
From: [REDACTED]
Sent: 7/10/2025 9:35:34 AM
To: Council Northernbeaches Mailbox
Cc: Vincent De Luca OAM; Robert Giltinan; Ruth Robins
Subject: Andrew Hinchin amended submission for Planning Proposal PEX2025/0001
Attachments: AndrewHinchinSubmission.pdf;

Good Day

I originally did a submission via the website on 16/09/2025 before the time extension with the time extension I have amended my submission opposing the planning proposal please see attached.

I have cced for attention the councilors in my local ward, I reside at and own 3 Wilson Ave which this planning proposal includes.

Regards Andrew Hinchin

**Amended Submission from Andrew and Ellyn Hinchin to planning proposal
PEX2025/0001**

My wife and I live at and own 3 Wilson Ave, Ingleside. See the figure below highlighting our residence



Our block is currently zoned rural RU2. The application seeks to rezone the majority of our block C2 Environmental Conservation. The NSW Department of Planning Guidelines state, at page 13:

Proponent-initiated planning proposals

A landowner, developer or an individual seeking to amend the zoning or development standards that apply to land they own or have an interest in may initiate a planning proposal.

1. No concurrence given for planning proposal to be submitted

The proponents have no legal interest in our land. Neither of us have been contacted by, or on behalf of, either proponent regarding this proposal.

We have not received any notification from Northern Beaches Council about the rezoning application. We assume that there is no procedure or requirement to notify blocks the subject of the application to rezone, because an applicant is required to either own, or have the concurrence of the owner to the application. It would be wrong for the law to allow an application to zone a third party's land without their concurrence, but there be no procedure or requirement to notify the land holder of the application to rezone.

Given that the proponents have no legal interest, they have no standing to apply for a rezoning of any part of 3 Wilson Avenue.

I spoke to Kate Mercieca by phone at Northern Beaches Council on Thursday 18 September 2025. She told me that *interest* was not defined and that her understanding from the Council's perspective was that merely by owning neighbouring properties the proponents had a defined interest in our land. I disagreed with this.

I emailed the NSW Department of Planning for clarification on Thursday 25 September. The Department replied:

“The wording is broad however it would be similar to owning, that is, having a direct financial, or a stake in the property.

While a developer can initiate a planning proposal, the concurrence of the landowner must be obtained where the land is not owned by them.”

I have forwarded this communication to Kate Mercieca, council officer handling the application. As previously stated, my wife and I have not made any agreements with the proponents and object to the proposal in its current form.

The proponents have no legal standing to apply for rezoning of land that they neither own nor have the concurrence of the owner. Accordingly the proposal in its entirety should be rejected at this initial stage. The proponents should be informed that if they are to proceed by re-submitting the proposal, they will be required to either purchase all the land they seek to have rezoned or obtain the concurrence of the land owners.

1.1 Lack of engagement with other owners

At point 2.3 under the heading ‘Land Ownership’, on page 13 of the Planning Proposal Report, the proponents state:

To provide for a logical and orderly approach to land use in this Precinct, both Mirvac and Truslan propose to rezone the entirety of the Wilga Wilson Precinct and will continue to engage with the other private landowners.

As stated above, we have never been contacted by either of the proponents notwithstanding their statement that they ‘will continue to engage with the other private landowners’.

The first we became aware of the existence of this proposal was when it was posted to the local Facebook group.

We reached out by email to both proponents on 18 September and have not had any response. I can only infer from this lack of a response that the proponents have no intention of ever purchasing our land and would as such be unable to transfer it to public ownership.

1.2 Lack of capacity of the proponents to transfer land to public ownership

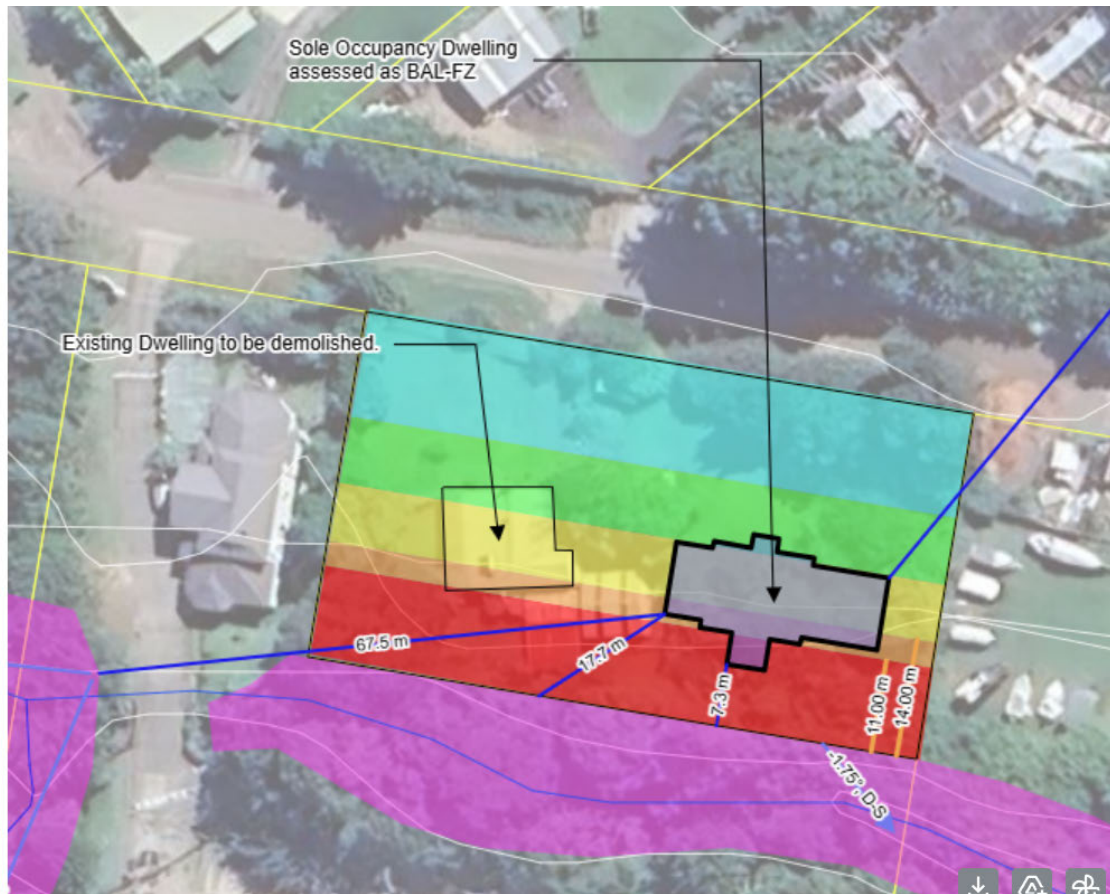
Page 24 of the Planning Proposal Report, states:

The proposal will apply a conservation zoning along Mullet Creek. The conservation zoning will form a corridor that will be transferred into public ownership.

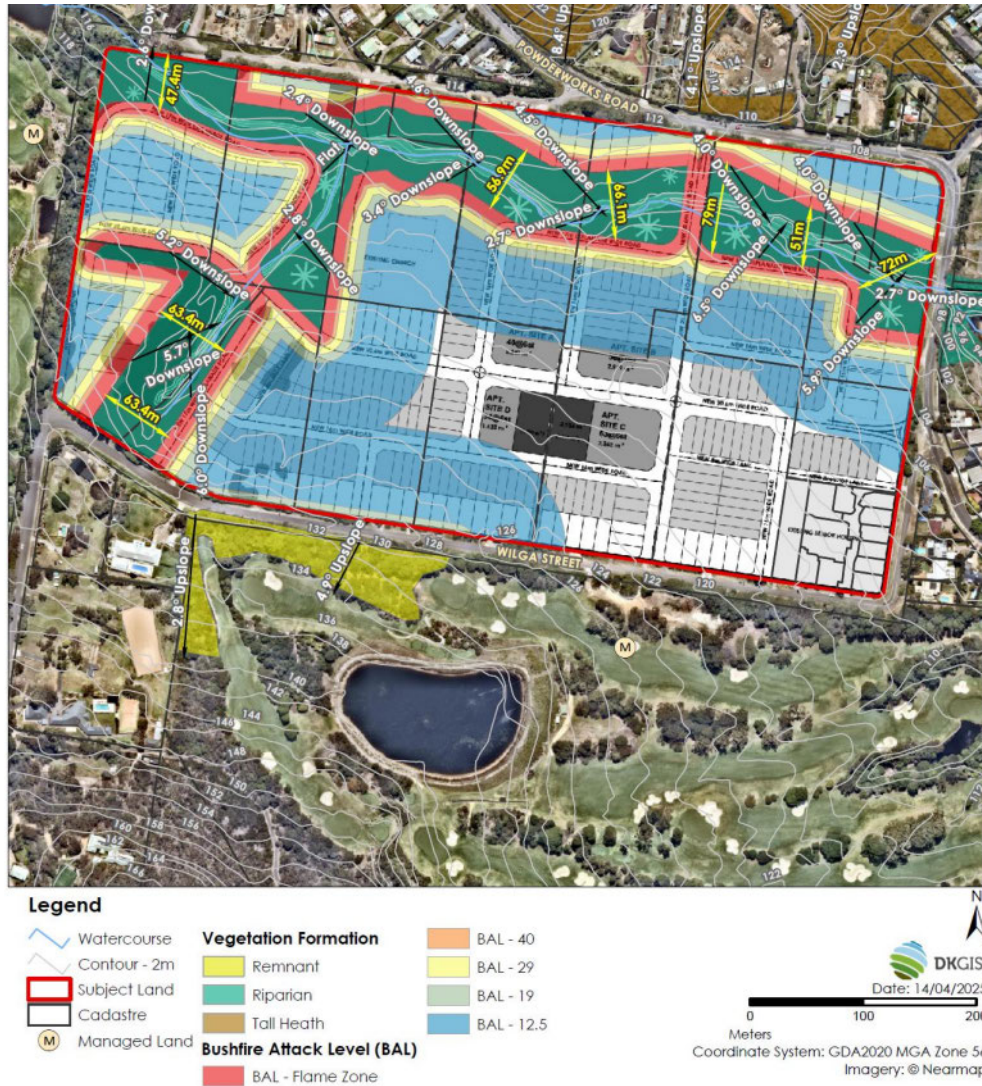
Much of the proposed conservation corridor is on privately owned land. This includes 3 Wilson Ave. The proponents cannot transfer land to public ownership which they do not own. This means that proponents proposal is not consistent with the planning ministers directions under 9.1 as the Riparian corridor being transferred to public land meets a majority of their consistency with this.

2. The Riparian Corridor (Conservation Zone)

The proponents propose that more than 50% of 3 Wilson Ave be rezoned to C2 Conservation Zone. (See the figure below taken from p. 29 of the Indicative Concept Plan) This is in order to accommodate the siting of their proposed riparian corridor. The effect of this rezoning and the consequent change in BAL rating on much of the rest of our land, will make any subsequent residential development on our land impossible to build, due to the set back requirement from Wilson Avenue required in a Rural zone.



The next figure is taken from page 74 of the BlackAsh Strategic Bushfire Assessment – Appendix I of the Proposal. This shows that the very small corridor of developable land at the front of 3 Wilson Ave which falls outside the proposed C2 Environmental Zoning will now be Flame Zone, making it effectively impossible for us to rebuild.



This also demonstrates how incompatible this planning proposal is with Priority 8 of the Northern Beaches Local Strategic Planning Statement. By placing our current home into an extremely dangerous bushfire corridor.

2.2 The Riparian Corridor (Conservation Zone) as a matter of convenience for the proponents

2.2.1 The 2 figures below are taken from the Proponents Indicative Concept plan -Appendix A page 34 (Riparian Corridor) and page 66 (Plan of Subdivision

Under the heading ‘5.6 Riparian Corridor’ on p.34 of the Indicative Concept Plan the proponents state -

Ecologists have designated riparian buffer zones of 10m and 20m on the top of banks on either side of the creek lines. The conservation area totals 3.84 hectares. It is aimed to retain the same amount of area within the entire Masterplan.

The footprint of the ecologists’ designated riparian buffer zone shown in the Indicative Concept Plan at page 34 has been changed in the proponents’ Indicative Plan of subdivision diagram on page 66. In particular the riparian buffer zone has been altered in relation to 7 Wilson Ave, which is owned by Mirvac. This alteration gives sufficient room to develop and build detached housing on 7 Wilson Ave.

In relation to the property owned by us, 3 Wilson Avenue, no such accommodation has been afforded. The suggested riparian buffer zone has been retained in its entirety, leaving 3 Wilson Avenue undevelopable.





2.2.2 The next figure is taken from the Northern Beaches council Watercourse, Wetlands and Riparian Lands study. Below is the water ways mapping.



The Conservation Zones Review (online search tool) in regard to our property, 3 Wilson Ave outlines the following

Current LEP: PLEP 2014

Current zone: RU2

Proposed zone: No Change

Land considered: Rural Area

Review recommendation: A conservation zone does not apply as the site was not found to contain either significant infrastructure or cleared or fragmented bushland.

The Conservation Zones Review recommends no change to the rural zoning of 3 Wilson Avenue. A review done as recently as this should not be disregarded by council for the convenience of a developer.

2.2.3 St Sava Church -

St Sava Church has a large carpark immediately to the south of our block. The only access way is by a bridge crossing Mullett Creek. Either the riparian corridor will have to have a driveway crossing the corridor, or St Sava will be unable to use its carpark. The parishioners will then be forced to park in the surrounding streets- where there is currently very limited parking.

3. Zoning Inconsistency, Loss of Development Potential and failure to take account of existing use.

3.1 In Appendix Z Response to Pre-lodgement Feedback, (p. 139 of the Proposed Planning Proposal) under the heading 'Key Site Matters' council raised as a pre-lodgement comment that consideration should be given to existing uses, approved uses and likely future uses of land in the vicinity of the site. The proponents' response does not address the issue of the impact of their proposal on the existing residential use of 3 Wilson Ave. The current house on 3 Wilson Av is a small cottage built many decades ago. It is entirely unsuited to modern living. The effect of the C2 Conservation Zone would make it effectively impossible to rebuild.

3.2 The proponents have ignored the devastating effect the proposal, and particularly the re-zoning of much of 3 Wilson Ave, will have on the value of our land.

3.3 The Planning Proposal retains RU2 zoning over part of 3 Wilson Avenue while rezoning adjacent properties to R3 Medium Density Residential. This:

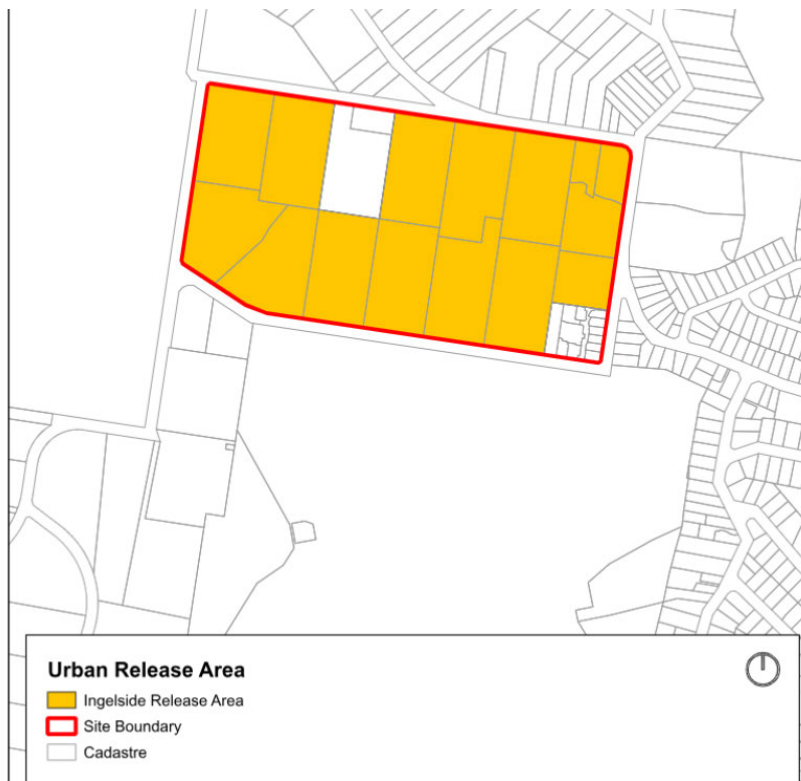
- Denies our property any developmental uplift or subdivision potential.
- Contradicts the Landscape Concept Report's (Appendix V) vision of a connected, inclusive precinct with consistent landscape character and built form.

Given the proximity of our property to proposed infrastructure, open space, and road networks, there is no technical justification for excluding it from the development footprint.

3.4 The Planning Proposal Report at page 34 states:

The existing seniors housing development in the southeast corner of the Site and St Sava Church have been excluded from this requirement [the Urban Release Area] to ensure existing development rights are not unintentionally hindered

3 Wilson Ave has also been excluded from the Urban Release Area with no mention or justification from the proponents, notwithstanding that the effect of this proposal, particularly the siting of the proposed riparian corridor will destroy our development rights. See the figure below from Appendix C – draft LEP Mapping.



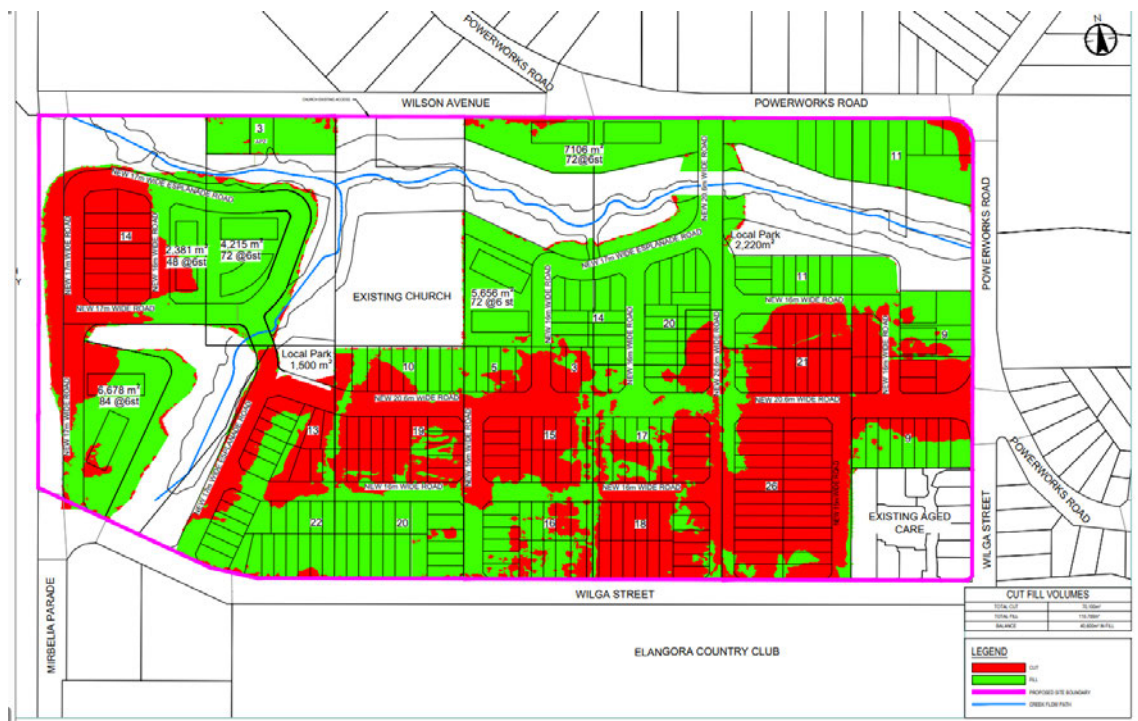
3.4 The proposal seeks to rezone more than 50% of our property to a C2 Conservation Zone, then leaves the remaining portion of our land as rural zoning. This land would not be large enough in area, or have sufficient depth, to allow for the construction of any dwelling.

If Council supports the rezoning of any part of our land to a Conservation Zone, Council will be setting a dangerous precedent. The proponents seek to have land that they do not own zoned so that it can only be used for open space. If this is approved, it will mean that developers of medium and high density developments will only need to purchase the land

they wish to build on. They can then obtain the desired open space for the development by having neighbouring blocks zoned Conservation Zone, without the concurrence of the owners of the land.

4. Cut and Fill leaving 3 Wilson Ave in a man-made gully.

The below figure is taken from page 154 of Appendix T (Flooding and Watercycle Management Report) of the proposal. The figure shows the location of the proposed riparian corridor in relation to the properties at 1,7 and 3 Wilson Avenue. The red indicates areas where soil is to be cut, and green where it will be dumped. As a result, 3 Wilson Ave will be in a man-made gully further impacting our ability to build.



This figure also shows how carefully the proponents have chosen the conservation zoning in respect to their current landholdings. It indicates their intention to leave enough room for buildings and subdivision on the properties they own at 1 and 7 Wilson Ave Ingleside. In respect of 3 Wilson Ave, as it is not owned by them, the proponents are unconcerned that the Conservation Zone will destroy the ability of the owner to construct any new dwelling.

The Riparian corridor appears to be driven by planning convenience rather than site-specific biodiversity.

5. Flooding and other environmental effects on 3 Wilson Ave, Ingleside.

The proposal shows there will be an increase of wet areas and flood storage areas on 3 Wilson Ave. .

6. What needs to occur before this proposal is considered further is the following:

A full ground truth survey of Mullet Creek as the hydroline analysis is so egregiously inaccurate

3 Wilson Ave be given the same care and attention on zoning as the land owned by the proponents, to allow for subdivision and development.

Summation

1. The proponents have no legal standing to apply for rezoning of land that they neither own nor have the concurrence of the owner. Accordingly, the proposal in its entirety should be rejected at this initial stage.
2. Despite saying in their proposal that they will '*continue to engage with the other private landowners*', the proponents have never contacted us regarding this proposal.
3. The proponents do not own much of the land through which their proposed 'riparian corridor' goes. Therefore, contrary to their stated aim, they cannot transfer the corridor to public ownership.

4 .The Planning Proposal fails to recognise the long-standing residential use of 3 Wilson Avenue. Instead, it:

- Places our home within a high-risk bushfire buffer and environmental zone,
- Makes it effectively impossible to rebuild our home and replace it with a new house suited to our young family, and
- Contradicts the stated objectives of the proposal to “respect existing uses” and “minimise adverse impacts on existing residents.”

Recommendation: As the developers have no agreement with my wife and I, the whole proposal should not be considered any further by the council until our property is removed from it, or an agreement is obtained.