Submission to Public exhibition of Riverstone East Draft Precinct Plan

On behalf of landowners of 72 Tallawong Road, Rouse Hill

Our Ref: CC150150
October 2015
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1 Introduction

This report has been prepared on behalf of the landowners of 72 Tallawong Road, Rouse Hill.

The Riverstone East Draft Precinct Plan was placed on public exhibition on 12 August 2015. The Riverstone East Precinct is part of the North West Growth Area which is proposed to be included as part of the State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006.

The exhibition included the following documentation:

- Strategic Assessment Consistency Reports for Stage 1 and Stage 2;
- Land Use and Infrastructure Delivery Plan;
- Draft indicative layout plan;
- Draft SEPP Maps showing land zoning, lot size, floor space ratio, heritage, flood prone land, height of buildings, native vegetation protection, residential density and riparian protection areas;
- Draft DCP amendment and schedule 7 referring to the Riverstone East Precinct;
- Explanation of intended effect.

Supporting the exhibition were a number of technical studies that include:

- Biodiversity and Riparian Assessment Report;
- Bushfire Assessment;
- Economic and Employment Study;
- Housing Study;
- Indigenous Heritage Report;
- Infrastructure Delivery Plan;
- Land Capability and Contamination Assessment;
- Landscape and Visual Assessment;
- Noise and Odour Study;
- Non Indigenous Heritage Assessment;
- Social Infrastructure Assessment;
- Transport Study; and

This information has been used as a basis for the preparation of this submission which is objecting to the proposed land zoning and associated controls for the site at 72 Tallawong Road, Rouse Hill.
2 Site Analysis

2.1 Site Description

The real property description of 72 Tallawong Road, Rouse Hill is Lot 65 DP30186 as shown in Figure 1 below. (It should be noted that the Department of Planning and Environment, Planning Viewer website and Google Maps shows the site as number 74 Tallawong Road, Rouse Hill.)

The site includes two dwelling houses and associated outbuildings as well as two green houses. The site has been used over the years for a variety of uses relating to agriculture and more recently market gardening.

Access to the site is from Tallawong Road. The site is cleared of native vegetation, with one small farm dam.

2.2 The Locality

The site is located in the western part of Rouse Hill in a mostly rural / rural residential area. The location of the site in comparison to the locality is shown in Figure 2 below.

More recently the locality has been transitioning to residential land uses as the North West Rail link has been developed to service these areas with public transport.
The site will be located approximately 4-500m from the proposed Cudgegong Railway Station and 3-400m from the proposed stabling yards, which are currently under construction to the south west of the site.

Figure 2 shows the general location of nearby development including the new The Ponds development on the southern side of Schofields Road and the nearby Rouse Hill Town Centre and Rouse Hill Regional Park which will help provide services into the future.

### 2.3 Technical Studies / Supporting Information

As part of the process of preparing new planning controls the Department of Planning and Environment have engaged a number of consultants to undertake a variety of assessments over the precinct. Below is an outline of the main points from the studies as they relate to the site.

**Biodiversity and Riparian Corridors Assessment**

The site does not contain any existing native vegetation nor shows any fauna recordings. In addition there are no riparian corridors on the site. Figures 3 and 4 below show the existing native vegetation and drainage lines respectively.
**Bushfire Assessment**

As the site is mostly cleared, it is not bushfire prone or impacted by a buffer area.

**Economic and Employment Study**

This study shows the site well located near the proposed stabling yard for the North West Rail Link and near the proposed Cudgegong Station.

**Housing Study**

The housing study justifies the proposed zoning for residential development of the Riverstone East area and the proposed density and housing development.
Aboriginal Cultural Heritage Assessment

The Aboriginal heritage assessment identified the site as being disturbed, and included an assessment of the site. No sites were identified and the probability for Aboriginal archaeology on the site is very low, refer to Figure 5 below.

![Figure 5: Extract Revised Predictive Model for Aboriginal Heritage](image)

Infrastructure Precinct Planning Report

This report shows that there is already a number of services available to the site such as water, electricity and roads. In addition other services can be readily be made available, such as gas and sewer.

Report on Land Capability, Salinity and Contamination

This report showed that the land was capable of being developed and had no evidence of saline soils or contamination.

Landscape and Visual Assessment

The site is not within a visually prominent location and the development of the site is not foreseen to have any adverse impact.

Noise and Odour Assessment

There were no specific issues for odour or noise identified for this site in the report.

Social Infrastructure Assessment

This assessment identifies a number of social infrastructure requirements for the Riverstone East precinct considering the revised population estimates. The report concluded the need for the following facilities:

- 2 primary schools, with a third to be located either within the southern part of this precinct or in the adjoining Area 20 Precinct
- A range of facilities to be provided by the commercial / non-government sectors, as demand emerges and according to their own feasibility assessments. These facilities are likely to include:
  - A neighbourhood shopping centre
  - Several childcare centres
  - GPs and medical centres
  - Places of worship
  - Residential aged care facilities
  - Local neighbourhood leisure and entertainment facilities.

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Riverstone East will also contribute to demand for local government community facilities to be provided for a wider catchment, including:

- A multi-purpose community resource hub to serve the combined Riverstone East and Area 20 Precincts (population approx. 30,400). This facility will have around 1,000 sqm floorspace and require a site of around 4,500 sqm. A location within the Area 20 town centre is recommended. The site proposed in the draft Riverstone East ILP does not meet leading practice principles for the location of community centres.
- Youth, library, cultural and indoor recreation components of the primary level community resource hub proposed for the Riverstone town centre. The size and costing of the proposed Riverstone Community Resource Hub will need to be reviewed in light of revisions to population forecasts and catchments for this facility.

The report highlighted that the proposed location for the community centre in Riverstone East was not supported as it did not meet the locational criteria.

Transport Study

This study did not identify any specific transport, apart from roads, for the subject site.

Water Cycle Management Report

This Report did not specify any water cycle management issues or proposals for the site, such as drainage basins or the like.
3 Proposed Controls

Below is an outline of the proposed controls affecting this site at 72 Tallawong Road, Rouse Hill.

3.1 Draft Indicative Layout Plan (ILP)

In Figure 6 below is an extract of the draft ILP as it affects the site.

![Figure 6: Extract from the Riverstone East Precinct Draft Indicative Layout Plan](image)

In the draft ILP the site has been identified as part local road, part community centre, part local park and part medium density residential.

3.2 Draft SEPP Mapping

In Figures 4 - 13 below are extracts from the draft SEPP maps showing the planning controls that might impact on the site. Table 1 below shows the Figure number, planning control and if the site is impacted.

<table>
<thead>
<tr>
<th>Figure No</th>
<th>Planning Control</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Flood Prone Land</td>
<td>Site not affected.</td>
</tr>
<tr>
<td>8</td>
<td>Floor Space Ratio</td>
<td>Site not affected.</td>
</tr>
<tr>
<td>9</td>
<td>Height of Buildings</td>
<td>Partially impacted by a 12m maximum height limit.</td>
</tr>
<tr>
<td>10</td>
<td>Heritage</td>
<td>Site not affected.</td>
</tr>
<tr>
<td>11</td>
<td>Land Reservation Acquisition</td>
<td>Partially impacted by two acquisition areas – local open space and community facilities.</td>
</tr>
<tr>
<td>12</td>
<td>Land Zoning</td>
<td>Impacted by three zones – R3 Medium Density Residential, RE1 Public Recreation, and SP2 Infrastructure.</td>
</tr>
<tr>
<td>13</td>
<td>Lot Size</td>
<td>Site not affected.</td>
</tr>
<tr>
<td>14</td>
<td>Native Vegetation Protection</td>
<td>Site not affected.</td>
</tr>
<tr>
<td>15</td>
<td>Residential Density</td>
<td>Partially impacted by a minimum residential density of 25 dwellings per hectare.</td>
</tr>
<tr>
<td>16</td>
<td>Riparian Protection Area</td>
<td>Site not affected.</td>
</tr>
</tbody>
</table>

Please refer to maps below in Figures 7 – 16 for extent of impact.
Figure 7: Extract draft SEPP Flood Prone Land Map

Figure 8: Extract draft SEPP Floor Space Ratio Map

Figure 9: Extract draft SEPP Height of Building Map

Maximum Building Height (m)

- J 9
- M 12
- N 14
- O 16
Figure 10: Extract draft SEPP Heritage Map

Figure 11: Extract draft SEPP Land Reservation Acquisition Map

Figure 12: Extract draft SEPP Land Zoning Map
Figure 13: Extract draft SEPP Lot Size Map

Figure 14: Extract draft SEPP Native Vegetation Protection Map

Figure 15: Extract draft SEPP Residential Density Map

Dwelling Density (per hectare)

- M 15
- T 25
- X 45
3.3 Draft Development Control Plan (DCP) Provisions

There are other maps included in the draft DCP, Schedule 7 that may impact on the site. Extract from these maps are shown in Figures 17 - 22 below. Similarly with the draft SEPP mapping, Table 2 shows the applicability of the draft DCP controls / mapping.

<table>
<thead>
<tr>
<th>Figure No</th>
<th>Planning Control</th>
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<tr>
<td>17</td>
<td>Areas of Potential Salinity</td>
<td>Site not affected.</td>
</tr>
<tr>
<td>18</td>
<td>Aboriginal Archaeological Potential</td>
<td>Site with minor impact, however background study shows site as disturbed and no impact – refer to Section 2.3 above.</td>
</tr>
<tr>
<td>19</td>
<td>Road Hierarchy</td>
<td>Site impacted by local roads and a collector road.</td>
</tr>
<tr>
<td>20</td>
<td>Contamination Investigation Sites</td>
<td>Site not affected.</td>
</tr>
<tr>
<td>21</td>
<td>Bushfire Risk &amp; Asset Protection</td>
<td>Site not affected.</td>
</tr>
<tr>
<td>22</td>
<td>Residential Structure</td>
<td>The portion of the site identified as residential is shown as medium density.</td>
</tr>
</tbody>
</table>

Figure 16: Extract draft SEPP Riparian Protection Area Map

Figure 17: Extract Areas of Potential Salinity

Figure 18: Extract Aboriginal Archaeological Potential
Figure 19: Extract Precinct Road Hierarchy

Figure 20: Extract Contamination Investigation Sites

Figure 21: Extract Bushfire Risk & Asset Protection

Figure 22: Extract Residential Structure
4 Submission / Objection to Proposed Controls

The land owners have raised a number of issues with the proposed controls for the development of their site at 72 Tallawong Road. Details of these issues and some proposed solutions are shown below.

This site is clear of vegetation, located close to the Cudgegong Train Station, clear of any potential Aboriginal Heritage, watercourses or other constraints. Considering the location and the lack of constraints over the site, it is definitely capable of all being developed for residential development.

4.1 Lack of justification for open space / community facility

There is no information in the supporting reports or studies that supports the proposed use of the site for predominantly open space or community facilities. The width and length of the open space is not usable for playing fields, protected vegetation or a water course / drainage. The only potential use would be the link between the playing fields on the opposite side of Tallawong Road and the Cudgegong reserve to the north east. A more appropriate location would be to the south of the site to protect the native vegetation or drainage /watercourse identified in the background studies.

Further the location of the community facility on this site and that adjoining is not supported in the background documentation and in most cases community centres are more appropriately located close to commercial, retailing or other services. The isolated site is not conducive to use by the local community.

Blacktown Council advised the consultants preparing the social infrastructure assessment that their criteria for locating a community hub includes:

- Location in an activated town centre
- Accessible by public transport
- Does not abut or impact on residential neighbours
- Occupies an iconic space that contributes to civic identity
- Is co-located with other community uses to form part of a multi-purpose destination.

This site and that adjoining does not meet any of these criteria.

In addition the only mention of a community facility in the land use and infrastructure delivery plan is as follows:

A community facility is required to service the combined population catchments of Riverstone East and Area 20 and will be accommodated within the Area 20 Town Centre.

This site is not within the Area 20 town centre which would be a more appropriate location. No other mention of this facility apart from the zoning and ILP is shown.

There is no strategic reason for the open space or community facility to be placed in this location. A simple pathway or road connection (along the proposed collector road) would be a more appropriate and safer link between the open space areas of the reserve and playing fields.

4.2 Highest and best use of the site

Considering the constraints (potential and actual) of other sites surrounding this one, there is complete lack of a basis for the proposed zoning of this site for predominantly open space, roads and community use. Only 20% of the site is zoned for residential purposes, which is significantly less than those sites surrounding, particularly those which are shown as being mostly covered in existing native vegetation, refer to Figure 3 above.

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A more appropriate use of a site with no constraints and close to public transport would be to zone the entire site for medium density development, similar to those to the south, including density and height. This would result in the highest and best use of unconstrained land.

The landowners have requested justification of the proposed zoning a number of times from Council and the Department of Planning and Environment staff, however this has not been forthcoming. It can only be assumed that they, like the landowners, are unable to find appropriate reason for this draft zoning.

### 4.3 Inequality of proposed Zoning

There is also no justification for the inequality of the zoning from a purely financial perspective. Although not the intent of the proposed land release areas, they have provided a source of income and financial windfall for the owners of a number of sites in the locality.

To pick this site from a row of eight properties to reduce the value of, is unacceptable and unfair, especially considering there appears to be no appropriate planning or physical reason why that site should have been chosen.

The value of this site will be severely diminished compared to those neighbouring properties to the north and south of this site along Tallawong Road. Even though those sites are potentially better opportunities for the provision of an open space linkage and because they meet the criteria discussed below in terms of location of native vegetation and water courses.

Compensation should be provided if this proposed zoning is not altered or justified. Although, the primary view is that the zoning should be altered to medium density.

### 4.4 Site for Open Space is not consistent with Planning Principles

The Land Use and Infrastructure Delivery Plan outlines planning principles for each of the main areas including:

- Public domain and the natural environment;
- Transport and access; and
- Land use.

A couple of the planning principles for the precinct include:

*Local and neighbourhood parks take advantage of and retain the key environmental features of the Precinct, including high points, views to surrounding areas, creeks and areas of existing vegetation.*

*The street and open space networks respond to the site’s historic landscape context topography, regional and local views, existing watercourses and vegetation.*

*Housing density and form responds to environmental constraints, including topography, riparian corridors, infrastructure easements, flood prone land and vistas to heritage elements.*

It does not appear that the open space provided on this site responds to any of these principles. In fact there are more appropriate locations that would meet these criteria in close proximity to this site which would be better suited to open space and developing a corridor.

Further the last principle shown above recommends that the housing density and form responds to environmental constraints. Why then is this unconstrained site not proposed for a more dense housing form?

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Additionally, why have other sites that contain existing native vegetation and drainage lines (shown in Figures 3 and 4 above) been included for the highest form of density? This does not make sense or meet the planning principles outlined in the delivery plan.
5 Conclusion

The information outlined in this report detailed the following:

- The lack of constraints over the subject site;
- The inconsistency of zoning along Tallawong Road in this location;
- The lack of information provided to justify the proposed zoning; and
- The amount of information supporting a residential zone over the whole of the subject site.

This shows that the proposed zoning included in the draft SEPP changes is not the most appropriate for this site and should be changed to enable R3 Medium Density Residential to cover the entire site with a density of 45 dwellings per hectare. This will enable appropriate level of dwellings in close proximity to the new station, near the proposed sporting fields on the opposite side of Tallawong Road and within close proximity to services / centre.

Should the Department not intend on changing the zoning, it is requested that a meeting be held with the landowners and their representatives, preferably on site, to provide sufficient justification for the proposed zoning of their land, which has not been previously provided. This site inspection would confirm the unconstrained nature of the site and the potential for future development. It would also provide an opportunity for the landowners to discuss the details of their concerns with the Department representatives who are proposing to change their land zoning and future potential.