



planning consultants

28 February 2017
Our Ref: 9894A.1KO Final

Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms McNally

**Ingleside Precinct
Draft Land Use and Infrastructure Strategy and Draft Structure Plan
Submission of Objection – 12 Ingleside Road Ingleside**

1.0 Introduction

DFP Planning Pty Ltd (DFP) has been instructed by Bevan and Dominique Walker who are the registered owners of 12 Ingleside Road, Ingleside (Site) to undertake a planning investigation of the impacts of the 2016 Ingleside Draft Land Use and Infrastructure Strategy (Draft Ingleside Strategy) on the site and, if appropriate, prepare an objection submission to the Department of Planning and Environment (DoPE).

For the purpose of preparing this submission to the Draft Ingleside Strategy, DFP has undertaken the following investigations:

- Inspection of the site and the immediate Ingleside locality;
- Review of the 2016 Draft Ingleside Structure Plan;
- Review of the Ingleside Draft Land Use and Infrastructure Strategy report;
- Review of the draft Biodiversity Assessment Report;
- Review of the proposed amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and
- Review of the Notice of Refusal for DA 424/16 for the construction of a dwelling house and swimming pool on the site.

2.0 Background

On 19 September 2016, the owners submitted a development application to Northern Beaches Council seeking approval for the construction of a two storey dwelling and swimming pool.

The DA was refused by Council on 17 January 2017 for the following reason:

'As the site is identified to be acquired for the purpose of environmental conservation under the Ingleside Draft Structure Plan, the proposal is inconsistent with clause 16 within the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.'

The above was the only reason for the refusal of the application. A copy of the Refusal Notice is included at **Attachment 1**.

3.0 The Site

The subject site is located at 12 Ingleside Road, Ingleside and is legally described as Lot 80 Deposited Plan 11784. The site is located within the Ingleside Precinct Urban Land Release Area within Sydney's Northern Beaches LGA. **Figure 1** below is a Locality Plan which shows the site.



Figure 1: Site Locality Plan

The site is located south of Mona Vale Road and north of Powder Works Road. The topography of the area is sloping with hills and ridges. The site slopes from front to rear (west to east), with the rear of the site adjoining the Ingleside Chase Reserve.

The site is a rectangular shape and has an area of approximately 3,050m². The site's frontage to Ingleside Road and Ingleside Chase Reserve is 30.48m

The site is a vacant block, with the exception of sheds to the rear and comprises a mix of vegetation including grasses, shrubs and trees. The land adjoining the site has been developed for residential purposes and is characterised as large lot housing. The surrounding area is predominantly characterised by a mix of single and two storey detached dwellings. Opposite the site to the west is residential development with bushland areas beyond. To the north west the land use is mixed and includes rural industries, agricultural uses, and residential uses.

The site is also mapped as being bushfire prone land.

An aerial photograph of the site is shown at **Figure 2**.



3.1.1 Land Use Zoning

Figure 3 below is an extract of the Land Use Zoning Map under Pittwater Local Environmental Plan 2014 (PLEP) which shows the site is zoned RU2 Rural Landscape.



Figure 3: PLEP zoning map extract

4.0 Draft Ingleside Precinct Structure Plan

The draft Structure Plan shows the future use of the site as Environmental Conservation (**Figure 4**). Accompanying the exhibition of the draft Structure is a proposed amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP SRGC)

which proposes to nominate Ingleside as a growth centre, however no land use zoning changes are currently proposed. Notwithstanding this, the clear intent of the draft Strategy is that the site is to be zoned for Environmental Conservation purposes and that therefore the future zoning of the land is expected to be E2 Environmental Conservation.

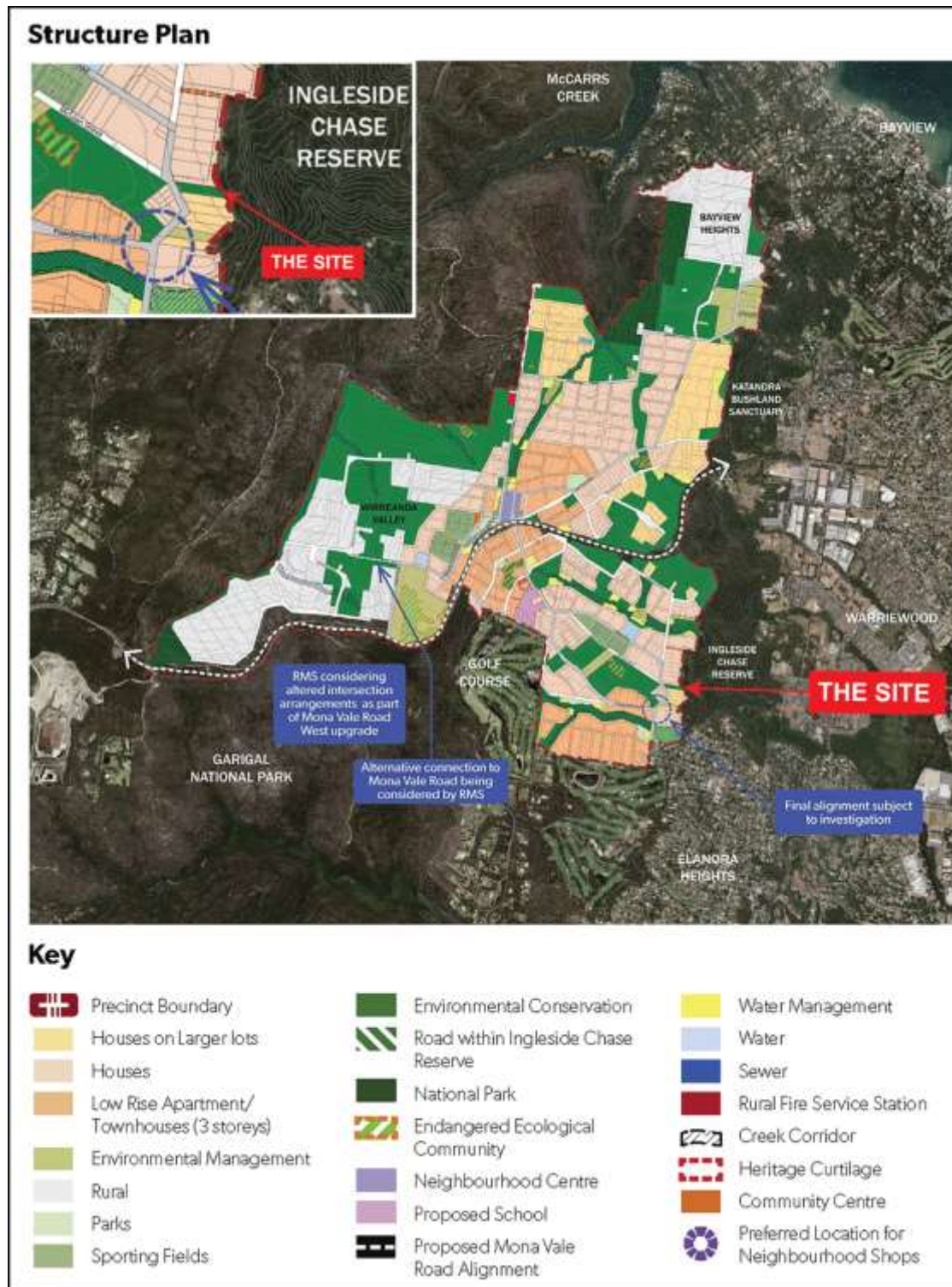


Figure 4: Draft Structure Plan

The Ingleside Precinct – Draft Biodiversity Assessment report prepared by Ecological Australia was also publicly exhibited. The report identifies the biodiversity resources and values of the Ingleside Precinct and provides conservation management recommendations. Of relevance to the site is Figure 32 in the Draft Biodiversity Assessment which maps recommended ecological corridors. Ecological corridors are mapped north (Corridor 6) and south (Corridor 7) of the site and the site, as previously discussed, is identified for Environmental Conservation. The Draft Ecological Corridors map is shown at **Figure 5** below.

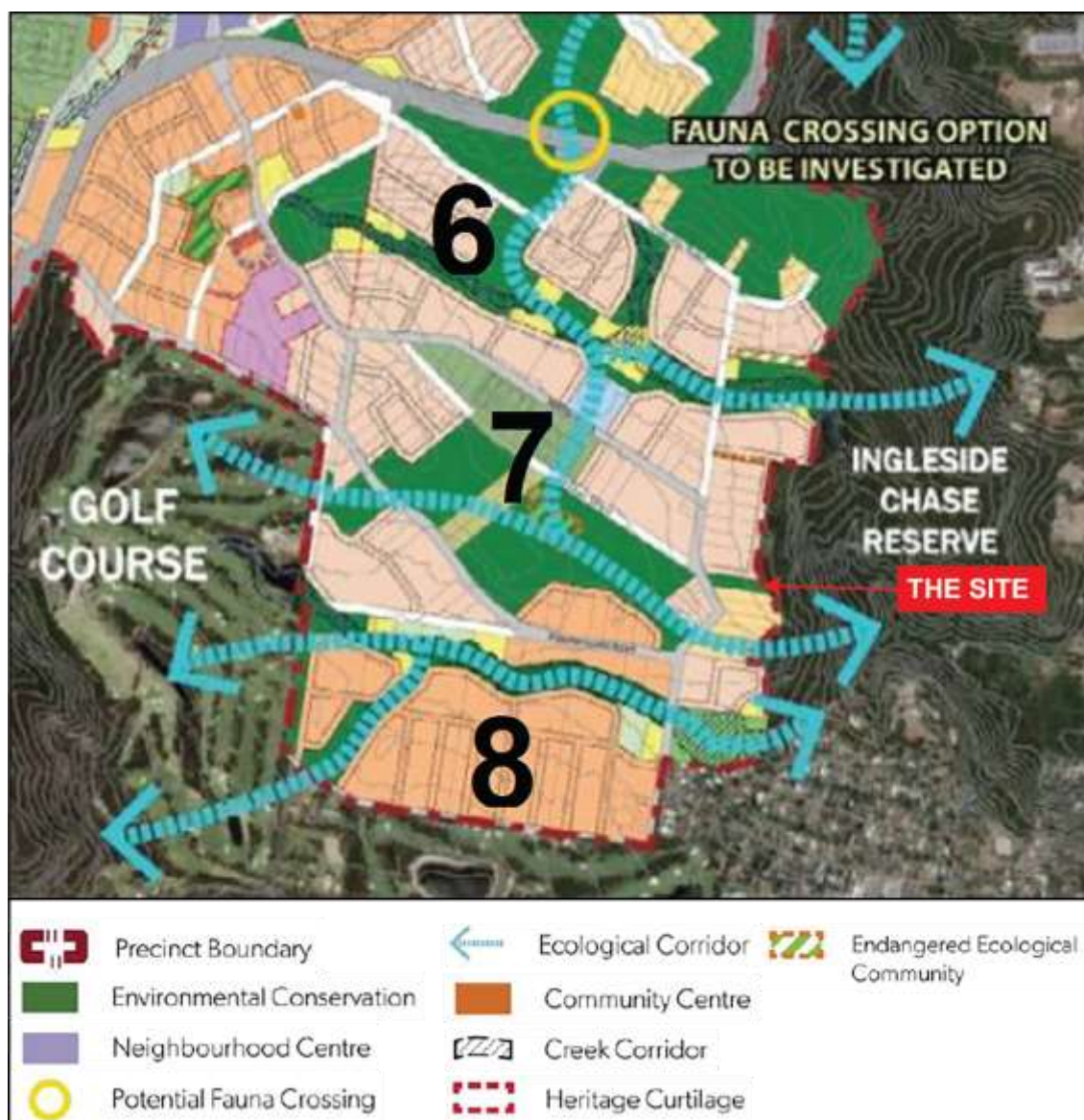


Figure 5 Biodiversity Assessment Draft Ecological Corridors Map

5.0 Grounds for Objection to the 2016 Draft Ingleside Structure Plan

5.1 Zoning and Character

The site is currently zoned RU2 Rural Landscape and dwelling houses are a permissible use. The owners lodged a development application seeking approval to construct a two storey dwelling and swimming pool on the site. As noted above, the sole reason for Council refusing the DA was the exhibition of the Draft Structure Plan, due to the Draft Structure Plan nominating the site for Environmental Conservation purposes.

The lot is the only vacant lot on the eastern side of Ingleside Road, between Powder Works Road and the Conference Centre site to the north. Houses have been established on land to the north and south of the site, with the Conference Centre located at 30 Ingleside Road.

DFP understands that in recent years (approximately 2006) DoPE sold land to the north of the site for housing development. Since around 2007 Pittwater Council (now Northern Beaches Council) has approved the construction of several residential dwellings on this land (16-26 Ingleside Road, Ingleside). The site is zoned to allow for residential development, consistent with these other RU2 zoned sites. The site, being 3,050m² is capable of accommodating a residential dwelling as well as providing a vegetated corridor area for wildlife.

It is acknowledged that for several years the Ingleside Urban Release Area has been the subject of several planning investigations and land release strategies, however the current planning controls continue to provide for the residential development of the site as is appropriate while any future strategies are finalised. Pittwater 21 Development Control Plan 2014 includes the following in the Ingleside Locality Statement:

The rural residential and bushland character of the locality has remained to the present day. The locality is characterised mainly by dwellings, agricultural, horticultural and like land uses on 2 hectare allotments, although allotments up to 13 hectares are evident.

The locality is characterised by an elevated and undulating plateau. Due to the topography, significant and panoramic views can be obtained to the east. Conversely, the slopes and ridge tops of the locality are visually prominent.

There are extensive stands of natural and secondary regrowth bushland containing flora and fauna habitats, particularly along the ridgelines and creeklines, which have high conservation and visual value. However large areas have been cleared for development.

The Desired Character Statement in the DCP further identifies the site as an area for urban development and states the following:

Future development will maintain a building height limit below the tree canopy and minimise bulk and scale. Single storey buildings will be preferred where the site has little opportunity for canopy trees or is visually prominent. Existing and new native vegetation, including canopy trees, will be integrated with the development. Development shall maintain generous spatial separation of the built form and low site coverage on large lots. Contemporary buildings will utilise facade modulation and/or incorporate shade elements, such as pergolas, verandahs and the like. Building colours and materials will harmonise with the natural environment. Development on slopes will be stepped down or along the slope to integrate with the landform and landscape, and minimise site disturbance. Development will be designed to be safe from hazards.

A balance will be achieved between maintaining the landforms, landscapes and other features of the natural environment, and the development of land. As far as possible, the locally native tree canopy and vegetation will be retained and enhanced to assist development blending into the natural environment, and to enhance wildlife corridors.

Fencing where provided, shall enable the native fauna to pass through yet contain livestock animals where needed.

The DCP seeks to facilitate future development of low density housing on existing allotments, while simultaneously ensuring that the native tree canopy and vegetation be retained and enhanced to enable wildlife corridors. Current land use planning controls have clearly established that both residential development and ecological outcomes can be achieved through appropriately and sensitively designed residential development. It is DFP's opinion that this could be achieved in this instance if the site was zoned for example R5 large lot housing. This is also consistent with the draft Strategy which proposes that the land immediately adjoining the site to the south to be large lot housing.

5.2 Biodiversity Assessment Report

As noted above, the report (and draft Structure Plan) map show the site as Environmental Conservation and Figure 33 of the Biodiversity Assessment Report also maps the site as Environmental Conservation to facilitate ecological connectivity, and proposes a culvert for fauna crossing under Ingleside Road. This map is shown at **Figure 6** below.



The report does not map the site as containing any threatened flora or fauna species and due to the quality (resolution) of mapping in the report, it is difficult to determine if the site has been mapped as containing any specific ecological community, but it may appear to contain Sydney North Exposed Sandstone Woodland.

While it is acknowledged that the site is largely undeveloped at this point in time, it is considered that this should not result in removing the opportunity to construct a dwelling on the land. This is particularly the case when the site is 3,050m² in area and that the (refused) DA proposed a landscaped area in excess of 2,300m². It is considered that a sensitively designed and sited dwelling, in a native landscaped setting can be developed on the site and, if required, enable wildlife movement across the site. Therefore, a land use zone, such as R5 Large Lot housing is considered appropriate, and indeed, desirable for the character of the locality.

It is also noted that lots to the north have been identified as low density residential lots (approx. 550m² lot size).

5.3 Hardship

The release of the Draft Structure Plan has had an immediate detrimental impact on the development potential of the site. As noted above, the owners lodged a DA with Pittwater Council for the construction on a new dwelling and swimming pool. The owners of the site were seeking to build a new family home, having purchased the site in August 2015, specifically for this purpose. They promptly proceeded to prepare a design and application for their family home and the DA was lodged in September 2016, prior to the public exhibition of the draft Structure Plan.

On 17 January 2017, Northern Beaches Council refused the DA. The Council Assessment Report noted the following:

The property is identified for environmental conservation under the Draft Structure Plan for Ingleside to provide wildlife connection between the heathland which is that habitat for the Eastern Pygmy Possum (an Endangered Ecological Community in terms of flora and fauna) and the Ingleside Chase Reserve. This land will be earmarked for acquisition by a public authority (NSW Government/Council) in the future.

...

As the site is to be acquired for the purpose of protecting ecological and biological diversity, the proposal does not meet the controls outlined in Clause 16 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Clause 16(e) states the proposal is required to be consistent with precinct planning strategies set out in any publicly exhibited document. The proposal is inconsistent with the Ingleside Draft Structure Plan as it would not achieve the intended outcomes of environmental conservation and therefore the proposal is recommended to be refused.

No other reason for refusal was provided. It is therefore clear that, in the absence of any other reason for refusal, the DA was refused due only to the Draft Structure Plan's designation that the site be used for Environmental Conservation purposes and for no other merit or legal based matter.

The owners are now suffering significant hardship as they have purchased land that is zoned to allow for residential development. If they are unable to build the home, they will incur additional rental cost as well as additional costs associated with the purchase of another property in a likely increased market.

It is noted that the exhibited amendments to SEPP SRGC do not propose any amendments to the land use zones or other development controls. Such amendments are to occur at some point in the future, which is not specified.

Accordingly, our clients are extremely concerned that the amendments to either PLEP or SEPP SRGC, even if they are finalised, will be several months, if not years away, but that the land has been immediately rendered undevelopable on the release of the Draft Structure Plan despite its current RU2 zoning. We note an earlier 1995 draft land release strategy, which was also



publicly exhibited, was never finalised. Vague information has been provided in the exhibited material about the acquisition of land and no information is provided on how DoPE/Council intend to manage and compensate private land owners impacted on by proposed green corridors. It is wholly unreasonable for our clients to suffer this hardship for an indefinite period of time.

If the Draft Strategy is to be finalised in its current form and the site designated as Environment Conservation, SEPP SRGC should be immediately amended to identify the site as land to be acquired by either Council or the State Government, and the site should be immediately acquired. Given the refusal of the DA by the Council, it is unacceptable for the owners of the site to be left in abeyance and unable to develop or sell the site for an extended period of time until the Precinct Plan and development controls are finalised. Such a situation will place the owners of the site in significant personal and financial hardship.

5.4 Conclusion and Recommendation

DFP have prepared this objection to the Draft Structure Plan and supporting documents on behalf of the owners of 12 Ingleside Road, Ingleside. The owners of the site have had a DA for a dwelling house and swimming pool development on the site refused due to the environmental conservation use proposed in the Draft Structure Plan.

Given the size of the site, a residential development could be achieved on the site that allows for a residential dwelling and conservation outcomes. This could be achieved if the site was zoned for example R5 large lot housing, which is consistent with the land uses proposed for the land adjoining the site to the south and with the proposed future amenity of the locality.

On 17 January 2017, Northern Beaches Council refused the DA, with the only reason for refusal being that the property is identified for Environmental Conservation under the Draft Structure Plan for Ingleside. Vague information has been provided in the exhibited material about the acquisition of land and no information is provided on how DoPE/Council intend to manage and compensate private land owners impacted on by proposed green corridors.

If the Draft Strategy is to be finalised in its current form and the site designated as Environment Conservation, SEPP SRGC should be immediately amended to identify the site as land to be acquired by either council or the State Government and the site acquired to ensure the owners do not suffer further delay and hardship.

If you have any questions in relation to the above, please contact Kirk Osborne on 9980 6933 or at kosborne@dfpplanning.com.au.

Yours faithfully
DFP PLANNING PTY LTD

A handwritten signature in black ink, appearing to read 'K. Osborne', written over a light blue horizontal line.

KIRK OSBORNE
PRINCIPAL PLANNER

kosborne@dfpplanning.com.au

Reviewed: _____

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