

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>
Sent: Friday, 12 March 2021 8:14 PM
To: PPO Engagement
Cc: eplanning.exhibitions@planning.nsw.gov.au
Subject: Webform submission from: Western Sydney Aerotropolis Draft Precinct Plans
Attachments: wsa-draft-precinct-plans-submission_n-stepanov-2.docx

Submitted on Fri, 12/03/2021 - 20:06

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Nick

Last name

Stepanov

I would like my submission to remain confidential

No

Info

Email

[Redacted]

Suburb/Town & Postcode

Bringelly NSW 2556

Submission file

[wsa-draft-precinct-plans-submission_n-stepanov-2.docx](#)

Submission

Western Sydney Aerotropolis Draft Precinct Plans

My name is Nikolai Stepanov and I have been living in Kelvin Park Drive Bringelly since 1996, having purchased my 2ha block in 1988 at a premium price at the time as it was a new rural housing estate with town water. The land was until recently zoned RU4 primary production small farm lots, a zoning allowing dual occupancy, the operation of home industries, with bed and breakfast among the permitted uses.

We accepted that one day our area would be earmarked for development, due to its proximity to Sydney's proposed second airport and the adjoining major roads. However, what we weren't expecting was the poor planning policies, the lack of transparency/honesty, the complete disregard for small landowners at the behest of giving the larger developers everything they asked for and more.

Our community is completely disillusioned with all levels of government, but especially the WSA Corporation, NSW Department of Planning, the Minister for Western Sydney, Stuart Ayres and the Minister for Planning, Robert Stokes.

NSW Planning has from day One, taken purposeful steps to devalue/stagnate property values of small landowners within the Aerotropolis precincts.

The director from NSW Planning specifically stated to me that they wanted to keep "speculators" out and property values down as did Stuart Ayres before the Senate Budget Estimates committee.

They have been very successful in doing so, with our properties stagnating or dramatically falling, particularly when compared to suburbs outside the WSA precincts 5 mins away like Austral, where flood prone land is selling upwards of \$1.3 M an acre. NSW Planning have been open in their pursuit of keeping the values down. An example is when Ray Hadley on his 2GB radio program stated that representatives from the then Planning Minister's office stated that landowners in the aerotropolis precincts would all be acquired at the same rate, whether for industrial, residential, infrastructure or environmental purposes. Supposedly, no one would be disadvantaged, there would be no "winners" or "losers" as the State government wanted to avoid the acquisition issues experienced with the West Connex.

Of particular concern to residents was their stated goal regarding acquisition of land to be zoned not only for infrastructure or environmental purposes, but also for residential and industrial. The issue of land acquisition was raised at community meetings with WSA representative Brett Whitworth stating on at least 2 occasions that land acquisition would not only be for environmental/infrastructure but for "special projects". This led people to believe that the WSA Aerotropolis legislation was like that of the Bangaroo project, and that acquisition of properties earmarked for residential and industrial zonings could be acquired compulsorily (as special project) for public purposes at the artificially suppressed land values, thereby denying small landowners any of the uplift in value normally expected from such re-zonings.

So NSW Planning set about reducing our land values by originally labelling our initial precinct as "non-urban" with NSW Planning staff at community meetings telling people that it was "non-urban" because the land was flood-prone and you couldn't build on it. This was clearly incorrect, however overnight property sales fell with the values.

NSW Planning couldn't even explain what the "non-urban" really meant in relation to our properties and eventually they acknowledged this as an error and dropped the "non-urban" label.

However, they then implemented the probable maximum floodline (PMF) which resulted in our entire property falling into the South Creek Precinct which meant it was not suitable for development. This was despite the fact that 60% of property was above the 1 in 100 flood line ie. (no restrictions to building due to low flood risk with the balance being medium flood risk with building still permitted. The adoption of the PMF made our property totally undevelopable despite the front of our property being 600 metres from the small, mostly dry creek. Careful analysis of the application of this PMF (blue line on map) showed that in relation to government owned land (eg Rossmore Grange) and prominent large landowners, there was a very favourable application right down to the creek boundary resulting in properties being deemed totally suitable for development despite the properties being even lower and more flood prone. How was this allowed to happen, ie complete favourable treatment to government owned land and select large landowners at the expense of us small land owners.

After many complaints from residents and submissions, the PMF was not adopted in the SEPP and instead the 1 in 100 flood line was used resulting in our property zoned 60% mixed use residential within the Aerotropolis Core precinct

However, the balance of 40% of our property (that area below the 1 in 100year flood line) has been zoned Environmental and Recreation, which does not permit any development or activity. We have basically lost our existing rights to for eg, build a shed or a second dwelling.

NSW Planning have stated that there are no plans to acquire this land, thereby denying us any compensation for this loss. This land is now virtually worthless, devaluing our land in the eyes of any purchaser. Prior to this zoning, this land was considered valuable with officers from Liverpool Council stating in the past that it would more than likely be zoned for industrial /commercial development.

However, along comes the Aerotropolis and someone's vision of a green paradise for the people of Sydney at no cost except that borne by us small landowners, with our land sterilised for potentially decades.

And if NSW Planning decides to acquire this land, it will be for the much lower passive greenspace rate (ie 10 times cheaper than the rate for active greenspace – as discussed in the Liverpool City Council meeting minutes of Oct 2020).

So now we are at this stage where the draft precinct plans have come out and this has made things even worse for us and residents adjoining south creek. These plans released several months after the SEPP substantially reduce the 60% of our developable land, having a devastating effect on the value of our property. NSW Planning confirm that our 60% of developable land currently zoned mixed residential as per the SEPP, will be further reduced by 35%.

What is the reason for this? Why do small landowners here bear the burden of supplying environmental greenspace for the greater Sydney population with no compensation? Why is that adjoining government land and large prominent landowners not subject to the same level of greenspace forced upon them?

There is nothing that makes sense as to why perfectly good land adjoining proposed high rise development in the aerotropolis core is designated worthless. Unless it is to devalue it first, then compulsorily acquire it, later repurposing it for high rise or other development when it dawns on someone that a green zone with tall trees and bodies of water 3kms from an airport is not safe due to the real danger of bird strikes. Our property over the last few years has experienced a significant growth in variety and numbers of bird species due to land clearing for major roadworks and runway construction.

It becomes clear as to why NSW Planning considers it needs to rob us of a further 4284 sq metres of our 20,400 m2, leaving only 7956 m2, a loss of 12,444 m2.

According to the 'Biodiversity Consistency Assessment – Draft Western Sydney Aerotropolis (Aerotropolis Core, Badgerys Creek and Wianamatta -South Creek) Precinct Plan ', (a report found as part of the Precinct Planning package), a minimum of 228.76 ha of ENV is required to be protected in the Aerotropolis core, Wianamatta -South Creek and Badgerys Creek in order to satisfy the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) which was made by the then Minister for the Environment under section 126G of the then Threatened Species Conservation Act 1995 (TSC Act).

Currently an amount of 183.7 ha has been rezoned to ENV within the above precincts, but in order to satisfy the above SEPP from 2006, NSW is proposing to amend the WSA 2020 SEPP by rezoning a further 45 ha of land in my street to ENV. Again, why is it that our land, our future, our superannuation is being stolen in this way. Why are we losing a higher proportion of our land to ENV with no plans to pay for it, in essence, our land is being sterilised, whilst nearby government owned land and select large landowner developer families are zoned for maximum value use.

This should not be allowed to happen. The rights that we had under the RU4 zoning should be maintained on this part of the land until such time the government decides it needs to purchase it at the fair market value.

Our land was never regarded as environmentally significant which is evident in the 2008 Liverpool Local Environmental Plan and embedded in legislation. Please view the map at the end of this submission.

There are people in the affected areas that want to sell their property but they cannot people with health issues, aged or personal reasons...and they just cannot do it. How can 5 acres of land be worth nothing in Sydney? In a time of uncertainty during Covid which is already stressful the Planning Department have only increased the stress for all.

How can you just render land within 3 kms of the proposed runway useless, with no compensation change the use of land because

you want a park? Unbelievable!!! The arrogance of the Planning Department. They are just going through the motions and ticking their boxes.

The treatment of us reeks of corruption and arrogance of the government. This is evidenced with the recent ICAC hearings and enquiries into suspicious LANDCOM deals in Wilton and Govt purchases in Camelia. Back in 1996 the ex-Labour Premier in his capacity as chairman of CSIRO sold without tender a 344ha parcel of Govt owned land for \$3.5m. Funny how this CSIRO chairman was a partner with the purchaser in a gourmet pizza business. This parcel of land sold this week for \$499 Million. Looks like not much has changed.

Prime land next to the airport now rendered useless. As small landowners we are overlooked and only the large land owners are taken care of. There is no fairness and no equality...and it is really who you know.

We want fairness and equality.

We are just small landowners that chose to live a rural lifestyle are now fully or partly green, why isn't DPP putting in a Wianamatta South Creek open space (regional park) corridor as they do for all public spaces and offer Just Terms Compensation and give us the same certainty as they have given Thompson Creek residents?

Housing shortage & affordability, why is there so much good developable land being zoned as excessive Green space.

Government owned land has been zoned to achieve the highest use, surrounding residents have been classified as parks to offset the use even when the land is fully developable. Will there be compensation for the lower order use? If not, there is no incentive to amalgamate and development will be slowed or stopped.

Due to current market conditions within our area and its surrounds, how do you expect us to buy another house close to our family, friends, doctors, schools, support when you will be severely hindering our ability to gain any capital to purchase back into the area or its nearby surrounds.

It is unacceptable to burden land owners with green space within the mixed use zone, fully knowing developers will approach land owners and negotiate a price based on the those controls, severely impacting land owners.

The documented amount of environmental significant land compared to the Environmental & Recreational precinct - clearly the bulk of it is recreational therefore it is public purpose, so why are they not being acquired.

Linear parks are overly wide (70m+) in areas that would otherwise be unincumbered and suitable for development.

Fragmented lands need to be amalgamated, in many circumstances entire properties have been marked as greenspace. These properties would not have any incentive to amalgamate. This will slow or stop development.

Who will maintain all these extra parklands? Who will ultimately own them? Council, State Government, private ownership etc. Consultation & transparency is a complete FAILURE The lack of information and transparency and obvious complete lack of any coherent planning and budgeting for land acquisition of green space throughout the area within a reasonable time frame is mind blowing. That the Department of Planning Minister and Minister For Western Sydney consider this to be acceptable clearly shows how they look at us with disdain and only care about the prominent developer families.

Considering most government projects have a history of running over schedule and massively over budget, as well as corruption allegations & ongoing ICAC investigations.... Is it any wonder, land owners have no confidence in all levels of government involved!

There doesn't seem to be any acceptable plan or strategy on how the excessive green space within the initial precinct land release will be transferred from Private Ownership to Public purpose and within what time frame. We keep being told, "at this stage the only land identified for acquisition is Thompson's Creek" Liverpool City Council has also acknowledged the excessive amount of green space and has no idea when Council will be in a position to be able to afford to acquire any green space! This is not acceptable and deprives land owners from their basic right to freedom to move on with life.

The local rural community and residents of NSW expect better from representatives elected to represent them and would welcome a full PUBLIC inquiry.

Current exhibited precinct plans are too inconsistent, and in its current form will clearly benefit major developers and cripple land owners saddled with enormous tracts of green space unnecessarily.

Who will be responsible for the mental health of land owners and their families captured in green zones, being forced to stay "prisoner" on their property for an undisclosed period of time? The loss of basic human rights to get on with life that is available to the rest of Australia.

BREACHING OF HUMAN RIGHTS

The subject landowners' human rights are being breached by NSW Government.
How So? The Universal Declaration of Human Rights ("UDHR") provides:
Article 17.

1) Everyone has the right to own property alone as well as in association with others.

2) No one shall be arbitrarily deprived of his property." The injurious affection caused by imposition of recreation and environmental zoning, which impairs landowners' ability to use their land held under freehold title (or indeed leasehold title) is a deprivation of property rights in breach of Art.17 (2)

Why did the Department of Planning & Environment & Planning Partnership engage AVISURE to do a Western Sydney Aerotropolis Draft Wildlife Management Assessment Report and inform AVISURE what visions were “not negotiable” in enabling the vision for the Parkland City to be achieved?

Public Safety should always be the priority, it would seem a landscape led approach with planning cannot be compatible with safe operations of 24hr airport that meets Government standards or legislation.

The AVISURE report suggests that the precinct planning conflicts with airport operation and it is a safety risk to aircraft having so much greenspace in close proximity.

The lack of a detailed register of bird/bat & wildlife & migration – a recommended 6 year assessment appears to be missing – we appear to have a 3 day assessment around 2018 & a 6 month assessment in 2020 & that assessment being done on “what we do know”....there could be a whole lot of “what we don’t know” Since the roadworks all native wildlife and birds are now distributed in a smaller area and the local bird population has increased 3 kms away from the airport runway. Keeping and increasing environmental land so close to the airport just doesn’t make any sense.

The increase in water retention areas/wetlands that don’t already exist & millions of tree planting to attract bird/bat/wildlife? Who is held responsible?

Precinct plans look to keep farm dams in close proximity to the airport which is a bad idea, dams are not suitable in urban environments.

Creek lines have been retained even where no creeks appear and have gone overboard with the mapping. Catchments have been changed as a result of the road layouts and many will have less or piped water.

The ecology reporting is significantly underdone. No ecology technical report has been prepared. How can it be master planned without considering ecology? The Precinct Plan apparently sits on the SEPP, this is state level documentation which is overly restrictive especially since the reporting is not complete.

Major Developers are given the opportunity to master plan a 100 ha location and simply lodge an amendment to precinct plans under a planning proposal for consideration or ultimately a Land & Environment Court determination, if they are not happy with the existing controls. This creates opportunity for corruption, bullying & unreasonable pressure on inexperienced land owners and unconscionable conduct.

If developers are going to buy land and develop they make enough money from their sales and it should be their responsibility to provide open space as part of their planning proposal which meets the DOP & PP requirements, which could be done through a VPA arrangement, it should not be the burden of mum & dad land owners by voiding all development potential from their land.

In conclusion we want the following:

- 1) The Environmental & Rec zoning is totally abandoned.
- 2) The proposed amendment to the WSA SEPP increasing this Environmental & Rec zoning is abandoned.
- 3) Developers in their designs include any green zones as a percentage.
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- 6) Land rates to be held at single dwelling home on suburban block or held at rural rate amounts and not to be used to force families off their property with lower sales values because of zonings and restrictions.

I agree to the above statement

Yes

Disclaimer

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, on behalf of **Liverpool City Council**.

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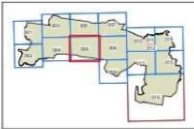


Liverpool Local Environmental Plan 2008

Environmentally significant land map - sheet ESL-006

Legend

- Environmentally Significant Land
- State Environmental Planning Policies**
- SEPP Major Development 2005
- SEPP Sydney Regional Growth Centres 2006
- SEPP Western Sydney Parklands 2003
- Cadastral**
- Cadastral 1:67,2014 © Land and Property Information



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0 200 400 600 800
Metres
Scale: 1:25,000 @ A3
Projection: GDA 94
MGA Zone 56
Map Date: 16/07/2014
Map ID: 1672014_006

