



10th March 2020

Your Ref:
Our Ref: 16/20

The Director, Aerotropolis Activation
Department of Planning, Industry and Environment
GPO Box 257
Parramatta NSW 2124

Dear Sir or Madam

SUBMISSION IN RESPECT OF WESTERN SYDNEY AEROTROPOLIS PACKAGE

PREPARED ON BEHALF OF OVERETT AVENUE, KEMPS CREEK LANDOWNER GROUP "ALLIANCE"

1. Introduction/Representation

We represent an "alliance" of property owners adversely impacted, both directly and indirectly, by some of the concepts contained in the current Western Sydney Aerotropolis Planning Package.

This submission to the Western Sydney Aerotropolis has been prepared by Michael Brown Planning Strategies Pty Ltd. We represent an "alliance" of property owners adversely impacted, both directly and indirectly, by some of the concepts contained in the current Western Sydney Aerotropolis Planning Package.

The "alliance" lands are located immediately to the east of the Western Sydney Airport (WSA) and are affected by the 20 and 25 ANEF and the 25 and 30 ANEF and on the edge of the 30 and 35 ANEF, as show in **Attachment "C"**. This aspect of the submission is addressed later.

Our Clients comprising the "alliance" come from diverse backgrounds and have generally owned properties and been resident in the broader Airport Precinct for many years, dating back to the 1950s, 1960s and 1970s. The subject properties represent the principal asset of the owner's immediate and longer term futures.

Many are observed nearing the point in their life where they need to make significant future lifestyle planning decisions, only to be severely and unjustly hampered by the Airport proposal as currently promoted, not only by aircraft noise, but also by the

proposed zoning of the lands as “environmental and recreational” notwithstanding the location of the lands and adjoining other lands that are identified as “flexible employment”.

It is accordingly imperative that the planned development of the Aerotropolis is reviewed and is more soundly based so as not to discriminate against “alliance” members and moreover their ability to optimise the return from their properties in a timely and fair manner consistent with contemporary urban outcomes and “Just Terms Compensation”.

Our Clients and their property ownership are detailed in **Attachment “A”** and reflected in **Figure 1** below.



Figure 1: Plan depicting property owners represented

2. Submission Purpose

The submission seeks to highlight shortcomings of the current suite of proposed planning guidelines and controls (planning framework) as they relate to the “alliance” lands. Further, it seeks to highlight areas where the planning framework could potentially be enhanced to the benefit of the landholders and equally the broader precinct planning principles.

Finally, the submission details “non-negotiable” expectations in respect of timely and just compensations should the proposed landuse controls and approach to the Wianamatta-South Creek and Kemps Creek Precinct remain unchanged.

3. Current Planning Position

The current planning position in respect of each land holding, derived from the NSW Planning Portal, is summarised in **Attachment “B”**.

The subject land holdings are principally zoned RU4-Primary Production Small Lots, with a 10ha minimum subdivision area, pursuant to Liverpool Local Environmental Plan 2008.

Some parcels of land are identified to be subject to environmental constraints, including¹:

- The 20 to 30 ANEF;
- Flooding; and
- Bushfire.

(Refer to **Attachment “C”** and elsewhere in this submission).

These constraints are importantly not considered to be outright limitations to urban development given the opportunities for holistic integrated remediation or management actions.

All holdings are subject to a raft of State Environmental Planning Policies.

Development is also subject to the policy development related to the Aerotropolis, as will be discussed shortly.

4. Western Sydney Aerotropolis Planning Framework

Underpinning the Western Sydney Aerotropolis planning is the Greater Sydney Region Plan – A Metropolis of Three Cities and its translation at the District Level in the companion Western Parkland City Plan; the Aerotropolis being noted to be integral to the realisation of the Western Parkland City Vision.

¹ And potential future constraints in the form of aircraft noise, notwithstanding the prospects of technological improvements in aircraft noise over time.

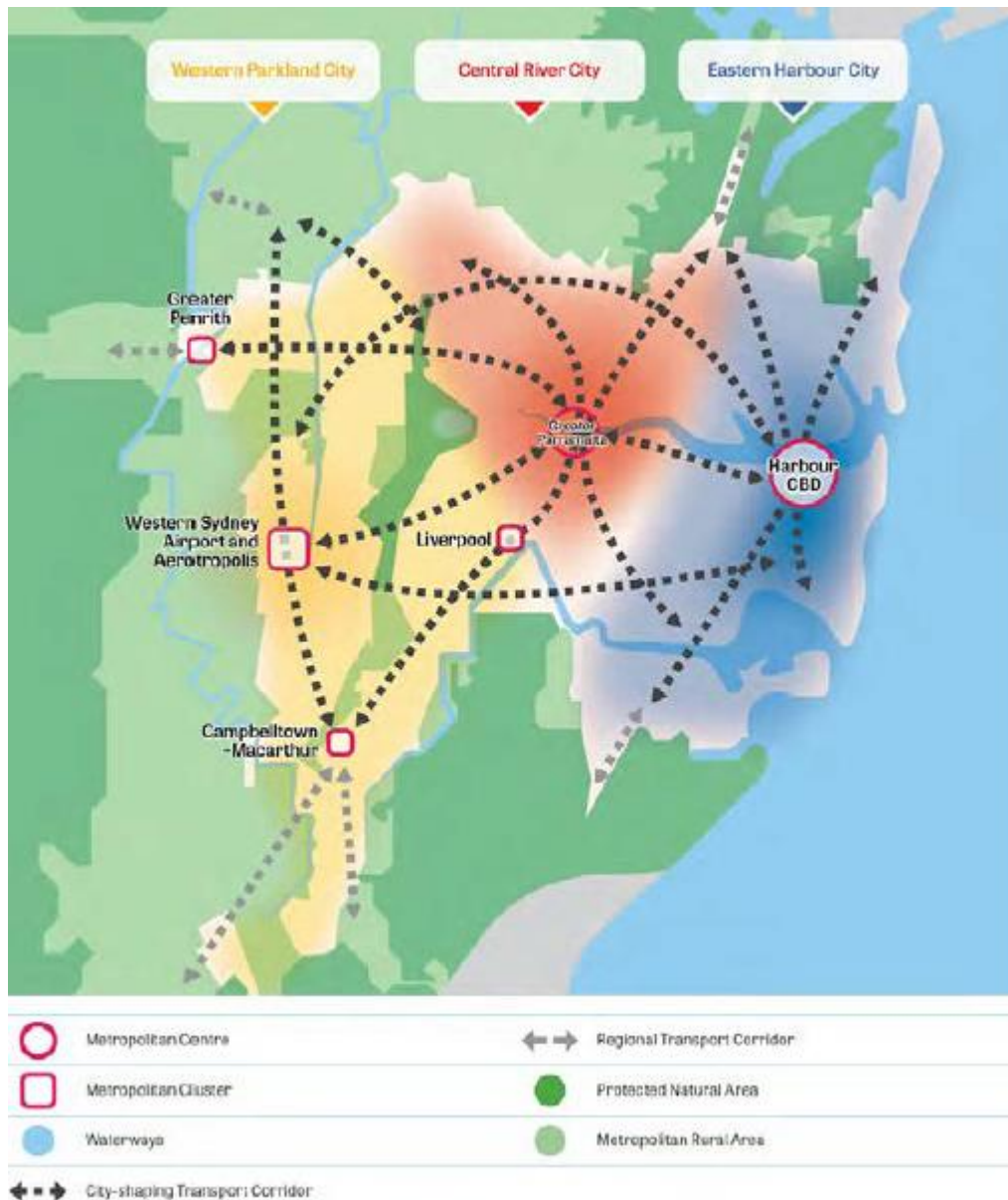


Figure 2: Sydney as Three Cities

5. Delivery

The Western Sydney Planning Partnership is noted to have responsibility for delivering the Final Western Sydney Aerotropolis Plan and Precinct Plans within the Aerotropolis.

6. General

Planning for the Western Sydney Aerotropolis has progressed to the public exhibition of a final suite of planning documents comprising the following:

- Draft Western Sydney Aerotropolis Plan (Draft WSAP);
- Western Sydney Aerotropolis Discussion Paper on the proposed State Environmental Planning Policy (SEPP Discussion Paper); and

- Draft Western Sydney Aerotropolis Development Control Plan (Draft DCP) Phase 1.

The subject documents seek to further articulate the Aerotropolis Vision and facilitate its delivery in an integrated, holistic, sustainable manner; over time in a stage manner.

At a general level, the Department of Planning, Industry and Environment (DPIE), the Western Sydney Planning Partnership (the Partnership) and the Western Sydney Aerotropolis Authority (WSAA) are to be commended for the planning outcome in the form of a nationally significant metropolitan centre.

The detail at the Wianamatta–South Creek and the Kemps Creek precinct scale and in particular in respect of the “alliance” lands is, however, challenged, as is documented below.

7. The Aerotropolis Structure Plan (Structure Plan)

The Structure Plan depicts the long term vision for the Aerotropolis; identifying:

- Land uses;
- Environmental assets; and
- Transport infrastructure.

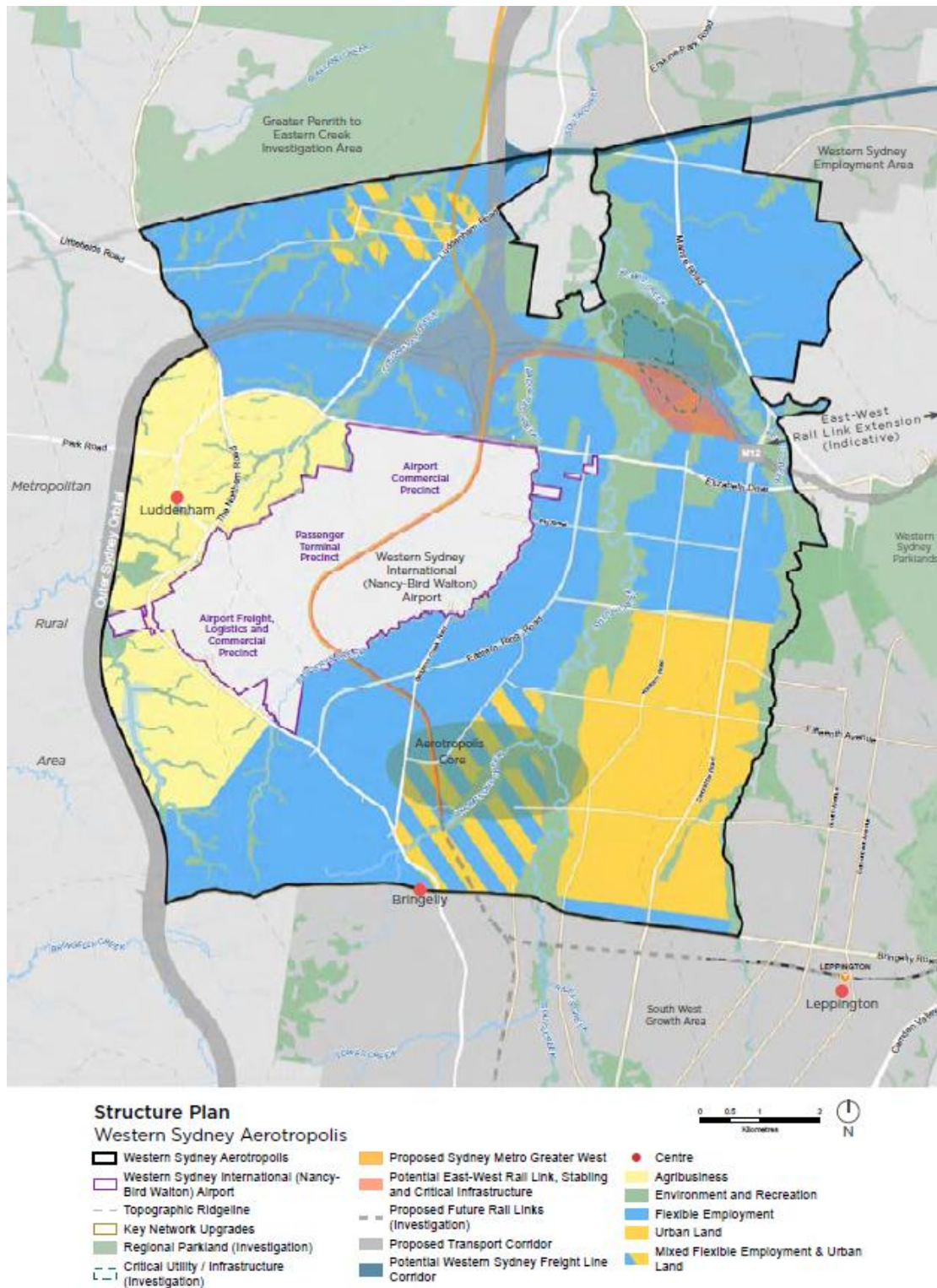


Figure 3: Structure Plan – Western Sydney Aerotropolis

8. Precinct Planning

Detailed planning outcomes are to be realised through Precinct Plans. The first precincts to be planned and delivered are termed the initial precincts.

9. The Wianamatta-South Creek Precinct

The **Wianamatta-South Creek Precinct** is identified to be an initial precinct, prioritised as a central green spine crucial to the Aerotropolis amenity, liveability and environment. (Refer also to **Attachment “D”**)

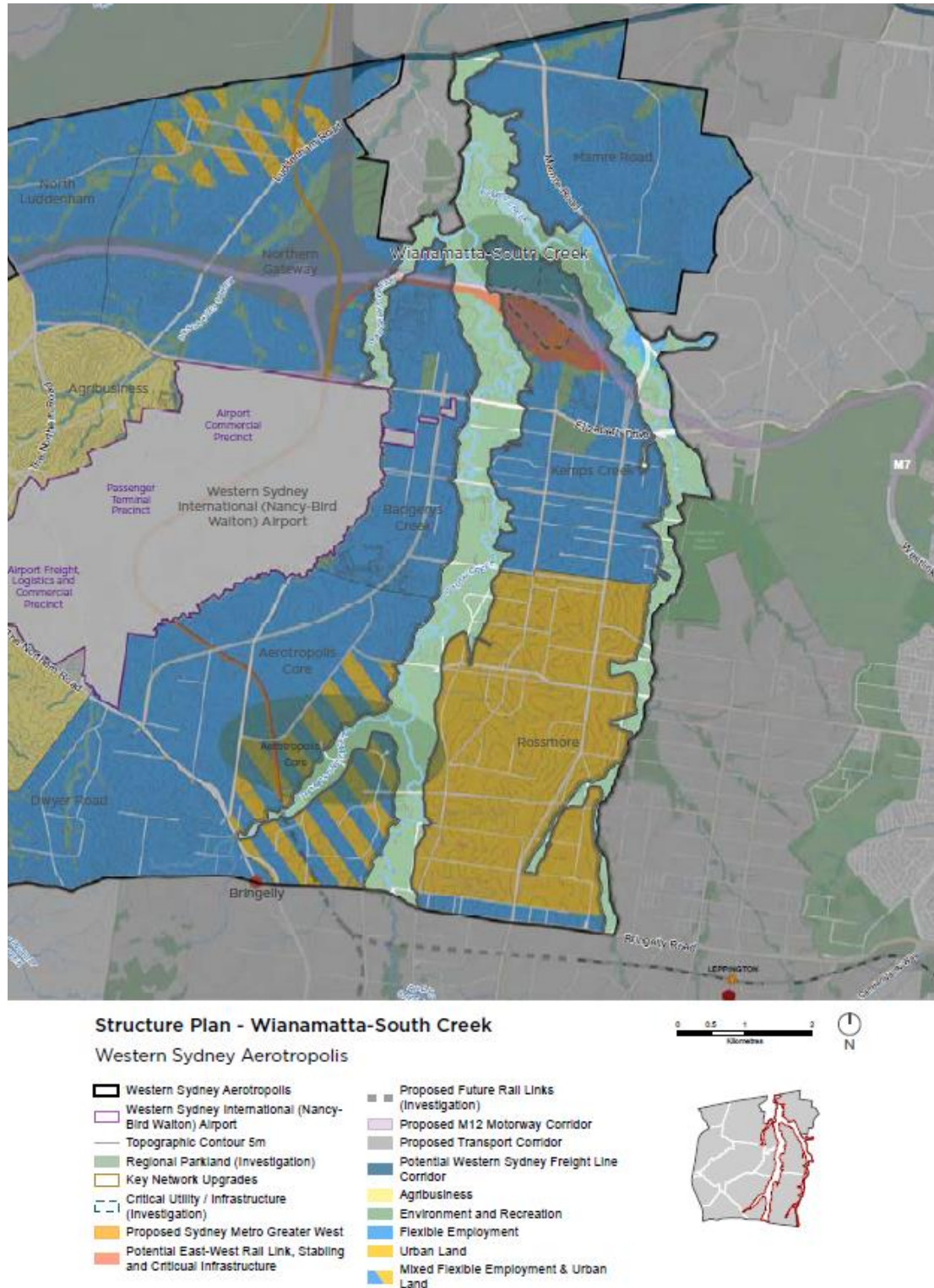


Figure 4: Structure Plan – Wianamatta-South Creek Western Sydney Aerotropolis

The “alliance” lands are located in the subject precinct.

10. Blue-Green Grid (Biodiversity Conservation and Flood Management

The retention of water in the landscape in the form of a fundamental Blue-Green city structure is noted to:

“provide an ideal opportunity to accommodate and manage flooding through innovative stormwater retention strategies without unnecessarily sterilising land”.

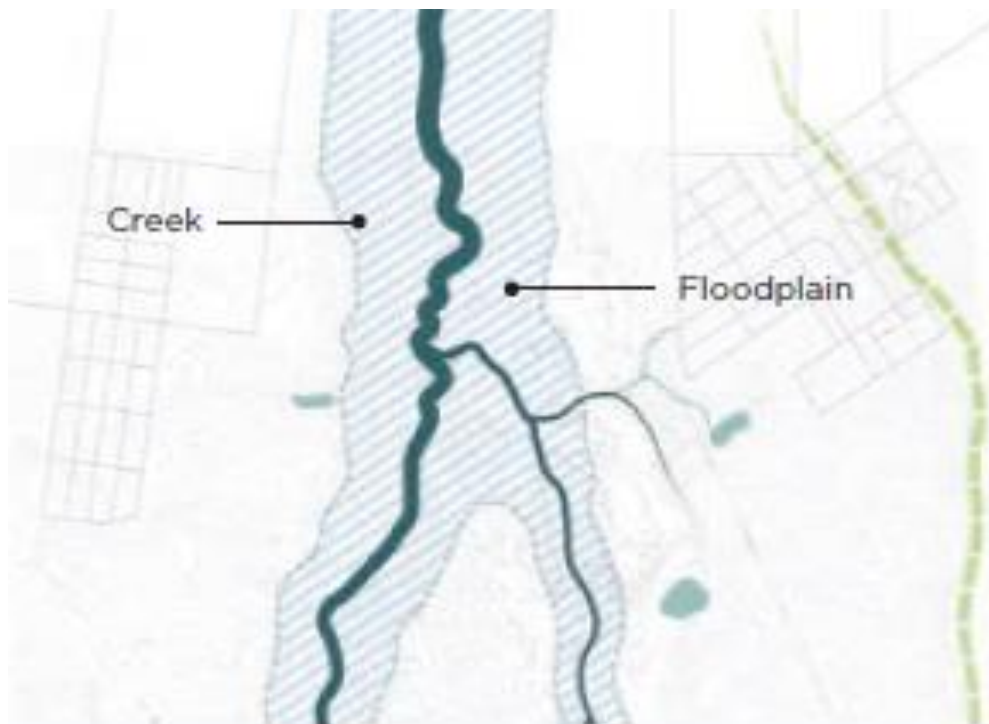


Figure 5: Water retention in the landscape

Promotion of the blue-green grid as a fundamental landuse structuring element is broadly supported, subject to its balance in pursuit of the overarching concept of a “balanced planning outcome”

The concept of preservation and restoration of green focussed on the Wianamatta-South Creek corridor and tributaries (page 20 WSAP) is accepted in principle. It must; however, be restricted to the spine proper and should not extend to the full width of the floodplain. Indeed, the floodplain in the context of the “alliance” lands needs to be rationalised (refer also to the commentary in respect of Riparian Lands and corridor widths in **Attachment “H”**).

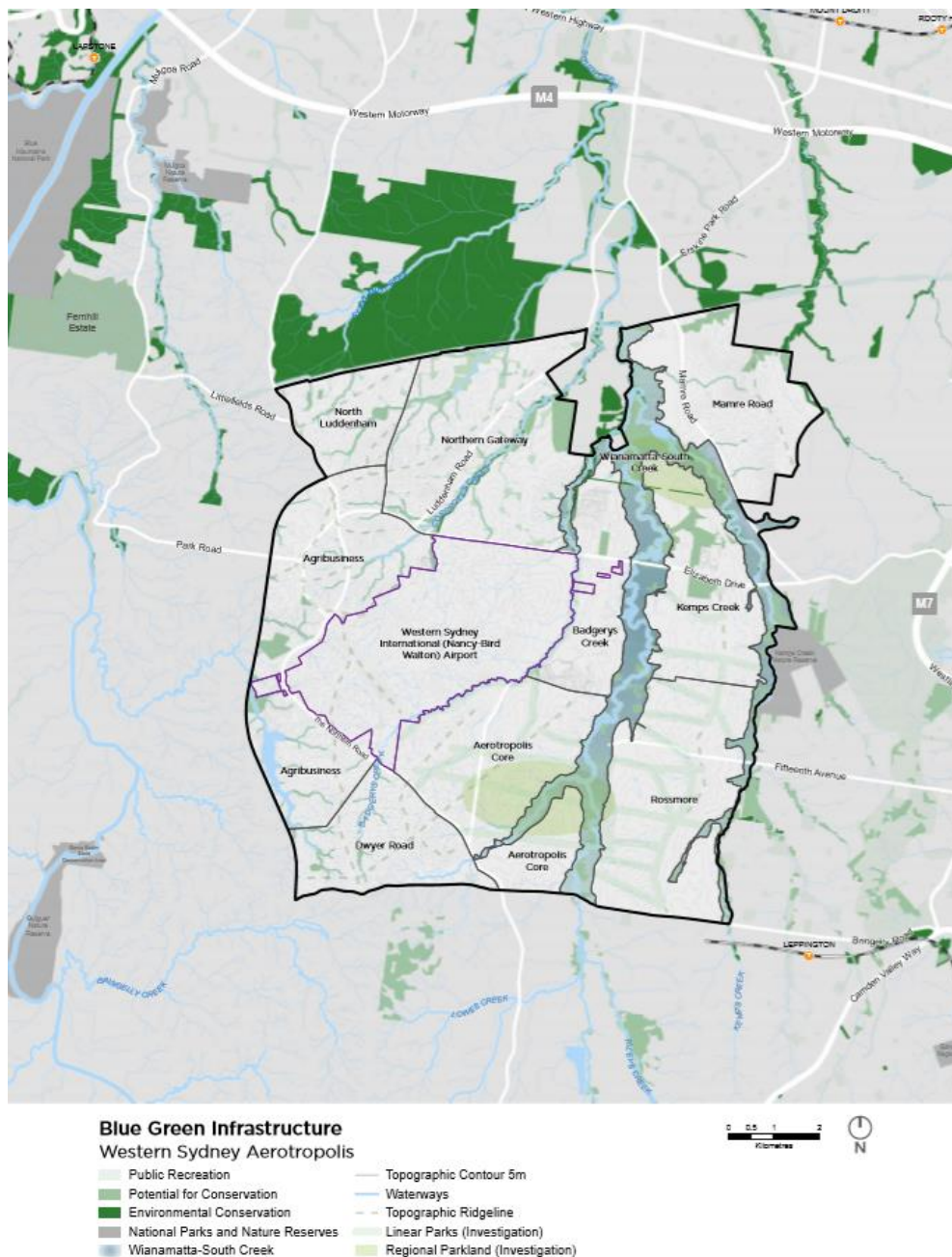


Figure 6: Blue Green Infrastructure – Western Sydney Aerotropolis

It is noted that the Flood Extent Map contained in the Draft Western Sydney Aerotropolis Plan is derived from Council information² and that the final flood extent is subject to detailed precinct planning.

“Precinct planning will need to consider floodplain risk management measures such as safe evacuation routes, cut and fill and development issues for the entire floodplain” (Emphasis by submission writer).

² Refer also to Annexure “C”

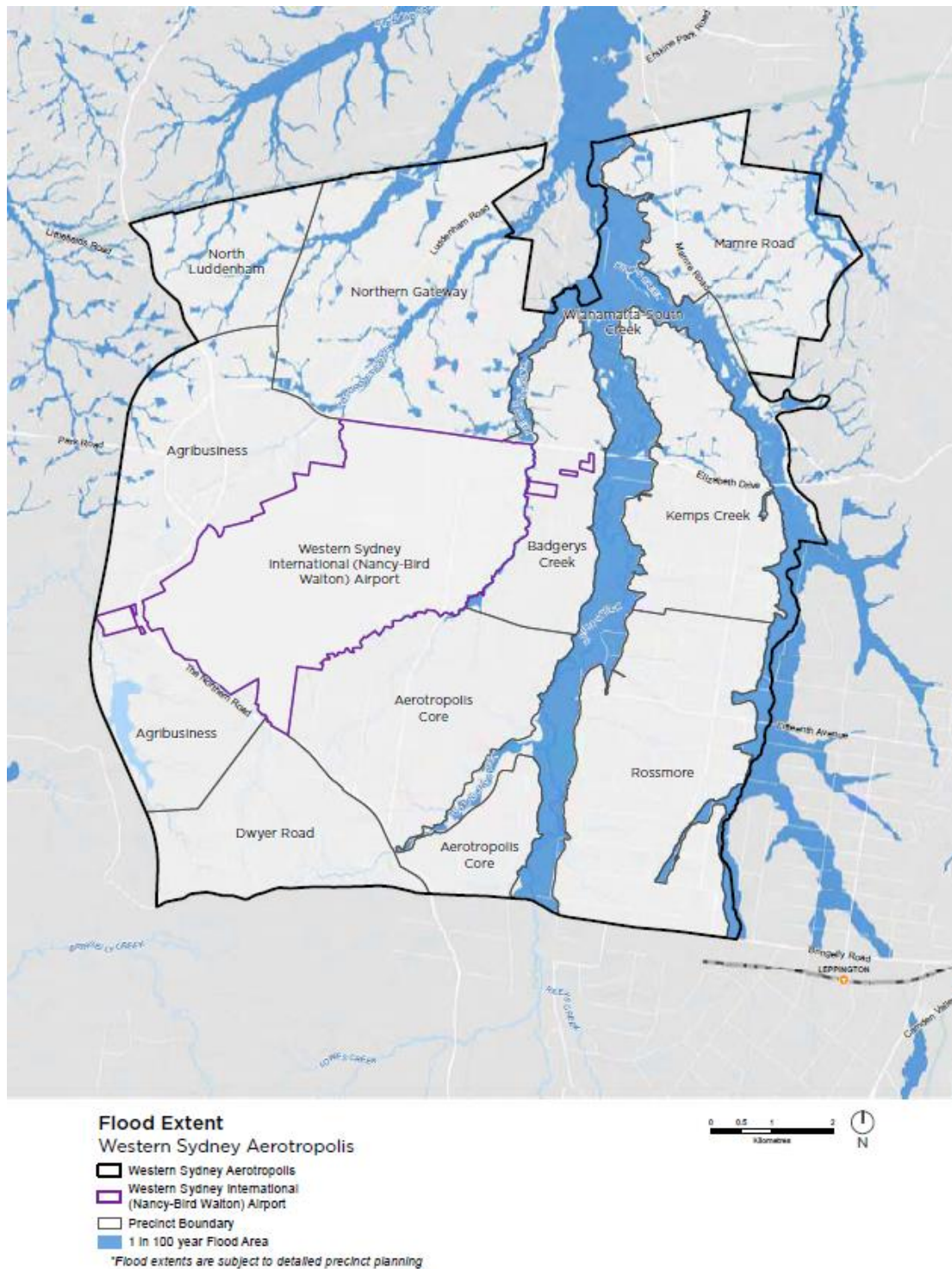


Figure 7: Flood Extent – Western Sydney Aerotropolis

It is further noted that:

“The Blue-Green Grid provides an ideal opportunity to accommodate and manage flooding through innovative stormwater retention without unnecessarily sterilising land.” (pg. 54 WSAP) (Emphasis by submission writer)

The Precinct planning as undertaken in respect of the subject Wianamatta – South Creek Precinct to date has failed to demonstrate the application of innovative stormwater management and balanced riparian conservation outcomes, particularly as it relates to the “alliance” lands.

The significant broad and shallow floodplain (Refer to **Figures 4** and **7** and **Attachment “C”**) that characterises the “alliance” lands needs to be rationalised as part of a comprehensive stormwater management, flood management, riparian conservation and open space strategy, to achieve an optimum planning outcome that does not “unnecessarily sterilise” the “alliance” lands.

Such a strategy can be readily achieved without adverse impacts elsewhere on the floodplain and riparian areas.

Liverpool City Council commissioned an exhaustive Floodplain Risk Management Study in respect of South Creek in 2004³. Such body of work represents perhaps the most comprehensive investigation of the local floodplain of recent times. It is noted to have expressly addressed the Overett Avenue Area⁴, with many diverse management options detailed and referenced extensive investigative work undertaken by Kinhill Engineers Pty Ltd.

Limited actions have taken place in the intervening years. The prospects of comprehensive works need to be re-evaluated in the changed context of the proposed Aerotropolis.

The Proposed landuse of a rationalised “alliance” lands landform would facilitate capitalisation of the close proximity of the subject lands to the proposed Aerotropolis Core and positive accessibility prospects.

11. The Kemps Creek Precinct

The Kemps Creek Precinct interfaces with the “alliance” lands in the context of the Wianamatta – South Creek Precinct, as previously described.

³ Bewsher Consulting Pty Ltd

⁴ And referenced

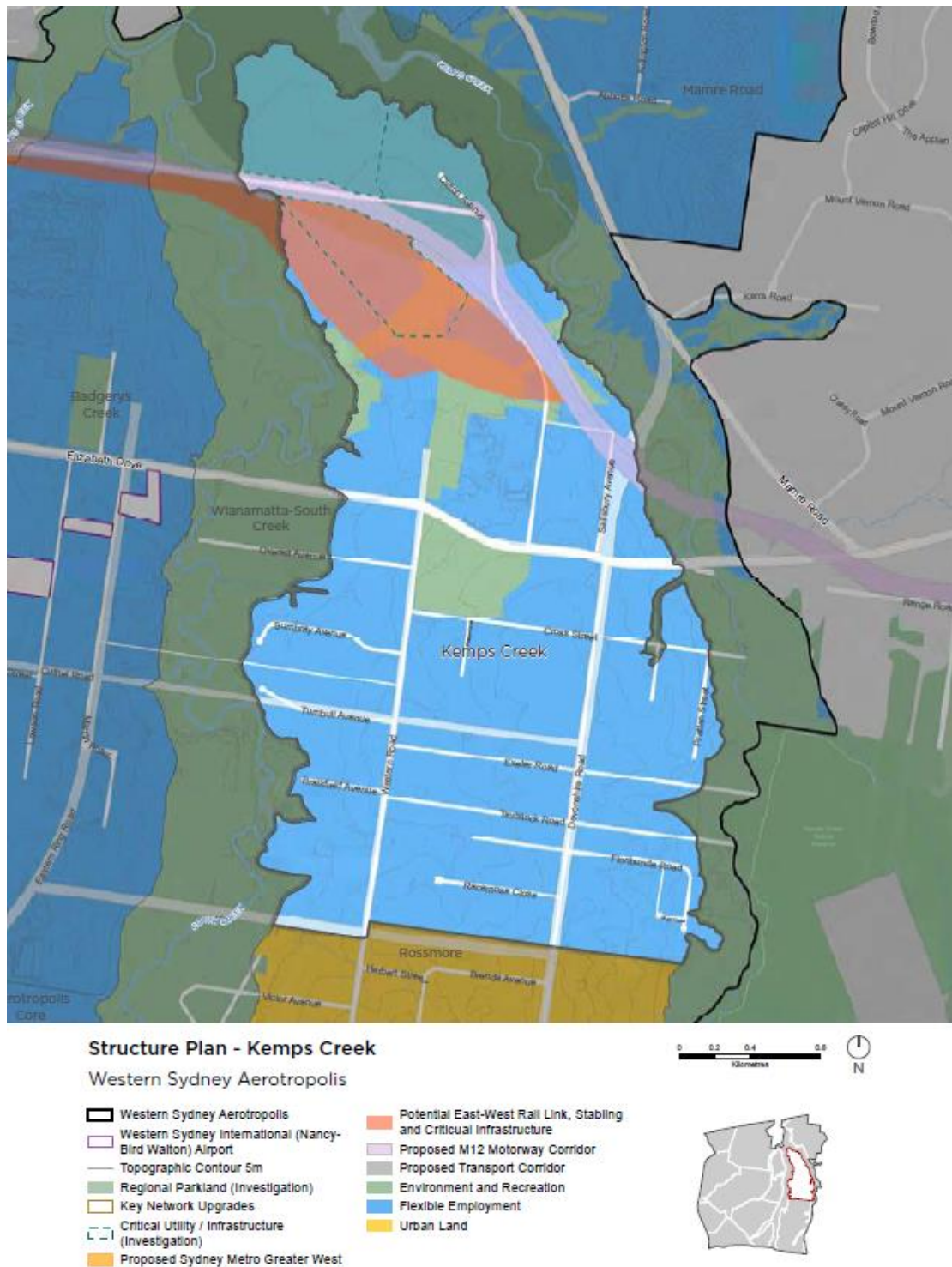


Figure 8: Structure Plan – Kemps Creek Western Sydney Aerotropolis

The key considerations, strategic outcomes and implementation strategies are summarised in **Attachment “E”**.

Furthermore, at an Aerotropolis scale, the proposed planning fails to acknowledge the inherent urban suitability of the “alliance” lands, subject to minor filling of the land for flexible employment purposes, compared to more distant precincts which

are both topographically and economically challenging to develop for employment purposes.⁵

12. Residential Amenity/Safety/Property Values

Whilst ever the owners remain resident on site they are potentially impacted to various levels by the operation of the 24/7 (day and night) major international/domestic airport.

The properties are noted below⁶ to generally be impacted by the noise forecasts as follows:

- Between 25 and 30 ANEF/ANEC
- Between 30 and 35 ANEF/ANEC

Planning for aircraft noise acknowledges constraints to development within and above the ANEC/ANEF 25 (refer to **Figure 9** over and **Attachment "C"** below). There exist clear fears that owners could ultimately not be able to rebuild existing dwellings; whilst renovations and extensions to existing houses, although proposed to be permissible will involve owners in a "world of grief"⁷ and significant cost trying to obtain approvals, pursuant to "existing use right provisions as discussed elsewhere.

Additionally, it is noted that:

"Overtime the noise exposure contours will be reviewed and recalibrated in accordance with the requirements of the *Airports Act 1996*" (WSAP page 46).

In such circumstances, the "precautionary approach" is proposed to be implemented for residential and noise sensitive development within the 25 ANEC/ANEF and above contour (WSAP page 46).

The unknown qualities and impacts of the abovementioned approach may further impact the future rebuilding of dwellings and renovations and extensions; with attendant adverse health and well-being and economic impacts and including the reduced resale value of the properties.

Operational airspace limitations are noted to be critical to the operation of the proposed airport. Despite the current projected limited impact on the "alliance" landholdings, it is noted that the impacts may change over time (generally worsening). This unknown coupled with the perpetual psychological impact of unknown adverse impacts on properties will impact adversely on the owner's mental health into the future and the resale value of properties.

⁵ The cost of civil works required to modify a highly variegated landform and provide service infrastructure in locations less proximate to the Aerotropolis Core

⁶ Refer to Attachments "B" and "C".

⁷ Significant mental anguish.

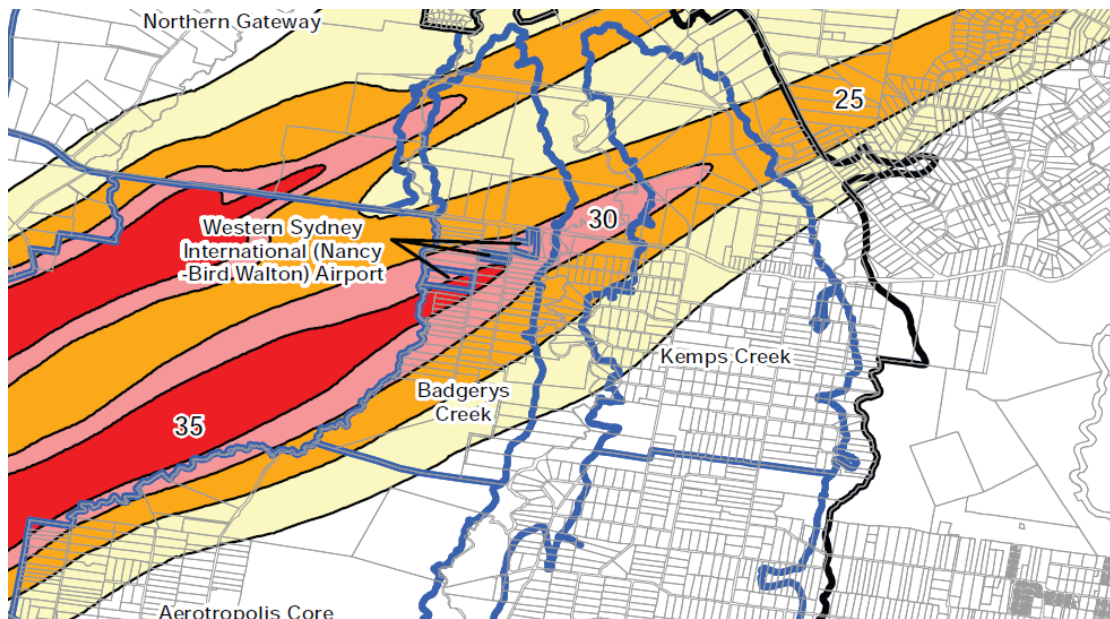


Figure 10: ANEC Contours from draft SEPP.

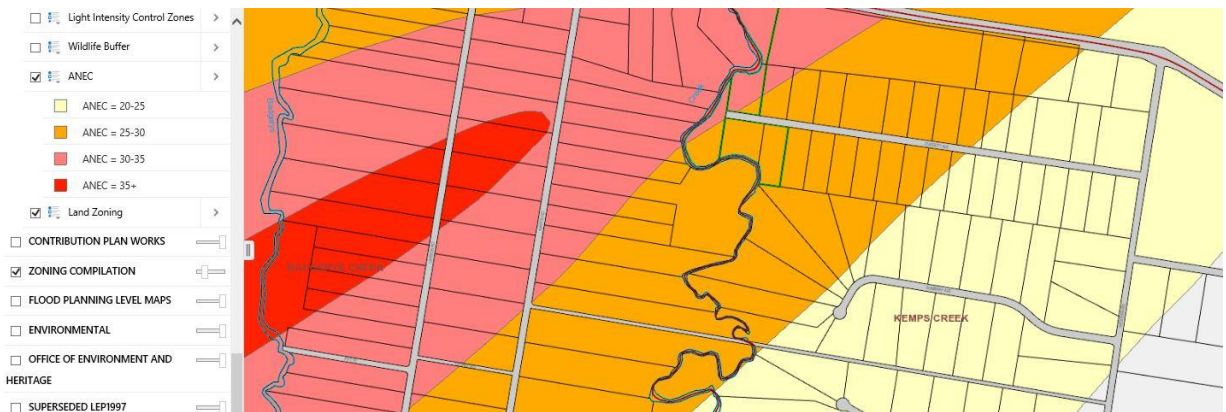


Figure 11: Close up of contours affecting "alliance" lands

The unknown parameters of implementing the NASF in seeking to safeguard the aviation operators of the proposed Western Sydney Airport also acerbates mental health impacts and potentially reflects adversely in property resale values.

The adverse residential amenity, mental health, resale value and indeed ability to sell are clearly seen to loom as a major adverse cloud over "alliance" owner's justifiable expectation of reasonable enjoyment of their life and future life cycle planning.

The "alliance" lands are also noted to be potentially impacted adversely by "light spillage". Exposure to consistent light of such intensity, in a rural area, will impact on resident sleep patterns, compounded mental health issues and contribute to the reduced marketability of properties impacted.

Additionally, the "alliance" lands are noted to be within the designated windshear area (refer to Map at **Figure 12**). The impact on aircraft potentially losing air speed suddenly can reflect in a stall. Such potential hazard will also contribute to adverse health impacts and marketability of impacted properties.

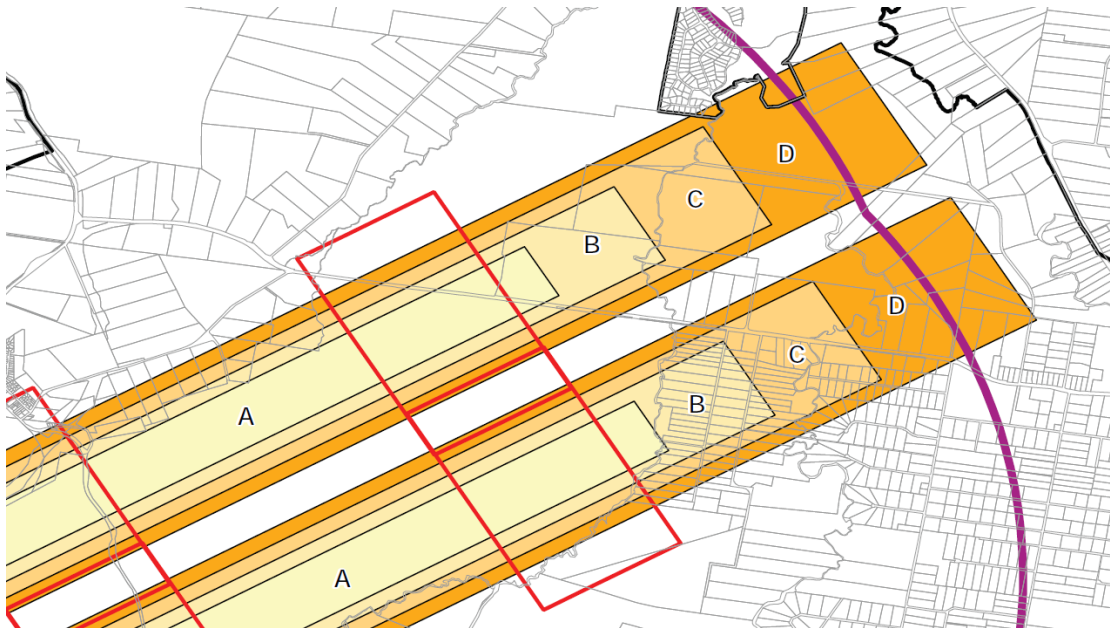


Figure 12: Lighting Intensity and Windshear Map

The Obstacle Limitation Surface, as depicted below in **Figure 13**.

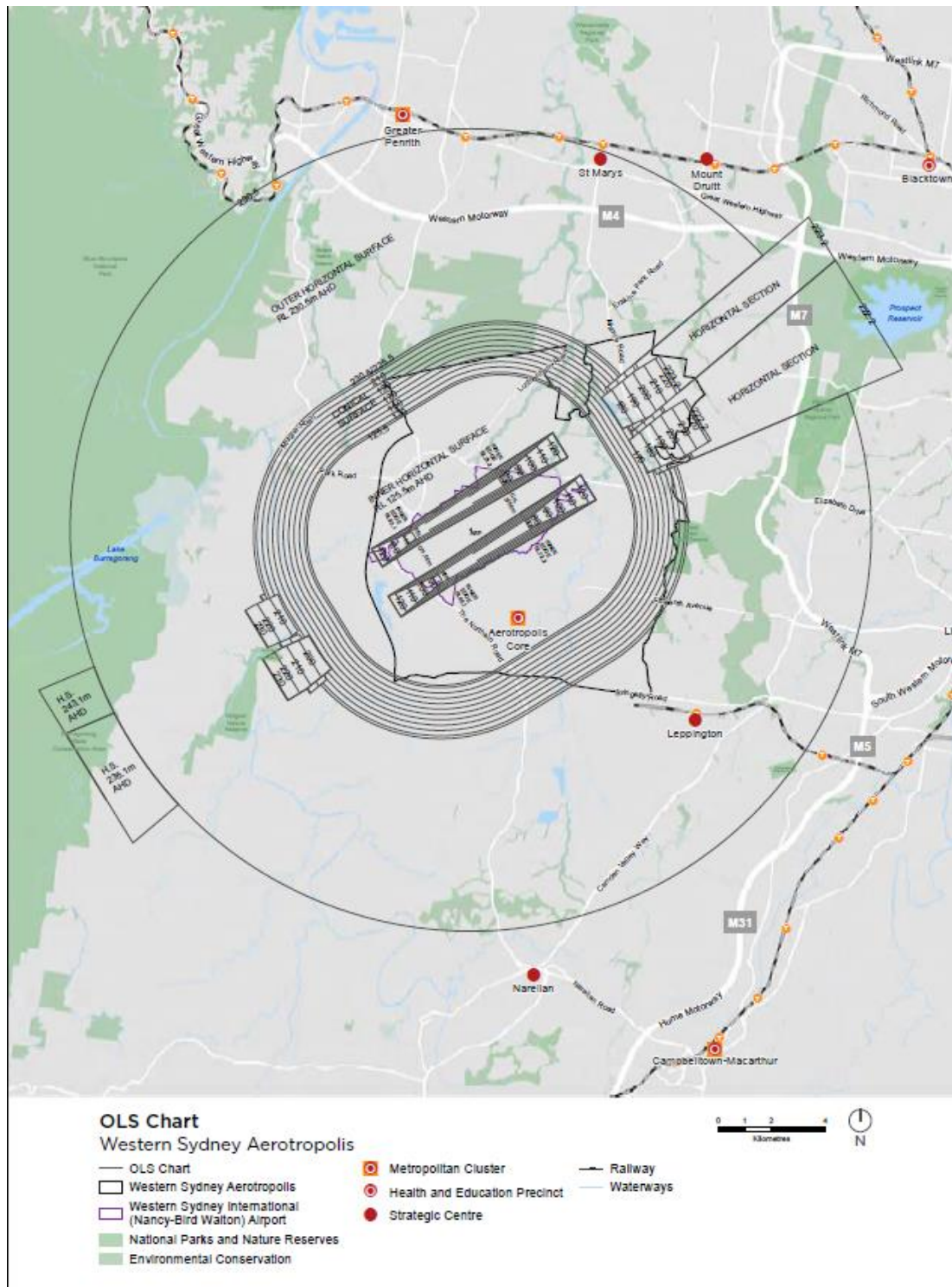


Figure 13: Obstacle Limitation Surface (OLS)

13. Staging/Timing (Acquisition and Compensation)

The proposed staging and general timing of proposed development of the Aerotropolis is reflected generally in the adoption of the Initial Precincts.

The “alliance” lands are located in the Wianamatta-South Creek Precinct, which is identified to be an initial precinct, with the subject lands designated for environmental and recreation purposes.

The opportunities for reconfiguring the floodplain in the subject location without consequential adverse impact elsewhere non-noise sensitive urban purposes has been promoted earlier in this submission and are commended for pursuit.

In the event that the environmental and recreation designation prevails, there remain clear concerns that the “alliance” lands have not been identified for early acquisition. It is noted that only land focussed on Thompsons Creek in the Aerotropolis core is identified for early acquisition. (Refer to Draft SEPP Land Reservation Acquisition map in **Attachment “F”**). Further, there are concerns that “Just Terms Compensation Act” will deliver a truly “just” outcome after potentially impacting “alliance” landowners adversely in terms of mental health and professional costly personal representation.

It is noted in a separate document produced by Western Sydney Partnership and entitled “Individual Properties and Property Acquisitions” that acquisitions for different uses and in different locations within the Aerotropolis will occur “at different times depending on the timeframes required for each acquiring agency”.

Such practice is noted to vary from standard practice adopted in the South West Growth Centre and appears geared toward preventing a rush of acquisition requests by owners, placing the “alliance” landowners in a situation of considerable angst and grief.

The subject scenario is clearly unacceptable and vigorously opposed.

The lack of designation of an acquisition authority will become problematic upon adoption of the draft SEPP. A comprehensive valuation and acquisition paper forms **Attachment H**” and reinforces the preceding concerns.

The deferred staging of the Kemps Creek Precinct⁸ and its important juxtaposition with the “alliance” lands will also impact adversely upon the prospect of potentially developing the “alliance” lands for mixed use/employment purposes in a timely manner.

14. Draft Western Sydney Aerotropolis Development Control Plan 2019 of Phase 1

The draft Western Sydney Aerotropolis Development Control Plan 2019 – Phase 1 (WSADCP), as the name implies is noted to only apply to the designated Initial Precincts⁹. Phase 2 of the WSADCP will be released when the initial precincts planning is complete and will contain additional detail, even in respect of Phase 1.

This framework involving the constant “hedging of bets” in respect of proposed planning outcomes cannot become a feature of Aerotropolis planning to the detriment of property owners and potential investors.

The WSADCP also notes the release of a raft of State Environmental Planning Policies (SEPPs).

⁸ Not an initial stage

⁹ Accordingly, in the subject case, it applies to the Wianamatta-South Creek Precinct.

The WSADCP adopts a two (2) phase approach to detailed planning. In the case of the lands central to this submission, it only addresses the Wianamatta-South Creek Precinct and defers consideration of the adjoining Kemps Creek Precinct.

It is initially encouragingly noted that provision is made for proponent led site specific DCP provisions ahead of precinct planning being finalised. Disappointingly, any such site specific DCP must fully satisfy criteria prescribed in the Aerotropolis SEPP and opportunities for flexibility lost as is also evidenced below and following. The Precinct Vision Statement and Objectives cited for the Wianamatta-South Creek Precinct and Natural Environment Objectives and Performance Outcomes together with the risk management, flooding objectives and performance outcomes are meritorious in their own right, but do not reference the inferred flexibility documented in the WSAP:

“Accommodate and manage flooding through innovative stormwater retention without unnecessarily sterilising land” (page 54).

Figure 14 below details; inter alia, the relationship of the DCP and Site Specific DCP in the statutory Aerotropolis planning framework.

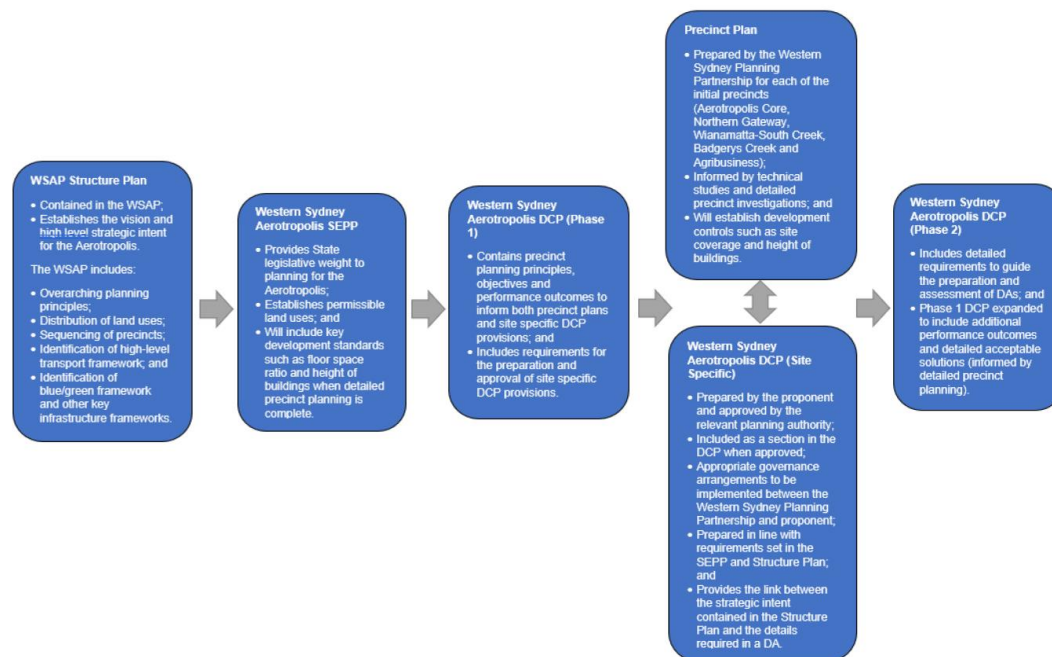


Figure 14: Relationship between Aerotropolis SEPP, WSAP Structure Plan, Precinct Plan, DCP and Site Specific DCP.

15. Proposed State Environmental Planning Policy (Discussion Paper)

It is initially noted that comment is being sought in respect of a Discussion Paper not the draft SEPP, per se.

The proposed SEPP provides the primary development controls for the Aerotropolis, zoning land for urban, environmental, recreational and infrastructure purposes, establishing appropriate development controls, permitting compatible landuses next to the airport and requiring the protection of native vegetation and natural areas,

The proposed SEPP will:

- Implement the WSAP;
- Set the boundary for the Aerotropolis and the area to which the proposed SEPP applies;
- Define precincts within the Aerotropolis;
- Apply landuse zones throughout the Aerotropolis, with the Airport site remaining subject to the *Airports Act 1996*;
- Set strategic objectives for the future planning within the area;
- Outline planning controls, using mapping for some of the proposed controls;
- Identifying transport corridors and utility sites required to service the Aerotropolis; and
- Outline approvals pathways.

The draft maps supporting the proposed SEPP are reproduced as “**Attachment F**”. The following comments pertain to the “alliance” lands as potentially impacted by the draft SEPP.

ANEC/ANEF (Noise Exposure Forecasts)

ANEC/ANEFs are accepted ‘tools’ in landuse planning associated with airports. The noise forecasts as they relate to the “alliance” lands would not preclude mixed use/employment purposes as promoted by this submission. In the context of residential development, dwelling house redevelopment would be precluded; whilst with regard to renovations or minor extensions within the 20 ANEC/ANEF contour, development “may” be allowed subject to appropriate noise mitigation management measures.

The uncertainty surrounding “may” has previously been highlighted to potentially impact sales, values and owner mental health. The situation is further compounded by the possible review and recalibration over time of noise exposure contours referenced at 2.9.2 in the Discussion Paper.

Biodiversity/ Riparian Conservation Initiatives

Conservation initiatives are accepted as fundamental to planning for the Aerotropolis precinct. The unknown nature and extent of such measures at this advanced stage of planning is not considered to be acceptable given the placement and nature of many “alliance” holdings.

Proposed Zoning

It is proposed to zone land in the Wianamatta-South Creek Precinct to Environmental and Recreation Zone (Refer to **Attachments “F”** and **“G”**). This is a particularly restrictive zone that precludes; inter alia, residential and related development. All such development will be in turn be limited to “existing use” provisions and the constant “challenges” attached to their implementation and essentially is a “like for like proposition”.

Existing use provisions typically lead to an enhanced level of complexity for relatively simple development. Additional consultant costs and the like are typically observed and approvals timeframes significantly expanded. Stress levels are characteristically elevated.

The imposition of the proposed zoning will also lead to a reduction in property values, increased difficulty in achieving realistic sales values and sales in a timely and increased mental health issues.

It is noted that the commentary on existing use rights highlight the continuation of lawfully established agricultural activities. However, it is silent on the most critical of uses in the locality; namely, residential development. Indeed any development that is not an agricultural activity.

Precinct Specific Controls – Wianamatta-South Creek the central spine of the Blue-Green Grid

The importance of the Blue-Green Grid is initially noted and generally supported. The support is, however, not unfettered.

The corridor must include some level of engineering and rehabilitation that provides balance and interfaces appropriately with areas with inherent urban development potential.

Wianamatta-South Creek Precinct Boundary and Flood Planning Levels

The Flood Planning Level is identified to be the 1 in 100 or 1% Annual Exceedance Probability Flood, plus 0.5m freeboard. This is an accepted standard for residential development, but need not include the 0.5m freeboard for non-residential uses.

It is noted that alterations to flood storage capacity and flood behaviour through filling and excavation or other earthworks is “not desirable”. Yet the commentary proceeds to indicate that such works will not be permitted under the SEPP. This approach prevents merit based holistic floodplain modelling scenarios, including some filling of the “alliance” lands.

The SEPP should not include an outright prohibition on elements of “re-engineering” parts of the floodplain, which may produce balanced planning outcomes, particularly if further precinct planning will entail further investigation of the flood extent across the Aerotropolis and inform the water cycle management strategy confirming land needed for water detention and treatment and hence floodplain implications.

Cumberland Plain Conservation Plan (CPCP)

The CPCP has major implications for the Wianamatta-South Creek Precinct and needs to be reviewed prior to final commitments in the SEPP. Its lengthy ‘gestation’ period is no longer acceptable given its potential broad implications for future acquisition – land sterilisation. Clearly, achievement of landscape level public benefit must not be at the expense of existing long-term property owners, such as the “alliance” owners.

Amendments to State Environmental Planning Policy (Sydney Growth Centres) 2006

It is proposed to amend the Growth Centres SEPP to clarify that it will continue to apply to the Aerotropolis only for the purposes of retaining the Biodiversity and Strategic Assessment programs.

Given the emphasis being placed on the CPCP, it would appear in order to review the established Biodiversity program in the context of the “alliance” lands.

Amendments to Liverpool Local Environmental Plan (LEP) 2008

It is noted that all planning controls within the “alliance” impacted Wianamatta-South Creek Precinct are to be repealed once the precincts are rezoned and conversely the Liverpool LEP controls will continue to apply to the Kemps Creek Precinct in the interim.

Precinct Planning

The SEPP is noted to establish a framework for Precinct Plans.

Land Reservation Acquisition Map

The subject map only identifies an area of land to be Environmental and Recreation focussed on the Thompsons Creek tributary for acquisition purposes. As previously described at Section 13 and in **Attachment H**, the abnormal practice, coupled with the lack of designation of an acquisition authority will lead to “alliance” owners experiencing “a world of grief” particularly if seeking to relocate and regain control of their life’s.

The “alliance” lands are also proposed to be zoned Environmental and Recreation. A case to vary such zoning to accommodate flexible employment purposes in concert with floodplain modelling and reshaping has been promoted through this submission.

Development Pathway and DAs submitted prior to precinct planning

The relevant processes are outlined and initially noted.

16. Conclusion/Recommendations

This submission has clearly highlighted the shortcomings of the current suite of proposed planning guidelines and controls (planning framework) as they relate to the “alliance” lands.

Further, it highlights areas where the planning framework could potentially be enhanced to the benefit of the “alliance” landowners and equally the broader planning principles without significant detriment.

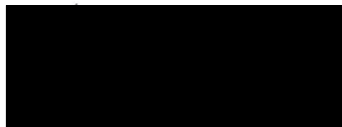
Specifically:

- The opportunities for limited filling of the subject lands to provide enhanced urban outcomes, including employment lands, without significant compromise to the blue-green grid and flood plain dynamics.
- If the extent of the zone boundaries is fixed at this stage, wording should be included in the Plan and provisions inserted into the SEPP to allow for the “alliance” lands to be considered for flexible employment development at the precinct/masterplan phase where site specific technical reporting is able to demonstrate that the lands are suitable for such uses, i.e. appropriate flood mitigation works.
- Incorporate wording into the Plan which allows for greater flexibility in the application of flexible employment in response to site specific conditions of the land, development proposal, due to the location of the ANEF 20-25 and 25-30 contours. Commensurate provision(s) should be included in the SEPP to avoid the need for future rezoning.
- Incorporate mapping which shows the subject lands affected by the 20-25 & 25-30 ANEC contours as a fuzzy area which could be utilised for future flexible employment subject to detailed site investigations and reporting at the DA stage. This map should also form part of the SEPP to provide clarity and statutory consideration for future DAs.

Finally, should the planning generally proceed as proposed there must be an unequivocal commitment in respect of timing and just compensation.

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

ATTACHMENT "A"
Ownership Schedule (including Property Details)

Mr Simon WONG
[REDACTED] Overett Avenue
[REDACTED]

Mr Salvatore and Mr Rocco LABOZETTA
[REDACTED] Overett Avenue
[REDACTED]

Mr Ross and Mrs Corinne MURPHY
[REDACTED] Overett Ave
[REDACTED]

Mr Joe Sultana
[REDACTED] Overett Ave
[REDACTED]

Mr Marc SERAFIN
[REDACTED] Overett Ave
[REDACTED]

Mr Peter and Inga MILANKOVIC
[REDACTED] Overett Ave
[REDACTED]

Mr Livio VERSI
[REDACTED] Overett Ave
[REDACTED]

Mr Sam and Mrs Teresa POLLICINA
[REDACTED] Overett Ave
[REDACTED]

Mr Minh Cang NGUYEN
[REDACTED] Overett Ave
[REDACTED]

Mr Michael STEFANESCU
[REDACTED] Overett Ave
[REDACTED]

ATTACHMENT “B”
OVERVIEW OF CURRENT PLANNING POSITION -
Client Land Holdings

Property Details	
Address	█ Overett Avenue, KEMPS CREEK NSW 2178
Lot/Deposited Plan	█
Council	Liverpool City Council
PRINCIPAL PLANNING CONTROLS	
Local Environmental Plan	Liverpool Local Environmental Plan 2008
Land Zoning	RU4 – Primary Production Small Lots
Height of Building	N/A
Floor Space Ratio	N/A
Minimum Lot Size	10ha
Heritage	N/A
Land Reservation Acquisition	N/A
Foreshore Building Live	N/A
Airport Noise	20 – 25
Flood Planning	Flood Prone and Major Creeks Land
Key Sites	Key Site – SWGC area – refer to clause 7.24
STATE ENVIRONMENTAL PLANNING POLICIES	
The land is subject to a raft of State Environmental Planning Policies	
OTHER PLANNING MATTERS	
Bushfire Prone Land	Vegetation Buffer
Local Aboriginal Land Council	Gandangara
Special Infrastructure Contribution	Western Sydney Growth Centres SIC

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Land Zoning	RU4 – Primary Production Small Lots
Height of Building	N/A
Floor Space Ratio	N/A
Minimum Lot Size	10ha
Heritage	N/A
Land Reservation Acquisition	N/A
Foreshore Building Live	N/A
Airport Noise	20 – 25
Flood Planning	Flood Prone and Major Creeks Land
Key Sites	Key Site – SWGC area – refer to clause 7.24
STATE ENVIRONMENTAL PLANNING POLICIES	
The land is subject to a raft of State Environmental Planning Policies	
OTHER PLANNING MATTERS	
Bushfire Prone Land	Vegetation Buffer Vegetation Category
Local Aboriginal Land Council	Gandangara
Special Infrastructure Contribution	Western Sydney Growth Centres SIC

Property Details	
Address	████ Overett Avenue, KEMPS CREEK NSW 2178
Lot/Deposited Plan	██████████
Council	Liverpool City Council
PRINCIPAL PLANNING CONTROLS	
Local Environmental Plan	Liverpool Local Environmental Plan 2008
Land Zoning	RU4 – Primary Production Small Lots
Height of Building	N/A
Floor Space Ratio	N/A
Minimum Lot Size	10ha
Heritage	N/A
Land Reservation Acquisition	N/A
Foreshore Building Live	N/A
Airport Noise	20 – 25
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Local Aboriginal Land Council	Gandangara
Special Infrastructure Contribution	Western Sydney Growth Centres SIC

Property Details	
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Lot/Deposited Plan	█
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Local Environmental Plan	Liverpool Local Environmental Plan 2008
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Height of Building	N/A
Floor Space Ratio	N/A
Minimum Lot Size	10ha
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Land Reservation Acquisition	N/A
Foreshore Building Live	N/A
Airport Noise	20 - 25 25 - 30
Key Sites	Key Site - SWGC area - refer to clause 7.24
STATE ENVIRONMENTAL PLANNING POLICIES	
The land is subject to a raft of State Environmental Planning Policies	
OTHER PLANNING MATTERS	
Bushfire Prone Land	Vegetation Buffer
Local Aboriginal Land Council	Gandangara
Special Infrastructure Contribution	Western Sydney Growth Centres SIC

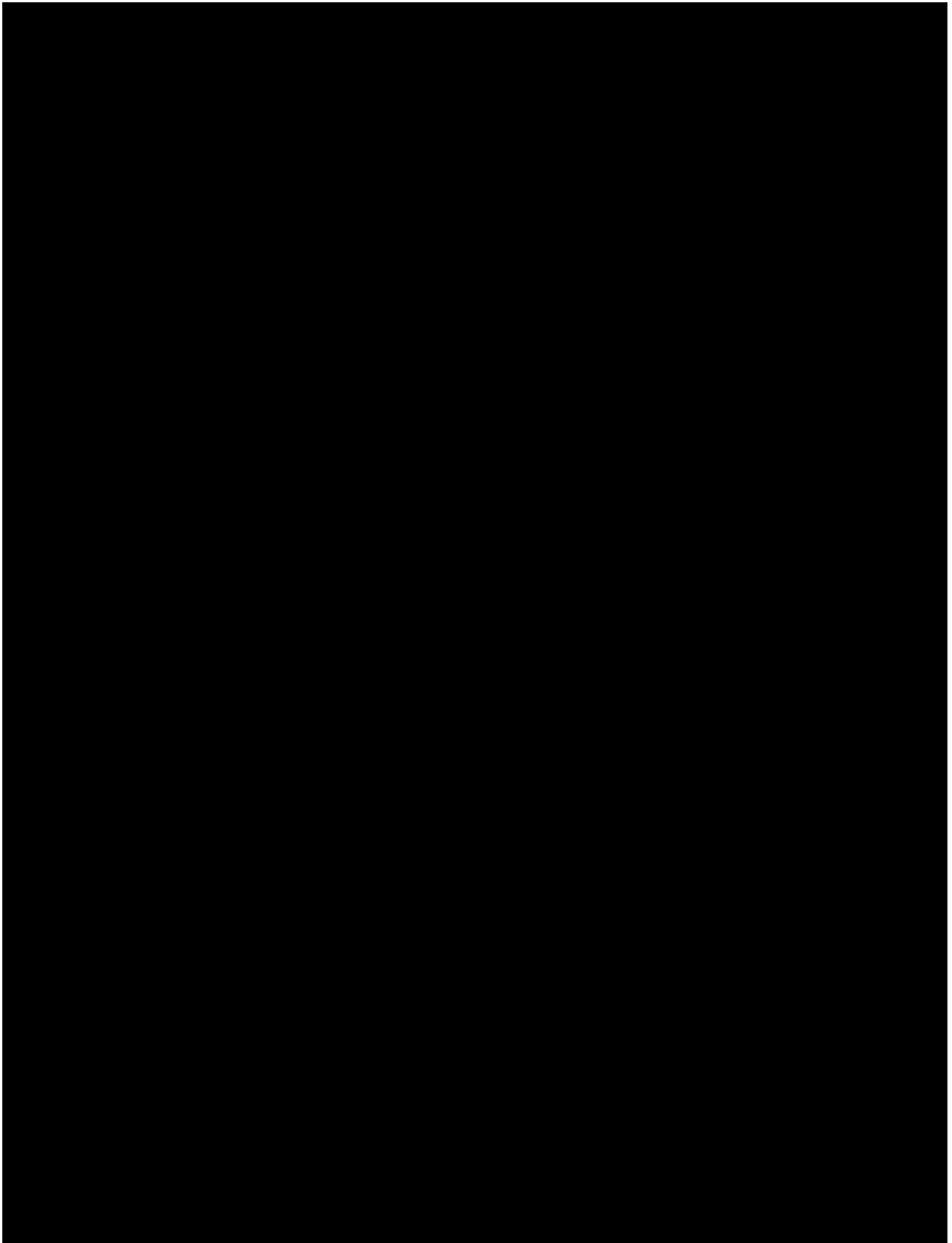
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Lot/Deposited Plan	████████████████
Council	Liverpool City Council
PRINCIPAL PLANNING CONTROLS	
Local Environmental Plan	Liverpool Local Environmental Plan 2008
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Floor Space Ratio	N/A
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Heritage	N/A
Land Reservation Acquisition	N/A
Foreshore Building Live	N/A
Airport Noise	20 – 25 25 – 30
Flood Planning	Flood Prone and Major Creeks Land
Key Sites	Key Site – SWGC area – refer to clause 7.24
STATE ENVIRONMENTAL PLANNING POLICIES	
The land is subject to a raft of State Environmental Planning Policies	
OTHER PLANNING MATTERS	
Bushfire Prone Land	Vegetation Buffer
Local Aboriginal Land Council	Gandangara
Special Infrastructure Contribution	Western Sydney Growth Centres SIC

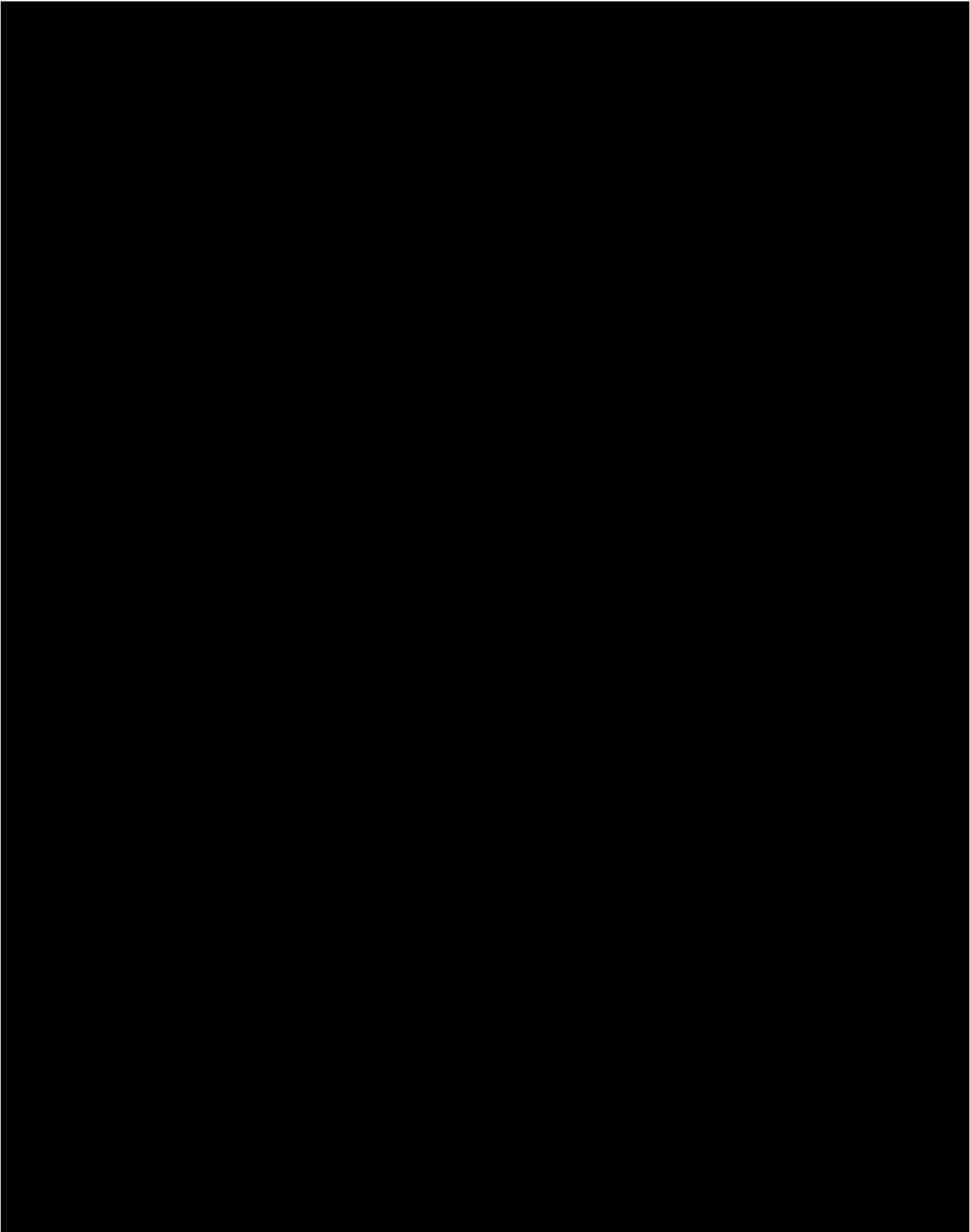
Property Details	
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Lot/Deposited Plan	██████████
Council	Liverpool City Council
PRINCIPAL PLANNING CONTROLS	
Local Environmental Plan	Liverpool Local Environmental Plan 2008
Land Zoning	RU4 – Primary Production Small Lots
Height of Building	N/A
Floor Space Ratio	N/A
Minimum Lot Size	10ha
Heritage	N/A
Land Reservation Acquisition	N/A
Foreshore Building Live	N/A
Airport Noise	20 – 25 25 – 30
Flood Planning	Flood Prone and Major Creeks Land
Key Sites	Key Site – SWGC area – refer to clause 7.24
STATE ENVIRONMENTAL PLANNING POLICIES	
The land is subject to a raft of State Environmental Planning Policies	
OTHER PLANNING MATTERS	
Bushfire Prone Land	Vegetation Buffer
Local Aboriginal Land Council	Gandangara
Special Infrastructure Contribution	Western Sydney Growth Centres SIC

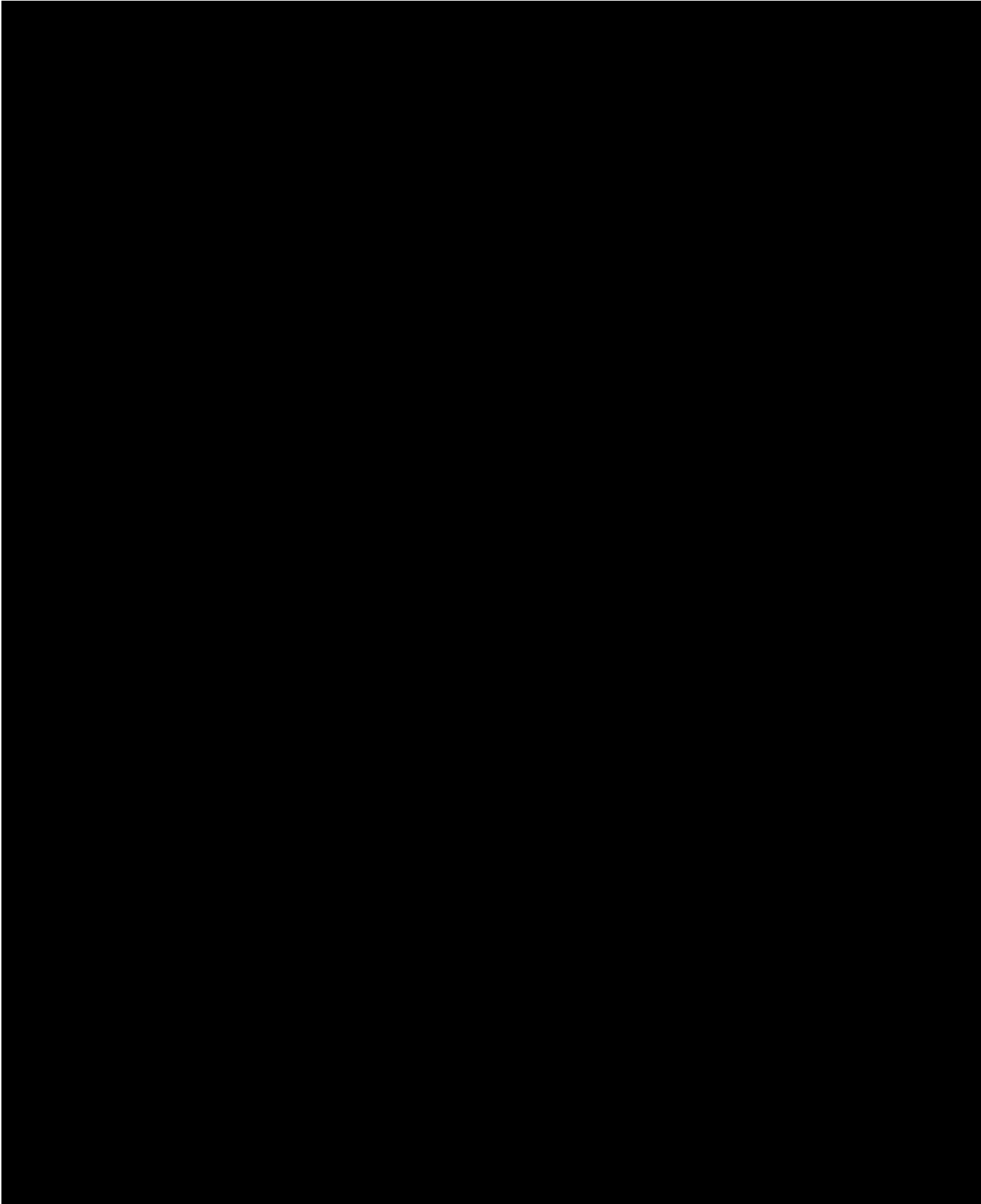
Property Details	
Address	██████████ Avenue, KEMPS CREEK NSW 2178
Lot/Deposited Plan	██████████
Council	Liverpool City Council
PRINCIPAL PLANNING CONTROLS	
Local Environmental Plan	Liverpool Local Environmental Plan 2008
Land Zoning	RU4 – Primary Production Small Lots
Height of Building	N/A
Floor Space Ratio	N/A
Minimum Lot Size	10ha
Heritage	N/A
Land Reservation Acquisition	N/A
Foreshore Building Live	N/A
Airport Noise	20 – 25
Flood Planning	Flood Prone and Major Creeks Land
Key Sites	Key Site – SWGC area – refer to clause 7.24
STATE ENVIRONMENTAL PLANNING POLICIES	
The land is subject to a raft of State Environmental Planning Policies	
OTHER PLANNING MATTERS	
Bushfire Prone Land	Vegetation Buffer
Local Aboriginal Land Council	Gandangara
Special Infrastructure Contribution	Western Sydney Growth Centres SIC

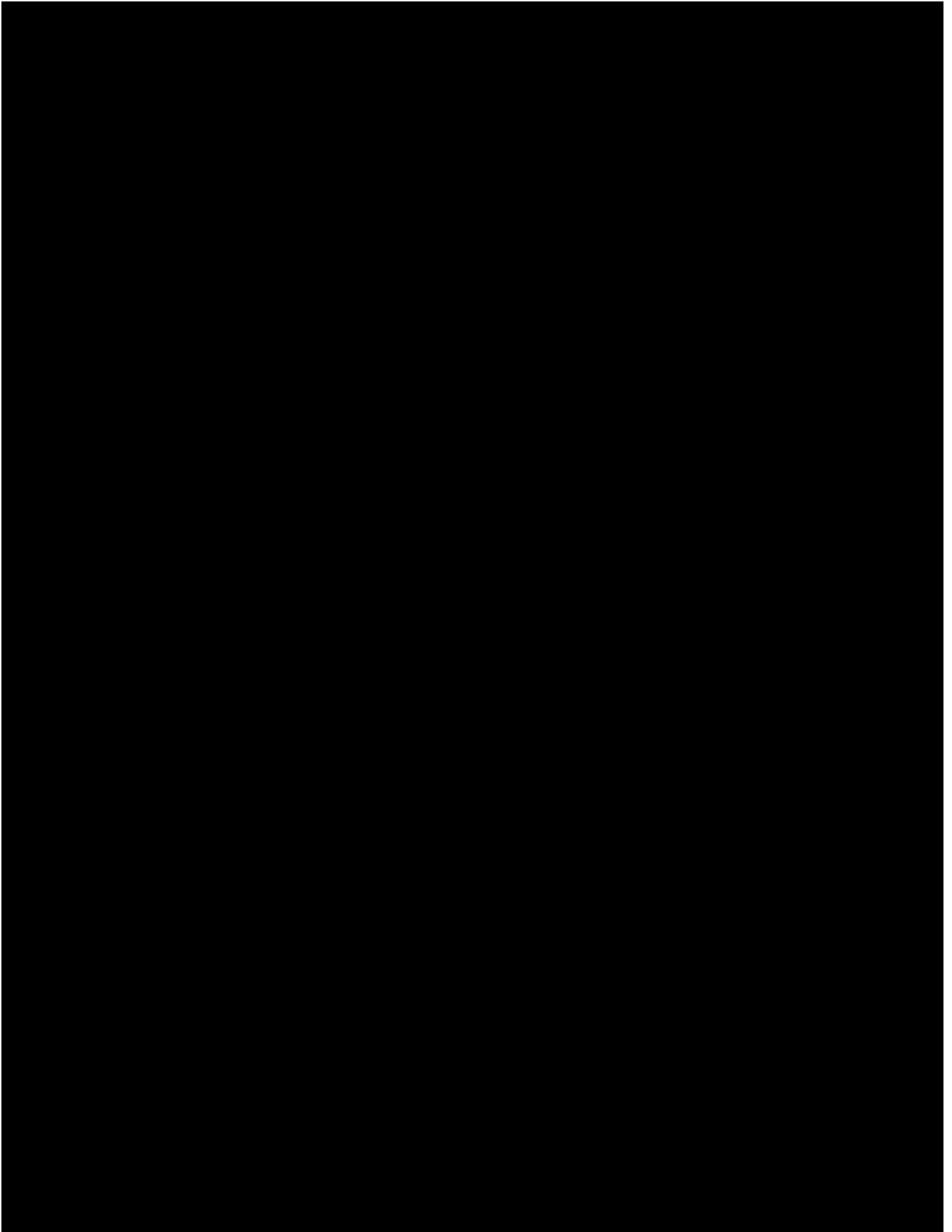
Property Details	
Address	████ Overett Avenue, KEMPS CREEK NSW 2178
Lot/Deposited Plan	██████████
Council	Liverpool City Council
PRINCIPAL PLANNING CONTROLS	
Local Environmental Plan	Liverpool Local Environmental Plan 2008
Land Zoning	RU4 – Primary Production Small Lots
Height of Building	N/A
Floor Space Ratio	N/A
Minimum Lot Size	10ha
Heritage	N/A
Land Reservation Acquisition	N/A
Foreshore Building Live	N/A
Airport Noise	25 – 30 30 – 35
Flood Planning	Flood Prone and Major Creeks Land
Key Sites	Key Site – SWGC area – refer to clause 7.24
STATE ENVIRONMENTAL PLANNING POLICIES	
The land is subject to a raft of State Environmental Planning Policies	
OTHER PLANNING MATTERS	
Bushfire Prone Land	Vegetation Buffer
Local Aboriginal Land Council	Gandangara
Special Infrastructure Contribution	Western Sydney Growth Centres SIC

ATTACHMENT "C"
PRINCIPAL ENVIRONMENTAL CONSTRAINTS

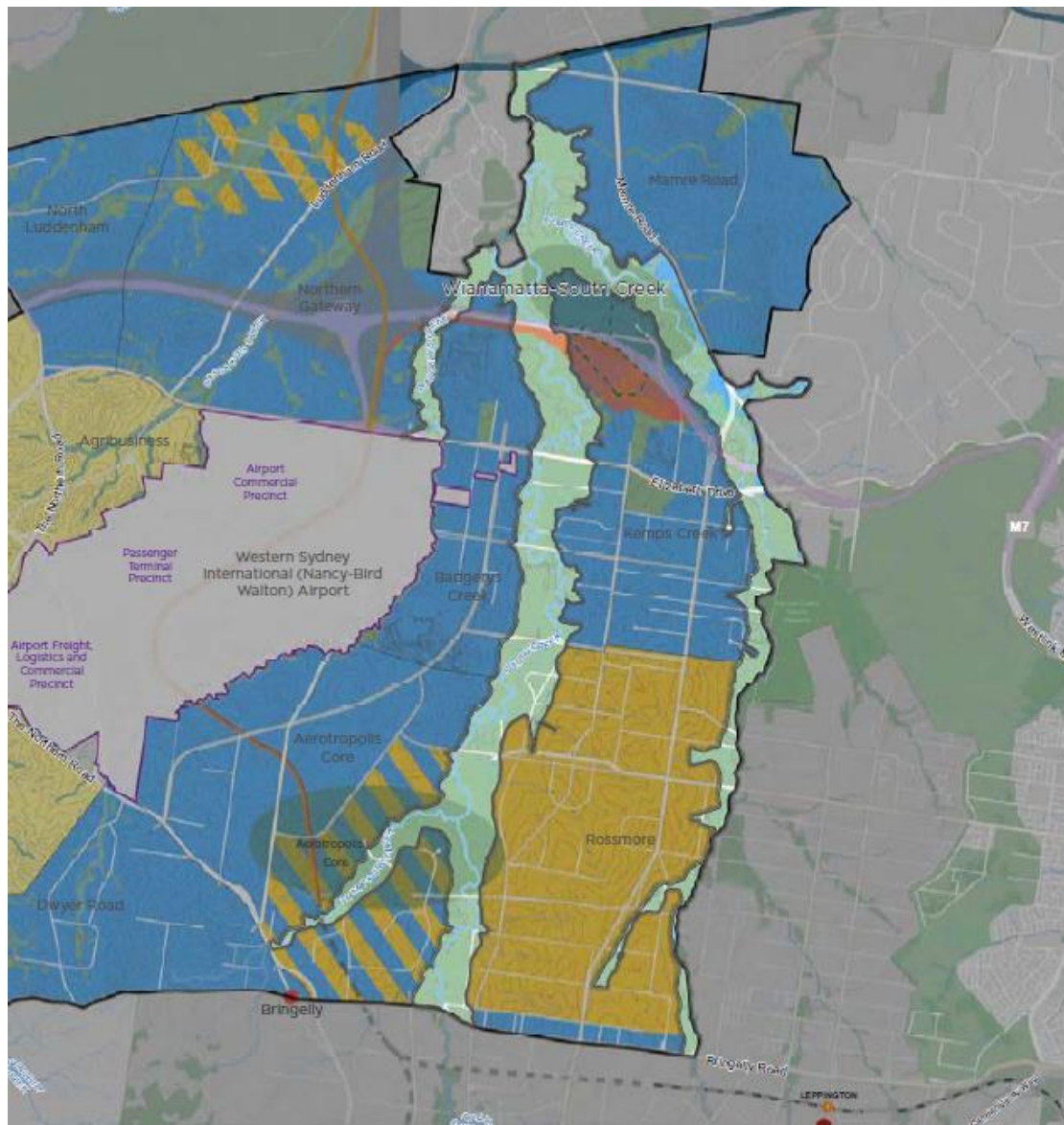








ATTACHMENT “D”
WIANAMATTA - SOUTH CREEK PRECINCT OVERVIEW



Structure Plan - Wianamatta-South Creek

Western Sydney Aerotropolis

- | | |
|---|--|
| Western Sydney Aerotropolis | Proposed Future Rail Links (Investigation) |
| Western Sydney International (Nancy-Bird Walton) Airport | Proposed M12 Motorway Corridor |
| Topographic Contour 5m | Proposed Transport Corridor |
| Regional Parkland (Investigation) | Potential Western Sydney Freight Line Corridor |
| Key Network Upgrades | Agribusiness |
| Critical Utility / Infrastructure (Investigation) | Environment and Recreation |
| Proposed Sydney Metro Greater West | Flexible Employment |
| Potential East-West Rail Link, Stabling and Critical Infrastructure | Urban Land |
| | Mixed Flexible Employment & Urban Land |



Key Considerations

- Aircraft noise
- Flood management
- Interface with proposed M12 Motorway, proposed Sydney Metro Greater West Stage 1, the proposed Outer Sydney Orbital and potential Western Sydney Freight Line.
- Opportunity for public acquisition to support the open space needs of the Aerotropolis.
- Providing amenity whilst in private ownership.
- Viable management regime.
- Safeguarding Airport operations.
- Infrastructure operation and maintenance access requirements.

Strategic Outcomes

- Establish the Wianamatta-South Creek corridor as the structuring blue and green infrastructure spine of the Aerotropolis and broader Western Parkland City.
- Establish a landscape buffer on the western boundary utilising the Badgerys Creek corridor.
- Manage the health of the waterway to gain iconic ecological outcomes as detailed by the risk-based framework.
- Protect existing mature trees and enhance urban tree canopy.
- Improve waterway health.
- Provide high quality public green and open space with a particular focus on Elizabeth Drive to reflect the main approach to the Airport and Fifteenth Avenue to be upgraded to an attractive landscaped boulevard.
- Reforestation of riparian lands.

Implementation Strategies

- Address interface with and activate Wianamatta-South Creek open space corridor through precinct planning (Planning Partnership).
- Identify appropriate east-west crossings of Wianamatta-South Creek, particularly active and public transport connections (Planning Partnership and Transport for NSW).
- Prepare a public domain strategy for Elizabeth Drive (Department of Planning, Industry and Environment and Transport for NSW).
- Retain appropriate landscaping along existing streets (Transport for NSW).
- Develop stormwater management and floodplain management strategy for Blue-Green Grid that contemplates new crossings, additional trees and vegetation, climate change, water in the landscape, waterway health and biodiversity conservation and stormwater retention strategies (Planning Partnership).

ATTACHMENT “E”
KEMPS CREEK PRECINCT OVERVIEW

Key Considerations

- Aircraft noise
- Safeguarding airport operations
- Upgrade of Elizabeth Drive.
- Connection to proposed M12 Motorway.
- Potential upgrade of Western Road and Devonshire Road.
- Potential road connection to Airport via extension of Pitt Street.
- Cycle networks to the Airport and rest of the Aerotropolis.
- Potential east-west rail link including potential stabling and maintenance facility.
- Water and wastewater infrastructure
- Resource Recovery Facility.

Strategic Outcomes

- Focus on employment generating uses.
- Connect across Wianamatta-South Creek to employment precincts further west.
- Locate noise sensitive uses in appropriate locations.
- Manage an appropriate and activated interface to Wianamatta-South Creek, Kemps Creek and Western Sydney Parklands.
- Plan for high-quality development and public domain with Elizabeth Drive appropriately set back to reflect the main approach to the Airport.
- Rationalise access points on Elizabeth Drive and connect to the local road network to service private development.
- Protect transport corridors to prevent possible conflict with adjoining land and ensure the orderly and timely provision of infrastructure.

Implementation Strategies

- Reserve road corridors for the Western Road and Devonshire Road upgrades. (Planning Partnership, Transport for NSW and Department of Planning, Industry and Environment).
- Protection of transport corridors and prevent possible conflict with adjoining land use, including the proposed M12 Motorway and potential East-West rail link (Planning Partnership and Department of Planning, Industry and Environment).
- Address interface with and activation of Wianamatta-South Creek and Kemps Creek. (Planning Partnership).
- Identify east-west crossings of Wianamatta-South Creek, particularly active transport connections. (Planning Partnership).
- Explore connections to Western Sydney Parklands. (Planning Partnership and Department of Planning, Industry and Environment).
- Avoid direct access to development from Elizabeth Drive. (Planning Partnership).
- Prepare a public domain strategy for Elizabeth Drive (Department of Planning, Industry and Environment and Transport for NSW).
- Use flexible zoning to maximise diversity (Planning Partnership, Western City and Aerotropolis Authority and the Department of Planning, Industry and Environment).

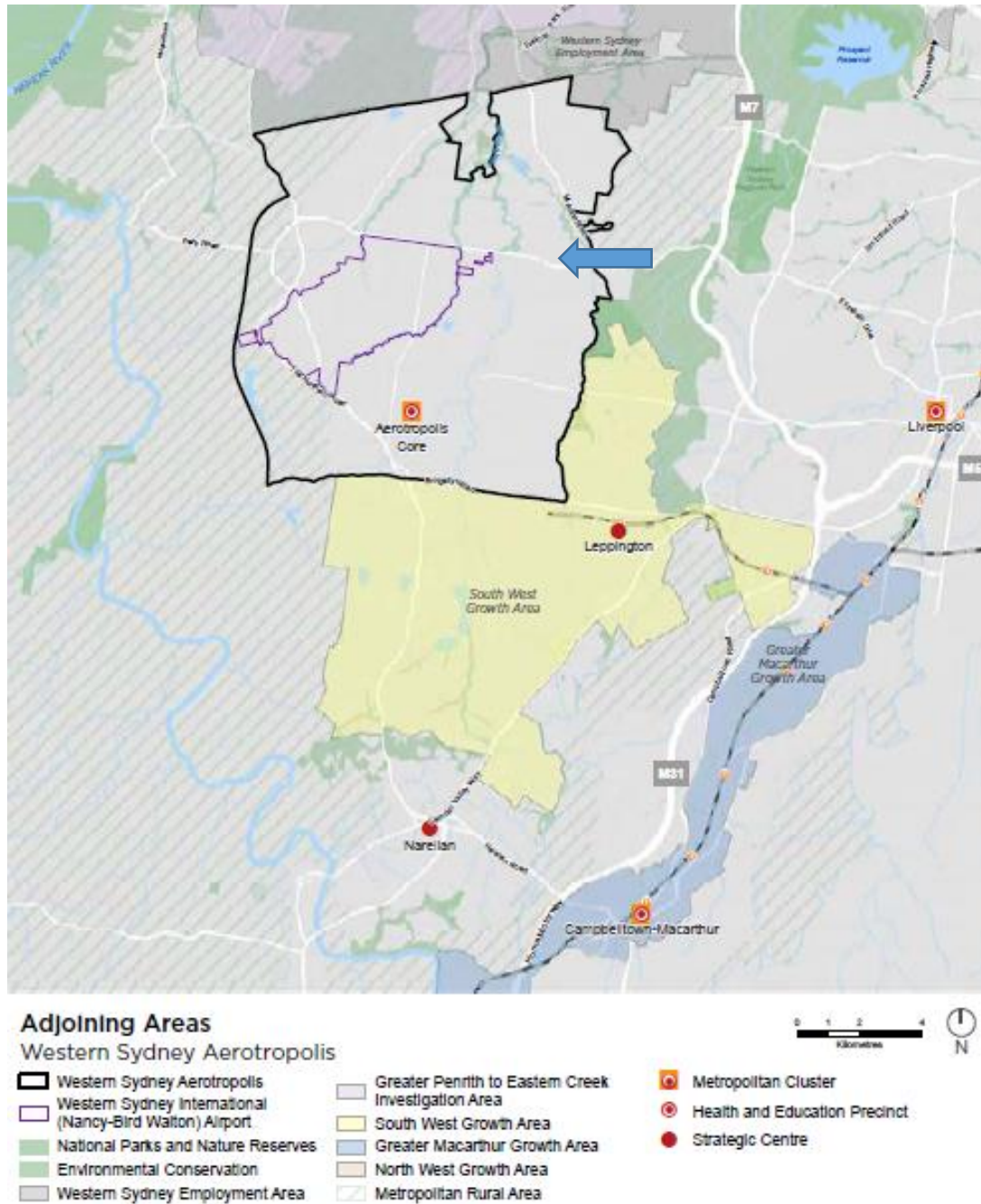
ATTACHMENT “F”
PROPOSED SUITE OF MAPS TO ACCOMPANY SEPP

ATTACHMENT “G”
PROPOSED LANDUSE ZONING

ATTACHMENT “H”
VALUATION AND ACQUISITION PAPER

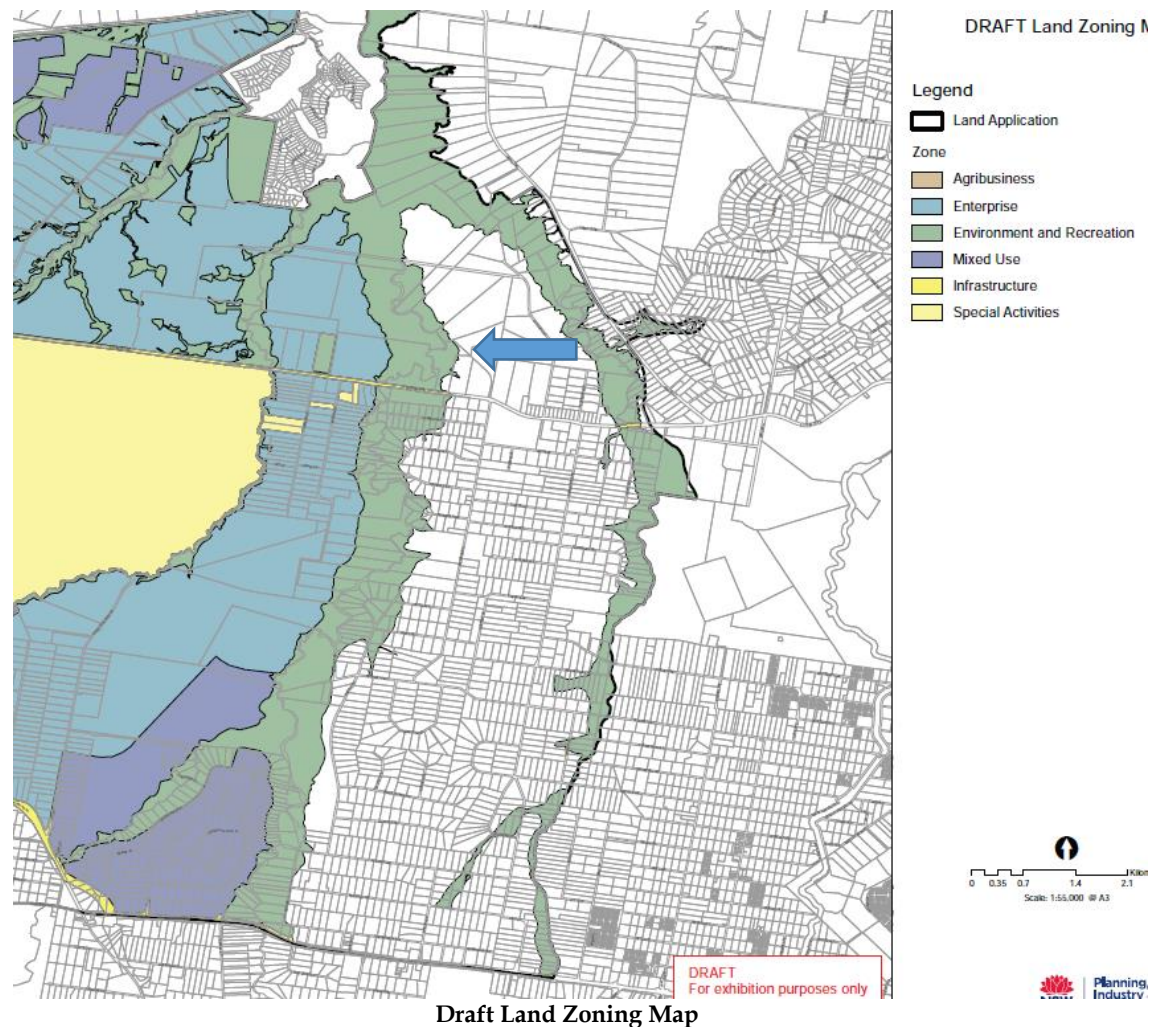
Valuation information – Overett Avenue, Kemps Creek

The Draft Western Sydney Aerotropolis Plan identifies various precincts based on opportunities and constraints, as well as likely future character and connectivity. The subject properties, the (**Alliance Land**), are within an area that is proposed to be rezoned to Environment and Recreation.



The Western Sydney Aerotropolis will greatly contribute to the Western Sydney Economic Corridor and forms part of the Metropolitan Cluster as identified in the Western City District Plan.

The **Alliance Land** is proposed to be zoned Environment and Recreation under the proposed State Environmental Planning Policy (SEPP), see extract of the Draft Land Zoning Map below.



The surrounding area to the east and within the immediate vicinity of the **Alliance Land** is excluded from being rezoned under the Draft SEPP but is shown on the Structure Plan - Kemps Creek as Flexible Employment. As such, this land is zoned RU4 Primary Production Small Lots under Liverpool Local Environmental Plan 2008 and is proposed to remain zoned that way into the future.

The Draft Land Use Table below specifies the following for Environment and Recreation zone:

- (a) the objectives for development, and
- (b) development that may be carried out without consent, and
- (c) development that may be carried out only with consent, and
- (d) development that is prohibited.

Environment and Recreation Zone

1. Objectives:

- 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.

2. Permitted without consent:

- Environmental protection works
- Flood mitigation work

3. Permitted with consent:

- Environmental facility
- Information and education facility
- Kiosk
- Recreation area
- Recreation facilities (outdoor)
- Water recreation structure
- Road

4. Prohibited:

Any other development not specified in item 2 or 3

The broad application of the Environment and Recreation Zone will permit both environmental and recreational land uses. However, land that is of high biodiversity value and intended to be preserved for environmental conservation will benefit from additional planning controls in the proposed SEPP which are intended to prevent the clearing of vegetation or broader uses and activities that are not consistent with this object. These areas will be mapped.

Whilst existing use rights will apply, as alluded to below, there are further impacts on the **Alliance Land** that negates any existing use rights.

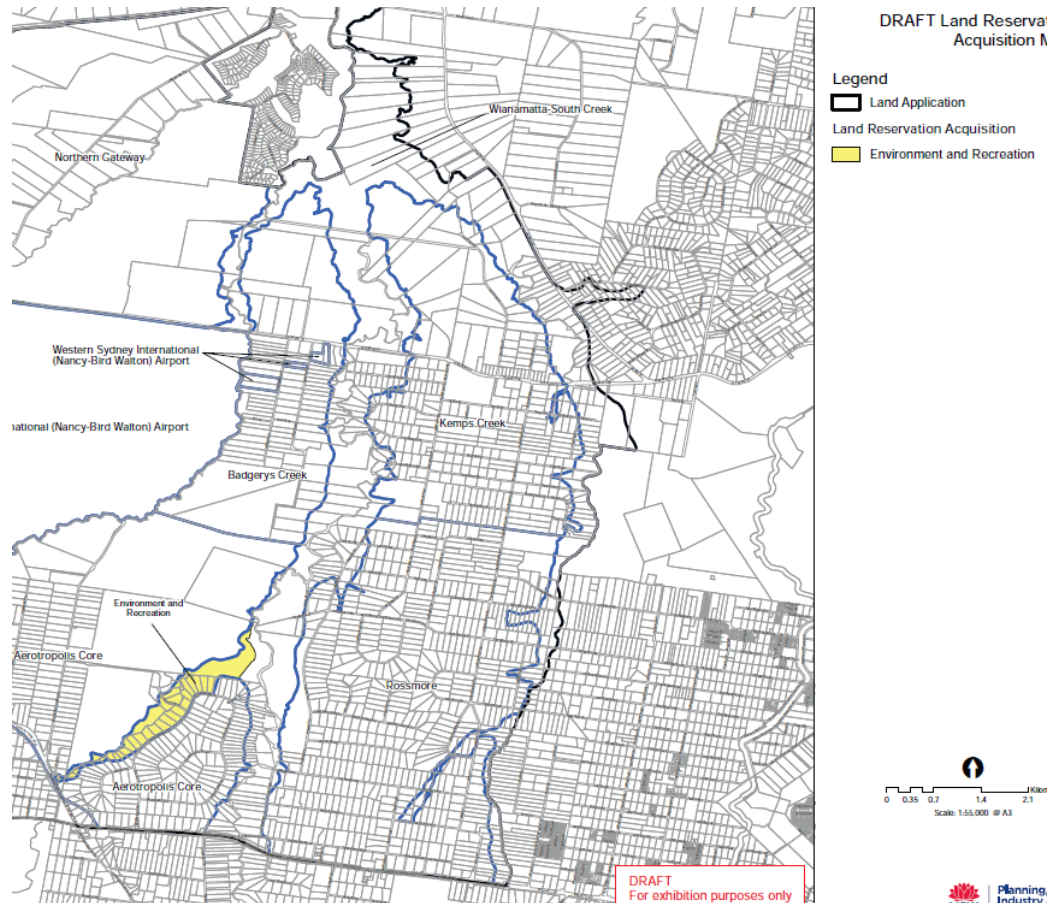
3.10 Existing use rights

Land uses within the Aerotropolis will gradually transition from rural to urban land uses envisaged in the new zones.

The EP&A Act includes protections for uses that have been established with appropriate approvals. These are known as 'existing use rights' and allow existing uses to continue to operate while preventing any further intensification of those same uses.

The proposed rezoning will not negatively affect farming operations, including extensive agricultural uses, if such uses have lawfully commenced prior to the commencement of the proposed SEPP.

Further to this, there are properties identified for acquisition on the Draft Land Reservation Acquisition Map below, shown by yellow shading. It should also be noted that this area adjoining Thompsons Creek is proposed to be compulsorily acquired following gazettal of the SEPP as a first stage. This action serves to confirm the intention to compulsorily acquire all land identified as Environment and Recreation.



It is the accepted standard to show **ALL** land that is to be compulsorily acquired for a public purpose to be identified on the Land Reservation Acquisition Map. The reason not to identify the balance of the land proposed to be rezoned Environment and Recreation on the Draft Land Reservation Acquisition Map can only be assumed to limit the potential of a rush of requests to acquire affected land holdings.

An example of this is the rezoning of the Austral area under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Austral SEPP), see the map below.



Land Reservation Acquisition Map – Austral SEPP

Under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 the various public purpose zonings have the acquiring authority clearly identified, as shown below.

Part 3 Land Use—Environment Conservation and Recreation Zones

15 Acquisition of land zoned under this Part

The authority of the State that will be the relevant authority to acquire any land zoned under this Part, if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, is -

- (a) in the case of land within the Environment Conservation Zone or the Public Recreation -Regional Zone - the corporation constituted under section 2.5 (1) of the Act, or*
- (b) (Repealed)*
- (c) in the case of land within the Public Recreation - Local Zone - the council of the area in which the land is situated.*

Under Appendix 8 - Liverpool Growth Centres Precinct Plan

5.1 Relevant acquisition authority

(1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991 (the owner-initiated acquisition provisions).

Note.

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the Land Acquisition (Just Terms Compensation) Act 1991 requires the authority to acquire the land.

(2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

<i>Type of land shown on Map</i>	<i>Authority of the State</i>
<i>Zone RE1 Public Recreation and marked "Local open space"</i>	<i>Council</i>
<i>Zone SP2 Infrastructure and marked "Classified road"</i>	<i>Roads and Maritime Services</i>
<i>Zone SP2 Infrastructure and marked "Local drainage"</i>	<i>Council</i>
<i>Zone SP2 Infrastructure and marked "Railway"</i>	<i>The corporation constituted under section 2.5 of the Act</i>
<i>Zone SP2 Infrastructure and marked "Local road"</i>	<i>Council</i>
<i>Zone SP2 Infrastructure and marked "Educational establishment"</i>	<i>NSW Department of Education and Communities</i>
<i>Zone SP2 Infrastructure and marked "Unclassified regional road – Denham Court Road"</i>	<i>Roads and Maritime Services</i>
<i>Zone B1 Neighbourhood Centre and marked "Community facility"</i>	<i>Council</i>
<i>Zone B2 Local Centre and marked "Community facility"</i>	<i>Council</i>

(3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

Note.

If land, other than land specified in the Table to subclause (2), is required to be acquired under the owner-initiated acquisition provisions, the Minister for Planning and Infrastructure is required to take action to enable the designation of the acquiring authority under this Part. Pending the designation of the acquiring authority for that land, the acquiring authority is to be the authority determined by order of the Minister for Planning and Infrastructure (see section 21 of the Land Acquisition (Just Terms Compensation) Act 1991).

The rezoning under the Austral SEPP is exactly as is proposed for the Western Sydney Aerotropolis however, it should be noted that all land required for a public purpose is also identified on the Land Reservation Acquisition Map. The Austral SEPP goes further to identify the various public purpose zones and the relevant acquiring Authority. The acquisition of land within the Austral SEPP also included the acquisition of land through the introduction of the Special Infrastructure Contributions (SIC Levy).

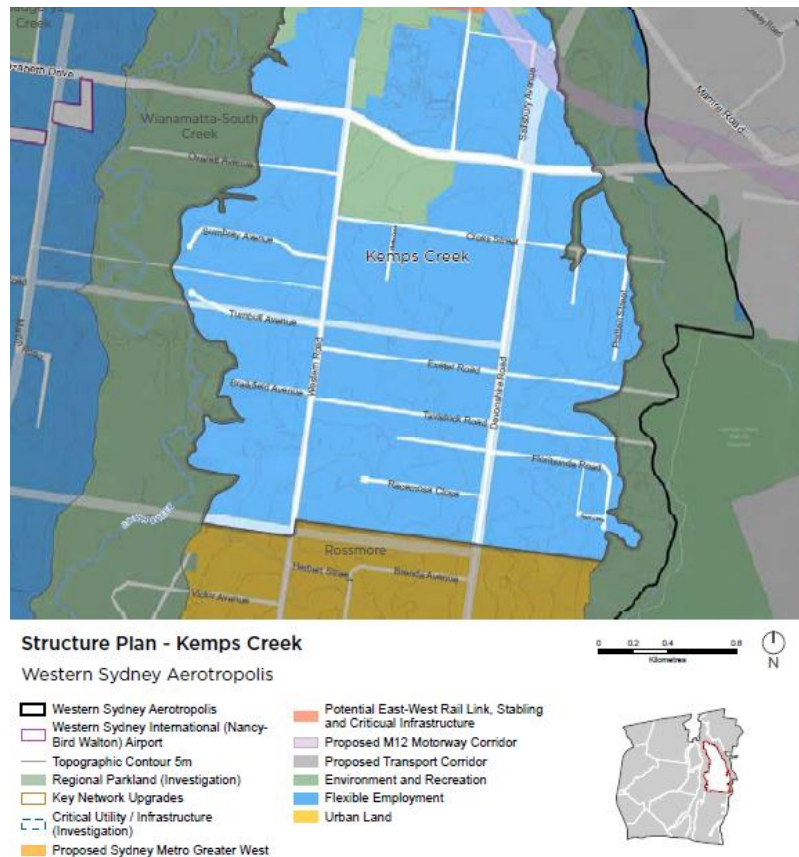
The SIC Levy is paid by developers to the State Government during the development application (DA) process. Alternatively, developers may seek approval from the Minister for Planning to dedicate land or build a piece of required infrastructure instead of making a financial contribution.

The SIC Levy is collected by the State Government and is over and above any section 7.10 contribution payable to Council in relation to a development application.

However, the process of development under the above, creates the need for the provision of public purpose lands, irrespective of what public purpose land is required for.

Given that the proposed zoning of Environment and Recreation, under the SEPP, is considered to be a “step in the acquisition process”, this zoning is set aside and the **Alliance Land** is assumed to be zoned what would have been the most likely zoning had the public purpose not been required.

On this basis, the **Alliance Land** would have been zoned as some “employment/industrial” type usage as shown on the Draft Structure Plan as flexible employment, see below.



The land within the Kemps Creek area is considered to be land that can be used for employment purposes, as there is a large amount of “employment/industrial” uses already in existence.

As such, the continuation of this theme is considered to be logical and the land within the area between Elizabeth Drive and Victor Avenue and South Creek and Kemps Creek would have been “employment/industrial” as is already identified on the Structure Plan – Kemps Creek as flexible employment.

This flexible employment zone is then considered to be the underlying zoning for the land proposed to be zoned Environment and Recreation within the immediate vicinity of the **Alliance Land**.

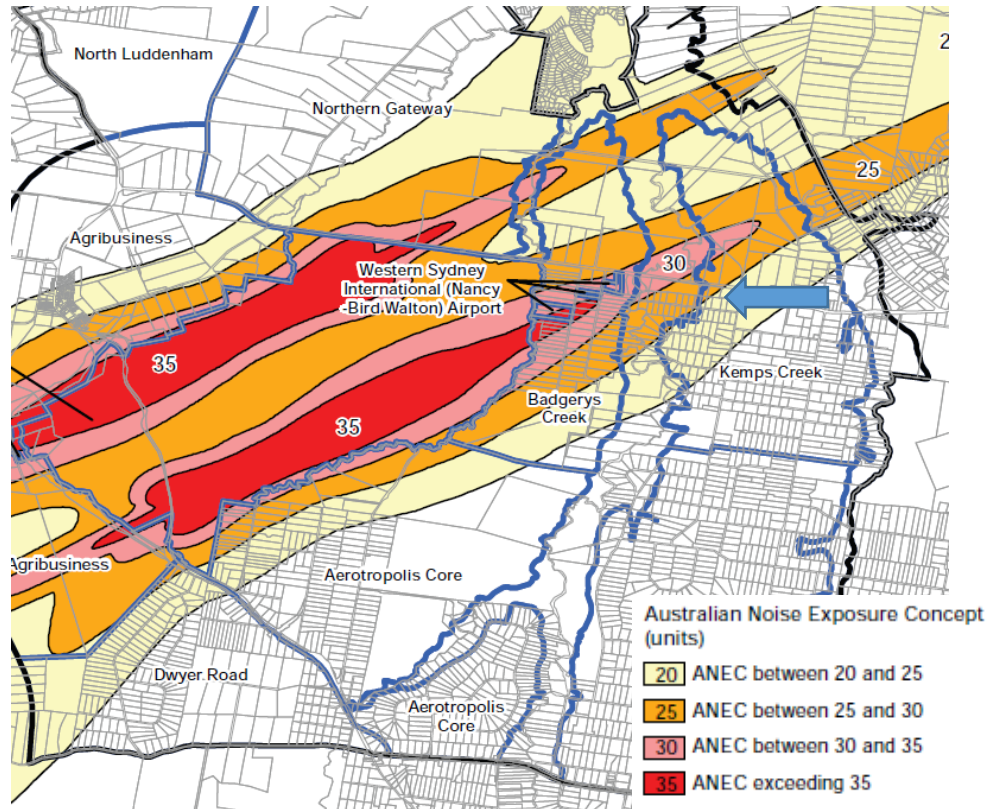
More importantly to note, however is the fact that the Draft SEPP is silent on which authority would be responsible for the acquisition of land zoned for a public purpose. This becomes more critical upon gazettal of the Draft SEPP as there is land identified for acquisition.

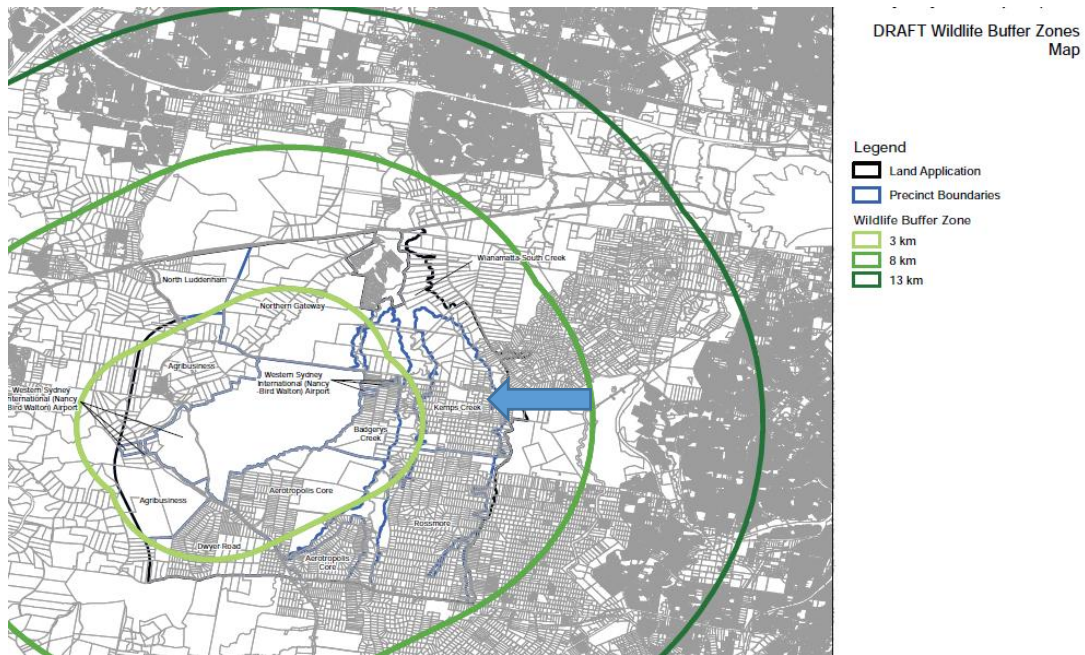
As such, the **Alliance Land** should be identified to be compulsorily acquired at some stage into the future. This method of identifying land to be acquired is “normal” when large tracts of land are going through a rezoning process. However, what is unusual in this instance is that the balance of the land to be rezoned Environment and Recreation has not been identified on the Draft Land Reservation Acquisition Map.

Steps in the Process

Items that need to be identified as a direct consequence of the public purpose are as follows:

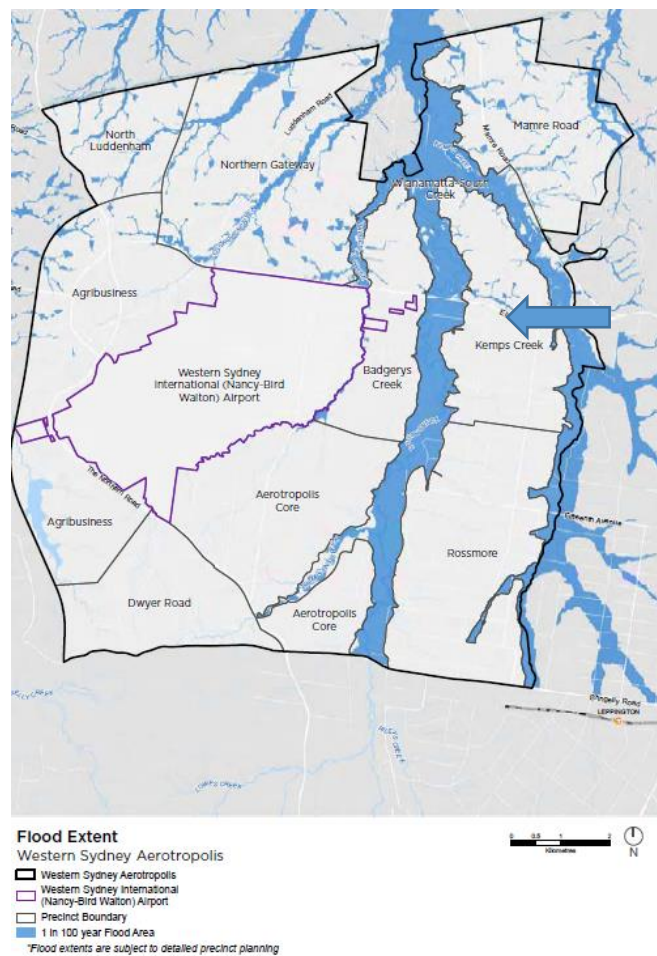
- a) ANEC/ANEF contours;
- b) Wildlife Buffer Zones;





As such, the above items are disregarded from a valuation point of view.

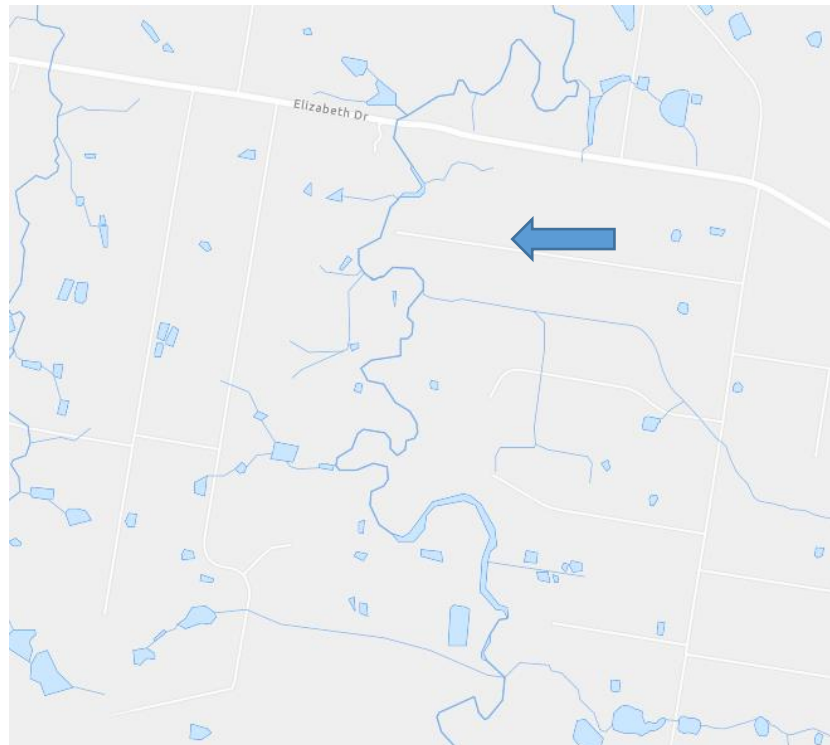
The **Alliance Land** is shown as being flood prone land, see map below.



Flooding but taking into account the filling capabilities under the DCP for the Liverpool LGA.

Riparian Corridor

South Creek is within close proximity to the subject property, see an extract of Hydroline below.



Hydroline - Overett Avenue locality

South Creek, within this vicinity, is considered to be a 3rd Order Watercourse in accordance with the Strahler System of the assessment of watercourses, see below.

Riparian corridor widths

The Officer of Water recommends a VRZ width based on watercourse order as classified under the Strahler System of ordering watercourses and using current 1:25 000 topographic maps (see Figure 2 and Table 1). The width of the VRZ should be measured from the top of the highest bank on both sides of the watercourse.

Figure 2. The Strahler System

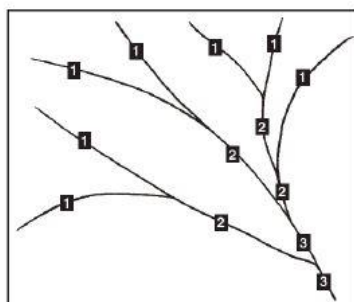


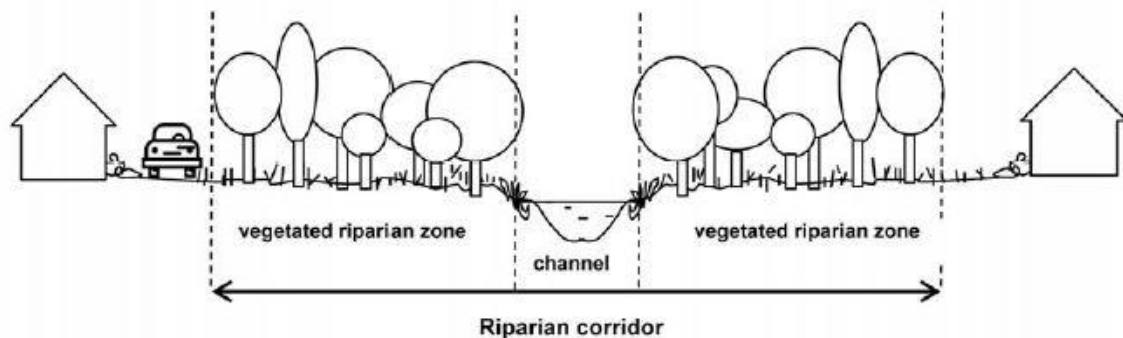
Table 1. Recommended riparian corridor (RC) widths

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

Under the riparian corridor widths, South Creek would require a 30 metre riparian corridor setback from the top of the bank to the **Alliance Land**.

As shown below, the riparian corridor is for a vegetated zone so as to protect the watercourse for environmental damage. As such, the entire **Alliance Land** would be available for development under the underlying zone permitting “employment/industrial” usages.

Figure 1. The riparian corridor



Just Terms Compensation

In accordance with section 10 of the Land Acquisition (Just Terms Compensation) Act 1991, the acquiring authority provides a guarantee of acquisition at market value, see below.

10 Statement of guaranteed acquisition at market value

- (1) When, on request by or on behalf of an owner or prospective purchaser of land, an authority of the State gives a person written notice to the effect that the land is affected by a proposal for acquisition by the authority, the notice must contain the following:
 - (a) a statement that the *Land Acquisition (Just Terms Compensation) Act 1991* guarantees that, if and when the land is acquired by (*insert name of authority*) under that Act, the amount of compensation will not be less than market value (assessed under that Act) unaffected by the proposal,
 - (b) such other information as the regulations may require.
- (2) This section does not apply to a proposal to acquire an easement, or right to use land, under the surface for the construction and maintenance of works.
- (3) Nothing in this section or in a statement made in a notice pursuant to this section gives rise to, or can be taken into account in

This guarantee is based on the premise that any land required for a public purpose, in this instance, Environment and Recreation, the zoning is ignored for the purpose of determining the highest and best use of the land in accordance with the underlying zoning, in this instance, an “employment/industrial” type usage.

The heads of consideration require the following items to be included in the assessment of compensation payable by the acquiring authority:

56 Market value

57 Special value

58 Loss attributable to severance

59 Loss attributable to disturbance

loss attributable to disturbance of land means any of the following:

- (a) legal costs reasonably incurred
- (b) valuation fees of a qualified valuer reasonably
- (c) financial costs reasonably incurred in connection with the relocation of those persons
- (d) stamp duty costs reasonably incurred
- (e) financial costs reasonably incurred for the discharge of a mortgage and the execution of a new mortgage
- (f) any other financial costs reasonably incurred

60 Disadvantage resulting from relocation

Disadvantage resulting from relocation would apply where a dwelling is situated on land proposed to be acquired and the owner and/or a tenant is paid an amount due to the inconvenience of having to relocate.