

10 March 2020

Secretary
NSW Department of Planning, Industry & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Sir

Submission to Draft Western Sydney Aerotropolis Plan (WSAP), Draft SEPP & Draft DCP, Nos. [REDACTED]

[REDACTED] Pratten Street, Kemps Creek

Metroplanning Services has been engaged by the owners of the above properties located in Pratten Street, Kemps Creek, to prepare an objection submission in regard to the Draft Western Sydney Aerotropolis Plan (Draft WSAP), Draft State Environmental Planning Policy and Draft Western Sydney Aerotropolis Development Control Plan-Phase 1 which have recently been placed on exhibition for public comment. A location plan and aerial plan depicting the objectors properties is contained in Figures 1 and 2.

Objectors Properties

Our clients properties are rural residential in nature and presently comprise single dwellings with associated out buildings and some small home business uses. The sites are relatively level with a gentle fall [REDACTED] which traverses the rear of the sites in a north south direction as depicted in Figure 1. Some of the [REDACTED] also constrained by biodiversity constraints with established vegetation.

The properties are all currently zoned RU4 Primary Production Small Lots under the provisions of Liverpool Local Environmental Plan 2008.



Figure 1-Location plan

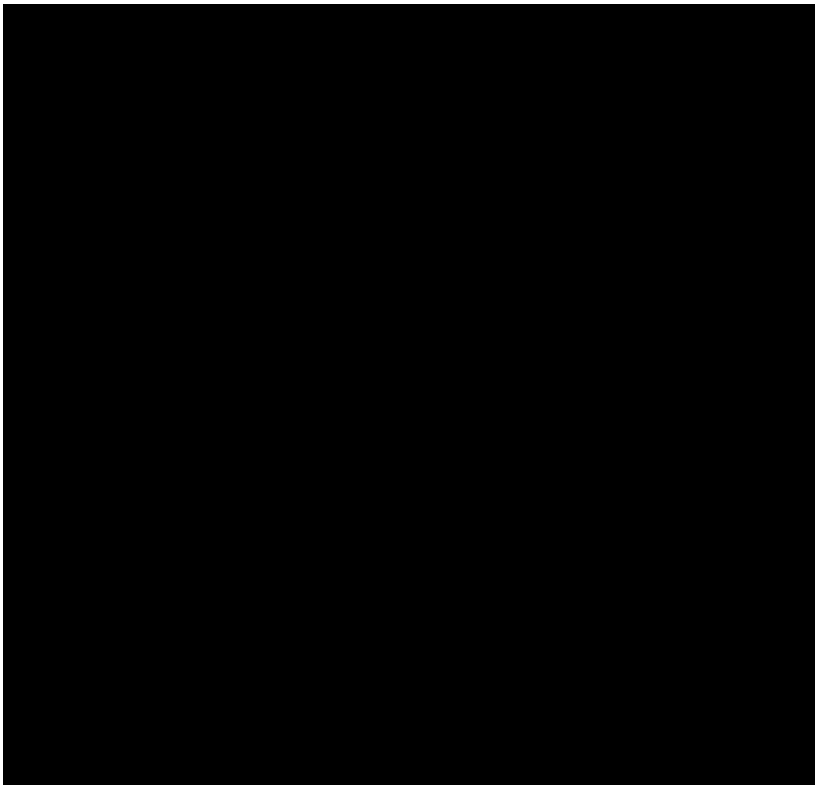


Figure 2-Aerial view of site

Introduction

We have reviewed the supporting mapping and documentation associated with the Western Sydney Airport and note that The Draft Western Sydney Aerotropolis Plan (WSAP) presents the vision and strategic planning strategy for the Aerotropolis. The Draft WSAP includes, planning objectives and principles for the Aerotropolis, different land uses identified for each of the precincts, infrastructure to support the Aerotropolis, the sequence that precincts will be developed.

The Draft Western Sydney Aerotropolis State Environmental Planning Policy provides the planning legislation to support the draft Aerotropolis plan. The SEPP will also ensure State legislation supports the implementation of the WSAP. The SEPP establishes precinct boundaries, applies land use zones to the initial precincts and provides requirements for developing near the Western Sydney International Airport.

The Draft Western Sydney Aerotropolis Development Control Plan Phase 1 aims to promote design excellence in the Aerotropolis' precinct plans and masterplans. The DCP will be developed over two phases. The DCP Phase 1 (draft now on exhibition) provides the vision and objectives for each of the initial precincts, objectives and performance outcomes for development across all initial precincts, covering, natural environment, risk minimisation and management, heritage and cultural conservation and general provisions such as character and place, affordable housing and housing diversity, infrastructure services and utilities and access and car parking.

We have reviewed the Draft Western Sydney Aerotropolis SEPP and note that a significant proportion of our clients properties are identified to be zoned Environment and Recreation under the Draft SEPP landuse zoning plan contained in Figure 3. We understand that the zoning has largely been derived given the flooding affectation constraint on the properties which is depicted in Figure 4. The zoning of the front western portions of the properties is unmapped on the Draft SEPP zoning map however it is identified as a possible Future Employment Area on the Kemps Creek Structure Plan mapping which will be subject to more detailed precinct planning.

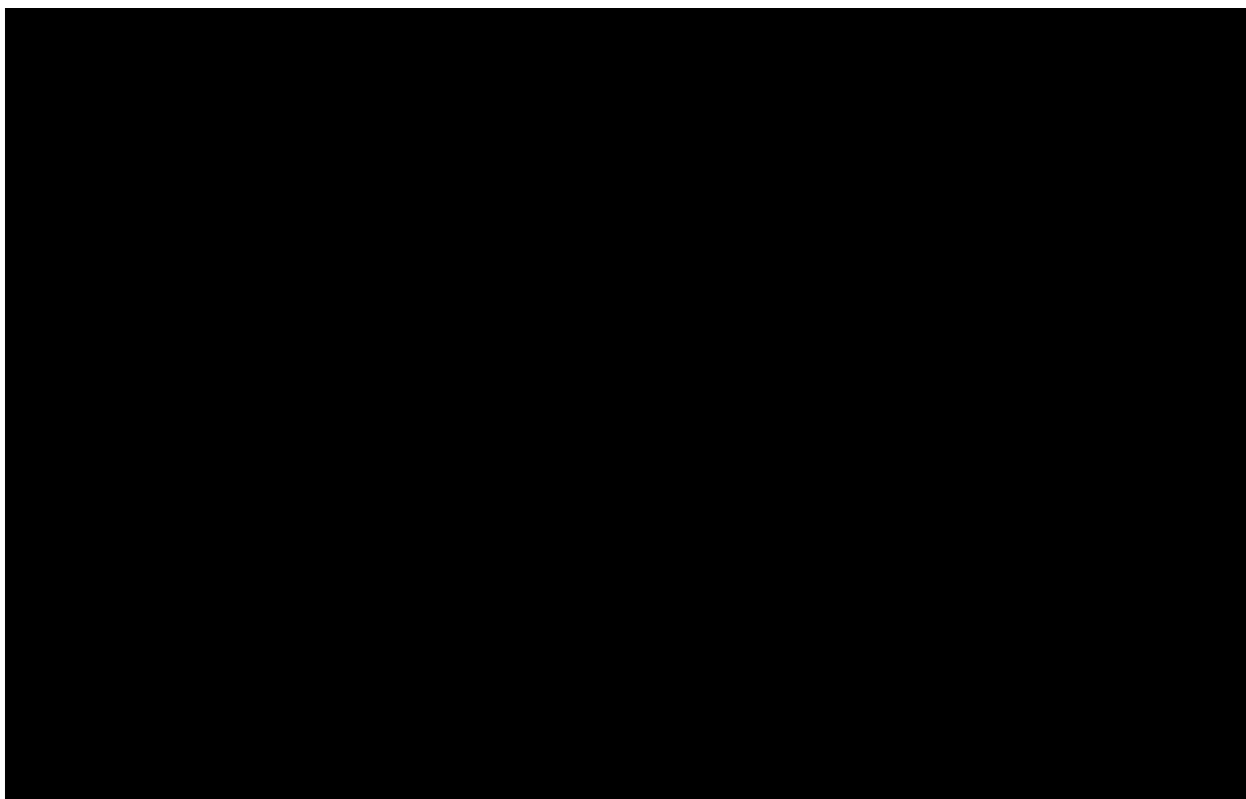


Figure 3-Draft SEPP landuse zoning mapping

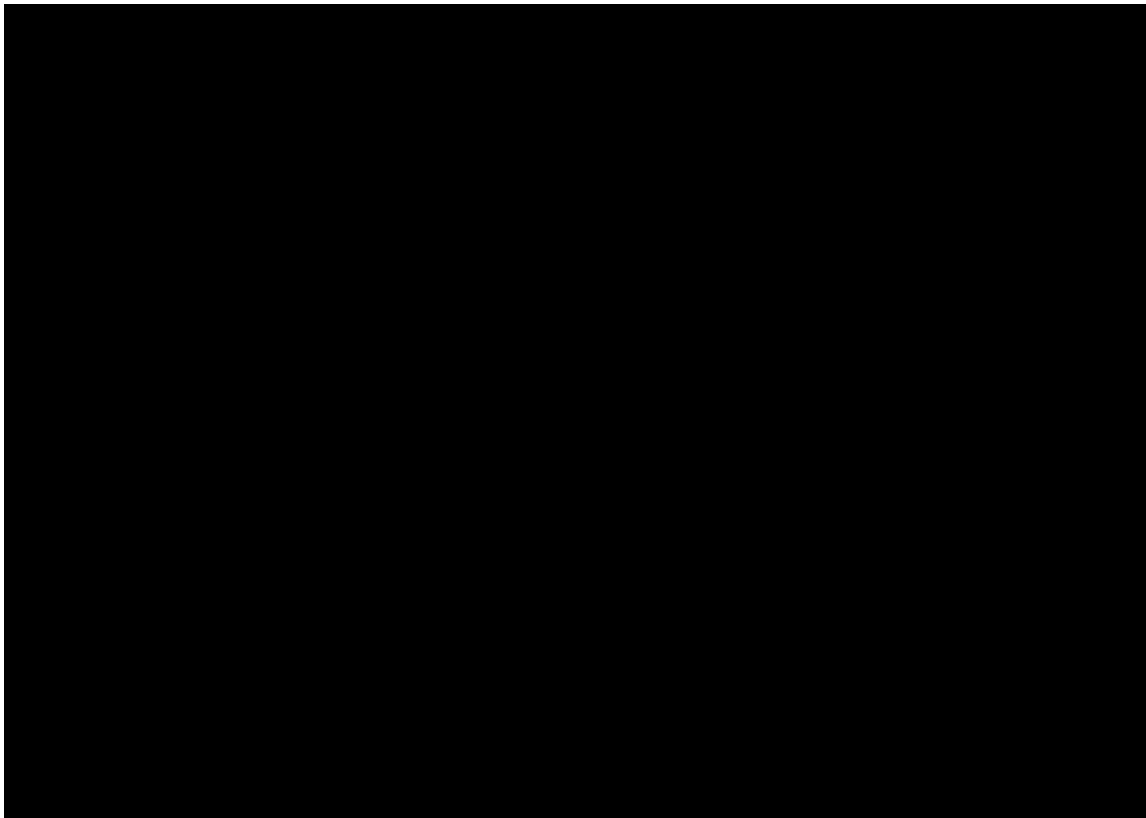


Figure 4-Draft Aerotropolis SEPP flood mapping

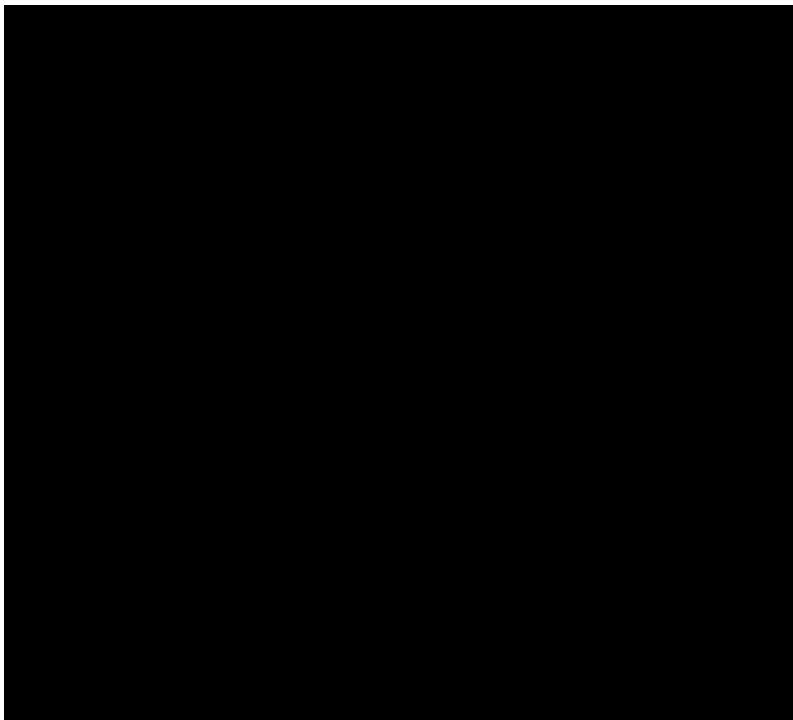


Figure 5-Kemps Creek Structure Plan

We understand that the broad application of the Environment and Recreation Zone will be to permit both environmental and recreational land uses. The objectives of the Environment and Recreation Zone 1 are to:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on ecological or recreational values.*

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To ensure that development is secondary and complementary to the use of land as public open space, and enhances public use, and access to, the open space.*
- *To encourage, where appropriate key regional pedestrian and cycle connections.*

The Environment & Recreation zone permits limited uses without consent, including Environmental protection works and Flood mitigation work. Permitted with consent uses are Environmental facility, Information and education facility, Kiosk, Recreation area, Recreation facilities (outdoor), Water recreation structure and Road.

We note that all the Pratten Street properties are located in the Kemps Creek Precinct which in general is intended to create opportunities for flexible employment development connected to residential communities in the south, Aerotropolis Core, the Airport and other centres such as Liverpool CBD. It is anticipated that the precinct will be appropriate for mixed commercial development such as smaller innovative and creative industries that seek more affordable, out of centre accommodation with accessibility and amenity.

Objections

Flooding

We have reviewed flood mapping of our client's properties that was sourced from Liverpool City Council's Emapping services that is contained in Figure 6 and note that it is only the rear darker blue portion of the properties that are mapped with the 1% AEP flood event. The lighter blue lines are as we understand, represent only an indicative extent of the 1% floodway. We understand that the properties mapped with the indicative extent of inundation for the 1% AEP flood event have not been surveyed to ascertain levels and accuracy of the flood mapping. We have confirmed this with Liverpool City Council's Flood Engineering Section who advised that certain development is permissible in the lower intensity indicative flood mapped area provided flood assessment is undertaken to conform impacts upon upstream and downstream properties and that the flood storage capacity in the area is not compromised.

We understand that the NSW Government has a responsibility to reduce the impact of flooding and flood liability on owners and occupiers of Flood Prone Land through the process of Floodplain Risk Management. However our clients consider that to have the imposition of an extensive flood affectation constraint across vast parts of their properties is unfair and although we recognise flood studies have been prepared, note that detailed surveys of the natural land levels on their properties has not been undertaken to accurately determine existing levels. Accordingly, we recommend that the Department commission the preparation of more detailed flood mapping that is based upon survey levels prior to proceeding to the next precinct planning stage for Kemps Creek that provides a more accurate indication of real flood levels.

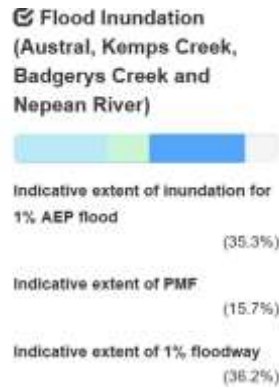
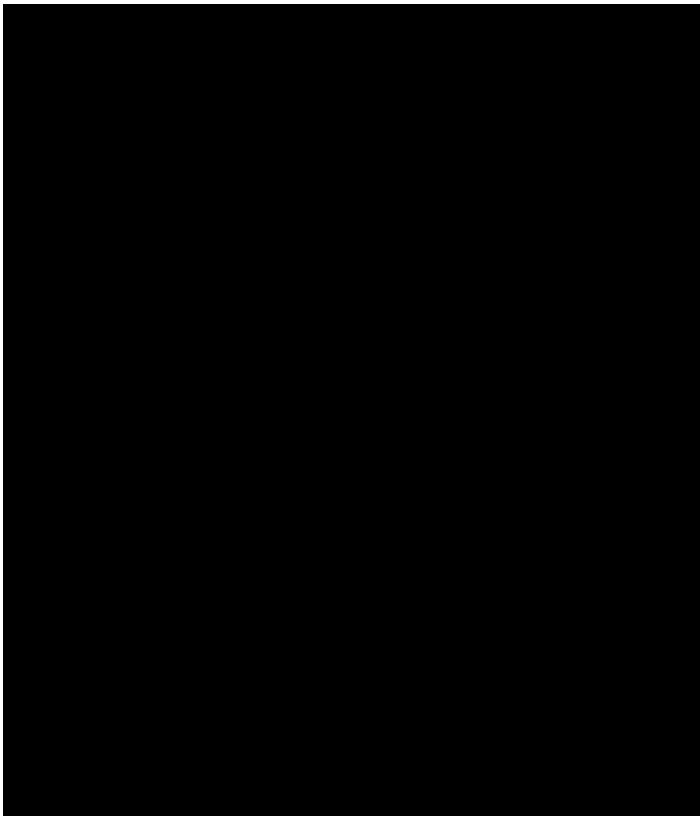


Figure 6-LCC Emapping flood mapping

Zoning

Based on the indicative extent of the flood mapped area, we feel that it is an unfair imposition to zone significant proportions of our clients properties as Environment and Recreation under the Draft SEPP landuse zoning plan contained in Figure 3. The zoning provides for a very minimal allocation of employment generating landuse at the western frontage of the properties and has effectively sterilised our clients properties from future development potential given the de-facto public zoning of the properties as Environment & Recreation.

Transition zone/additional permissible uses

We recommend that the Department consider a more flexible planning approach and investigate the possibility of a Transition zone or similar upon the higher western portions of our clients properties that are mapped with the indicative flooding extent to allow a broader number of permissible development uses that would need to be flood compatible and allows greater diversity and opportunities for development potential on our clients properties.

Conclusion

We submit that the proposed Environment and Recreation zoning of virtually the entire area of a number of our clients properties is unfair given it in part is based on indicative flood mapping whereby the impacted properties have not had their levels surveyed to confirm the flood extents. This effectively

sterilises the impacted properties with a de-facto public zoning that has very limited development opportunities.

We can be contacted on [REDACTED] if the Department requires any clarification.

Yours Faithfully



John Mckee
DIRECTOR