NSW Planning and Environment
GPO Box 39
Sydney, NSW, 2001

Attention: Planning Manager

Dear Sirs

Re: SUBMISSION – MARSDEN PARK NORTH PROPOSED MASTERPLAN
Property: 116 Park road, Riverstone
Folio: Lot 7 DP 1255

We are the registered owners of the above property and have prepared this submission in opposition of the proposed zoning of the Property as RE1 - for sporting fields.

SUBJECT PROPERTY

Whilst strongly supportive of the preservation of areas of land for environmental purposes we believe that appropriate land must be selected for this purpose – as set out in previous Masterplans for other area - and do not believe that this Property satisfies the necessary objectives for the reasons set out below.
(a) **ADJACENT LOCAL SHOPPING CENTRE** (see below image 1)

In the other recent Masterplans prepared by NSW Planning there has been higher density residential development adjacent to shopping/commercial centres. Having residential development adjacent allows for;

- Ease of local traffic flow as residents can walk to the shops
- Business profitability to increase as there are more customers close by

![IMAGE 1](image1.png)

This Property is in close proximity to the shopping/commercial centre and it appears that a residential zoning is appropriate.
(b) ACQUISITION COSTS

Under the Just Terms Compensation Act, Blacktown City Council will be required to acquire Properties if they are zoned as RE1.

The cost to council for acquiring this land would be unnecessarily high as the land is high and dry, there are no electrical easements, no gas lines and each owner would need to be compensated at the best and highest use value – being the residential rate.

The current land values for re-zoned residential land is approx. $1.35m per acre and in some cases in the Riverstone release area the prices have shifted to $1.5 - $1.8m per acre.

*(See Appendix 1)*

This would equate to approximately $40million to acquire around 30 acres.

It would be a more strategic planning outcome to consider land on the edge of the 1:100 flood zone for RE1 land. This land could be acquired at a much reduced cost. You could potentially acquire 30 acres in a lower area for the $10-$15million range. This appears to be a far superior usage of rate-payers funds and achieves the same outcome.

(c) CONSOLIDATED SPORTING FIELDS ON HIGHER LAND CONTOURS

Through our meetings with Blacktown City Council (BCC) & NSW Planning we have been informed that the Sporting fields are preferred by BCC to be in a larger consolidated position and not within the flood zone for the following reasons:

(a) Cost of maintenance and
(b) use of fields all year round.

Cost of Maintenance – We cannot see how it would cost you less to maintain sporting fields in a high position compared to fields in a lower / retention type position.

All year round use – Again this reasoning seems flawed as when BCC closes the sporting fields, they close all fields within the area.

As can be seen from (Image 2) below there are no individual fields that are identified as being open or closed. The BCC site states either;

- NO GROUND CLOSURES or
- ALL SPORTING GROUNDS ARE CLOSED.
(d) EVACUATION ROUTES

Flooding in the Hawkesbury-Nepean Valley poses a significant risk to people’s lives, livelihoods and homes because of the valley’s unique landscape and the size of its population. The NSW Government is now delivering Resilient Valley, Resilient Communities – Hawkesbury-Nepean Valley Flood Risk Management Strategy (the Flood Strategy). This long-term strategy is the result of four years of investigation into the best ways to reduce the risk to life, property and community from floods in the valley now and into the future. It contains a mix of measures designed to reduce flood risk and is being delivered with local councils, businesses and the community.

(Ref: Hawkesbury-Nepean Valley Flood Risk Management Strategy)

My concern over the proposed Masterplan is that Marsden Park North is a unique precinct in that it has numerous local flooding issues with Eastern Creek & South Creek surrounding the precinct, and therefore requires effective planning to allow for evacuation routes for human safety plus the least amount of potential property damage.

Based on this it makes good sense & good planning to have a majority of your residential housing on higher land away from any backwater flooding of these 2 major creeks.

We have had meetings now with Blacktown City Council Planners, our local MP & NSW Planners regarding the precinct and expressed our concerns over the Masterplan and the amount of proposed residential housing that is bordering the 1:100 year flood line. Some proposed residential properties are
even below the flood line and will require cut and fill when it seems that they would be better suited to being zoned as Sporting fields.
The land that is higher with no flooding concerns should be reserved for residential purposes and I seek clarification of the reasons for this reversal of usual strategy.

The land on the fringe of the flood line which is zoned for housing is owned by LEAMAC & GPH.
It seems likely that pressure from big business has caused an abandonment of principles of human safety, the protection of property and good planning principles that have been adopted in all previous precincts.

The protection of human life and people’s personal property must be paramount in the planning principles for a precinct that has the rare landscape we have with our major local flooding concerns.

We can see this becoming a future catastrophe when a large flood hits the area. I personally lived in the area during a massive flood in 1978. The water came up so fast that we were evacuated and our property and a number of our neighbours suffered devastating damage. At this time we were very lucky that no lives were lost.

I have attached a plan which circles the proposed residential land within the edges of the flood lines and it shows much higher land with NO RISK of flooding being zoned as sporting fields.

(See Appendix 2)

(e) DENSITY RATIOS TO BE BASED ON LAND HEIGHT

Under this Masterplan - Land which is adjacent to the 1:100 flood contour has been proposed for higher density than land which is vastly higher and more centralized in the Precinct. This seems to be contrary to all strategic planning principles. Good planning principles would normally put higher density development on higher land, away from any causeways or run off areas.

As can be seen by the below (Image 3), there seems to be proposed higher density residential zonings on the fringes of the 1:100 flood contour (17.3m, red circles) and land in much higher positions around a 22-26m contour being zoned as lower density residential or sporting fields (blue circle). This seems to go against standard planning principles.

(See Appendix 3)
(f) BANDON ROAD ARTERIAL ROAD

In August 2017 the NSW Government identified the North West Growth Area Land Use Plan. This plan was updated to reflect a revised transport corridor alignment provided by Transport for New South Wales (TfNSW).

To meet the vision proposed by NSW Government, NSW Planning identified some clear objectives. One of those objectives was based on the following;

“Explore new land uses along major infrastructure corridors to benefit from public investment in infrastructure such as Schofields road, Richmond road and BANDON ROAD. (Image 3)

The original plan for Marsden park North precinct does show a higher use for the Bandon road arterial road. We query ‘why was this plan was abandoned’?
(g) OPEN SPACE MINIMUM REQUIREMENTS

According to NSW Planning the minimum requirement for Sporting fields in Marsden Park North precinct is 11 fields. NSW Planning has made provisions for 13 fields which could potentially leave an allowance of 2 extra sporting fields.

We feel that having 3 double sporting fields on the subject site (cnr Park, Walker and Roberts road) is excessive. Perhaps one double and one single would be sufficient. Below is an image which shows the higher 20 acres adjoining the Commercial/shops as residential zoning and the lower 20 acres adjoining the School as sporting fields. (Image 4 – Section A)

I have also identified 2 other potential sites where extra fields may be placed (sections B & C)

We feel this would be a reasonable compromise and a much better application of planning principles.
**(h) TRANSGRID EASEMENT**

The powerlines intersect directly through the LEAMAC & GPH residential development and will have a NEGATIVE aesthetic impact on the housing development.

Local residents will be required to constantly drive under, walk under and look at these enormous powerline structures.

In addition to this there are potentially negative health issues as it is not clear yet what the implications are of living in proximity to power lines.

For some reason, however, this is the land proposed to have a Residential Zoning.

This may be appropriate if there is no alternative but in this instance you have land unaffected by Easements which can be zoned Residential.

We ask that the residential zoning of the land affected by the Transgrid Easement be re-assessed.

**(i) STORMWATER/RETENTION**

NSW Planning has stated the following in their OPEN SPACE DESIGN PRINCIPLES;

“ Intergrade stormwater management within networked open space”

“ Provide a balance of usable and accessible open space with stormwater management uses and protected recreational uses”

A review of other positioning of Sporting fields in new developments shows that they are usually located in low lying areas so they can have a dual role as retention areas for stormwater for higher developed areas.

As this Property is high it has no down flow of water from any currently proposed residential development and there seems to be a missed opportunity in relation to retention capabilities.

A further option may be to split the zoning – with the top half of the proposed RE1 site being zoned as higher density residential and the bottom half as sporting fields adjoining the school.

This would allow for some retention and retain some sporting fields in a higher position.
(j) SCHOOL & ADJACENT SPORTING FIELDS

We feel that allowing for 3 double sporting fields adjacent to the School is excessive.

The ROSS strategy identifies that sporting fields are to be provided in a minimum double playing field configurations. Blacktown council has identified that they should be a minimum of 4.5Ha in size.

It is suggested that NSW Planning adopt the Plan shown in mage 5 which zones:

(a) the higher 20 acres (8 HA) as residential; and
(b) the lower 15 acres (6HA) adjoining the proposed school as sporting fields

This would sufficiently meet Council’s requirements and the area would also still have 2 street frontages.

We feel this would achieve a better outcome for the precinct as it allows BCC to retain some fields in a higher position and allows for residential development to take place on good high land, reducing acquisition costs, flood risks and Transgrid Easement affectations in residential areas.
(k) REGIONAL SPORTS FIELDS PLANNING STUDY

We have been made aware through previous planning precincts in Riverstone and surrounding suburbs that NSW Planning has undertaken a Regional Sports Fields Study to identify appropriate locations for sporting fields that make use of land that is constrained by flooding.

Below is a response from NSW PLANNING regarding the objective of ensuring that the provision of open space is consistent with Council’s rate of provision. (Riverstone ILP Precinct)

“The results of this study indicate that there is a potential to locate a proportion of the playing fields required by each precinct in large playing field complexes, located within flood affected land in other precincts. On the basis of this study, Five double playing fields (two for Alex Avenue Precinct and three for Riverstone Precinct) are proposed to be provided “OUT OF PRECINCT”.

The study, including indicative locations for playing fields in other parts of the North West Growth Centre, is included in Volume 2 Technical Studies.”

We appreciate that there is a need to provide more sporting fields due to the lack of sporting fields in other previous precincts but the Study clearly states that it is incumbent “to identify appropriate locations for sporting fields that make use of land that is constrained by flooding”

The allocation of good high land for Sporting fields is contrary to the Study and is an inappropriate use of such land which must be valued in accordance with its best and highest use.

SUMMARY

As a result of the issues raised above we request NSW Planning to amend the proposed zoning map to remove the RE1 zoning on the subject property.

We feel the land is ripe for development and it is an inappropriate use to allocate it to Sporting fields when there is alternative land which better fits such use pursuant to Study documents. The centralized position of this Property makes it ideal for higher density residential development and having a commercial centre close by only strengthens this argument. We submit the higher 20 acres adjoining the commercial should be re-zoned as residential and the lower 20 acres should remain as sporting fields and school.

If you have any questions regarding this submission, please contact myself directly.

Yours Faithfully,

David & Louise MARTIGNAGO
KELYAH PTY LTD
APPENDIX 1

16 Clarke Street Riverstone, NSW, 2765
Sale Price: $9,040,000
Owner Name: Ugg 48 Pty Ltd
Category: House
Lot Size: 2.07ha
Sale Date: 22 Nov 2017
Lot Plan: 2/DP30211 RIVERSTONE NSW
Zoning: Undetermined Or Village
Land Use: General Rural

18 Clarke Street Riverstone, NSW, 2765
Sale Price: $11,215,115
Owner Name: Ugg 48 Pty Ltd
Category: House
Lot Size: 2.07ha
Sale Date: 12 Jan 2018
Lot Plan: 3/DP30211 RIVERSTONE NSW
Zoning: Residential
Land Use: General Rural

102 Cranbourne Street Riverstone, NSW, 2765
Sale Price: $11,200,000
Owner Name: Ugg 54 Pty Ltd
Category: Land
Lot Size: 2.63ha
Sale Date: 23 Nov 2017
Lot Plan: 3/QDP712 RIVERSTONE NSW
Zoning: Undetermined Or Village
Land Use: General Rural
Eq. Building Area: 325.1806m²

106 Cranbourne Street Riverstone, NSW, 2765
Sale Price: $11,000,000
Owner Name: Ugg 54 Pty Ltd
Category: House
Lot Size: 2.64ha
Sale Date: 23 Oct 2017
Lot Plan: 4/QDP712 RIVERSTONE NSW
Zoning: Undetermined Or Village
Land Use: General Farming

124 Cranbourne Street Riverstone, NSW, 2765
Sale Price: $11,909,376
Owner Name: Rai & Jei 1 Pty Ltd
Category: House
Lot Size: 3.15ha
Sale Date: 30 Oct 2017
Lot Plan: 6/QDP712 RIVERSTONE NSW
Zoning: Non Urban
Land Use: General Rural