the subject land in the draft Precinct Plan. The Open Space Framework plan within the draft Precinct Plan (B) shows the subject land within an area designated as “Riparian Corridor Parklands”. The Luddenham Local Centre Plan (C), also within the draft Precinct Plan, shows the land as part of an “Agri-Park” with [REDACTED] indicated within a site described as local shops within the Agri-Park and a potential site for a museum or cultural centre. Neither of the two plans provide further detail on the specific uses proposed within the parklands or “Agri-Park”.

The planning Partnership has provided more accurate mapping indicating lots affected by the “Riparian Corridor Parklands” and Community Infrastructure Use characterisation (Figure 4-2)

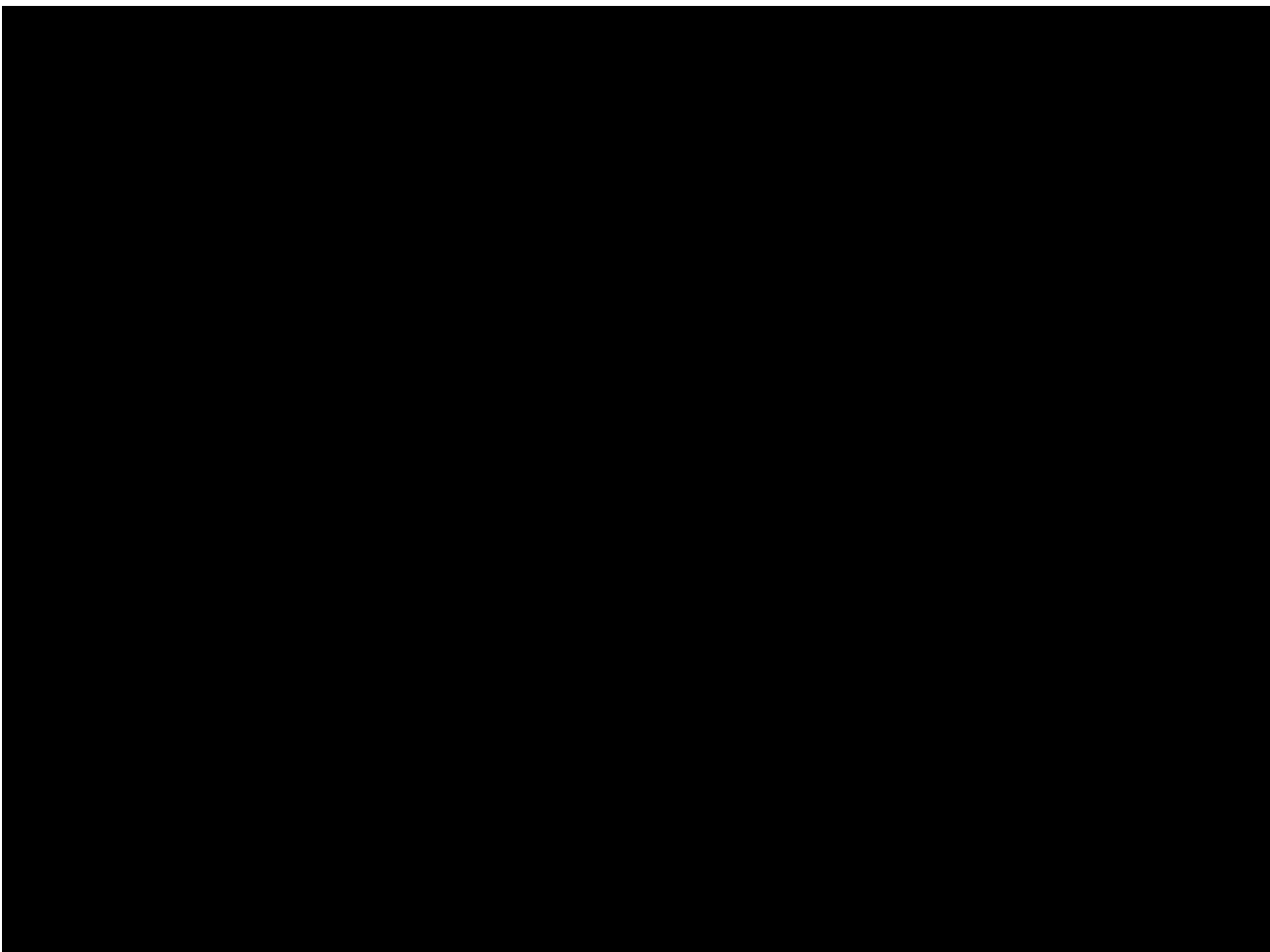


Figure 4-2 Lot based mapping of "Riparian Corridor Parklands" (subject land edged red). Source: Western Sydney Planning Partnership

4.2 Encroachment of road reserves onto privately owned land

New street typologies are identified and detailed in the draft *Agribusiness Precinct Urban Design and Landscape Report* (Studio Hollenstein). Many of these include significant widening to existing road reserves that would entail encroachment onto adjoining privately owned land. Proposed new roads or road reserve amplifications adjoining or in close proximity to the subject land are illustrated in Figure 4-3 and include:

- The re-aligned Northern Road - widened to a TfNSW Arterial Road with a 60m road reserve.
- Adams Road - to be upgraded to a TfNSW Sub-Arterial Road with a 40m road reserve.
- The original Northern Road through Luddenham Village - to be upgraded to a Local Collector Road with a 20-30m road reserve.
- A new Park Edge Street with a 19m road reserve proposed to connect Adams Road to The Northern Road through Luddenham Village.

Figures 4-3 & 4-4 illustrate the significant encroachments onto the subject land that would result from the road reserve expansions proposed in the draft Precinct Plan package. In addition to the physical loss of land, implementation of the widened reserves would result in the loss of existing housing or, at the least, major impacts on the amenity of affected homeowners.

Moreover, the proposed reserve widenings would necessitate demolition of, or major encroachment upon, a number of buildings and places that are critical to the fabric and character of the Luddenham Village. Major impacts on the character and amenity of Luddenham Village would result, contrary to the planning principles for the Village articulated in the draft Precinct Plan:

"The Village is to remain compact but will be a distinctive centre that protects and enhances its heritage sites. New and emerging technologies will be embraced alongside design excellence and appropriate development while maintaining the village's character, amenity and lifestyle." ("Western Sydney Aerotropolis – Overview of the Agribusiness Precinct Plan", Planning Partnership, Nov. 2020. P.14).



Figure 4-3 Extract from Urban Design Framework Plan – subject land edged red (Agribusiness Precinct Urban Design and Landscape Report Studio Hollenstein, p.67).



Figure 4-4 Extract from Luddenham Village Structure Plan – subject land edged red.

An alternative urban design approach to the road network within and in the locality of the Luddenham Village is required to protect its unique character and history. The road reserve through the Village centre and on Adams Road should be maintained at its current width to protect existing buildings and places. Traffic should be diverted via a by-pass road around the Village. This should be identified in consultation with the community and included in a further exhibition draft of the Precinct Plan.

4.3 Commentary on extent of “Riparian Corridor Parklands”

At a one-on-one discussion with the Partnership precinct planners, it was agreed that the criteria for allocation of land for recreational purposes within the Aerotropolis include:

- Land within allocated drainage reserves.
- Land with identified biodiversity and / or cultural values.

It was further acknowledged that the subject land does not satisfy these criteria but that the decision to allocate the parkland overlay was based on Scenic & Cultural Connections.



Figure 4-5 Detail from Scenic and Cultural Connections map (draft Aerotropolis Precinct Plan, (p.89),

The Scenic and Cultural Connections map (Figure 4-5) indicates a local high point at the south western edge of the subject land and a “creek to ridge top connection” extending south west to north east across the land. The map also indicates the site to be within a “riparian corridor with associated vegetation framing long views”. In the absence of biodiversity values and regional drainage functions, the identified connection is not sufficient justification to dedicate the entire land parcel to parklands at the expense of developable land that would contribute to the long-term viability of Luddenham as *“a compact and distinctive Centre (within the greater Aerotropolis) that protects and enhances its heritage”* (Agribusiness Precinct Urban Design and Landscape Report - Studio Hollenstein, P.88). A much more equitable planning outcome would result from permitting low density residential development on the land with associated development controls to protect landscape and visual quality.

4.4 Strategic planning best practice

Strategic planning processes should follow a logical progression from structure planning to legislative standing. Specifically, the process of land zoning should progress from strategic land use planning (preparation of Strategic Masterplans informed by Local Environmental Studies, Indicative Layout Plans, Precinct Plans or the like) to allocation of legislated land use zones in a Planning Instrument (in NSW, a Local Environmental Plan or a State Environmental Planning Policy). This process of structure planning informing re-zoning of land has been followed in major land planning exercises in NSW over recent years including the Western Sydney Employment Area, Western Sydney Growth Centres releases and most other regional or precinct based planning programs,

With regard to planning for the Aerotropolis, zoning in the SEPP has been informed by the Western Sydney Aerotropolis Plan. However, the land uses proposed in the consequent draft Precinct Plan are, in the case of the subject land and a number of other land parcels within the Aerotropolis, inconsistent with the adopted land zoning. This lack of correlation between the Planning Instrument and the draft Precinct Plan leads to significant

uncertainty for the community, landowners and potential developers and is, in my opinion, inconsistent with best practice in strategic planning.

After recent discussions with members of the Planning Partnership team, I now understand that the Aerotropolis SEPP is to go through a review process and re-exhibition consequent to the finalisation of the draft Precinct Plan. This will be a necessary step if the SEPP and Precinct Plan are to be properly correlated.

4.5 Inconsistencies of the proposed land use with land suitability.

The Cardno submission of March 2020 included commentary on the suitability of the land for residential uses. The commentary was made on the basis that the subject land had historically been zoned for low density residential use and that this was its zone prior to the adoption of the SEPP. Arguments for retention of the low density residential zone over the land were based on:

- The potential function of the Luddenham Village as a residential and service centre to provide services and housing choice for workers in the Aerotropolis and the Western Sydney Airport.
- The proximity of the land to the Luddenham centre and the potential symbiotic benefits that would result from new residents living in the area and accessing services in the Luddenham Town Centre. Prior to re-zoning in the Aerotropolis SEPP, the subject land was within the footprint for the Luddenham as articulated in the Liverpool Local Environmental Plan. It provided an opportunity for low density housing and an eastern edge to the Village.
- The benefits of access to local and regional transport available to the subject land via current and future proposed road and rail links – notably direct access to Adams Road and connections to the airport, the future Western Sydney Orbital and the potential south west rail link.
- The availability of all services for residential development, apart from sewer, which could readily be provided.
- The planning history of the land including a recently lapsed approval for residential subdivision (granted by Liverpool Council in 2005). In this regard, it is generally acknowledged that the subject land was the last englobo portion of R2 zoned land in the village of Luddenham and surrounds and was highly suitable for subdivision for residential purposes.

The allocation of the Agribusiness zone is inconsistent with the demonstrable opportunities offered by the land for residential development to support the Luddenham Village and the greater Aerotropolis. Notwithstanding the lost opportunity for a residential edge to the village represented by the rezoning in the SEPP, the consequent allocation of the public purpose or recreational uses as an overlay to the Agribusiness zone, as proposed in the draft Precinct Plan, further diminishes the potential of the land to support the Luddenham Village by sterilising its viability as employment land.

4.6 Potential hazards to aviation

Landuses and their corresponding risk with regard to wildlife strike are described in “The National Airports Safeguarding Framework, Guideline C – Managing the Risks of Wildlife Strikes in the Vicinity of Airports.” (Australian Government). The Guideline includes a land use table with corresponding level of risk for wildlife strike and corresponding recommended actions. Mitigation to manage the risk is recommended on land within 3kms of an airport.

There are a number of controls proposed in the Planning Package aimed at protecting the operations of the airport and managing associated risks to aviation operations. The subject land is within the 3km wildlife buffer identified in the SEPP (Aerotropolis) – Figure 4-6.

In light of the potential risk to aviation activities posed by the recreational overlay in the draft Precinct Plan I maintain that more detailed investigations of the implications for wildlife strike should be carried out prior to finalising any decision to allocate parkland uses to the subject land in the Precinct Plan.

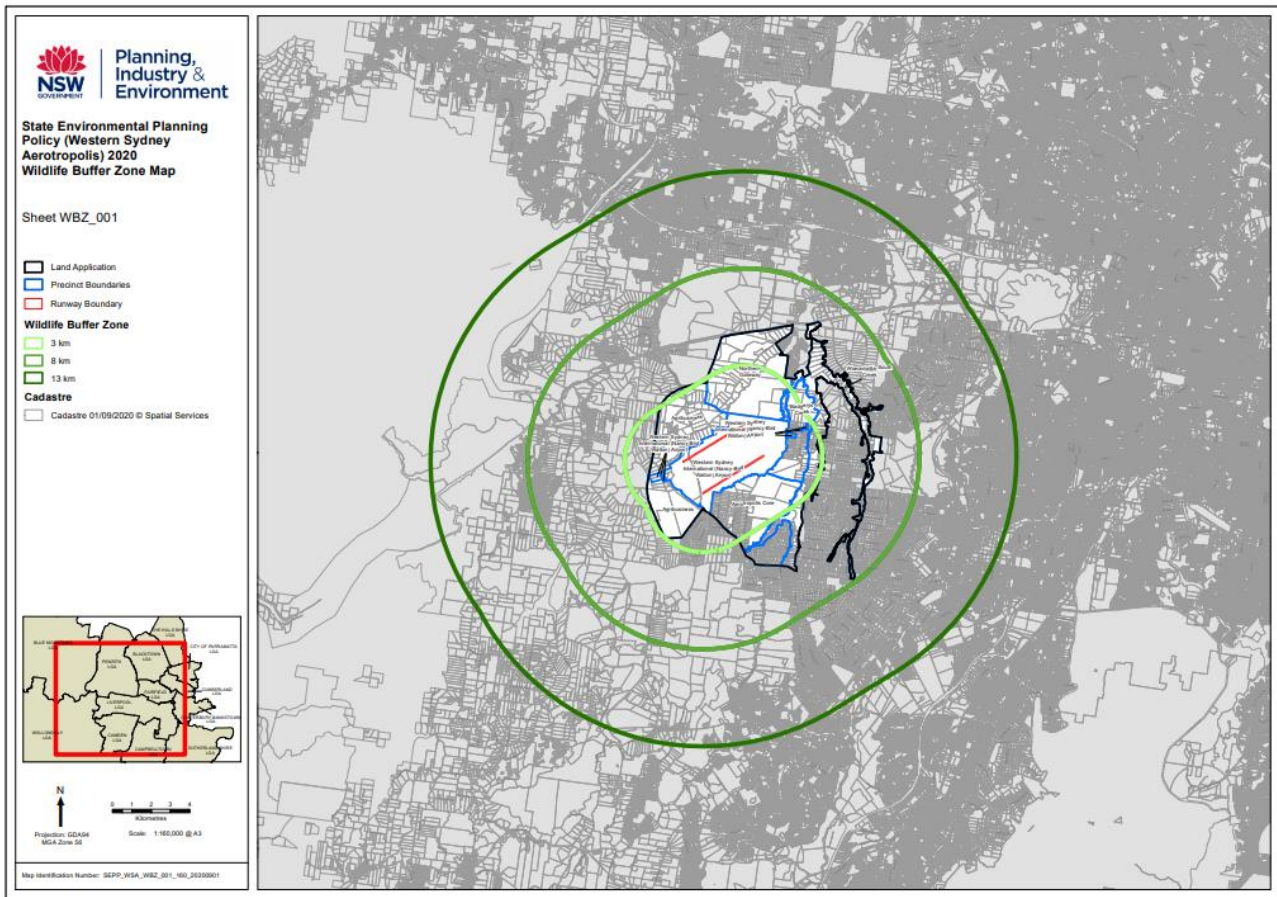


Figure 4-6 Wildlife Buffer Zone Map (SEPP – Aerotropolis)

4.7 Uncertainty of outcomes

Application of the Agribusiness zone under the SEPP creates a clear expectation that the land would be developable for purposes associated with the generally accepted definition of Agribusiness - the production, protection, storage, sales and marketing of agricultural products.

The overlay of recreational / parkland or other public purpose uses onto large tracts of land that has been zoned for Agribusiness, as is the proposal for the subject land in the draft Precinct Plan, results in uncertainty for land use outcomes for landowners, potential developers and the general public.

I note that development for recreational purposes is a permissible use under the zone only by default. The relevant definition in the Standard Instrument that would apply to the parkland overlay would be *Recreation Area (Standard Instrument – Principal Local Environmental Plan)*. No definition is provided in the SEPP (Western Sydney Aerotropolis). *Recreation Area* is not listed as a prohibited use or a use permissible without consent in the land use table for Agribusiness within the SEPP, so it becomes a permissible use by default. Presumably, this was a conscious mechanism in the drafting of the new zone control to allow for development of parks within the newly created Agribusiness zone. I consider this convoluted mechanism for allowing *Recreation Area* as a permissible use with consent in the Agribusiness zone to be poor planning practice that further contributes to uncertainty in development outcomes for the land.

4.8 Lack of delivery strategy

Delivery of parklands and a museum / cultural centre, as proposed in the draft Precinct Plan, could not be achieved in a timely manner in the absence of a comprehensive delivery strategy incorporating mechanisms for acquisition of the land and the raising of capital for investment in its development. Without this strategy, the parklands could not be realised as a coherent package that would deliver the desired outcomes and benefits to the community.

To create surety for landowners and the greater community, a delivery strategy needs to be prepared and exhibited for comment. It should be aimed at early acquisition of the land earmarked for parklands and should

include just compensation for landowners based on the value of the land prior to its rezoning and characterisation as public land.

4.9 Disenfranchisement of landowners

The changing of zoning of the subject land from its long-standing Low Density Residential zone to Agribusiness represents a significant devaluation of the asset and a corresponding impost on the landowners, including the loss of their homes and their historical connection to the land and Luddenham Village. The consequent overlay of the parkland characterisation and museum / cultural centre in the draft Precinct Plan diminishes the land value to a level that is unacceptable in the absence of comprehensive measures for compensation of the owners. Further, the disjoint between the current zone and the characterisation in the Precinct Plan results in uncertainty regarding the end development outcome for the land. This produces clear negative consequences for landowners.

To redress the above-described consequences for landowners, the planning package should include a comprehensive strategy for acquisition of land that is proposed for public purposes. Allocation of the parkland and proposed museum overlay in the draft Precinct Plan clearly puts the subject land into this category.

4.10 Insufficient engagement with individual landowners.

There appears to have been only minimal direct engagement with individual landowners in the planning process leading to the adoption of the SEPP and the preparation of the draft Precinct Plan. This is particularly evidenced by the lack of consistency between the two planning documents. Specifically:

- The intention to overlay a park or museum land use onto private land that has been zoned Agribusiness has significant impacts on land values and results in unacceptable uncertainty for landowners. The zone and overlay should have been communicated clearly to landowners in a single package during the initial planning processes and opportunities for feedback from landowners should have been provided, with individualised meetings. Specifically, the full extent of the proposed parklands within the draft Precinct Plan should have been communicated as part of the exhibition of the Aerotropolis Plan package and the draft SEPP.
- The planning package includes no information on methods and processes for delivering the parkland or museum. Critically, no strategy for acquisition of land or just compensation has been communicated to landowners.
- I am informed that up until the recent opportunity for one-on-one discussions between landowners and the project planners, the Planning Partnership has not consulted directly with the owners of the subject land. The engagement with a local association cannot be construed to be adequate in terms of consultation, as this association does not represent the diverse range of individual landowners interests and in particular those of owners of land previously zoned low density residential.

4.11 Implications for land value and consequences for the landowner.

There is no mechanism in the planning package that specifically addresses the implications for landowners of allocating land uses that would deplete the development potential and consequent value of their land. The draft *Western Sydney Aerotropolis Special Infrastructure Contribution Plan (SIC)* indicates means of raising developer contributions for infrastructure within the Aerotropolis (including approximately \$600m for open space) but the Plan provides no indication of mechanisms for valuation of recreational or other public purpose land or for its acquisition. The owners of the subject land, and other land similarly earmarked in the planning documents, are entitled to just compensation for the loss of value of their land due to its re-zoning from low density residential to Agribusiness and then for the consequent allocation of public purpose related uses in the draft Precinct Plan. Landowners should be provided with fully resolved plans for land valuation and acquisition prior to finalisation and adoption of the draft Precinct Plan, either as a stand-alone document or as an addition to an amended SIC Plan. Moreover, landowners should not be penalised for loss of land value due to allocation of public purpose related uses to previously developable land.

4.12 Existing use rights

The subject land and other nearby land that is identified for the public purposes - parkland or community infrastructure - in the draft Precinct Plan supports several residential dwellings and other assets associated with its former rural and residential uses. These assets would be inconsistent with any public use of the land, including public parkland but would be subject to Existing Use Rights under Section 4.11 of the *Environmental Planning and Assessment Act, 1979 (EPA Act)*. Implementation of any proposal to develop the subject land

for public purposes would necessitate successful negotiations with the relevant landowners to abandon their existing use rights and allow removal of the assets.

I understand that the long-standing owners of existing homes within the subject land have intentions to remain as residents of Luddenham and to retain their homes in the long term. Notwithstanding existing use rights, these homeowners have had their expectations and intentions severely impacted by the planning for Luddenham in the Aerotropolis SEPP and draft Precinct Plan.

It is inequitable that long standing landowners within the Aerotropolis should be disadvantaged by this planning process. As a minimum, a mechanism such as a "no disadvantage" test should be incorporated in the Planning Package to safeguard the interests of long-term landowners.

The Existing Use Rights afforded to the subject land and other similarly affected properties under the EPA Act are at odds with the proposals in the draft Precinct Plan for expanded road reserves, public parkland and other public purposes. Delivery of the draft Precinct Plan in its current form will not be possible without major government acquisitions and demolition of assets that are subject to Existing Use Rights. This conflict requires resolution before the draft Plan can be finalised.

4.13 Various inconsistencies and omissions in the Planning Package.

The owners of the subject land have carried out their own review of the Planning Package. They wish to alert the Planning Partnership to several inconsistencies in the package that they have identified in that review. These are summarised below and detailed in the attachment to this submission.

- Missing items of potential heritage significance in the documents and some significant view lines have been wrongly identified. Items in Luddenham village identified in the specialist heritage report are not reflected in the draft Precinct Plan.
- Recommendations in the specialist economic report (Atlas Urban Economics) for direct collaboration with individual landowners and for private / public partnerships and / or land acquisition are not reflected in the planning process.

4.14 Further issues raised by the landowners.

The owners of the subject land have raised several additional issues to those raised in the body of this submission. These are detailed in the attachment and summarised below.

- The loss of tree cover, native flora, native fauna habitat, major ridge lines and creek ways due to airport and other transport infrastructure construction has been extensive and must be rehabilitated, conserved, and replaced without the cost being borne by the surrounding landowners.
- Rates and charges on landowners should be pegged at pre rezone levels. Development levies should be tied to development applications.
- Acquisition values should be tied to the value of the land prior to its re-zoning and the adoption of the draft Precinct Plan.
- Naming of public spaces and streets should reflect the Indigenous and European history of the locality.
- The landowners express support for the concept of public environmental and recreational lands on ridge and creek lines with the proviso that they are **not** disadvantaged and are justly compensated for the value of their land prior to its re-zoning.
- Mitigation of air quality and noise impacts on residents has not been raised in the planning package.

5 Conclusions and recommendations

This is the second submission that has been prepared with regard to State Government planning for the privately owned subject land at Adams Road Luddenham. This submission reiterates the conclusions of the earlier submission regarding the loss of opportunity for low density housing resulting from the change of zone from the long-standing Low Density Residential zone to Agribusiness. With respect to the draft Precinct Plan, and in view of the fact that the Agribusiness zone has been previously applied to the subject land, the following additional conclusions are made:

- The process for delivery of the planning package for the Aerotropolis has created significant uncertainty for landowners, potential developers and the general public.
- The characterisation of a section of the subject land as “Riparian Parkland” or “Agripark” and the remainder as Community Infrastructure Use is inconsistent with what would be generally accepted land use outcomes for land zoned Agribusiness. The overlay is inconsistent with the land’s development suitability and results in uncertainty for the landowner with respect to its development potential.
- The subject land was, prior to its re-zoning in the SEPP (Aerotropolis), the only remaining intact parcel of englobo residentially zoned land, ripe for development, within the boundaries of the Luddenham township. The land has been illustrated to have potential for development for residential purposes and has been subject to a development approval for such. The Agribusiness zone and subsequent overlaying of recreational land-uses across a large portion of the land is inconsistent with the demonstrated capability and suitability of the land for residential purposes.
- The landowners’ Existing Use Rights to intensify their built assets at [REDACTED] are conflicted by the proposals in the draft Precinct Plan for road widening, parklands and other community-based development. The owners object to a situation where they are unable in practice to intensify their built assets. This conflict requires resolution in consultation with the landowners prior to finalisation of the draft Plan.
- Prohibition of residential development on the subject land based on the current ANEF contour mapping is inappropriate. Future development of the land for residential purposes should be permitted in the context of assessment of ANEF impacts at the time of any proposal.
- Allocation of park land uses to a large portion of the subject land is potentially inconsistent with its location within the 3km Wildlife Buffer Zone in the SEPP (Aerotropolis) and may contribute to wildlife strike hazard for future aviation operations.
- The lack of clear and timely engagement with the landowner regarding the Planning Partnership’s intention to impose recreation-based land use overlays on the subject land has contributed further to uncertainty with respect to the development potential of the land. A lack of trust in the integrity of the process has resulted.
- The planning package includes no mechanism or timeframe for delivery of the proposed new parkland nor the proposed community centre/museum and, critically, no process for acquisition and just compensation of landowners for loss of land value resulting from its effective down-zoning from developable residential land to recreational uses.

It is recommended that prior to finalisation of the draft Precinct Plan:

- The decision to prohibit residential uses on the subject land is reviewed in light of:
 - Its unique potential to provide housing choice adjacent to the Luddenham village; and
 - The lack of certainty around the ANEF contour mapping and likely future technological changes to mitigate airport noise.
- The suitability of the land for development as parkland is reviewed against the identified potential for wildlife strike hazard.
- The proposals for road widening, parklands and other community-based development in the draft Precinct Plan are reviewed in the light of their conflicts with the landowners’ Existing Use Rights to intensify the use of assets on their land.
- The Planning Partnership’s intentions for the future use of the subject land are discussed specifically with the landowner and clarity between its land zone and the intended land use is established.
- A comprehensive delivery strategy for the proposed parklands, including details of acquisition timing and landowner compensation should be prepared in consultation with all affected landowners. This should be exhibited for comment prior to adoption of the draft Precinct Plan.
- The strategy should incorporate mechanisms for just compensation of the landowners based on the value of the subject land under its previous and long-standing residential zoning.

- A landowners' engagement strategy including development of partnerships with landowners is required in order to re-establish the relationship of trust. This will be critical to delivery of the public parkland outcomes indicated in the draft Precinct Plan.

On behalf of the landowners, I thank the Department for the opportunity to make this submission. I request that its content and recommendations be thoroughly considered prior to any further progression of the draft Precinct Plan.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'JO'G', followed by a large, stylized circular flourish.

John O'Grady, Urban Planner

P: [REDACTED]

E: [REDACTED]

Attachment: Landowners' comments on the draft Precinct Plan, February 2021

FURTHER COMMENTS FOR SUBMISSION ON AEROTROPOLIS PRECINCT PLANS

9 March 2021

General Comments

The vision is inconsistent with the factual analysis of many of the reports. There are inconsistencies between variables within the reports and while the precinct has been identified for Agribusiness, each of the reports seems to show that it's not 100% suitable for that use. How much food production will really occur in the precinct given the constraints around waterways, ridge/sight lines, soil issues and heat?

It appears the precinct could be mainly given over to warehousing, bulky goods capability, mixed goods, recycling and other associated business-types of activities rather than agriculture. Yet the vision for Luddenham is as a tourist and cultural village in the middle of the precinct. As such it is hard to see that Agribusiness isn't going to swallow up the village given the streetscape plan that would require the demolition of most housing fronting the original Northern Road.

Some of the reports appear to include desktop reviews, often relying on historical documents, with a lack of onsite knowledge.

Alongside this there is a lack of genuine understanding of the residents and long-term landowners and their existing activities who need to have individual engagement to clearly and precisely outline their options and enable informed decision making. This would provide some form of certainty for themselves, their land and their future.

The process and plans are devoid of a people-centric approach or focus and consultation through local associations or "representatives" on panels does not represent individual landowners' situations, including ourselves.

The where, who, what and when of the vision/plan needs to be clearly defined and conveyed to the disenfranchised property owners.

Other general key issues which we submit that should be implemented in the planning process are:

- As a result of the Aerotropolis zoning, there should be a "no disadvantage" test applied to land parcels held by long-term land holders who continue to hold the land for its ongoing and existing usage. There should be:
 - No additional or increased charges levied on long-term owners in the form of any state or local authority taxes, rates, fees or charges; and
 - No limitations placed on continuing existing usage rights including, for example, erecting buildings and undertaking extensions. We object to the proposed lack of landowner's rights to intensify the use of their property; and
 - No limitations put on the development and/or sale of their holding. If considered part of the vision for an Agri Park or other public purpose, owners should have the opportunity for their land to be acquired at market value; and

- Any long-term owners should be able to stay on their properties regardless of the change of zoning related to the Aerotropolis and not be forced to leave because of any increased costs resulting on from the re-zoning. As they have not opportunistically bought land in the recent past in the hope of a windfall with the advent of the Aerotropolis they should not be economically penalised or forced off their properties. For a number of land-owners the change in zoning may involve an uplift in property value but this is not the case for those whose properties are located in the former Luddenham village area and were previously zoned and used for a higher purpose such as low density residential.

There should be no adverse changes to the long-term owners' situation.

- A "change of use charge" could be appropriate once the land is to be developed and existing rights, prior to re-zoning, are being "extinguished".
- Non-Indigenous heritage and remnants of buildings of local historical significance have been lost with the re-alignment of The Northern Road and the construction of the airport. Remaining historical and vintage heritage requires protection and/or conservation/enhancement.
- Further archaeological investigation should be carried out in relevant locations to ensure the last of these heritage locations "are not overwhelmed by the Aerotropolis development".
- The vast majority of the existing tree coverage has been cut down, wood-chipped and burnt prior to the excavation and fill of enormous volumes of rock and soil through the construction of the airport and the realignment of The Northern Road. Significant restorative planting will need to be undertaken to avoid "heat-banks" in the Aerotropolis areas.
- Native fauna and their habitat have been destroyed as a result of the construction of the airport and associated works. Remaining fauna requires immediate active protection and conservation before they are wiped out

Museum/Community Infrastructure Use/Facility at [REDACTED] Luddenham

It appears that the Plan includes a continuation of Jamison Street [REDACTED] with the addition of a road running perpendicular to this continuation and parallel to the realigned The Northern Road also located on the [REDACTED] property. This produces a block which has been designated Luddenham Village Local Centre and proposed as the site of a community centre or museum. This proposal relies upon the demolition of the residence at [REDACTED], the fragmentation of [REDACTED] with the remainder of [REDACTED] being designated as parkland. These public purpose roads, the proposed parkland and the public purpose community centre sites need to be acquired and the owners compensated.

It also appears [REDACTED] would lose road frontage off [REDACTED] to allow it to become a 40 metre wide sub-arterial road. This would likely mean the loss of our homes on [REDACTED]

All of these changes mean disenfranchisement through the loss of our homes, existing usage and our historical/familial connection to the property and the village.

We need to know more clearly where, what, when and how, to allow for greater certainty for us and other owners.

Luddenham Village

Luddenham village and the land at [REDACTED] should be restored to its previous residential zoning to assist in providing for the current and ongoing housing needs. This would provide an important function in not only servicing the surrounding Aerotropolis zones but also in the provision of a residential area which is close to the employment-generating airport. As the *Technical Reports Summary* states (page 31) "The establishment of a resident population base within the Aerotropolis and its surrounds will be critical to the success of not only the Precinct's centres but also to attract business investment".

The Report also states:

"The various industrial and agricultural land uses permitted under this zone present some difficulty in ensuring the intended vision for the Precinct can be realised. Direct engagement between NSW Government (WSPP, WCAA) and existing landowners in the precinct is essential. Partnership arrangements or land acquisitions may need to be considered in order to achieve certain land use outcomes." (Page 39 Summary of Technical Reports)

We strongly support this in relation to the Agribusiness Precinct and especially the areas considered as Agribusiness Park in the Precinct Plan.

To bring this "vision" to fruition houses will need to be demolished within the village and land acquired resulting in encroachment on the historic buildings and the Anglican cemetery. This is unacceptable and we object to this.

Tourism and cultural uses are envisaged within the Luddenham village, alongside residential and employment purposes. However, there is no indication of how air quality and odour impacts will be dealt with, given that the entire area is medium to high sensitivity for odour. (*The Summary of Technical Reports* shows that the Air Quality and Odour Study by Northstar indicates the Agribusiness zone has 45% of the zone designated as high sensitivity of which 31% is high risk and 68% at medium risk. Page 14-15). What will be done to improve/mitigate the problems associated with air quality for residents, workers and visitors?

Atlas Economic Report

In order to attain the vision of a green Aerotropolis, as the expert report by Atlas Urban Economics states:

“The facilitation of agribusiness uses will require a notable level of curation and support. The greatest challenge for the establishment of the Agribusiness precinct is conceivably the lack of direct Government control/ ownership of landholdings p.31 (*Draft Aerotropolis Precinct Plan Technical Summaries 2020*, page 31)”

This assessment is supported and lends weight to the assertion that land acquisition should be offered to landowners where there is an Agri Park or other proposal for the public purpose.

Landscape and Urban Design Report by Studio Hollenstein

Page 6, footnote 1 of the Landscape and Urban Design Report states that Luddenham village is to provide “a key role in supporting the growth of the Aerotropolis and Agribusiness precinct”

However, the Social Infrastructure Report shows Luddenham village with very little increase in housing or population in comparison to the Northern Gateway, Austral and other areas. The document has identified Luddenham village as a tourist attraction and service hub which provides for residents, visitors and workers in the area.

P14-15 *The Blue Green Infrastructure* plan sees some existing landowners benefiting from the opportunities the Agribusiness Precinct allows them and yet neighbouring properties are partially or wholly swallowed by Agri Park. This is discriminating against and disenfranchising those owners and the documentation doesn't take this into account.

In previous discussions with the Planners it was revealed that the Agri Park would be an overlay onto the Agribusiness precinct and acquisition of properties would not occur except for the Thompson's Creek area of the Aerotropolis. In order to mitigate the issues of the airport and its infrastructure on the Aerotropolis, the green spine and parkland is considered important particularly as part of a system of heat reduction and management. As the Atlas Urban Economic Report states, for the Agri-Park to become a reality there will need to be a degree of curation and acquisition as the fragmented ownership is a key issue.

Page 41 Diagram – *Luddenham Agri Park* shows part of the subject land [REDACTED] as a community centre/museum and the rest of the property as parkland. This public purpose, as well as the proposed extension of Jamison Street through [REDACTED], requires engagement with the owners and acquisition/compensation of the land.

Page 54 The overarching planting strategy aspiration is to preserve, restore and build upon the Cumberland Plain woodland and grassland character.

This is commended but again, compensating for the loss of the woodland should not be at the cost of individual landowners.

Page 66-69 *Street Typologies – Adams Road to Anton Road: a sub arterial road width 40 metres.*

The diagrams show Adams Road as a 40 metre wide sub arterial road. Given it is a single two lane local road with a 3 tonne limit at the moment, this plan would require the widening of the road and loss of houses along Adams Road closest to the village.

This would require acquisition of houses/frontage from owners further affecting the residents of Luddenham village, the outer rim of the village and the subject property [REDACTED].

Lower Adams Road (towards Elizabeth Dr intersection) and the old Northern Road are Local Collector roads of 20 – 30 metres.

Both of these will also require some road widening and partial property acquisition from land owners.

Page 67 Elizabeth Drive is shown as a main arterial road with some of the properties having an “edge street” parallel to it which would require a further 19 metres of roadway. This will further affect landowners by requiring more of their land for acquisition.

It also shows the extension of a sub arterial road between Adams Rd and Elizabeth Dr, again requiring a further 40 metres of roadway cutting across owners’ land.

Pages 72-78 *The (old) Northern Road existing and proposed corridors*

The proposals to increase the road corridor from 20 metres to the proposed treatments of up to 30 metres would impinge on the existing houses and historic buildings along the road. It would require the acquisition and demolition of houses and the Progress Hall (which sits close to the road carriageway) and would bring the school, churches and existing dwellings much closer to the road, including destroying historic graves in the Anglican Church cemetery. This is totally unacceptable. It would also mean destroying native vegetation on the block between the Anglican and Uniting Churches, which has historically been the green heart of the village.

Page 84 *“Luddenham Village land uses transitioning over time from existing residential uses.”*

This suggests there will be less and less residents within the village itself. To retain its character as an actual village and to meet the proposed requirements as a service hub, it is essential residential dwellings remain. Otherwise the village, with its more than 200 year history, will be gradually swallowed up and lost in the wider and amorphous precinct.

Page 84 “ *Tourism and cultural uses are anticipated in Luddenham Village.*”

Details are lacking within the report and it is unclear how this will be effected without significant change to the village, which should be protected and conserved.

“ Land uses will be responsive to requirements of heritage sites within the precinct.”

These buildings of historical value are also functioning parts of the Luddenham community. They are not just buildings. They fulfil important functions to the amenity and living community of Luddenham. The Luddenham Progress Hall has functioned as the community centre for Luddenham since its construction and the public school and churches have also been areas for community activities and gatherings of the broader community,

The road widening requirements and possible change in land use from residential to retail or other uses, will significantly impinge on the historical sites within the Luddenham village. These sites are important to not only the village but the local area and need to be protected and conserved.

“Land uses are limited with regards to managing wildlife attraction (in the interest of safeguarding airport operations) “

According to the report, the string of dams along the proposed parkland are considered an important component of the blue-green spine. However, there is a contradiction in terms between that aspect and the limitation of land use etc to avoid encroachment of the airport by flora and fauna.

Similarly the re-vegetation and conservation of trees and land, to rehabilitate what has been lost through the airport and infrastructure construction as well as previous agricultural activity, is applauded but would appear contradictory to the need to reduce trees and opportunities for birds or bats/flying foxes to pass through or live in the area.

“Land uses with noise sensitivities will be limited by ANEC contours.”

The ANEC/ANEF contours and flight paths have not yet been finalised and with the advent of technological advances it is anticipated there will be greater opportunities for residential and other land usages that are currently not anticipated. By excluding the previous residentially zoned land along Adams Road the owners are disenfranchised and the flexibility of Luddenham village will be reduced into the future.

Page 86 “ *Permit zero setbacks on major streets to encourage active frontages.*”

To maintain the historic and village feel of Luddenham village, especially on the main road (The Northern Road), it is essential that the current built form (mainly residential dwellings and historic buildings) is not undermined by the proposal to encourage active street frontages with zero setback.

“The Village is to remain compact but will be a distinctive centre that protects and enhances its heritage sites. New and emerging technologies will be embraced alongside design excellence and appropriate development while maintaining the village’s character, amenity and lifestyle.”

The concepts of enhancing and rejuvenating existing (heritage) infrastructure is positive. However, this should not be merely the preservation of a road frontage façade but also the buildings in their entirety. The concept of the main road (the original Northern Road) being developed into a green boulevard of shops, with wildlife and flora buffer zones, would mean existing properties would have to be demolished resulting in a change of use rather than preservation.

Indigenous Heritage, Public Purpose and Parkland Vision

The Recommendations at 2.3 of the *Summary of Technical Studies Report* (page 12) such as the concept of utilising ridges and creek beds to become an Agri-Parkland area around the new airport is positive in many ways, as long as current landowners are fully compensated for the land to undertake this public purpose.

Additionally the proposed public purpose of a Museum and bike paths at [REDACTED] would be more aesthetically and culturally positive for the Luddenham village and environs, but should not be at the cost of the existing, long-term owners. How this is to be achieved has not been outlined and would appear to rely on “developers” funding these public purpose plans. How the existing long term landowners are to exercise existing usage rights and this vision come to fruition appears to be at cross purposes unless this land is acquired and compensation is paid commensurate with its previous zoning of low density housing.

Naming Conventions

As part of Aerotropolis’ desire to celebrate the heritage of Luddenham village, and in concert with relevant Indigenous naming, historical figures or families who have lived on land within the Agribusiness and other precincts should be recognised by the naming of public open spaces, infrastructure and street names.

Within the Agribusiness area there are some families who have been in residence for 100 -150 years, especially on agricultural properties. Many of the early residents are buried in the Anglican and Uniting church cemeteries at Luddenham and they should be recognised in the Agribusiness area. Other families have been in residence within the village and immediate area since the later 1950’s and early 1960’s and have contributed to the local area.

Some of the existing roads and parks within the original village have this naming convention and these maintain the heritage links to the early families and the area.

Omissions/Errors

The Village of Luddenham and Surrounds

- Sales Park on Roots Avenue, Luddenham isn't identified in some of the documentation, nor acknowledged as a sports ground/community park.
This park and oval are an important part of the village of Luddenham. It is named after local historical figure Mr Henry Lewis Sales, who was President of the Luddenham Show Society and the Progress Association for many years, Church warden at St James' Anglican Church, village blacksmith (refer to the Forge identified in the Heritage report on The Northern Road) and owner with his wife Mrs Lydia Sales of the Luddenham corner store (now demolished) on the corner of Adams and Northern Roads from approximately 1920 to 1971. He was a member of the Luddenham Light Horse during 1914-18 and was also the organiser of the local "Empire Games" for a number of decades.
- There is another historic property at 5 Adams Road, in need of restoration, which has not been identified in any of the documents and is designated as Community centre or museum
- Page 32 of the *Urban Design and Landscape Plan* wrongly attributes the scenic view near the Anglican Church at Luddenham as including the Lawson's Inn site. Note this site is to the south west near the remnant Eaton Road (which was the original alignment of The Northern Road in the 19th century, not adjacent to the Anglican Church.

Heritage Report by Extent Heritage

In relation to non-Indigenous heritage, the report by Extent Heritage Advisers states

"A noticeable cluster of sites is located within the Agribusiness Precinct, particularly in the vicinity of the village of Luddenham village" (Page 8 of the Summary of Technical Documents).

Further archaeological investigation, preservation and conservation of the sites identified in the report is strongly supported.

However, the report has some omissions and errors:

- The cottage at 5 Adams Road is a 19th century timber cottage in need of restoration does not appear in the report. The small slab barn within [REDACTED] is also not listed.
- The original school at Luddenham was part of the Luddenham Primitive Methodist church building located where the houses of 14-18 Eaton Road are located. The school was subsequently moved to its current location as was the Methodist church (now the Uniting Church) on the Northern Road.
- Miss Lawson's Guesthouse was a 19th century dwelling located along Eaton Road. Eaton Road was the original alignment for The Northern Road. It became part of what is now known as [REDACTED] with frontage onto Eaton Road.

The archaeological excavation of the property in 2018 by Artefact Archaeology (Sydney) unearthed a hearth, sandstone foundation blocks, brick pathways, remnant timber and excavated 2 sandstone lined wells. This locally significant site was lost when the RMS/TfNSW acquired the site for the re-alignment of The Northern Road.

The Heritage Report's recommendations regarding the sensitive management of the Luddenham village and its heritage fabric, including landscape and views are wholeheartedly supported.

The Report also acknowledges the village *"is one of the few areas with significant heritage buildings, landscape and outlook and should be conserved. Any development should be in keeping with the heritage items"* and *"Further archaeological investigation should be carried out in relevant locations to ensure the last of these heritage locations are not overwhelmed by the Aerotropolis development."*

Social Infrastructure Reports

Sales Park on Roots Ave, Luddenham appears to be missing from the map in relation to Sport and Recreation or is listed solely as Open Space. This park is serviced by Penrith City council and has a cricket oval, public toilets and picnic facilities. It is one of the grounds used to host the many age and grade cricket competitions of the wider region.

Technical Reports Summary

Page 51 of the Technical Reports Summary: Omits St James' Anglican Church cemetery on The Northern Road in Luddenham.

Thank you for the opportunity to provide this feedback, which we hope you will include in your consideration process of the Precinct Plans.

Our Ref: 80220029/JOG
Contact: John O'Grady

16 March 2020

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SUBMISSION TO THE EXHIBITION OF THE STAGE 2 WESTERN SYDNEY AEROTROPOLIS PLANNING PACKAGE

We act on behalf of owners of 8.54ha of land located at Luddenham, adjacent to the western boundary of the proposed Western Sydney Airport (**the subject land**).

Our submission asserts:

- That the Luddenham village footprint, including the subject land, should be excised from the proposed Agribusiness zone and should retain its current zoning under the *Liverpool Local Environmental Plan, 2008* and future planning instruments.
- That the prohibition of residential development on the subject site and within the Luddenham village footprint as proposed by the planning package is contrary to the highest and best use of the land and is an unreasonable impost on current landowners.
- That prohibition of residential uses on land currently zoned residential would result in a substantial devaluation of that land. Landowners affected by any exclusion of residential development rights would be entitled to compensation to cover this loss of land value.
- That alternatively another planning mechanism should be included over the subject land and all residential zoned land within the Luddenham Village footprint to preserve existing development rights for residential purposes over that land.
- That constraints to address aircraft noise impacts on residential development within the subject land and the Luddenham Village footprint should be consistent with building acceptability levels indicated in AS2020:2015. Consequently residential development in these areas should be treated as acceptable contingent on conditions listed in in the Standard to mitigate noise impacts.

In order to provide a more detailed explanation of the content of this Submission and to make our case for the above recommendations, Cardno and the owners of the Subject Lands request a meeting with the Department during the post exhibition deliberations for the Stage 2 WSA Planning Package.

1 Background and context

1.1 Luddenham Village

The Luddenham Village has benefited from a stable planning regime, with a clear, and considered village footprint of *R2 – Low Density Residential Land*, which has been in place since the inception of modern land use zoning in the area (**Figure 1-1**).

However, government deliberations regarding the Western Sydney Airport, only now coming to a head, are likely to have generated uncertainty over the future of the Luddenham village precinct and consequent loss of confidence on the part of landowners and potential investors.

With regard to the Luddenham Village footprint, the proposed changes in the *Western Sydney Aerotropolis Planning Package* would further restrict development options, undermine confidence and potentially result in significant decline in property values.

It is clear that the Agribusiness Precinct presents a unique opportunity to develop a centre for excellence in food production and research adjacent to Sydney's new international airport. In this regard, we support the Agribusiness zoning over land where it would demonstrably represent a highest and best use. However, our submission demonstrates that the land within the Luddenham Village footprint, and specifically the land that is the direct subject of this submission, clearly displays characteristics both physically and in its urban planning context, that point to a highest and best use for residential purposes. Conversely, the amendments to the WSAP that we recommend in this submission would facilitate reinvigorated development of the township as a service centre and dormitory suburb to support the developing Agribusiness precinct and the greater Aerotropolis.

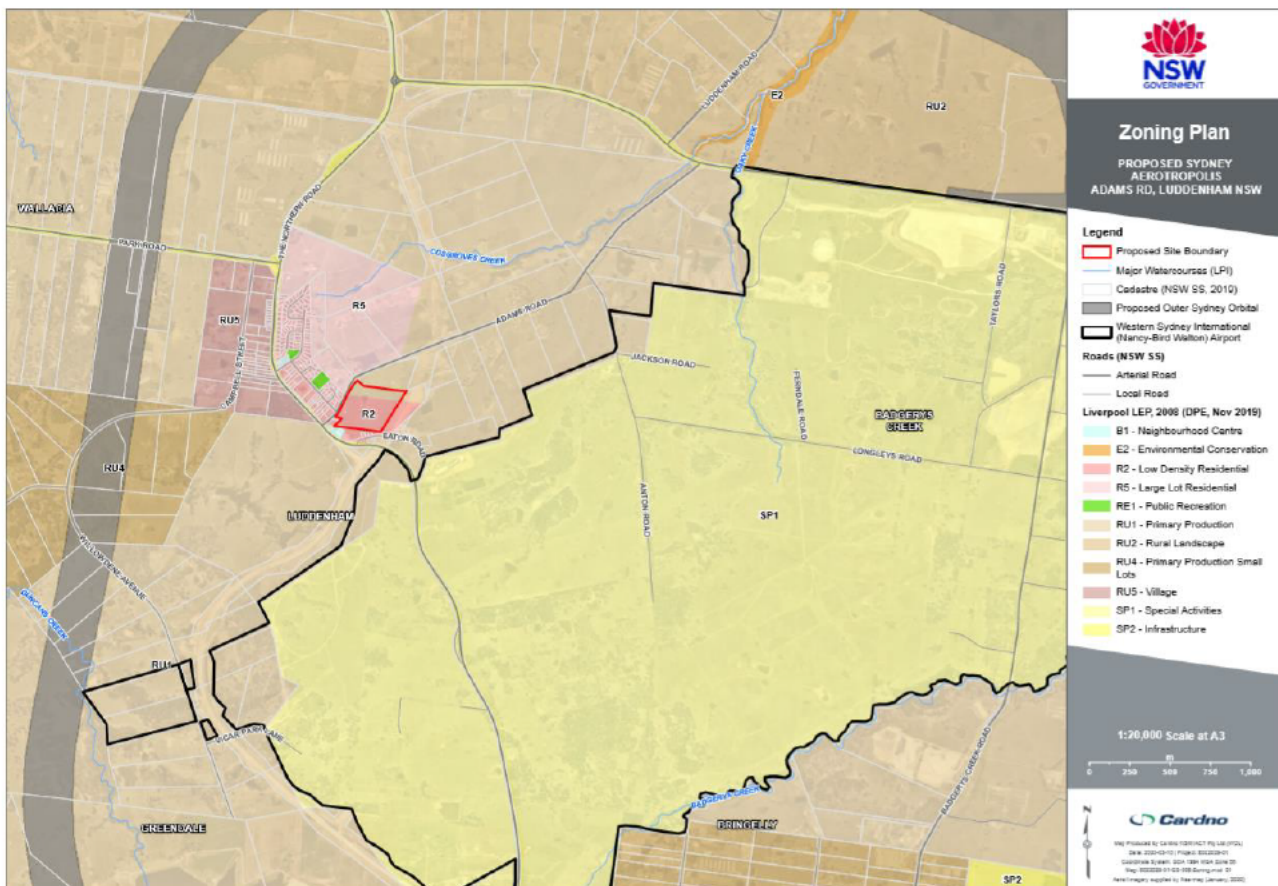


Figure 1-1 Zoning plan for Luddenham Village. Subject land is marked in red.

1.2 The Subject Land

Our clients have interests in the following land parcels (referred to in this submission as the **subject land**; **Figure 1-2**).

Address	Legal Title	Approximate Area (Hectares)
[REDACTED], Luddenham	[REDACTED]	3.31
	[REDACTED]	2.69
[REDACTED] Luddenham	[REDACTED]	2.54
Total Area		8.54 ha

This land is positioned between the existing Luddenham Village centre and The Northern Road realignment (**Figure 1-3**), and is currently undeveloped, having historically been used for extensive agriculture. It has however long formed part of the intended Luddenham Village footprint, evidenced by its inclusion in the unbroken residential zoning which covers the village (**Figure 1-1**). A development approval for residential subdivision of the site was granted in 2008 under [REDACTED]. Notwithstanding that the approved development

did not proceed, the approval is evidence that after the scrutiny of a development assessment process, the land has been found to be suitable for low density residential development.

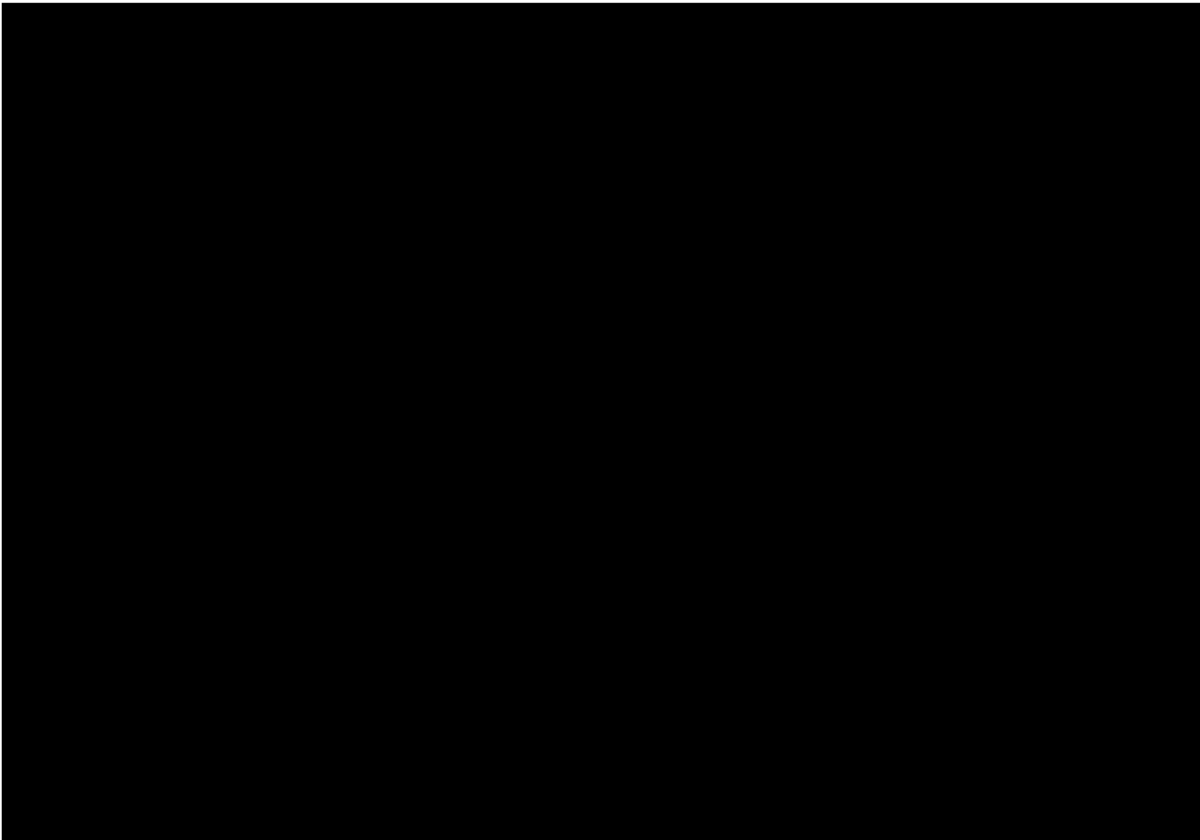


Figure 1-2 Local aerial with topographical contours – Subject Land edged red

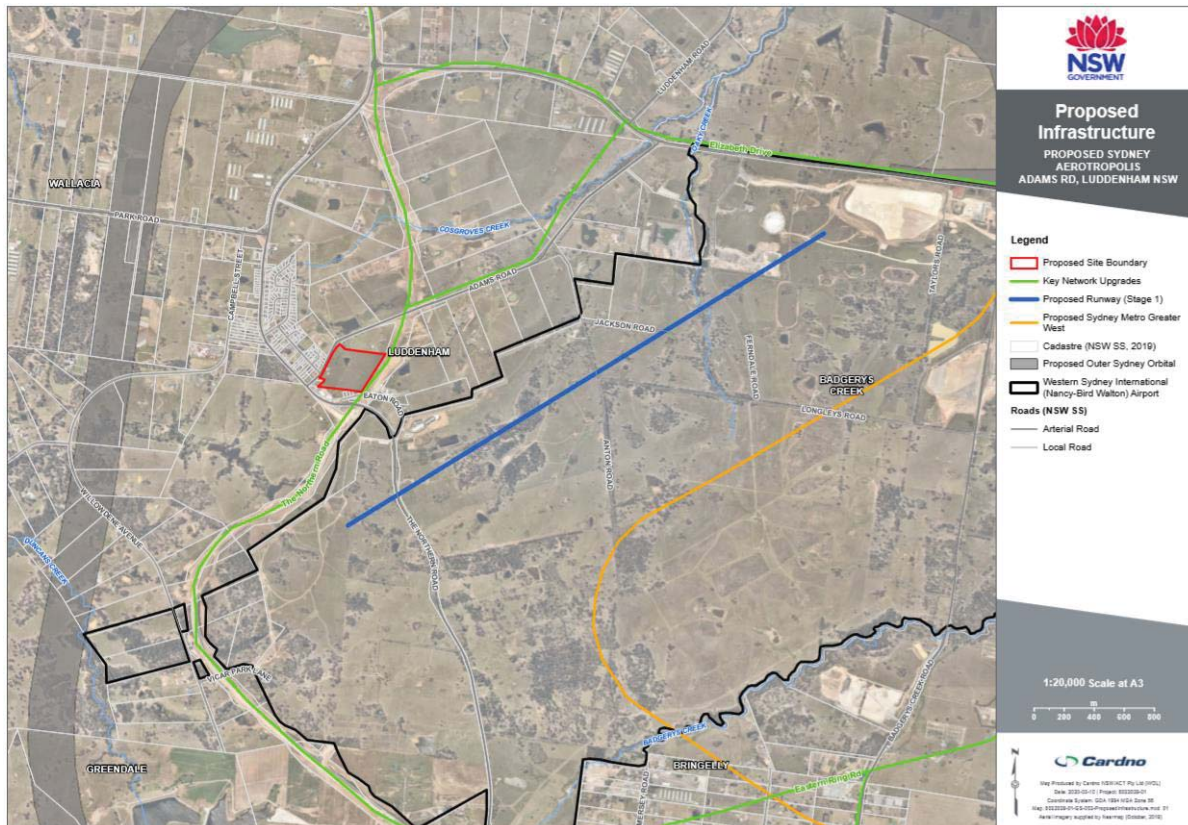


Figure 1-3 Site location (edged red) in relation to the Western Sydney Airport site

2 The submission

Our submission provides commentary on behalf of our client on the Planning Package placed on exhibition in December 2019, constituting Stage 2 of the Aerotropolis Plan. Specifically, our submission is in relation to the following documents included in the Planning Package and currently on Exhibition:

- Western Sydney Aerotropolis Plan. Draft – for public comment, December 2019
- Western Sydney Aerotropolis Discussion Paper on the Proposed State Environmental Planning Policy – Draft for public comment, December 2019
- Western Sydney Aerotropolis Development Control Plan 2019. Phase 1 Draft – for public comment. December 2019

2.1 Western Sydney Aerotropolis Plan (WSAP). Draft – for public comment, December 2019

The 2019 iteration of the draft Aerotropolis Plan includes precinct structure plans for six “Initial Precincts” within the Aerotropolis. The land that is the subject of this submission is included in the Agribusiness Precinct and is designated as “Agribusiness” in the draft Precinct Plan (see Figure 1-4).

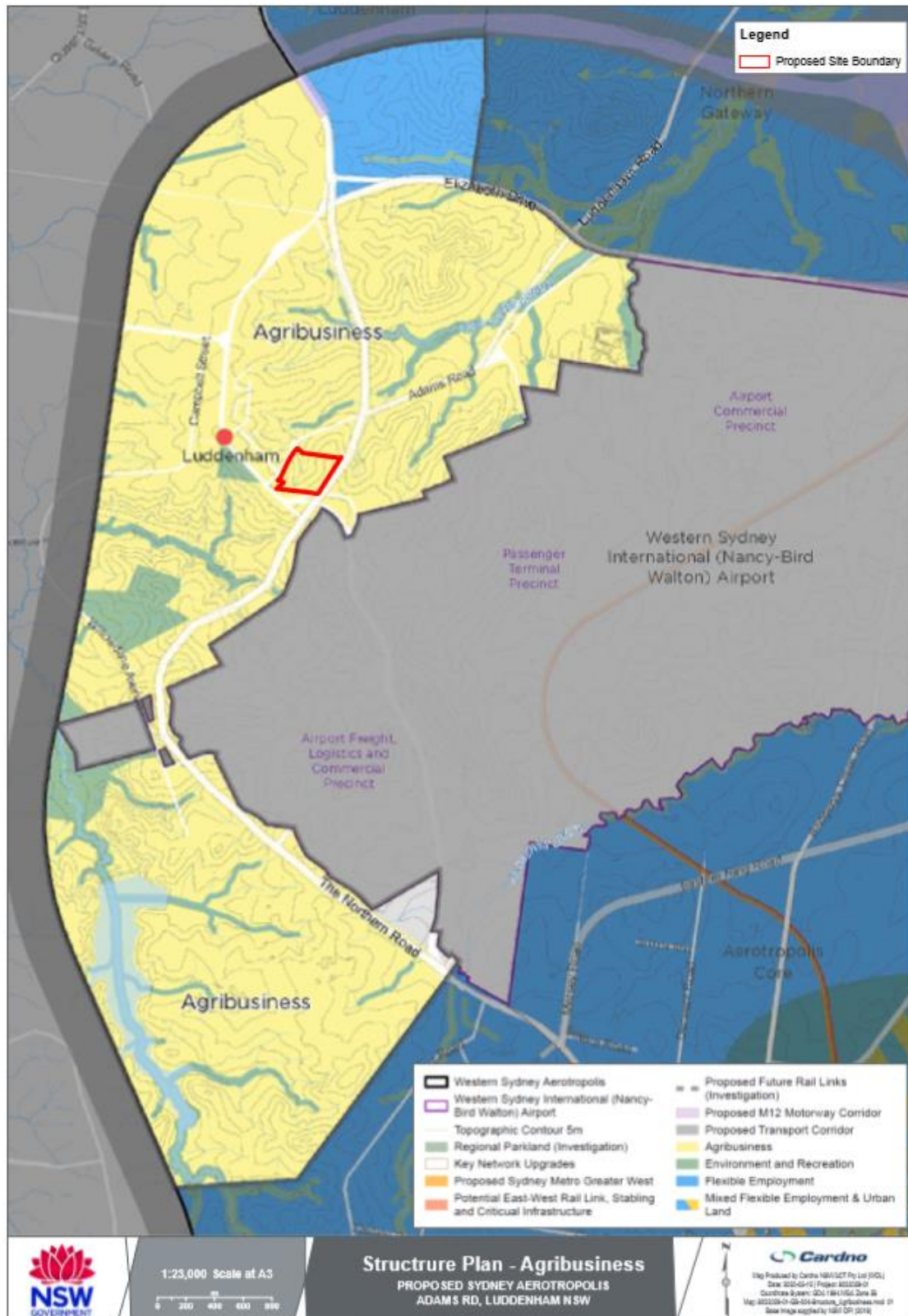


Figure 2-1 Western Sydney Aerotropolis – Agribusiness Precinct - draft Structure Plan (Department of Planning, Industry and Environment, Dec 2019)

2.2 Western Sydney Aerotropolis Discussion Paper on the Proposed State Environmental Planning Policy. Draft – for public comment, December 2019

The SEPP Discussion Paper flags that a State Environmental Planning Policy will be prepared in mid 2020. The SEPP will be the principle Planning Instrument that applies to the Aerotropolis lands. It will implement the WSAP by defining the Aerotropolis Precincts, applying land use zones, setting strategic planning objectives, planning controls and mapping.

The Subject Land and the full extent of the Luddenham township is proposed to be zoned as “Agribusiness” in the discussion paper. This is a bespoke zoning, which is intended to produce a precinct of value-adding agricultural industries with good logistical access to the airport.

In a description of the Agribusiness zone, the discussion paper adds the following particular commentary with regard to Luddenham:

While this zone is proposed to apply to the Luddenham Village the village will not necessarily be limited to Agribusiness activities. The future vision, role and function of the village will be further explored during precinct planning.

2.2.1 Residential land uses in the Agribusiness zone

With respect to residential development, the following additional comments are also made:

Residential housing will be permitted in this zone outside of the ANEC/ANEF 20 and above contours.

“Dwelling houses” are not, however, listed as a permissible use in the draft land use table for Agribusiness and would therefore be prohibited within the zone.

Notwithstanding the extent of the agribusiness zoning and whether or not it extends across the Luddenham Village footprint, we believe that this inconsistency should be resolved by the inclusion of dwelling houses as a permissible use in the draft land use table for the agribusiness zone with specific controls (e.g. a local provisions clause) applying to housing within airport noise affected land.

2.2.2 Aircraft noise impacts

The SEPP Discussion Paper indicates that residential development should be precluded from land that falls within the Australian Noise Exposure Concept (ANEC) 20 contour and above. **Figure 2-2** is the Indicative Noise Contours map for Stage 1 of the Western Sydney Airport development (Department of Infrastructure, Transport, Regional Development and Communications). **Figure 2-3** is a detail of the noise contours map prepared by Cardno with the approximate location of the subject land indicated. Subject to more detailed mapping (and to further refinement of the noise contour mapping) the subject land is likely to fall partially within the ANEC 20 noise contour in its current form.

We understand that precluding residential development from the ANEC 20 contour and above is a precautionary approach to minimise noise impacts on greenfield lands. The Australian Standard AS2020:2015 - ‘Acoustics – Aircraft Noise Intrusion – Building Siting and Construction’ includes a table indicating landuse acceptability with regard to the ANEC contours. The extract from that table below indicates that residential development is acceptable in the 20-25 ANEF contour with conditions. These are detailed elsewhere in the Standard and require certain attenuation practices in building construction and the like.

Building type	Acceptable	Conditional	unacceptable
House, home unit, flat, caravan park	Less than 20 ANEF	20-25 ANEF	Greater than 25 ANEF

Extract from AS2021:2015 – Building site acceptability based on ANEF Zones

Our opinion is that with regard to the subject land, building acceptability levels indicated in AS2020:2015 should apply and residential development should be treated as acceptable contingent on conditions to mitigate noise impacts.

It is unreasonable to preclude residential development from land that has historically functioned as a residential centre. Luddenham and the subject land has been zoned for residential purposes for many years. In this regard we recommend that the residential uses should remain permissible with consent in the township, including over the subject land and should be retained in future planning instruments, whether that be the draft WSA SEPP or the current instrument – *the Liverpool Local Environmental Plan, 2008*.

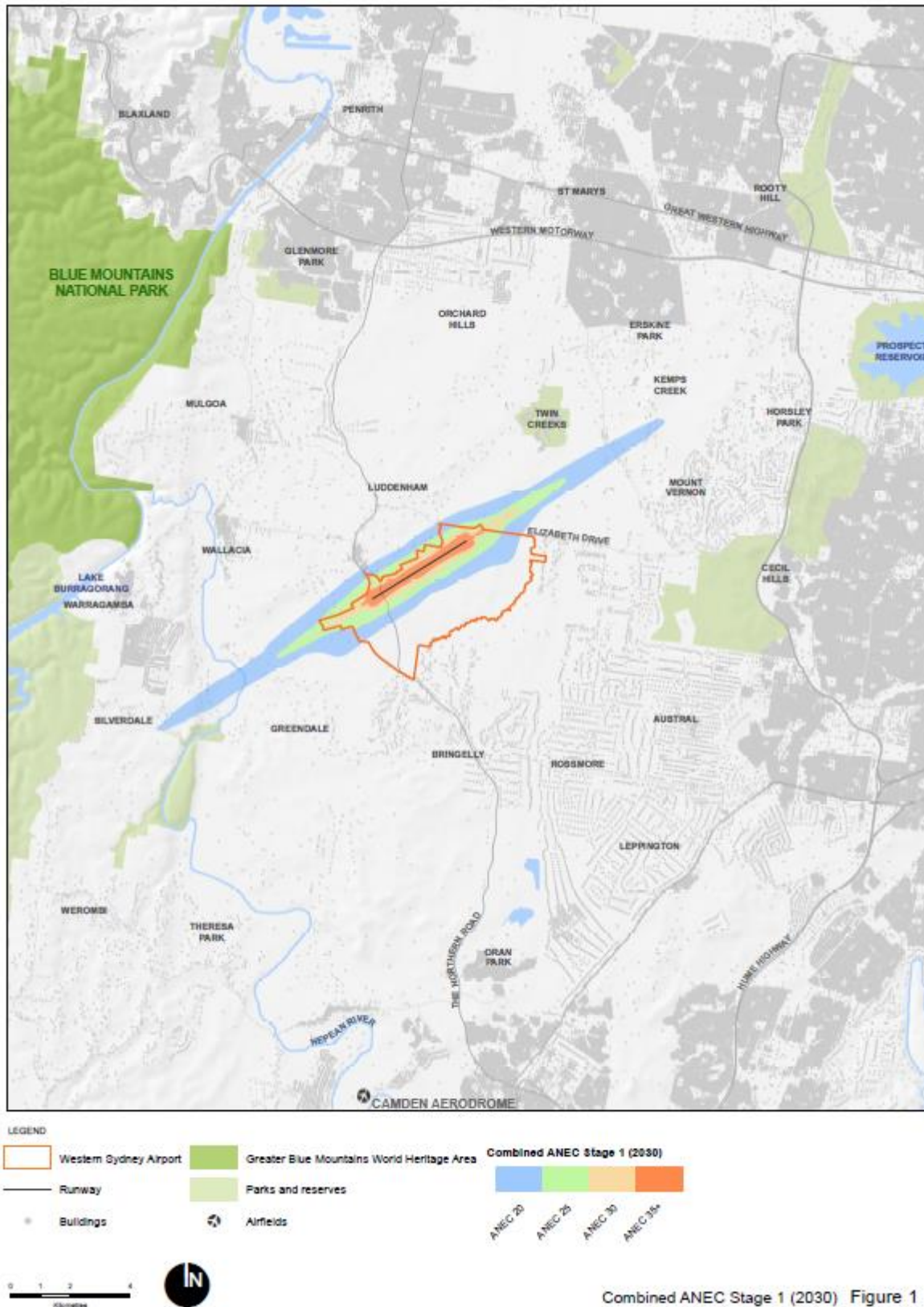


Figure 2-2

Indicative noise contours map (ref: Australian Government Department of Infrastructure, Transport, Regional Development and Communications – Western Sydney Airport. Indicative combined Australian Noise Exposure Concept (ANEC) for Stage 1 development (2030). Web address: <https://www.westernsydneyairport.gov.au/media-resources/resources/maps>)



Figure 2-3 Extract from Figure 2-2 Approximate location of Subject Land indicated with blue oval.

2.3 Western Sydney Aerotropolis Development Control Plan 2019. Phase 1. Draft – for public comment, December 2019

The draft DCP also provides the basis for setting the Aerotropolis Precinct Vision and Place Statements into planning controls.

The agribusiness precinct vision statement states that:

New residential development will only be appropriate if ancillary to agriculture and where not located within the ANEC/ANEF 20 or above contour.

Further:

Luddenham Village will be integrated into the Aerotropolis by acting as a vital link between the Airport and this agribusiness precinct. The Village will provide support services to the workers and residents within the precinct.

It is unclear what this implies about the intended purpose and character of Luddenham Village within the precinct, which is currently primarily residential. The continued use of the term ‘village’ to describe Luddenham appears to suggest that it will retain its semi-rural residential neighbourhood quality. However, the statement that any new development must be ancillary to agriculture instead indicates that residential development in the area will have a purely functional role. Retention of the existing character of the Luddenham Village would clearly be difficult if this objective was enforced.

It is our opinion that Luddenham Village, with its full historic extent including the subject lands, should be clearly presented in the Western Sydney Aerotropolis Plan as a healthy and vibrant township in its own right. The nexus between Luddenham Village and the Agribusiness Precinct as a service hub and place of residence for

workers is fair to observe and to promote. To limit residential development in the area to that which is “ancillary to agriculture” risks reducing the viability of the township as a service and residential centre.

We understand that Luddenham currently acts as a “dormitory suburb”. Only about 2% of residents currently work in agriculture, according to Census data. It follows that if additional housing were available in Luddenham (via the subject land and elsewhere within the Village footprint) then it potential to contribute to the Aerotropolis vision and to function as a hub for Aerotropolis/agribusiness workers would be correspondingly enhanced.

The promotion of a dynamic and sustainable community in and around Luddenham requires that a more practical and flexible approach be adopted for residential development within the Village footprint than is currently implied in the draft DCP.

3 Implications of the Planning Package for the Subject Lands.

3.1 Land use suitability appraisal

Cardno has carried out a high level assessment of the suitability of the land for low density residential uses against its suitability for agribusiness. The assessment has considered strategic functions, context and connectivity, topography and associated development potential and environmental / perceptual attributes of the land. Each of these elements is discussed below.

3.1.1 Functions of the Luddenham Village

The proposed inclusion of the Luddenham Village in the Agribusiness Precinct does not acknowledge its current and potential future function in the locality. Our opinion is that the Luddenham Village has significant potential to extend its current function as a residential and service centre and to provide services and housing choice to support the future Agribusiness precinct. To prohibit residential uses in the Village would negate this opportunity.

3.1.2 Context and connectivity

The re-aligned Northern Road creates an opportunity to create a physical edge to the Luddenham village and its low density residential periphery. In this regards, our opinion is that low density housing should logically extend to the new Northern Road boundary and include the land that is the subject of this submission.

The subject land also enjoys a number of attributes with respect to connectivity that enhance its potential for low density residential development to support and enhance the new Agribusiness precinct and the greater Aerotropolis:

- The land is in close proximity to the Luddenham town centre and provides access for current and future residents to a range of services including retail outlets, medical and pharmaceutical supplies, a school, recreational facilities and a number of churches. These services would no doubt expand if the residential population increased and new markets emerged from the developing Aerotropolis.
- The land has existing direct access to [REDACTED] and to [REDACTED] with links to the Agribusiness Precinct and the airport. This would enhance its suitability for housing. It is also connected via committed transport infrastructure upgrades to the future western Sydney Orbital and the airport and to existing public bus routes and the potential south west rail link (**Figures 3-1 & 3-2**).

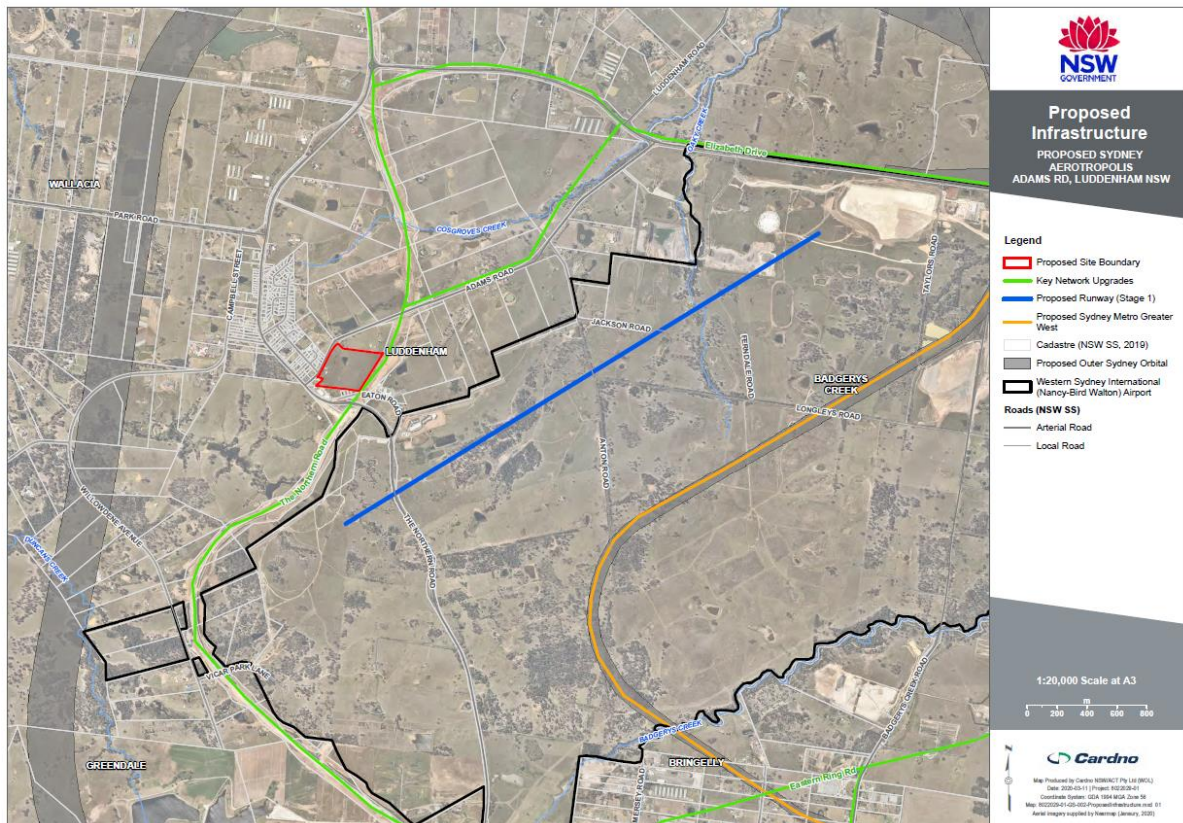


Figure 3-1 Connectivity to local transport infrastructure

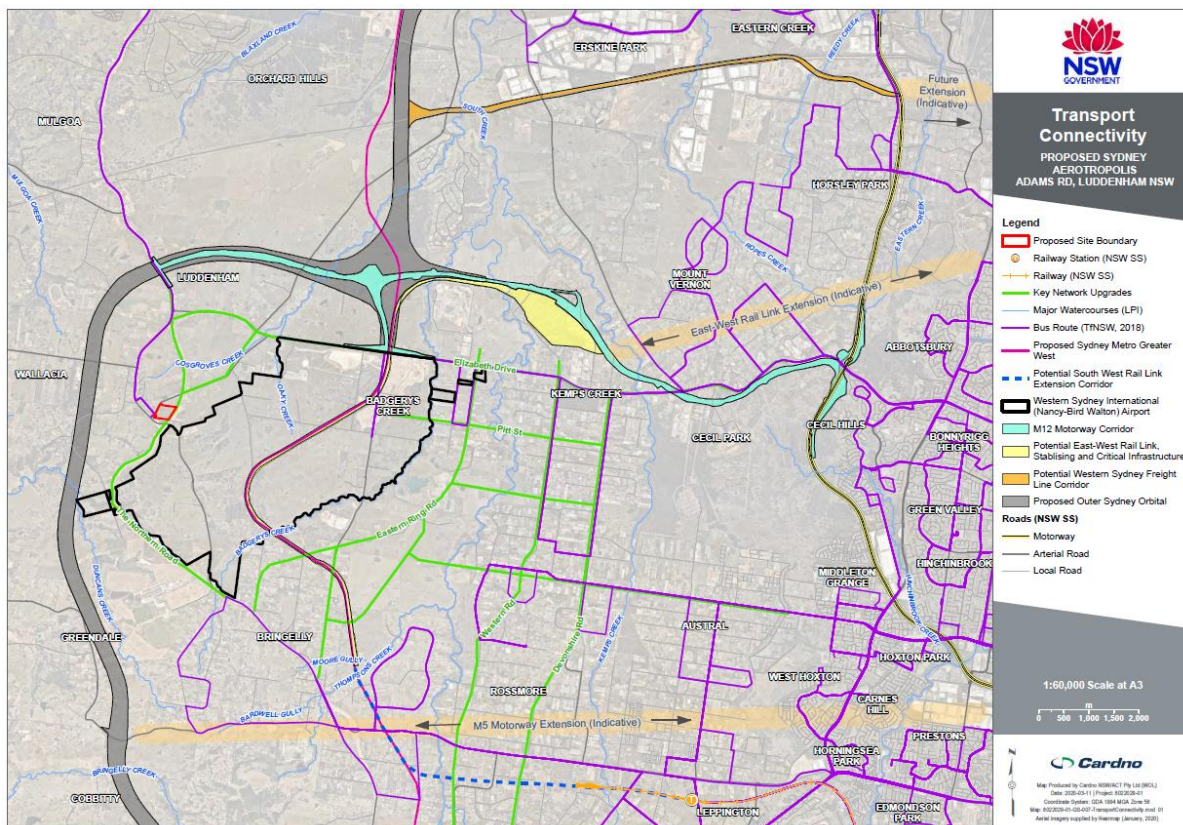


Figure 3-2 Access to regional transport infrastructure

3.1.3 Topography and other physical / environmental qualities

Figures 3-3, 3-4 & 3-5 illustrate that the subject land is undulating and falls relatively steeply to a central drainage swale that ultimately drains to Cosgroves Creek. The topography of the land would significantly constrain its suitability for agribusiness based development forms as they require significant areas of level land to support buildings with large floor plan areas. Development of this land parcel for such purposes would require major land disturbance which would have an unacceptable impact on the physical landscape and would also potentially render the land economically unviable for development.

Development of the land for Low density housing would, however, be a suitable development form for the topographical character of the land with respect to impacts on the land and costs of development.

The land also offers north westerly aspect and views to the Blue Mountains, both of which are likely to be attractive characteristics for a residential developer and future residents.

The viability of the land for residential purposes and the consistency of its current residential zoning is evidenced by the previous granting of development consent for residential subdivision.

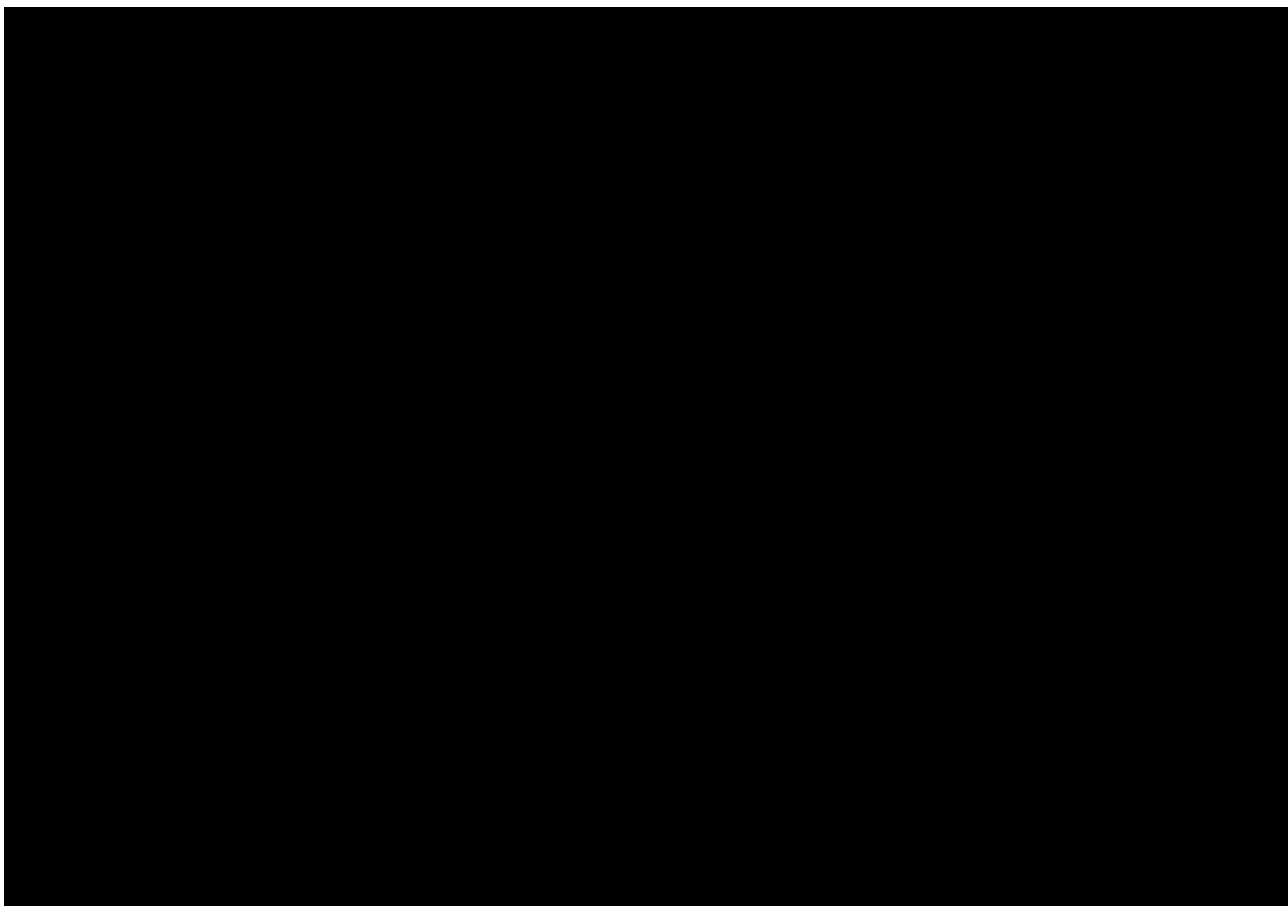


Figure 3-3 Local aerial with topographical contours – Subject Land edged red

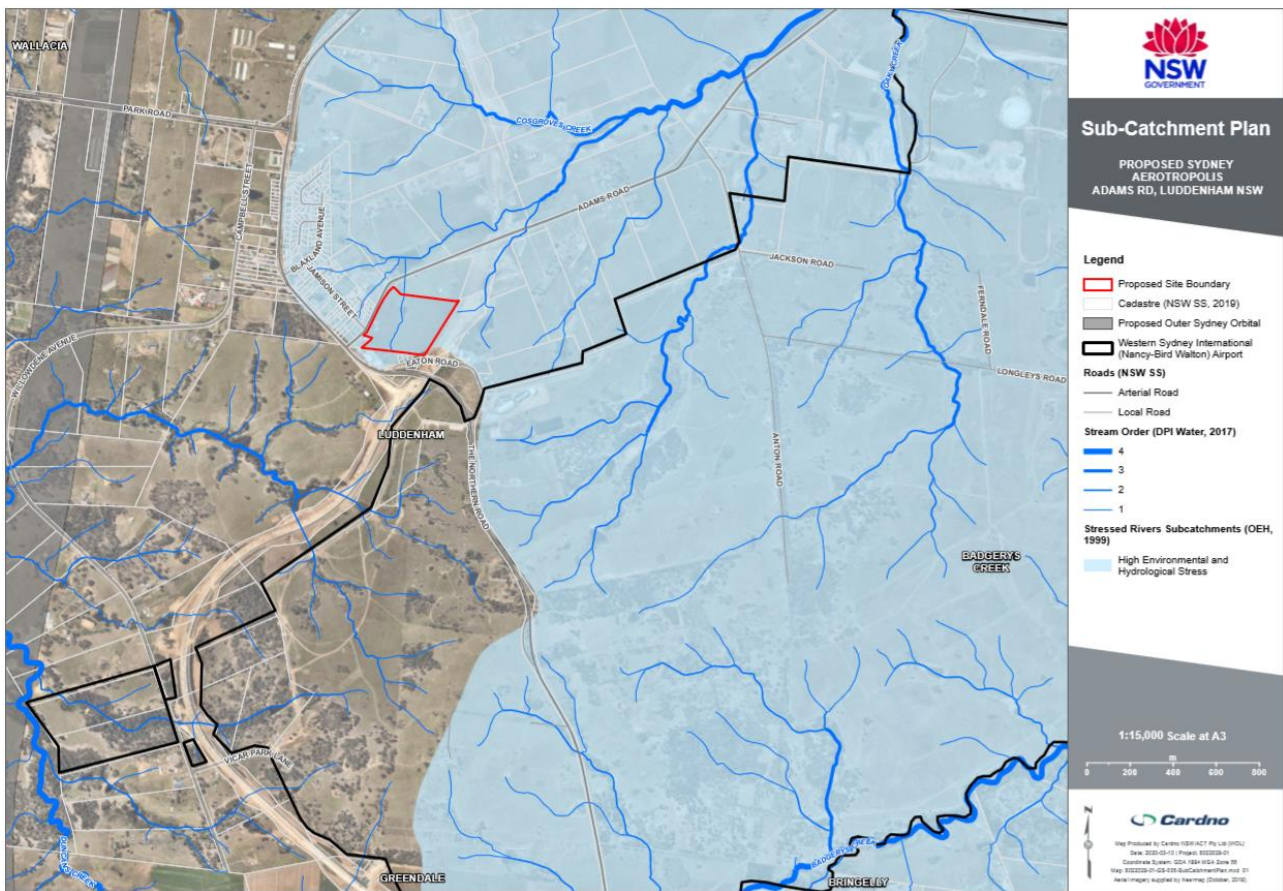


Figure 3-4 Stream order and catchment – catchment level



Figure 3-5 Stream order and catchment – site level

3.2 Aircraft noise impacts

As is appropriate for the precinct, aircraft noise is a key consideration in the land use strategy contained in the planning package. The draft documents are explicit about minimising the impacts of aircraft noise on residents, particularly through the exclusion of new residential development in the ANEC 20 or greater contour.

We note, however, that this exclusion level is beyond standard practice for management of aircraft noise impacts on residential land uses and it is generally intended for greenfield location. In this regard, the SEPP Discussion paper notes:

Limiting new residential development to areas outside the 20 ANEC/ANEF reflects the greenfield nature of the Airport, is stricter than what is conditionally acceptable in the ANEF 25-30 contour within Australian Standard AS2021-2015 Acoustics – Aircraft Noise Intrusion Building Sitting and Construction [AS 2021—2000]. (p.7)

In principle, we support the intention in the Planning Package to minimise aircraft noise impacts upon residents. However, we argue that the mechanism proposed to achieve this – the blanket prohibition of residential development within the ANEC 20 contour and above – is excessive and should be balanced against other factors such as the context of the land and its level of suitability for residential purposes. In the case of the subject lands and Luddenham Village it has been demonstrated that in the absence of potential future airport noise impacts, the land is eminently suitable for residential purposes. To exclude this use would constitute an improper impost on parties with interests in the land and a loss of opportunity for housing choice to serve future populations of the Aerotropolis.

As per DPIE comments, AS 2021—2000 provides for ways to mitigate the effects of aircraft noise through engineering, and while this may not be appropriate for the entire Aerotropolis, it would be an appropriate approach to currently zoned lands such as the subject land and within the Luddenham Village generally.

3.3 Restriction of development rights and implications for land value

Loss of existing rights to develop the land within the Luddenham Village footprint for its demonstrated highest and best use as low density housing will impact substantially on the value of the land. This is contrary to the

commonly accepted premise in strategic planning practice that landowners should not be disadvantaged through strategic planning decisions without just compensation.

For the subject land, potential use for low density residential purposes is reinforced via its long history of planning towards such a use, beginning from at least the implementation of modern land use zoning, which includes it within the R2 village footprint, and most recently through the granting of development consent (circa 2005) for residential subdivision of the land.

Our opinion, demonstrated in this submission, is that prohibition of residential development in the Luddenham village would result in an undesirable planning outcome both for that land and for the Aerotropolis as a whole. In the event that residential land development is prohibited in Luddenham and on the subject land, the resulting the cost via devaluation should not be borne by individual landholders and compensation to the extent of the lost value should be considered.

4 Conclusions and recommendation

To conclude, it is notable that support for the position described in this submission has been received from Liverpool City Council and the Luddenham Progress Association.

The Liverpool City Council, at its meeting on Wednesday 26 February, endorsed (for inclusion in their submission to the Aerotropolis Plan documents) that: *"The Luddenham village remain R2 and not be rezoned to the new agribusiness zone;.... to include protecting the heritage buildings in Luddenham Village".*

(Source: Liverpool City Council Minutes, 26 February 2020: Item EGROW 07, File 039303.2020, Endorsement of Submission on Draft Western Sydney Aerotropolis Plan and Aerotropolis Planning Package)

The Luddenham Progress Association members, at their meeting on 4 March 2020 unanimously agreed to fully support the following position:

- "1. That the R2 low density residential zoned land in the Luddenham maintained and to not be re-zoned to some lesser quality zoning,*
- 2 Where it may become necessary to re-zone the R2 land then people must be properly and fully compensated for the difference in value between the existing zone and the re-zoned land,*
- 3. That Luddenham village along with its heritage buildings, public buildings and public open spaces should not be re-zoned as Agribusiness land."*

(Source: Correspondence from Secretary, Luddenham Progress Association to [REDACTED], 11 March 2020)

To reiterate, this submission has resulted from an assessment of the impacts of the currently proposed rezoning of Luddenham Village and the land specifically the subject of the submission to Agribusiness. Our assessment has found:

- That this rezoning would result in a lost opportunity to re-establish Luddenham Village as a unique residential and service centre within the developing Western Sydney Aerotropolis and to provide housing choice to future residents and workers in the locality.
- That the subject land has superior suitability for residential purposes derived from:
 - its physical characteristics;
 - its connectivity to Luddenham and, via committed transport infrastructure, to the airport and greater Sydney; and
 - the opportunity to create a defined edge to the Luddenham Village residential precinct.
- That prohibition of residential uses would result in devaluation of land within the Village footprint for which landowners would be entitled to just compensation.

Based on this assessment we recommend:

- That the Luddenham village footprint, including the subject land, should be excised from the proposed Agribusiness zone and should retain its current zoning under the *Liverpool Local Environmental Plan, 2008* and future planning instruments

- That alternately another planning mechanism should be included to preserve existing development rights for residential purposes over land within the Luddenham Village footprint, including the subject land.
- That constraints to address aircraft noise impacts on residential development within the subject land and the Luddenham Village footprint should be consistent with building acceptability levels indicated in AS2020:2015. Consequently residential development in these areas should be treated as acceptable contingent on conditions listed in in the Standard to mitigate noise impacts.

We thank the Department for the opportunity to make this submission on behalf of our client group and we would appreciate your consideration of its content.

Finally, we repeat our request to meet with the Department during the post exhibition deliberations for the Stage 2 WSA Planning Package. We will be in contact in the coming weeks to formalise this request.

Yours sincerely,



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for Cardno
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Email: [REDACTED]