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Date: 9 September 2015
Our Ref: PR129186
Via: Electronic submission lodgement

Mr Paul Robilliard, Director
Housing Land Release
Department of Planning and Environment
GPO Box 39, Sydney NSW 2001

Attn: Evelyn Ivinson, Team Leader

Dear Paul

Draft Riverstone East Precinct Plan: 28 Clarke Street, Riverstone

We are writing to object to the proposed rezoning which is currently on public exhibition for our client's property located in the Riverstone East precinct. The client has owned the property since 1991. The property at 28 Clarke Street, Riverstone, being Lot 8 in DP 30211 (The Site), is proposed to be partially rezoned for a local drainage channel, parallel to the south boundary. This drainage channel coincides with the existing dwelling on the site.

I request an alternative approach which will better meet the objective of our client to retain the dwelling and facilitate economic development of the land.

1. The Site

The site has a total area of 2.148ha and is rectangular in shape with a 70m frontage to Clarke Street on its western boundary and a depth of 290m. Besides the existing dwelling fronting Clarke Street there are a number of other structures on the site, including a private driveway to the middle of the property, three large sheds and other outbuildings. There is also a farm dam in the centre of the lot.



Figure 1 Aerial view of the site (Google Maps)

2. The draft Precinct Plan

The draft amendment to rezone part of the Riverstone East precinct for urban development proposes to rezone the subject lot into two separate zones. The draft Zoning Map proposes:

- a narrow strip parallel to the south boundary up to the centre of the lot as SP2 – Local Drainage, and
- the remainder of the site including the sliver between the SP2 zone and the south boundary is zoned as R2 – Low Density Residential.

The site is shown on the draft Zoning Map and Indicative Layout Plan in Figures 2 and 3 below.

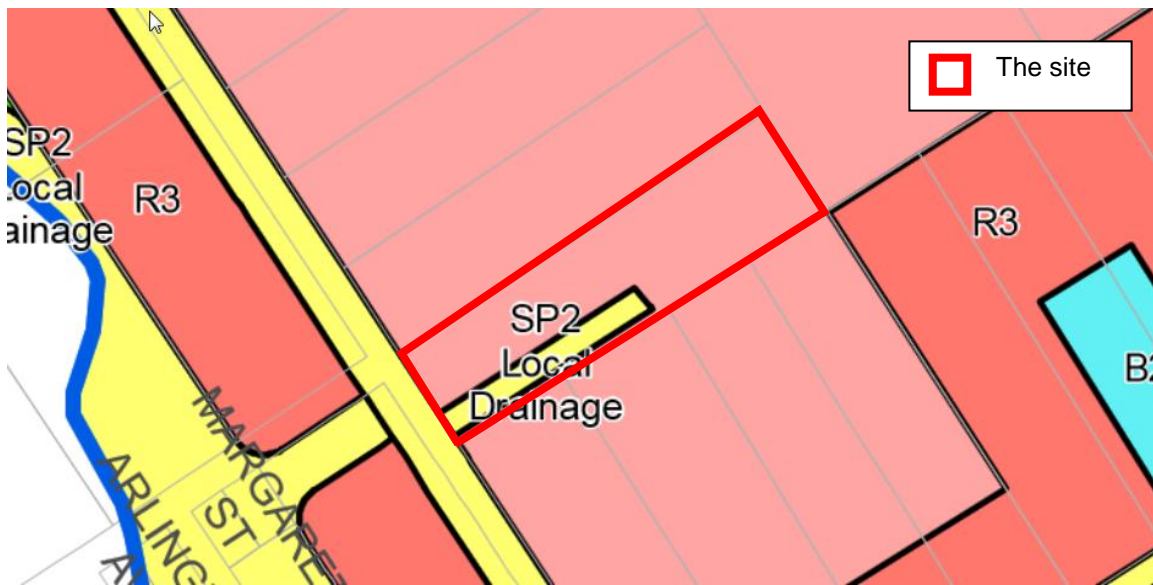


Figure 2 Extract from Draft Riverstone East Zoning Map



Figure 3 Extract from Draft Riverstone East Indicative Layout Plan (web version)

3. Flood Response

The location of the SP2 zone on the site reflects a linear interpretation of areas affected by flooding, according to the Water Cycle Management Report for Riverstone East (Mott MacDonald). Figure 4 illustrates the areas affected by the 100 year floods.

However, the majority of land east of Clarke St affected by the 100 year floods is further south of the site as evident in Figure 4. The management of the 100 year flood would be better facilitated if the drainage channel was located further south of the site to the centre of the identified flood area. This suggests the potential for an alternative location for the drainage channel further to the south on the adjoining lots.



Figure 4 Extract from Mott MacDonald Report – Existing Flood Extents 100yr ARI

4. Concerns with the draft precinct plan

The drainage channel on the site is proposed to be a creek with a riparian zone surrounding the channel. As the creek does not currently exist on site, the acquisition authority would be required to artificially create the watercourse and associated riparian zone.

The location of the creek on the site coincides with the location of our client's existing dwelling on which alterations and additions have recently been approved by Council and subsequently constructed. It is likely that the entire dwelling would need to be demolished in order to create the drainage channel.

This outcome is clearly not appropriate and would significantly impact on our client's comfort in the medium to long term occupation of the site within a dwelling which is a product of significant financial investment. Blacktown Council approved a development application (DA 12-597) for the extensions of the existing dwelling on the site in 2012, works which were completed and an OC obtained only recently. The existing dwelling on the site conforms to the proposed low density residential zoning for the remainder of the site.

Should the drainage channel be compulsory acquired on the site, the existing dwelling will be unreasonably impacted and the remaining area on the lot will be an irregular shape. The site will

form a U-shape with a sliver of land along the south boundary and this could be problematic for the future subdivision of the site for our client and will highly depend on cooperation with developers or landowners on the adjoining site. This cooperation is not always possible or beneficial to the other parties involved.

The adjoining lots do not contain any impediments which would restrict the relocation of the drainage channel to an alternative area to the south of the southern boundary of the subject site to better suit the existing conditions on the ground and the existing impressions in the land.

5. Requested alternative approach

It is acknowledged that a local drainage channel is required to manage the 100 year flood across the site and the adjoining lots. However there is an alternative approach which can respond to this situation without unreasonably penalising landowners in the Precinct.

An amendment to the exhibited draft Riverstone East Precinct is requested to:

- a. zone the entire subject site as R2 – low density residential, and
- b. reposition the local drainage channel (SP2 zone) slightly to the south across 194 and 184 Guntawong Road, along the rear boundary of the lots.

Figure 5 below illustrates the areas recommended to be amended.



Figure 5 Proposed Alternative zoning

The small amendment will:

- Allow our client to retain the prominent existing dwelling on the site, which also aligns with the proposed low density residential zoning for the site and adjoining lots.
- Minimise the impact on existing development as there are no existing buildings or structures located at the rear of 194 and 184 Guntawong Road. This area is vacant and will not require any demolition works.
- Utilise the existing landform by creating the watercourse in the existing impression in the landscape.
- Improve the facilitation of local drainage and the management of floods in the area by positioning the drainage within the centre of the 100 year flood extent.

Please do not hesitate to contact me on (02) 8270 8300 or by email liz.coker@rpsgroup.com.au if you require any further details or to discuss this submission.

Yours sincerely

A handwritten signature in blue ink that reads 'Liz Coker'.

Liz Coker
Principal Planner