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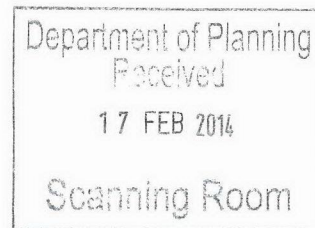
Marian Pate

Sutherland LEP Review

NSW Department of Planning and Infrastructure

PO Box 39, Sydney, 2001

29th January 2014



Re: Review of Sutherland Shire Council Draft LEP 2013: Issues in Upper Woronora Valley

Dear Panel Members,

I write this letter to inform you of the serious concerns I have with respect to the Sutherland Shire Council Draft LEP 2013.

I have been resident at Lot 134 Shackels Estate since 1983. I and the other residents of Shackels Estate have existing use rights under Environmental and Planning regulations (EPR 1994, part 5, sections 39-44). Sutherland Shire Council, under the auspices of former Mayor Kent Johns has proposed in the Draft LEP that a zoning of E2 should be applied to Shackels Estate. Acknowledgement of our existing use rights have so far been denied despite a number of submissions to council. An E2 zoning, without such acknowledgement will effectively deny us the right to rebuild our existing homes after fire, to make additions to our homes (with approval) and, amazingly, to occupy our homes at all. An ineffectual local provision is couched in arbitrary terms and makes no reference to superior law. I understand that the treatment of "existing use" in the preparation of LEPs has been fully ratified (planning circular PS 06-007).

While the Draft LEP attempts to limit the rights of we here in the Shackels Estate, it proposes to develop the previously pristine and entirely undeveloped land just behind my property. This land is home to many native species of fauna and flora including a rare grevillia (identified by previous Green Web officer Andrew Coughly). It truly concerns me that the proposed zoning of E3 for this land allows future development of all kinds including dwelling houses, consulting rooms, secondary dwellings, businesses, industries and the like. Why have these properties directly behind me been given favourable treatment in direct conflict with the the intended future use – that the Upper Woronora Valley should become regional open space? It truly disturbs me that large sections of this "proposed E3" land is owned by private

developers – a windfall for them of course. Even more alarming is that for about two years now, and long before the Draft LEP was even put on public display, developers had already moved in on this land. Major upgrades have been recently made to an existing, narrow dirt access road which, when I first moved here, served a then extant dwelling on Shackels Estate. That property was demolished some twenty five years ago and the land taken over by the Department of Lands. New access roads feeding from this upgraded old road and into pristine bushland have now been constructed. In the light of this I cannot help but reflect on the reputation of Mayor Kent Johns and the allegations of corruption levelled against him in connection with his relationships with major developers in the area (see for example Sydney Morning Herald, 21 September 2013, pp. 1 and 5 and The Leader, 10th December 2013 are just some examples). Mayor Johns has now stood down.

A further concern of mine and one which is causing me great personal distress is that in the process of constructing this new access road, our polyethylene water pipe was dug up by the plant operators and hung from overhead trees. This water service has served my own and 5 other homes on the Shackels Estate since 1960. The line is now exposed to vandalism, damage from bush fire and from heavy plant equipment and no longer complies with the Australian or Sydney Water plumbing standards. The plant operator promised to reinstate the line as soon as practical but months later the line still hangs loosely from the trees. We have contacted the landowners (WYM PTY LIMITED 1/64 Croydon St, Cronulla for Lot 40 in Deposited Plan 7771192 and ADDICT and KAT GROUP PTY LIMITED for Lot 37/ Deposited Plan 7771192) after council informed us they had no knowledge of the work. We have had no response. This is a serious concern as this water service is vital for our everyday needs as well as for the protection of us, our houses and their infrastructure in case of bushfire. The season is now upon us.

In summary I request

- 1) that Shackels Estate and its adjoining lands be treated the same. If Shackels Estate is given E2 zoning then so too must the adjacent lands. It does not make sense that environmentally sensitive land should be opened to development while owners of existing households on nearby lands are denied the right to even occupy their own dwellings. If we are to have an E2 zoning here in Shackels Estate, then so too should the adjoining pristine lands.
- 2) that, should an E2 zoning be introduced, then our existing use rights must be acknowledged. They must be transparent and not be dependent on administrative whim.
- 3) that the council be directed to resolve the problems with our water service.

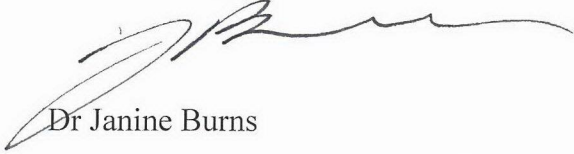
Our previous submissions to council on the land zoning question were falsified and we were represented as seeking a zoning allowing new dwelling houses. This is untrue. We wish only to be treated equally and fairly – to have the same rights as adjoining owners.

There is also a human element to all this of which the panel must be aware. I myself have suffered from a life threatening illness these past six months and my recovery has not been assisted by the cloud of uncertainty hanging over the future security of my private home of

thirty years. In addition I am extremely anxious over the state of our water service which, in its present condition could soon be damaged and our water supply cut off completely.

I trust the panel will look into these matters and lend a measure of integrity to what has been up to now an entirely questionable process. I ask that receipt of this letter is acknowledged by email: janinedaisy@y7mail.com

Yours Sincerely



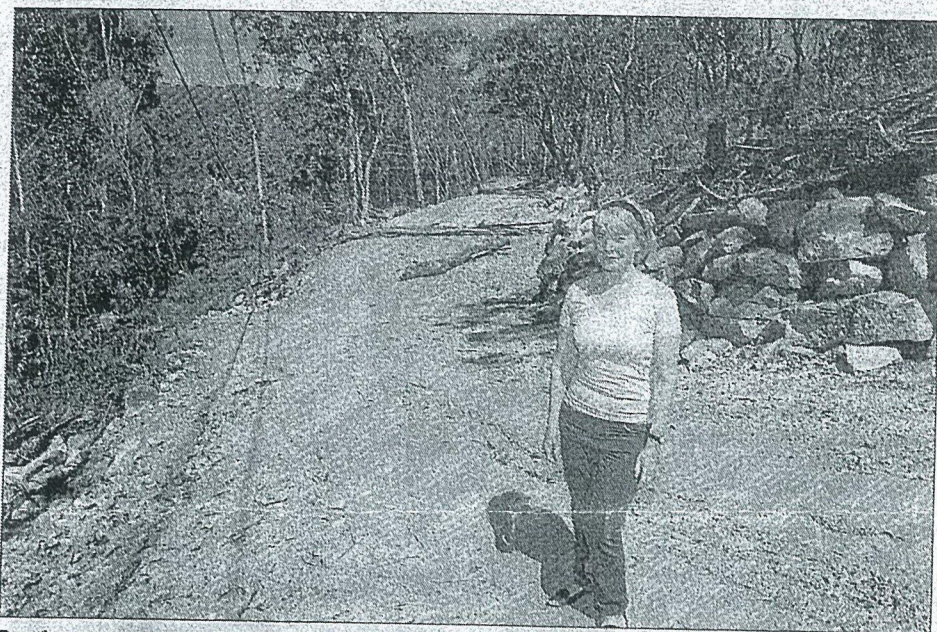
Dr Janine Burns

Lot 134 Shackels Estate,

Woronora River

Enclosures: copy of article from the Leader (Tues 10th Dec. 2013)

copy of letter to landowner regarding state of the water service to Shackels estate



Development concerns: Janine Burns on the road that has been upgraded and extended.

Picture: Lisa McMahon

Residents fear work signals housing plan

By Murray Trembath

NEW roadworks, land clearing and a proposed zoning change have raised concerns that bushland in the Woronora Valley is being prepared for a major housing development.

The privately-owned land is on the western side of Woronora River, behind Shackles Estate and below existing homes at Barden Ridge.

Janine Burns, who has lived in Shackles Estate since 1983, said she and other residents had been unable to get answers from the council about the land clearing and road upgrading.

She said a narrow, disused dirt road, which had provided only access to Shackles Estate previously, had been widened and extended into bushland.

Ms Burns said electricity lines also have been upgraded, ostensibly to improve the service to Shackles Estate.

"All these changes, together with rezoning in the draft local environmental plan (LEP), suggests the land is being prepared for development," she said.

"It's very strange given the

LEP hasn't even been adopted at this stage."

Another resident said: "It is clear the developer has some form of agreement from council and Ausgrid."

But a council spokeswoman said the council was not aware of any roadworks or improvements and it was "reasonable for land owners to do so to maintain access to their properties".

'It's very strange given the LEP hasn't even been adopted at this stage'.

— Janine Burns

The spokeswoman said that under the draft LEP the land would be rezoned E3 environmental management; it is now zone 17 environmental protection (low impact rural).

"Under the standard instrument format (introduced by the state government to provide conformity), there is no zone equivalent to zone 17 environmental protection," she said.

"The best fit is the E3 environmental management zone, which has been used for land with special ecological, scientific, cultural

or aesthetic attributes or environmental hazards/ processes where careful consideration and management is required."

The spokeswoman said the land was suitable for "a limited range of development".

Permitted uses included dwelling houses, bed and breakfasts, boat sheds, environmental protection or flood mitigation works, health consulting rooms, home businesses, home industries, recreation areas, roads and secondary dwellings.

The spokeswoman said: "Simply because dwelling houses are permissible does not mean that it will be developed for housing."

Minimum subdivision standards required a 20 hectare minimum lot size, "effectively limiting development potential to one dwelling per lot subject to the normal merit considerations, including planning for bushfire".

■ Do you know more about intentions for this land?

Have your say

theleader.com.au

Responsible Contact; Gernolff Hauch

Our Ref: WHD 201312

6th December 2013

To the Company Secretary, Margaret Ann Rohr

WYM PTY. LIMITED

1/64 Croydon St

Cronulla NSW 2230 by registered mail

David Road Land Clearing on DP 37/771531

We act for the residents who have used this water service since 1960.

We understand you are the owners of land and we have met your plant operator last year during your land extensive land clearing and access track construction.

Your plant operator exposed the polyethylene water line, hung it from trees overhead and promised to rebury the line as soon as practical.

The water line has been left exposed to fire and damage and now does not comply with the Australian or Sydney Water plumbing standards.

The site clearing has a western part mesh fence but no contact details on its sign and it has partially collapsed.

We have contacted the council but they have no knowledge of your work as of last month.

In view of the coming bush fire season we need your advice on when the line will be reinstated and warn you again that the water service is essential for the protection of these families in 6 houses long with their infrastructure.

It appears that as the owner of such land, subdivision is being progressed without the normal approvals or compliance with procedures.

Your prompt advice on when your responsibilities will be honoured would be appreciated so as to minimise the risks to all involved parties.

Please be aware that if the land is sold an intending purchaser should be put on notice of our clients' concerns.

Yours faithfully

Gernolff Hauch for these Shackles Estate householders