

23 February 2017

Dept. of Planning & Environment
Level 22
320 Pitt Street
SYDNEY

By email:

Dear Sir / Madam,

**Submission - Ingleside Precinct
Lot 40, DP 28908, No.9 Minkara Road BAYVIEW**

BBF Town Planners are instructed by the owner of the subject property to make a submission in relation to the subject matter. The site is vacant bushland at the northern extremity of the draft structure plan locality and is proposed to be reserved for environmental conservation. My client objects to the draft structure plan as it relates to this site.

1 The site and location

Key characteristics of the land are noted to include:

- The land is a single allotment comprising a site area of 2.189 hectares.
- The land is vacant bushland.
- The land is zoned RU2 Rural Landscape pursuant to Pittwater LEP 2014 which permits the sites development consistent with the objectives of that zone and subject to the consent of the Council and the constraints of the site notably its bushfire affectation and its biodiversity significance.
- My client purchased the site in November 2016 with the express intention of developing a dwelling house on the land consistent with the site zoning and the objectives of that zoning.
- The land is not contiguous to the National Park and has no common boundary with any existing open space network. The land is not incorporated as an ecological corridor within the draft structure plan. Land opposite the site in Minkara Road is an intensively developed seniors housing facility (Minkara Village) and land adjoining to the west of the site is a (relatively)

recently developed rural subdivision on a former Council sullage depot and waste facility site. That land is developed as broad acre rural/residential allotments.

- Minkara Road is the boundary of the structure plan area. This site is isolated by the draft structure plan in as much as the adjoining sites within the structure plan are retained within a rural land use locality. Land generally in the proximity of the site and with frontage to Minkara Road are rural allotments within an RU2 zone pursuant to Pittwater LEP 2014 and are developed as broad acre residential allotments.

2 The land's proposed status under the draft Structure Plan

The draft Structure Plan proposes to retain the land as Environmental Conservation. Whilst no indicative land zonings are provided with the draft structure plan it is presumed that if the draft structure plan is carried into effect as it relates to this site, then the zoning of the land would be E2 Environmental Conservation. It is not clear from the structure plan as exhibited whether the land is intended to be acquired for public purposes and therefore whether the provisions of clause 5.1A of the LEP would apply and who would be the acquiring authority. However, the effect of such a zoning would be to preclude the development of the land for the purpose for which it was acquired.

3 Submissions

Following our review of the draft Structure Plan, we make the following submissions in response.

- The effect of the structure plan is to deny my client the opportunity to develop the site for the purpose for which they acquired the land. This is a particularly draconian outcome when the landscape, visual assessment, biodiversity, bushfire and heritage assessment reports are broad brush and effectively simply desktop analysis and place no emphasis on this site as opposed to neighbouring sites in Area 3.
- In our opinion the current controls of the LEP including the RU2 zone and zone objectives, including miscellaneous provisions at clause 59 and the additional local provisions of clause 7.6 and 7.7 of Pittwater LEP 2014 and including the provisions of the Council DCP as applicable to site afford specific protection in terms of the sites sensitivity. It is my client's intention with the siting and development of any future dwelling on the land conserve the natural features of the land as far as is practical and to inform the outcome for the development of the site by reference to specific biodiversity and arborist investigations of the site having regard to the features of the site and the requirements of the Rural Fire Service for bushfire protection. It is the natural features and undeveloped nature of the site that has drawn our client to it. In our opinion such an outcome is not unusual for sites in this state and within this section of Northern Beaches Council to undergo these rigorous investigations as a component for the preparation of

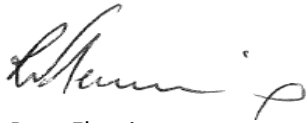
a development application and for any approvals issued to be conditional on details associated with tree conservation, site management and ongoing measures associated with bushland conservation and revegetation.

4 Conclusion

We see no justification for this particular site to be identified in isolation for Environmental Conservation other than it is a remnant bushland site surrounded by developed sites. The site provides no continuity of bushland or open space and no direct linkage to open space. Its exclusion from future development is not justified given the nature and intensity of development on adjoining and adjacent sites. Its retention within the current zoning as per Pittwater LEP 2014 recognises the sites sensitivity and affords the particular protections within the current range of statutory instruments applicable to the future development of the land.

Please do not hesitate to contact me on 99862535 or email.ross@bbfplanners.com.au if you wish to discuss any aspect of the above. We look forward to receiving consideration of these matters.

Yours sincerely



Ross Fleming
Director - BBF Town Planners