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**Sent:** 29/08/2016 4:05:31 PM  
**Subject:** Response to Planning Proposal 0002/16 - Johan Kamminga  
**Attachments:** Johan Kamminga - Fern Creek Submission.doc; Johan Kamminga - Fern Creek Submission.doc;

Dear Interim General Manager, Attached is my submission for the public exhibition of Planning Proposal 002/16. Johan Kamminga - Fern Creek Submission.doc I note that the email address posted for submissions posted on the Internet web site is incurred and his just now been changed by Council. I would be grateful for a confirmation as soon as practicable that Council has received my submission within the exhibition period. With regards, Johan Kamminga --- This email has been checked for viruses by Avast antivirus software. <https://www.avast.com/antivirus>

Interim General Manager  
Northern Beaches Council

29 August 2016

**Submission in regard to Preliminary Exhibition of a Planning Proposal for rezoning of 9 Fern Creek Rd Warriewood Valley. PP0002/16.**

I represent the members of a family company, Kamfam Pty Ltd. Our submission is in response to the rezoning proposal as outlined in PP0002/16 application in the planning report prepared by GLN Planning (July 2016).

We wish the land known as 9 Fern Creek Road to be completely rezoned to Open Space RE1, as this is the purpose the land was originally purchased with developer contribution funds under s94 of the *EPA Act*.

The purchase of 9 Fern Creek Road by Council was for the purpose of a large district park (Minutes of Pittwater Council meeting on 21 April 2008). The property is approximately 1.1 hectares in area; it is sufficiently large an area to dedicate as a sizeable park for active recreation.

The purchase of 9 Fern Creek Road for over \$4 million by Council was done by taking compulsory developer funds from the section 94 plan for Warriewood Valley. The park was not purchased from general revenue. By taking these developer funds Council essentially committed to establishing a park of this exact size. The property should immediately have been classified as 'Community Land', and a council resolution made for the lands to be rezoned to Open Space. This did not occur.

One stated aim of this Planning Proposal application that it is to facilitate the landlocked sites to either side to gain access via a common road way:

*"Fraser's Property own three parcels of land at the northern end of Sector 9, adjoining Fern Creek – 11, 12 and 13 Fern Creek Road All this land is zoned for residential development **but the parcels are land locked** and, in order to be developed, need to establish legal access. In 2013 Fraser's Property (then known as Australand) put a formal land swap proposal to Council to facilitate the development of Fraser's land holdings as well as to achieve Council's preferred open space layout for the sector." (excerpt from page 6 of the GLN Planning PP Application).*

What this means for the this large rectangular 'District Park' is that it no longer becomes a usable rectangular district park but the public space has been substantially reduced to an elongated creek line corridor that would be of no use to playing of sports of any kind. It can be shown that the large rectangular site, as it currently exists, is more than large enough to accommodate a full-size soccer field or two or three smaller junior sized soccer fields as well as associated vehicle parking and a facilities structure.

This extraordinary conduct by Council has unfairly transferred to the rest of Warriewood Valley the burden of providing active playing fields that council says it needs. Council has unfairly targeted the private landholders of Boondah Road to provide for all active open space in the so-called 'Southern Buffer' area.

We do not consider that what Council proposes by this rezoning and its serious consequences of other landowners in the Warriewood Valley Land Release Area is adequate, ethical or appropriate.

We submit that the Council should reverse its decision and keep the large district park land in the current shape and area so that it can provide at least two junior soccer fields and associated parking for the residents of the valley.

We also disagree with the claim that the adjoining land to the east and west cannot be provided with alternative access. There are other obvious options available which have not been tested in the GLN Rezoning Report.

As there is a new Northern Beaches Council and an administrator for the next year, we ask that this planning proposal be placed 'on hold' and that the whole issue of active playing fields and the use of council's section 94 plan and any associated landscape master plan are re-evaluated as to the impact that has placed unfairly on the landowners surrounding Centro's Warriewood Shopping Mall.

### **Technical errors in GLN Planning Document for rezoning of land in Fern Creek**

The July 2016 report by GLN planning, being the rezoning application report, contains the following errors, some of which are major. These errors render the information provided for the non-statutory community consultation invalid.

Further, the complete background history generating this application has not been provided which is further evidence that information is not adequate or correct.

#### ***Issue 1***

On page 2 of the GLN Report there appears to be a major misdirection in that the Council's statement of its landholding of 9 Fern Creek Road DP (Deposited Plan Number). The report states:

Northern Beaches Council  
**Lot 5 in Deposited Plan 736951**

In fact, according to the authoritative state government website 'SIX MAPS' (Digital Mapping Service by NSW Department of Finance and Services) the correct land identification description is **Lot 5 DP 736961**.

We are compelled to ask that how can a rezoning report be relied on when even the subject land is misidentified? This report was checked by a senior Council officer and two other planners on a number occasions and ultimately provided for public exhibition (see extract below from page 1 of the report).

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Final	A Henty	1-e	27.07.2016	JS	PG
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**Issue 2**

We note in the contents of Table 2 Proposed Amendments – Pittwater LEP 2014 on page 3 of GLN Report (see extract below):

1	Amendments to the Land Zoning Map □ Sheet LZN_012	<b>Rezone the northern portion of the subject land north of the proposed extension to Fern Creek Road</b> RE1 Public Recreation adjacent to Fern Creek
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This description cannot be adequately understood by members of the public. **Nowhere in the GLN Report is there a plan of the proposed extension to Fern Creek Road.** Without any such plans of the proposed road one would have to guess about its proposed location. Clearly this is not adequate for community consultation as the “proposed extension to Fern Creek Road” could be either in the middle of 9 Fern Creek Road or at its very southern end, or even at its northern end adjacent to the creek line corridor. Without proper plans of the park the road and land swap areas in this community consultation has not been adequately or properly achieved.

**Issue 3**

Examining Table 2 Proposed Amendments – Pittwater LEP 2014 (page 3 of GLN

Report) we note:

3	Amendments to Part 6, Clause 6.1(3)	The text related to Sectors <b>901A</b> , 901C 901G and 9 Fern Creek Road in the table in Clause 6.1(3) is to be amended as follows
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Sectors 901C and 901G	Not more than 28 dwelling or less than 23 dwellings
<del>9 Fern Creek Rd</del>	<del>No Dwellings</del>
Sectors 901C and 901G and 9 Fern Creek Rd	Not more than 33 dwellings or less than 26 dwellings

Nowhere in the table or the report generally is it mentioned the role sector 901A plays in this rezoning. This omission is an error which involves sector 901A from Pittwater LEP 2014 which reads from 6.1(3) in the actual PLEP 2014:

Sector 901A	Not more than 192 dwellings or less than 156 dwellings
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This error begs two questions:

1. Is this planning proposal meant to delete the dwelling yield from Sector 901A, and simply replace it with only a yield on sectors 901C and 901G and 9 Fern Creek Road?
2. Why has 901A been included? This is a major error of fact and means the intent of this rezoning is even more clouded.

Lot 13 DP 1092788 is in fact part of sector 901A!

Examining the sector maps of PLEP 2014, Sheet URA\_012 reveals clearly that it is in sector 901A and also that the vast majority of this small lot is cross-hatched in green denoting 'creek line corridor'. This means that after a 'creek line buffer' is added to the statutory creek line corridor none of that lot can be used for building purposes. Do the sector maps need to be amended now?

Looking at the increase in dwelling maximum and minimum yields under 6.1(3) Table to PLEP 2014, it is clear that not enough information has been provided to the public for adequate community consultation to be achieved, indeed the yield numbers from the GLN report may now not be accurately relied on.

#### **Issue 4**

Furthermore, why has the GLN report not included a current **sector map** of the area? This omission prevents readers from determining in a spatial view where and how the sectors will increase or decrease their dwelling provision under 6.1 (3) of PLEP 2014. Without a sector map one is not able to see that Lot 13 DP1092788 is in sector 901A, or for that matter locate sectors 901C and 901G or even 9 Fern Creek Road.

#### **Issue 5**

On page 5 of the GLN Report it is stated:

*"The southern portion of the Central Local Park is still to be delivered. On 21 April 2008 Council resolved to purchase 9 Fern Creek Road (Lot 5 DP 736951) to facilitate the delivery of the remaining portion of the park."*

This statement is incorrect and misleading. No 9 Fern Creek Road is again incorrectly identified. **The correct identification is Lot 5 DP 736961.**

Again, as stated in Issue 1 above, we ask that how can a technical rezoning report be trusted when such a major error is evident and the report was checked by a senior Council officer and two other planners on a number of occasions (see extract from page 1 of the report).

#### **Issue 6**

On page 9 of the GLN Report the following is stated:

*"The Strategic Review Report identified a new density of 32 dwellings/ha for Sectors 901C and 901G and maintaining the density of 10 dwellings/ha for Sector 901G."*

A major error is evident in this statement which directly contradicts itself. The reader cannot make sense of it. It begs the question of how correct the density is for sector 901G. Either it is 32 dwellings per hectare or else 10 dwellings per hectare. As this report is required to be technically correct it is alarming to detect such major errors. On our view, if it is to proceed, the entire report needs to be revised and importantly also checked by the Department of Planning before it is subject to another first stage none statutory exhibition. This report is not at all adequate or sufficient to proceed to the Gateway determination.

## **Issue 7**

On pages 8 and 9 of the GLN Report it is stated that:

*"4. Is the Planning Proposal consistent with the council's local strategy or other local strategic plan?"*

We refer to Table 3 entitled "Dwelling Yields – Pittwater LEP 2014".

**Table 3 Dwelling Yields – Pittwater LEP 2014**

Property Description	Developable Area (M2)	Minimum /dwelling yield	Maximum Dwelling yield	Adopted Dwelling yields
Lot 11 DP 1092788	3174	3	3	10/ha min and max
Lot 12 DP 1092788	4075.8	10	13	25/ha min 32/ha max
<b>Lot 5 DP 736951</b>	5374.3	13	17	25/ha min 32/ha max
Lot 13 DP 1092788	0	0	0	25/ha min 32/ha max
Total	12624.1	26	33	

First, this table title by GLN suggests as a fact that the figures of dwelling yields is taken from Pittwater Councils current LEP 2014.

**This is not the case, as this table does not appear in that statutory document i.e. PLEP 2014.** Why is this table included? And why is there the further misleading statement at the end of the table that declares that:

*"The Planning Proposal is consistent with the recommendations of the Warriewood Valley Strategic Review Addendum Report 2014."*

### **Errors in table 3 (see above)**

A.- Lot 5 DP 736951. This is an incorrect land description. The correct land description is **Lot 5 DP 736961**. Again, how can major technical land description errors be made in a rezoning document?

B. – We have used the statutory sector map from Pittwater LEP sheet URA\_012 to add sector information to GLN's Table 3 above. For comparison purposes our recrafted table now equates those land descriptors to sectors that had not been specified in GLN's Table 3. In other words, exact sectors for each lot have now been included so that a comparison can be made to the GLN table and the

table in 6.1(3) of PLEP 2014.

Sector name from Sheet URA_012 PLEP 2014	Property Description	Developable Area (M2)	Minimum /dwelling yield	Maximum Dwelling yield	Adopted Dwelling yields
Sector 901G	Lot 11 DP 1092788	3174	3	3	10/ha min and max
Sector 901C	Lot 12 DP 1092788	4075.8	10	13	25/ha min 32/ha max
9 Fern Creek Road	<b>Lot 5 DP 736951</b>	5374.3	13	17	25/ha min 32/ha max
Sector 901A (very small part to the north)	Lot 13 DP 1092788	0	0	0	25/ha min 32/ha max
	Total	12624.1	26	33	

From the current PLEP 2014 table in 6.1(3) the sector yields are:

Sectors 901C and 901G	Not more than 28 dwellings or less than 23 dwellings
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9 Fern Creek Road	No dwellings
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What is not explained is how No 9 Fern Creek is shown on the Table 3 in the GLN report to have a minimum yield of 13 and a maximum of 17 dwellings when the current gazetted LEP says 'No Dwellings'.

What is further not explained is how sectors 901G and 901C, are stated to have a minimum of 3 and 3 and 10 and 13 dwellings respectively?

From the developable area figures supplied by GLN in Table 3 it appears that combining sectors 901C and 901G indicates that not more than 28 dwellings or less than 23 dwellings can be legally built. Why then does the table say that only 13 and 16 dwellings can be built on 901C? Why does it say only three dwellings can be built on Sector 901G?

At the very least it can be clearly seen that Table 3 in the GLN Report is confusing at best and also misleading. Further work on this report needs to be done to explain the nature of this table, its relationship to the table to 6.1 (3) of PLEP 2014 and also for these matters to be related to a layout diagram to explain what is exactly being achieved on the ground overlain with the following:



- creek line corridors from PLEP Map LZN\_012 and
- creek line setbacks from the creek line corridors.

Only then will the benefits or otherwise of these changes to PLEP 2014 be apparent for proper and adequate community consultation.

### **Issue 8**

On Page 11 of the GLN Report it is stated that:

7. *"Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?"*

*"This Planning Proposal is largely an administrative amendment, involving a reduction of the area zoned R3 Medium Density, adjustments to the boundary of the Release Area and dwelling yield provisions. As detailed above, 9 Fern Creek Road was not allocated a dwelling yield under Clause 6.1(3) to enable flexibility in achieving the planning outcomes for Central Local Park"*

In fact, this is clearly not '**largely an administrative amendment**'. This proposal involves removal of an inappropriately zoned large district park greater than one hectare in area that was purchased using funds from the Warriewood Valley s94 Plan. This matter clearly must be considered carefully by the Department of Planning. This amendment to PLEP 2014 removes a 'No Dwellings' notation under clause 6.1(3) of the LEP and amends and increases the dwelling yields in a combined sectors 901 C 901G and 9 Fern Creek Road from a current total of not more than 28 dwellings or less than 23 dwellings to now not more than 33 dwellings or less than 26 dwellings. This represents a significant increase of **five dwellings**.

### **Issue 9**

On page 12 and 13 of the GLN report quite **new** information is brought to the reader's attention that has not been itemised or discussed in the "Need for This Proposal" Section A page 4.

For example,

*"The land swap will enable the delivery of infrastructure to enable the unlocking of development opportunities for the northern half of Sector 9, including:*

- *The extension of Fern Creek Road and **the construction of a new east-west road connecting Fern Creek Road with the eastern half of Sector 9.***

- *The section of stormwater infrastructure within the Fern Creek Road extension.*
- *The capacity to underground the high voltage power lines that currently run along the boundary of 9 and 12 Fern Creek Road, with the costs agreed to be shared between Council and Frasers.*

The GLN report states on page 4:

*"The need for this Planning Proposal is driven by Council's desire to deliver the southern portion of Central Local Park."*

However, the new information presented at page 12 that **now the eastern half of sector 9 is a beneficiary** does not explain how this is a driving factor for the removal of a large rectangular district park of over one hectare of level land ideal for active recreation.

The rezoning report by GLN appears to be driven by access demands from sectors 901G and 901C and now also mention of the eastern half of Sector 9. What exactly comprises the eastern half of sector 9 is not indicated to the public, not how on balance this is an overall benefit.

Investigations of alternative access to those two sectors also are not been explored in the rezoning report, together with all the other vital data needed for informed community consultation i.e. missing sector maps, missing proposed road layouts, missing land swap details and missing memorandums of understanding (MoU's) on those land swaps. Also there are no environmental reports or bushfire reports to complement this planning proposal, nor any traffic reports!

### ***Issue 10***

The following statement in the GLN Report cannot be accurately tested by readers in the absence of accurate land swap maps and other relevant diagrams:

*"The Planning Proposal would result in the increase of approximately 600m<sup>2</sup> of public open space available to the community than could be achieved on the current lot in Council's ownership."*

The fact that no proposed access road maps or accurately detailed landscape plans or action plans have been provided means that the community is again significantly misinformed of the purported benefits of this proposal in comparison to simply leaving No 9 Fern Creek Road as a very large parcel of action open space the purpose for which it was originally purchased by Council.

## **Issue 11**

The statement on page 13 of the GLN Report "*As this Planning Proposal is to effect a land swap to enable development of open space facilities and residential development in a more practical form it is unlikely to have any negative social or economic effects.*" is a untested throw-away comment that in no way has been properly researched. Contrary to this, Warriewood Valley is short of active open space by over one hectare by just this reason.

There is still a further issue as well as the matter of failing to fulfil the perceived need to increase the area of active recreation open space under the WV s94 Plan intended to service incoming residents of sector 9 who have just lost the opportunity for their own local active open space in favour of a long linear area of passive recreation land. There is collateral adverse impact on a number of private landowners in another sector of the Warriewood Valley Land Release Area. We believe that, by its action in relation to sector 9 rezoning, Council will force the sale or commence forced resumption of the properties of other private landholders to make up for the perceived deficit of local active recreation open space that council itself has created by its action and inactions. We believe that the social and financial negative impact on these other landowners will be considerable, highly inequitable, and certainly unfair.

We note that the report has not commented on this negative effect on the overall provision of active open space, i.e. an increase in the deficit of sports fields by this rezoning and the piecemeal non-sector land release approach now adopted for sector 9 in Warriewood Valley land release.

In our view, the GLN report has not properly considered the negative social or economic effects of the Planning Proposal.

## **Issue 12**

In section 10 of the GLN report the following statement is made "*The Planning Proposal does not provide for any increase in potential dwellings beyond that anticipated by the Strategic Review Report.*"

However, as indicated in Issue 8 above, there appears to be an **increase of five dwellings** over that in the WV Strategic review and gazetted in the Pittwater LEP 2014. This is a matter that has not been addressed in an adequate manner to justify this variation to the yield amounts in the table to 6.1(3) of PLEP 2014.

(Dr) Johan Kamminga  
Secretary  
Kamfam Pty Ltd (family company)  
6 Boondah Road, Warriewood NSW

Interim General Manager  
Northern Beaches Council

29 August 2016

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One stated aim of this Planning Proposal application that it is to facilitate the landlocked sites to either side to gain access via a common road way:

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Looking at the increase in dwelling maximum and minimum yields under 6.1(3) Table to PLEP 2014, it is clear that not enough information has been provided to the public for adequate community consultation to be achieved, indeed the yield numbers from the GLN report may now not be accurately relied on.

#### **Issue 4**

Furthermore, why has the GLN report not included a current **sector map** of the area? This omission prevents readers from determining in a spatial view where and how the sectors will increase or decrease their dwelling provision under 6.1 (3) of PLEP 2014. Without a sector map one is not able to see that Lot 13 DP1092788 is in sector 901A, or for that matter locate sectors 901C and 901G or even 9 Fern Creek Road.

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*"The southern portion of the Central Local Park is still to be delivered. On 21 April 2008 Council resolved to purchase 9 Fern Creek Road (Lot 5 DP 736951) to facilitate the delivery of the remaining portion of the park."*

This statement is incorrect and misleading. No 9 Fern Creek Road is again incorrectly identified. **The correct identification is Lot 5 DP 736961.**

Again, as stated in Issue 1 above, we ask that how can a technical rezoning report be trusted when such a major error is evident and the report was checked by a senior Council officer and two other planners on a number of occasions (see extract from page 1 of the report).

#### **Issue 6**

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A major error is evident in this statement which directly contradicts itself. The reader cannot make sense of it. It begs the question of how correct the density is for sector 901G. Either it is 32 dwellings per hectare or else 10 dwellings per hectare. As this report is required to be technically correct it is alarming to detect such major errors. On our view, if it is to proceed, the entire report needs to be revised and importantly also checked by the Department of Planning before it is subject to another first stage none statutory exhibition. This report is not at all adequate or sufficient to proceed to the Gateway determination.



## **Issue 7**

On pages 8 and 9 of the GLN Report it is stated that:

*"4. Is the Planning Proposal consistent with the council's local strategy or other local strategic plan?"*

We refer to Table 3 entitled "Dwelling Yields – Pittwater LEP 2014".

**Table 3 Dwelling Yields – Pittwater LEP 2014**

Property Description	Developable Area (M2)	Minimum /dwelling yield	Maximum Dwelling yield	Adopted Dwelling yields
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First, this table title by GLN suggests as a fact that the figures of dwelling yields is taken from Pittwater Councils current LEP 2014.

**This is not the case, as this table does not appear in that statutory document i.e. PLEP 2014.** Why is this table included? And why is there the further misleading statement at the end of the table that declares that:

*"The Planning Proposal is consistent with the recommendations of the Warriewood Valley Strategic Review Addendum Report 2014."*

### **Errors in table 3 (see above)**

A.- Lot 5 DP 736951. This is an incorrect land description. The correct land description is **Lot 5 DP 736961**. Again, how can major technical land description errors be made in a rezoning document?

B. – We have used the statutory sector map from Pittwater LEP sheet URA\_012 to add sector information to GLN's Table 3 above. For comparison purposes our recrafted table now equates those land descriptors to sectors that had not been specified in GLN's Table 3. In other words, exact sectors for each lot have now been included so that a comparison can be made to the GLN table and the

table in 6.1(3) of PLEP 2014.

Sector name from Sheet URA_012 PLEP 2014	Property Description	Developable Area (M2)	Minimum /dwelling yield	Maximum Dwelling yield	Adopted Dwelling yields
Sector 901G	Lot 11 DP 1092788	3174	3	3	10/ha min and max
Sector 901C	Lot 12 DP 1092788	4075.8	10	13	25/ha min 32/ha max
9 Fern Creek Road	<b>Lot 5 DP 736951</b>	5374.3	13	17	25/ha min 32/ha max
Sector 901A (very small part to the north)	Lot 13 DP 1092788	0	0	0	25/ha min 32/ha max
	Total	12624.1	26	33	

From the current PLEP 2014 table in 6.1(3) the sector yields are:

Sectors 901C and 901G	Not more than 28 dwellings or less than 23 dwellings
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9 Fern Creek Road	No dwellings
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What is not explained is how No 9 Fern Creek is shown on the Table 3 in the GLN report to have a minimum yield of 13 and a maximum of 17 dwellings when the current gazetted LEP says 'No Dwellings'.

What is further not explained is how sectors 901G and 901C, are stated to have a minimum of 3 and 3 and 10 and 13 dwellings respectively?

From the developable area figures supplied by GLN in Table 3 it appears that combining sectors 901C and 901G indicates that not more than 28 dwellings or less than 23 dwellings can be legally built. Why then does the table say that only 13 and 16 dwellings can be built on 901C? Why does it say only three dwellings can be built on Sector 901G?

At the very least it can be clearly seen that Table 3 in the GLN Report is confusing at best and also misleading. Further work on this report needs to be done to explain the nature of this table, its relationship to the table to 6.1 (3) of PLEP 2014 and also for these matters to be related to a layout diagram to explain what is exactly being achieved on the ground overlain with the following:

- creek line corridors from PLEP Map LZN\_012 and
- creek line setbacks from the creek line corridors.

Only then will the benefits or otherwise of these changes to PLEP 2014 be apparent for proper and adequate community consultation.

### **Issue 8**

On Page 11 of the GLN Report it is stated that:

7. *"Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?"*

*"This Planning Proposal is largely an administrative amendment, involving a reduction of the area zoned R3 Medium Density, adjustments to the boundary of the Release Area and dwelling yield provisions. As detailed above, 9 Fern Creek Road was not allocated a dwelling yield under Clause 6.1(3) to enable flexibility in achieving the planning outcomes for Central Local Park"*

In fact, this is clearly not '**largely an administrative amendment**'. This proposal involves removal of an inappropriately zoned large district park greater than one hectare in area that was purchased using funds from the Warriewood Valley s94 Plan. This matter clearly must be considered carefully by the Department of Planning. This amendment to PLEP 2014 removes a 'No Dwellings' notation under clause 6.1(3) of the LEP and amends and increases the dwelling yields in a combined sectors 901 C 901G and 9 Fern Creek Road from a current total of not more than 28 dwellings or less than 23 dwellings to now not more than 33 dwellings or less than 26 dwellings. This represents a significant increase of **five dwellings**.

### **Issue 9**

On page 12 and 13 of the GLN report quite **new** information is brought to the reader's attention that has not been itemised or discussed in the "Need for This Proposal" Section A page 4.

For example,

*"The land swap will enable the delivery of infrastructure to enable the unlocking of development opportunities for the northern half of Sector 9, including:*

- *The extension of Fern Creek Road and **the construction of a new east-west road connecting Fern Creek Road with the eastern half of Sector 9.***

- *The section of stormwater infrastructure within the Fern Creek Road extension.*
- *The capacity to underground the high voltage power lines that currently run along the boundary of 9 and 12 Fern Creek Road, with the costs agreed to be shared between Council and Frasers.*

The GLN report states on page 4:

*"The need for this Planning Proposal is driven by Council's desire to deliver the southern portion of Central Local Park."*

However, the new information presented at page 12 that **now the eastern half of sector 9 is a beneficiary** does not explain how this is a driving factor for the removal of a large rectangular district park of over one hectare of level land ideal for active recreation.

The rezoning report by GLN appears to be driven by access demands from sectors 901G and 901C and now also mention of the eastern half of Sector 9. What exactly comprises the eastern half of sector 9 is not indicated to the public, not how on balance this is an overall benefit.

Investigations of alternative access to those two sectors also are not been explored in the rezoning report, together with all the other vital data needed for informed community consultation i.e. missing sector maps, missing proposed road layouts, missing land swap details and missing memorandums of understanding (MoU's) on those land swaps. Also there are no environmental reports or bushfire reports to complement this planning proposal, nor any traffic reports!

### ***Issue 10***

The following statement in the GLN Report cannot be accurately tested by readers in the absence of accurate land swap maps and other relevant diagrams:

*"The Planning Proposal would result in the increase of approximately 600m<sup>2</sup> of public open space available to the community than could be achieved on the current lot in Council's ownership."*

The fact that no proposed access road maps or accurately detailed landscape plans or action plans have been provided means that the community is again significantly misinformed of the purported benefits of this proposal in comparison to simply leaving No 9 Fern Creek Road as a very large parcel of action open space the purpose for which it was originally purchased by Council.

## **Issue 11**

The statement on page 13 of the GLN Report "*As this Planning Proposal is to effect a land swap to enable development of open space facilities and residential development in a more practical form it is unlikely to have any negative social or economic effects.*" is a untested throw-away comment that in no way has been properly researched. Contrary to this, Warriewood Valley is short of active open space by over one hectare by just this reason.

There is still a further issue as well as the matter of failing to fulfil the perceived need to increase the area of active recreation open space under the WV s94 Plan intended to service incoming residents of sector 9 who have just lost the opportunity for their own local active open space in favour of a long linear area of passive recreation land. There is collateral adverse impact on a number of private landowners in another sector of the Warriewood Valley Land Release Area. We believe that, by its action in relation to sector 9 rezoning, Council will force the sale or commence forced resumption of the properties of other private landholders to make up for the perceived deficit of local active recreation open space that council itself has created by its action and inactions. We believe that the social and financial negative impact on these other landowners will be considerable, highly inequitable, and certainly unfair.

We note that the report has not commented on this negative effect on the overall provision of active open space, i.e. an increase in the deficit of sports fields by this rezoning and the piecemeal non-sector land release approach now adopted for sector 9 in Warriewood Valley land release.

In our view, the GLN report has not properly considered the negative social or economic effects of the Planning Proposal.

## **Issue 12**

In section 10 of the GLN report the following statement is made "*The Planning Proposal does not provide for any increase in potential dwellings beyond that anticipated by the Strategic Review Report.*"

However, as indicated in Issue 8 above, there appears to be an **increase of five dwellings** over that in the WV Strategic review and gazetted in the Pittwater LEP 2014. This is a matter that has not been addressed in an adequate manner to justify this variation to the yield amounts in the table to 6.1(3) of PLEP 2014.

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