



**Subject:**  
**Date:**

FW: Webform submission from: Western Sydney Aerotropolis Planning Package  
Friday, 28 February 2020 11:39:30 AM

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[Redacted]  
[Redacted]

**Sent:** Tuesday, 25 February 2020 7:24 AM

**To:** PPO Engagement <engagement@ppo.nsw.gov.au>; [Redacted]  
[Redacted]

**Subject:** FW: Webform submission from: Western Sydney Aerotropolis Planning Package

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**From:** [noreply@feedback.planningportal.nsw.gov.au](mailto:noreply@feedback.planningportal.nsw.gov.au)

<[noreply@feedback.planningportal.nsw.gov.au](mailto:noreply@feedback.planningportal.nsw.gov.au)>

**Sent:** Thursday, 20 February 2020 5:33 PM

**To:** DPE PS ePlanning Exhibitions Mailbox <[eplanning.exhibitions@planning.nsw.gov.au](mailto:eplanning.exhibitions@planning.nsw.gov.au)>

**Subject:** Webform submission from: Western Sydney Aerotropolis Planning Package

Submitted on Thu, 20/02/2020 - 17:32

Submitted by: Anonymous

Submitted values are:

Submission Type: I am submitting on behalf of my organisation

First Name: Michael

Last Name: Brown Planning Strategies obo Daniella Cattarin

Name Withheld: No

Email: [Redacted]

Suburb/Town & Postcode: 2556

Submission file:

[Redacted]

Submission: see attached

[Redacted]  
[Redacted]

[Redacted]



PO Box 295  
CAMDEN NSW 2570

ABN 52 162 313 895

17<sup>th</sup> January 2020

Your Ref:  
Our Ref: 7/20

The Director, Aerotropolis Activation  
Department of Planning, Industry and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Sir or Madam

**Re: Submission to Western Sydney Aerotropolis Draft LUIP: Initial Precincts**

We act for Daniella Cattarin owner of [REDACTED] Kelvin Park in the local government area of Liverpool and has an area of approximately 2ha. The subject property is affected by the Western Sydney Aerotropolis. An aerial view of the subject property is shown below in **Figure 1**.



### Summary of Objection: Adoption of PMF Levels and Extents to define the South Creek Precinct and the extent of the Green Zone

The creation of a green corridor defined by the PMF (as is proposed in the Draft LUIIP) is unprecedented and unsupported. The riparian lands Guidelines should be used in conjunction with 1% AEP flood extents to define green corridors adjoining waterways in the Aerotropolis lands.

### Background

According to the LUIIP, this land has been provided with indicative zoning comprising two zoning types (refer to **Figure 2**) according to the email dated 8<sup>th</sup> January 2020 from the Western Sydney Planning Partnership, as follows:

- 1700m<sup>2</sup> proposed to be zoned for Environmental and Recreation; and
- 18,300m<sup>2</sup> proposed to be zoned Mixed Use.



**Figure 2 - Proposed Zoning**

It would be noted from **Figures 1 and 2** above, that the existing dwelling is shown to be 'green space' (Environmental and Recreation). It is apparent that the Recreation zoning has been applied to create a green corridor along South Creek and tributaries.



Whilst our client is supportive of the notion of a green corridor, they are opposed to the area that is considered to be flood free being included, as it contains the existing dwelling. It would appear that a number of properties are included in the 'green corridor', but are also developed for housing.

It is assumed that the inclusion of the green area, equates roughly to the PMF extent and not to the flood planning level of the 1% AE or 1 in 100 year flood line. The inclusion of this small area only marginally increases the area of land for a green corridor, whilst also sterilising many lots from development. The benefit derived by way of a slightly larger green corridor does not appear to justify the amount of otherwise developable land that would be sterilised as a result.

Currently, (and prior to the Draft LUIIP), zoning of the land allowed for a range of uses as Complying Development, as defined by a Planning Certificate under Section 10.7 of the EP&A Act. Specifically, Housing, Commercial and Industrial **development is permitted** on all of the land. Indeed it is clear that all of the land would be above the 1% AEP flood level and therefore suitable for development, as it would be considered to be within the "Low Flood Risk" category.

If the subject land is above the 1% AEP, as we deem it to be, then Table 2 of the Liverpool DCP 2008 states the following in relation to landuse in Low Flood Risk area in the applicable catchment of the Nepean River floodplain, which includes South Creek)

**Table 2 Nepean River Floodplains (Includes South Ck, Kemps Ck, Bonds Ck and other tributaries of the Nepean River)**

Flood Risk Category	Land Use Risk Category	Planning Controls							
		Floor Level	Building Components	Structural Soundness	Flood Effects	Car Parking & Driveway Access	Evacuation	Management & Design	Fencing
Low Flood Risk	Critical Uses & Facilities								
	Sensitive Uses & Facilities	12	4	4	2, 4, 5	2, 3, 6, 7, 8	2, 6, 8	4, 5	
	Subdivision				2, 4, 5			1, 6	
	Residential (++)	2, 6	3	3		2, 3, 6, 7, 8	2, 6		
	Commercial & Industrial	2, 6	3	3	2, 4, 5	2, 3, 6, 7, 8	1, 6	2, 3, 5	
	Tourist Related Development	1, 6, 15	3	3	2, 4, 5	2, 3, 6, 7, 8	2, 6	2, 3, 5	
	Recreation & Non-Urban	1, 9, 15	3	3		1, 5, 7, 8	6, 8	2, 3, 5	
	Concessional Development	14	3	3		1, 3, 5, 7, 8, 9	2, 6	2, 3, 5	

Table 2 indicates that various land uses are applicable, subject to them demonstrating compliance with specific flood-related criteria. Typically, Table 6 in Council's DCP Chapter on Flood Risk lists flood criteria for Low Flood Risk land as habitable floor levels which range from the 20% AEP to the 1% AEP flood plus 500mm freeboard.



Council's existing development controls for flooding (as stated above) appear to strike a balanced outcome of development coupled with flood protection. They represent the norm as applied in New South Wales. They allow for a range of developments to occur on the land, subject to meeting various flood planning criteria.

Council's flood controls are also consistent with the *NSW Floodplain Development Manual – the management of flood liable land* (April 2005). Specifically, the 1% AEP (or 1:100 year) flood level is adopted as the Flood Planning Level for the state. The PMF is not considered as a Flood Planning Level in the Manual.

In summary, prior to the Draft LUIIP, my client owned developable land with some minor flooding constraints. With the proposed Draft LUIIP, my client (and other landholders in the vicinity) will own land that is largely undevelopable (Non-urban). The adopted Draft LUIIP planning control is the PMF which relates to flooding. However, in this case the PMF defines a green corridor and is unrelated to flooding. The conflation of PMF and green corridors to create a zoning for planning purposes is unprecedented, and its merit is questionable.

The basis of this submission is the unnecessary and unjustified sterilisation of developable lands arising from the Draft LUIIP. This is based on the following points:

- The PMF is nothing more than a conceptual flood extent, and is not a planning instrument (as is proposed in the Draft LUIIP). Its use in this context is objected to.
- The 1% AEP flood extents should be used to define developable (Aerotropolis Core) lands in the LUIIP.

The creation of a green corridor defined by the PMF (as is proposed in the Draft LUIIP) is unprecedented and unsupported. The riparian lands Guidelines should be used in conjunction with 1% AEP flood extents to define green corridors adjoining waterways in the Aerotropolis lands.

We trust that the above is of assistance and look forward to a favourable response to the matters raised in this submission.

Sincerely yours,



MICHAEL J BROWN

MICHAEL BROWN PLANNING STRATEGIES PTY LTD