

16 Wyatt Ave,  
Belrose, 2085  
10 August 2013

Strategic Review Committee,  
Oxford Falls Valley and Belrose North Strategic Review,  
Department of Planning and Infrastructure,  
GPO Box 39,  
SYDNEY NSW 2001

Re: 14 and 16 Wyatt Ave, Belrose (Site ID: A5)

This is a submission to the Draft Oxford Falls Valley and Belrose North Strategic Review Report.

The points we would like to raise are:

- 1) We agree with the zoning of our land as R5 (Large Lot residential) in stage 1 of this strategic review.
- 2) The minimum lot size has not been addressed and must be addressed.
- 3) The Site Analysis for our properties has not been done correctly
- 4) The Environmental Constraints shown on Warringah Council's records are wrong and need correcting.
- 5) Our properties must be considered for further zoning consideration.

Further information on these points is below.

## **2) Minimum Lot Size:**

The minimum lot size of one house per 50 acres (200,000m<sup>2</sup>) was put in place with IDO51 in 1974 as a temporary measure. Land owners were advised in 1974 that this temporary measure would be lifted in 6 months time. Our land is 2,276m<sup>2</sup> (14 Wyatt Ave) and 9,333m<sup>2</sup> (16 Wyatt Ave). A minimum lot size of 200,000m<sup>2</sup> is ridiculous.

The draft report states:

“The density control was developed in 1974 under an Interim Development Order 51 to respond to the water quality issues of the Narrabeen Lagoon Catchment impacted on by the residential development in the 1960s and 1970s within the study area. Revising the density control within the study area is therefore premature until water quality impacts for the catchment is considered in detail.” (Extract from Page 26)

Three points to do with this issue:

- 1) Our land does not drain to Narrabeen Lagoon.

- 2) Why spend all of this time and effort doing a strategic review if you don't revise the density controls (which were meant to be revisited in 6 months from 1974)
- 3) The Water Quality Study has been done by Warringah Council is titled "Warringah Non Urban Lands Study Stage 2 – Impacts on Water Quality of Narrabeen Lagoon" and is 66 pages long.

The conclusion of the Water Quality Study was:

### **“CONCLUSIONS**

It has been determined that development of the areas identified as suitable from Stage 1 of the NULS (PPK, 2000), which drain to Narrabeen Lagoon, can be undertaken without a subsequent reduction in water quality in Narrabeen Lagoon, and in most cases an increase in water quality can be achieved.”

We ask that the minimum lot size for all of the land proposed to be R5 on the Northern side of Wyatt Ave is 1,000m<sup>2</sup>.

### **3) Site Analysis:**

We believe the two separate properties at 14 and 16 should have had a separate site analysis done for each parcel of land. No 14 adjoins urban land, and does not adjoin bushland. No 16 adjoins urban land (front) and adjoins bushland (rear), as shown on the site analysis.

Appendix A of this submission contains the Site Analysis for our property.

The site analysis shows Environmental Constraints of moderate 85% and significant 15%. This is baseless and needs to be corrected.

#### 4) Environmental Constraints

Below is an extract from the Secondary Constraints Analysis:

SECONDARY CONSTRAINTS ANALYSIS – OXFORD FALLS AND BELROSE NORTH – Any Constraints

Site ID	Address	Heritage	Bushfire	Centres	Transport	Infrastructure	Telecoms	Riparian	Sig Veg	Corridor / Habitat	Th Spec	Flooding	Wetland Buffer	Cumulative Score	Rating 1	Rating 2	Comments
A1		0	2	3	2	0	0	3	0	0	3	0	0	13	B	B	
A2		0	2	3	2	0	0	3	0	0	2	0	0	12	A	B	
A3		0	2	2	2	0	0	0	0	1	2	0	0	9	A	A	
A4		0	2	2	2	0	0	3	3	1	2	0	0	15	B	C	
A5		0	2	2	2	0	0	3	3	1	0	0	0	13	B	B	
A6		0	2	2	2	0	0	0	3	1	3	0	0	13	B	B	
A7		0	2	2	2	0	0	0	3	1	3	0	0	13	B	B	
A8		0	2	2	2	0	0	0	0	1	0	0	0	7	A	A	

This has the following problems:

##### a) Riparian Land:

When Warringah Council put a riparian land report on public exhibition in 2010, we noticed our land was shown as having riparian land on it. At our request, Adrian Turnbull, Senior Environment Officer Natural Environment, Warringah Council carried out a site visit on 1st September 2010. Adrian inspected the property and concluded there was no Riparian land on our property. He advised that the Riparian land map would be amended as soon as possible to reflect the fact that there was no riparian land on our property. Our property is still shown on the maps as having Riparian land on it.

For the Constraints analysis, our property has been given a Riparian Rating of 3 instead of zero. Can you please amend your records to reflect the site visit carried out by Adrian Turnbull.

##### b) Significant Vegetation:

Significant vegetation was listed under the secondary constraints as 3 when the property is over 90% cleared paddocks (as shown on the site inspection report). Appendix B of this submission contains the Vegetation Classifications for our land from the Non Urban Lands Study. The Non Urban Lands Study listed our properties as the lowest possible vegetation classification.

Appendix D of this submission contains a report by Dr Anthony Ross Smith-White (ACS Environmental) outlining the fact that there is nothing of high conservation significance on our property.

This secondary constraints value for Significant Vegetation should have been zero. Can you please amend your records to reflect this.

##### c) Threatened Species:

The threatened species is shown for our land as 2. There are no threatened species or wildlife corridors on our land. The rear of our land is all fenced and is horse paddocks. Please amend your records to reflect this.

## 5) Our properties must be considered for further zoning consideration

The Non Urban Lands study showed our land as having potential for higher intensity development. Appendix C of this report shows the maps from the Non Urban Lands Study and the description of the cross hatched area.





The Secondary Constraints analysis map (our property shown below) in the draft strategic review shows our land as having three classifications:

- 1) Light Blue Cross hatched: This is due to the inaccuracies explained above and should be removed.
- 2) Red (Primary Constraints): This is due to the inaccuracies explained above and should be removed.
- 3) Yellow cross hatched: The Yellow and Black Cross Hatched areas are ambiguous. All of the land which has been proposed by the draft report as being R5 should be unambiguously marked as “Land for further zoning consideration”.








### Legend

#### WLEP 2011 Land Application Map

-  Deferred matter (Study Area)
-  WARRINGAH
-  Major Roads
-  Cadastre

#### Secondary Constraints Analysis

-  Secondary Constraint Analysis = E3 zoning consideration
-  Secondary Constraint Analysis = E3 zoning consideration
-  Primary Constraint Analysis = E3 zoning
-  Land for further zoning consideration
-  Land for further zoning consideration

Oxford Falls Valley and Belrose North Strategic Review

We trust that you will take the points raised in this submission into consideration.

We request that be given the opportunity to present our case to the Warringah Development Assessment Panel.

Yours sincerely,

Handwritten signatures of Jenny and John Holman. The signature on the left is 'Joh' and the signature on the right is 'Holman'.

Jenny & John Holman

## Appendix A - Site analysis for 14 & 16 Wyatt Ave

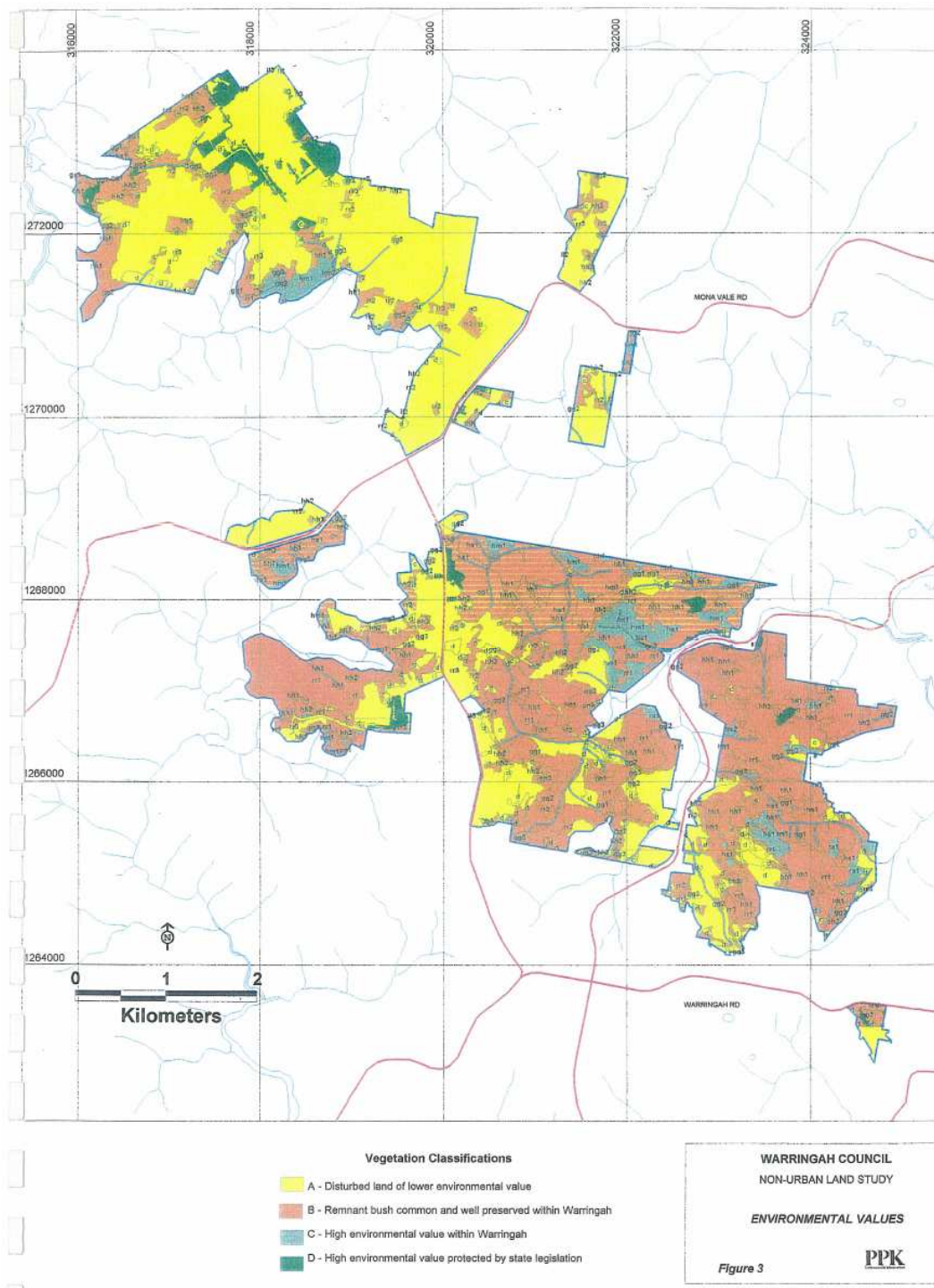


### OXFORD FALLS VALLEY & BELROSE NORTH STRATEGIC REVIEW SITE ANALYSIS

Date: 10/12/12 Precinct: A SITE ID: 5 (Mr Holman)  
 Property Address: 14-16 Wyatt Ave Lot/DP:  
 Inspection Officers: [redacted] Contact:  
 Owner's consent to access land: ☒ Yes ☐ No Owner(s) present ☐ Yes ☒ No  
 Left calling card? ☐ Yes ☒ No [redacted] showed us around

DESKTOP ANALYSIS		Verified on site (Y/N)
<b>Owner</b> <input checked="" type="checkbox"/> Private <input type="checkbox"/> Commissioner for Roads <input type="checkbox"/> Minister for Education <input type="checkbox"/> Minister Administering the Sporting Venues Management Act <input type="checkbox"/> State Planning Authority <input type="checkbox"/> Crown Land <input type="checkbox"/> Warringah Council <input type="checkbox"/> Metropolitan LALC <input type="checkbox"/> Ausgrid <input type="checkbox"/> Optus <input type="checkbox"/> Sydney Water Corporation <input type="checkbox"/> Telstra <input type="checkbox"/> NSW Electricity Transmission Authority		
<b>Adjoins an urban area</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Adjoins bushland</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Vegetation</b> <input type="checkbox"/> Bushland <input checked="" type="checkbox"/> cleared paddocks Percentage cleared ( <del>85</del> %) 90 <input type="checkbox"/> Other		
<b>Proximity to a telecommunications facility</b> <input type="checkbox"/> < 500m <input checked="" type="checkbox"/> 500-1,000m <input type="checkbox"/> 1,000-1,500m <input type="checkbox"/> 1,500-2000m <input type="checkbox"/> >2,000m		
<b>Environmental Constraints</b> <input type="checkbox"/> No env. Constraints (___%) <input checked="" type="checkbox"/> Moderate (85%) <input checked="" type="checkbox"/> Significant (25%) <input type="checkbox"/> Severe (___%) <input type="checkbox"/> Prohibitive (___%) <input type="checkbox"/> Bushfire <input type="checkbox"/> Heritage		
SITE VISIT ANALYSIS		
<b>Building on site</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unable to determine		
<b>Type of buildings on site (if applicable)</b> <input checked="" type="checkbox"/> Dwelling (Seniors, attached, detached) <input checked="" type="checkbox"/> Domestic outbuildings - stables (connected to use) pool! <input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input type="checkbox"/> Utilities e.g. sub station, satellite dishes <input type="checkbox"/> Storage <input type="checkbox"/> Educational <input type="checkbox"/> Other		
<b>Use of site</b> <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Rural <input type="checkbox"/> Commercial <input type="checkbox"/> Educational <input type="checkbox"/> Industrial <input type="checkbox"/> Infrastructure <input type="checkbox"/> Retail <input type="checkbox"/> Mixed <input type="checkbox"/> Other		
<b>Additional comments/ observations</b> domestic stables		

## Appendix B – Vegetation Classification from the Non Urban Lands Study



**Class A - Disturbed land of lower conservation value.**

Areas where the existing land is highly disturbed, cleared of native vegetation or where vegetation is degraded to the point that environmental values have been severely degraded. Environmental values are therefore a minor consideration when planning to develop provided that appropriate planning controls have been satisfied. Approximately 41 percent of the land within the study area were categorised into class A.

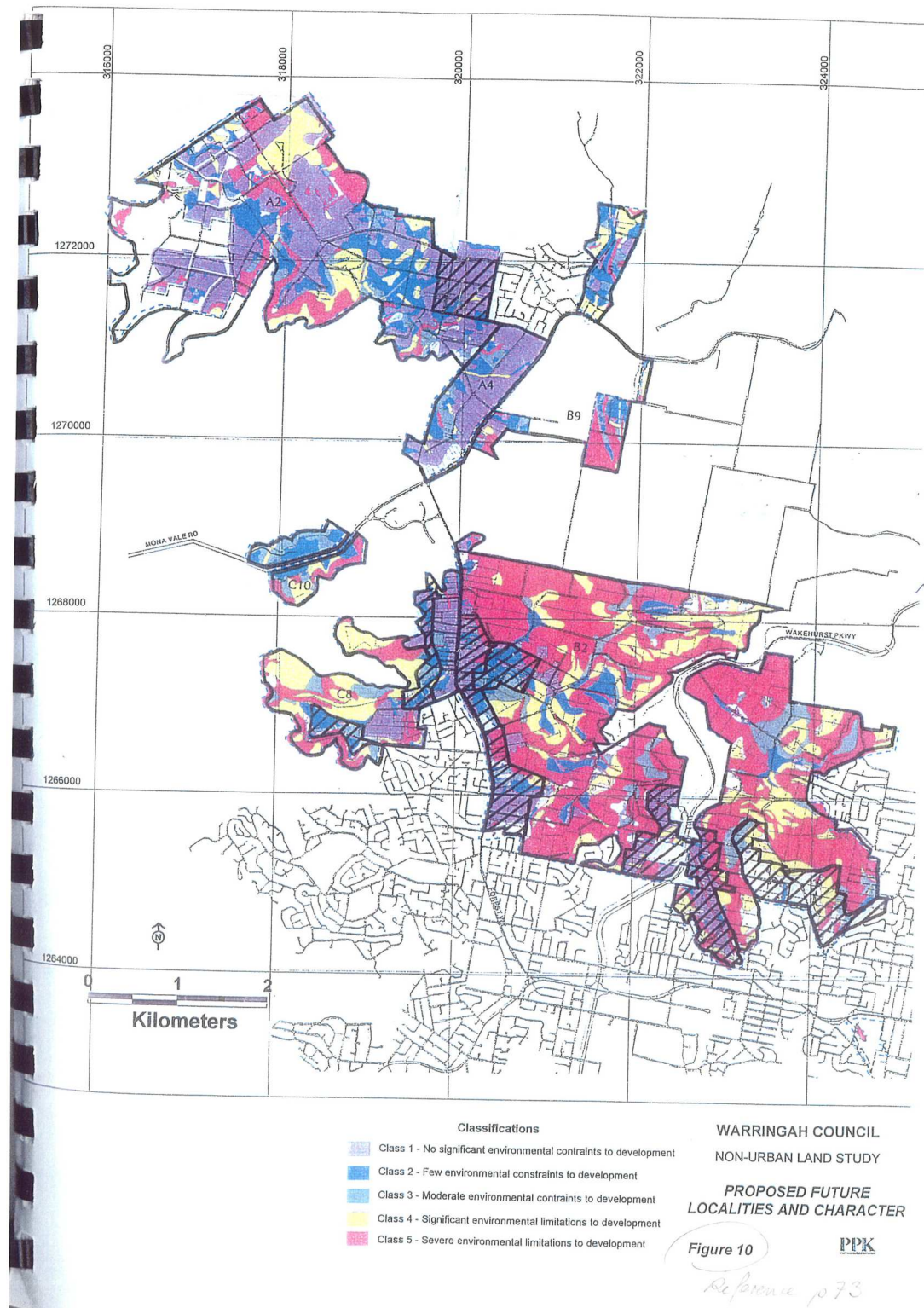
**Class B - Remnant bush which is common and well preserved within Warringah.**

Areas with remnant native vegetation communities which are well represented throughout Warringah and in National Parks. These areas include vegetation communities identified by Smith and Smith (1998) as being of third priority for conservation. Provided that appropriate planning controls have been satisfied and an ongoing management plan is adopted to ensure the sustainability of the proposed activity these lands could support a moderate level of development in terms of potential environmental impact. Approximately 49 percent of the land within the study area was categorised as being in Class B.



## Appendix C – Land identified by the Non Urban Lands Study as having potential for higher intensity development

Below is an extract from the Non Urban Lands Study showing our land as cross hatched. The cross hatched area was identified as having potential for higher intensity development.



*Recommendation 3:*

*That the hatched areas identified in Figure 10 as having potential for higher intensity development and land uses (as outlined in Chapter 11), be further investigated with particular regard to the respective areas':*

- *transport and sewerage infrastructure constraints;*
- *bushfire hazard constraints;*
- *the cumulative effects on environmental values (for example Narrabeen Lagoon); and*
- *the regional demand for land generally.*

## **Appendix D - Letter to Warringah Council regarding inaccuracies in the Biodiversity Study**

16 Wyatt Ave,  
Belrose, 2085  
18 March 2012

Council's Senior Environment Officer – Biodiversity,  
725 Pittwater Rd,  
Dee Why, 2099  
Email: [council@warringah.nsw.gov.au](mailto:council@warringah.nsw.gov.au)

Dear sir/madam,

Re: Submission on Warringah Biodiversity Conservation Study

We are the owners of 14 & 16 Wyatt Ave, Belrose. After looking at the Warringah Biodiversity Conservation Study, we realised that our land has incorrectly been identified as having a "very high" conservation significance ranking. We sought the expert opinion of a highly qualified environmentalist on this matter and he has found that our property should not be classified as being of high conservation significance. Please find attached a copy of the letter from ACS Environmental outlining this fact.

Could you please ensure that all records at Warringah Council that indicate that any part of our property is of high conservation significance are amended to reflect the fact that no part of our property is of high conservation significance.

Yours faithfully,

Handwritten signatures of Jenny and John Holman in black ink.

Jenny & John Holman



## **ACS Environmental Pty Ltd**

(ACTINOTUS CONSULTANCY SERVICES)

**Flora and Fauna Surveys, Biodiversity and Ecological Impact Assessment  
& Bushfire Protection Assessment Services**

Australian Company Number (ACN) 154 491 120

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7 Townsend Avenue, Frenchs Forest NSW. 2086.

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Tel: 9453 9397; 9527 5262. Mob: 0412 217 896; 0403 081 902.

Email: [acs@actinotus.com](mailto:acs@actinotus.com); Web: [www.actinotus.com](http://www.actinotus.com)

### **TO WHOM IT MAY CONCERN**

#### **Re 14-16 Wyatt Ave Belrose.**

The Draft Study on Warringah's Biodiversity has mapped a small portion of this property, together with undisturbed vegetation to the north as being of high conservation significance (attached Figure 1).

At the request of the owner, Mr John Holman, I visited the site on Thursday 15<sup>th</sup> March 2012 and a cursory inspection was made of the subject area down slope from the residence, being the portion of land shown as being of high conservation significance.

The northern rear of the land was observed to be fenced off as an active horse paddock, and for most of its area has been totally cleared of all indigenous vegetation. Only along the northern boundary have some trees been retained that would have been components of the original vegetation type. These trees included the species *Angophora costata*, *Eucalyptus piperita*, *Eucalyptus sieberi* and a number of individuals of *Banksia serrata* and *Banksia spinulosa*. Almost all of the indigenous shrub layer and ground stratum plants have been cleared.

From the remnant vegetation on the site, together with that beyond the rear fence, the vegetation community closely resembles Coastal Sandstone Apple-Peppermint Gully Forest (S\_DSF09)(DECCW, 2009). This community is widely distributed along the eastern extent of the Sydney sandstone plateau. It occupies sheltered aspects on infertile Hawkesbury Sandstone geology in areas that receive in excess of 1000mm of mean annual rainfall. Sydney Peppermint (*Eucalyptus piperita*) and Smooth-barked Apple (*Angophora costata*) form a moderately tall open forest (DECCW 2009). It occurs in association with rocky environments and includes a diverse mix of heath and shrub species such as banksias, tea-trees and wattles in the understorey.

Whilst no comment is made here on the conservation significance or otherwise of the community beyond the northern boundary of this private residence, it is considered the



remnant vegetation on site at 14-16 Wyatt Avenue is not representative of that ranked as being of high conservation significance for the following reasons:

- The community has a wide distribution along the eastern extent of the Sydney sandstone plateau.
- The community is not listed as having conservation significance under state legislation (Threatened Species Conservation Act 1995) or Commonwealth legislation (Environmental Protection and Biodiversity Conservation Act 1999).
- The ground and shrub strata have been largely cleared.
- The site, although rocky in parts, is an "in-use" horse paddock.
- The habitat potential for threatened species of fauna known to occur within a 10km radius is sub-optimal.
- Ground-truthing of the depiction of vegetation of conservation significance occurring along part of the eastern boundary in the Draft Study on Warringah's Biodiversity indicates that the vegetation is actually branches overhang from the adjoining property (attached Figure 2).



Dr Anthony Ross Smith-White BSc., MSc., PhD.  
Director & Principal Ecologist  
ACS Environmental P/L  
14.03.2012

Attached Figures



**Figure 1** The Draft Study on Warringah's Biodiversity has mapped a small portion of 16 Wyatt Avenue, Belrose, as being of high conservation significance (deep green shading).



**Figure 2** The eastern boundary is defined by a fence and concrete pathway. Apparent vegetation in this area depicted as being of high conservation significance in the Draft Study on Warringah's Biodiversity is actually a number of branches of trees overhanging from the adjoining property.