

Marsden Park North (MPN) Preliminary Submission
RE: RE1-Public Recreation Objections

Property Owner **-Pavil and Irene Ovchinnikoff**

Subject Property **-89 Robert St Riverstone NSW 2765 (corner Walker Pde)**

Property Diagnostics: **-Square Meterage: 22,875 sqm (approx.)**
-Road Frontage: 311m (approx.)
-Walker Pde, Robert St, Park Rd (RWP) land envelope

Family History

The Ovchinnikoff Family (Pavil and Irene) have owned the subject property since 2002 (over 16 years). They are the proud parents of five young boys and siblings to refugee immigrant parents.

From preliminary investigations, the subject land sits in a high corner block position, has a slight gradient and is free of any easements. This qualifies the site as an ideal lot for future residential subdivision.

Ethos Urban

Ethos Urban has been consulted to represent the landowners in all town planning consultation and land assessment services. This is a Preliminary Submission for the MPN Precinct draft ILP.

A preliminary perusal of the draft ILP has raised a number of concerns and issues.

We ask the Department of Planning to address these preliminary concerns and issues on their merits.

Introduction

The MPN Precinct is unique relative to its neighbouring precincts.

1. The precinct is predominantly a peninsula and has substantial down flow to the South Creek and Eastern Creek catchments (both are confirmed 4th Order Watercourses with high conservation value). The provision for detention basins, rainwater tanks, gross pollutant traps and bio-retention raingardens will be ineffective once they reach capacity and/or floods levels exceed the 1:100 ARI. The closer dwelling construction is to the 1:100 ARI the higher the probability of contamination to high conservation waterways.

2. The precinct has over 10km of 1:100 ARI frontage on the proponents foot print alone. This raises the real risk of home inundation if flood waters breach the 1:100 ARI. The closer dwellings are constructed to the 1:100 ARI level the higher the probability of loss to homes and property.

3. The MPN Precinct has been identified as a high evacuation risk area. Joint studies conducted by the NSW SES and the NSW Office of Environment and Heritage, in addition to extensive studies completed by the Hawkesbury Nepean Valley Flood Taskforce have raised serious flood evacuation concerns. So much so, that the Department of Planning has placed a cap of no more than 4,100 dwellings on land above the 1:100 flood level but below the PMF level. This raises the real possibility for loss of life if residents (particularly the old and frail) are not evacuated in a fast rising inundation. Once again, the closer residential housing is to the 1:100 ARI the higher the potential for loss of life.

As noted above, the MPN Precinct has unique environmental concerns, flooding inundation and flood evacuation risks which pose a real threat to residents, their homes and property.

Open Space and Recreational Facilities—The Blacktown City Council Recreation and Open Space Strategy 2017 (the ROSS Strategy) has adopted the Growth Centre Development Code by benchmarking the standard of 2.83 hectares per 1000 people.

Applying this benchmark, NSW Planning has an obligation to deliver 11 sporting fields in the Marsden Park North Precinct. The current draft Indicative Layout Plan (ILP) has made provisions for 13 playing fields. This has over allocated 2 additional sporting fields to the Marsden Park North Precinct. This over allocation is not mandated by law and can be deducted from the RWP land envelope without contravening benchmark standards.

The concentration of 6 sporting fields inside the Walker Pde Robert St Park Rd (WRP) land envelope is being justified by the Department of Planning on the following reasons:

1. Central Location – close proximity to R2-low density residential
2. Cost Efficiency and Ease of Management – one mass of 6 fields is cheaper to mow and manage than fragmented 2 fields per site
3. Ability to stage large scale sporting events
4. North/South Connectivity between RE1 areas
5. Adjoining new School on Robert St

In any other Precinct ILP in the Norwest Priority Release Area these are justified reasons for delivering 6 ovals on over 35 acres of land in one land envelope.

The MPN Precinct however is unique due to the aforementioned environmental, flood inundation and evacuation controls. These controls are imposed on the MPN Precinct to protect residents, their homes and property from the real risk of flood inundation and waterway degradation.

In being unique, the Department of Planning has a duty of care to deliver an ILP which is first and foremost safe for residents and their homes.

Allocating 35 acres of land to the Walker Pde, Robert St, Park Rd (WRP) land envelope is inconsistent with this duty of care when the land sits high near the PMF, has no easements or 1:100 ARI boundary and is adjacent to the Robert St evacuation vehicle route.

Alternatively, the proponents have over 10km of 1:100 ARI frontage and have been proposed almost exclusively R2-low density residential (10-25 dw/ha- capped at a maximum of 18dw/ha across their land footprint).

In the events of flood waters breaching the 1:100 ARI, much of the proponents fringe 1:100 ARI land will be first to flood and will endanger human lives and devastate homes and property. Meanwhile, RE2-Public Recreation (parks and ovals) in the WRP land parcel will be high and dry.

School and Sporting Fields—The provision of ovals and parks close to schools is sound planning strategy. NSW Planning allocates a minimum of two playing fields per new proposed school development. The provision for six ovals inside the WRP land envelope (adjoining the proposed new school on Robert Street) and a further two fields on the adjacent Bandon Rd extension seems misappropriated and excessive.

The ROSS Strategy allocates 4.5 hectares (45,000 sqm) to accommodate a minimum double playing field with enough space for car parking, amenities and supporting facilities. The provision of 11.25 hectares of RE1-Public Recreation space with 2 double and a single oval for the new proposed school is a fair and equitable allocation. These playing fields can be accommodated on 6.75 hectares adjoining the school inside the WRP envelope and a further 4.5 hectares is available adjacent to the school on the west side of Bandon Rd extension. This will afford the WRP playing fields with potentially 4 road frontages which will exceed ROSS strategy benchmarks.

The balance of WRP land parcel should be rezoned as R2-Low Density Housing to provide critical mass for the proposed B2-Local Centre on the corner of Walker and Robert St.

Local Centre Corner Robert St and Walker Pde—Sound planning principles generally dictate higher density housing adjacent to local centres. This allows local residents easy walking access (400-500m) to local shops and facilities. It also facilitates the critical mass necessary to provide a vibrant and successful retail community. (Urbis – Retail and Employment Assessment MPN August 2018)

The proposed B2-Local Centre on the corner of Walker Pde and Robert St is positioned adjacent to RE1-Public Recreation (ovals and parks), E2-Environmental Conservation area and has limited walking distance accessibility to R2-low density residential (min15-max18 dw/ha). These demographics appear prejudicial to the success of a local centre.

In the absence of substantially higher shop-top housing and adjoining residential housing development, limited outbound traffic, no major road exposure and the lack of floor space necessary to accommodate a major anchor tenant, the local centre is unlikely to succeed.

It is acknowledged that the proposed local centre on the corner Walker Pde and Robert St is partially located above the PMF boundary and has adjacent access to the proposed Walker St evacuation vehicle route. The minimal environmental and flood evacuation risks posed to this site could warrant an increase in residential density in shop-top housing (up to 25 dw/ha).

We provide in principle support for a B2-Local Centre on the corner of Walker Pde and Robert St but only if there is a provision for higher density residential in either shop-top housing or in adjoining land.

Stormwater/Retention—Sporting fields are often located in lower lying areas so they can play multiple roles as retention areas for stormwater, 1:100 ARI buffer zones and obvious role as active open space. This is evident by the regular provision of playing fields on or near drainage areas in neighbouring precincts. As the subject land is positioned high (27-24m contour), there would be very limited down flow of water from any proposed residential development. The subject land will therefore have very limited retention capabilities in its capacity as RE1-public recreation (parks and ovals).

Given the unique flooding and environmental issues affecting the MPN ILP, the use of sporting fields as water retention and 1:100 ARI buffer zones would appear rudimentary.

Summary

We object to the proposed RE1-public recreation zoning at 89 Robert St Riverstone on the grounds that it fails to meet the Precincts unique flooding and environmental concerns.

Local centres should be positioned close to R3-medium density /R2-low density areas as dictated by sound planning principles. The current proposed local centre on the corner of Robert Street and Walker Parade is supported in principle but only if higher density residential is permitted in shop-top housing and/or adjoining RE1-Public Recreation land is rezoned R2-Low Density residential.

RE1-public recreation (ovals and parks) should be spread more evenly amongst the new housing stages to make them more readily accessible and available based on nearby population densities. Expecting children from Stage 1 & 2 developments to traverse busy dual carriage way sub arterial roads (new Bandon Road extension) to get access to public recreation (playing fields) is irresponsible and fails to meet community expectations.

While we acknowledge that the new proposed primary school on Robert St requires a minimum allocation of a double playing field, we believe up to three playing fields can be accommodated in the adjoining WRP land envelope with a further double playing field available in close proximity on the adjacent Bandon Rd extension.

Blacktown City Council and the Department of Planning justification for allocating 3 double playing fields inside the WRP land envelope is based on 1. Central Location 2. Cost of Ongoing Management 3. Location proximity to New School and 4. South to North RE1 Connectivity.

We acknowledge the above reasoning but believe that MPNs unique flooding and environmental risks would warrant a more cautious allocation of land near the PMF (WRP land envelope). We believe most of this land envelope is better utilised predominately for residential housing to provide critical mass to the B2-Local Centre on the corner of Walker Pde and Robert St.

A more equitable distribution of RE1 (playing fields) above the 1:100 ARI would achieve a better community outcome by making playing fields more readily accessible, while availing of their multiple roles as a water retention and 1:100 ARI buffer.

By allocating RE1 land on high and dry land while permitting residential development in high risk flood evacuation and environmentally sensitive 1:100 flood fringe land they are putting the lives of residents and their homes and property at risk.

In closing, we reserve our legal right to challenge the draft ILP in the Land & Environment Court.

| | | |
|-----------------|------------------|----------------|
| Signed | Address | Dated |
| Signed | Address | Dated |