



RS/RS
15703

12 October 2015

The Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Housing Land Release

Dear Sir or Madam

**DRAFT PLAN FOR RIVERSTONE EAST
6 OAK STREET, SCHOFIELDS**

This submission has been prepared by JBA Planning on behalf of Mr and Mrs Hong, the owners of 6 Oak Street, Schofields (the site), in relation to the Draft Plan for Riverstone East. The submission complements our previous submission of 16 September 2016 and provides the following:

- A peer review of the Open Place Planning Report prepared by Clouston Associates; and
- Commentary on the submissions made by the Office of Environment & Heritage and Transport for NSW.

1.0 OPEN SPACE PLANNING REPORT

The Open Space Planning Report was prepared by Clouston Associates in support of a submission in response to the exhibition of the draft Precinct Plan for Riverstone East. The report was commissioned by Tony and Vilma Concato, owners of the property located at 87 Tallawong Road Rouse Hill.

The objectives of the report were to:

- Review the Indicative Layout Plan for the Precinct with a particular focus on the proposed open space framework.
- Assess the proposed open space framework for the Precinct against the open space planning principles adopted for the Precinct.
- Identify the strengths and weaknesses of the proposed open space framework.
- Identify potential alternative sites for open space, based on best practice open space planning principles and considering the physical constraints within the Precinct.
- Evaluate potential alternative sites and provide recommendations for amending the proposed open space framework for the Precinct.

A sound methodology was applied by Clouston Associates in relation to the above, with the following open space principles considered:

- integration and co-location;
- multi-use;
- access and equity of access;
- timely delivery;
- quality and quantity; and
- safety and security.

It is agreed that the proposed open space network demonstrates a degree of consistency with the adopted open space planning principles, and that there are also a number of areas where the network falls short or could be further improved.

In response to the shortcomings of the open space network, a number of alternative sites were developed. Of these, in our opinion Site 1 (consisting of Site 1a and 1b) is the most appropriate, given that it has the following advantages:

- The land is currently owned by the government. This means eliminating or significantly reducing acquisition costs, and freeing the limited section 94 contribution funds available to embellish open space areas
- Provide open space in close proximity to the Guntawong Road Village Centre and high density residential development
- Gentle topography with an average fall of less than 1 in 30
- Co-location with riparian corridors and stormwater management systems
- Site 1a – additional benefits:
 - Opportunity for integration of open space with remnants of moderate to high conservation value
 - Easily and safely accessible from residential neighbourhoods
- Site 1b – additional benefits:
 - Potential for shared use with the public school on the opposite side of First Ponds Creek, in the Riverstone East Precinct

The location of Site 1 is shown in **Figure 1** below. It is legally described as follows:

- Lot D DP 407863
- Lot F DP 407863
- Lot X DP 416187

A photo of Site 1 is provided at **Figure 2**. It can be seen that the land is generally level and predominantly cleared, and is therefore suitable for a wide range of active and passive recreational uses.

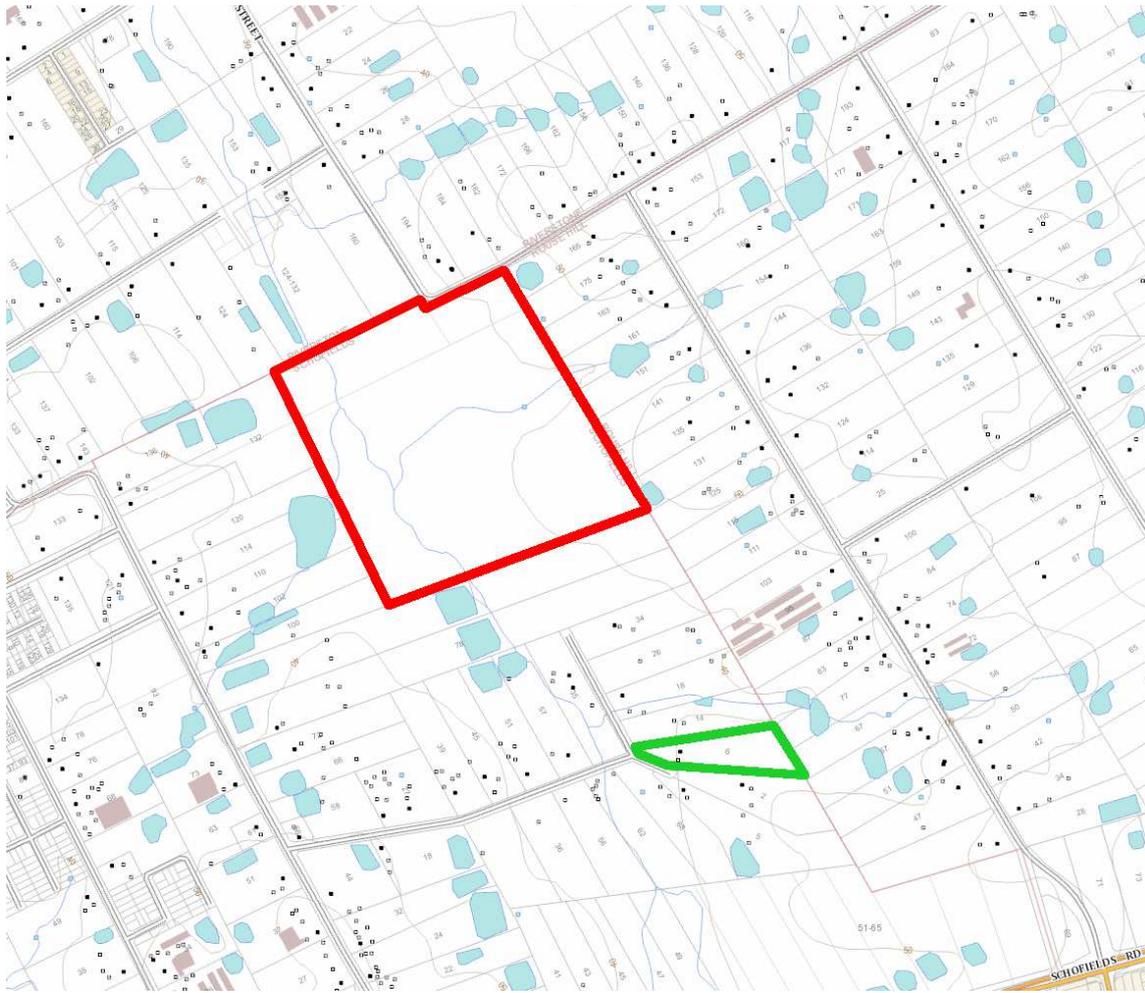


Figure 1 – Site 1 (red) and 6 Oak Street (green)
Source: Six Maps and JBA



Figure 2 – Site 1, as viewed from near the intersection of Guntawong Road and Clarke Street, looking south

The Clouston Associates Open Space Planning Report demonstrates that there are alternative sites to locate the required open space areas (including passive recreation areas), and these perform equally or better against the established open space planning principles (compared to the location of sports fields proposed by the Draft Plan for Riverstone East). Of these, Site 1 is the obvious candidate given that the land is already government owned.

2.0 OFFICE OF ENVIRONMENT & HERITAGE SUBMISSION

Existing Native Vegetation

Our original submission of 16 September noted that the Site Constraints and Opportunities Map provided as part of the Riverstone East Discussion Paper did not identify any constraints on the 6 Oak Street site. Despite this, the draft SEPP mapping included a small area of 'existing native vegetation' along the eastern and part of the southern boundary of the site.

The submission made by the Office of Environment & Heritage confirms this variation, and suggests that this vegetation should not be retained:

The mapping of Native Vegetation Protection (NVP) areas in the BCRs¹ is not consistent with the proposed SEPP Native Vegetation Protection Map... The linear section of mapped ENV² near Oak Street in the NVP Map is not consistent with field validated ENV. The vegetation appears to be a row of trees only and the original mapped ENV did not extend into the southern property. It appears that part of this area was intended to be AHCVV³ but this has not been clearly mapped. Even when this error is corrected, OEH questions whether this would meet the minimum 0.5 hectare size in the ENV definition and suggests this area should not be counted toward the target as it is too small and linear to be able to be adequately retained and protected in the future.

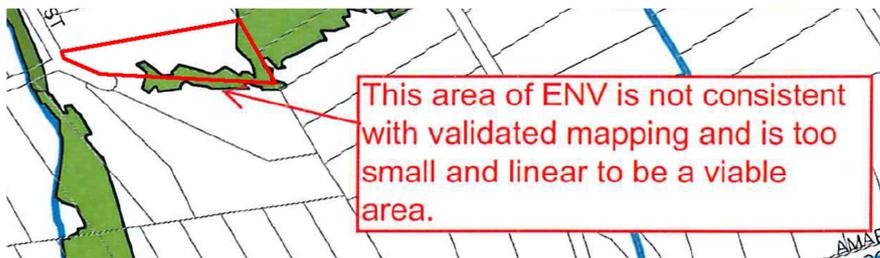


Figure 3 – Extract of OEH Submission, including notation, with 6 Oak Street site shown in red
Source: Office of Environment & Heritage

It is therefore reasonable to dismiss existing vegetation as a constraint to the future development of the 6 Oak Street site.

Cycleway Location

The Office of Environment & Heritage submission requests better cycleway and pedestrian path linkages through the precinct. In particular it is requested that they do not simply follow roads, but seek to follow open space linkages where possible.

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- ¹ Biodiversity Consistency Stage 1 and Stage 2 Reports
 - ² Existing native vegetation
 - ³ Additional high conservation value vegetation

The indicative potential urban design outcome provided in our previous submission is consistent with this request, with the through site link providing opportunity for cycle and pedestrian paths. Potential path locations are shown in **Figure 3** below.



Figure 4 – Indicative potential urban design, with potential cycle and pedestrian paths in blue
Source: Department of Planning & Environment and JBA

3.0 TRANSPORT FOR NSW SUBMISSION

The Transport for NSW submission clearly accepts that residential development can be undertaken adjoining the stabling facility. It notes:

The location of the R3 (higher density residential) adjoining the rail facility to the east is also regarded as an appropriate zoning however it is regarded as a key issue that the residential buildings are designed and built to mitigate noise impacts.

It is appropriate that specific noise mitigation measures be stipulated for these adjoining R3 zones via the future Development Control Plan. It should be noted that the submission also states "*the Sydney Metro Northwest project will be incorporating noise mitigation as part of the rail facility.*"

Further to the above, a Review of Acoustic Planning Issues was prepared by Atkins Acoustics for Mr Ferlazzo of 67 Tallawong Road, which like 6 Oak Street adjoins the stabling facility. This expert report confirms the acceptability of residential development neighbouring the stabling facility, as follows:

In our opinion if the land to the east of the RTRF [the stabling facility] is acceptable for residential development, the land to the north ... would also be suitable for residential use.

The State Environmental Planning Policy (Infrastructure) 2007 (SEPP) provisions apply to developments adjacent to rail infrastructure including rail infrastructure facilities (Clause 78). Clause 87 refers to noise sensitive development in or adjacent to rail infrastructure including residential buildings, places of public worship, hospitals, educational establishments and child care centres.

Where the development is for residential use and is located in or adjacent to a rail infrastructure, a consent authority must not grant consent unless it is satisfied that appropriate measures will be taken to ensure that the following L_{Aeq} internal levels are not exceeded:

- *in any bedroom in the building – 35dB(A) at any time between 10.00 p.m. and 7.00 a.m.*
- *anywhere else in the building (other than a garage, kitchen, bathroom or hallway) 40dB(A) at any time.*

The SEPP noise requirements are commonly applied to new residential development adjacent to railway infrastructure and new infrastructure development exposed to existing residential development.

(our emphasis)

Overall, acoustic impacts from the stabling yard are not a constraint to the future residential development of the 6 Oak Street site.

4.0 CONCLUSION

The Open Space Planning Report confirms that a suitable location for open space within the precinct is the government owned land at Site 1. This location performs better against the established open space principles than the currently proposed location. Furthermore, the site is currently government owned and therefore the acquisition costs will be significantly reduced or eliminated entirely.

Given that there are no constraints on the 6 Oak Street site, including existing native vegetation and acoustic impacts from the stabling yards, it follows that the land does not need to be reserved as a buffer zone and is most suited to be developed as an extension to the neighbouring R3 residential zone. A through site link can be maintained, facilitating access to the railway station and connecting the open space network.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or rstark@jbaurban.com.au.

Yours faithfully



Robert Stark
Principal Planner