

SUTHERLAND LEP INDEPENDENT REVIEW

WEBSITE SUBMISSION

Name: Jeffrey O'Loughlin	Date: 31/1/2014
Organisation: N/A	Suburb: Bundeena, NSW
Email address: N/A	Privacy: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Comment: <p>I am writing this letter to strongly object to the draft 2013 LEP that directly affects my property and other properties located at 1-49 Crammond Ave Bundeena.</p> <p>A Heritage Listing known as LF27 was created and recorded on our title deed in the 2006 LEP. The process by which this occurred was very disappointing to me and other property owners as we felt there was a lack of communication by Council considering the nature of the impact on our property(s). The ramifications of this are numerous including the right of usage, value & resale potential of our property(s) and now with the draft 2013 LEP your council is seeking an amendment which will burden our waterfront property(s) even further.</p> <p>The draft 2013 LEP recommends that the current heritage listing on the "sandstone formation" and "cliff face" LF27 be extended from the cliff face to include all of our land up to the 20 metre foreshore building line and for some property owners even further. Why do you need to do this and for what purpose?</p> <p>The current zoning and 20 metre foreshore building control plans work well presently and are surely adequate enough to ensure any DA applications are assessed on these guidelines. Surely, impairing our property even further is not necessary. The impact of this proposal with regard to our waterfront residential property value (past & future) as a result of this Heritage Listing raise serious questions around financial compensation.</p> <p>This recommendation proposed under the draft 2013 LEP came out of a heritage report (LF27) dated December 2008 by Claudia Miro. The interesting aspect about this report was that IHAP could not determine the criteria on which the Heritage Listing was created in the first place and how a DA assessments could be assessed against that criteria. So LF 27 report dated December 2008 was prepared after the heritage listing was gazetted in the 2006 LEP. We might add that we were never advised or consulted about this report in 2008 and stumbled across this by chance in the 1st round of notification letters sent out for the Draft 2013 LEP.</p> <p>All the talk around the heritage listing focuses on the "point" of the headland and "Pulpit Rock". We do not understand how the heritage listing has been applied to all the residential properties along Crammond Avenue.</p> <p>We are also concerned that the reason provided for the heritage listing is not actually representative of those people's original intention behind the listing (i.e. the Bundeena Progress Association).</p> <p>There was a article published in the Sutherland Shire Leader sometime in 2006 or thereabout, where Neil Dennett (Chairperson of the Bundeena Progress Assoc at that time) is quoted saying "we mainly intended the heritage listing to apply to the public land on the headland. I didn't think we expected it to mean that landowners were unable to do anything at all to their own properties."</p>	

SUTHERLAND LEP INDEPENDENT REVIEW

The Heritage Listing applies a whole new layer of unnecessary & costly compliance for land owners and is very subjective at the best of times. As a consequence our rights and amenity under the current zoning is diminished by this heritage listing.

An independent report by a qualified Heritage Consultant Warrick Mayne-Wilson dated February 2007 - Where he states: "It is understood that the headland was nominated by a number of members of the Bundeena community as a landscape formation which they valued for its natural characteristics. No SHI form was prepared at the time of nomination, nor since, so that the particular values or criteria on which the nomination was made are not available"

In conclusion i object to the proposed changes in the 2103 for the following reasons:

- Restricts the rights of landowners
- Has and will have further impact on the value of properties in Crammond Ave
- Reduces the marketability of our property due to a covenant placed on our title deed.

We Would like your assistance as follows –

- Address the process in which Council has handled this matter as all the evidence suggests that Council lacks proper process when implementing changes where it directly affects personal property
- Release the heritage listing on private land owners along Crammond Ave
- We request the heritage listing only apply to the original public headland of Cabbage Tree Point.

The proposed amendment to the heritage listing under the Draft 2013 LEP be stopped on the grounds that it is not justified , inequitable , lacks owners consent , fails to recognize the rights and future implications for land owners and does not address the impact of values and compensation .

Yours Sincerely

Jeff O'Loughlin

0419212370