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6 March 2017

NSW Department of Planning and Environment
Level 22, 320 Pitt Street,
Sydney, NSW 2000

Dear Sir/Madam

**Re: Submission on the Draft Sydney Region Growth Centre State
Environmental Planning Policy - Vineyard Precinct Plan – Stage 1
Amendment**

I refer to the abovementioned Draft Sydney Region Growth Centre State Environmental Planning Policy - Vineyard Precinct Plan - Stage One amendment.

On behalf of Paul Noppen, owner of 6 O'Dell Street, Vineyard, the following is submitted for consideration in assessing the appropriateness of proposed amendments to the Draft Vineyard Precinct Plan – Stage 1.

1. Basis of this Submission

Generally, the proposed draft Precinct Plan to increase density and intensity of development and improve infrastructure for the Vineyard locality consistent with the objectives of the Sydney Region Growth Centre Policy, is very much encouraged. However, in relation to 6 O'Dell Street, Vineyard, there are significant negative impacts from the proposed changes that influences this sites future development potential.

The following submission is a review of the Draft Precinct Plan an how it will impact on development opportunities for 6 O'Dell Street, Vineyard. This submission also requests amendments to the Draft Plan to alleviate some of the major concerns/restrictions imposed on the subject site by the proposed Vineyard Precinct Plan.

2. Site, Location and Surrounds

The subject site is located at 6 O'Dell Street, Vineyard, NSW. The legal description is known as Lot 4 on DP 248509 and is improved with an existing dwelling house, garage, ancillary building and landscaping.

The subject site is an irregular shaped triangular allotment of approximately 20,222m² in area. The site is next to the cul-de-sac head of O'Dell Street with an approximate frontage width of 56m.

The site has a variable depth of approximately 277m on the eastern boundary and 290m on the western boundary.

The surrounding area comprises predominantly rural residential development.

3. Existing Land Use Zone – Hawkesbury Local Environmental Plan 2012 (LEP)

Subject site is presently Zoned RU4 - Primary Production Small Lots under the Hawkesbury Local Environmental Plan 2012.

3.2 Supported Land Uses

In relation to **RU4 – Primary Production Small Lots** zone, the following is permitted:

Permitted without consent

Bed and breakfast accommodation; Environmental protection works; Extensive agriculture; Home occupations

Permitted with consent

Animal boarding or training establishments; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Farm buildings; Flood mitigation works; Food and drink premises; Home-based child care; Home industries; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Landscaping material supplies; Moorings; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Roadside stalls; Rural supplies; Rural workers' dwellings; Tourist and visitor accommodation; Veterinary hospitals; Water recreation structures; Water storage facilities

Prohibited

Any development not specified in item 2 or 3

4. Proposed Land Use Zone – State Environments Planning Policy Growth Centre – Vineyard Precinct(Stage 1)

The subject site is proposed to be zoned:

E4 – Environmental Living, for areas below the 1:100 flood level;
R2 – Low Density Residential; and
SP2 – Infrastructure (Local Drainage), at the rear half of the subject site.

4.1 E4 – Environmental Living

In relation to the **E4 – Environmental Living** zone the following is permitted.

Permitted

Bed and breakfast accommodation; community facilities; drainage; dwelling houses; environmental facilities; environmental protection works; flood mitigation works; home businesses; home industries; recreation areas; recreation facilities (outdoor); sewerage systems; water bodies (artificial).

Prohibited

Industries; multi dwelling housing; residential flat buildings; retail premises; seniors housing; warehouse or distribution centres; any other development not specified in Column 2 or 3.

4.2 R2 – Residential Low Density

In relation to the **R2 – Residential Low Density** zone the following is permitted.

Permitted

Bed and breakfast accommodation; boarding houses; business identification signs, child care centres; community facilities; drainage; dual occupancies; dwelling houses; earthworks; educational establishments; environmental protection works; exhibition homes; exhibition villages; flood mitigation works; group homes; health consulting rooms; home-based child care; home businesses; home industries; information and education facilities; neighbourhood shops; places of public worship; roads; secondary dwellings; semi-detached dwellings; seniors housing; sewerage systems; shop top housing; studio dwellings; veterinary hospitals; water bodies (artificial).

Prohibited

Any other development not specified in Column 2 or 3.

4.3 SP2 – Infrastructure (Local Drainage)

In relation to the **SP2 – Infrastructure (Local Drainage)** zone the following is permitted.

Permitted

Drainage

It is envisaged that having three new land use zones over the subject site will considerably add to the complexity and cost of developing the subject site.

5. Land Use Zone Observations

5.1 Loss of Permissible Uses

The number of permissible uses or development opportunities for the subject site under the present RU4 – Primary Production Small Lots zone will be reduced substantially with the uses in the proposed E4 - Environmental Living and SP2 – Infrastructure (Local Drainage) zones. To compound this concern of less permissible uses, is that these zones appear to cover approximately 75% of the total area of the subject site.

Further, the proposed SP2 Infrastructure (Local Drainage) zoned area situated at the rear of the site will be compulsorily acquired for drainage infrastructure purposes, thus completely excising this portion of the subject site from any commercial development opportunity.

Of particular note, there is a loss of permissible uses from the RU4 zone compared to the proposed E4 zone including but not limited to the following:-

*Boarding houses;
Camping grounds;*

Caravan parks;
Child care centres;
Community facilities;
Dual occupancies (attached);
Educational establishments;
Entertainment facilities;
Farm buildings;
Food and drink premises;
Home-based child care;
Intensive livestock agriculture;
Intensive plant agriculture
Landscaping material supplies;
Places of public worship;
Plant nurseries;
Public administration buildings;
Recreation facilities (indoor);
Registered clubs;
Respite day care centres;
Rural supplies;
Rural workers' dwellings;
Tourist and visitor accommodation;
Veterinary hospitals;

The restricted number of permitted land uses proposed in the E4 – Environmental Living zoned portion of the site compared to the existing RU4 - Primary Production Small Lots zone, is a significant impost on any opportunity to further develop the subject site on a commercial basis. As a consequence, the reduced number of permissible land uses and area to develop will negatively impact on gross realisation from any future development, thus greatly affecting the market value of the subject land.

5.2 Lot Size

Notwithstanding the down zoning of the RU4 - Primary Production Small Lots zone to the proposed E4 - Environmental Living zone, it is noted that the existing RU4 - Primary Production Small Lots zone only permits a minimum lot size of 2ha. However, the proposed land use zones of E4 – Environmental Living and R2 – Low Density Residential will permit a smaller minimum allotment size than the RU4 zone.

The existing and proposed lot sizes are summarised as follows:

Zone	Existing	Proposed
RU4 – Primary Production Small Lots	2ha	
R2 – Low Density Residential		*555m ² – 665m ²
E4 – Environmental Living		2500m ²

*based on 15-18 dwellings per ha

Although the proposed lot sizes appear to be a positive outcome for the Vineyard Precinct in general, the subject site does not greatly benefit from the higher development density of the new zones because of the removal of that portion of the site nominated for SP2 Infrastructure zone. Further, it appears that areas of the new E4 – Environmental Living and R2 – Low Density Residential zones will not adequately compensate for the significant loss of permissible land uses the site presently enjoys.

5.3 Land Use Zone Boundaries

Notwithstanding the positive outcome for increased density through reduced lot sizes for the proposed E4 – Environmental Living and R2 – Low Density Residential zones, the way in which the proposed land use zone boundaries have been delineated for the subject site are not acceptable.

On review of the background information and discussions with Mott MacDonald's hydraulic engineer, it is clear that the E4 Environmental Living zone boundary follows the proposed 1:100 year flood level. The proposed 1:100 year

flood level line was identified through aerial photography and as such has not been confirmed on the ground. In this regard, it was noted by Mott MacDonald that there could be approximately +/-200mm variation between the aerial assessment and a ground assessment.

In addition, a review of the Vineyard Water Cycle Management Report written by Mott MacDonald (dated October 2016) identifies an anomaly with the E4 Environmental Living zone boundary as it does not follow the extent of the proposed 1:100 year flood level. Specifically, Appendix D of the Mott MacDonald report illustrates the TUFLOW modelling results.

It is evident from the TUFLOW modelling that the Vineyard water cycle management model, with its detention basin drain network, etc., works well compared to the existing situation. In fact the proposed Local and Regional 1:100 year flood model results show that there is minimal impact from flooding on the subject site outside of proposed detention 'Basin 2'.

Further, the proposed flood FDM Hazard maps for the Local and Regional 1:100 year events illustrate that outside of the proposed detention basin on the subject site, there is mostly no flood impacts on the balance of the land. In addition, this finding is almost replicated when Climate Change has been considered in the Regional and Local modelling scenarios.

In reference to the above observation of the flood modelling information, the majority of the subject site identified in the proposed E4 Environmental Living zone is not within the proposed Regional and Local 1:100 year flood area nor is this area impacted by the 1:100 year flood hazard development scenarios. Therefore, a more appropriate zone for this area of the subject site should be R2 Low Density Residential.

5.4 SP2 – Infrastructure (Local Drainage)

Over the past 10 years, the owners of the subject site held a more than reasonable expectation that the Vineyard Precinct will create higher density in line with the Sydney Regional Growth Centre Policy for the North-West sector of Sydney. At the time of purchase, it was also expected that there would be an up-lift in development density to a higher and better use. In this regard, the Vineyard Precinct rezoning proposal generally confirms this expectation, however, there are a few locations including the subject site, which does not benefit from this density uplift as compared to the balance of the Vineyard Precinct proposal.

Of particular note, the proposed water cycle management concept nominates a detention basin to be constructed on the subject land. This detention basin, known as 'Basin 2' in the advertised documentation, is proposed to hold 22,500m³ of water, and will take up approximately 50% of the total area of the subject site. This land required for the detention basin will be compulsory acquired as nominated in the Draft Land Reservation Acquisition map.

Nearby is a proposed active and passive open space area that presents a great opportunity for development of compatible land uses. In this regard, the area for the proposed open space is also well located to accommodate the detention basin rather than in its presently proposed location on the subject site. Therefore, it is requested that an investigation be undertaken to consider moving the location of the proposed detention basin onto the nearby nominated open space area.

5.5 Fill

In addition to the above discussion in 5.4, those areas within the 1:100 year flood area of the subject site, could be removed from this flood impact with fill. On discussions with Mott MacDonald, they acknowledge this as a reasonable option, so long as filling will not make the flood impact significantly greater on adjoining and surrounding properties.

In consideration of those areas affected by the 1:100 year flood levels and the potential for filling of these flood affected areas, it is requested that the area of the subject site affected by the 1:100 year flood levels be permitted to be filled. In this regard, it is also requested that any excavated material from the construction of the detention basins be used in filling of the affected areas of the subject site below the 1:100 year flood level.

5.6 Crime Prevention through Environmental Design (CPTED), Aesthetics and Maintenance

Given the location of the basin, particularly adjacent to active sporting fields, there is significant concern that there will be a lack of passive surveillance of the locality from nuisance and anti-social behaviour.

Further, the potential aesthetic impacts from the sheer size of the proposed basin and potential lack of maintenance of the basin, will also negatively reflect on the value of the balance of the property not being compulsory acquired.

Once the basin is acquired and built, it will require Council to constantly maintain this local infrastructure. In this regard, it is a significant concern that Council's obligation to maintain the basin and associated infrastructure may not be diligently undertaken, which will result in a potential attraction for antisocial behaviour; become an eyesore; and a habitat for weeds and vermin.

6. Concluding Comments and Recommendations

Please note that generally, the Draft Vineyard Precinct Plan appears to offer many positive outcomes for the development of Stage 1 component. However, in its present form, the negative impact of the Draft Vineyard Precinct Plan on 6 O'Dell Street, Vineyard, is substantial and as such is vehemently opposed.

Proposed 'Basin 2' will significantly reduce the area for development of the subject site and impact on the value this property.

It is clear that there has been minimal consideration to add land uses and/or provide flexibility in the development controls, such as allowing reduced lot sizes in the proposed E4 Environmental Living zone to compensate for the substantial loss of land and development opportunities as a result of this Draft Plan.

In addition, flood modelling suggests that the majority of the proposed E4 Environmental Living zone, of the subject site, will not be in the proposed 1:100 year flood area and therefore should be zoned R2 – Low Density Residential.

Therefore, in relation to 6 O'Dell Street, Vineyard, it is requested that the following amendments to the Draft Vineyard Precinct Plan – Stage 1 be adopted:

1. Remove the Detention Basin from 6 O'Dell Street, Vineyard and locate it within the proposed nearby open space area to the east.
2. In consideration of the flood modelling, address more accurately the proposed land use zone boundaries.
3. Zone the nominated E4 Environmental Living area to R2 Low Density Residential.
4. Permit a reduction of the minimum lot size in the E4 Environmental Living zone portion of the site to 1500m².
5. Increase the number of permissible uses in the E4 Environmental Living Zone portion of the site to reflect some of the uses in the present RU4 – Primary Production Small Lots zone such as:

Boarding houses; Caravan parks; Child care centres; Dual occupancies both attached and detached; Educational establishments; Food and drink premises; Intensive livestock agriculture; Intensive plant agriculture; Landscaping material supplies; Places of public worship; Plant nurseries; Public administration buildings; Recreation facilities (indoor); Registered clubs; Respite day care centres; Rural supplies; Tourist and visitor accommodation; Veterinary hospitals;

6. Permit filling of the site, to be able to remove this area of the land from the 1:100yr flood level, subject to no significant impact on the adjoining and surrounding drainage system.

7. Ensure design of the detention basin adheres to good environmental design including strong aesthetic appeal, impose a strict and diligent maintenance program and robust CPTED design elements.
8. Any material extracted from the detention basins be allowed for filling of the subject site.

Please do not hesitate to contact the undersigned on 0408 068 056 or scott@astp.com.au if you wish to discuss this submission further.

Yours faithfully,

ADAMS + SPARKES

TOWN PLANNING + DEVELOPMENT

A handwritten signature in black ink, appearing to read 'S J Alcorn', written in a cursive style.

Scott Alcorn