

From: noreply@feedback.planningportal.nsw.gov.au on behalf of [Planning Portal - Department of Planning and Environment](#)
To: [PPO Engagement](#)
Cc: epanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Draft Precinct Plans
Date: Friday, 12 March 2021 8:42:23 AM
Attachments: [allam-submission-2859-2901-the-northern-road-luddenham.pdf](#)

Submitted on Fri, 12/03/2021 - 08:38

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Sulamaan

Last name

Allam

I would like my submission to remain confidential

No

Info

Email

[REDACTED]

Suburb/Town & Postcode

Luddenham 2745

Submission file

[allam-submission-\[REDACTED\]-he-northern-road-luddenham.pdf](#)

Submission

Main concerns relate to the size and location of the WSUD and District Park proposed on the land. Detailed assessment of flood modelling and water management catchment suggested. Objection to heritage designation of former cottage on the site, and potential for undisturbed Cumberland Plain soils and vegetation given extensive grazing activity and dam construction.

I agree to the above statement

Yes

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10 March 2021

NSW Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy St
PARRAMATTA NSW 2150

Attention: Western Sydney Planning Partnership

Dear Sir/Madam,

SUBMISSION: WESTERN SYDNEY AEROTROPOLIS DRAFT PRECINCT PLAN

This submission is lodged by me Sulamaan Allam, as the landowner with assistance from Allam Property Group based on their interest in the land. We refer to the Documents on exhibition and the Technical Reports regarding the Draft Precinct Plan and to the Department of Planning, Industry and Environment's (The Department) invitation to lodge a submission regarding the plans.

As the long-term Landowner, I broadly support the Department's ambition to progress the strategic planning for the Western Sydney Aerotropolis (The Aerotropolis) and unlock land to grow the economy of Western Sydney and contribute to Sydney's future housing supply.

I have sought advice from the Allam Property Group who have a registered interest on my land, and their consultant planner to analyse the Draft Precinct Plans in the context of the recently gazetted *State Environmental Planning Policy (Western Sydney Aerotropolis) 2020* (the SEPP) and our future development opportunities on the land.

The site is within the Agribusiness Precinct however the many of the issues raised here hold a broader significance for similar neighbouring landholdings within this Precinct and the wider Aerotropolis.

██████████ The Northern Road Luddenham

This submission specifically relates to my property at ██████████ The Northern Road Luddenham (The Property). The property is identified in the plans at Appendices A & B.

The Outer Sydney Orbital (OSO) is proposed to ultimately divide the property into two distinct holdings. Land west of the OSO is identified as Metropolitan Rural Zone under the Sydney Region Plan and is zoned RU2 Rural Landscape under Penrith LEP 2010. The majority of the property is within the Aerotropolis (the Site), is predominately zoned AGB Agribusiness with a thin strip of land zoned ENZ Environment and Recreation, and this is the subject of this submission.

Draft Agribusiness Precinct Plan

The Draft Aerotropolis Precinct Plan (Precinct Plan) has several proposed planning controls that affect the future ability to develop my land for Agribusiness. These comments relate to the mismatch between the SEPP zoning and the large WSUD basin (Figure 12) within an Urban Park (Figure 15) proposed on my land. There are also more general concerns about how the site is mapped for undisturbed land, Cumberland Plan and heritage.

A. Mismatch between Zoning, and Land Capability

I. The Western Sydney Aerotropolis SEPP

The current zoning of the site is as Agribusiness, my concern relates to the strip, equivalent to a riparian corridor zoned Environment and Recreation. I note that the proposed District Park and WSUD basin can be considered as regional infrastructure benefitting a wider catchment and normally identified for acquisition in a S7.11 or S7.12 Contributions Plan; and identified for public acquisition in an EPI. I note the DPIE advice that SEPP amendments may be required with the review of the Precinct Plan submissions.

Further, the Land Reservation Acquisition Map in the SEPP does not identify any land to be acquired for open space and drainage and similarly Clause 52 does not identify any relevant acquisition authority for this land. We assume future amendments to the SEPP will map this land and identify an acquisition authority to provide a mechanism for acquisition.

I therefore specifically request that any land identified for future public purposes, be right sized for that purpose, and be included in any Land Reservation Acquisition Map in the SEPP amendment and relevant Contributions Plan. I refer to commentary below regarding the proposed WSUD basin size.

II. Flood Affection

I understand the flood modelling adopted for the Aero SEPP and Precinct Planning has been provided by Penrith City Council. I would argue as a long-term owner, that the flood mapping has picked up my farm dams, which obviously hold water after rain events and the flood extent does not to connect to the creek lines that drain my land to the west. A review of the flood mapping is requested, or a mechanism to provide updated modelling at the DA stage.

III. Size and Shape of future Urban Park and WSUD Basin

On 1 October 2020, the site was predominately rezoned AGB Agribusiness with a thin strip of land zoned ENZ Environment and Recreation. The rezoning delivered an expectation that the portion of my land zoned AGB would be available for urban development.

The Precinct Plan now proposes a significant part of the site be reserved for drainage and open space infrastructure far exceeding the current ENZ zone boundary, which is potentially not in the correct alignment with the creek system. The expansion of open space and drainage infrastructure beyond the ENZ effectively down-zones this part of the site.

Whilst it is acknowledged that infrastructure and open space will need to be provided within the Precinct there should be a mechanism for a more equitable distribution and obligation.

A large part of the property has previously been identified for acquisition for the OSO, the western portion has been precluded from urban development under the Sydney Region Plan, and the value of the remaining site is now proposed to be significantly diminished through allocation to further public purpose land uses.

IV. Water Cycle Management

The Precinct Plan indicates a very large WSUD basin proposed on-site. The basin is graphically represented as the second largest waterbody within the Aerotropolis despite it serving one of the smallest catchments when the topography is considered. I have received advice set out below, that the WSUD basin is not appropriately sized for this catchment.

The Draft Stormwater and Water Cycle Management Study Interim Report (The Study) outlines how stormwater, wastewater, recycled water as well as trunk drainage and riparian zones should be managed.

Outdated Data

- The study uses ARR1987 data. Whilst this is not uncommon, we would expect that given the scale of the Aerotropolis and the ambitious vision to revolutionise how water is treated, the extremely sensitive nature of the Aerotropolis and water bodies, and the future impacts of climate change, that ARR16-19 (being best data available) should be implemented. We believe that for the Aerotropolis, with the timeframes in mind for development occurring for generations to come, the fall-back excuse of coordinating with older studies is inadequate for a study of this scale.

Inconsistent Application of the Methodology

- The report details a decision framework which has guided the recommendations to retain or remove existing dams. The dam within the site has not been flagged as either suitable or not suitable for retention. This is because the framework has only been applied to the South Creek catchment whereas the site is within the Mulgoa Creek catchment. It appears that no similar analysis was applied to this catchment.
- We understand that the strategy for dealing with water in the Aerotropolis is founded on Sydney Water's understanding that a business-as-usual approach to waste water management would overwhelm Sydney's waterways. In this context it makes sense that the South Creek catchment has been prioritised for investigation however the same methodology should apply to the whole of the Aerotropolis.

Flaws in the Assumptions

- Rainwater harvesting and water retention is proposed for the precinct however the OSD design template for control of the 50% AEP and the 1% AEP does not appear to consider the impact of this. This means that the requirements for OSD are likely overstated.

Misalignment of the Precinct Plan and the Study

- Farm dam reconstruction is acknowledged as required in the study, but this contradicts the Precinct Plan which (to achieve other goals) seeks to repurpose and retain the existing form and earthworks of existing dams.
- Regardless, the current freeboard for the dam is 200mm but should be at least 500mm which means that the dam needs to be reconstructed to meet the usual basin requirements for inclusion in an integrated water cycle management system.

Rationale for Retention at the Current Size

- It is clear that the size of the proposed WSUD basin is excessive.
- The land take is currently shown around 9 hectares in area which would account for 10% of the catchment. The criteria assessment for dam retention only requires a dam surface area of 2% to 3%. In isolation, we would therefore expect a basin of around 2-2.5 ha, to meet these requirements.
- The basin storage volume we would expect a maximum of 37,000m³ (or 57,000m³ for flood storage). To meet this requirement a 1.5m deep basin would be 3.8-4ha in size and a 2.5m deep basin would be 2.3-2.5 ha in size.
- This is significantly less than the current size of the dam on the property, which has shallow edges for stock water. Further these calculations are based on the catchment being developed as 90% impervious however we note that other planning controls such as green canopy are targeting a much lower impervious area which would reduce stormwater retention requirements.

Locational Considerations

Notwithstanding the above, it is our view that the siting of the basin has been heavily influenced on the existing presence of the farm dam on the site and that the design considerations have been constrained by the boundary of the Aerotropolis and the proposed OSO.

We respectfully submit that a more logical place for the basin is outside the Aerotropolis entirely and within the RU2 zone, removing this constraint to the development of the site and thus maximising the developable area and contribution that the site can contribute to the economy of the city.

B. Other Precinct Plan Issues of Concern

This land is also identified as undisturbed Cumberland Plain soil (Figure 14) and as riparian corridor with associated vegetation important for framing long views (Figure 18). An unlisted local heritage asset (#210) is identified on the site (Figure 8).

I. Undisturbed Soil Network and Cumberland Plain Vegetation Mapping

The Precinct Plan indicates part of the site as undisturbed Cumberland Plain soil (Figure 14). The draft Cumberland Plain Conservation Plan shows the “underlying” riparian corridor beneath the dam, and the dam itself as Cumberland Plain Shale Hills Woodland. These designation relates to that part of the site with extensive earthworks to create the current farm dam. The practice of farm dam construction means that the soil layers are significantly modified and is very unlikely to be significantly disturbed.

I request these designations be removed from my land.

II. Open Space and Views

The Precinct Plan indicates an urban park proposed on-site. The urban park encompasses at least all the land identified for a WSUD basin.

Further, the Precinct Plan identifies a view corridor from The Northern Road through the site to the urban park and ridge top. The objectives for scenic and cultural connection related to views include creating public parks that provide high quality vantage points to scenic landscapes.

We note that the property is located at a low point in the topography. The future reality for the property, therefore, is that it will be bisected by the OSO, which due to the topography of the immediate locality, will take the form of an elevated motorway. Not only will the OSO bisect the property – the future motorway road deck and accompanying acoustic barriers will also terminate view lines and cast a shadow over the urban park and basin.

We therefore question the future amenity that an urban park in this location can provide and respectfully suggest that another location would be more suitable.

III. Heritage Affectation

The Precinct Plan indicates the existence of an unlisted local heritage asset on the site. The heritage significance is identified as a potential archaeological site related to the location of a small pre 1906 cottage/shed. The recommendation is to undertake additional research and assessment to determine physical condition and heritage significance.

We note that in accordance with a development consent granted by Penrith Council this part of the site has recently been cleared, with all improvements to the land removed, and a new dwelling has been constructed on the land. Aerial photographs of the land at the time of land clearing and post construction are included in Appendix C.

We respectfully submit that no further investigation is required.

IV. Development Contributions

The scale, purpose and future ownership of the proposed open space appears to be inconsistent with the future reality for the Agribusiness Precinct. A significant area of privately held land will be utilised for open space to achieve the tree canopy targets and other similar controls.

Similarly, the ultimate urban form and land use typology for the Precinct will be non-residential with the potential for development that is inconsistent with domestic land uses. We therefore question the need for further open space provision that does not have a conservation objective.

Further, we believe that the scale of open space within the Precinct Plan is, at least in part, driving an unprecedented proposal by Council to levy 6.5% of CIV through a S7.12 levy. We also question the financial capacity of Council to maintain this open space in the context of limited community use and value.

Finally, the Draft SIC Determination specifically excludes SIC payment for both public open space and drainage reserve however the expanded open space identified in the Precinct Plan exceeds the zoned ENV land under the SEPP.

We therefore seek clarification that the SIC will exclude all land identified and dedicated for a public purpose.

V. Precinct Plan Controls

Our analysis reveals that there are inconsistencies between controls that contradict each other. An example is the minimum lot size of 20 hectares when street block sizes are limited to 350mx350m resulting in a maximum lot size of 12.25 hectares.

Whilst the provisions within the Precinct Plans are likely to be considered flexible by the Department and subject to the outcomes of detailed design, experience suggests that Councils will apply these standards rigidly, with little scope for deviation. This has been the case with the Indicative Layout Plans in the Western Sydney Growth Areas.

We therefore respectfully submit that the inconsistencies between controls should be corrected through rigorous design testing and that the Precinct Plans should clearly indicate that controls are guidelines rather than prescribed outcomes. It would be preferable to include a process by which a variation may be sought at Development Application stage.

Master Planning Provisions

I am advised that the approved Master Plan Guidelines clearly referenced in the SEPP are not yet available. The Guidelines intend for a masterplan to have the capacity to amend a Precinct Plan, and this is to be achieved by exhibiting an amended Precinct Plan with the Masterplan. The SEPP makes provisions for this process subject to the Masterplan being consistent with the Guidelines and the Development Control Plan.

We note the Western Sydney Aerotropolis Development Control Plan (DCP) Phase 1 has been finalised however the content is largely a range of vision statements and performance outcomes. Phase 2 is to be exhibited this year and is expected to include more detailed development controls. According to the established hierarchy of planning documents we would not expect the DCP to be inconsistent with the Precinct Plan. We therefore request the Precinct Plan be amended. As such the master planning provisions would appear not to provide an opportunity to propose a development scheme that reduces the drainage and open space land take in favour of urban development.

The Way Forward

We trust that our submission assists the Department in finalising the Precinct Plan.

We would welcome the opportunity to discuss our concerns further with the Department and would appreciate being kept informed of the status of the Precinct Plans and broader planning for the delivery of the Aerotropolis.

We request an invitation to any further stakeholder engagement proposed as part of the next phase of the planning for the Aerotropolis as we believe that we can make a valuable contribution to this ongoing discussion.

Should you have any questions or require any further clarifications please do not hesitate to contact Carmen Osborne of the Allam Property Group who are advising me on these matters; on 0414 718 726 or at carmeno@allam.com.au.

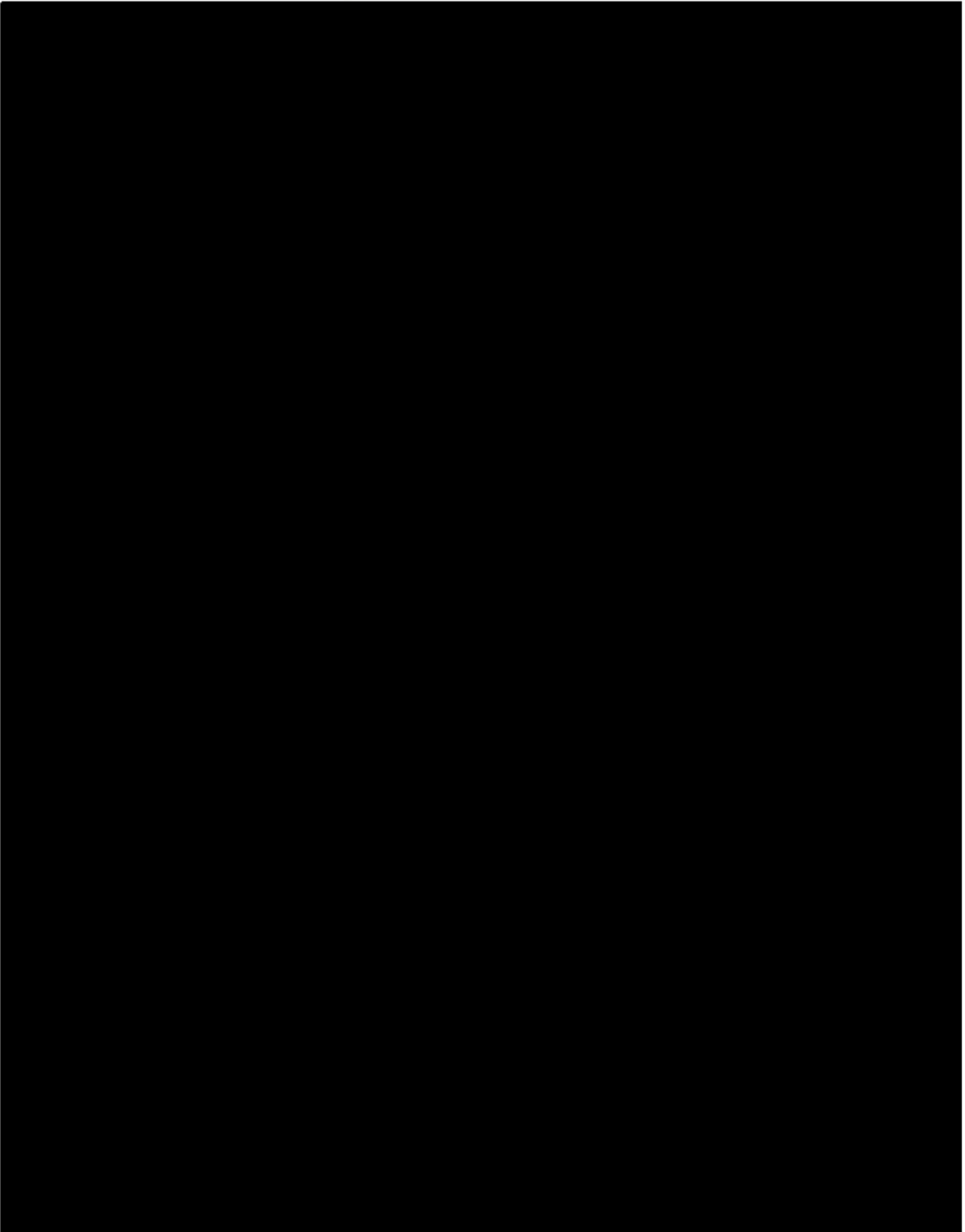
Yours sincerely,



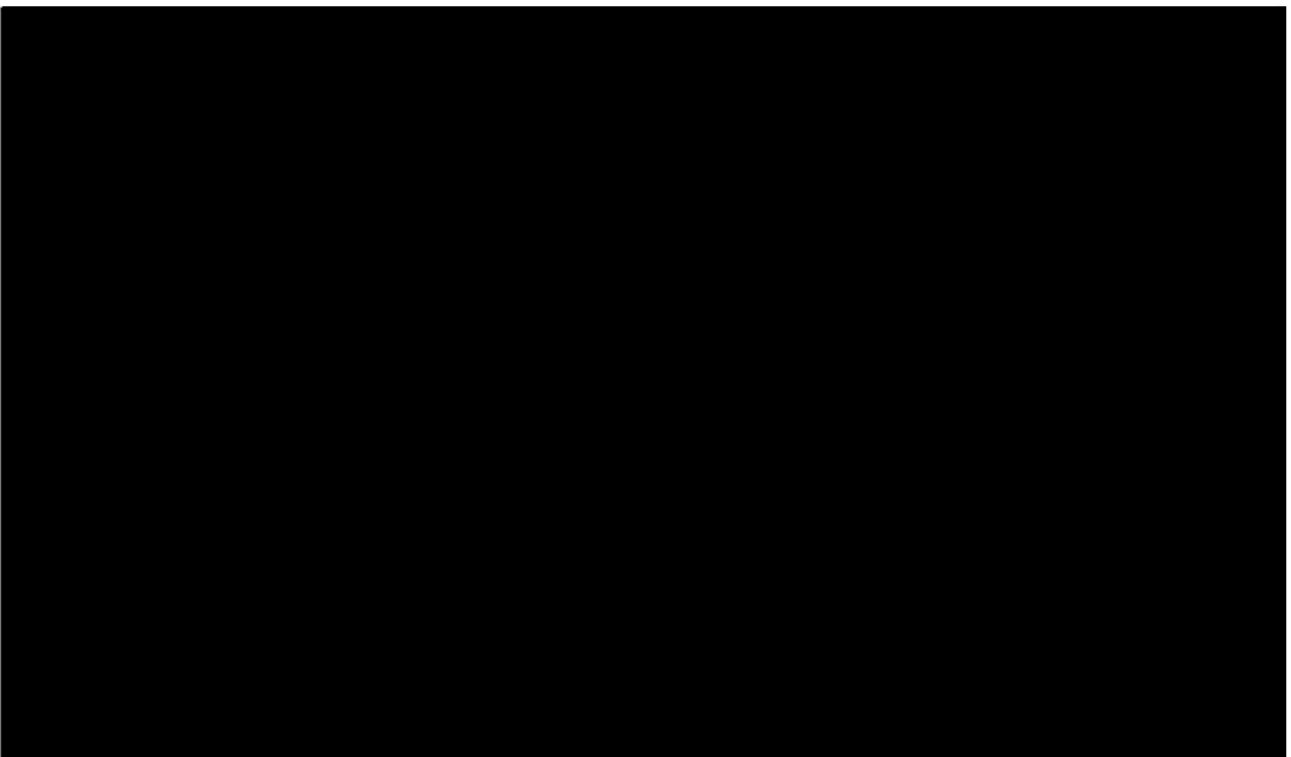
Sulamaan (Steve) Allam

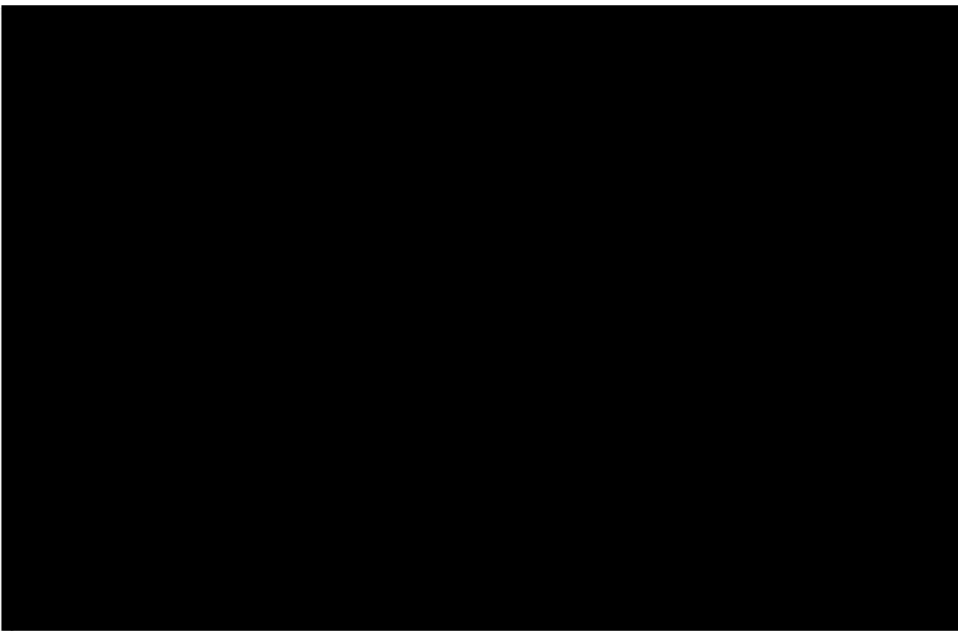
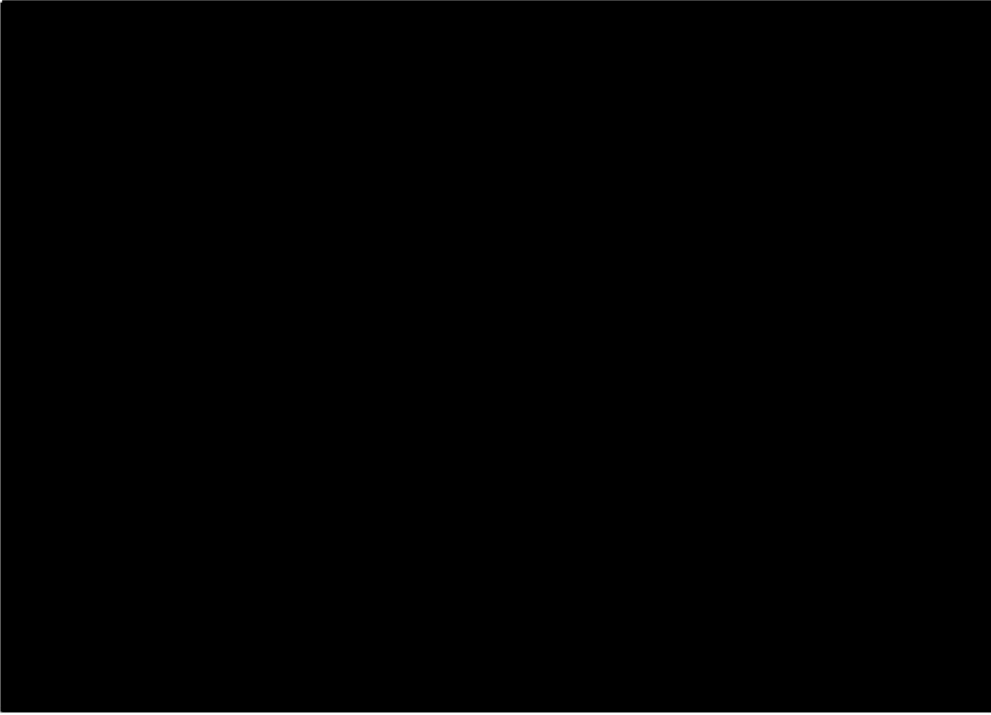
Landowner

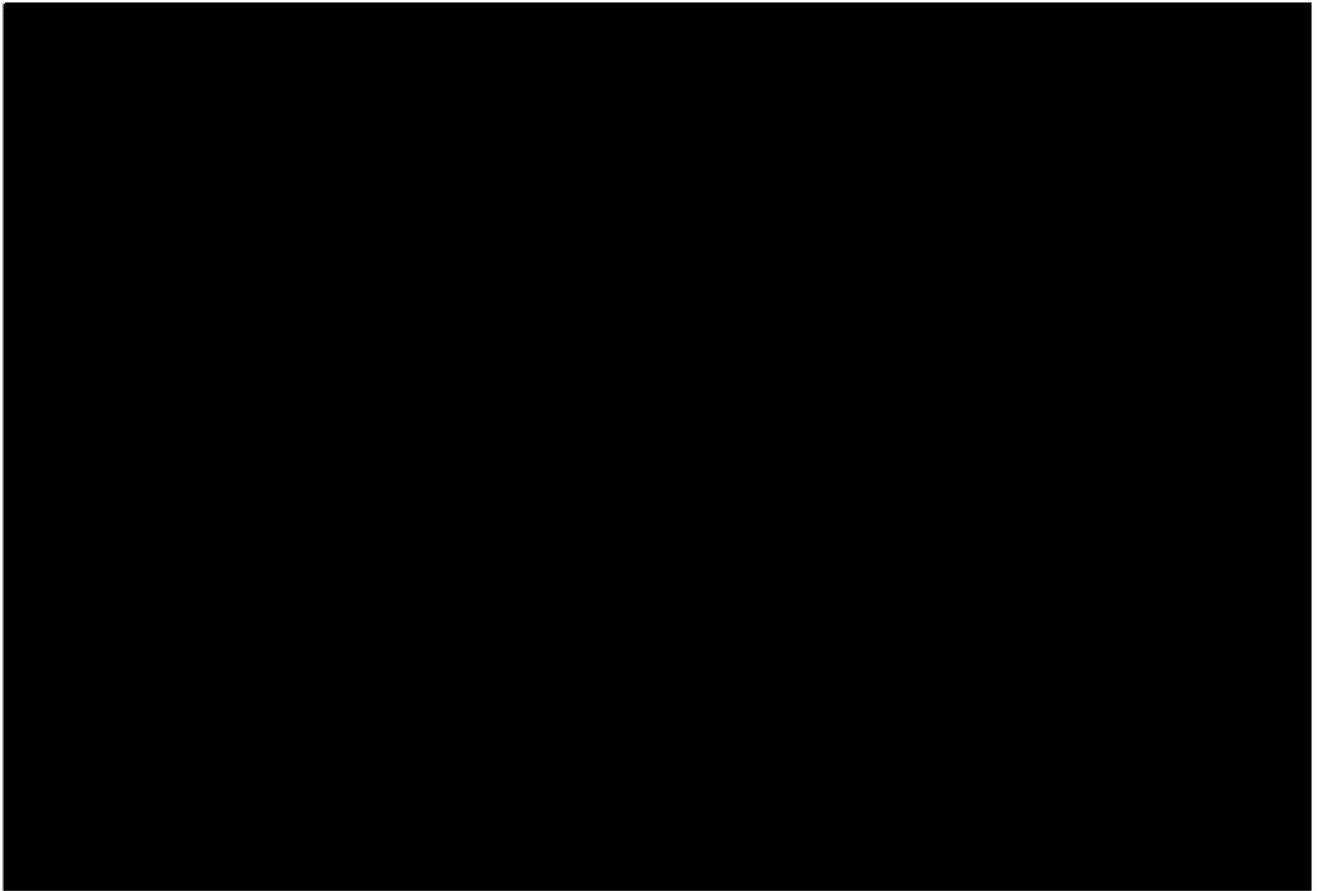
Appendix A – The Property



Appendix B – Proposed Drainage Basin & Open Space Land Take







Subject property

Appendix C – Aerial Photography

