

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 – Lot [REDACTED] DP [REDACTED] No. [REDACTED] Kelvin Park Drive, Bringelly

Metroplanning Services has been engaged by Mr and Mrs Ciappara, who is the owner of No. [REDACTED] Kelvin Park Drive, Bringelly, to prepare a 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.

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 planning framework 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 Draft 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 draft 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.

Site Details

In reviewing the draft planning instruments, we have considered the locational and physical characteristics of our client's property which is currently rural residential in nature. The site contains a single dwelling

[REDACTED]. A photograph of the site taken from the street frontage is provided below. The site is rectangular in shape and is relatively level with a gentle fall at the front of the property towards Kelvin Park Drive as illustrated in Figure 1. An aerial depiction of the site is contained in Figure 2. [REDACTED]

[REDACTED].

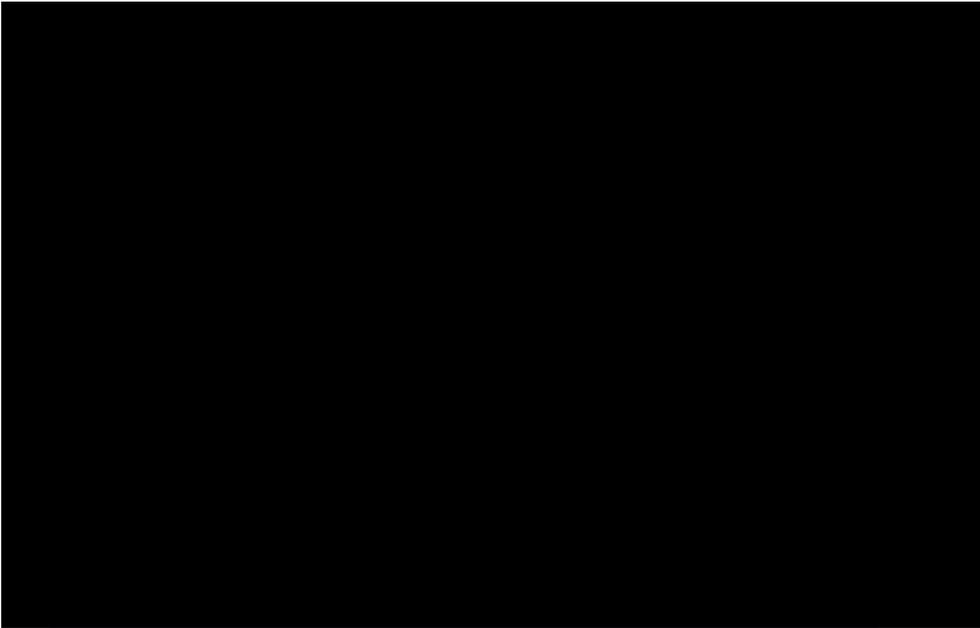


Photo 1-View of site from Kelvin Park Drive

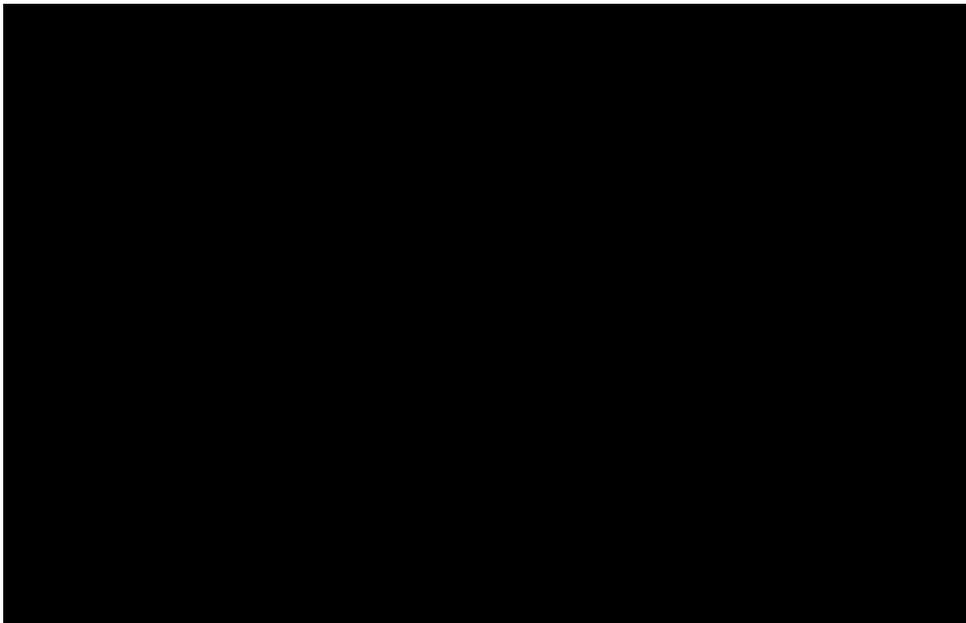


Photo 2-View from rear of dwelling facing north east

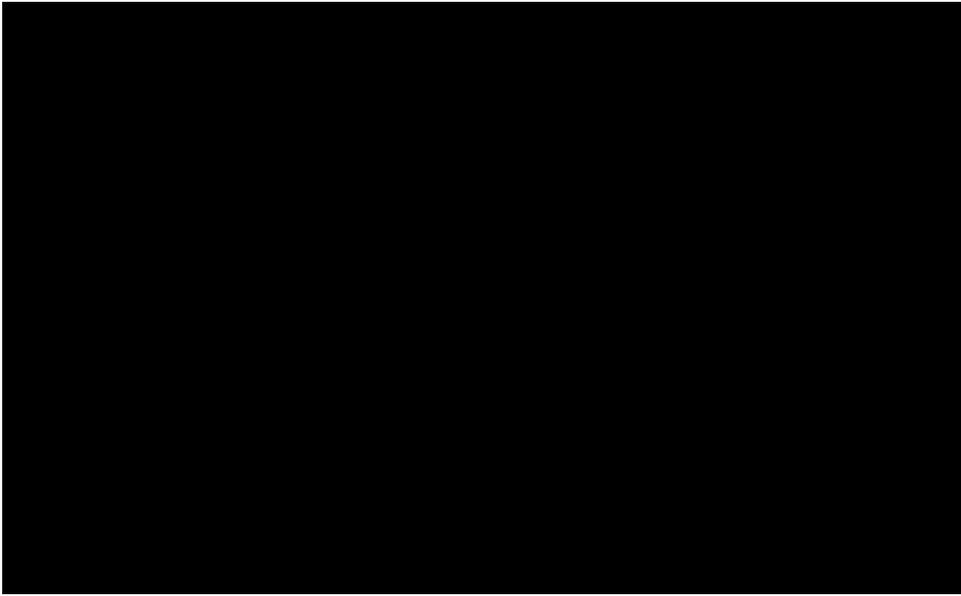


Photo 3-View of site from rear of dwelling facing north east

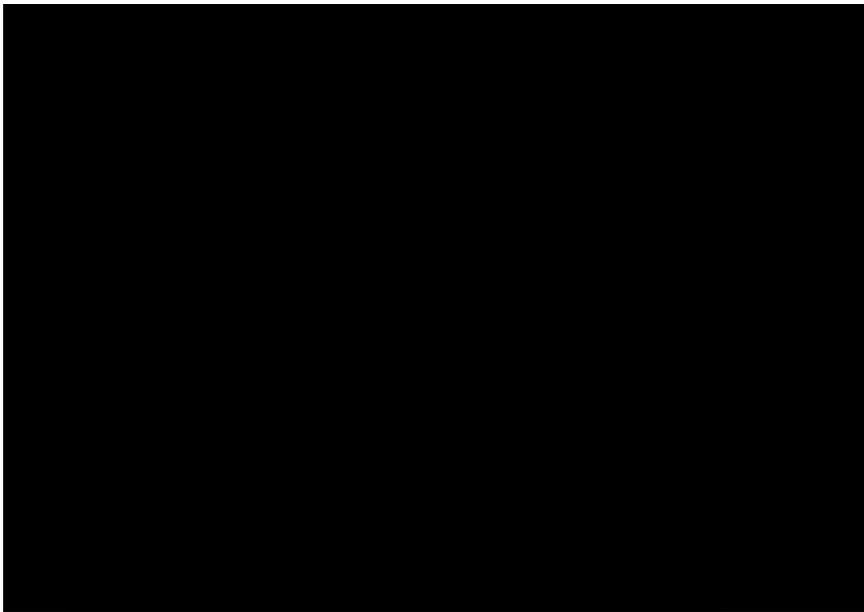


Figure 1-Site locality plan

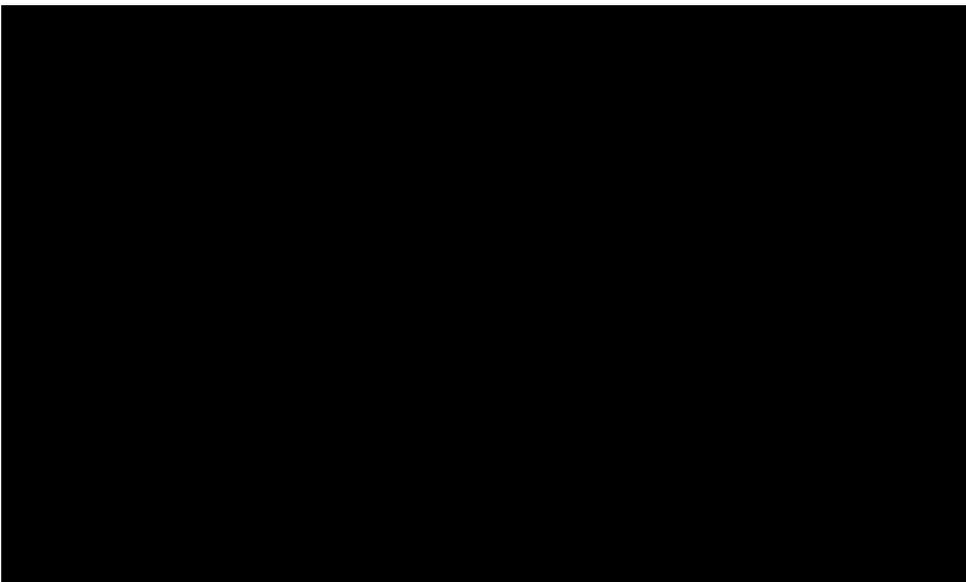


Figure 2-Aerial view of site

The site is currently zoned [REDACTED] Small Lots under the provisions of Liverpool Local Environmental Plan 2008.

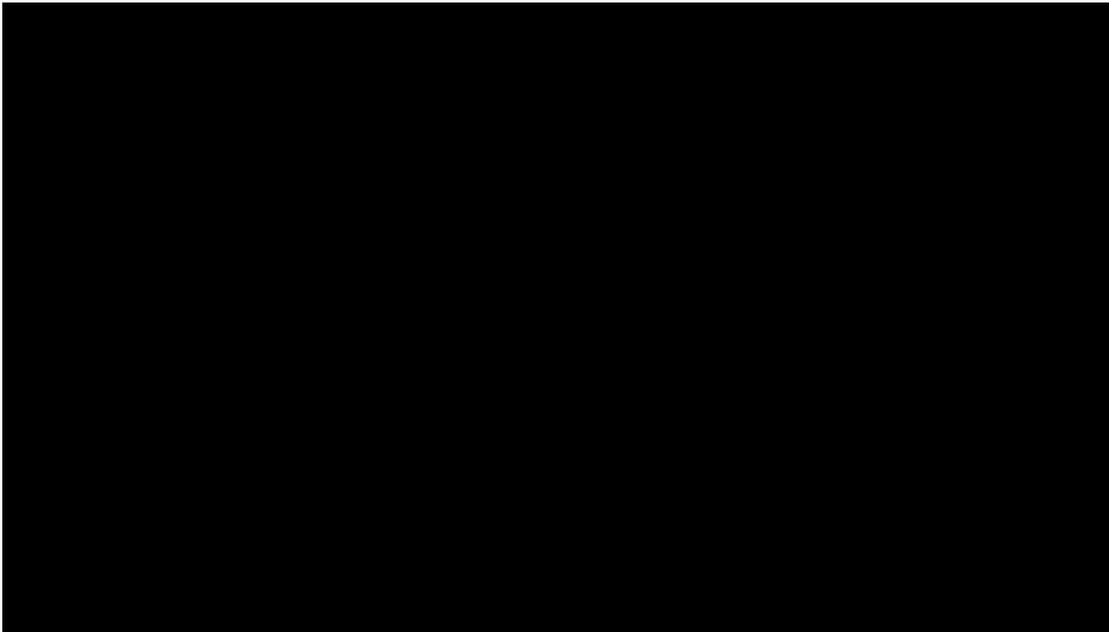


Figure 3-Liverpool LEP 2008 prevailing landuse zone mapping

We note that our client's site is located in the Aerotropolis Core Precinct and is identified to be zoned Environment & Recreation under the Draft SEPP landuse zoning mapping contained in Figure 4. We have also considered flood mapping under the Draft SEPP which is contained in Figure 5 and note that our client's property [REDACTED]

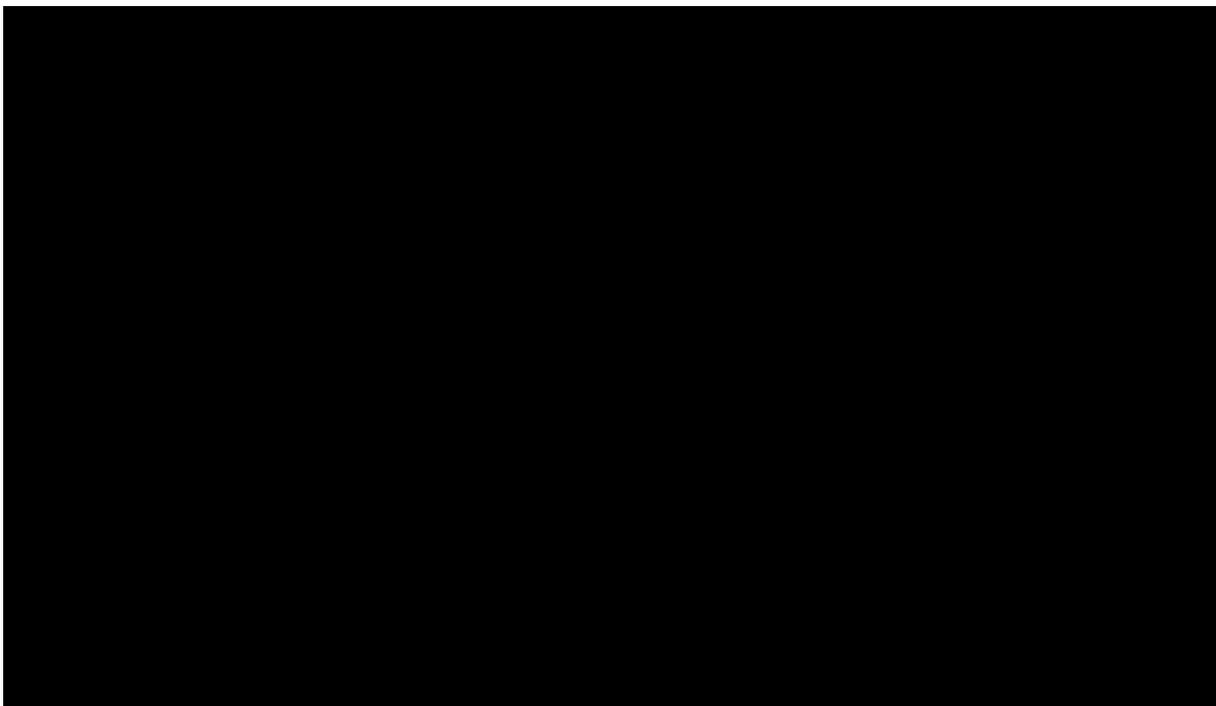


Figure 4-Proposed Draft Western Sydney Aerotropolis SEPP landuse zoning map



Figure 5-Draft Western Sydney Aerotropolis SEPP flood mapping

OBJECTIONS

Zone boundary alignment

We question how the dividing boundary alignment between the Mixed Use zone and the Environment & Recreation zone [REDACTED]. In particular we note that

[REDACTED] (No. [REDACTED]) There does not appear to be an obvious physical reason or constraint warranting the alignment in this position based upon physical constraint mapping of the site. We also note that a review of the draft SEPP flood mapping shows that our client's site is not mapped with 1 in 100 year flood risk as illustrated in Figure 5.

In order to understand the rationale for the zone alignment, we consulted with a representative of the Department and were advised that that the zone alignment boundary has been selected from the mapped Probable maximum flood (PMF) affectation line. We understand this to be the low flood risk line contained in Figure 6 identified by a red line. We were advised by the Department staff that there was a need to create a larger corridor of reserve area and buffer to the western Thompsons Creek which required our client's property to be zoned Environment & Recreation.

We strongly oppose this and consider that the previous proposal to excise off a small section in the northern tip of the site that enabled a more uniform alignment rather than the current proposed kink arrangement that has been undertaken at the expense of our client. Refer Figure 7 which clearly identifies the small portion that was previously identified. We consider that there is no genuine environmental planning reason justifying the proposed re-alignment and zoning of our client's property as Environment & Recreation. We note that our client's property is located a significant distance away from Thompsons Creek with a suitable buffer in place to protect the biodiversity qualities of that area under the NSW Biodiversity Conservation Act 2016.

We also note that the Department has consistently applied the 1 in 100 year flood affectation area as the arbitrary line for zoning properties Environment & Recreation in other area of the Draft Aerotropolis Plan and not the PMF or low flood risk affectation however that consistent approach has not been employed in this case at the detriment to our client. It would appear to be merely a land grabbing exercise with no valid environmental planning grounds to justifying the alignment.

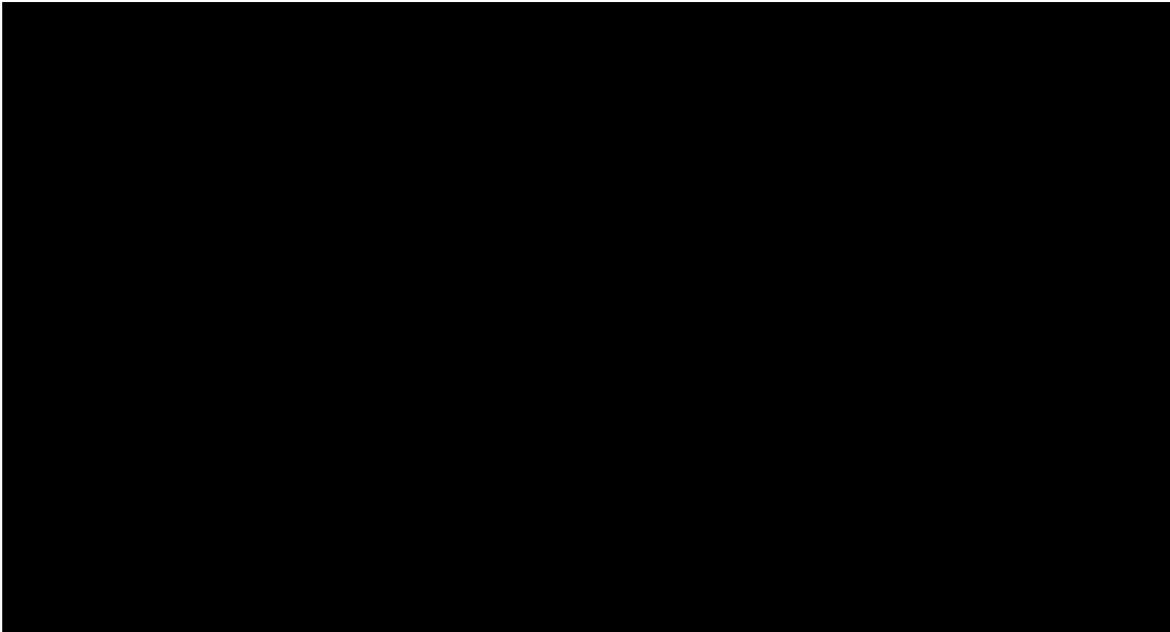


Figure 6 –LCC eplanning flood mapping

Physically suitable for Mixed Use zoning

As stated above, we consider from a physical perspective that the site is unconstrained in regard to biodiversity, topography, natural watercourses, etc that would render it unsuitable for an urban mixed use zone which we note other properties to the east and south of our client’s site are identified to be zoned under the Draft SEPP. The unconstrained condition of the site is supported by photographs 1-3 and also the aerial view of the site contained in Figure 2 that show the site comprises cleared grassland and is relatively level in topography. We do not believe that there are valid environmental planning grounds to warrant this land grabbing exercise at the detriment of our client.

History

[REDACTED]

[REDACTED]. It would appear that this proposal was a much more logical dividing zone boundary alignment on the basis that the alignment was straight rather than the current kink shape alignment.

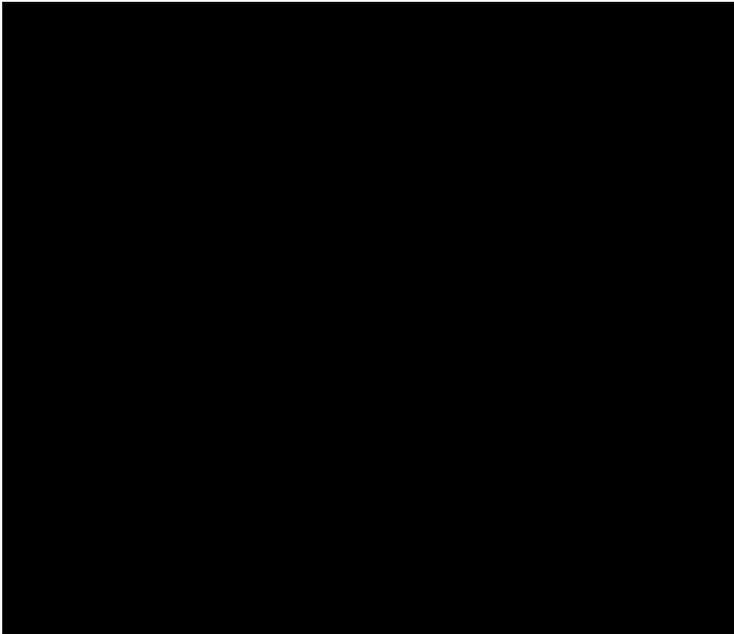


Figure 7-Earlier structure plan alignment provided to client by Department

Home Industry

Our client is strongly opposed to the zoning of the site as Environment & Recreation and also the offer by the Department to acquire the property on the basis that they presently operate a viable home industry from the site. Our client also has an elderly family and family members living nearby and is extremely opposed to agreeing to acquisition of this property for family reasons.

Conclusion

We trust that the Department of Planning will give serious consideration to the issues raised in our submission and make amendments as recommended. We can be contacted on [REDACTED] if the Department requires any clarification.

We believe that the site is strategically well sited in the core of the Aerotropolis precinct with excellent access to road networks which makes it an ideal location for mixed use opportunities. To zone our client's site as Environment and Recreation is compromising its locational and physical attributes when there appear to be no physical impediments or Environmental planning grounds preventing zoning it mixed use.

Yours Faithfully



John Mckee
DIRECTOR