

27 September 2018

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

Dear Sir/Madam,

West Schofield Precinct Exhibition- 39 Durham Road, Schofields

The Site

We refer to the West Schofields Precinct Exhibition and wish to raise a formal objection to the current proposal. I am making this submission as the owner of 39 Durham Road, Schofield ("Site"). The Site also referred to as Lot 60 in DP12076, is currently zoned RU4-Primary Production small lots. The site is proposed to be zoned to R2 Low Density Residential and RE-1- Public Recreation under the draft Statement Environmental Planning Policy (*Sydney Region Growth Centres*) 2006 Land Zoning Map for West Schofields.

We are writing to address our concerns with the current proposal which impacts the Site.

Aboriginal Archeological Site

The current Precinct Exhibition has identified a proportion of the Site as Likelihood of Area containing Aboriginal Heritage. Approximately 40% of the Site has been mapped as Aboriginal Heritage. This portion of the site has also been identified for Acquisition on the draft Land Reservation Acquisition Map.

Figure 11 of the West Schofield Precinct Exhibit paper -part two, page 34 (August 2018), classifies a buffer area around a previously identified Aboriginal artifact. We understand that the Heritage Study (May 2018) prepared by Extent Heritage Advisors was used to identify the Aboriginal Heritage Site for the Exhibit paper. Whilst the study identifies that development based on the ILP is likely to result in impact on identified Aboriginal archaeological and heritage resource, it does not positively identify the site of such heritage. And in fact, recognizes that further investigation would be required to make such a determination.

At this stage, the existence of the site is speculative and there is not definitive proof in the Extent Heritage Advisors Heritage Study.

As far as we are aware there have been no in-depth investigations or survey to verify the suggested site. We would also like to understand how the oval shaped aboriginal heritage zone was created? How were its dimensions decided upon? We understand that the original point was identified in an 1840's

Surveyors Plan, although the plan did not identify the zone. The State Government should have had archeologically ground truthed the area before making this identification.

In addition to this, if it is the case that this site could be positively identified as an aboriginal heritage site, it has already been substantially disturbed by laying gas pipes across the site. The gas line was laid in 1980 and goes right through the centre of the heritage site. The land would have therefore been substantially disturbed at the time. You will note that is a 30m wide gas easement that was created in 1980 to protect the gas pipes. If it was identified as a heritage site, why was the gas pipe not diverted around the site? Was there a study done at the time to identify whether it was a heritage site?

We also note that the original oval shaped aboriginal heritage zone (identified in Figure 11) minorly encroaches on our site. However, the area identified in the draft Land Reservation Acquisition Map encroaches on 40% of our site. This is a significant difference. How was this area (proposed to be parkland) decided? It does not bare any resemblance to the oval shaped aboriginal heritage zone and further supports our assumption that it has not been properly mapped out.

We have obtained some expert advice from Mary Dallas Consulting Archeologists who have studied the exhibition and made the following recommendation:

1. Extensive and in depth Aboriginal community consultation should be undertaken prior to the rezoning
2. Research into Musgrave's journal or field noters, the Ivery and Pye family records and other sources, including Aboriginal oral history
3. Field survey and subsurface investigation should be undertaken prior to the rezoning to determine what remains if any may have survived and over what area. Attachment 1 shows the burial discovery protocol appropriate for this area.
4. A Management Plan should be developed if remains are found.
5. Government should fund the recommended work and consultation.

We have also attached her preliminary report.

Flood Prone Land

A portion of our Site has been identified to be flood prone land under the Draft Development Control Map for West Schofields Exhibition.

Our neighbor to the South's (Lot 59/ DP12076) developable site area has been extended back to the gas easement, encroaching the 100-flood area. Our developable site on the other, has been reduced significantly to sit above 100-flood area. We cannot understand why we are not afforded the same opportunity to develop up to the gas easement? The flood levels are identical at the rear of the lots.

From our understanding our developable site has been reduced for two reasons:

1. To accommodate a speculative aboriginal heritage site;
2. To ensure that we do not build below the 100-flood area.

Both of the above considerations are unjustified. This rezoning should not occur until a proper heritage study should be conducted at the cost of Blacktown Council or NSW National Park and Wildlife. Until

there is strong and definitive evidence of the Aboriginal Heritage Site our developable area should be extended to the gas easement.

Should you like to discuss further or have any questions, we can be contacted on 0414 414 614 (Tony De Lutiis).

Kind Regards,

Tony De Lutiis