

From: [NSW Government](#)
To: [Flood Inquiry](#)
Subject: Floods Inquiry
Date: Tuesday, 21 June 2022 12:00:57 PM
Attachments: [Submission to flood inquiry.pdf](#)

Your details

Title Mr

First name William

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Submission details

I am making this submission as Other

Submission type I am submitting on behalf of my organisation

Organisation making the submission (if applicable) Winten Property Group

Your position in the organisation (if applicable) Development Director

Consent to make submission public I give my consent for this submission to be made public

Share your experience or tell your story

Terms of Reference (optional)

The Inquiry welcomes submissions that address the particular matters identified in its [Terms of Reference](#)

Supporting documents or images

Attach files

- [Submission to flood inquiry.pdf](#)
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21 June 2022



Professor Mary O'Kane AC and Michael Fuller APM
NSW Independent Flood Inquiry

Via Planning Portal

Winten Property Group
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RE: SUBMISSION ON NSW INDEPENDENT FLOOD INQUIRY

The Winten Property Group has a residential development site located on the North Lismore Plateau.

The North Lismore Plateau is shovel-ready residential release area, with developers keen to start work.

The North Lismore Plateau sits on elevated land, located well above the flood plain. It is the single largest urban release area in the Lismore LGA, with 170ha of residentially zoned land expected to yield 1,541 new dwellings and house over 3,700 people. It has been identified as a potential location for urban development for over 25 years and was originally rezoned for urban development in February 2014.

However, no development of the Plateau has yet occurred, for the reasons explained in Annexure A.

At the time of the current rezoning Lismore City Council proposed to obtain biodiversity certification of the Plateau. However, this proposed biocertification was postponed to after completion of the rezoning and, to the best of our knowledge, has not progressed at all since that time.

As part of its May 2022 discussion paper, Review of Lismore's Land Use Management Strategy, Lismore City Council has proposed to "de-populate" some of the more flood vulnerable parts of North and South Lismore, to relocate affected residents to higher ground, and to accelerate residential land releases.

We are of the view that a strategic biocertification of the Plateau will facilitate the release of much needed flood-free residential land in Lismore. We understand that the economic, social or environmental outcomes that the proposed biodiversity certification could facilitate is one of the criteria to be taken into account by the Minister for Environment and Heritage when declaring an application for biocertification to be a strategic application.

The Plateau is already zoned for residential development and presents the fastest potential to bring new residential, flood-free, land to Lismore.

We were the proponent, under the Precent Acceleration Protocol, for the release of Marsden Park in north-western Sydney, and we have had experience of the strategic biocertification that occurred in relation to the Growth Centres SEPP. This biocertification allowed for the streamlined assessment

for individual development applications and provided much needed certainty for developers within the Growth Centres.

The constantly shifting goalposts of planning and environmental regulation and policy create great uncertainty, as well as delays and significant expense, for development.

To stimulate the development of important urban release areas, such as the North Lismore Plateau, we urge the government to consider strategic biocertification of such areas. Ideally, this should occur at the rezoning stage, as the identification and protection of environmentally valuable land usually occurs at this stage, with the nomination of appropriate zoning such as conservation zones.

Unfortunately biocertification of the Plateau did not occur at the time of its rezoning, leaving individual developers to deal with biodiversity on an ad-hoc, DA by DA basis, with insufficient acknowledgment of the conservation measures secured as part of the initial rezoning of the land (which included conservation zones). However, if strategic biocertification of the Plateau could be urgently pursued by the government now, this has the potential to accelerate the release of approximately 1,500 residential lots.

Yours sincerely



William Sarkis

Annexure A
Delays in development of Plateau

The February 2014 rezoning was declared invalid by the Land and Environment Court in June 2015 due to a technical issue relating to a State government directive pausing to the use of E zones in Northern NSW.

The Plateau was further rezoned in April 2016. Although this rezoning was again the subject of a legal challenge, that legal challenge was ultimately discontinued.

In 2018 we obtained development for a 433 lot residential subdivision of our development site located on the Plateau. This development consent was the subject of a legal challenge and was ultimately declared invalid on the basis that a Species Impact Statement should have been submitted with the application.

We submitted a further development application for an 85 lot subdivision of part of the development site, and this subdivision was approved in September 2021. Unfortunately, this development consent is now also the subject of a legal challenge, which we are currently defending.