

ONLINE SUBMISSION : LOTS 10,11,12,13 Section D DP 193074 North St Schofields

A. E2 Environmental Conservation

- I am the registered owner of the land as trustee for myself and my wife, for my brother and two sisters and their spouses..
- I acquired the land in 1972 with the expectation that in time development of residential dwellings would be permitted.
- The land is to be rezoned E 2 Environmental Conservation under the Draft Masterplan for West Schofields Precinct.
- The rezoning significantly impacts on the development potential of the land.
- The land is now rendered unsaleable for a fair market price see (LJ Hooker appraisal)
- We have lost the opportunity for any residential development on all of the land.

B. On-going liability to pay rates and domestic waste availability charges under rezoning

- For the past 45 years I have made annual contributions to Blacktown City Council by way of payment of rates and charges for domestic waste availability on vacant land on the basis of the Valuer General's valuation.
- Blacktown City Council has confirmed that for land rezoned E2 Environmental Conservation I am still liable to pay the Council holding costs whilst I continue to own the land.
- The new zoning does not permit us to make any use of the land, and, yet so long as I own the land I am still required to continue paying the rates and waste charges on vacant land for no investment benefit.

C. Compulsory acquisition and compensation

- The Draft Masterplan for the West Schofields Precinct is silent about compulsory acquisition and payment of just compensation to landowners.
- Any decision not to acquire the land compulsorily is simply an excuse for the acquiring authority to obviate its obligations to pay fair and just compensation at market value in the case of compulsory acquisition under the Land Acquisition Land (Just Terms Compensation Act) 1991.
- By the same token, it is against public policy to deny us the right to compensation as it behoves government to take account of the Just Terms Compensation Act in compensating an owner for rezoning.
- To deny us compulsory acquisition and non- payment of just compensation at market value is unfair, unjust and unconscionable.
- This is unacceptable and unjustifiable.
- The land comprising lots 10, 11, 12 and 13 inclusive is located within the protected Shale Plains Woodland, a sub-committee of the endangered Cumberland Plain Woodland.
- The land has moderate recovery potential as compared to other land which has high recovery potential and .also to be rezoned E2 Environmental Conservation under the Draft Masterplan for the West Schofields Precinct.
- It is totally unfair and unjustifiable to give preferential treatment by way of compulsory acquisition and compensation to owners of land with a high recovery potential and not to owners of land with a moderate recovery potential as in our case.

- As owner and trustee I respectfully ask that we be treated **fairly** on the question of compulsory acquisition and the payment of just compensation at market value, irrespective of whether the land has a high or moderate recovery potential or whether one landholding is larger than the other.
- As owner and trustee I seek compulsory acquisition of all of the land to be rezoned E2 Environmental Conservation, and, in return, as a matter of public policy and fairness, I seek payment of just compensation at market value for the acquisition of all of the land.

D. Hardship

- We are all now elderly: I and three others are in our 80s; my wife and three others are in their 70s.
- My continuing liability to pay on-going holding costs to Blacktown City Council erstwhile I own the land, following rezoning, would impose unjustifiable hardship in view of our present stage in life and our advancing years.
- The proposed rezoning has rendered the land unsaleable at fair market price; the land has no development potential and we cannot make use of the land. All this adds to our hardship.
- Other factors compounding hardship relate to our concerns about extensive delays in the whole rezoning process, the uncertainty about compulsory acquisition, the uncertainty about payment of just compensation at market value, and the uncertainty and delay in the period of time between the time the land is being rezoned E2 Environmental Conservation and the time for compulsory acquisition and payment of just compensation.
- As owner and trustee I request an early determination in all these issues.
- As owner and trustee I request an early determination in our favour by way of compulsory acquisition of all the land to be rezoned E2 Environmental Conservation.
- As owner and trustee I ask for fair and just compensation in return.