

The Secretary
The Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

Attention: The Secretary

West Schofields Precinct Exhibition – 27 Durham Road, Schofields

Reference is made to the public exhibition of changes to the West Schofields Precinct. This submission is made on behalf of Haiyan Wu, owner of 27 Durham Road, Schofields. Principally, this submission seeks to object to the extent of the following affectations on the subject land:

- Boundary of the RE1 Public Recreation Zone, with respect to the 100 year ARI flood line and its treatment on adjoining properties to the south
- Mapping of a substantial portion of the site as within an Aboriginal Archaeological Site
- Mapping of a substantial portion of the site as being required for public acquisition

Furthermore, the residential development on the site will be subject to onerous requirements for flood resilience as the entire site lies below the extent of the Probable Maximum Flood. Due to the low chance of incidence for events over the ARI 100 year flood event (the long-held planning standard in New South Wales), the degree of affectation for sites such as this are excessive and will make development more onerous and less attractive.

There is still no certainty in respect of the overall levels of the Special Infrastructure Charge and any proposed development contribution charges under s. 7.11 of the Environmental Planning and Assessment Act. This creates significant risk for the estimation of development yield and financial viability of development as landowners and developers are being requested to commit to a land use outcome without knowing the full financial implications of this decision.

Overall, the draft planning controls proposed represent a significant diminution of the development potential of the subject site, seriously affecting its viability for residential subdivision

1 SUBJECT SITE

The subject site is known as 27 Durham Road, Schofields being Lot 61 in DP 12076 is currently zoned RU4 – Primary Production Small Lots. The subject site proposed to be rezoned R2 - Low Density Residential and RE1 – Public Recreation under the draft *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* Land Zoning Map for West Schofields.



Figure 1: Extract from Draft West Schofields Zoning Map (Source – SEPP (SRGC) 2006)

The proposed principal development standards on the site are as follows:

- Proposed Maximum Building Height – 9 metres
- Dwelling Density Proposed – Minimum 15-20 dwellings per hectare for R2 zoned portion of the site

2 WEST SCHOFIELDS PRECINCT PLAN

The Draft West Schofields Precinct Indicative Layout Plan implies major changes in the land use controls which will affect the overall subject site as shown in Figure 2. The Draft Indicative Layout Plan proposes a section for low density housing, parks and three local roads that are situated through our clients land.

This causes significant constraints such as:

- Minimised potential residential development
- Decreased number of lots



Figure 2: West Schofields Indicative Layout Plan (Source – NSW Department of Planning)

2.1 Land Reservation Acquisition

The subject site is mapped as having a significant portion of the land area acquired by a state authority as Parkland (the mapping of which corresponds to the Aboriginal Archaeological Site) proposed for inclusion in the RE1 Public Recreation Zone as “Local Parks (RE1)” as shown in Figure 3. This affectation includes potentially developable land above the ARI 100 year floodline

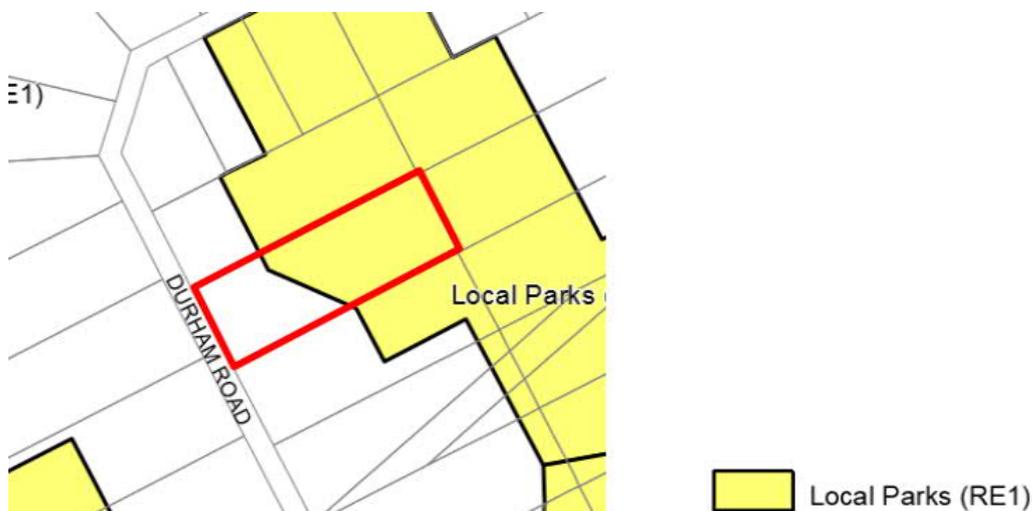


Figure 3: Extract from Draft West Schofields Land Reservation Acquisition Map (Source – SEPP (SRGC) 2006)

2.2 Heritage Significance

Approximately 40% of the subject site has been mapped as a Heritage Aboriginal. This portion of the site has also been identified for Acquisition on the draft Land Reservation Acquisition Map.



Figure 4: Extract from Draft West Schofields Heritage Map (Source – SEPP (SRGC) 2006)

There is no justification presented for the extent of the Item – Aboriginal as mapped. The West Schofields Part Precinct (Southern Portion) Aboriginal Cultural Heritage Assessment Report, prepared by Extent Heritage Pty Ltd, has been heavily redacted and does not adequately describe the location and extent of the affectation of the Item, nor the reason for significance. The site has been previously investigated by Mary Dallas Consulting Archaeologists, as part of the Blacktown Heritage Study, and this study identified a single reference on a map dating from 1842 to a potential Aboriginal Burial Ground being located in the vicinity. Mary Dallas has been consulted in the preparation of this submission and advises that there was never any ground-truthing of this map reference and no corroborating evidence of a burial ground has ever been located. As such, in the absence of any available physical evidence, there appears to be insufficient grounds to declare the site as an Aboriginal Item and burden it accordingly.

If the existence of such a site is strongly suspected, then a more comprehensive Aboriginal Archaeological investigation would need to be conducted prior to fixing land use boundaries on the subject land. Given the potential sensitivity of the Site, should it in fact be found extant in the area, it would be prudent to conduct this investigation prior to the finalisation of the Precinct Plan, and given the Public Interest in the matter, the investigation should be publicly funded and carried out under the supervision of the Office of Environment and Heritage. We request that these investigations be conducted, and if insufficient evidence is uncovered, that the Item affectation be removed from the subject land. Should any such item be uncovered in the vicinity, then a detailed curtilage boundary should be defined and the remaining lands be removed from affectation.

3 RECOMMENDATION

We recommend to adjust the RE1 zone boundary to the gas easement boundary, located at the rear of the subject site. This boundary adjustment will be in accordance to the adjacent property located in the southern direction of our client's site, as shown in Figure 5 below.

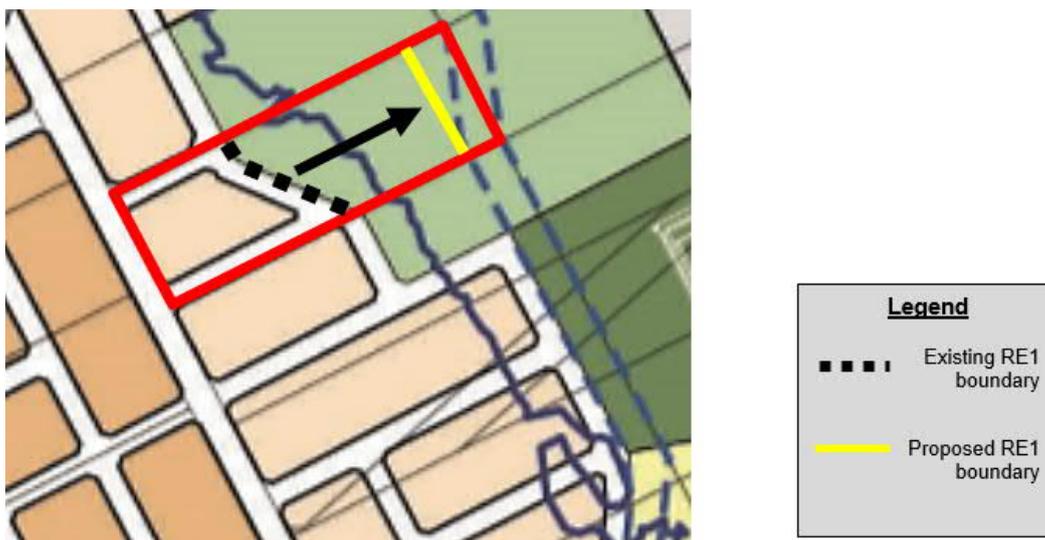


Figure 5: Recommended boundary adjustment Example (Source – NSW Department of Planning)

The boundary should be moved for the following reasons:

- Boundary of the RE1 Public Recreation Zone, with respect to the 100 year ARI flood line and its treatment on adjoining properties to the south, which can be verified by more detailed flood assessment, with regard to the effects of filling on tail water levels;
- Mapping of a substantial portion of the site as within an Aboriginal Archaeological Site based on questionable evidence;
- Mapping of a substantial portion of the site as being required for public acquisition without sufficient justification.

Residential development on the site will be subject to onerous requirements for flood resilience as the entire site lies below the extent of the Probable Maximum Flood. Due to the low chance of incidence for events over the ARI 100 year flood event (the long-held planning standard in New South Wales), the degree of affectation for sites such as this are excessive and will make development more onerous and less attractive. We request this requirement be removed

There is still no certainty in respect of the overall levels of the Special Infrastructure Charge and any proposed development contribution charges under s. 7.11 of the Environmental Planning and Assessment Act. This creates significant risk for the estimation of development yield and financial viability of development as landowners and developers are being requested to commit to a land use outcome without knowing the full financial implications of this decision. We request that the plan not be finalised until the full extent of contributions is known.

We request that the State undertake further detailed assessment of the Aboriginal Item mapped on the site to determine:

1. Its existence;
2. Its precise location and extent;

And that all properties not directly affected by the item have this affectation lifted from them and their development potential considered in light of this.

If you have any further questions, please do not hesitate to contact me at Calibre Group on (02) 8808 5000 or alternatively via email on Tom.Foster@calibregroup.com

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