

SUBMISSION BY  
F.G. & D.M. HARE  
OF LOT 954 MORGAN ROAD, BELROSE  
TO THE E3 STRATEGIC REVIEW DRAFT REPORT  
(Oxford Falls Valley & Belrose North strategic review, Warringah)

As owners of Lot 954 in DP 752038, which is situated off Morgan Road Belrose, we wish to comment on the draft strategic plan for proposed E3 zoning for our property.

We purchased our property in June 1987. The area of the lot is 2.56 hectares. The property had been acquired by the vendor, Mr. & Mrs. Hales, by way of the Soldier Settlement Program after World War 2. (They later exercised their option to purchase, thereby the property converted to ownership under the Real Property Act.)

During the time of their ownership, they had cleared part of the property, built a small cottage and extensive gardens as well as sheds and stables. They grazed horses and had a shade house where they propagated plants in their small nursery business. They originally gained access to their property on foot and horse, by way of bush tracks, and later to obtain vehicular access, widened one of the tracks with the least terrain challenges that led to/from Morgan Road. At the time it was Crown Land, and is now owned by the M.L.A.L.C.

When we purchased the property, we were unaware that it did not have a legal access, despite normal surveys carried out that established that the improvements were contained within the property boundaries and the property did not encroach on the crown road that runs along the front of the lot. It was some years later, that we became aware that the track from Lot 953 to Morgan Road did not follow the Crown road reserve but crossed Lots 944, 945, and 948 then owned by the Crown, and now by the M.L.A.L.C., who, since acquiring the land and been made aware of the track, have since generously allow us continued use for access to our property.

We recently started negotiations with the M.L.A.L.C to legally acquire a right-of-way over the existing track, and **consequently have concerns that the proposed zone change of not just our property, but those lots owned by the M.L.A.L.C. may interfere with these negotiations and the hopefully positive outcome.**

The alternative of obtaining the Minister's consent to open the crown road reserve from Forestway has significant topography issues that would require a major road construction which would certainly be a costly and an excessive overkill to service two properties; i.e. Lot 954 and our neighboring property, Lot 955. Clearly the existing track represents the most suitable option for all concerned.

### Land usage:

At the time of acquiring our property, we had three young children, and it was our intention to continue the usage of grazing horses for our children. Unfortunately, due to extensive delays associated with gaining Council approval to build a new house, we made a decision to rent a house elsewhere for our family for some 3 years. This long period of absence from our property combined with the uncertainty of whether Council approval would ever be granted, ultimately served to diminish the joy of owning horses, and after many years, we decided to remove the stables and build a tennis court instead.

We should not be denied the right to run horses should we choose to do so. It is highly possible that, should we ever decide to sell the property, the new owners may want to have horses, etc. which they are entitled to enjoy under the current zoning, and we therefore object strongly to the proposed usage constraints under the E3 zoning.

We also object strongly to the restriction of the one dwelling per 20 hectares that currently exists and which is proposed to continue under the E3 zoning restriction. To not be able to erect another small dwelling; i.e. a "granny flat" on a block of land as large as ours is, in our opinion, truly draconian.

### Maps found on NSW Government Planning & Infrastructure website on Planning reviews and panels page:

We have studied the maps and comment as follows:

#### **Riparian Constraints Land Map:**

The area highlighted in yellow, on our property, when compared to the Slope Constraints Map, is excessive and requires reinvestigation. As shown, the riparian buffer covers approximately half our property in

distance from Snake Creek, covering an area of about 3 acres. That is a distance of about 100 metres from the back of the property (i.e. Snake Creek) rising to an elevation of about 80 metres.

**Wetland Buffers Constraints Land Map:**

From our observation, we do not believe that the area that is shaded blue over our property, Lot 954, and Lot 953 and two other properties that front Forestway, is not wetland. In fact the area is quite dry. This should be reinvestigated.

In summary:

In conjunction with the submission by Warringah Urban Fringe Association and our personal comments, we object to the proposed zoning of our land on the basis that the methodology used to zone our land as E3 is not consistent with the translation that was done from LEP2000 for other properties in the Warringah Local Government area. We believe the proper zoning for our property should be RU4.

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August 7, 2013.