Dear Sir/Madam,

RE: Submission in response to the public exhibition of the draft Precinct Plan for the Riverstone East Precinct, in the North West Priority Growth Area. Specifically - 72 Tallawong Rd, Rouse Hill, NSW, 2155

Thank you for the opportunity to comment on the public exhibition. This submission has been prepared by Marija Toij, the daughter of Joze and Ljilja Toij who have been the land-owners and rate-payers of 72 Tallawong Road, Rouse Hill (herein referred to as the site) for 27 years.

In addition to this submission, the owners have engaged the services of a town planner and the owners will make further submissions on their own behalf. They have obtained an extension until 02 October 2015 as they were overseas when the plan was released.

These submissions highlight that the reality is that the best zoning of the property is R3 Minimum Density Residential with a minimum density yield of 45 per hectare due to the site’s close proximity to the Cudgegong Railway station and associated amenities. This is in line with the statutory framework that ought to be underpinning the planning of the precinct.

As well as being very well positioned, the site is free from constraints for development. The owners are willing to co-operate with development.

This submission demonstrates that the current proposed zoning fails to deliver the outcomes and objectives of a Plan for Growing Sydney, released on 14 December 2014, the former Draft Metropolitan Strategy for Sydney to 2031, the State Environment and Planning Policy SEPP (Sydney Region Growth Centres) 2006 and the North West Rail Link Corridor Strategy for Cudgegong Station released in 2013. The current proposed zoning should not proceed because it is inconsistent with recommendations made by the technical studies on exhibit and The Land Use and Infrastructure Delivery Plan for Riverstone East. It does not make good planning sense.

The best use of the land is take advantage of the high amenity of the area and zone the entire site R3 Minimum Density Residential with a minimum density yield of 45 to assist to overcome Sydney’s current housing shortage by providing quality housing through transport oriented planning.
1.0 The site

**Street address:** 72 Tallawong Rd, Rouse Hill, NSW, 2155
**RDP:** 65/DP30186
**Land area:** 5 Acres
**Proximity to Cudgegong Station:** Approximately 400 metres

The site is located within the Blacktown Local Government Area, and is within a radius of approximately 400 meters from the proposed Cudgegong Road Station on the North West Transit Corridor. The site is located within one of the 16 precincts contained within the North West Growth Centre, which is an area released for urban development for approximately 70,000 new dwellings over the next 25 years. It is also within close proximity (2.5 km drive) to the Rouse Hill Town Centre, a Major Centre in the Plan for Growing Sydney.

The best use for the site to be zoned is:

- **Medium Density Residential (R3), with a minimum density yield of 45 dwellings per hectare**

"Figure one: Arial view of the site"
2.0 Current proposed zoning of the site by the Department of Planning as exhibited

The draft Precinct Plan for the Riverstone East Precinct, in the North West Priority Growth Area, proposes that the site 72 Tallawong Rd, Rouse Hill, NSW, 2155 be zoned as follows:

- Community Facilities (SP2)
- Local Open Space (RE1)
- Medium Density Residential (R3)
- There appears to also be provision for a local road within the area zoned R3

As a result of the above zoning, well over 75% of the property would not be developed despite its close proximity to Cudgegong Station.

The current proposed zoning effectively sterilizes the development potential of the land and thus denies the future population from the site’s best use, despite its close proximity to the station.

The current zoning is also inconsistent with best practice and stated objectives in the exhibited documents, which will be explored further in these submissions.

3.0 Suggested zoning to R3 Medium Density to capitalize on potential for the future population, in line with the legislative frameworks underpinning planning

3.1 Close proximity to Cudgegong Road Station and associated amenities

We submit that the best planning outcome for the future population of Riverstone East is for the entire site to be zoned Medium Density Residential (R3), with a minimum density yield of 45 per hectare as per the sites adjacent to the south of the property towards Schofields Road and consistent with vision published in the North West Rail Link Corridor Strategy for Cudgegong Station released in 2013 (NWRLSCS) and the Department of Planning publication North West Rail Link Cudgegong Road Station Structure Plan – A Vision for Cudgegong Road Station Surrounds released in March 2013 (NWRLCRSP).

This strategy (NWRLSCS) identified the best use for the site as “Medium Density Apartment Living” in line with the government’s strategy to create affordable housing within transport corridors. Specifically the vision envisaged was for the site to provide medium density apartment living “within close proximity of the station and associated uses”. A need for open space was not envisaged at the site. See figure two below:
Above: Figure Two. Source - Figure 20: Draft Structure Plan for the Cudgegong Road Study Area - North West Rail Link Cudgegong Road Station Structure Plan – A Vision for Cudgegong Road Station Surrounds – Page 25. (I note since the release of this strategy, Area 20 heights have actually increased to heights above those recommended with the NWRLCRSP.)

Above: Figure Three. Source Figure 27 – Proposed Location of Medium Density Apartment Living - North West Rail Link Cudgegong Road Station Structure Plan – A Vision for Cudgegong Road Station Surrounds – Page 27. (I note since the release of this strategy, Area 20 heights have actually increased to heights above those recommended with the NWRLCRSP.)
The current proposed zoning within the draft Indicative layout plan (ILP) completely ignores the vision for the site and the overall objective for transit oriented development by increasing density closer to the Cudgegong Railway Station, associated employment areas and the planned Local Centre. The Strategy assumes that there will be increased demand to live on properties such as the site due to the “high level of amenity and quality of life afforded within Cudgegong Road…” There will be “improved access to social, recreational and employment opportunities as a result of the North West Rail Link” - Page 30.

The site is also within an easy 5 minute walking distance to Cudgegong Road Station, land zoned for employment, local schools and the local centre adjacent to the station. It is partly adjacent to existing 10 acres of parkland in Cudgegong Reserve. It is also less than 2.5 km from Rouse Hill Town Centre and less than 1.3 kms from Rouse Hill Regional Park.

3.2 High Demand for transport oriented housing to ease Sydney’s housing shortage and housing affordability issues

Due to the excellent amenities easily accessible to the site, it will be a popular location to live. Demand will be high for apartment living, as it already is in Area 20. The site should be zoned R3 as suggested. This is in line with legislative objectives that should be guiding planning, especially those that are aimed at addressing Sydney’s current housing shortage and affordability issues. The legislative framework will be discussed further below.

It seems absurd to be knocking down houses to create apartments at neighbouring stations along the North West Transit Corridor and yet not maximise apartment building in a Greenfield site such as this. Common sense planning would be to supply the demand for apartment living on the current site.

It appears that Sydney is not yet on target to meet the housing needs of its growing population and is struggling with a shortage of housing supply. This site should be maximised for its development potential and be zoned entirely R3. People want to live closer to train stations.

The Housing Study for Riverstone East precinct prepared by SGS Economics and Planning at page 13 states that there is a strong demand from buyers in the Blacktown LGA for compact properties such as apartments that are within close proximity to train stations. This study supports the notion that higher density dwellings/apartments should be located on properties such as the site, as opposed to areas in stage two that are not very close to the station:

Real estate agents consulted identified that many buyers were looking for properties close to train stations, enabling workers to access their jobs in eastern Sydney. There is strong demand for properties near stations, and people are tending to look for more compact properties. Buyer profile tends to be baby boomers who are downsizing or Gen Y families looking to enter the housing market, both of whom look for smaller homes close to public transport. Smaller complexes with lower strata fees and fewer people moving in and out of the complex are favoured.

Consultation suggested that apartments would be most likely to locate close to the station, with the size of units varying from 80 –90 square metres for smaller units to 180 square metres for bigger units. Agents suggested 200 –300 square metres for medium density housing near the station, however, it may be difficult to predict the price points for medium density housing in greenfield areas as medium density is usually built in infill areas.
Sydney continues to suffer as a result of the housing shortage due to a lack of supply. This has even been noted as a significant area of concern by the Reserve Bank of Australia (RBA) in its meeting minutes held on June 2, 2015. Source: RBA minutes note supply shortage in Sydney housing, *Sydney Morning Herald*, Mark Mulligan, June 16, 2015 -

The *McKell Institute submission to: Sydney over the next 20 years discussion paper* at page 8 indicates that according to the NSW Government Metropolitan Development Program housing completions data from 2006-2011, there has been a shortfall of housing supply in Sydney because the Metropolitan 2036 targets for new dwellings set by government have not been met, particularly in the North West:

Based on the Metropolitan Strategy 2036, Sydney should have built over 116,000 new homes over the last 5 years. Less than 70,000 new homes were built.

This stark fact highlights why Sydney’s housing is in crisis.

The regions that delivered the lowest proportion of their targets were the Greenfield growth regions of the North West and the South West, while the established regions of the Inner North, South and Sydney CBD follow in under delivery.

The institute promotes transit oriented development by focusing higher densities near train stations, at Page 12:

4. A focus on Transport Oriented Development

The discussion paper Sydney over the next 20 years appropriately raises the importance of linking housing development with transport nodes.

Transport Oriented Development (TOD) is essential if we are to provide housing stock that is fully integrated into communities and provides residents with transportation options.

TOD focuses on constructing high density urban development, both housing and commercial, in close proximity to railways stations. This housing provides excellent access to transport and is generally met with less community opposition than significant development in other residential areas of suburbs.

The associated benefit of reducing car usage also has a positive impact including reduced congestion and reduced carbon emissions.

And further at page 12:

The NSW Government should implement a State Environmental Planning Policy (SEPP) which exempts development within a prescribed distance from Sydney’s train stations, provided it meets good design standards. In Perth the distance prescribed is 800m which we suggest should be considered in Sydney.

Given that the site is approximately 400 metres, from Cudgegong station, its best use is R4 zoning.
3.3 Increase in Height of Buildings

The site is bounded by the Cudgegong Rd Reserve to the North, which is an existing 10 acre reserve owned by the council.

The land opposite to Cudgegong Reserve is on the corner of Rouse Road and Cudgegong Road. It is now known as Parklands Estate and has already been sold.

It has the current zoning in place:

- **Density**: 25 dwellings per hectare
- **Height**: Maximum height of building is “O” 16 metres - *State Environmental Planning Policy (Sydney Region Growth Centres) 2006, North West Growth Centre Height of Buildings Map Sheet HOB_009*

The current proposed zoning of this site is:

- **Density**: 25 dwellings per hectare
- **Height**: Maximum height of building is “M” 12 metres - *Draft SEPP Height of buildings map*

There is no justification for the variances in the height of buildings that are supposed to deliver the same density between the Area 20 release and Riverstone East Release.

We argue that the site should be zoned at minimum with a height of “M” 16 metres.

However our primary argument is that the site should be the actually be zoned in the same density of a minimum of 45 dwellings per hectare as the neighboring four properties to the south and towards Schofields Road in order to maximize on the close proximity to the station.

The site will is in very close proximity to the NWRL transit stabling yard to the west and proposed sporting fields. It is partly adjacent to the Cudgegong Reserve to the East. Given the fact that so much land cannot be developed, it makes sense to zone the site at the same higher densities as the properties to the south to maximize the density of the land that can be developed for residential purposes. There will not be overcrowding or shadowing issues due to the significant area taken up by these other uses, particularly the stabling yards.

Furthermore we believe the site and neighboring properties to the south and towards Schofields Road should see an increase of building heights to match those they adjoin in Area 20. Hence the maximum building height should be increased from "O" 16 metres and “M” 12 metres as per the current proposed Riverstone East height of Building SEPP Map to “T1” 26 metres as per the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006, North West Growth Centre Height of Buildings Map Sheet HOB_009*.

See Diagrams on the following pages:
Figure Four - Proposed SEPP Height of Building Map - Riverstone East. Highlights the inconsistency to height zones in Area 20.
Figure Five - Area 20 Height of Building Map SEPP - State Environmental Planning Policy (Sydney Region Growth Centres) 2006, North West Growth Centre Height of Buildings Map Sheet HOB_009. Highlights the inconsistency in zoning of heights even though the properties are adjoining and located within the same proximity to the proposed Cudgegong Rd Station. There is no justification for this variation in height.
3.4 The site is free from development constraints and encumbrances

The land is free from encumbrances and has no significant constraints for development. This is evident in the combined constraints map – see figure four below.

A number of independent studies have been arranged by the Department of Planning that highlight the development potential of the land and the fact that there are no constraints.

Schedule 7 of the Proposed Amendment to Blacktown City Council Growth Centre Precincts Riverstone East Precinct, Area 20 Precinct, Riverstone Precinct – Schedule 7 show that the site is not flood prone, is not an area of potential salinity, there are no issues with bushfire risk, the area is not “high potential” for aboriginal heritage and there is no European heritage.

Figure 1-1 Land Application Map 9
Figure 3-1 Indicative Layout Plan 12
Figure 3-2 Key elements of water cycle management and ecology strategy 14
Figure 3-3 Flood prone land 15
Figure 3-4 Areas of potential salinity 16
Figure 3-5 Aboriginal cultural heritage 17
Figure 3-6 European cultural heritage 18
Figure 3-7 Bushfire risk and Asset Protection Zone requirement 19
Figure 3-8 Sites that require additional contamination investigation

When the owners purchased the site 27 years ago it had already been cleared of established trees. There are no established trees or watercourses on the site. Therefore there it is not logical to keep the land as a park or open space in relation to creating a corridor for biodiversity/ecology. See figures five and six below from the bio-diversity study commissioned by the Department of Planning (Riverstone East Precinct: Biodiversity and Riparian Corridors Assessment). The site should not be preferred for open space over sites in the area that have these ecological features.
Figure Six – Source: Riverstone East Land Use and Infrastructure Delivery Plan Page 7. The site has no constraints.
Figure Seven above shows that the site (marked in red) does not have an existing creek line. It should not be preferred as use for open space over other properties that do have these features. Source - Riverstone East Precinct: Biodiversity and Riparian Corridors Assessment showing NSW Office of Water existing hydrolines – Page: 37
Figure Eight above shows that the site (marked in red) does not have any land area of conservation significance. The site should not be preferred as use for open space over other properties that do have these features. Source - *Riverstone East Precinct: Biodiversity and Riparian Corridors Assessment* showing NSW Office of Water existing hydrolines – Page - 22
4.0 Specific Objections to Current Proposed Zoning as exhibited in the ILP

4.1 Local Open Space RE1

4.1.1 Inconsistency with the Delivery Plan and zoning in Area 20

Page 8, paragraph 3.1.1 of The Land Use and Infrastructure Delivery Plan indicates that the ILP supports an open space network of interconnecting open space from Riverstone East and First ponds creek to Rouse Hill Regional Park in Area 20.

3.1.1 Public domain and the natural environment

A public domain framework of streets and open space that creates a connected network linking places within the Precinct and places adjoining the Precinct, particularly along First Ponds Creek, and to Rouse Hill Regional Park and Cudgegong Station in the adjacent Area 20 Precinct.

We note that this is not the case in relation to 72 Tallawong Rd Rouse Hill. There is no corridor established by using 72 Tallawong Rd as open space.

The land located on the corner of Cudgegong and Rouse Rd is no longer zoned as open space (despite the fact that is identified as being zoned SP2 - public use drainage) in the draft ILP on display for Riverstone East. This land that is now owned by Capital Corporation (presumably purchased by developers while previously zoned for future acquisition by the Department of Planning as SP2) has already been sold to the public for "off the plan" terraces and apartments as part of the Parklands Estate. The Terraces have in fact "sold out" according to the web-site.

The google Map below shows the area marked as “Green open space” although this is not the case since the ILP for Area 20 was released on 27 March 2015. The land has now been zoned R3 with a building height allowance of 16 metres.

The logical conclusion would be that had there been a pressing need for a green space corridor, then the Department of Planning would have supported keeping the land on the corner of Cudgegong Roads and Rouse Road as open space.

Presumably this was not done due to the site's close proximity to Cudgegong station and the associated amenities, making it an excellent site for high density residential living.

There is no justification for not applying the same principles for 72 Tallawong Rd Rouse Hill, particularly because it is located as close to or if not closer to the Cudgegong Rd Station.

The figure below from Google Maps still shows the corner of Cudgegong Rd and Rouse Rd as being "green space" even though it has actually been zoned R3 residential since the latest ILP for Area 20 was released on 27 March 2015. This map also shows that 72 Tallawong Road appears to actually be much closer to the site of the new Cudgegong Rd Station.
The green space on the Corner of Rouse and Cudgegong Roads has been removed. This is presumably because the site is better used for R3 Medium Density Residential rather than green space (after the drainage was no longer required). As such there isn’t a corridor linking Riverstone East to Rouse Hill Regional Park. See below – Figure Seven.

Figure Nine – Source Google Maps identifying Cnr Rouse Road and Cudgegong Road as “green open space”, however this is no longer the case.
Figure Ten – Source Final Indicative Layout Plan – Area 20, dated 27 March 2015. This figure shows that the corner of Rouse Road and Cudgegong Road has had the SP2 zoning removed in favour of R3 medium density as opposed to SP1 – Open Space. This was presumably due to the excellent amenity created by the close proximity to Cudgegong Road Station (similar to 72 Tallawong Rd which is actually closer). This also shows there is no green corridor linking the Regional Park to Riverstone East Precinct.
4.1.2 Inconsistency with technical studies and legislative framework

The land on 72 Tallawong Road Rouse Hill is a poor choice for open space because it contains no established trees and existing watercourses. It adds very little to the biodiversity/ecology of the area. It should not be used for open space in favour of other site that naturally contain these features. This policy is supported by various legislative frameworks discussed further in these submissions.

Page 21 of *Riverstone East Precinct: Biodiversity and Riparian Corridors Assessment*, indicates that “sites with high to moderate ecological value...should be considered in the allocation of appropriate sympathetic land use zones such as open space, environmental conservation / environmental living etc.”

Page 21 of *Riverstone East Precinct: Biodiversity and Riparian Corridors Assessment:*

**Category 3: Other Remnant Vegetation:** While these areas are within currently certified lands, and are therefore potentially available for development because the impacts have been offset both within the non-certified areas and conservation offsetting outside the Growth Centres Precincts, they present sites of both 3(a) high to moderate ecological value and which should be considered in the allocation of appropriate sympathetic land use zones such as open space, environmental conservation / environmental living etc, and 3(b) exotic and/or poor condition vegetation.

Page 119 of *Riverstone East Precinct: Biodiversity and Riparian Corridors Assessment*, further reinforces the principle of sympathetic zoning to land that has a high biodiversity value:

Biodiversity Management Recommendations include:
- Maximise retention of ENV and AHCVV within non-certified lands to avoid further assessments under the TSC and or EPBC Acts,
- Maximise retention of ENV and AHCVV within certified lands and plan for the location of conservation reserves, public open space, visual buffers and other passive land uses in these areas,
- Adequate Riparian Protection Areas along each retained watercourse, with co-location of water quality and quantity treatment facilities,
- Retention of habitat trees and other native vegetation onsite through strategic location of sympathetic land use zones (such as open space, education, drainage etc.). Similarly, incorporation of hollow bearing trees into streetscape areas is recommended to provide contiguous corridors that allow wildlife to migrate safely through built up areas.

Figure Nine below indicates that 72 Tallawong Road has no 3A land (land with conservation value). Hence it should not be preferred over other properties elsewhere in the precinct that do have these features.
It must be noted that there are multiple statutory polices that also support protecting existing vegetation and conservation through appropriate planning strategies via sympathetic zoning (like using open space where there are existing trees) such as **Draft North West Sub-Regional Strategy** and also the **State Environment Planning Policy SEPP (Sydney Region Growth Centres) 2006** that has the following objective:

- To protect and enhance land with natural and cultural heritage value
- To provide land use and development controls that will contribute to the conservation of biodiversity

![Conservation Significance Categories](image)

**Figure 7**: Conservation significance categories within the Riverstone East Precinct

Above: Figure Eleven - Conservation Significance Categories. Source: *Riverstone East Precinct: Biodiversity and Riparian Corridors Assessment*, Page 22. 72 Tallawong Road is outlined in Red. It should not be favoured over other sites that do.
Figure Twelve - Groundwater dependant Ecosystems and Aquatic Habitat Values. Source: Riverstone East Precinct: Biodiversity and Riparian Corridors Assessment, Page 37. The significance of this diagram is the NSW Office of Water existing hydroline map. 72 Tallawong Road is outlined in Red. The existing hydroline does not enter 72 Tallawong Road Rouse Hill. The site should not be favoured for open space in favour of other sites within the precinct that do have features like existing creeks/waterways.
4.1.3 Proportion of open space in Stage 1 is disproportionate to the overall precinct

The *The Land Use and Infrastructure Delivery Plan* at page 3 suggests that there is a need for 45 hectares of passive open space within the entire precinct. The precinct covers 656 hectares in total. There is a proposal for 15 hectares of passive open space in stage 1 (1/3 of the overall requirement). Yet Stage 1 only covers 158 hectares (less than ¼ of the total precinct area). As such there appears to be a disproportionate amount of open space being acquired in stage 1. Therefore the removal of open space from the site, would not result in an under supply of open space within stage 1. It is an area of approximately 1.1 hectares. This could be accommodated in another more sympathetic site within the total precinct area.

We note that stage 2 is only proposed to have 4 hectares of land zoned for passive open space (8.8% of the total requirement of open space for the entire precinct). Yet, it covers 124 hectares which is 18.9% of the total area. This is disproportionately low for the land area it covers.

4.1.4 Cost of acquisition is not justified

It also makes no sense to acquire land so close to the station. Under the *Land Acquisition (Just Terms Acquisition) Act 1991*, the acquiring body will need to provide compensation for the land based on its best and highest value. It would make more economic sense to use government funds/S 94 contributions to acquire land for public use in a lower density area further from the station.

4.1.5 Corridor to access Cudgegong Station is unlikely to be used

It makes no sense to continue a corridor through the site to create access to the Cudgegong Road Station. The station will be accessed more directly via Tallawong Rd. It is a matter of common sense that most people will use that direct link rather than crossing through Rouse Road. Cudgegong Road Reserve appears to be zoned for environmental conservation. Therefore it is likely to remain a reserve that is predominantly and heavily covered in dense bushland. Accessing the station via Rouse Road will be less safe than using Tallawong Road, because it will be covered in thick bush. Zoning the property as a corridor to access the station is a poor choice for this reason among others.

As discussed throughout, due to the amenity of the site and desire to create higher density closer to the station the best use for the site is R3 residential zoning.

The recent changes to Area 20 (March 2015) resulted in the forecast population for that area to almost double, leading to an increased need for open space in the Riverstone East precinct due to the resulting “shortfall” in Area 20. This planning decision is a disappointing result for the original land owners in both areas. The decision to increase population in the largely developer owned sites will result in higher profits for developers at the expense of the original land-owners and rate-payers in Riverstone East. They will now need to provide extra open space as a result of those developments.
4.2 The community Centre – SP2

4.2.1 Inconsistency with the Infrastructure Delivery Plan

Page 13 of *The Land Use and Infrastructure Delivery Plan* indicates that the community centre will be located in the Area 20 Town Centre not on the site - 72 Tallawong Rd. This makes much more sense than placing it on the site.

We support this recommendation to locate the community centre in the Area 20 Town Centre, (or another shopping centre/village centre) as it will be more likely to actually be used by the future population due to its adjoining location to the train station and shops.

It makes no sense for the exhibited ILP to propose re-zoning the site as SP1 a community centre, when the Department of Planning’s own delivery report suggests it should be in the Area 20 Town Centre.

The Social Infrastructure assessment commissioned by the Department of Planning also specifically does not support the use of 72 Tallawong Rd as a community centre.

We refer to Page 46 of the *Social Infrastructure Assessment Riverstone East Precinct* completed by Elton Consulting that states: "...the community hub now be located within the Riverstone East Precinct, on Tallawong Road, as indicated in the Draft Indicative Layout Plan. This location is not supported by this study, as it does not meet Council’s location criteria or other leading practice criteria for the location of community facilities...

This assessment highlights the fact that placing a community centre on the site will not work. The site won’t be accessed by the future population during the week. It is also cut off from the proposed sports fields by Tallawong Road. See excerpt below.

The *State Environment and Planning Policy SEPP (Sydney Region Growth Centres) 2006* states that one of its main objectives is to “enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity”.

The current proposed zoning of 72 Tallawong Rd Rouse Hill as a community centre on the site even though it is against best practice and against what is promised in the delivery plan, and is unlikely to be utilised properly by the future community fails to deliver on this outcome.

There is ample evidence to suggest that the zoning of 72 Tallawong Rd Rouse Hill to SP2 Community Centre is not an evidence based decision, is not in line with the legislative framework that ought to be guiding planning and will not provide the best outcome to the future population of Riverstone East and Area 20. This zoning ought to be removed.
Figure Thirteen – Excerpt from Page 13 of *The Land Use and Infrastructure Delivery Plan- Riverstone east, 2015.*
It is understood that a site for the recommended community hub within the Area 20 town centre has been considered by Blacktown City Council and relevant NSW Government landowners in the period that this study was being finalised. No agreement on a site has been reached and instead, Blacktown City Council has proposed that the community hub now be located within the Riverstone East Precinct, on Tallawong Road, as indicated in the Draft Indicative Layout Plan. This location is not supported by this study, as it does not meet Council’s location criteria or other leading practice criteria for the location of community facilities, which include:

» Clustering community centres with other facilities that generate activity and where people already have cause to congregate, such as shops and schools, in order to create a focal point for the community. While located opposite sporting fields, these will not provide an activated focal point for community activity across most of the week, leaving the community centre standing alone in the midst of a residential area.

» Locations adjoining open space, to allow for children’s play activities, spillover use and outdoor community and cultural events associated with use of the community centre. While there is open space adjacent to two sides of the community centre site, this is separated from the site by roads, thereby precluding the indoor/outdoor flow that would help enhance the appeal and utilisation of the facility.

It should be noted that capacity to levy Section 94 contributions towards the building of both the primary community hub in Riverstone and secondary community hub in Area 20 is dependent upon reforms to the development contribution system, linked to broader reforms to the planning system. Under current provisions, there is no capacity to levy contributions to fund the building of either of the recommended community hubs. Inability to provide the recommended community facilities will, in the longer term, threaten the achievement of government objectives for the creation of liveable and socially sustainable communities within the Growth Centre. This issue is considered further in Section 6.5 below.
4.3 Provision for a Road

Road Alignment of Rouse Road

The Indicative layout plan for Riverstone east shows the poor alignment of the existing Rouse Road and the proposed extension.

The owners’ preference would be the removal of the road from the property.

If that is not possible, we submit that the best placement of the proposed extension of Rouse Road is to shift it to the north of its current proposed location at 72 Tallawong Road so that it is adjacent to the Northern border of the site. This is a better alignment for the existing Rouse Road. It would also allow for better development opportunities for the site to reach its potential due to its close proximity to the Cudgegong Road Station and associated amenities.

Figure Fifteen – Source – Draft Indicative Layout Plan for Riverstone East
5.0 **Analysis of consistency with the legislative framework of the proposed zonings**

Statutory Frameworks

The current proposed zoning as exhibited for 72 Tallawong Road is non-compliant with the strategy frameworks.

A summary is provided below. The analysis of how the zonings are or are not consistent with the statutory frameworks is underlined.

5.1 **State and regional planning strategies**

1. **State Plan**

The *NSW 2021 State Plan – A Plan to Make NSW Number One* is a 10 year plan to guide government policy and budget decision making and deliver on community priorities. The five key strategies are:

- rebuild the economy;
- return quality services;
- renovate infrastructure;
- strengthen local environments and communities; and
- restore accountability to Government.

A total of 32 goals have been developed in association with the five key strategies. The State Plan goals and targets that relate to precinct planning are as follows:

- Goal 3 - Drive economic growth in regional NSW;
- Goal 4 - Increase the competitiveness of doing business in NSW;
- Goal 5 - Place downward pressure on the cost of living;
- Goal 20 - Build liveable centres;
- Goal 29 - Restore confidence and integrity in the planning system; and
- Goal 32 - Involve the community in decision-making on Government policy, services and projects.

Zoning 72 Tallawong Rd as R3 medium density would deliver on the above strategies and goals. Particularly Goal 29 - Restore confidence and integrity in the planning system. The current proposed zoning does not even follow the recommendation for best practice and is inconsistent to the adjoining Area 20. There is no justification for these inconstancies.

2. **A Plan for Growing Sydney**

*A Plan for Growing Sydney* provides a strategy to accommodate Sydney’s future population growth for the next 20 years, as well as planning for employment services and facilities, liveable communities and the natural environment. It sets directions to deliver timely and well planned
greenfield precincts and housing and improve housing choice to suit different needs and lifestyles (Directions 2.3 and 2.4). Key priorities of the NSW Government are to:

- maintain a steady supply of rezoned land for development, including in the North West and South West Growth Centres;
- support the provision of new infrastructure, such as the North West Rail Link and the upgrade of Richmond Road and Schofields Road as well as the duplication of the Richmond Rail line up to Schofields Station in the North West Growth Centre;
- coordinate and deliver enabling infrastructure to assist the conversion of zoned land into homes, and
- allow for a range of housing types to be delivered to meet the needs of various household structures.

Zoning 72 Tallawong Rd as R3 medium density would deliver on the above strategies and goals. Particularly maintain a steady supply of rezoned land for development, including in the North West and South West Growth Centres;

3. Draft North West Sub-Regional Strategy

Subregional strategies have been prepared to translate objectives of the former Metropolitan Strategy and State Plan to the local level. The North West Sub- Region covers an area broader than just the North West Growth Centre. The draft North West Subregional Strategy prepared in December 2007 aims to guide land use planning until 2031. The vision for the North West region involves achieving eight key directions:

- Plan for major housing growth (an additional 148,000 new homes, approximately 355,000 by 2031);
- Plan for major employment growth (an additional 142,000 jobs in the region by 2031);
- Develop Penrith as a Regional City;
- Strengthen the role of centres, such as Blacktown Major Centre;
- Improve access to, from and within the subregion, including the coordination of the North West Rail Link and the extension of transport networks within the NWGC;
- Protect rural and resource lands;
- To protect and manage regionally significant bushland and open space; and

Improve access to open space and recreation opportunities

These priorities are reflected in the recently released strategy, A Plan for Growing Sydney.

The Precinct Planning process for the Precinct has considered these directions to achieve optimal land use planning outcomes such as:

- Ultimately achieving approximately 5,800 new homes across the Precinct;
prioritising the rezoning of up to 1,800 new homes in Stage 1 of the Precinct where access to enabling infrastructure is to be available by early 2015, and identifying a second stage with capacity for 1,400 dwellings subject to the delivery of an electricity substation;

- concentrating residential densities in close proximity to the new railway station and Town Centre in the adjacent Area 20 Precinct, as well as around the Village Centre and key transport routes within the Riverstone East Precinct;

- incorporating key road upgrades into the planning for the Precinct, to be delivered over time; and

- designating land for open space and conservation purposes to protect unique areas within the Precinct whilst balancing the residential and employment land requirements for the Precinct.

Zoning 72 Tallawong Rd as R3 medium density would deliver on the above strategies and goals. Particularly - Plan for major housing growth, concentrating residential densities in close proximity to the new railway station and Town Centre in the adjacent Area 20 Precinct, The current proposed zoning of 72 Tallawong Rd Rouse Hill as open space is inconsistent with this strategy. Particularly the principle of “designating land for open space and conservation purposes to protect unique areas within the Precinct whilst balancing the residential and employment land requirements for the Precinct.” As discussed 72 Tallawong Rd has no trees, watercourses or biodiversity value. It should not be favoured for open space use in favour of land that has this elsewhere in the precinct.

4. **North West Growth Centre Structure Plan**

The Structure Plan (Figure 5) was prepared by the then Department of Planning in 2005 and is a guide to the detailed planning of the Precinct. Under the Structure Plan and associated documents, over 70,000 new dwellings are planned to be delivered in the North West Growth Centre over the next 25 to 30 years.

The draft ILP does not meet target dwelling yield of 600 dwellings and target population of 16,800 despite the market analysis showing potential demand for housing above this target.

At page 31:

<table>
<thead>
<tr>
<th>Category</th>
<th>North West Growth Centre Structure Plan - Development Parameters</th>
<th>Precinct Planning Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Target Dwelling Yield</td>
<td>6,000 dwellings</td>
<td>The Structure Plan establishes a dwelling target for the Riverstone East Precinct. As described within the Planning Report, the Structure Plan target was scaled down to 5,300 dwellings. The results of the housing market analysis have identified the potential demand for housing above this target.</td>
</tr>
<tr>
<td>Target Population</td>
<td>16,500 people</td>
<td>The Precinct may ultimately have capacity for approximately 5,800 dwellings and will provide a range of housing, including detached dwellings, small lot housing, semi-detached housing, townhouses and apartments, to meet the needs of the future population. The draft ILP proposes 1,800 dwellings in Stage 1 and 1,400 dwellings in Stage 2.</td>
</tr>
</tbody>
</table>
Zoning 72 Tallawong Rd R3 would assist Riverstone East to meet the target dwelling yield as envisaged in *North West Growth Centre Structure Plan*.

5.2 Statutory Planning Framework

1. NSW Environmental Planning and Assessment Act 1979

2. *SEPP (Sydney Region Growth Centres)* 2006

The Growth Centres SEPP is the primary statutory plan governing the release and rezoning of land in the Growth Centres and establishes the broad planning controls required to oversee the development of the Growth Centres. The aims of the SEPP are:

- To co-ordinate the release of land for residential, employment and other urban development in the North West and South West Growth Centres in the Sydney region
- To enable the Minister from time to time to designate land in those growth centres as ready for release for development
- To provide for comprehensive planning for those growth centres
- To enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity
- To provide controls for the sustainability of land in those growth centres that has conservation value
- To provide for the orderly and economic provision of infrastructure in and to those growth centres
- To provide development controls in order to protect the health of the waterways in those growth centres
- To protect and enhance land with natural and cultural heritage value
- To provide land use and development controls that will contribute to the conservation of biodiversity

Further, the Growth Centres SEPP outlines development controls for:

- Determining development applications prior to and after the finalisation of the precinct planning process
- Flood prone and major creeks land
- Clearing native vegetation
- Cultural heritage landscape area

Zoning 72 Tallawong Rd as R3 medium density would deliver on the above strategies and goals. Particularly - To enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity. The current proposed zoning of 72 Tallawong Rd Rouse Hill as open space is inconsistent with this strategy due to high amenity for then future population s it is walking distance to the station. The placing of a community centre on the site even though it is against best practice also fails to deliver this outcome. . The aim of the SEPP “to provide land use and development controls that will contribute to the conservation of biodiversity principle” would not be met by zoning 72 Tallawong Rd as open space. As discussed 72 Tallawong Rd has no established trees.
watercourses or biodiversity value. It should not be favoured for open space use in favour of properties that have these features elsewhere in the precinct.

**Water Management Act 2000**

The *Water Management Act 2000* (WM Act) provides for the sustainable and integrated management of water resources of the State. Objectives of the Act relevant to the Precinct include:

- applying the principles of ecologically sustainable development
- protecting, enhancing and restoring water sources, their associated ecosystems, ecological processes and biological diversity and their water quality

The current proposed zoning of 72 Tallawong Rd Rouse Hill as open space is inconsistent with this strategy because it does not have an existing water source and yet has been selected for open space. It should not be favoured for open space use in favour of properties that have these features elsewhere in the precinct.

**Consistency with Section 117 Statutory Directions**

**Direction 3.4 – Integrating - Land Use and Transport**

The current proposed zoning of 72 Tallawong Rd Rouse Hill as open space and community centre is inconsistent with this strategy because it ignores the direction to zone land for higher density residential in close proximity to the proposed new railway station on the North West Rail Link in the adjacent Area 20 Precinct.

**Direction 7.1 – Implementation of the Metropolitan Plan for Sydney 2036**

The current proposed zoning of 72 Tallawong Rd Rouse Hill as open space and community centre is inconsistent with the current strategic plan - *A Plan for Growing Sydney*.

Zoning 72 Tallawong Rd as R3 medium density would deliver on the above strategies and goals. Particularly maintain a steady supply of rezoned land for development, including in the North West and South West Growth Centres.
6.0 Conclusion

The site is very well located given its close proximity (approximately five minute walk) to the Cudgegong Road Station precinct.

It is free from development constraints. It is cleared land that is rated as having no conservation value due to the lack of trees and watercourses on the site such as creeks.

The best zoning for the land in order to best meet the needs of the future population is R3 – Medium Density – Minimum Density of 45 dwellings per hectare with a Maximum Height of 26 metres.

This zoning is supported by the legislative framework encouraging high quality housing close to well serviced areas with many amenities such as the Cudgegong Road Station. There is a high demand for this type of dwelling. This zoning will assist to ease the Sydney housing shortage and affordability issues.

The exhibited documents on display do not support the current proposed zoning put forth by the Department of Planning for the site – RE1 open space and SP2 community centre.

In fact, they contradict the zoning and show that they do not make planning sense.

This is disappointing given that the landowners previously sold a five acre property about 28 years ago, that was also ear-marked for acquisition for public use. Once they sold the property, under the threat of impending acquisition, developers were able to build houses on part of the land that was meant to be “green open space”.

We hope that full consideration will be given to these submissions.

-End-