

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],  
[REDACTED] Cross Street, Kemps Creek**

Metroplanning Services has been engaged by Mr Domenic Oliveri who is the owner of [REDACTED] Cross 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.

### **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, with reference given to 'initial precincts' and 'non-initial precincts', reflecting the program to undertake precinct planning.

The 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 Draft 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.

## Site details

In reviewing the draft planning instruments, we have considered the locational and physical characteristics of our client's property which is a square shaped site. The site is relatively level site that is traversed by Kemps Creek as depicted in Figures 1 and 2. [REDACTED]

The site is currently zoned [REDACTED] under the provisions of State Environmental Planning Policy-(Sydney Region Growth Centres) 2006.

A location and aerial plan depicting our client's property is contained in Figures 1 and 2.

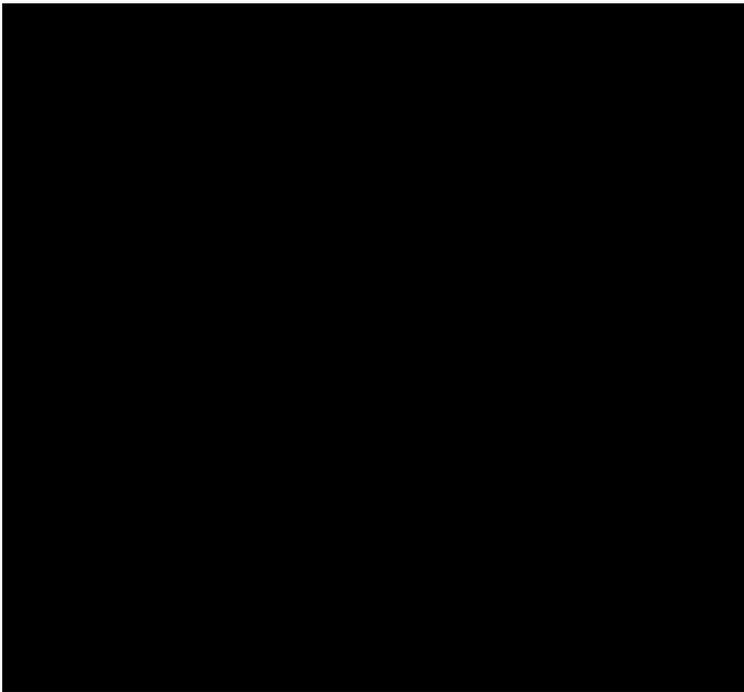


Figure 1-Site locality/contour plan

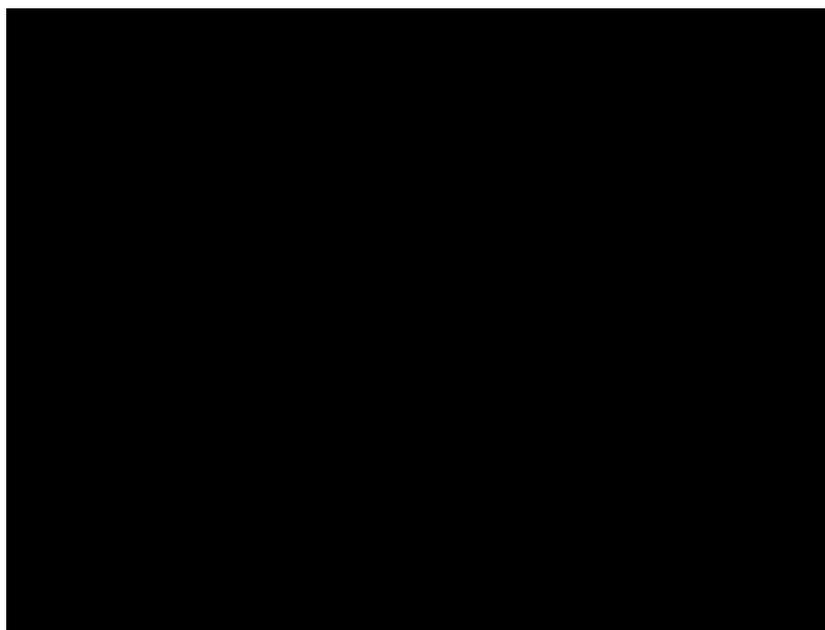


Figure 2-Aerial view of site



Figure 3-Existing Growth Centre SEPP zoning mapping

We have reviewed the Draft Western Sydney Aerotropolis SEPP and note that [REDACTED] our client's property is identified to be zoned Environment and Recreation under the Draft SEPP landuse zoning plan contained in Figure 3. We understand that the zoning has in part been derived given the flooding affectation constraint on the property and biodiversity which is depicted in Figure 4.

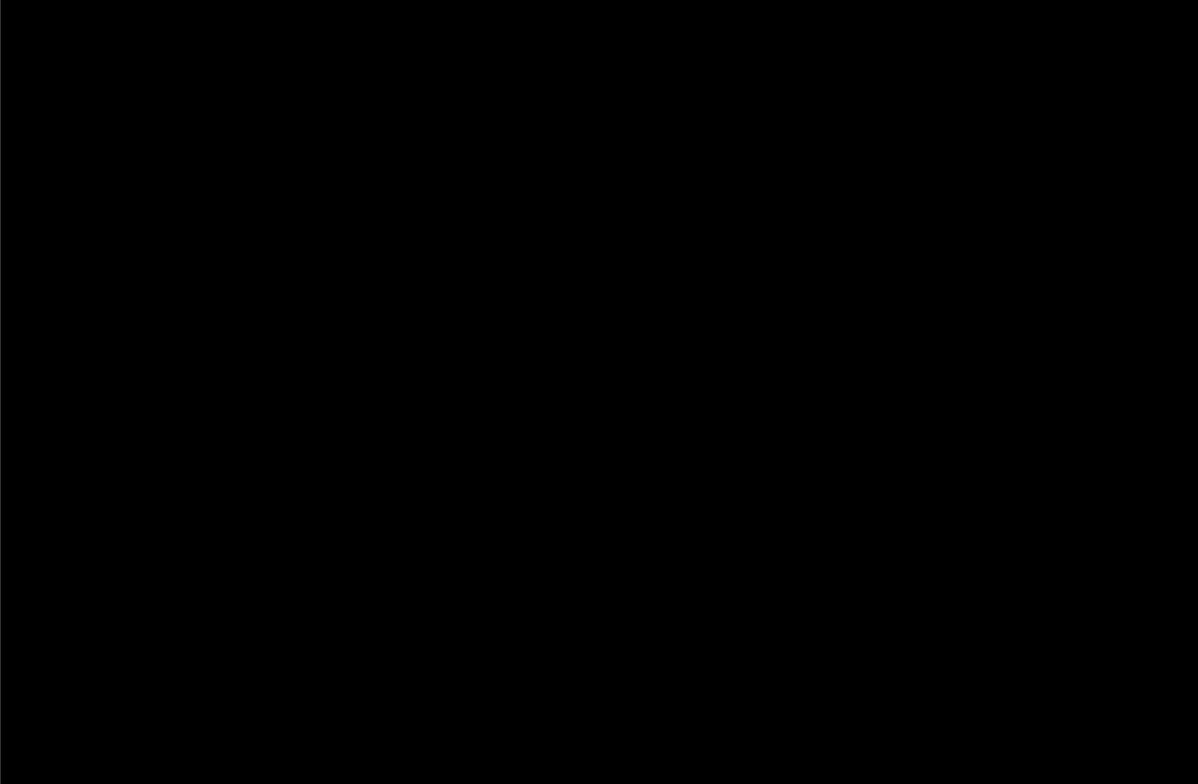


Figure 3-Draft SEPP landuse zoning mapping

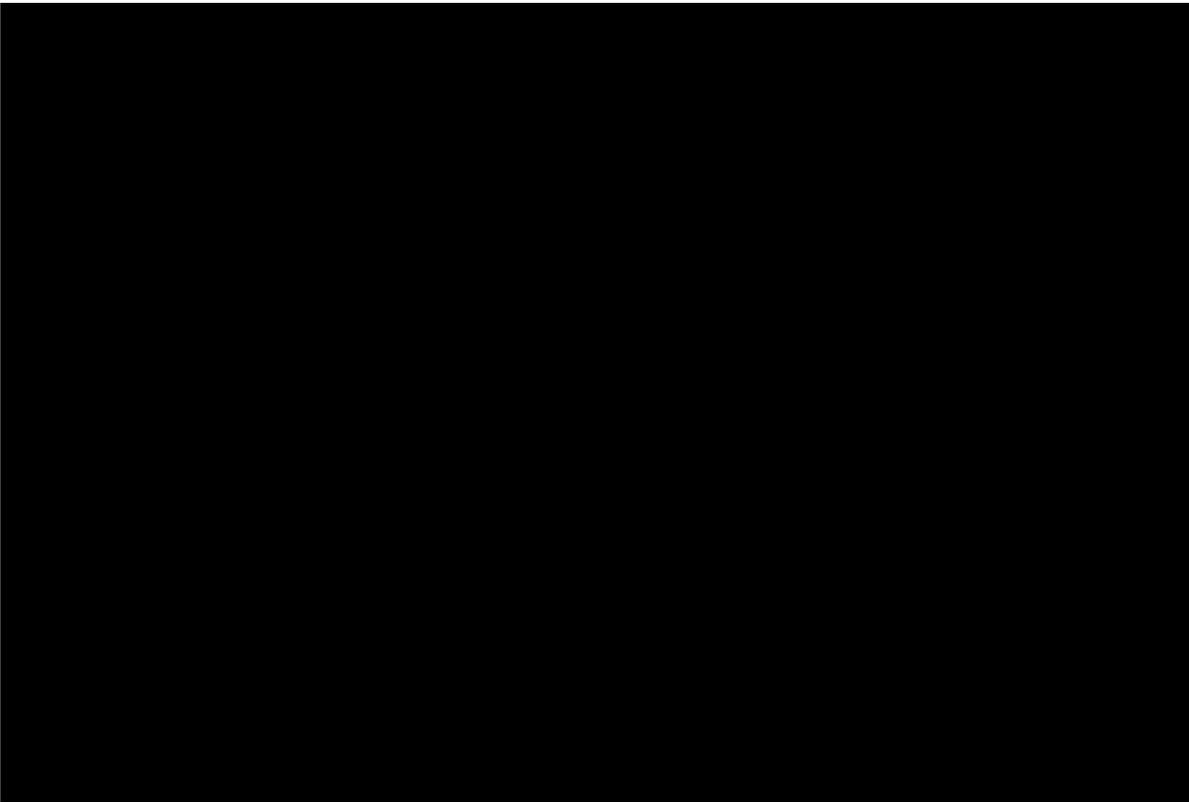


Figure 4-Draft Aerotropolis SEPP flood mapping

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 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 the site is located in the Kemps Creek Precinct which in general is intended to create opportunities for flexible employment development, recreation and preservation of ecological communities and 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 together with recreational landuses.

## **Objection**

### **Flooding**

We have reviewed flood mapping and note that [REDACTED] site is constrained by the 1% AEP flood event. Refer Figure 5. We understand that the flood mapping is only an indicative extent of inundation for the 1% AEP flood event and that the site and surrounding area has not been surveyed to ascertain levels and accuracy of the flood mapping.

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 client considers that to have the imposition of the flood affectation constraint across the whole site is unfair and although we recognise flood studies (2008) have been prepared, note that detailed surveys of the natural land levels of the site have 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.

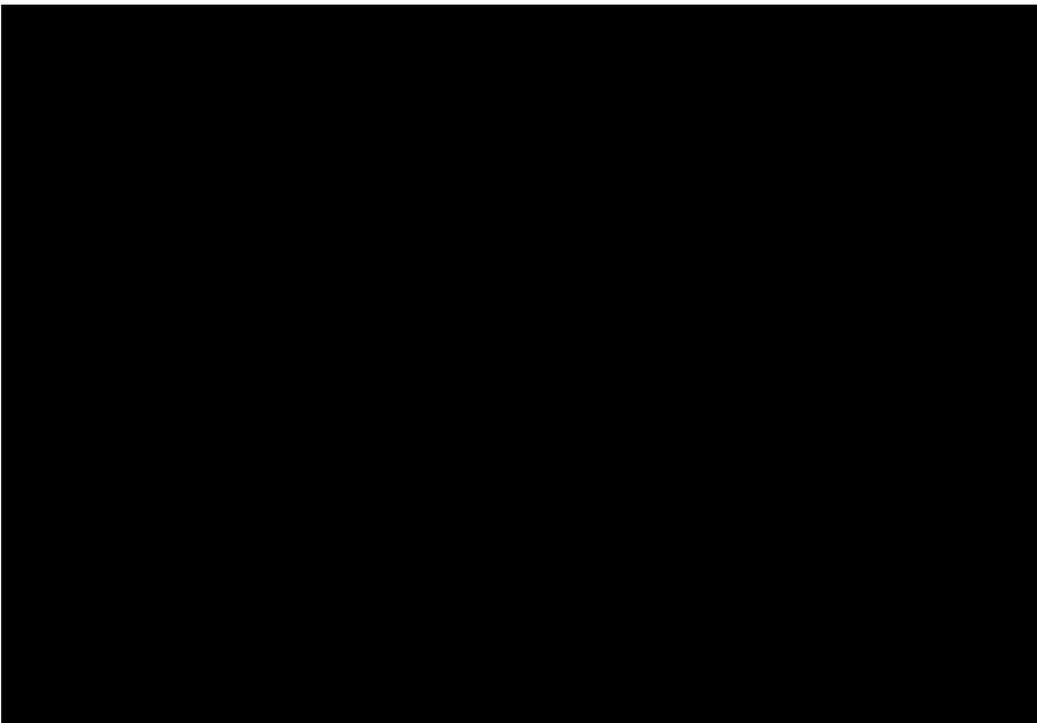


Figure 5-LCC flood mapping-Source-LCC emapping

### **Zoning**

Given the flood mapping across of the site is indicative only, we feel that it is an unfair imposition to zone our client's entire property as Environment and Recreation under the Draft SEPP landuse zoning plan contained in Figure 3.

## **Interface zone/additional permissible uses**

We recommend that the Department consider a more flexible planning approach and investigate the possibility of a Transition Zone upon the western cleared portion of our client's properties that is not constrained with biodiversity that would allow a broader number of permissible development uses that could be flood compatible and allows greater diversity and opportunities for development potential on our client's properties.

In conclusion, we trust that the Department of Planning will give serious and detailed consideration to the issues raised in our submission. We can be contacted on [REDACTED] if the Department requires any clarification.

Yours Faithfully

[REDACTED]

John Mckee  
**DIRECTOR**