

# OPTIMA DEVELOPMENTS PTY LTD

ABN 75 070 515 883

TOWN PLANNING AND DEVELOPMENT CONSULTANTS  
DEVELOPMENT INVESTIGATIONS & ENVIRONMENTAL STUDIES. DEVELOPMENT & SUBDIVISION APPLICATIONS.  
LAND AND ENVIRONMENT COURT APPEALS

11 ALFRED STREET  
UMINA BEACH  
NSW 2257

P.O. BOX 3136  
UMINA BEACH  
NSW 2257

e-mail: [optimapl@bigpond.net.au](mailto:optimapl@bigpond.net.au)

PH (02) 4344 2100  
FAX (02) 4344 3289  
MOBILE (0418) 647581

18 January 2017

General Manager  
Northern Beaches Council  
Ingleside Land Release Team  
Civic Centre  
725 Pittwater Road  
Dee Why  
NSW 2099

## ATTENTION: INGLESIDE LAND RELEASE TEAM.

Dear Sir

**SUBMISSION IN RELATION TO THE INGLESIDE PROPOSED STRUCTURE PLAN AND AMENDMENTS TO SEPP (SYDNEY REGION GROWTH CENTRES) 2006 IN RESPECT TO No 26 (LOT 292 DP 46575) AND PERMISSIVE OCCUPANCY 1988/57 METROPOLITAN AND No 28 (LOT 1 DP 740199) CHILTERN ROAD INGLESIDE** - Our ref: ccl – Jeffreys DoPE 01.

Reference is made to the recent exhibition of the above documents and Council's letter of 19 December 2016 addressed to Mr W Jeffreys. In this instance, Optima acts as planning consultants for Mr Jeffreys who is the owner of No 28 Chiltern Road and maintains a Permissive Occupancy (**PO**) over adjoining No 26.

The Council correspondence in part advises:

*The proposed Structure Plan identifies your property at 26 Chiltern Road, Ingleside for environmental conservation, off-road share path and water management purposes. This land use is part of a range of public infrastructure which is vital to development in release areas. Public infrastructure is necessary for continued health and wellbeing of future residents in the area.*

*The proposed Structure Plan is not a zoning map. If your land is ultimately rezoned consistent with the identified purpose in the proposed Structure plan, it will need to be purchased by either Council or the State Government.*

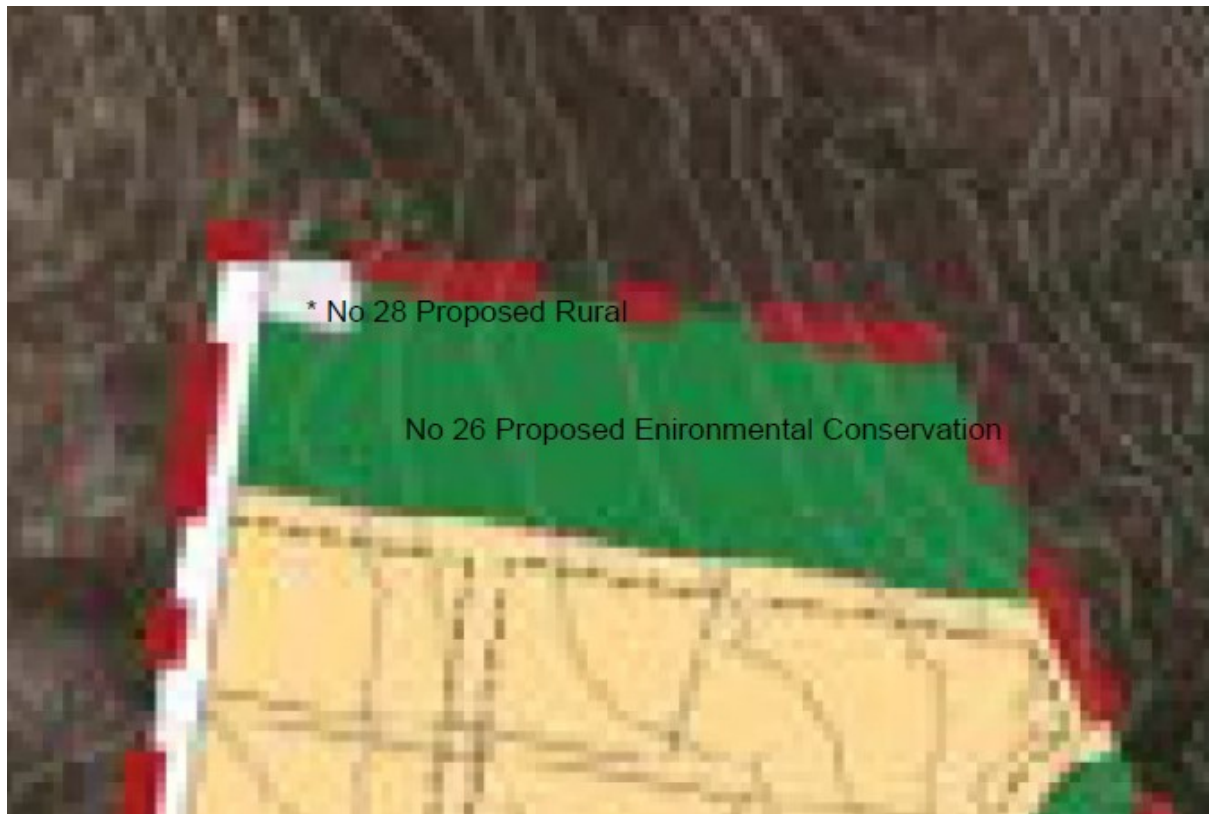
On behalf of Mr Jeffreys, Optima had previously discussed the earlier investigation implications and corresponded to Crown Lands Office of the NSW State Government (October 2012) and for ease of reference and essential background information a copy of this correspondence and the Departments reply is attached.

Recent enquiries with a member of the Ingleside Planning Team indicated that No 28 is to maintain a rural zoning and it is only No 26 that is proposed for acquisition. As Mr Jeffreys is only the lease holder under the PO, ultimately such acquisition no doubt will be one involving the various State Government Departments.

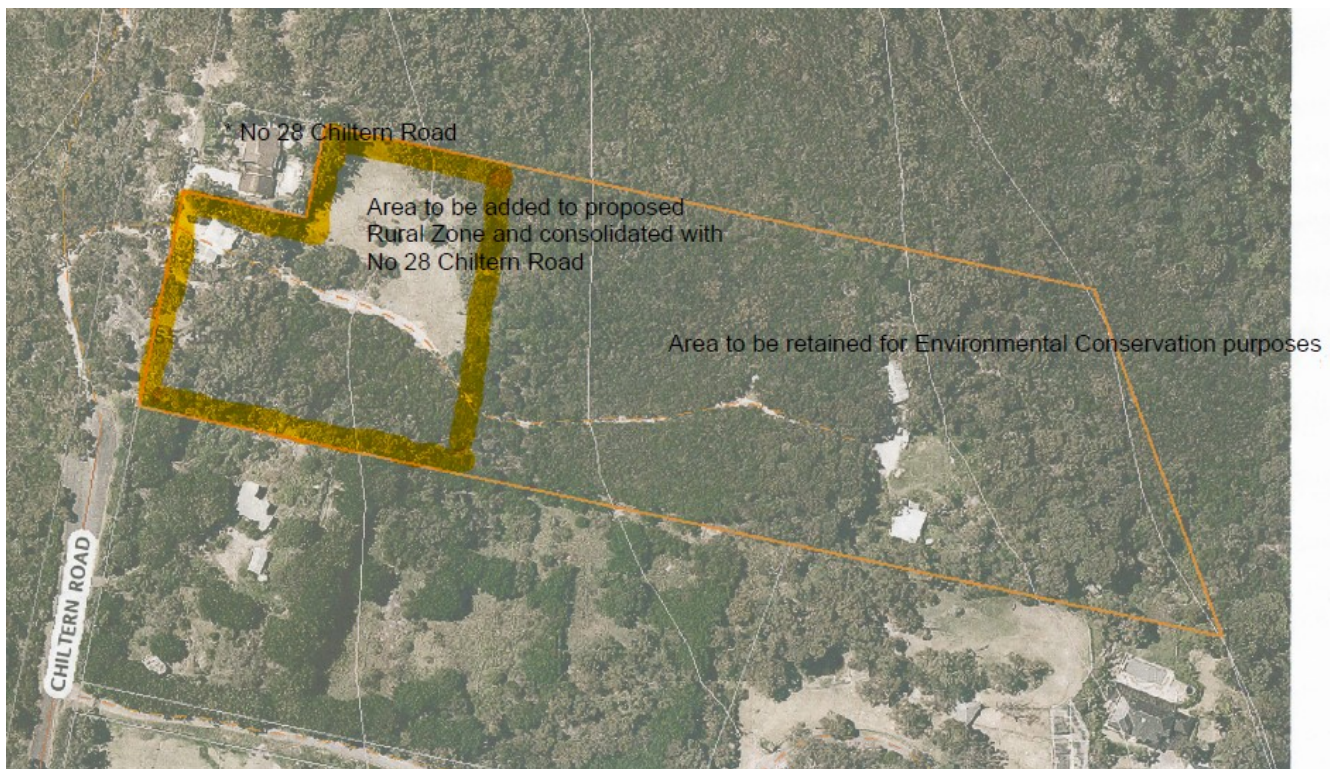
The previous submission to the Department of Lands clearly indicates our clients concerns and prior to finalising the Structure Plan it would be appropriate if the issue of possible sale of part No 26 to Mr Jeffreys could be examined. This is essential if the access and bushfire protection of No 26 is to be maintained.

The following extracts depict what is proposed under the Structure Plan and a suggested alternate approach which would ensure both the protection of the access and assets of No 28 whilst allowing for the environmental conservation and other public asset purposes to be achieved.

## EXTRACT OF STRUCTURE PLAN



**AERIAL PHOTOGRAPH EXTRACT OF EXISTING DEVELOPMENT AND PROPOSED ADJUSTMENT TO AREA IDENTIFIED FOR ACQUISITION AND ENVIRONMENTAL CONSERVATION**



The addition of the nominated area to a rural zone and consolidation would not increase any entitlement to the owner of No 28 Chiltern Road, however would enable security of tenure and control over bushfire protection obligations and access to the existing dwelling. Such a decision should be made concurrently with the Department of Lands as concurrence will be needed to surrender the existing PO and convert the nominated land to a transferable asset for which our client would meet the legal and purchase costs.

The above amendment request has a positive financial benefit to the NSW State Government without compromising any ecological or environmental aspect of the land in question. Accordingly, a copy of this submission will be forwarded to the Department of Planning and Environment and Department of Lands.

Looking forward to favourable consideration of this submission and in the interim please do not to hesitate to contact our office should further assistance be required.

Sincerely

OPTIMA DEVELOPMENTS PTY LTD

A handwritten signature in black ink, appearing to read 'C. Oliver', written in a cursive style.

Chris Oliver  
Director/ Principal Consultant  
MPIA CPP 7762

c.c Mr William Jeffreys  
c.c Department of Planning & Environment  
c.c Department of Lands

# OPTIMA DEVELOPMENTS PTY LTD

ABN 75 070 515 883

TOWN PLANNING AND DEVELOPMENT CONSULTANTS  
DEVELOPMENT INVESTIGATIONS & ENVIRONMENTAL STUDIES, DEVELOPMENT & SUBDIVISION APPLICATIONS,  
LAND AND ENVIRONMENT COURT APPEALS

11 ALFRED STREET  
UMINA BEACH  
NSW 2257

P.O. BOX 3136  
UMINA BEACH  
NSW 2257

PH (02) 4344 2100  
FAX (02) 4344 3289  
MOBILE (0418) 647581

e-mail: [optimapl@bigpond.net.au](mailto:optimapl@bigpond.net.au)

15 October 2012

Senior Property Management Officer  
North East Group  
Sydney Area Crown Lands Division  
P O Box 3935  
Parramatta  
NSW 2150

**ATTENTION: Kim Bourke.**

Dear Sir

**FURTHER SUBMISSION IN RELATION TO No 26 (LOT 292 DP 46575) CHILTERN ROAD INGLESIDE AND PERMISSIVE OCCUPANCY 1988/57 METROPOLITAN – ACCOUNT 174276-** Our ref: ccl – Jeffreys Crown land  
01. Your Ref: MN88H61

Reference is made to the above property for which the current Permissive Occupancy (**PO**) is held by our client Mr William Jeffreys, who also resides on the adjoining freehold property at No 28 (Lot 1 DP 740199) Chiltern Road. The location, title, physical features and constraints can be appreciated by examination of the attached maps, plans and aerial photographs.

Mr Jeffreys has requested that Optima review the historical material and provide advice with respect to current and future planning regime, title tenure and strategic issues that should be considered or pursued. The following Summary Overview represents the results of this investigation.

## TITLE, TENURE AND BACKGROUND

No 26 Chiltern Road has a title description of Lot 292 DP 46575. This Deposited Plan is a Crown plan approved in July 1983 and involved the creation of two lots (Lot 261 and Lot 262) from the subdivision of the previous Crown land parcel known as Portion 185. At that time Portion 185 was held under Special Lease (SL 1958/54) by Mr Jeffreys. Lot 266 is an irregular shaped parcel containing 3.137 hectares with a frontage of 70.45 m to Chiltern Road. Adjoining to the south are privately owned rural residential parcels (lots 1 and 2 DP 595804) and surrounding to the north and east is the Ku-Ring-Gai Chase National Park.

The subdivision of Portion 185 was the result of the conversion of part of the previous Special Lease (SL 1958/54) being Lot 291 (402.3m<sup>2</sup>), to a Conditional Purchase. This lot once purchased by Mr Jeffreys in 1984 was consolidated in 1987 with his resident freehold parcel (Portion 266) and became known as No 28 (Lot 1 DP 740199) Chiltern Road, containing a total area of 1211m<sup>2</sup>. The residue land of the Special Lease was then converted to a PO (PO 1988/57) which remains held by Mr Jeffreys.

The land covered by the PO is generally vacant but for some rural sheds with a historical dwelling having been demolished shortly after occupation of the completion of the residence on No 28 Chiltern Road. Lot 292 is utilised for hobby farm grazing activities for a maximum of two horses as permitted under the PO. For many years, Mr Jeffreys has made enquiries to the Department with respect to the possible conversion and purchase of No 26 (Lot 292) Chiltern Road.

From 2007 the response has been that studies are being undertaken as part of the Warriewood/Ingleside urban release programme and that Landcom had been engaged to prepare and provide input into these planning studies, the results of which should be available by now in so far as they relate to the assessment of constraints and potential for No 26 Chiltern Road.

## PHYSICAL FEATURES, CONSTRAINTS AND POSSIBLE FUTURE POTENTIAL

Perusal of the photographs and constraints mapping from the Pittwater Council web site (extracts attached) indicates that No 26 and No 28 are both zoned 1(a) Non Urban A under PLEP 1993. Whilst No 26 has a dwelling the historical dwelling on No 28 has long since been demolished and any benefit of any existing use rights may have been lost through abandonment. Although one assumes the Crown would want to maintain this basic minimal entitlement as a foundation for the parcels base value. The steepness of the eastern extremity of No 26 would appear to represent a geotechnical constraint as well as obvious ecological constraints of the Heathland vegetation and adjacent Freshwater wetlands.

However, the most imposing constraint affecting both parcels is that of Bushfire Threat with both lots containing the highest risk Vegetation Category I as described within the maps produced by Council and approved by the Commission for the Rural Fire Service (**RFS**). The ability for the existing residence on No 28 to meet the current day standards of the RFS Planning for Bushfire Protection 2006 Guidelines (**PBP 2006**) is most unlikely and therefore this property is exposed to a high bushfire risk.

No 28 represents a small residential sized allotment (1211 m<sup>2</sup>), with the residence having been erected before the introduction of current day bushfire controls and therefore fails to be able to cater for the required inner and outer Asset Protection Zones (**APZ's**) within the confines of the current title.

At present Mr Jeffreys has to rely upon the co-operation and maintenance within the adjoining National Park by the NPWS as a means to providing protection in the form of an APZ, whilst an adequate APZ is achieved under the PO he currently holds over No 28 (lot 292). As previously mentioned the Crown land has been subject to investigation for some higher order land use for many years (since 2007). However, it is apparent that any such potential would be highly impacted by the isolated nature of the parcel. the surrounding impacts from the National Park and the potential ecological and environmental constraints, such that any future potential is likely to be limited at most to a single dwelling occupation. The future development potential is therefore considered very limited. This should already be evident from the investigations already undertaken by Landcom.

## CONCLUSION

No 26 is considered to be ecologically and environmentally constrained. Its isolated nature being surrounded by national park and private freehold land and the surrounding high risk bushfire prone nature of the National Park would indicated future higher order development potential is limited. At best the carrying capacity would appear to be that of a single dwelling house, provided the required APZ's can be met and there are no statutory restrictions imposed by the PLEP 1983.

It is our opinion that a case exists for the variation from the normal protocol of public auction or tender should the Department concur and recognise the need for bushfire protection of the residence at No 28 Chiltern Road. To a certain degree this protection is currently achieved by the maintenance regime of the cleared land within Lot 292 by Mr Jeffreys under the PO land occupation.

The concern is that, if the property goes to public tender and is disposed of to a third party , the Mr Jeffreys will loose control for the maintenance of the APZ's within Lot 292.

A preferred alternative would be for the Crown to either sell the parcel (at market valuation) to Mr Jeffeys or sell sufficient land to be consolidated with No 26 to enable the maintenance of the required APZ, with the remainder possibly being added to the National Park.

Therefore, on behalf of Mr Jeffreys and having regard to the above unique circumstances, Optima requests the Department to reconsider the position for the sale of the whole or part of the land held under the current PO.

Looking forward to the opportunity to discuss the above at your convenience.

Sincerely  
OPTIMA DEVELOPMENTS PTY LTD

A handwritten signature in black ink, appearing to read 'C. Oliver', written in a cursive style.

Chris Oliver  
Director/ Principal Consultant  
MPIA CPP 7762

c.c Mr William Jeffreys





This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

12th February, 1987

UNITED KINGDOM OF GREAT BRITAIN

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day.

12th February, 1987

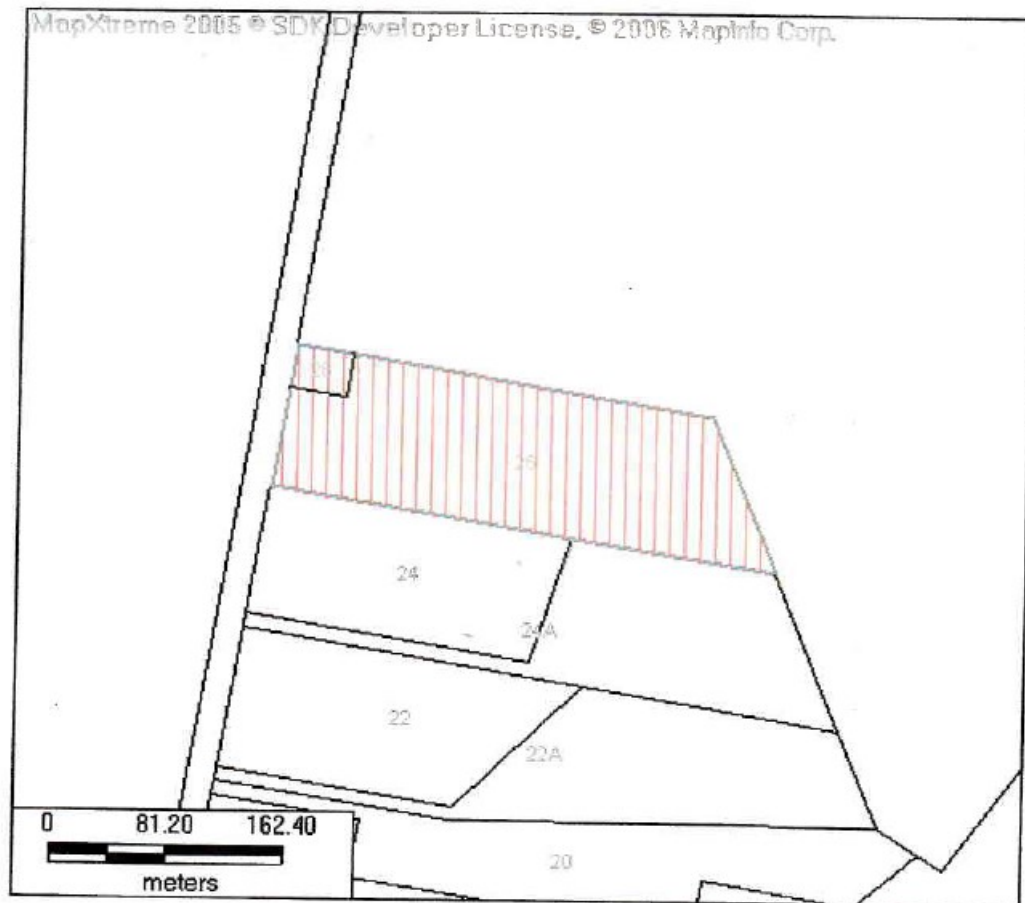




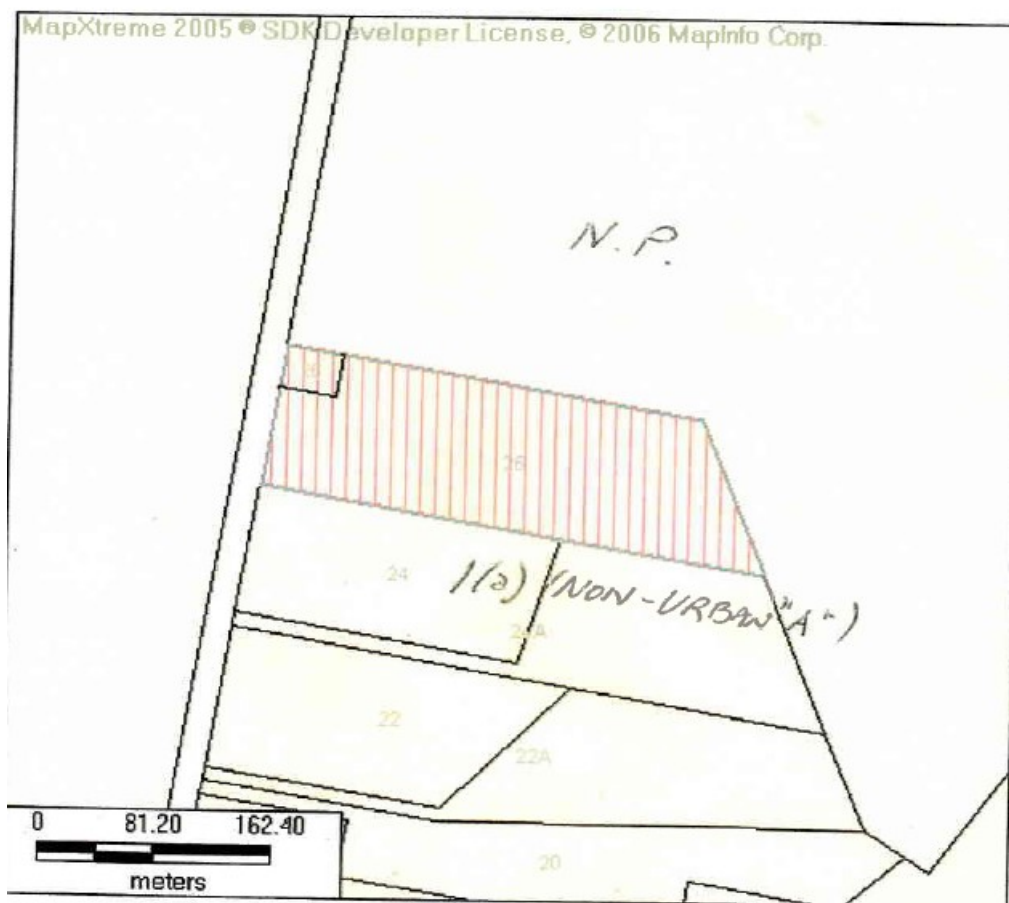


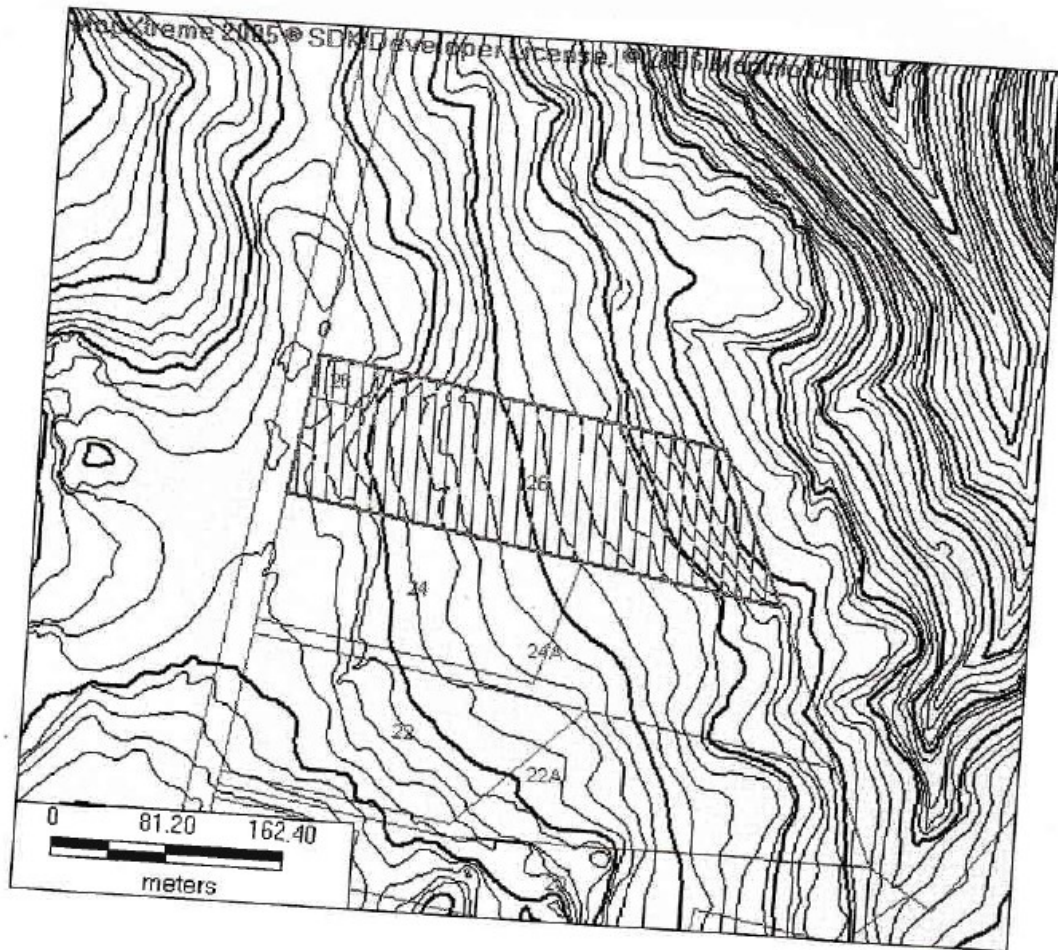






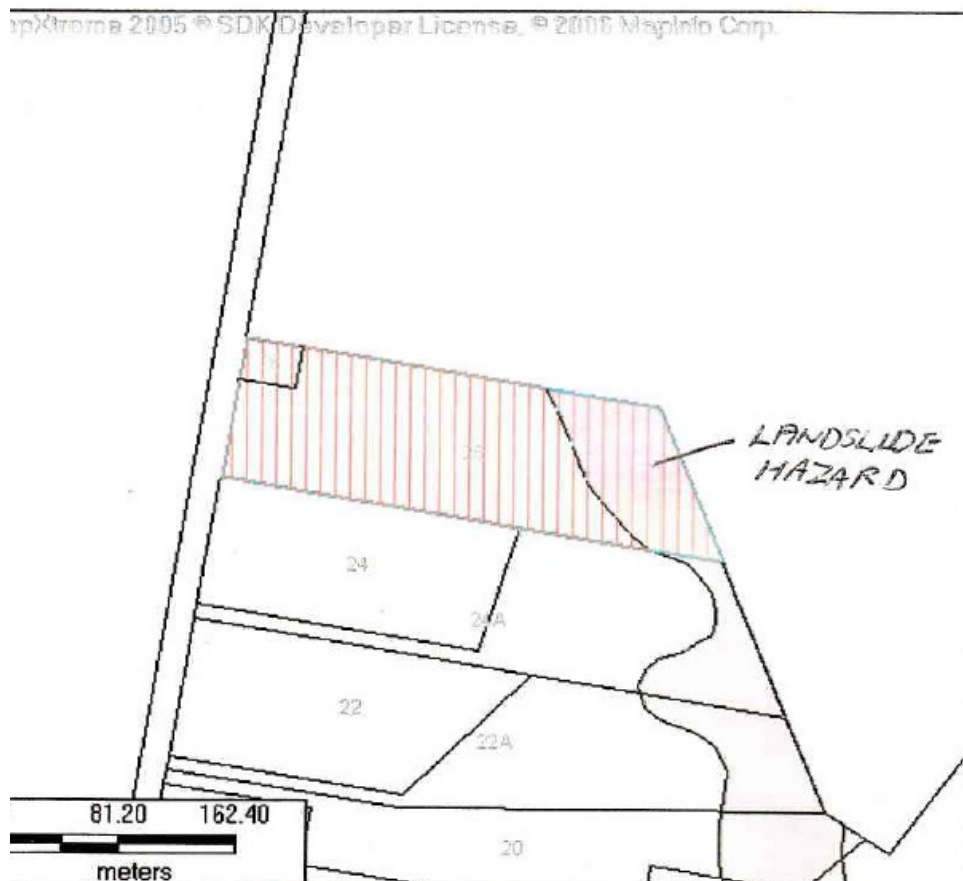
P.

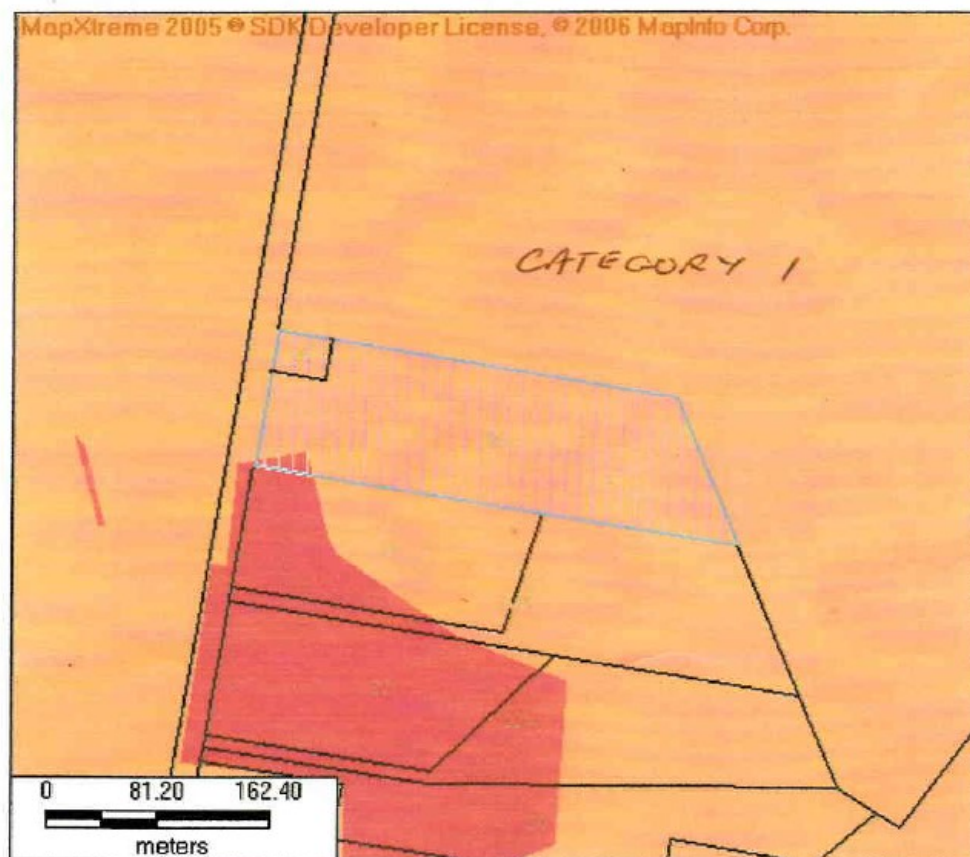




TOPOGRAPHY

Page 1 of 1

GEOTECHNICAL  
RISK







Our Reference: MN88H61

Mr C.Oliver  
 Director/Principal Consultant  
 Optima Developments Pty Ltd  
 PO Box 3136  
 UMINA BEACH NSW 2257

Dear Mr Oliver,

**Lot 292 DP46575**  
**Crown Tenure - Account 174276 held for grazing at Ingleside**

I refer to your letter of 15 October, 2012 and to our recent telephone conversation, relating to the abovementioned Crown land held by William Jeffreys.

As discussed, the subject land and other Crown land located within the Warriewood/Ingleside Precinct land study and urban release program are not available for sale at the present time. No decision can be made on the future use of any Crown land within this area until the study is completed which is expected to take some considerable time.

Should you require further information, please do not hesitate to contact Kim Bourke directly on 8836 5302 or email [kim.bourke@lands.nsw.gov.au](mailto:kim.bourke@lands.nsw.gov.au)

Yours faithfully

A handwritten signature in blue ink, appearing to read "K. L. Bourke".

Kim Bourke  
 Senior Property Management Officer  
 Crown Lands Division  
 NSW Trade & Investment  
 6 December, 2012