

4<sup>TH</sup> March 2020

Western Sydney Planning Partnership  
PO Box 257  
PARRAMATTA NSW 2124

## RE: Western Sydney Aerotropolis Planning Package Submission – Draft Plans, DCP and SEPP

This submission is made on behalf of Cornish Group No.5 Pty Ltd (Cornish Group) in response to the Western Sydney Aerotropolis Planning Package (The Plan) documents which have been published for exhibition at:

<https://www.planningportal.nsw.gov.au/exhibition/western-sydney-aerotropolis-planning-package>.

Cornish Group is an experienced developer in Western Sydney and is the owner of [REDACTED], Luddenham, being [REDACTED] (The Site). The Site is situated in the Northern Gateway of the Aerotropolis Core and is fronted by Luddenham Road to the west and adjacent to Cosgroves Creek to the east.

Figure 1: Site Location



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## **Our Submission**

The purpose of this submission is to provide in principle support to the Western Sydney Planning Partnership's progression of the Western Sydney Aerotropolis Planning Package whilst providing some constructive planning and engineering recommendations – particularly around the Environment and Recreational Zone mapping and this particular zoning's relationship to flood planning in NSW.

In summary, Cornish Group would provide the following recommendations to the Western Sydney Planning Partnership:

### **Recommendation 1: Revision of the Environment and Recreation Zone.**

Whilst the extent of flooding is clearly an important consideration to the development of the site, it is our submission that adopting the 1 in 100 year flood line as the *Enterprise / Environment and Recreation* zone boundary is too inflexible and will not achieve orderly and efficient land development. This submission recommends an alternative approach of adopting the appropriate riparian corridor width as the zone boundary, with additional measures contained in the SEPP that will ensure adequate consideration is given to flood protection and zoning boundary flexibility in the development of the land.

### **Recommendation 2: Consideration of an equitable Special Infrastructure Contributions (SIC) Plan.**

Cornish Group support the implementation of a SIC Plan to fund major infrastructure in the Aerotropolis. In our view it would be a logical approach to empower the Western Sydney Planning Partnership to be responsible for development and integration of the infrastructure funding models (both SIC and local) for the Aerotropolis. This would assist in ensuring the collective impact of levies is equitable to all stakeholders.

For the Employment Lands specifically, it is our recommendation to determine contributions on a Net Developable Area (NDA) basis. This is the most fair and reasonable mechanism for funding infrastructure in employment lands without adversely affecting development feasibility.

### **Recommendation 3: Luddenham Road Prioritisation.**

Luddenham Road is the prominent North-South link for the Northern Gateway Precinct. To secure Luddenham Road as a catalytic North-South Arterial Road we recommend it's inclusion in the SIC schedule as a priority upgrade to facilitate development connections from the Airport to Sydney Science Park, Erskine Park and St Marys.

These recommendations are expanded on by the following.

## 1. Revision of the Environment and Recreation Zone

Cornish Group supports the land use planning approach as per the NSW Floodplain Development Manual of adopting the 1 in 100 year flood level plus freeboard as the “*The Flood Planning Level*” in the Aerotropolis. It is acknowledged that the now proposed zoning varies from the mapping presented in the WSA Stage 1 exhibition documents, where the extent of the Non-Urban zone appeared to relate to the extent of the Probable Maximum Flood (PMF) inundation.

Cornish Group however, do not support adopting the 1 in 100 year flood area as the zone boundary defining the extent of the *Environment and Recreation Zone*. By adopting the 1 in 100 year flood area as the Zone boundary, unwarranted and unnecessary implications arise that will impact on the feasibility of development of the land.

Floodplain Development Controls essentially focus on two key areas:

1. No worsening of flooding conditions for upstream and downstream neighbours; and
2. Protection of property & ensuring the safety of the users of a particular building/area/development.

The first point can be achieved with detailed flood modelling during the Development Application phase with the use of detention basins, earthworks, appropriate placement of buildings, etc. The second is addressed at the rezoning/master planning phase with a range of measures including:

- Ensuring development/buildings are situated in suitable areas above the flood planning level with consideration to the nature of the buildings and their users;
- Ensuring that sufficient warning measures are in place;
- Providing flood free access and egress to the site to allow occupants to evacuate with appropriate site and access road design and grading.

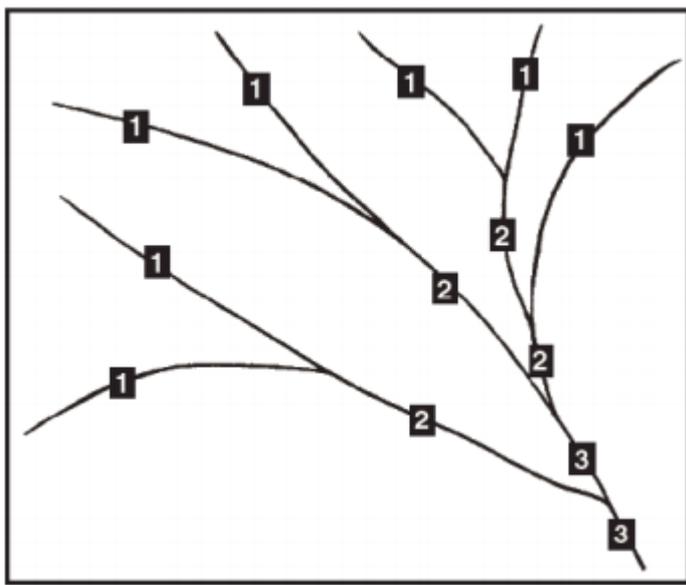
In addition to the above, ‘safety net’ provisions can be incorporated into the Aerotropolis SEPP, similar to existing provisions in the Growth Centres SEPP – see clause 19.

<https://www.legislation.nsw.gov.au/#/view/EPI/2006/418/part5/cl19>

This would ensure that consideration of future development of flood prone land – including excavation and/or filling of land – takes into account matters including affect on flood behaviour, flow distributions/drainage patterns, conveyance & velocities, safe occupation, environmental impact, social & economic costs and flood hazards.

If the above is accepted, then we believe the extent of the *Environment and Recreation Zone* should be defined on the basis of the recommended riparian zone width as determined by the *Guidelines for controlled activities on waterfront land* (NSW Natural Resources Access Regulator ('NRAR'), 2018). As a 4<sup>th</sup> order stream, Cosgroves Creek will require a 40m Vegetated Riparian Zone (refer Figure 1 and Table 1 below).

**Figure 1:** excerpt from *Guidelines for Controlled Activities on waterfront land – NRAR (2018)*.



**Table 1:** excerpt from *Guidelines for Controlled Activities on waterfront land – NRAR (2018)*.

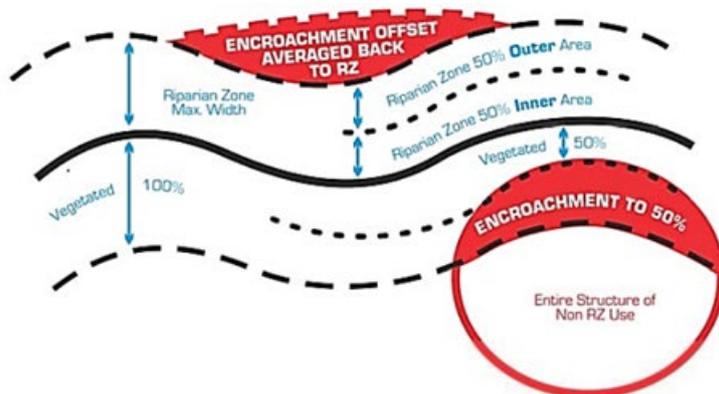
Watercourse type	VRZ width (each side of watercourse)	Total RC width
1 <sup>st</sup> order	10 metres	20 metres + channel width
2 <sup>nd</sup> order	20 metres	40 metres + channel width
3 <sup>rd</sup> order	30 metres	60 metres + channel width
4 <sup>th</sup> order and greater (includes estuaries, wetlands and parts of rivers influence by tidal waters)	40 metres	80 metres + channel width

As existing vegetation beyond the site frontage along Cosgroves Creek extends to a maximum of 40m with an average of around 25m, adoption of a 40m zone width will be more than adequate to achieve the desired environmental outcomes. The subject land also appears to not have any identified 'avoided' lands under the Cumberland Plain Conservation Plan ('CPCP') program.

In addition to the above, the aforementioned NRAR Guidelines provide flexibility via the "averaging rule" for development to encroach in the outer 50% of the riparian zone and provide additional riparian corridors in other areas to compensate. This allows for efficient and logical development edges and allows

roads to address the riparian zones, providing access to these areas, as well as asset protection zones for bushfire protection. See **Figure 2** below.

**Figure 2:** The Averaging Rule (source: *Guidelines for Controlled Activities on waterfront land – NRAR (2018)*)



This would be enabled through the Aerotropolis SEPP via a ‘flexible zone boundary’ or development near zone boundaries clause.

To illustrate its submission, Cornish Group have developed a potential land use model and development footprint demonstrating what could be achieved by adopting the above approach. This provided at **Annexure A** to this submission.

In summary, we request:

- That the extent of the *Environment and Recreation Zone* be determined on the basis of the recommended 40m riparian zone width as determined by the *Guidelines for controlled activities on waterfront land* (NSW) NRAR, 2018) in lieu of the extent of the 1 in 100 year flood area.
- That the Aerotropolis SEPP includes clauses relating to development on flood prone land and development near zone boundaries to provide an appropriate degree of flexibility to allow efficient, orderly and feasible land development whilst ensuring that flooding and environmental considerations are properly considered as part of the detailed design process with future development applications.

## 2. Infrastructure Contributions

Cornish Group notes the proposed continuation of separate SIC and s7.11 (under the Environmental Planning and Assessment Act 1979) charges in the Aerotropolis.

To create a smarter mechanism across the entire Aerotropolis, Cornish Group recommends the following measure:

1. Empowering the Western Sydney Planning Partnership to be responsible for development and integration of the infrastructure funding models (both SIC and local) for the Aerotropolis.

This aligns with Western Sydney Planning Partnership’s responsibility for preparing the Development Control Plan and the Precinct Plans. This will hopefully ensure

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that development in the Aerotropolis will be governed by the 'one cheque' approach to infrastructure funding being considered at present by the NSW Minister for Planning.

For the Enterprise Lands specifically, it is also our recommendation to determine contributions on a Net Developable Area (NDA) basis. This is the most fair and reasonable mechanism for funding infrastructure without adversely affecting development feasibility.

### **3. Luddenham Road Prioritisation**

Luddenham Road is the prominent North-South link for the Northern Gateway Precinct.

In the early stages of the Aerotropolis evolution, a main North-South Arterial Road linking the hubs in the north (Sydney Science Park, Erskine Park, St Marys and Penrith) will be important to activate development. Cornish Group recommend that Luddenham Road be investigated and considered as a priority infrastructure upgrade to act as a catalyst for development Employment Lands in The Plan.

Cornish Group recommend that as an 'early' priority North-South Arterial Road, Luddenham Road be included in the SIC schedule as a priority upgrade to facilitate development connections to and from the Airport

### **Conclusion**

Cornish Group commends the progress made by the Western Sydney Planning Partnership in land use planning for the Aerotropolis, specifically noting that Western Sydney Airport is scheduled to commence operations in 2026.

The draft planning documents show a level of commitment by the NSW Government to implement early measures to enable and support orderly development of the Aerotropolis. We believe, that the recommendations /

requests outlined in this submission regarding the determination of the *Environment & Recreation* zone as it applies to Cosgroves Creek, infrastructure contributions and Luddenham Road prioritisation will serve to improve the plan and its outcomes.

Thanking you in advance for your consideration of this submission. Should you have any questions or require anything further please contact us.

Yours Faithfully,



**Brett Cornish**  
**Director**

# ANNEXURE A

## Possible Future Land Use Model for 812-844 Luddenham Road, Luddenham



**3D View**

## Future Possible Development Footprint .



**Plan View**