

**Warriewood
Residents
Association**

INC 9896003

Warriewood Residents Association Incorporated
25 Utingu Place
BAYVIEW NSW 2104

24 October 2017

General Manager
Northern Beaches Council
PO Box 882
MONA VALE 1660



Public Exhibition of Amendment to Pittwater Local Environmental Plan 2014, Amendment to Pittwater 21 Development Control Plan and Amendment to Warriewood Valley Strategic Review Addendum Report at 9, 11, 12 and 13 Fern Creek Road, Warriewood (PP002/16)

Statement of position

The Warriewood Residents Association (WRA) has been involved with this land adjustment (Southern portion of the Central Park) from the beginning and has studied this proposal and the attached documentation on public exhibition. We have a number of points that we hope Councilors will get answers to, and consult with residents on their views before agreeing to the proposal.

The WRA agreed previously with the distribution of the land areas, but have previously asked for answers to a number of questions and that the answers be placed on the public record. We noted that the comments from the previous submissions are not in the documents on public exhibition (at the Customer Service Centre Mona Vale). These should be available to all Councilors so they can understand the matters placed before them in this proposal. See letter, to NBC from WRA, 6 April 2017 as appendix 1.

Park Design

In the exhibition document it states at item 6

"That the Council include stakeholders in the design of the southern component on the Central Local Park".

We believe this should be changed to what was decided by Pittwater Council. That was

"the final design is to be developed in consultation with the community".

Park design is a key issue for the Warriewood ratepayers because "community" was included in the Council resolution, after considerable debate at Council, to ensure that the Warriewood Residents had a meaningful input into the actual design and layout of the park from **the beginning** as part of their agreement to a scheme that the WRA had very significant objections to.

These objections were to the initial design resulting from the failure of the planners, to take the community into their confidence at the beginning of the, private owner instigated, public land swap process.

Zoning

The WRA is in agreement with the area now available for housing remaining as R3 and the height at 10.3m, also that the same condition of a maximum of 2 storeys height limit on buildings facing public roads remains.

The WRA still do not understand why the dwelling yield has increased **from** the range "min 23 to max 28" to "min 26 to max 33". Was this a part of the undertakings of the Council or was it negotiated by Council staff? What guarantees are there that density will not be increased once the rezoned area is approved? This is of concern to the WRA as we now see requests to vary the agreed dwelling yield for 204 - 206 Garden Street Warriewood.

Land contamination investigation

Geo Enviro Consultancy Pty Ltd reported, within their stated constraints, that there was no detected contamination above the agreed limits from metals, liquids and asbestos.

However, there is a concern over the presence of rubbish fill.

What measures are in the agreement to indemnify Northern Beaches Council against claims from new land owners for undisclosed contamination? Conversely, for the Northern Beaches Council from land they acquire in this agreement?

Voluntary Planning Agreement

What is the meaning of the letter from Gina Hay 13 September 2017 that states that a DA has been lodged claiming a Voluntary Planning Agreement exists between the NBC and Fraser Property?

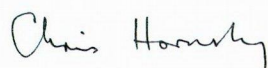
Visibility of the contract and the cost to the ratepayers of the Northern Beaches

The WRA have continued to ask that the contract and money agreement be made available to the ratepayers of the Northern Beaches. There is no stated reason given why this should remain

hidden from the ratepayers in the new "open" council. There should be a statement setting out costs and liabilities to be charged against the Warriewood Valley Section 94 Fund and what will be charged against General Revenue.

Likewise where will any profit be allocated? The cost should not be born only from the Warriewood Valley Section 94 funds because, like other facilities, the use is not limited to residents of the Warriewood Valley as we know all ratepayers from the Northern Beaches share communal facilities such as parks and gardens.

Yours faithfully,



Chris Hornsby
President WRA

Copies WRA Members, Narrabeen Ward Councilors and Minister Stokes

Attachment: Appendix 1, WRA letter 6 April 2017

The WRA has nothing to declare in relation to the Political Donations and Gift Disclosure requirements for this submission

Appendix 1

Warriewood Residents Association Incorporated
25 Utingu Place
BAYVIEW NSW 2104

6 April 2017

The Administrator
Northern Beaches Council
PO Box 882
MONA VALE 1660

Planning Proposal Central Local Park PP0002/16

Dear Sir,

The Warriewood Residents Association (WRA) wish to submit the following observations on the Planning Proposal PP0002/16.

We thank the Northern Beaches Council for concluding this long running project.

HISTORY

We have to record that the WRA first raised this issue with a letter dated 17 September 2013 to the then Mayor of Pittwater. The 2013 plan foreshadowed changes to the District Park in order to give access to surrounding private land and this was unacceptable to the WRA because of the loss of public land for private use.

We also opposed the subsequent changed plans presented that disadvantaged the ratepayers. Schemes were proposing an area for area swap with no detail, and were therefore unacceptable after careful scrutiny. The site inspections did not convince ratepayers that there was any advantage to them in agreeing to the land deal. The ratepayers of Warriewood have a large stake in the park because they paid \$4m for 1.55 ha for this part of the future District Park.

The WRA Committee decided that because there was limited support from councilors for a better outcome the current scheme was accepted on the 19 March 2016. The current plan indicates that there will be a suitable park where people can to run, kick a ball and fly a kite

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which is all the WRA has proposed since 2013. The current plan indicates there is a net gain of about 609 sqm to the area outside the 25 m creek line zone. This we believe this gain has been worth striving for, and a therefore good outcome.

CURRENT PROPOSAL

With regard to the current document there does not seem to be answers to some of the fundamental questions that the community expected and campaigned for over the last 4 years. We have taken the last version dated #4, 15/3/2016 as the basis of these remarks.

They are:

1. The consultative document identifies when the land owners approached Pittwater Council with the scheme to free up their land locked holdings. The WRA believe that had the community been involved in the original proposal (October 2013), the updated park project would have been finalized some time ago benefitting both the Council and the residents.
2. The consultation document fails to include for the purposes of defining the park a detailed survey plan. This is required to show the lengths of boundaries and bearings of all the parts so that the full picture of what is being done in a transparent way to the ratepayers. The WRA has never accepted that an Area Measurement instead of a survey defines any land. Cr Bob Grace requested a survey before progressing with the land swap and this is what we understood was to happen before agreeing on the areas.
3. WRA has been told that there will be a net gain to the Section 94 fund when the land is exchanged. This was raised with Pittwater Council on the 19th March 2016. However, there are no money details available in the consultative documents. Does this net gain take into account liabilities for items including utilities, civil works and administrative costs? Secrecy is no longer an issue because the facts must be disclosed in the Section 94 Plan.

FINAL

At the Pittwater Council meeting of 19 March 2016 councilors resolved that the Sector 9 Park in the Warriewood Valley should be finished and that the layout from the beginning was to have community consensus, and I quote "the final design is to be developed in consultation with the community". The WRA look forward to taking part in a co-operative and open manner, in all stages of the design of the park.

Yours faithfully,

Chris Hornsby
President WRA

Copies: WRA

The WRA has nothing to declare in relation to the Political Donations and Gift Disclosure requirements for this submission.