

2 September 2013

NSW Department of Planning & Infrastructure  
Level 5  
10 Valentine Avenue  
PARRAMATTA

Dear Sir/Madam,

## **East Leppington Precinct Plan: 1412-1420 Camden Valley Way, Leppington**

### **Overview**

Joncarm Holdings Pty Ltd and Miclia Pty Ltd are the registered proprietors of 1412 Camden Valley Way, Leppington, being lot 8 in DP 27877, which is located within the 'East Leppington Precinct' that is currently on public exhibition.

The site is currently zoned RU1 Primary Production, and is used as a child care facility known as 'Care for Kindies' which is a family owned and operated business that has successfully been caring for children in Sydney for over 20 years. We are dedicated to childcare and the community and take pride in the high quality service our centres provide. The site was purchased in 2006 recognising the future growth potential of Leppington to grow the child care customer base, but also separately recognising the opportunities for alternative land uses that were consistent with the strategic vision for the area (such as higher density residential).

Having fully reviewed the documentation currently on public exhibition (and attending the recent consultation sessions), we understand that the majority of our site will be rezoned and subject to compulsory acquisition to accommodate drainage and stormwater infrastructure (being part of the land to be zoned SP2 Local Drainage), local road development (being the part of the land to be zoned SP2 Local Road, as well as passive open space to serve the wider precinct (being part of the land to be zoned RE1 Local Open Space). This is the first time as landowners that we have been made aware this land use change and we are understandably concerned about a number of matters and considerations. Specifically, in order to fully understand these potential impacts on our property, we request clarification from the Department on a number of matters identified below:

### **Ongoing use and operation of the child care centre building on the site**

Our first point of clarification from the Department is whether the existing, established child care centre on the site could remain operational once infrastructure works are introduced on the site.

The Draft Indicative Layout Plan (ILP) indicates that a large portion of the site is planned to be rezoned to SP2 Infrastructure (Drainage), SP2 Infrastructure (Road) and RE1 Public Open Space. A remaining portion of land on the western property boundary is designated as R3 Medium Density Residential, however the scale of the ILP Map makes it difficult to confirm whether the existing child care centre on the site is within or outside of the SP2 Infrastructure (Drainage) zone.

Should the Department confirm that the existing child care centre is outside of the SP2 zone, we would request that Cardno (or the relevant hydraulic consultant) provide clarification (and technical evidence) that the on-going use and operation of the child care centre could remain without being adversely impacted by the surrounding drainage infrastructure works.

### Alternative land uses on the subject site

The majority of land parcels adjacent to Camden Valley Way in the Precinct Plan are proposed to be zoned R3 Medium Density Housing. Presumably this provides higher densities proximate to transport infrastructure along Camden Valley Way, which connects to regional bus and train networks in the precinct.

While the Water Cycle Management Report prepared by Cardno indicates that a large portion of the subject site is affected by the 100 year ARI, the front portion of the site (i.e. adjacent to Camden Valley Way) is unaffected by this designation. Therefore, putting to one side the flood constraints, the underlying zoning of the site should be for Medium Density Housing. In accordance with the supporting documentation, this zone could notionally support up to 25 dwellings/hectare and a maximum building height of 12 metres.

If the site was not burdened by large scale infrastructure requirements imposed by the Department, our opinion is that the northern part of the site could accommodate an expanded R3 zoning in a consistent manner with sites along Camden Valley Way.

Our view would be that the highest and best use of the site is for R3 Medium Density Residential, as this is consistent with the future land use pattern along Camden Valley Way as discussed above. Initial discussions with Mr Nyambura Mwaniki at the Department have indicated agreement with our observations.

### Future acquisition of the subject site

As indicated on the 'Land Reservation Acquisition Map', the majority of our site is subject to future acquisition by Liverpool City Council. We understand that Council, in due course, will seek to compulsorily acquire the land in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

While we will be seeking separate legal advice on this matter, our understanding is that we will be justly compensated for the land to be acquired, and that the value of the land will be based on the highest and best use of the land as at the acquisition date.

### Next Steps

As you can understand, we are obviously very concerned about the ongoing operation of the child care centre on the site, and equally our potential plans, options and development rights for the future use of this strategically located property.

We note that properties with similar drainage lines are not proposed to be rezoned SP2. We would like the Dept. of Planning to consider zoning the whole of our land R3.

We would appreciate the opportunity to meet with the Department at your earliest convenience to discuss the above matters, once you have considered the key points we have raised.

Yours sincerely,



John Cook  
General Manager  
Joncarm holdings Pty Ltd and Miclia Pty Ltd