



Our Ref: 02254

26th November 2004

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

Attention Ms Joanne Marshall



Dear Ms. Marshall

**RE: PROPOSED REZONING 2, 10, 18, 20, 22 & 28 INGLESIDE ROAD
INGLESIDE**

This submission to a proposed rezoning of 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 land holdings proposed for rezoning. We have attached a plan show 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). We also note from Council's correspondence dated 11/11/2004 to our clients, that Council is seeking the views of nearby landowners and the community in relation to the proposed rezoning, prior to Council making a decision to prepare a draft Local Environmental Plan.

On behalf of our clients we would like to convey support for a change to the current zoning controls for land on the eastern side of Ingleside Road, including land owned by DIPNR and our clients. This land is zoned Non-Urban 1(a) and when under the control of Warringah Council, was the subject of a policy requiring forced site amalgamation to create larger parcels more consistent with the 2 hectare minimum subdivision area applying under the 1(a) zone. This policy was based on a desire by the Council to achieve larger land holdings more conducive to future urban development.

Since the creation of the Pittwater Council and the inclusion of Ingleside within the boundaries of Pittwater, the subject area of Ingleside is no longer under consideration for urban development, at least into the foreseeable future. Accordingly the construction of dwellings on existing vacant parcels is now being contemplated through a proposed rezoning of land owned by DIPNR which fronts Ingleside Road. This initiative is considered to be soundly based and correctly recognizes that circumstances have changed, hence the previous planning policy is no longer appropriate.

Urban and Regional Planning, Environmental Planning and Statutory Planning
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Existing land parcels on the eastern side of Ingleside Road generally comprise rural-residential allotments in the range of 3,000m² – 3500m². Our clients each originally owned two separate titles (formerly Lots 75 and 76 and Lots 81 and 82), with allotment areas in the range 3,000m² – 3500m². In the 1970's our clients undertook building projects on their holdings and obtained building approvals from Warringah Council. At that time Warringah Council pursued a policy of enforced amalgamation of titles, where a land owner proposed to undertake building works. The Council imposed consent conditions which required the amalgamation of our client's land holdings.

The result of Warringah Council's actions in the 1970's is that our clients now each own one rather than two allotments. These allotments (7,040m² and 5,931m²) are however, approximately twice the size of other allotments on the eastern side of Ingleside Road, including those allotments fronting Ingleside Road that are owned by DIPNR. DIPNR is now seeking a rezoning to permit dwelling houses on each of its allotments on Ingleside Road, together with the excision of a new allotment (Lot 1), to be of similar size to existing 3,500m² lots along Ingleside Road.

Given the change in planning context for Ingleside Road, we consider it desirable for Council to proceed with the proposed rezoning to facilitate construction of dwellings on the identified allotments. We would however, question the appropriateness of proceeding with a rezoning which only applies to one landowner's properties, when there are other adjoining allotments for which the same circumstances apply. This will result in different planning rules applying to a selection of allotments interspersed amongst other lots in the same area of Ingleside Road. This is clearly illustrated in the plan submitted with the rezoning application.

We request that Council take a holistic approach to rezoning of land on the eastern side of Ingleside Road and include all properties extending from No 2 to No 28 Ingleside Road, including our clients' properties. This would result in a consistent set of planning controls applying to a like land parcels, which fall within the same planning and physical context and location.

The effect of the draft LEP if gazetted, would be to allow dwelling houses on existing parcels of land which range in size from 3,000m² to 3,500m². As previously noted, the forced amalgamation of our clients' land titles has resulted in their parcels being approximately twice the size of the parcels now proposed to have dwelling entitlements. In the interests of consistency and fairness, it is requested that the draft LEP include an additional clause which permits the subdivision of Lot 2 DP 585530 (formerly Lots 81 and 82) and Lot 76 DP 589733 (formerly Lots 75 and 76) each into two allotments of not less than 2,900m² each and the erection of a dwelling house upon each allotment created.

Our clients have been advised that the merits of the DIPNR rezoning proposal are assisted by the fact that DIPNR will be dedicating a large area of bushland to Council as public open space, within a proposed Environment Protection Zone. Whilst this is an appropriate outcome for the land in question, the proposed dedication is not a significant impost on DIPNR.



The area to be dedicated is steeply sloping and heavily treed land unsuitable for development. Bushfire regulations would also constrain its development potential. Even without dedication, the subject area may be expected to remain as bushland into the foreseeable future. By dedicating the land to Council, DIPNR is freeing itself from any obligations to maintain this land, including regular undertaking of bush fire mitigation works. In our opinion the benefits of the proposed dedication are weighed more in favour of DIPNR than the local community or Council.

On behalf of our clients the Rutherford family and the Brodhurst family, of Ingleside, we would recommend that Council proceed with a rezoning of land on the eastern side of Ingleside Road, but extend the boundaries of the proposed rezoning to include all land holdings fronting the eastern side of Ingleside Road, from No 2 up to No 28, including our clients' properties at No 4 and No 14 Ingleside Road. It is also requested that a clause be included in the draft LEP to enable the subdivision of our clients' holdings, each into two allotments with entitlement for a single dwelling on each allotment.

We look forward to your favourable consideration of our submission and trust that Council will proceed with preparation of a draft LEP in the form requested. Please contact the undersigned on 9416 9111 should you require any further information or clarification of the points we have raised.

Yours faithfully

Nick Juradowitch
Director

INGHAM PLANNING PTY LTD

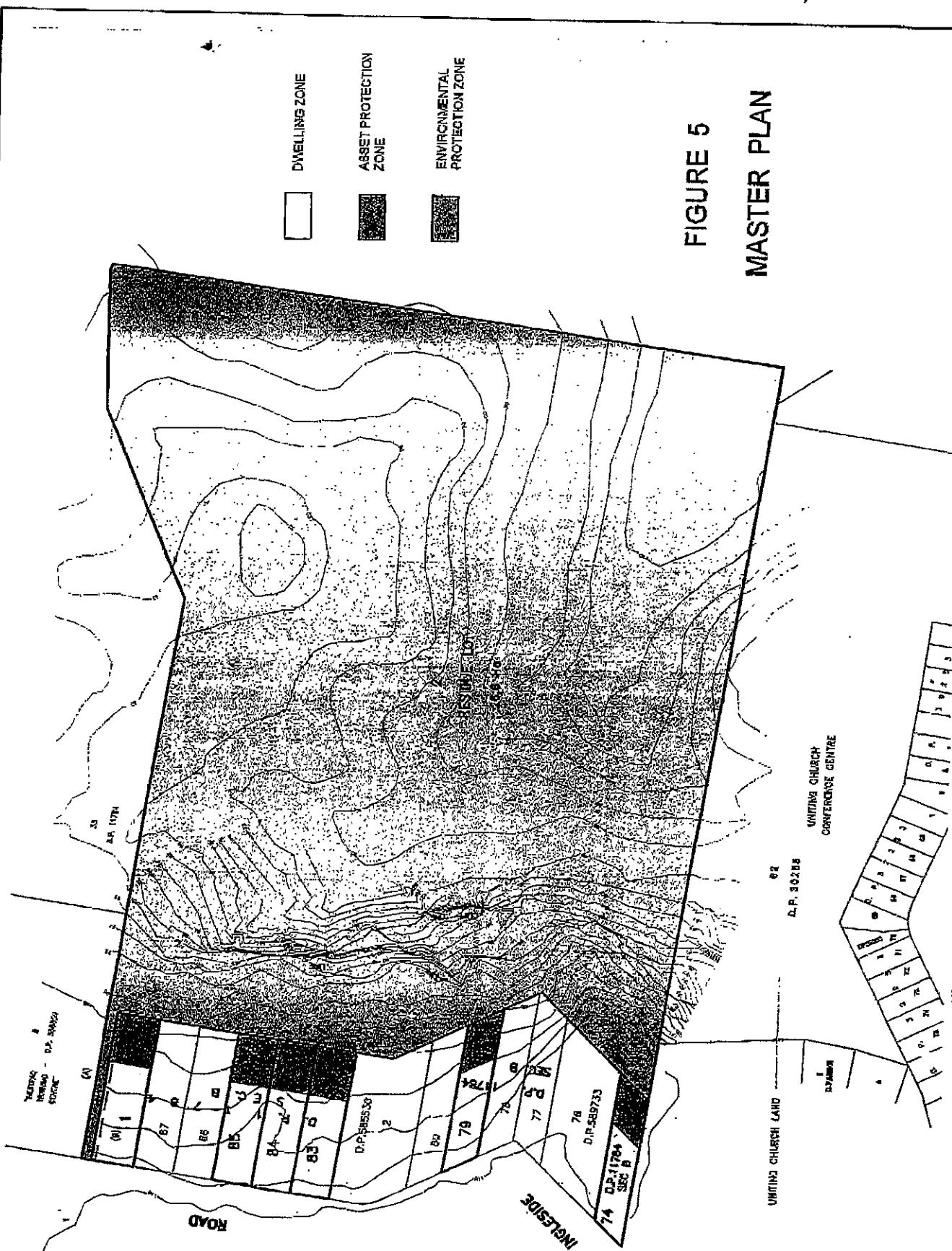


FIGURE 5
MASTER PLAN

IMPORTANT NOTES AND CAUTIONS

THESE NOTES FORM AN INTEGRAL PART OF THIS PLAN
CONTOURS HAVE BEEN PARTIALLY CORRECTED
WHERE LEVELS ARE CRITICAL THEY SHOULD BE DETERMINED BY SURVEY
DATE OF LEVELS: 8.5.01 323 8.1.02 472
CONTOUR INTERVAL: 1 METRE
AREAS AND DIMENSIONS APPROXIMATE ONLY AND ARE SUBJECT TO SURVEY

NOTE:

- (A) EASEMENT FOR WATER SUPPLY WORK
AFFECTING THE PART SHOWN AS
EASEMENT FOR WATERMAIN 1.00
AND VARIABLE NCP 0.0000
- (B) FRT TO RIGHT OF CARPENTRY
3.00 EASEMENT PROPOSED LOT 2

DRUMMOND PARMENTER PTY. LTD.

CONSULTING SURVEYORS & TOWN PLANNERS

371A, RIVER STREET, SYDNEY

AUSTRALIA 2000

TELEPHONE: (02) 917 4233

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PROJECTION: RD

1:1500 @ A1

1:1500 @ A1

1:1500 @ A1

1:1500 @ A1

1:1500 @ A1

1:1500 @ A1

1:1500 @ A1

1:1500 @ A1

CLIENT: DEPT. J.P. & N.R.

PLAN OF PROPOSED SUBDIVISION OF LOT 3
SECTION F D.P. 11784 AND PLAN OF REZONING
OR REZONING AMENDMENT OF LOTS
74.79.23.84-89 SEC B D.P.11784 AND LOT 3
SEC F D.P.11784 INGLESIDE RD. INGLESIDE.

DATE: MAY 2004

Chateau Constructions (Aust) Ltd
P.O. Box 715,
Castle Hill NSW 2154

facsimile

DATE:	26-Nov-04	PAGES:	1 (Incl. cover sheet)
FROM:	Lois Alders	TO:	Rates Department
COMPANY:	Chateau Constructions		Pittwater Council
PHONE:	9634 6888		9970 9222
FAX:	9899 3145		9970 7150

MESSAGE

Re: Lots 1 - 8 DP 1044346 - 46 Lane Cove Rd, Ingleside

We have been contracted by the Owners of Lot 8 DP 1044346 to construct their new home.

The Owners wish us to lobby the gas company, to extend the gas main along Lane Cove Road, to the entrance to the above 8 lot subdivision.

In order to do so, we need the approval of the Owners of the other 7 lots.

Would you kindly supply to us, the names and postal addresses of the owners of Lots 1 - 7 of DP 1044346 so that we can make the appropriate contact.

Many thanks for your assistance

Yours faithfully,

Lois Alders