



Our Ref: 05024

8th April 2005

The General Manager
Pittwater Council
PO Box 882
MONA VALE NSW 1660

Attention Ms Joanne Marshall

Dear Ms. Marshall

RE: DRAFT LEP FOR DIPNR Nos.2, 10, 18, 20, 22 & 28 INGLESIDE RD., INGLESIDE

This submission to the Draft LEP which seeks to permit subdivision and construction of dwelling houses on land currently owned by the NSW Department of Infrastructure Planning and Natural Resources (DIPNR) at Nos. 2, 10, 18, 20, 22 & 28 Ingleside Road, Ingleside is lodged on behalf of our clients the Rutherford family of No 14 Ingleside Road and the Brodhurst family of No 4 Ingleside Road, who own land adjoining the DIPNR lands included in the draft LEP, currently on exhibition. We have attached a plan showing the location of the land parcels owned by our clients.

We understand that an application for rezoning of the subject land parcels has been submitted by the owner of the land, the NSW Department of Infrastructure Planning and Natural Resources (DIPNR). The draft LEP is intended to permit the subdivision of an additional rural-residential allotment fronting Ingleside Road (proposed Lot 1) and construction of future dwellings on 5 existing allotments (Lots 74, 79, 83, 84 and 85) which currently do not have dwelling entitlements. We note that Council has previously indicated support for the proposal, primarily on the basis that DIPNR will be dedicating an area of environmentally sensitive bushland of some 26.6 hectares (proposed Lot 2) to Council at no cost to the Council.

On behalf of our clients we would like to convey support for the draft LEP as currently exhibited. The existing planning controls over land on the eastern side of Ingleside Road were prepared on the basis that this land was designated in the longer term for future urban residential development. These controls are outdated and do not reflect the changed planning context, the existing subdivision pattern, or Pittwater Council's expectations for the future development of the area. We support the contention that allotments of 3,000m² to 4,000m² on the eastern side of Ingleside Road may suitably support a dwelling house consistent with the existing and desired future character of the area and the prevailing subdivision pattern.



We note in the supporting reports to the draft LEP that the land identified for future dwelling houses is considered to be physically suitable for residential development and the allotments are considered to be of adequate size to accommodate dwellings. The Flora and Fauna Impact Assessment Report prepared by Ecotone Ecological Consultants P/L confirm that no significant habitat or endangered or threatened species are present on those areas proposed for rural-residential development. We also note and support the recommendation that future dwellings be confined wherever possible to previously disturbed or weedy areas.

The Bushfire Protection Assessment Report prepared by Conacher Travers recommends that a 40 metre inner asset protection zone be provided between future dwellings and existing bushland on proposed Lot 2, with no outer protection zone required. We would support this recommendation and consider it appropriate given the site conditions that exist. We also support the recommendation to require a fire trail across the bushland lot (Lot 2), adjoining the rear boundary of the developable land.

The proposed bushland allotment comprises a moderate to steeply sloping heavily vegetated bushland escarpment. Because of its environmental value, its development for urban purposes could not be justified on planning grounds. The value of this publicly owned land is as a natural area of open space. It should remain undeveloped and be retained in public ownership as bushland, as envisaged in the rezoning application. We understand that this objective has played an important role in Council's decision to proceed with exhibition of the draft LEP.

Whilst we understand Council's desire to take ownership of the land for its inclusion into adjoining public reserve land owned by Council, we do not consider that such a land transfer is a particularly generous gesture on behalf of DIPNR. In effect DIPNR will be passing on the maintenance burden of this land to the Council and at the same time receiving a significant boost to the value of its holdings fronting Ingleside Road that currently do not have dwelling entitlements. If proposed Lot 2 is not transferred to Council we would contend that it would in any case, remain in public ownership as bushland, albeit owned by the State Government, rather than Pittwater Council.

In our opinion, Council's assessment of the proposed re-zoning should not be unduly influenced by DIPNR's offer to transfer bushland free of cost to Council. This may make it difficult for Council's to treat other similar rezoning proposals differently, where a proponent offers dedication of land in exchange for rezoning. The DIPNR re-zoning proposal should be assessed on its merits against the appropriate planning criteria and if acceptable in this context, as we would expect, adopted by Council for gazettal.

The subject land earmarked for residential development is provided with all necessary urban services and is not subject to hazards such as flooding, landslip or contamination. Provision of the proposed asset protection zone and fire trail will ensure that bushfire risk is adequately managed. Allotment size is sufficient to allow for on-site effluent treatment and disposal and extensive landscaped area around future dwellings to maintain the rural-residential character of the area.



Our clients own land in Ingleside Road with very similar physical characteristics to the DIPNR land fronting Ingleside Road. We are currently preparing a rezoning application for our clients' land holdings at No's 4 and 14 Ingleside Road to facilitate development of their land in a similar fashion to that which is currently proposed for the DIPNR land in Ingleside Road.

Our clients were obliged to consolidate their allotments by Warringah Council, which at the time, had a policy of enforcing the enlargement of land holdings when development applications were submitted to the Council. This strategy is no longer relevant to the current planning context, as indicated by the DIPNR rezoning application, which supports the view that residential allotments of 3,000m2 to 4,000m2 are appropriate on the eastern side of Ingleside Road.

We request that Council take a holistic approach to the planning and development of the rural-residential area on the eastern side of Ingleside Road and ensure that a consistent set of development controls apply. This area is suitable for the form of development, as envisaged in the draft LEP and accordingly, we wish to confirm our support for the draft LEP for the DIPNR land at Ingleside.

Yours faithfully

Nick Juradowitch
Director

INGHAM PLANNING PTY LTD

