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Hon Barry O'Farrell, Premier NSW
Hon Brad Hazzard, Member for Wakehurst
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To Whom it May Concern,

Re: Proposed rezoning to E3 – Lot 2 Wearden Road, Oxford Falls

Firstly we would like to state that we do agree with the majority of the proposed E3 zoning, What we strongly object to is the planned inclusion of cleared lands with houses, our property included.

“...the (E3) zone is generally not intended for cleared lands including land used for intensive agriculture.”

It is with significant concern that we have reviewed the draft Oxford Falls and Belrose North Strategic Review Report and the potential impact it would have upon our property, both immediately from a likely negative financial impact but as importantly over the medium term should we wish to undertake any improvements or changes to our property, there will be unreasonably onerous requirements upon us (Environmental impact analysis, specialist consultant reports, etc.).

We have outlined below key reasons why we feel the proposed E3 zoning is not only inappropriate based not only on existing uses, the historical context of the area but also the appearance of an almost deliberate incorrect site analysis of numerous properties in the area.

Just some of the relevant independent and government reports which do not seem to support the E3 zoning include:

1. PKK Non urban Land Study 1998), Stage 1 & 2
2. Department of Lands Assessment of Crown Lands Oxford Falls and Belrose
3. Planning Assessment Commission Report 2009 (see pg. 18)
4. Various NSW Planning & Infrastructure Constraint maps

Given the above it garners disbelief that the reports combined with the obvious historical use information and very clear current rural occupants that Council still seems to think an E3 zone appropriate to the cleared properties bounded by Dreadnought Rd, Oxford Falls Rd, Iris St and Barnes Rd. Surely this provides significant greater support to a more appropriate rural zoning?

History of Lot 2, Wearden Rd:

Our property, which we purchased in 2012, has a long history of either agriculture or rural use, having been used as rural land for over a hundred years, predominantly for poultry and grazing farms. Since 1969 the property was used as market gardens and then more recently in the past 10 – 15 years as a small lot, semi-rural property with horses.

There have been numerous submissions for neighbouring owners to provide clear evidence to the history of the area (please refer to correspondence from Lot 1 Wearden Road and A/374720 Oxford Falls Road) and it's long established cleared land nature. Immediately surrounding our property are horses to the east, north and approved stables to the west. In addition to the cleared lands of the Tennis Academy which prior to their occupation was barren land stripped of top soil and nearly all vegetation.

Site analysis:

Our property, consists of a main residence, a demountable granny flat, sheds and a 3 horse stable. Surrounding the block are Cyprus pines, fruit trees and other fir trees planted by the market gardener. Hardly what you would consider either environmentally sensitive or natural bushland. The remaining lot (total size of 5021spm) is fully cleared.

Our boundary line includes a creek, Warringah council and department of waterways owned which has unfortunately become overgrown with lantana, privet, castor, and associated weeds. Once again hardly of special ecological, cultural or aesthetic value!

E3 Environmental Management This zone is *“for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with these values.”*¹

I fail to see where the above has any reflection on our property? This particularly planning instrument goes on to state:

Where the primary focus is not the conservation and/or management of environmental values, a different zone type should be applied.

We fully dispute our site analysis given what we have outlined above and can't conceivably come to the calculation of 35% uncleared nor the 5% extreme. It goes on to state that the vegetation includes

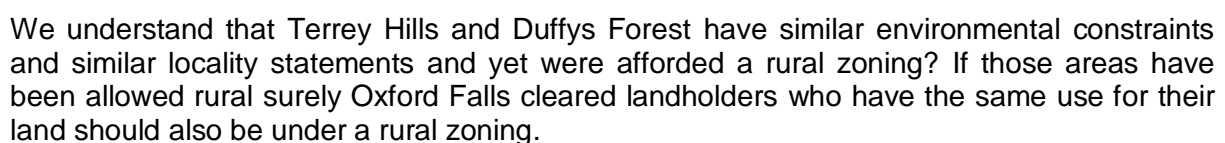
¹ Department of Planning, Practice Note PN 09-002



To use these sub standard site analyses from ours and adjoining properties as support for an E3 zoning undermines this whole process.

I'm sure you can appreciate our frustration when we receive something like this which seems to lend credence to only one argument (Councils) based on false information.

- Riparian zone constraints - Wetland buffers constraints and has the same slope constraints as many of the local residentially zoned areas.
- Wildlife Corridors - The Draft DCP Wildlife Corridor 2009 and the current DCP 2011 as displayed on the Council website says our area does not include Core Habitat. See Annexure 1.
- Limitations / Restricted areas: See below.



We have been dismayed and very disappointed in the manner in which this review process seems to have totally disregarded the feedback and interests of the affected residents.

As stated at the start of this letter, we are not averse and are in fact supporters of the protection of appropriate environmentally sensitive lands, however it is the cleared lands that include our property which do not deserve the encumbrances and restrictions associated with the E3 zoning. A more appropriate Rural zoning would be a much closer reflection of the lands in question.


There is a genuine risk that should this inappropriate E3 zoning be implemented the landholders in question that this is a retrograde step which diminishes the potential uses for our land (a granny flat is not even a permissible use under E3, what happens when we want to put a pool in?). The E3 zoning will likely impose an unfair encumbrance, both financially and from a future use perspective.

We strongly believe that a rural zoning is more appropriate to the lands in question, including our own and look forward to your support on this matter.

We hope that our letter is given due consideration and look forward to an outcome which satisfies all parties.

Please feel free to contact either of us to discuss further.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. & A. van Grootel', with a horizontal line extending to the right.

Simon & Adrienne van Grootel

Annexure: Oxford Falls Valley – Limitations/ Restricted Areas Map PAC Report 2009

