



VINEYARD, RIVERSTONE, MARSDEN PARK DEVELOPMENTS INC.

PO BOX 144, RIVERSTONE NSW 2765

Director Land Release
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

MARSDEN PARK NORTH PROPOSED DRAFT MASTERPLAN

About VRMPD:

VRMPD is a non-profit group established over 30 years ago, to represent the interest of hundreds of landowners in the 'Scheduled Lands' of Riverstone, Vineyard & Marsden Park. We own residential lots that were subdivided for housing in the 1880, over 130 years ago. In 1977 Blacktown City Council, stop approving new homes in the area. Our clear aim is to see development occur immediately on the remaining lots.

History:

The Marsden Park North Scheduled Lands were subdivided for residential development, including a town centre since 1880's. It was approved by the NSW State Planning body at the time. It conformed to the NSW planning controls known as Ordinance 70 – Local Government Act Cl 11.2 see fig 1 below.

Ordinance 70 was the NSW State Planning controls at the time. It can be traced back from the 1900 up to 1988, on the internet.

The planning controls stipulated that all residential lots to be greater than (2500 sq ft) or 232 m².

All our lots are greater than 232 m². There are millions of lots this size in Sydney.

Blacktown Council was formed and began in 1906, 26 years after the Marsden Park North Scheduled Lands was subdivided.

Blacktown Council used Ordinance 70 as its planning controls up to 1988, when it created its own planning controls.

Ordinance 70 planning controls was freely available till around 1988 when Blacktown Council own development control began.

We have paid council rates since the 1880s. At the time when this development occurred, the NSW Public Works and later Blacktown Council were to provide the roads. State Government owned utility agencies were to provide water, electricity when they became available just like the rest of Sydney.

(3) The Council may, in respect of any part of a proposed building, alter the building line where—

Alteration
of building
line

- (a) the levels or depth of the allotment;
- (b) exceptional conditions of the site; or
- (c) the nature of the building,

make it necessary or expedient to do so.

11.2. (1) A Class I building shall not be erected on an allotment of land having an area of less than 232m².

Allotment
of land
Minimum
size for
Class I
buildings

(2) The Council may by resolution fix in respect of different portions of the Municipality or Shire the minimum size of an allotment of land upon which a Class I building may be erected subject to the minimum size of any such allotment being not less than 232 m².

Council
may fix
minimum
sizes of
allotments
for Class I
buildings

(3) Notwithstanding the foregoing provisions of this clause the minimum size of an allotment on which a Class I building may be erected may be less than the minimum size prescribed or fixed by this clause subject to the following rules:

Exceptions

- (a) If an applicant, in subdividing his land provides common garden or play-ground spaces adjoining and within the subdivision, the area of any such space may be taken into account and credited proportionately to the allotments abutting on that space or on any road surrounding that space, and the actual area of each allotment may be reduced accordingly below the prescribed minimum, but not to less than one-half of such minimum, and the right granted by this paragraph shall extend also to any subsequent purchaser of any such allotment.
- (b) In the case of an application for approval to build upon a parcel of land of less than the minimum size prescribed or fixed by this clause, that parcel being in existence as a separate parcel on 27th February 1942, the Council shall grant the application if the proposed building is suitable for approval apart from the question of the area of the site.

Our lots were urban until Blacktown Council **Introduced an Interim Development Order 133 on the 21 October 1977**. When they changed the minimum lot size from 232 sq m as stated in Ordinance 70 to 10 hectares, see fig 2a, b, c, d & e below. No new home was built on a vacant lot in the area as a result.

ATTACHMENT 3
4597

24 OCTOBER, 1977] NEW SOUTH WALES GOVERNMENT GAZETTE No. 126

LOCAL GOVERNMENT ACT, 1919

NOTIFICATION OF—
Suspension of the Blacktown Planning Scheme in respect of certain land within the Municipality of Blacktown, rescission or partial rescission of certain Interim Development Orders affecting land within the Municipality of Blacktown and making of Interim Development Order No. 133—Municipality of Blacktown

By the Minister for Planning and Environment, having considered a report furnished by the New South Wales Planning and Environment Commission, do, by this notification—

(a) in pursuance of section 342v of the Local Government Act, 1919, suspend the provisions of the Blacktown Planning Scheme as respects so much of the land to which such Scheme applies as is described in Schedule "A" hereto;

(b) in pursuance of section 342u (5) of that Act—
(i) rescind Interim Development Order No. 84—Municipality of Blacktown only in so far as it relates to the land described in Schedule "B" hereto and not further or otherwise; and
(ii) rescind the Interim Development Orders specified in Schedule "C" hereto; and

(c) in pursuance of those Sections make an Interim Development Order as set out in Schedule "E" hereto in relation to the lands described in Schedule "D" hereto. (76-15.018 (2) 1)

PAUL LANDA,
Minister for Planning and Environment.

Sydney, 21st October, 1977.

SCHEDULE "A"

All those pieces or parcels of land situate in the Municipality of Blacktown as shown by red edging on plan catalogued number 245-2974 in the office of the New South Wales Planning and Environment Commission.

SCHEDULE "B"

All that piece or parcel of land situate in the Municipality of Blacktown as shown by blue edging on plan catalogued number 9595 in the office of the New South Wales Planning and Environment Commission.

SCHEDULE "C"

Interim Development Order No. 45—Municipality of Blacktown as published in Government Gazette No. 88 of the 13th August, 1971.

Interim Development Order No. 62—Municipality of Blacktown as published in Government Gazette No. 66 of the 23rd June, 1972.

Interim Development Order No. 66—Municipality of Blacktown as published in Government Gazette No. 76 of the 28th July, 1972.

Interim Development Order No. 79—Municipality of Blacktown as published in Government Gazette No. 37 of the 23rd March, 1973.

Interim Development Order No. 102—Municipality of Blacktown as published in Government Gazette No. 139 of the 22nd November, 1974.

Interim Development Order No. 119—Municipality of Blacktown as published in Government Gazette No. 143 of the 7th November, 1975.

Interim Development Order No. 124—Municipality of Blacktown as published in Government Gazette No. 23 of the 20th February, 1976.

Interim Development Order No. 128—Municipality of Blacktown as published in Government Gazette No. 39 of the 19th March, 1976.

Interim Development Order No. 130—Municipality of Blacktown as published in Government Gazette No. 47 of the 2nd April, 1976.

Interim Development Order No. 131—Municipality of Blacktown as published in Government Gazette No. 107 of the 27th August, 1976.

SCHEDULE "D"

All those pieces or parcels of land situated in the Municipality of Blacktown—
(a) being portions 265, 273 and 284, Parish of Prospect, having frontage to Kildare Street and Monash Road;
(b) as shown by blue edging on plan number 9595; and
(c) as shown by red edging on plan catalogued numbers 245-1758, 245-1826, 245-1981, 245-2252, 245-2641, 245-2727, 245-2803, 245-2808, 245-2862 and 245-2974,

which plans are deposited in the office of the New South Wales Planning and Environment Commission.

SCHEDULE "E"

INTERIM DEVELOPMENT ORDER NO. 133—MUNICIPALITY OF BLACKTOWN

Citation and Interpretation

1. This Order may be cited as "Interim Development Order No. 133—Municipality of Blacktown".

2. (1) In this order, unless the context or subject-matter otherwise indicates or requires—
"advertising structure" has the meaning ascribed to it in Ordinance No. 55 under the Act, but does not include "temporary advertising structure" or "advertising structure for the purpose only of displaying a commercial sign" within the meaning of that Ordinance;
"appointed day" means the day upon which this Order is published in the Gazette;
"Commission" means the New South Wales Planning and Environment Commission;
"designated road" means
(a) Richmond Road, Garfield Road, Windsor Road, Old Windsor Road, the proposed Castlereagh Freeway, Schofields Road, the proposed Phillip Parkway, Great Western Highway, Western Freeway, Wallgrove Road; or
(b) any land within Zone No. 5 (b);
"dwelling-house" means a building designed or constructed or adapted for use as a dwelling for a single family together with such out-buildings as are ordinarily used therewith;
"existing building" and "existing work" mean respectively a building or work lawfully erected, constructed or carried out before the appointed day;
"existing use" means
(a) the lawful use of a building, work or land for the purpose for which it was used immediately before the appointed day; or
(b) a use in respect of which the Council has given its consent under clause 26;
"I.D.C. Map" means the map deposited in the office of the Council marked "Map referred to Interim Development Order No. 133—Municipality of Blacktown" or a duplicate of that map, similarly identified, deposited in the office of the Commission;
"plant nursery" means a building or place used or intended for use for the principal purpose of growing of plants, including the retailing of plants, but does not include the retailing of plant or garden accessories;
"recreation establishment" means health farms, religious retreat houses, rest homes, youth camps, any other recreation or sporting activity and the like, but does not include a building or place elsewhere specifically defined in this clause or a building or place used or intended for use for a purpose elsewhere specifically defined in this clause;
"rural industry" means handling, treating, processing or packing primary products produced in the locality and includes the servicing in a workshops of plant or equipment used for agricultural purposes in the locality;
"site area" means the area of land to which an application for consent under this Order relates; and
"zone" means land shown on the I.D.C. Map by distinctive colouring or edging or in some distinctive manner for the purpose of indicating any restrictions imposed by this Order on development.

(2) The set of standard or model provisions (other than the definitions of "dwelling-house", "general advertising structure" and "rural industry" in clause 1 thereof, and clause 5 thereof) adopted by the Minister for Local Government on the recommendation of The State Planning Authority of New South Wales and published in Government Gazette No. 88 of the 17th July, 1970, are adopted, by reference for the purposes of this Order.

General Development Control

3. Subject to this Order, on any land within a zone specified in Column I of the Table to this clause, the interim development—
(a) specified in Column II of that Table opposite that zone may be carried out without the consent of the Council; and
(b) specified in Column III of that Table opposite that zone may be carried out only with the consent of the Council, and no other development may be carried out.

Fig 2a

TABLE

Column I	Column II	Column III
Zone and colour or indication on I.D.C. Map	Development which may be carried out <i>without</i> the consent of the Council	Development which may be carried out <i>with</i> the consent of the Council
1. NON-URBAN: (a) Non-Urban "A". Light brown.	Agriculture (other than pig keeping or poultry farming establishments); forestry.	Advertising structures; amusement parks; boarding, breeding or training establishments; parks; cemeteries; clubs; development in Schedule 3; drive-in theatres; dwellings; educational establishments; extractive industries; home occupations; institutions; or hazardous industries; open space; or establishments; plant nurseries; poultry establishments; recreation establishments; establishments; roads; rural industries; stock and sales yards; subdivision; utility installations; veterinary establishments; waste disposal.
(b) Non-Urban "B". Light brown with dark red edging and lettered 1 (b).	Agriculture (other than pig keeping or poultry farming establishments).	Advertising structures; dwelling-houses; establishments; home occupations; open space; utility installations.
5. SPECIAL USES: (a) Special Uses "A". Yellow with scarlet lettering.	Development for the particular purpose indicated by scarlet lettering on the I.D.C. Map and ordinarily incidental or subsidiary thereto; open space; roads; utility installations (gas holders or generating works).
(b) Special Uses "B" (Roads). Grey.	Any purpose authorized by Part IX of the Act; drainage; roads; utility installations.

Advertising Structures

4. An advertising structure may be erected on land within Zone No. 1 (a) or 1 (b) only if it is to display advertisements relating to the use of the land on which it is erected provided that the Council may erect advertising structures on land within Zone No. 1 (a), or 1 (b), for the purpose of directing the travelling public to tourist areas or the display on such structures of private advertisements for tourist facilities.

Subdivision

5. (1) Subject to this clause, land within Zone No. 1 (a) shall not be subdivided unless each separate allotment to be created thereby has an area of not less than 40 hectares.

(2) Notwithstanding any other provision of this Order, land within any zone may be subdivided with the consent of the Council if that subdivision is for the purpose of—

- (a) creating an allotment or allotments intended for open space or other public purposes;
- (b) making minor adjustments to common property boundaries;
- (c) enlarging the area of any existing allotment without reducing the area of any existing allotment;
- (d) rectifying any encroachment upon an existing allotment; or
- (e) amalgamating allotments.

Dwelling-Houses

6. Subject to clauses 7, 8, 9, 10 and 24, a dwelling-house shall not be erected on land within a zone specified in one of the following paragraphs unless that land has an area of not less than the area specified in that paragraph—

- (a) zone No. 1 (a)—40 hectares; and
- (b) Zone No. 1 (b)—2 hectares.

Dwelling-houses—Land in Certain Zones

7. (1) This clause applies to land (other than land referred to in Schedule 1 or Schedule 2) within Zone No. 1 (a).

(2) One dwelling-house, may, with the consent of the Council, be erected and used on any allotment, lot or portion of land, the area of which is not less than 4 000 square metres, in existence as a separate allotment, lot or portion of land at the appointed day.

Dwelling-houses—Land in Schedule 1

8. (1) This clause applies to the land referred to in Schedule 1 (edged green on the I.D.C. Map).

(2) One dwelling-house, may, with the consent of the Council, be erected and used on any land if the area of that land exceeds 10 hectares.

(3) The Council shall impose as a condition of consent under subclause (2) a requirement that the land be amalgamated into a single allotment.

Dwelling-houses—Land in Schedule 2

9. (1) This clause applies to the land referred to in Schedule 2 (edged green on the I.D.C. Map).

(2) One dwelling-house may, with the consent of the Council, be erected and used on any land if the area of that land exceeds 2 hectares.

(3) The Council shall impose as a condition of consent under subclause (2) a requirement that the land be amalgamated into a single allotment.

Number of dwelling-houses

10. A second dwelling-house may be erected on any land within Zone No. 1 (a) only if—

- (a) the area of that land is not less than 10 hectares;
- (b) that dwelling-house will only be used to accommodate a person employed or engaged by the owner of that land or adjoining or adjacent land for the purposes of agriculture.

Junctions or Intersections with Main Roads

11. A road other than a driveway which forms a junction or intersection with a main road shall not be opened or used without the consent of the Commissioner of Main Roads.

Setbacks

12. A building shall not be erected on any land frontage to a designated road if the distance between the building and the nearest alignment of that road is less than 10 metres.

13. (1) This clause applies to land which—
(a) is within 300 metres of the road alignment of a designated road; or

(b) has direct vehicular access to such a road.

(2) Land shall not be developed for the purpose of erecting amusement parks, caravan parks, drive-in theatres, or establishments, plant nurseries or recreation establishments.

Drive-in Theatres

14. (1) The Council shall, upon receipt of an application for the development for the purposes of a drive-in theatre, refer the application to the Traffic Authority of New South Wales, and shall take into consideration any report made by that Authority.

(2) The screen of a drive-in theatre shall be protected so that no image projected thereon shall be visible and identifiable from any main road.

(3) A vehicular entrance to or exit from a drive-in theatre shall not be located within 90 metres of a main road.

(4) Within the site of a drive-in theatre there shall be a vehicular driveway, at least 60 metres long and 20 metres wide leading from the entrance to the site to the ticket office.

Industries

15. (1) The Council shall, upon receiving an application for development for the purpose of an offensive or hazardous industry—

(a) refer the application to the Commission; and
(b) give notice of the application in a newspaper circulating in the area.

(2) The notice referred to in subclause (1) (b) shall state that any person may, within 14 days of publication of the notice, object to the granting of a consent to the development.

(3) The Council shall take into account in dealing with the application any objections made by the Commission, or made under subclause (2), and the likely effect of the proposed development on the environment of the area.

Flood Liable Land

16. The Council shall as soon as possible after the appointed day prepare a plan showing the location and extent of lands liable to flooding.

Consents

17. In respect of any interim development application the Council shall take into consideration—

(a) the character of the proposed development in relation to the character of the development on the adjoining land and in the locality;

(b) the size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the adjoining land and the development thereon;

(c) whether the proposed means of entrance to and egress from the site are adequate and whether provision has been made for the loading, unloading and parking of vehicles on the site;

(d) any representations made by any statutory authority in relation to the application or to the development of the area and the rights and powers of any such authority;

(e) any plan, design or code whether detailed or otherwise adopted by resolution of the Council for the development of the locality in which the land to which the application relates is situated;

(f) whether any environmental issues are involved in and by the proposed development and if so, whether adequate safeguards have been or will be made to prevent pollution and protect the environment of the locality;

(g) whether adequate provision has been made for the landscaping and treatment of the site;

(h) the existing and future amenity of the neighbourhood;

(i) the circumstances of the case and the public interest;

(j) whether any existing trees or shrubs on the site should be retained; and

(k) the provisions of this Order.

18. In respect of any application for the consent of the Council to the carrying out of the following development, namely—

(a) any development within view of any waterway, or adjacent to a designated road the Council shall take into consideration the probable aesthetic appearance of the land or of the proposed building or work when used for the proposed purpose and viewed from the waterway or road;

(b) to the erection or use of an amusement park, cemetery, club, drive-in theatre, industry, place of assembly, plant nursery or recreation establishment or to the carrying out of any other development likely to cause increased vehicular traffic on any road in the vicinity thereof, the Council shall take into consideration whether—

(i) adequate vehicular exits from and entrances to the site have been provided so that vehicles using those entrances and exits will not endanger persons and vehicles using that road;

(ii) space, sufficient to provide for the parking or standing of so many vehicles as the Council may determine, is provided on the site or on land adjoining the site (other than a public road);

(iii) any representations made by the Traffic Authority of New South Wales have been met; and

(iv) adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers; or

(c) the erection of a dwelling-house, the Council shall take into consideration the likelihood of floodwaters entering the dwelling-house and may attach conditions to any consent requiring the floor to be erected at a height sufficient, in its opinion, to obviate the frequent flooding of the dwelling-house.

19. Wherever in this Order the Council is required to obtain the concurrence of the Commission or the consent of the Commissioner for Main Roads before consenting to any application for development, any consent so given without having obtained that concurrence or consent, shall be null and void.

20. The Council shall not refuse to grant any application for consent to carry out development made to it under this Order by the Crown or a public utility undertaking or a statutory body or the Totalizator Agency Board nor attach conditions to its consent to any such application except with the concurrence of the Minister for Planning and Environment.

Tree Preservation

21. (1) Where it appears to the Council that it is expedient for the purpose of securing amenity or of preserving existing amenities it may for that purpose by resolution, make an order (hereinafter referred to as a tree preservation order) and may by like resolution rescind or vary any such order.

(2) A tree preservation order may prohibit the ring-barking, cutting down, topping, lopping, removing, injuring or wilful destruction of any tree or trees specified therein except with the consent of the Council and any such consent may be given subject to such conditions as the Council may think fit.

(3) A tree preservation order may relate to any tree or trees or to any specified class, type or description of trees on land described in such order and such land may be described particularly or generally by reference to the land the subject of this Order or any part thereof.

(4) The Council shall forthwith upon the making of a tree preservation order cause notice of its making to be published in the Gazette and in a newspaper circulating in the area in which the land described in the order is situate.

(5) A person who contravenes, or causes or permits to be contravened, a tree preservation order, is guilty of an offence.

(6) In any proceedings under this clause it shall be sufficient defence to prove that the tree or trees ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed, was or were dying or dead or had become dangerous.

(7) The powers conferred upon the Council by this clause shall not extend to any trees within a State Forest or land reserved from sale as a Timber or Forest Reserve under the Forestry Act, 1916, nor to any trees which are under the control or management of the Metropolitan Water Sewerage and Drainage Board.

Places of Scientific or Historic Interest

22. (1) The Minister, on the application of the Council, may, by proclamation, declare any land, building or work to be a place of scientific or historic interest.

(2) A copy of that proclamation shall be served by the Council on the owner and occupier of the land, building or work.

(3) Where any land, building or work has been declared under this clause a place of scientific or historic interest, a person shall not make any alterations or additions to the land, building or work nor demolish the building or work, without the consent of the Council.

(4) The Council may acquire any such land, building or work for the purpose of preserving it for public use and enjoyment.

(5) Where any land, building or work has been declared under this clause to be a place of scientific or historic interest, the owner of such land, building or work may, by notice in writing, require the Council to acquire the land, building or work. Upon receipt of any such notice the Council shall acquire the land, building or work to which the notice relates.

(6) The Council may with the consent of any trustees or any authority established for that purpose place any such land, building or work under the care, control and management of such trustees or authority.

23. Notwithstanding any other provision of this Order, a person shall not make any alterations or additions to or paint the exterior of the buildings referred to in Schedule 4, nor demolish such buildings without the consent of the Council and the concurrence of the Commission.

Existing Buildings, etc.

24 (1) This clause applies—

(a) to an existing building which is a dwelling-house lawfully erected before the appointed day;

(b) notwithstanding any other clause.

47 600

(2) A building may be altered, enlarged or rebuilt only with the consent of the Council.

- 25 (1) This clause—
- (a) applies to existing buildings and existing works (other than dwelling-houses) lawfully erected constructed carried out continued or used immediately before the appointed day;
- (b) does not apply to an existing building or work erected constructed carried out continued or used in contravention of the provisions of Division 7 of Part XIIIa of the Act or any Ordinance made under that Division, the County of Cumberland Planning Scheme Ordinance, the Blacktown Planning Scheme Ordinance or any Interim Development Order made under that Part; and
- (c) applies notwithstanding any other clause.

(2) A building or work may be altered, enlarged or rebuilt—

- (a) if—
 - (i) the land on which the existing building or work is situated is within Zone No. 1 (b) or has a frontage to a designated road—only with the consent of the Council and the concurrence of the Commission; and
 - (ii) the land on which the building or work is erected is within any other zone and has a frontage to any other road—only with the consent of the Council; and
- (b) only if the floor space of the building or work as altered or rebuilt from time to time does not exceed by more than 10 per centum the floor space of the existing building or work as it was at the appointed day.

26. The existing use of an existing building or existing work or of any land, for a purpose for which development may not be carried out on any land within the zone within which the existing building or work or the land is situated may be changed to another use for a purpose for which development on any land within that zone cannot be carried out—

- (a) if the land is within Zone No. 1 (b) or as a frontage to a designated road—only with the consent of the Council and the concurrence of the Commission; or
- (b) if the land is within any other zone and has a frontage to any other road—only with the consent of the Council only if the proposed use is, in the opinion of the Council, less objectionable and will have a less adverse effect on the amenity of the area than the existing use.

Exceptions

27. Notwithstanding any other provision of this Order, on any land specified in Schedule 5, interim development for the purposes specified in that Schedule in relation to that land may be carried out only with the consent of the Council, subject to the conditions, if any, specified in that Schedule in relation to that land.

28. (1) This clause applies notwithstanding any other clause.

(2) The Council may consent to the subdivision of any land if—

- (a) before the appointed day it had approved or approved in principle of that subdivision; and
- (b) the subdivision proposed to be approved is substantially in accordance with the terms of that approval or approval in principle.

(3) A dwelling-house may, with the consent of the Council, be erected and used on any land referred to in Schedule 6, subject to the conditions, if any, specified in that Schedule in relation to that land.

Incomplete Development

29. Nothing in this Order shall prevent the carrying out of any development in accordance with any consent or approval granted under the provisions of the County of Cumberland Planning Scheme, Division 7 of Part XIIIa of the Act, and any Ordinance made thereunder, the Blacktown Planning Scheme or any Interim Development Order, which consent or permission is enforceable on the appointed day, if the development to which it refers has been commenced but not completed at the appointed day or is substantially commenced within a period of 12 months after that day.

Foreshore Building Lines

30. (1) The Council may by resolution fix buildings lines (in this clause called "foreshore building lines") in respect of any land fronting any river, creek, or other natural water-courses.

(2) A foreshore building line shall, when fixed by the Council be marked upon a plan or clearly described in the resolution and that plan or resolution shall be open for inspection by the public during office hours of the Council.

(3) A building shall not be erected between a building line and the river creek or natural water-courses in respect of which it is fixed.

(4) The Council may alter or abolish any building line where the levels or depth of the water or other exceptional conditions of the site make it necessary so.

SCHEDULE 1

Sections 1-8 inclusive, Deposited Plan 1146 having frontage to Park Road, Loftus, Grainger and Robert Streets, Marsden Park.

Sections 1-8 inclusive, Deposited Plan 1103 having frontage to Park Road, Loftus, Grainger and Robert Streets, Marsden Park.

Sections 1-18 inclusive, Deposited Plan 1477 having frontage to Garfield Road, William, Charles, Herbert, Ben, Ian, Davies, Brewer, Walker and Brown Streets, Marsden Park.

Sections A-C inclusive, Deposited Plan 1424 having frontage to Jackson and Arthur Streets, Marsden Park.

Lots 1-178 inclusive, Deposited Plan 1785 having frontage to Jackson and Arthur Streets, Lincoln Terrace and Clifton Road, Marsden Park.

Lots 1-21 inclusive, 1547 (L) having frontage to Robert and Ralph Streets, Marsden Park.

Lots 1-56 inclusive, Deposited Plan 10319 having frontage to Walker, Wealthy and Robert Streets and Clifton Road, Marsden Park.

Lots 1-20 inclusive, Deposited Plan 1899 having frontage to Clifton Road and Queen Street, Marsden Park.

Lots 1-21 inclusive, Deposited Plan 1899 having frontage to King Street, Garfield and Clifton Roads, Marsden Park.

Lots 1-15 inclusive, Deposited Plan 1899 having frontage to Garfield Road, King and Queen Streets, Marsden Park.

Sections 6-9 inclusive, Deposited Plan 1229 having frontage to The Avenue, York, Milton, Chaucer and Clifton Roads, Marsden Park.

Sections 1-5 inclusive, Deposited Plan 1227 having frontage to The Avenue, East, Lytham, Marsden and Denmark Roads, Marsden Park.

Sections 10-14 inclusive, Deposited Plan 1485 having frontage to Creek Street, Garfield, Appin, Albury, Denmark and Denmark Roads, Riverstone.

Sections A-G inclusive, Deposited Plan 1652 having frontage to Burfitt and Carnarvon Roads, Carrington, Argyle, Trafalgar, Milton and Nelson Streets, Schofields.

Sections H-U inclusive, Deposited Plan 1653 having frontage to Carnarvon Road, Nelson, Milton, Trafalgar, Argyle and Kendall Streets, Schofields.

Sections 1-3 inclusive, Deposited Plan 1584 having frontage to Burfitt, Carnarvon and Blenheim Roads, Schofields.

Lots 1-116 inclusive, Deposited Plan 1784 having frontage to Burfitt Road, Mary and John Streets, Schofields.

Lots 1-102 inclusive, Westminster Estate, having frontage to North, Creek, George and William Streets, Schofields.

Lots 24-27 inclusive to Grange Avenue, Schofields.

Lots 22-45 inclusive, Section B having frontage to Grange Avenue, Schofields.

Sections 9-54 inclusive, Deposited Plan 1480 having frontage to Riverstone Parade, Melbourne Road, Crown, Sydney, Hobart, Wellington, Loftus, Edward, Princes, Victoria, Albert, Perth, Clyde and Otago Streets, Riverstone.

Sections A-H inclusive, Deposited Plan 1654 having frontage to Riverstone Parade, Otago Street, Berdoo, Dulwich, Camberwell, Ashford and Norwood Roads, Riverstone.

Lots 1-72 inclusive, Deposited Plan 1438 having frontage to Railway Parade and Carlton Road, Riverstone.

Lots 2, 7-11 inclusive, Deposited Plan 712 having frontage to Railway Parade, Riverstone.

Lots 1-3 inclusive, M.P.S. (R.P.) 45287 having frontage to Railway Parade and Carlton Road, Riverstone.

Lot A, M.P.S. (R.P.) 58244 having frontage to Railway Parade, Riverstone.

Lot 1, Deposited Plan 502547 having frontage to Railway Parade, Riverstone.

Lots 1-10 inclusive, Deposited Plan 11816 having frontage to Railway Parade and Carlton Road, Riverstone.

Lots 1 and 2, M.P.S. (R.P.) 5300 having frontage to Garfield Road, Riverstone.

SCHEDULE 2

Lots 30-40 inclusive, Deposited Plan 3005 having frontage to Westminster Street and Kensington Park Road, Schofields.

Lots 140, 143, 144, 147, 148 and 151, Deposited Plan 3005 having frontage to St Albans Road, Schofields.

- Lots 188-220 inclusive, Deposited Plan 1007 having frontage to Wolsley Avenue, Brighton and Bligh Streets, Riverstone.
- Lots 1-13 inclusive, Deposited Plan 1468 having frontage to Riverstone Road and Olive Street, Riverstone.
- Lots 16-24 inclusive, Deposited Plan 1468 having frontage to Riverstone Road and Lavina Street, Riverstone.
- Lots A and B, M.P.S. (R.P.) 39525 having frontage to Riverstone Road, Riverstone.
- Lots 1-30 inclusive, Deposited Plan 1984 having frontage to Lincoln Avenue (West side), Riverstone.
- Lots 1-30 inclusive, Deposited Plan 1984 having frontage to Lincoln Avenue (East side), Riverstone.
- Lots 1-34 inclusive, Deposited Plan 1610 having frontage to Cranbourne and Clarke Streets, Riverstone.
- Lots 1, 2, 23, 24, 25 and 26, Deposited Plan 1447 having frontage to Cranbourne Street, Riverstone.
- Lots 3 and 22, Deposited Plan 1447 having frontage to Arlington Avenue, Riverstone.
- Lots 7-12 and 46-78 inclusive, Deposited Plan 1342 having frontage to Bellevue Street, Riverstone.
- Lots 1-34 inclusive, Deposited Plan 1972 having frontage to Hamilton and Campbell Streets, Riverstone.

- (a) Lot 1, Deposited Plan 540682, having frontage to Labor Road, Quakers Hill.
- (b) Any lot created in a subdivision in respect of which the Council has given a consent under clause 28 (2). (8405)

LOCAL GOVERNMENT ACT, 1919

SUSPENSION OF THE PROVISIONS OF THE SHIRE OF WARRINGAH PLANNING SCHEME IN RESPECT OF CERTAIN LAND WITHIN THE SHIRE OF WARRINGAH AND NOTIFICATION OF INTERIM DEVELOPMENT ORDER No. 100—SHIRE OF WARRINGAH MADE IN RESPECT THEREOF

IN pursuance of section 342Y of the Local Government Act, 1919, I, the Minister for Planning and Environment, having considered a report furnished by the New South Wales Planning and Environment Commission, do hereby notify that the provisions of the Shire of Warringah Planning Scheme are suspended as respects such part of the land to which such scheme applies as is described in Schedule "A" hereto and do, by this my notification, make an interim development order as set out in Schedule "B" hereto. (7/45.D2721)

PAUL LANDA,
Minister for Planning and Environment.

Sydney, 21st October, 1977.

SCHEDULE 3

- Any development carried out by or on behalf of—
- The Department of Agriculture (New South Wales).
 - The Department of Education (New South Wales).
 - The Department of Main Roads (New South Wales).
 - The Department of Mines (New South Wales).
 - The Department of Public Works (New South Wales).
 - The Department of Technical and Further Education (New South Wales).
 - The Department of Youth and Community Services (New South Wales).
 - The Department of Motor Transport (New South Wales).
 - The Police Department (New South Wales).
 - The Department of Tourism (New South Wales).
 - The Public Transport Commission of New South Wales.
 - The Electricity Authority of New South Wales.
 - The Electricity Commission of New South Wales.
 - The Forestry Commission of New South Wales.
 - The Health Commission of New South Wales.
 - The Metropolitan Waste Disposal Authority (New South Wales).
 - The National Parks and Wildlife Service (New South Wales).
 - The Metropolitan Water Sewerage and Drainage Board (New South Wales).
 - The Sport and Recreation Service (New South Wales).
 - The Water Resources Commission (New South Wales).
 - The Soil Conservation Service (New South Wales).
 - The Prospect County Council.
 - The Department of Transport (Commonwealth).
 - The Department of Administrative Services (Commonwealth).
 - The Australian Postal Commission (Commonwealth).
 - The Australian Telecommunications Commission (Commonwealth).
 - The Australian Gas Light Company.

SCHEDULE 4

- Clydesdale, Richmond-Blacktown Road, Marsden Park.
- Merriville, Vinegar Hill Road, Rouse Hill.
- Rouse Hill House (including gardens and stables), Windsor Road, Rouse Hill.

SCHEDULE 5

Land	Purposes	Conditions
1. Portion 258, Parish of Prospect.	Kiosk and souvenir shop; dwelling-house.	(a) The floor area of any shop shall not exceed 30 square metres. (b) No more than 2 dwelling-houses may be erected or used. (9/54 D. 2400).

SCHEDULE "A"

All that piece or parcel of land situate in the Shire of Warringah having frontage to Campbell Avenue, Dee Why, as shown by red edging on plan catalogued number 245:3157 in the office of the New South Wales Planning and Environment Commission.

1. This Order may be cited as "Interim Development Order No. 100—Shire of Warringah".

2. In this Order—
"I.D.C. map" means the map deposited in the office of the Council marked "map referred to in Interim Development Order No. 100—Shire of Warringah" or a duplicate of the said map similarly identified deposited in the office of the New South Wales Planning and Environment Commission.

3. The set of standard or model provisions adopted by the Minister for Local Government on the recommendation of The State Planning Authority of New South Wales and published in Government Gazette No. 88 of the 17th July, 1970, are adopted wholly, by reference, for the purpose of this Order.

4. Interim development may be carried out only with the consent of the Council—

- (a) on the land coloured light green with yellow edging on the I.D.C. map for the following purposes:
Tennis and squash court complex and any purpose ancillary thereto; caretakers flat; drainage; parking associated with the said complex; roads; utility installations other than gas holders or generating works.
- (b) on the land coloured light green with dark green edging for the purposes specified in Columns III and IV shown opposite Zone No. 6 (c) in Column I which Columns are contained in the Table to clause 26 of the Shire of Warringah Planning Scheme Ordinance. (8915)

LOCAL GOVERNMENT ACT, 1919

SUSPENSION OF THE PROVISIONS OF THE KOGARAH PLANNING SCHEME IN RESPECT OF CERTAIN LAND WITHIN THE MUNICIPALITY OF KOGARAH AND NOTIFICATION OF INTERIM DEVELOPMENT ORDER No. 14—MUNICIPALITY OF KOGARAH MADE IN RESPECT THEREOF

IN pursuance of section 342Y of the Local Government Act, 1919, I, the Minister for Planning and Environment, having considered a report furnished by the New South Wales Planning and Environment Commission, do hereby notify that the provisions of the Kogarah Planning Scheme are suspended as respects such part of the land to which such scheme applies as is described in Schedule "A" hereto and do, by this my notification, make an interim development order as set out in Schedule "B" hereto. (77-1228)

PAUL LANDA,
Minister for Planning and Environment.

Sydney, 21st October, 1977.

SCHEDULE "A"

All that piece or parcel of land situate in the Municipality of Kogarah, having frontage to Algernon Street, Oatley, as shown by red edging on plan catalogued number 245:3186 in the office of the New South Wales Planning and Environment Commission.

Fig 2e

The implementation of the Interim Development Order 133, by Blacktown Council significantly affected the land prices in our area and has caused pain and suffering to all landowners. It drastically slowed down the development of the Riverstone township, who also suffers by this change.

Blacktown Council charged Council rates, since it began in 1906. I can only guess rates was paid to the NSW Government before then.

To put in perspective, the lost to landowners on today's median weekly rent price of \$500 in Riverstone, equates to over \$1,000,000 loss by each landowners on each lot.

The people who were allowed to build, received this benefit, as like the rest of Sydney.

To date, Blacktown Council has paid no compensation for its actions. This was a form of compulsory acquisition, and no payment was made.

Many landowners have had the land in their family since the 1880's. Every lot was sold, in the 1880 to private landholders for housing and names are available at the Land Titles Office.

In 1997, the restriction on our land was proposed to be modified, to be in keeping with surrounding rural lands. In the Marsden Park Scheduled lands, the minimum allotment size for the erection of a dwelling was to be reduced from 10 hectares down to 4000 m².

This did not go ahead, as number of landowners was not able to consolidate an area of 4000 m².

Several new landowners purchase land in this area based on the NSW Government released document. See fig 3 below.

MEDIA RELEASE . . . MEDIA RELEASE . . . MEDIA RELEASE . . .



Hon. JOHN AQUILINA, ATTACHMENT 2 TO SCR:424

Member for Riverstone
Minister for Education and Training
Minister Assisting the Premier on Youth Affairs

MEDIA RELEASE

Embargoed 2.00pm, Sunday October 12, 1997

AQUILINA ANNOUNCES RIVERSTONE LAND RELEASE

The Member for Riverstone, John Aquilina MP, has ended a 35 year stalemate by announcing on behalf of the Minister for Urban Affairs and Planning, Craig Knowles, the release for urban development of the Scheduled Lands and adjoining rural lands in Riverstone, Vineyard and Schofields.

Mr Aquilina invited all landholders and members of the local community to attend a meeting at the Riverstone Bowling and Recreation Club, at which officers of the Department of Urban Affairs and Planning provided details about the release.

"In accordance with clause six of Regional Environmental Plan (REP) 19, I am pleased to propose to declare parts of the Riverstone Scheduled Lands (as identified on the map) as an urban release area," Mr Aquilina said.

"An investigation of this area has shown that much of the existing infrastructure can cope with the development of this land.

"The release ultimately will provide for a great number of new homes," he said.

In the Marsden Park Scheduled Lands, the minimum allotment size for the erection of a dwelling will be reduced from 10 hectares to 4,000 square metres, consistent with the adjoining lands zoned General Rural 1(a) under the Blacktown Planning instrument.

The reduction in allotment sizes will be conditional on the provision of adequate services and on the disposal of effluent.

"The Department of Urban Affairs and Planning will work closely with Blacktown Council to co-ordinate the release of the land and the amendments to the local environment plan.

"Blacktown City Council will be responsible for the preparation of the detailed plans for the area and the necessary rezoning of individual sites," Mr Aquilina said.

"The proposals announced at the public meeting will be followed by a period of consultation between the Department of Urban Affairs and Planning, Blacktown Council and the government agencies concerned.

"Following my representations over a number of months, the Minister for Urban Affairs and Planning and the Urban Management Committee of Cabinet gave approval for the public announcement of the release of this land," he said.

"The community will be fully included in the process of rezoning through the public exhibition of draft environmental plans and studies," Mr Aquilina said.

"I initially went to bat with the then State Planning and Environment Commission on behalf of local residents almost 20 years ago when I was Blacktown's Mayor.

"It is a very proud day for me now as the public representative for the community of Riverstone to be able to advise the landholders who have endured hardship fighting over the decades that their land can now be released for development.

"I commend the Minister and his department on their action in response to my representations on this issue." Mr Aquilina said.

For more information:

Kirsty O'Brien (Mr Aquilina's office) (02) 9561 8100 or 019 935 932 or
Catherine Gillespie (Department of Urban Affairs and Planning) (02) 9895 7094

Fig 3

Proposed Marsden Park North Masterplan:

We welcome the proposed draft masterplan for Marsden Park North. We have tried to get to this point for the past 40 years. We still do not understand how the Scheduled Lands ended up in this mess. We have been denied the right to build and denied access to infrastructure that was available in the area.

Marsden Park North Scheduled Lands are ideally located, adjacent to the Riverstone town centre and railway station. It is also adjacent to the proposed Marsden Park town centre and industrial area.

Our area is amalgamating a number of residential lots, there is **no subdivision**.

As a Committee, we welcome the idea to retain the existing historic subdivision pattern and amalgamate two smaller lots into one.

As stated previously, Marsden Park North Scheduled Lands have already negotiated its portion for conservation in 2005, when the Department of Planning agreed with the Planning Minister at the time Mr Frank Sartor. Department of Planning DoP was supposed to have consolidated their land holdings in the proposed Environmental Conservation Zone to offset the development for the rest of the Marsden Park Schedule Lands. This was to make it equal to the Riverstone Precinct Scheduled Lands development.

This was not an offset for the larger landholders in the area to subdivide.

Landowners within the existing conservation area, were supposed to be offered a land swap for land outside the conservation area.

Fact sheet and response from DoP below fig 4a, b & c.

At the time, information and impact of the Probable Maximum Flood (PMF) was not available or considered.

In hindsight, the proposed Environmental Conservation Zone should have preserved land below the 1:100 flood level or just above the 1 in 100 flood level, to preserve the high flood free land for housing. Land above the PMF flood level could be used a flood evacuation centre and build more homes that are not affected by flooding.

Any land left alone will regenerate vegetation naturally, or it can be planted just like Western Sydney Parklands or Castlereagh Waste Depot located in Berkshire Park. Companies like Greening Australia are more than capable in regenerating bushland. It could be part of a community project.

At the time, the VRMPD Inc negotiated with the Planning Minister and representatives from the DoP to conserve an area. It was based on DoP ownership. The DoP owns land evenly scatters all through the Marsden Park Scheduled Lands.

The land swap idea was to reinstate the rest of the Marsden Park North Scheduled Lands to be rezoned back to housing, as it was originally intended.

The land swap agreement saves NSW taxpayer funds, reduce the cost of providing roads and utilities and future maintenance costs.

As Frank Sartor said "Why didn't the DoP come up with this arrangement, it is a reasonable compromise".

We are prepared to take this matter to court.

Mr Frank Sartor had an independent auditor attending these meetings along with others.

A Parliamentary General Purpose Standing Committee dated 8 September 2006 is attached, which make comments on the Scheduled Lands and land swap arrangement.

MANAGING SYDNEY'S **GROWTH CENTRES**

FACT SHEET

ENVIRONMENT CONSERVATION ZONE

('Beige' areas)

Protection of the highest quality existing vegetation and natural habitat within the growth centres is a key objective of the growth centres plans.

A number of properties have been identified as having significant high quality vegetation, including some of the best remaining examples of Cumberland Plain vegetation. Special measures have been introduced to ensure that this existing high quality vegetation is protected and three new land use zones have been established:

- Public Recreation – Regional
- Public Recreation – Local
- Environment Conservation

This Fact Sheet addresses key questions regarding the Environment Conservation Zone. Land included in the Environment Conservation Zone is shown in beige on the draft SEPP zoning map, and comprises two parcels within the area known as the 'Scheduled Lands' at Marsden Park and Riverstone in the north-west sector.

What is the Environment Conservation Zone?

These lands have been identified as having significant ecological value worthy of protection that will contribute to the overall conservation outcomes in the growth centres. In recognition of this contribution, landowners in these areas who wish to develop their land will be offered a voluntary 'land swap' (see next page for more details).

Unlike land in the Public Recreation zones, the development potential of these properties is already very limited due to existing planning rules, high value vegetation and their fragmented nature. These lands are generally considered unsuitable for urban development.

Marsden Park Scheduled Lands

The Marsden Park Scheduled Lands cover around 180 hectares and contain more than 4,000 small allotments, created as a 'paper subdivision' in the 1890s. These allotments are zoned rural, and landowners do not currently have the right to build dwellings.

The NSW Government and Blacktown City Council own a significant number of the small lots, along with more than 500 private landowners.

About half of the total area of the Marsden Park Scheduled Lands is flood-affected, with the majority covered in Cumberland Plain vegetation of varying significance.

The properties included in the Environment Conservation Zone are those with the highest ecological value. They include a mix of publicly and privately owned properties.

Riverstone Scheduled Lands

The Riverstone Scheduled Lands include a total of some 3,800 mainly unserviced, terrace-sized allotments.

The NSW Government and Blacktown City Council have acquired a considerable number of these allotments over some years.

Two portions of the Riverstone Scheduled Lands have been identified as having significant ecological value.

The southern-most of these areas is included in the Environment Conservation Zone. The northern-most is included in the Public Recreation – Local Zone. Refer to the *Public Recreation – Local Zone* fact sheet for more information.



Fig 4a

MANAGING SYDNEY'S **GROWTH CENTRES**

FACT SHEET

What development can occur in the Environment Conservation Zone?

The draft SEPP defines what kinds of development can and can not occur within the Environment Conservation Zone. These 'land use controls' will come into effect once the draft SEPP is finalised and gazetted.

Affected landowners will be able to continue any current, approved land-uses, up until the land is brought into public ownership. Once the land is brought into public ownership, it will become public reserve land. This may not occur for some years.

How will the Environment Conservation Zone protect native vegetation?

The draft SEPP introduces new requirements to protect native vegetation within the Environment Conservation Zone. The new requirements will reinforce and work alongside local government tree clearing regulations.

The draft SEPP requires council approval for the removal of any native vegetation from properties within the Environment Conservation Zone.

Before the council can approve any development in this zone, it must be satisfied the landowner will protect the conservation value of native vegetation on their property. In addition, existing vegetation on the land will have to be maintained and protected by the landowner.

Councils will still be able to apply their own tree clearing controls when assessing development applications.

The vegetation protection rules applying in the Environment Conservation Zone are the same as those which apply to flood-prone land, alongside major creeks, and in the 'Transitional Lands'.

They will come into effect when the draft SEPP is finalised and gazetted.

How will land within the Environment Conservation Zone be brought into public ownership?

A scheme of voluntary land swapping, managed by the government, is under consideration.

Under the proposed land swapping scheme, private owners within the Environment Conservation Zone may be able to "swap" their land for government-owned land located elsewhere in the Marsden Park or Riverstone Scheduled Lands, ie outside of the Environment Conservation Zone.

This would give affected landowners the chance to own land that may be used for urban development. All landowners in the Environment Conservation Zone would be given the opportunity to be included in the scheme.

The proposed land-swapping scheme is voluntary: land swapping is not compulsory, and landowners will be consulted before any decisions are made. The Government will also aim to make any such scheme cost-neutral for land owners.

The draft SEPP recognises the Government's land swapping initiative through clauses requiring that, where a landowner is not permitted to undertake a development on the basis of their rights prior to enacting of the SEPP, the Government must offer the land owner other land in the growth centre of similar value in exchange for the land.

When will this happen?

In general, the proposed land-swapping scheme for landowners within the Environment Conservation Zone is not proposed to occur until the Marsden Park and Riverstone precincts are released for development.

Before this happens, affected landowners will be contacted to discuss their options.

For further information contact the Growth Centres Help Line on 1300 305 695
or visit www.metrostrategy.nsw.gov.au.





4th January 2007

Contact: Stephen Dewick
Phone: (02) 9895 7940
Fax: (02) 9895 7946
Email: stephen.dewick@planning.nsw.gov.au
Our ref: P00/00094 Pt 2

Dear Mr

Subject: Request to initiate a land swap – Marsden Park Scheduled Lands

I refer to your letter received by the Department on the 15th December and subsequent discussions you have had with Mr Rod James of the Land Management Branch.

As you are aware the discussion between the Growth Centres Commission and the Department regarding the conservation zones in the Marsden Park Scheduled Lands is to investigate the concept of 'land swaps' as an alternative to acquisition.

The idea is that Department owned lands at Marsden Park outside the Environmental Conservation zone could be swapped for land owned privately within the area designated Environmental Conservation.

Landcom on behalf of Growth Centres and the Department has been looking at the structure of such a landswap arrangement. Until some of the issues are resolved it is too early to formally start land swapping.

However, the Department as a priority is looking to the 'land swap' scheme as our preferred course of action and we are due to meet with Landcom and the Commission in February to progress the scheme and how it may operate.

It would be premature for the Department to consider any offers prior to this meeting.

We are happy to keep you informed of progress as discussions with Growth Centres Commission continue.

Should you have any queries, please contact Mr Rod James, Manager, Land Management Services on 9895 7944 or alternatively myself on 9895 7940.

Yours sincerely

Stephen Dewick
Manager – Strategic Land Management
Land Management Branch

The idea was, all landowners would own equivalent size residential lots, as they owned in the proposed Environmental Conservation Zone, to build residential homes. No private landowner was to be affected, other than a land swap. No one missed out. This also made us equal to the development stage of the Riverstone Precinct Scheduled Lands.

It appears the DoP wants to default on the agreement, made in 2005 and cherry pick parts of the agreement.

This maybe an oversight, with new staff that may not be aware of the agreement.

The conservation area was to preserve land already owned by DoP within the Marsden Park North scheduled lands.

NO LAND SWAP, NO CONSERVATION in this area.

If Department of Planning is not willing to land swap they can conserve their land in its current location.

The area is still the same just scattered. This still ticks the conservation area the DoP is seeking. This was an offer made by the VRMPD Inc to help the NSW Government.

Department of Planning & Environment now intend to **acquire around 520 privately owned residential lots and develop around 230 lots owned by the NSW Government above the 1:100 flood level.**

This is not acceptable and breaches the conservation and land swap agreement of 2005.

While developers such as Stockland and Mirvac also have high value conservation on their land, the masterplan do not required them to conserve any land to develop their proposed large rural lands for housing. Why are these developers getting favourable treatment?

This has outraged many Marsden Park Scheduled Landowners who are affected and is not acceptable.

This is a stab in the back for the Marsden Park Scheduled Landowners, who negotiated and trusted the NSW Government.

We are part of the new paper subdivision legislation that was recently gazetted to service areas like ours.

We are not being subdivided, we just wanted the restrictions to build on our land lifted. Landcom would assist in updating the current infrastructure that was neglected for the past 40 years. Landcom have started construction on the Riverstone Scheduled Lands.

In the masterplan we are being treated as a biodiversity bank for the surrounding rural landholders and property developers such as Stocklands and Mirvac, who want to subdivide more land for profit. We were a residential subdivision first & still waiting. They can wait 40 years just like us and regrow their own vegetation in that time.

Mirvac and Stocklands have no intentions to live in the area. They are going to destroy all their high quality vegetation to install more sewerage pumping stations, water, roads, home and concrete etc, to sell for a profit to the public.

A better environmental outcome is to consolidate the housing within the Marsden Park Scheduled Lands area and conserve the proposed Stocklands and Mirvac development.

NSW Government only needs to make one purchase, no one suffers. The Developers would be paid their costs and expense and develop more elsewhere. Stocklands have large development landholding approximately 500Ha+ in Marsden Park alone such as Elara. They would have many developments across Sydney.



Sylvia Hale MLC
Parliament of NSW
Macquarie Street
Sydney NSW 2000

32. Landcom

- a) Is Landcom involved in any joint ventures or partnerships with any private companies corporations or individuals to develop land in the North and South release areas?
- b) Are Landcom directors required to disclose their involvement as owners directors or shareholders of private companies involved in land developments in the North and South release areas.
- c) Any of the directors of Landcom owners or directors or shareholders of any private companies involved in land developments in the North West and South West release areas? If so, which directors and which companies?

33. SW Growth Sector

- a) On what date was the proposed south west growth centre boundary amended to include Boral Lot 2 DP 733115 Greendale Road, Bringelly and the adjoining property belonging to Medich-related interests on Greendale Road, Bringelly?
- b) Why was the decision taken to amend the boundary in this way?
- c) What discussions were held with or submissions received from the owners of these properties prior to the decisions to amend the boundary? When did these discussions take place?
- d) How many submissions were received in relation to the release area boundary?
- e) How many submissions sought amendments to the release area boundary?
- f) How many amendments to the boundary were made?
- g) Were reasons given to any person for a denial of a request to amend the boundary?
- h) How were requests to amend the land release boundaries assessed? Who assessed them? What criteria were used?
- i) Who developed the criteria? Were they published?
- j) What is to happen to Bonds Creek when the Leppington City Centre is developed?
- k) Is the department proposing to change the location of the proposed Leppington station to move it away from Bonds Creek?
- l) Will land subject to 1 in 100 year flooding in the Bonds Creek and Oran Park area be developed?

Fig 5a

- m) Is the water from South Creek currently being diverted onto the adjacent Oran Park property of Mr Perich?
- n) When was this diversion approved? By which authority?
- o) Is it proposed that the water that is currently being diverted onto the Oran Park property will be diverted back into South Creek?
- p) If so, when will this re-diversion of water take place?
- q) Has the Department of Planning undertaken any assessment of the remediation costs for South Creek?
- r) Who will pay these costs?

34. Denham Court

- a) Was residential development approved on 1-in-100-year-flood-prone land in Springmead Rd, Denham Court?
- b) If so, why was this land considered appropriate for residential development?

35. Marsden Park Scheduled Land release area

- a) Given that Marsden Park Scheduled Land owners have been advised by the Growth Centres Commission (GCC) that, due to the lack of infrastructure, their land cannot be released, why has land been released in other areas equally lacking in infrastructure such as Edmondson Park, Harrington Park, Hoxton Park and Glenmore Park?
- b) Why are small land owners outside the Marsden Park Land Release area with the same 'Rural 1a' zoning permitted to build on lots of 1 acre when those within the Marsden Park Land Release area are required to have a minimum of 25 acres (10Ha) in order to be able to build?
- c) Given that DUAP released 'Planning Guideline' designed to protect threatened species on 75 per cent of Vineyard and Riverstone, why have these lands since been developed? How was this permitted to happen?
- d) What opportunity is there to provide a rate rebate to landholders whose land within the Marsden Park Scheduled Lands area is unable to be developed, while those adjacent have been permitted to develop?
- e) Why has an illegal tip been described as 'pristine land' and ear marked for conservation by Department of Planning, despite scientific reports stating that the land has been neglected by the local Council for 30 years and has been invaded by weed species?
- f) What is the estimated cost of rehabilitating this land?
- g) Have all lands earmarked for conservation within the MPSL area been assessed by the Department of Environment and Conservation to ascertain their ecological value?

Fig 5b

By consolidating housing in one area, is better outcome for the environment, as it reduce the amount of infrastructure such as sewerage pumping stations, water, pavement, length of roads and concrete surface reducing the future infrastructure maintenance and reduce the amount of unnecessary infrastructure passing bushland.

This would mean more people could live near the town centre and walk instead of drive. Reduce the construction of additional car parking spaces and additional traffic congestion. There was a saying in the early days of the Growth Centres Commission, they wanted to minimise car use as part of development, as not to use a litre of petrol to buy a litre of milk.

This current planning proposal is poor for the environment and the people in the area.

The conservation proposed in our area is not pristine as claimed by Department of Planning & Environment, with small trees full of noxious weeds. There is about 3000 tons of waste and asbestos, illegally dumped in the area. Fig 5a & b above is a response in 2006 from The Greens political party member Sylvia Hale. Fig 5c & b below is a small portion of the illegal dumping.



Fig 5c



Fig 5d

When did asbestos become high value conservation? It might form part of the Cumberland Plain Asbestos Transitional Woodland, very rare indeed.

Our vegetation was established in the 1940's, below is a 1947 aerial photo fig 6. Stocklands and Mirvac have the older trees. It only takes around 20-25 to grow to full maturity.

These trees at a guess are self seeded. Any property left alone will grow back.

It is believed; our land was sawmilled and farmed for oranges etc before this photo was taken. Not aware of any older aerial photos.



Fig 6

The Stocklands & Mirvac land has some of the best and large clumps of *Grevillea juniperina* threaten species plants earmarked to be destroyed.

The developer has already begun destroying these plants. Many can be seen from Richmond Road.

There is no other area that has these plants that are so pristine. I request, someone from National Parks and Wildlife come on site to see for themselves.

NSW Department of Planning DoP, have paid very little to landowners in the Marsden Park Scheduled Lands proposed Environmental Conservation Zone, that was announced in 2006. The compensation that

struggling residential landholders have received, who have been forced to sell due to age, health and other issues.

The most recent sale is 1/10/17 DoP purchase lots 20,21 Ben Street and 58,59 Lamb Street Sec 11 DP 1477, 4 residential housing lots total area 1620 sq m for \$220,000 or \$55,000 for each 405 sq m housing lot.

No resident that is acquired by the DoP will ever afford to secure another housing lot in the area, with \$55,000 paid per lot by DoP.

Developers like Stocklands in the Marsden Park Elara housing estate, are selling smaller housing lots above \$500,000.

The compensation paid by DoP would only cover a deposit and landowners, will be negatively impacted.

While the multi nationals, such as Mirvac and Stocklands make huge profits.

This is not fair compensation.

The Marsden Park North Scheduled Landowners have paid council rates for over 130 years and the remaining housing lots received no benefit. Blacktown Council built most of the roads and most services are available including water, power, phone etc. Reticulated sewerage is the only major issue. In the 1880 they used the sanitary man to collect the sewerage from each household or a septic tank was installed. These were the preferred method to dispose sewerage in residential areas of Sydney, who were not connected to reticulated sewage.

Riverstone and Schofields were connected to reticulated sewerage when the Vineyard Sewerage Treatment Plant was constructed and opened around 1983. It was meant to connect existing subdivisions. Riverstone and Schofields were connected. There was no reason why we were not connected.

Sydney Water also connected other non sewerage urban areas, through a scheme known as the Priority Sewerage Program, for the past 20 years, see below:

NSW Parliament Website: <https://www.parliament.nsw.gov.au/la/papers/Pages/ganda-tracking-details.aspx?pk=216428>

3820 - SEWAGE UPGRADE

Hazzard, Brad to the Minister for Energy and Utilities, Minister for Science and Medical Research, Minister Assisting the Minister for Health (Cancer), and Minister Assisting the Premier on the Arts

What is the status of sewage upgrade projects in the following areas, including details of each project's start and completion dates:

- (a) Appin
- (b) Bargo
- (c) Buxton
- (d) Cobbity
- (e) Cottage Point
- (f) Cowan
- (g) Darkes Forest
- (h) Douglas Park
- (i) Galston/Glenorie
- (j) Glossodia/Freemans Reach/Wilberforce
- (k) Hawkesbury Heights/Yellow Rock
- (l) Londonderry/Anges Beach
- (m) Milson Passage/Milson Island/Marramarra Creek/Neverfall Bay/Sunny Corner/Coba Point/Calabash Point
- (n) Nattai
- (o) Pittwater
- (p) Scotland Island
- (q) West Hoxton/Austral
- (r) Wilton
- (s) Yanderra?

Answer -

In 1997 the NSW Government announced the Priority Sewerage Program (PSP). Stage One of the program identified unsewered areas with high environmental sensitivity for improved sewerage services.

In 1999 the Department of Environment and Conservation (DEC) made a further assessment and identified additional high priority areas within Sydney Water's area of operations (Stage 2). The purpose of the assessment was to identify those unsewered village areas that would achieve the most significant public health and environmental gains by the provision of improved sewerage services. In 1999 the Department of Environment and Conservation (DEC) made a further assessment and identified additional high priority areas within Sydney Water's area of operations (Stage 2). The purpose of the assessment was to identify those unsewered village areas that would achieve the most significant public health and environmental gains by the provision of improved sewerage services.

Sydney Water then undertook a preliminary engineering assessment to establish the indicative costs of providing improved sewerage services to the Stage Two areas considering both traditional and innovative servicing approaches.

Based on this preliminary engineering assessment, 20 village areas under Stage Two were identified as feasible for the provision of improved sewerage services. These areas include Agnes Banks, Londonderry, Appin, Douglas Park, Wilton, Bargo, Buxton, Yanderra, Cowan, Glossodia, Freeman's Reach, Wilberforce, Hawkesbury Heights, Yellow Rock, Austral, West Hoxton, Galston, Glenorie, Nattai and Scotland Island.

Sydney Water has commenced additional planning investigations for these 20 village areas, which will be serviced after Stage 1 of the PSP is completed. Stage 1 is anticipated to be completed in 2007/08 subject to planning approvals and the availability of funds.

Sydney Water's preliminary engineering assessment identified that the other six village areas under Stage Two would not be economically or environmentally feasible to service based on available or identified technology solutions. These areas include Cobbity, Cottage Point, Darkes Forest, Hawkesbury Villages, Pittwater Villages and Bowen Mountain.

Sydney Water will periodically review the feasibility of servicing these six village areas as developments in wastewater technology occur.

Question asked on 24 March 2005 (session 53-1) and printed in [Questions & Answers Paper No. 124](#)

Answer received on 28 April 2005 and printed in [Questions & Answers Paper No. 128](#)

Governments and Local Councils are supposed to be service providers. We have been denied access to infrastructure and services while the rest of NSW and the planet moved on.

For years, we thought we had enough water and power, to reinstate the Marsden Park Scheduled Lands back to residential. In the early stages of the Growth Centres Commission. We wrote many times, to have this area investigated, to connect to the existing sewerage via Sydney's Water Sewerage Priority Program or get a costing to connect reticulated sewer to our area. We were denied any information or help.

No Department including the Growth Centres Commission would not confirm or discuss options to reinstate the Marsden Park Scheduled Lands, back to residential status, until the zoning of Marsden Park North. We are just landowners not developers. We were discriminated for developers.

The information regarding the infrastructure for the Marsden Park North Scheduled Lands, has now been confirmed. It appears, that we were delayed, for no reason.

The Sewerage Treatment Plant was originally built for 20,000 people to connect. From memory, only 7,000 was connected, back in 2005. We were informed by Sydney Water Staff, "The sewerage treatment plant is not an issue, for the landowners, as it will ultimately be upgraded to connect from memory 200,000 people. As more connection occurs, it will upgrade as needed and on recommendation from the NSW Government." There was plenty of capacity for the Marsden Park North Scheduled Lands to connect".



John Aquilina MP

MEMBER FOR RIVERSTONE

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Email: john.aquilina@parliament.nsw.gov.au



Committee Leader
Marsden Park Scheduled Lands

22 JUN 2006

Our Ref:JA:JMA/0622

Dear [redacted]

I acknowledge receipt of your letter concerning a request to include Marsden Park Scheduled Lands as part of Sydney Water – Priority Sewerage Program.

I have made representations on your behalf to the Hon David Campbell MP, Minister for Water Utilities requesting the issues raised be investigated and I be advised of the outcome.

When I am in receipt of a response from the Minister I shall contact you again.

Yours sincerely

J. Aquilina
John Aquilina MP *JA*
Speaker

Fig 7a

Sewerage Scheme to commence next year

Londonderry MP Allan Shearan announced last week that \$138 million in funding for the Three Towns Sewerage Scheme has been approved by the Board of Sydney Water, with construction to start in early 2009.

"Funding is approved, the Decisions Report, including feedback from the community is available to be viewed, and construction will start early next year," Mr Shearan said.

"This scheme is a big plus for the local community and the environment.

"It will improve the health of Bushells Lagoon, Howes and Currency Creeks and the Hawkesbury River by replacing on-site septic systems in the three villages with a modern reticulated sewerage system."

Mr Shearan said the project consists of three new pumping stations and more than 50 kilometres of new sewerage pipes in the Three Towns to transfer waste to the Richmond Sewage Treatment Plant.

"Recycled water is already provided from the Richmond plant to the University of Western Sydney and Richmond Golf Club for irrigation," he said.

"By connecting the Three Towns to the system, the additional flows to the plant will provide for a growing recycled water market.

"When complete, the project will provide around 1660 households with the opportunity to connect to the sewerage system."

Mr Shearan said residents will notice cost savings once they connect to the system, and will no longer need to pay expensive septic tank maintenance and pump-out fees.

Work to build the site office is already underway and construction early next year will start in Freemans Reach with a transfer pipeline, new sewerage pipes and a pumping station being installed.

First connections are expected to become available to property owners progressively from 2011.

The Decisions Report is available for viewing at Hawkesbury City Council, the Glossodia Community Centre and at Sydney Water's Customer Service Centre in the Sydney CBD.

A summary of the report is also available on the Sydney Water website www.sydneywater.com.au under 'Major Projects'.

The scheme is part of the NSW Government's Priority Sewerage Program, delivered by Sydney Water in alliance with MWH Australia Pty Ltd, John Holland Group Pty Ltd, United Group Infrastructure Ltd and Mamidis Roberts Pty Ltd.

Fig 7b

NSW Government – Sydney Water
Priority Sewerage Scheme

Hawkesbury Courier

Page 14
Dated 4 December 2008

The sewerage pipe connection to the existing sewerage carrier, running near the western side of the railway line is only approximately 500m away and is a minor cost, which could have funded by landowners back in 1983. The cost is relatively small when shared with all landowner, similar to the Sydney Water Priority Sewerage Program.

WaterNSW is currently constructing a 270 km water pipeline from Wentworth to Broken Hill, at a cost of \$467M taxpayer funded.

Sydney Water Priority Sewerage Program has operated for the past 20+ years, to connect non sewerage urban areas. Above fig 7a is a reply sent to the Local Member John Aquilina who was supportive of the idea. Fig 7b is an example found in local Hawkesbury Courier newspaper.

Landowners such as the Blue Mountains where it is uneconomical to connect to reticulated sewerage are connected to a pump out sewerage scheme instead.

Recently two new private schools Australian Cristian College Marsden Park on Farm Rd and Richard Johnson Anglican School on Garfield Rd West Marsden Park, have been constructed in the area. At a guess 500+ students will attend. Why are we being denied, access to infrastructure when schools can have access? How are they serviced by sewerage and why we cannot use the same method for a temporary connection, while reticulation sewerage is made available? Part of the recently constructed, Marsden Park Industrial and Marsden Park residential areas are still not connected to reticulated sewerage. They are using a temporary pump out system and trucked for at least 5 years.

Hope you can consider people lives and the hardship suffered by the Scheduled Landowners in the Marsden Park North precinct, due to poor planning and poor servicing over the years.

People before vegetation. You can plant vegetation anywhere. There are government documents on how the restore the Cumberland Plain Woodlands. Western Sydney Parkland is 5,500 hectares in Western Sydney that is being regenerated.

Just like the M2 Bells Line of Road Corridor, the NSW Government wanted the road corridor moved away from the original 1952 preserved road corridor because of the vegetation had regrown on the corridor, because it was not touched. It was self seeded.

It was moved backed to the original corridor after protest by landowners.

We were the first to be subdivided in the area and one of the oldest heritage subdivision in NSW. We want the Marsden Park Scheduled Lands to be serviced and rezoned back to residential, so we can get on with our lives.

We are willing to pay reasonable fees for services as required, to get this area serviced ASAP.

Many landowners are ready to build.

We want this land back to what it was intending in the 1880s, a residential area.

We own residential lots, we pay residential rates. We are NOT developers.

If conservation is required, please acquire Stocklands and Mirvac land and start planting trees to your satisfaction.

We are voters and taxpayers and we just want a fair deal.

In 2005, we had a reasonable compromised for the conservation in our area.

Please do not take any more from the landowners and either honour the land swap arrangement or keep the DoP land in its current location for conservation or conserve elsewhere and maximise the existing residential subdivision in the Marsden Park North Scheduled Lands.

Do not subdivide more residential lots, unless all of the Marsden Park Nork Scheduled Lands are able to build homes on the remaining housing lots. Why create more residential lots, when residential lots exist and waiting construction.

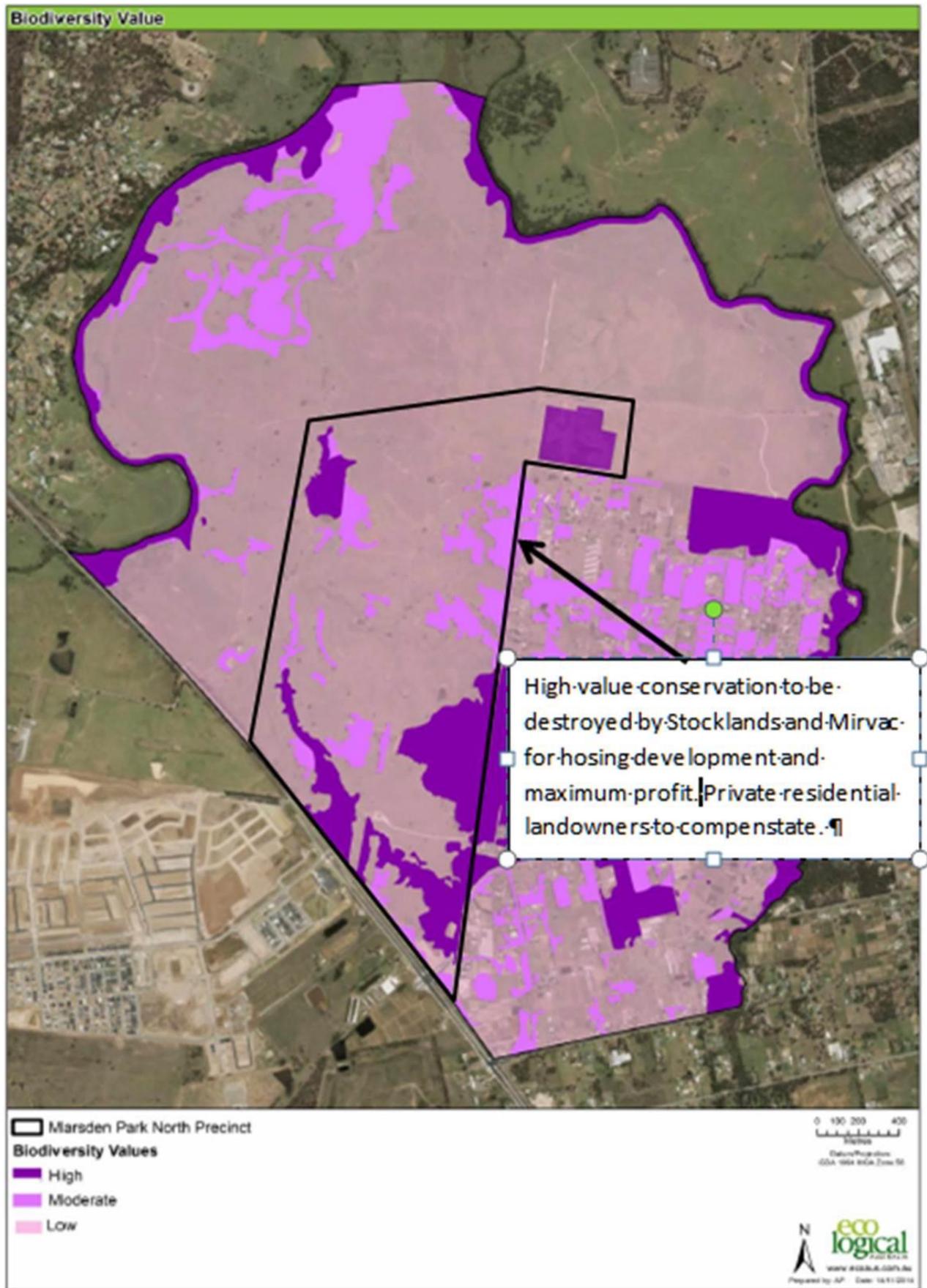


Figure 5: Biodiversity values

Developers can conserve their own land for their own biodiversity and development. If needed they can regenerate the trees and scrubs at the beginning of their development, so the vegetation can be well established on the completion of their project.

Stocklands and Mirvac has high quality vegetation see fig 8 above.

Conserve vegetation elsewhere outside of the Marsden Park historic Scheduled Lands!

9 m Height Restriction:

We are concerned that the height restriction on land near or below the probable maximum flood, should be increased from 9 m to something more appropriate, say 12 m. The current 9 m restriction forces landowners who wish to build a two-storey house, to build a slab on ground type construction.

Department of Planning should encourage the floor level to be raised from the existing ground level in this area. This will protect homes from major flood events and reduce damage.

Robert Street to Remain Open:

We require Robert Street to remain open to traffic and for a flood evacuation route.

Additional Recreation Area:

The large floodplain area on the large lots adjacent to South Creek and Eastern Creek not being developed makes for a suitable recreation area like Centennial Park and Parramatta Park for the community. With the increase in population, beaches and other recreational areas are getting harder to access. This park could be connected to the Western Sydney Park Lands.

Land Owned by Blacktown Council and Department of Planning & Environment Below 1:100 Flood Level:

Both Blacktown Council and the Department of Planning & Environment own significant amount of land in both the West Schofields and Marsden Park North Precinct below the 1:100 year flood level that is not mentioned in the reports and should be used to provide the conservation offset.

Conclusion:

We are very disappointed with the further delays being part of the North West Priority Growth Area. We have not received any benefit but be a target for developers and larger rural landowners. Only developers and large rural landowners have benefit from this scheme. What has happened to the Marsden Park North Scheduled Lands residential area should never have happen.

Regards,

Vineyard, Riverstone, Marsden Park Development Inc.
PO Box 144
RIVERSTONE NSW 2765

(Not for profit Scheduled Landowner group to reinstate housing rights that were lost in 1977)