



Warringah Urban Fringe Association Incorporated
(WUFA),
PO Box 125,
Belrose, 2085
Ph: 0419 777 502

www.warringahurbanfringeassociation.org.au

24 April 2015,
Jonathon O’Dea,
Member for Davidson.
Suite 8A, 12-18 Tryon Rd,
Lindfield, 2070

Dear Jonathon,

Oxford Falls Valley and Belrose North Strategic Review, Warringah

Thank you for your letter of 2 April 2015. The letter from Carolyn McNally only slightly retracts from the unjustifiable zonings included in the letter by Marcus Ray to Warringah Council dated 23 January 2015.

We now seem to have a ridiculous situation. In the letter by Marcus Ray to Warringah Council dated 23 January 2015 which was written on behalf of the Minister (refer to Appendix A for the letter), Marcus Ray has stated “There is sufficient evidence to implement the findings of the strategic review...”, and has included proposed zonings.

Warringah Council have used this letter and proposed zonings to pass a motion that states:

037/15 RESOLVED

Cr Menano-Pires / Cr Regan

That Council:

- A. Endorse the preparation and progression of a Planning Proposal for deferred land under Warringah Local Environmental Plan 2011 in accordance with the attached Department’s Proposed Zoning Map.
- B. Staff work with the Department prior to submitting the Planning Proposal for Gateway Determination, to develop the additional permitted uses and objectives for the E4 zone .

Now in the letter from Carolyn McNally (refer to Appendix B for the letter) Carolyn McNally has stated “council will have to adequately justify to the Department at Gateway that the land identified as having no to moderate environmental development constraints should be made an environmental zone”

Now it would appear Warringah Council is going to spend a lot of time and money preparing a planning proposal based on the perceived endorsement of the zonings by the Minister (re Marcus letter of 23 January 2015). When the Planning Proposal arrives at Gateway, it would appear there is no justification for the proposed zonings.

Appendix D of this letter is a copy of a letter that I have sent Marcus Ray in response to a letter he send me dated 27 March 2015 (refer to Appendix C).

Appendix E of this letter is a copy of a letter that I have sent Minister Rob Stokes on 19 April 2015.

Unfortunately you have not achieved the outcome that the residents want. We want a process with integrity. We want the unanimous recommendation of the Warringah Development Assessment Panel to be followed.

WUFA requests your urgent intervention in this process to ensure our members (a church, schools, tennis centre, golf club, nurseries and over one hundred private landowners) are not unfairly zoned as an Environmental Zone, and that Stage 2 of the Strategic Review be undertaken by an independent organisation urgently so minimum lots sizes and correct strategic zonings can be applied. We ask you to keep the whole area deferred until Stage 2 of the Strategic Review is completed. This recommended process will allow the deferred area to be considered in regard to the recently released "A Plan for Growing Sydney".

Can you please pursue this matter urgently on behalf of your constituents?

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Holman', written in a cursive style.

John Holman

President

Warringah Urban Fringe Association Inc. (WUFA)

Email: president@warringahurbanfringeassociation.org.au



**Planning &
Environment**

Office of the Secretary

Mr Rik Hart
General Manager
Warringah Council
Civic Drive – 725 Pittwater Road
Dee Why NSW 2099

14/18047

Dear Mr Hart

Thank you for your letters of 11 and 17 September 2014 relating to the Oxford Falls Valley and Belrose North Strategic Review and deferred land from the Warringah Local Environmental Plan 2011. The Minister has asked me to reply on her behalf.

I note Warringah Council's resolution on 26 August 2014 requesting that the Department of Planning and Environment determines the deferred land based on the various options presented to Council.

I note that this has been an extensive and complex process with a high level of community interest. It is important that the land does not continue to remain deferred so that surrounding landowners and the broader community are given certainty. Resolution of this will allow for a single Local Environmental Plan to cover the Warringah Local Government Area.

There is sufficient evidence to implement the findings of the Strategic Review by translating the existing character-based controls into zones in the Warringah Local Environmental Plan 2011. I consider that this is an appropriate way forward.

The majority of the land in the Oxford Falls Valley and Belrose North area has clear environmental value. These areas should be considered for an E3 Environmental Management zone consistent with the findings of the Strategic Review (Option Two - Land Use Zoning Map reported to Council on 26 August 2014).

Land mapped as having 'no to moderate' environmental constraints should be zoned to reflect the existing character, level of clearing and current land uses. The land in this category along the Wakehurst Parkway should be zoned E4 Environmental Living.

Council may wish to consider expanding the current permitted land uses for the E4 Environmental Living zone to include environmental facilities, extensive agriculture, farm buildings, home industries, horticulture where consistent with the mandatory land uses of the zone. It is noted the current objectives for the zone specifically cater to water-related business and leisure uses, and these would also need to be expanded.

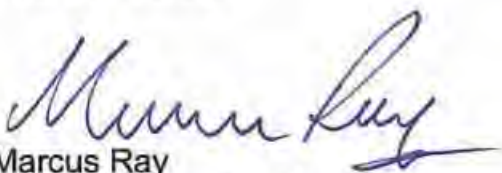
Additionally, I encourage Council to separately begin the Stage 2 analysis to review the minimum subdivision lot size controls following the rezoning of the land. Any additional

studies will be the responsibility of Council and form the basis of a future planning proposal.

I therefore request Council submit a planning proposal for the deferred land seeking a Gateway determination within three months of the date of this letter. I have asked the Metropolitan (CBD) team to continue working with Council throughout the plan making process.

If you have any further enquiries about this matter, please contact Mr Lee Mulvey, Director of the Department's Metropolitan (CBD) team, on (02) 8575 4140.

Yours sincerely

A handwritten signature in blue ink that reads "Marcus Ray". The signature is fluid and cursive, with a long horizontal stroke at the end.

Marcus Ray
Acting Deputy Secretary
Planning Services

23/01/15



Planning & Environment

Office of the Secretary

Mr Jonathan O'Dea MP
Member for Davidson
PO Box 209
Lindfield NSW 2070

Received

31 MAR 2015

15/03816

DAVIDSON

Dear Mr O'Dea

I am responding to your letter of 5 February 2015, on behalf of Mr John Holman, President of the Warringah Urban Fringe Association, and Mr and Mrs Hare of Belrose.

Lands within the Oxford Falls Valley and Belrose North area were deferred from the *Warringah Local Environmental Plan 2011* and rely on planning controls established 15 years ago. It is important that land within the Oxford Falls Valley and Belrose North area does not continue to remain deferred and that landowners and the broader community are provided certainty as to the zoning and longer term use of the land. Resolution of this will allow for a single local environmental plan to cover the Warringah Local Government Area.

The Department has requested Warringah Council to prepare a planning proposal seeking a Gateway determination for the deferred lands. It is anticipated the planning proposal will include adequate justification supporting all proposed zones and associated planning controls whatever zone is used. It will also address the strategic framework for Sydney, including *A Plan for Growing Sydney*.

In particular council will have to adequately justify to the Department at Gateway that the land identified as having no-to-moderate environmental development constraints should be made an environmental zone. It is expected that Council will undertake its own analysis in deciding which particular zones to adopt for this area.

If council does propose an environmental zone the Department has asked the council to consider including the broadest range of permissible uses that are consistent with the zone objectives. This will ensure that the new zoning is the best possible translation of the existing character based controls to the new zoning format.


Should Council lodge a planning proposal, the Department will assess the merits of the proposal against the outcomes of the Oxford Falls Valley and Belrose North Strategic Review, before deciding whether to issue a Gateway determination.

If a Gateway determination is issued for the planning proposal to proceed, the proposal will be publicly exhibited for further consultation. I would encourage your constituents to make a formal submission at this time. All submissions will be carefully considered as part of the assessment of the planning proposal.

Finally, I would like to reiterate that this planning proposal should only seek to translate the existing controls into the format of the *Warringah Local Environmental Plan 2011*. This proposal is not expected to change other development controls applying to the land, including minimum subdivision lot sizes. The Department has encouraged Council to continue to assess the urban development capability of the land with a view to changing the planning and development controls, as necessary. This may include future amendments to zones if additional studies adequately justify a change through a later planning proposal.

If you have any further enquiries about this matter, please contact Mr Lee Mulvey, Director of the Department's Metropolitan (CBD) team, on (02) 8575 4140.

Yours sincerely



Carolyn McNally
Secretary

30-3-15



Planning &
Environment

Mr John Holman
President
Warringah Urban Fringe Association
PO Box 125
Belrose NSW 2085

15/03195

Dear Mr Holman

Thank you for writing to the Hon. Pru Goward MP and to the Department about the Oxford Falls Valley and Belrose North Strategic Review.

I have noted the issues you have raised in your correspondence and at a recent meeting with the Hon. Brad Hazzard MP on 6 March 2015, at which representatives from the Department of Planning and Environment attended. It is important that land within the Oxford Falls Valley and Belrose North area does not continue to remain deferred so that surrounding landowners and the broader community are given certainty as to the zoning of the land. Resolution of this will allow for a single local environmental plan to cover the Warringah Local Government Area.

I have outlined below answers to matters raised in your letter and the recent meeting referred to above.

Seniors housing

Under Warringah LEP 2000, seniors living development is currently permissible. Although this use would be prohibited under the E4 zone, Council may include seniors living development as an additional permitted use.

Zoning of schools and places of public worship

Under Warringah LEP 2011, schools and places of public worship generally adopt the adjoining zone, consistent with Department policy. In this regard, it is appropriate the schools and places of public worship within the Oxford Falls Valley and Belrose North area also adopt the surrounding zone.

Under *State Environmental Planning Policy (Infrastructure) 2007*, development for the purpose of an educational establishment, including augmenting existing facilities, is permissible within an E4 zone.

With regard to places of public worship, I can confirm it would become a prohibited use under the E4 zone. While it can continue to operate under existing use rights, there is an opportunity for Council to include places of public worship as an additional permitted use to the E4 zone.

Next steps

The Department has asked Warringah Council to prepare a planning proposal seeking a Gateway determination for the deferred land. The Department expects the planning proposal submitted by Council will include adequate justification supporting all proposed zones. It will also address the strategic framework for Sydney, including *A Plan for Growing Sydney*.

In particular council will have to adequately justify to the Department at Gateway that the land identified as having no-to-moderate environmental development constraints should be made an environmental zone. It is expected that Council will undertake its own analysis in deciding which particular zones to adopt for this area.

If council does propose an environmental zone the Department has asked the council to consider including the broadest range of permissible uses that are consistent with the zone objectives. This will ensure that the new zoning is the best possible translation of the existing character based controls to the new zoning format.

Should Council lodge a planning proposal, the Department will assess the merits of the proposal against the outcomes of the Oxford Falls Valley and Belrose North Strategic Review, before deciding whether to issue a Gateway determination.

If a Gateway determination is issued for the planning proposal to proceed, the proposal will be publicly exhibited for further consultation. I would encourage the Warringah Urban Fringe Association to make a submission at this time. All submissions will be carefully considered as part of the assessment of the planning proposal.

I request that any information or correspondence issued by the Department or Minister for Planning, including this letter, which is reproduced by Warringah Urban Fringe Association for its purposes be reproduced in full to avoid any potential misrepresentation of the content.

Finally, I would like to reiterate that it is the Department's clear position that this planning proposal should only seek to translate the existing controls into the format of the Warringah LEP 2011. This proposal is not expected to change other development controls applying to the land, including minimum subdivision lot sizes. The Department has encouraged Council to continue to assess the urban development capability of the land with a view to changing the planning and development controls, as necessary. This may include future amendments to zones if additional studies adequately justify a change through a later planning proposal.

If you have any further enquiries about this matter, please contact Mr Lee Mulvey, Director of the Department's Metropolitan (CBD) team, on (02) 8575 4140.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

27/03/2015



**Warringah Urban Fringe Association Incorporated
(WUFA),
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Belrose, 2085
Ph: 0419 777 502**

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19 April 2015,
Mr Marcus Ray,
Deputy Secretary,
Planning Services,
Department of Planning & Environment,

Dear Mr Ray,

Oxford Falls Valley and Belrose North Strategic Review, Warringah

Thank you for your letter dated 27 March 2015. Your letter addresses some of the issues raised. I have outlined below what we see as critical issues that require a formal response from the Department of Planning:

- 1) Will any land in the deferred area, that is of low to moderate environmental value be allowed to be zoned an environmental zone by the Department of Planning?
- 2) What scientific evidence will be required in order to justify zoning land as an environmental zone?
- 3) Is the Department of Planning of the view that evidence has been provided that justifies zoning any land in the deferred area as an environmental zone? If so can you please provide a copy of this evidence?
- 4) If owners of land in the deferred area have had independent reports produced by environmental experts stating that their land is of low to moderate environmental value, does this mean the Department of Planning will ensure that the said land will not be zoned an environmental zone?
- 5) Will land in the deferred area, that is currently zoned to include Seniors living as an allowable use under current zoning be allowed to be zoned an Environmental zone by the Department of Planning (thereby extinguishing the ability to have Seniors living)?
- 6) We note that Helen Wilkins currently works for the Department of Planning. Helen Wilkins was a Warringah Councillor from 2008 to 2012. During her time on Warringah Council, Helen Wilkins voiced strong views that the whole deferred area should be zoned E3. Helen Wilkins is currently the registered officer for the "Your Warringah" political party. The Your Warringah political party currently hold 6 of the 10 Councillor positions (including the Mayoral position) on Warringah Council. We seek your assurance that Helen Wilkins has had no involvement or influence over the Strategic Review, and that she will continue to have no involvement or influence over the Strategic Review, or any subsequent planning proposal determination.

7) I have made a GIPA request to Warringah Council for all documents and correspondence relating to the Strategic Review. Warringah Council originally provided 30 documents in response to the GIPA request. On my insistence there were more documents that had not been provided, Warringah Council provided a further 60 documents. Upon further insistence that there are many more documents, Warringah Council have now found in excess of 1500 documents relating to my original request. Warringah Council have stated they plan to charge me in excess of \$1,500 for the supply of this information. This unwillingness of Warringah Council to provide documents relating to the strategic review is a bad sign for openness in the Strategic review process for which the Department of Planning is a partner. I ask that the Department of Planning either pay the required fee for the documents to be released, or encourage Warringah council to release the documents free of charge.

I look forward to your response to these issues.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Holman', written in a cursive style.

John Holman

President

Warringah Urban Fringe Association Inc. (WUFA)

Email: president@warringahurbanfringeassociation.org.au

cc Minister Rob Stokes (Minister for Planning), Minister Brad Hazard (Member for Wakehurst), Jonathon O'dea (Member for Davidson), Carolyn McNally (Secretary Department of Planning)



Warringah Urban Fringe Association Incorporated (WUFA),

PO Box 125,
Belrose, 2085

Ph: 0419 777 502

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19 April 2015,
The Hon. Rob Stokes,
Minister for Planning,
Level 34 Governor Macquarie Tower,
1 Farrer Place,
SYDNEY NSW 2000

Dear Minister,

Oxford Falls Valley and Belrose North Strategic Review, Warringah

I am writing to you regarding the proposed rezoning of land in the Warringah Local Government area.

When land in the Warringah Local Government Area was being brought into the new planning system in 2009, Warringah Council proposed zoning a large area of land as E3 (Environmental Management, one of the Environment Protection Zones). This proposed E3 zone included large areas of land that is of high environmental value (which we agree should be zoned E3), and other areas of land which is not of high environmental value (which should not be zoned an environmental zone). Due to community outrage at the proposal, the then Minister for Planning, Brad Hazzard, deferred most of the proposed E3 land from WLEP2011 before approving WLEP2011 in December 2011. The land was deferred subject to a Strategic Review being carried out jointly by the Department of Planning and Warringah Council.

Around the same time an independent review was also carried out into land proposed to be zoned Environmental zones on the North Coast of NSW. This review was undertaken for the Department of Planning by a prominent environmental consulting company (Parsons Brinkerhoff). The finding of the independent review provided clear direction to the Department of Planning over what land was acceptable to be zoned as an Environmental zone. It was this clear direction that culminated in the following instructions being issued to Warringah Council:

- 1) Brad Hazzard Letter to Warringah Council dated 17 March 2014 (Appendix A)
- 2) Dept of Planning email from Neil McGaffin (General Manager Metropolitan Delivery, Department of Planning) dated 15 May 2015 (Appendix B)
- 3) Pru Goward letter dated 27 August 2014 (Appendix C)

As part of Stage 1 of the Strategic review process the Warringah Development Assessment Panel (WDAP) held a public hearing and came to a **unanimous** recommendation that Council:

“not proceed with approval of a Gateway approach for this Planning Proposal at the present time and that, instead, they commence immediately to implement stage 2, undertaking the detailed work required to finally decide on the values of the deferred lands and their relevance for an environmental (or other) zoning in the LGA of Warringah”. The recommendation of WDAP can be found in Appendix D.

On 23 January 2015, Marcus Ray (Acting Deputy Secretary, Planning Services, Department of Planning and Environment) wrote to Warringah Council on behalf of the Minister for Planning. This letter can be found in Appendix E. Mr Ray's letter represented a major change in direction by the Department of Planning in that it appeared to endorse the zoning of land that was of low to moderate environmental value as an environmental zone. This land included the C3 Church at Oxford Falls, Oxford Falls Grammar School and many other properties that are clearly of low to moderate environmental value.

Subsequent to Marcus Ray's letter of 23 January 2015, a select group of landowners in the deferred area met with Brad Hazzard and representatives from the Department of Planning. This select group of landowners included the General Managers of C3 Church Oxford Falls and Oxford Falls Grammar School. In this meeting it was expressed by C3 Church that the community has lost faith in the Strategic Review process. This was a very succinct and accurate description of the community's view on the Strategic Review process. As a result of this meeting Marcus Ray has written us a letter dated 27 March 2015 (Appendix E). Although this letter retracts slightly from Marcus Ray's earlier letter of 23 January 2015, it now leaves the Strategic Review process in a very undefined state that still lacks the community's faith.

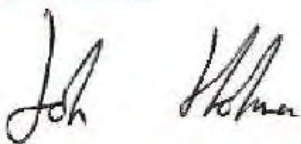
Appendix F of this letter contains a letter that I have written to Marcus Ray in order to try and clarify some outstanding issues.

Appendix G of this letter contains a letter that I have written to Minister Pru Goward in regards to her having been misled by Warringah Council. We have never received a response to this letter.

WUFA requests your urgent intervention in this process to ensure our members (C3 church, schools, tennis centre, golf club, nurseries and over one hundred private landowners) are not unfairly zoned as an Environmental Zone, and that Stage 2 of the Strategic Review be undertaken by an independent organisation (under the instruction of the Department of Planning) urgently so minimum lots sizes and correct strategic zonings can be applied. We ask you to keep the whole area deferred until Stage 2 of the Strategic Review is completed. This approach will be in accordance with the unanimous recommendations of the Warringah Development Assessment Panel. This recommended process will also allow the deferred area to be considered in regard to the recently released "A Plan for Growing Sydney".

I would like to request a meeting between six representative landowners and yourself to discuss this issue.

Yours sincerely,

Handwritten signature of John Holman in black ink.

John Holman BE (Hons), MBA

President

Warringah Urban Fringe Association Inc. (WUFA)

Email: president@warringahurbanfringeassociation.org.au

CC Minister Brad Hazard (Member for Wakehurst), Jonathon O'Dea (Member for Davidson), Carolyn McNally (Secretary Department of Planning)