

SUMMARY OF POINT RAISED BY WAY OF OBJECTION TO SDD9368

Abbreviations

DET: Department of Education and Training, NSW (aka NSW Department of Education)

SNN5: Schofields Nominee No. 5 Pty Ltd (the owner of Lot 4)

EIS: Environmental Impact Assessment

AAPS: Alex Avenue Public School

DOPE: Department of Planning and Environment, NSW

Facts:

In 2010, DOPE rezoned more than 5.25 ha of land at Schofields to SP2 (Education) under the Growth Centres SEPP.

In 2017/2018 DET progressed discussion with SNN5 and JKN Station PL to acquire land under the Land Acquisition (Just Terms Compensation) Act at Schofields. Formal correspondence during the acquisition process made clear the DET was purchasing the land for a "Public Purpose", and that the "Public Purpose" was the construction and operation of the APPS (a 1,000 student junior school).

DET advised that they would be purchasing less land than the area zoned SP2 by the DOPE (and therefore a subdivision of our land would be required to purchase what they needed). They advised the high school component originally proposed in this location had been moved to The Ponds in 2013 (now called The Ponds High) to cater for increased needs at the time, and a junior school component was therefore only required in this location. They advised that they would support a rezoning of the surplus land to residential. The proposed junior school has since been named the AAPS and is the subject of SSD 9368.

In October 2018, contracts were entered into to purchase two parcels of land. The land comprised a total area of 2.62 ha being: 1.076 ha purchased from JKN Station PL, and 1.54 ha purchased from SNN5. Both contract settled on 27 November 2018.

A three lot subdivision was lodged by DET in October 2018 at the Land Registries Office to create the subdivision. DP 1244925 was registered in early 2019.

The subdivision produced Lot 1 (1.076 ha), Lot 2 (1.54 ha) and Lot 4 (2.632 ha). Lots 1 and 2 in the ownership of DET and Lot 4 in the ownership of SNN5. Lot 4 being the residue parcel containing the unwanted SP2 Land.

Given the potential sterilisation of Lot 4 caused by the partial acquisition of the SP2 land (i.e. leaving a large block of land at the back of Lot 2, cut off from any street frontage or services), DET granted two easements for access. The easements were agreed to in Nov 2018. Easement A is relied on as the sole access to Lot 4 currently. This will remain until Pelican Road is built, at which time Easement B will come into effect. Note: The easements were not only critical for physical access, but were legally required for the subdivision to be registered.

Easement A is a 6m wide right of way burdening Lot 2 and benefitting Lot 4 (AN888804Y). Easement A traverses the eastern boundary of the AAPS site, from Farmland Drive in the north to Lot 4 in the south.

DET made a number warranties under the Lot 2 purchase contract, which include:

- 1) DET would maintain access to Lot 4 at all times,
- 2) none of the Lot 4 surplus land would be required by the DET now or in the future for a school, and
- 3) the Minister for Education would not object to a rezoning of Lot 4.

Note: Extract from the contract and the legal easements are attached.

The bulk of the issue raised in this submission relate to the follows matters:

1. SSD 9368 ignores the registered easement for access and services which burdens Lot 2 and benefits Lot 4. If approved, the proposal would landlock the surplus land (Lot 4) and legal action would result.
2. As the primary entry to the school, the drop off zone, substation, bin storage areas, retaining walls and basket ball courts can not function properly in the easement, and the current layout is not therefore viable.
3. As SSD 9368 does not deal with the southern portion of Lot 1, numerous traffic and transport, flora and fauna, bushfire, drainage, etc. issues result (e.g. integration of the site in the location with the future Pelican Road, potential sterilisation of the parcel by being cut off from the bulk of the school, future access across this lot into Lot 4 via Easement B, etc.). Excluding this area leaved massive gaps in the application and potentially devastating outcomes for the balance of the land and will preclude effective development of the area in the future.
4. As SSD 9368 does not deal with the southern portion of Lot 1, it must be assumed that either: 1) this area of land was in purchased for a "Public Purpose" (being the AAPS) and the application is deficient in its dealing with this area; or 2) the land was not purchased for the "Public Purpose" (being the AAPS) and an explanation is required as to why tax payer money was spent purchasing land that is not required for the AAPS, being the public purpose they purported.

5. SSD 9368 ignores the future rezoning of the residue SP2 land (Lot 4) to residential. The context of the school in relation to the future use of this land should be considered in the application.
6. The transport and traffic issues in the area are not adequately considered. That is, ingress and ingress into the site in the short term as a result of Easement A. Nor is the future construction and connection of the site to Pelican Road and/or the future traffic and transport issues in relation to the balance of the land purchased for the school (southern portion of Lot 1) and/or easement over this portion of land (Easement B), being the future road into Lot 4.
7. The land the subject of the application is incorrect noted throughout the EIS and consultant's reports, both in its identification of the full 2.6 ha site, but in many cases of the 2 ha portion of the site. All title references are wrong. As the consultant's reports do not address all of the land bought for the school, they are also deficient.
Note: As at the date of preparation of the application, although Lot 1 and 2 in DP1244925 may not been legally registered, the acquisitions of the parcels was complete and all parties were fully aware of the extent of the land purchased for the "Public Purpose" being the AAPS.
8. The design proposes dumping all the stormwater from the school directly onto Lot 4. This is wholly unacceptable. Appropriate on site measures must be designed and built to avoid creating serious issues for neighbouring land owners (particularly Lot 4), and to avoid an increase in downstream flows before the detention basins are constructed in the catchment area.