



northern
beaches
council

PLANNING PROPOSAL

Amendments to Warringah Local Environmental Plan 2011

Rezoning land within and adjoining the Manly Warringah War Memorial State Park from R2 (Low Density Residential) to RE1 (Public Recreation) and SP2 (Infrastructure)

May 2019 (submission for Gateway Determination)

TRIM PEX2018/0007

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Introduction

This Planning Proposal has been prepared in accordance with Council Resolution dated 28 May 2019 to rezone certain land located within and surrounded by the Manly Warringah War Memorial State Park from R2 (Low Density Residential) to RE1 (Public Recreation) and SP2 (Infrastructure) and to omit residential development standards and controls that would no longer be relevant to the proposed zones.

Acronyms

The following acronyms have been used throughout this report:

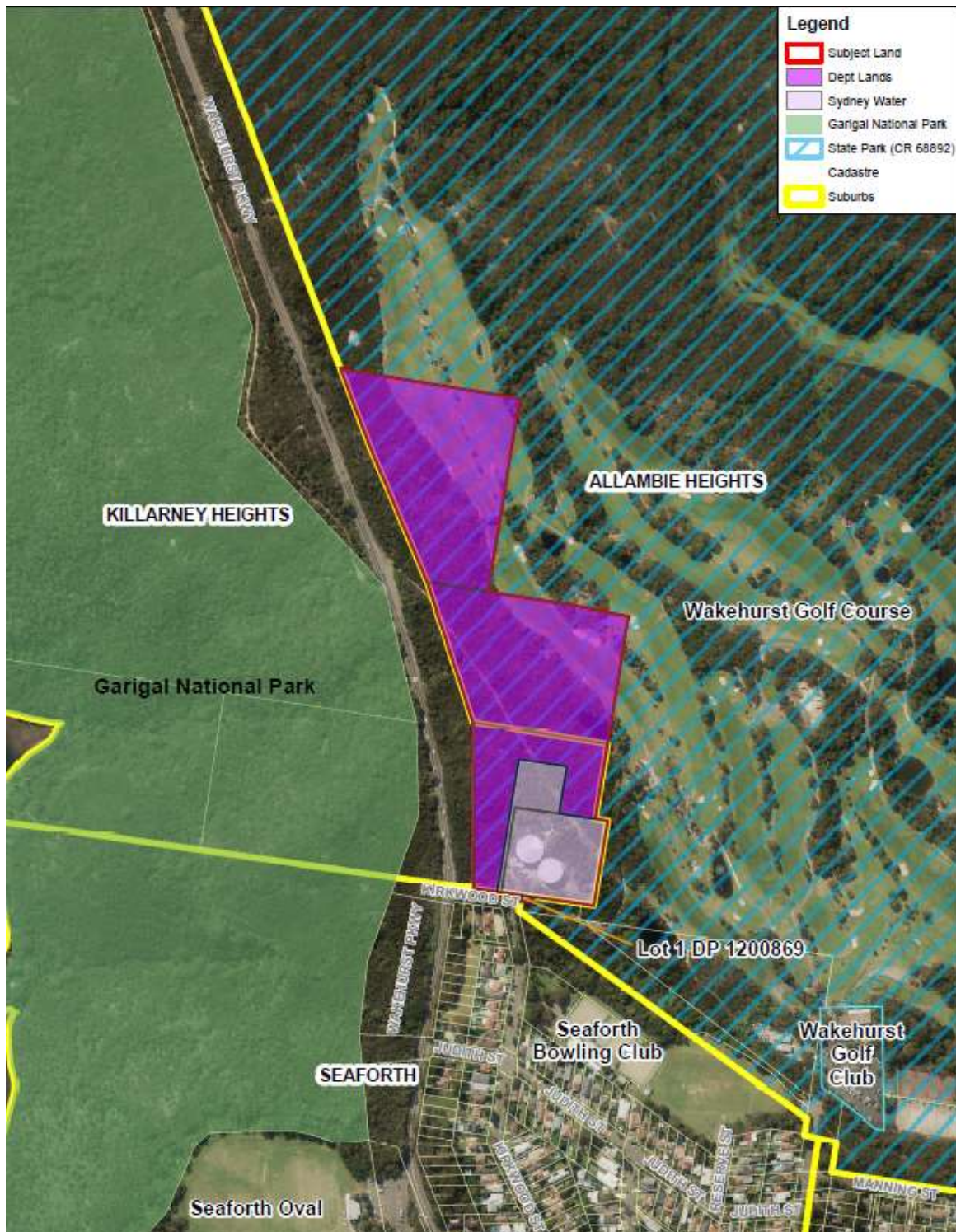
Council	Northern Beaches Council
DPI	The NSW Department of Planning and Industry
EP&A Act	Environmental Planning and Assessment Act, 1979
LGA	Local Government Area
NBLPP	Northern Beaches Local Planning Panel
NSW	New South Wales
RE1	RE1 (Public Recreation) Zone under WLEP2011
R2	R2 (Low Density Residential) Zone under WLEP2011
Section 9.1 Directions	Section 9.1 Directions by the Minister under the EP&A Act, 1979 (formerly Section 117 Directions)
SEPP	State Environmental Planning Policy
SP2	SP2 (Infrastructure) Zone under WLEP2011
POM	Manly Warringah War Memorial Park Plan of Management, 2014
State Park	Manly Warringah War Memorial State Park (State Park)
RMS	Roads and Maritime Services NSW
The Update	Beaches Link Project Update, RMS, August 2018
The Minister	NSW Minister for the Department of Planning and Industry
WLEP1985	Warringah Local Environmental Plan 1985
WLEP2000	Warringah Local Environmental Plan 2000
WLEP2011	Warringah Local Environmental Plan 2011

Table 1 Acronyms Used

Site Context and Location

1.1 Location

The six (6) lots are located in proximity to the south-west boundary of the Manly Warringah War Memorial State Park (State Park) and are bounded by the Wakehurst Parkway and Garigal National Park to the west, the State Park including the Wakehurst Golf Club and Manly Dam to the north and east and the Seaforth Bowling Club and low density residential to the South.



Map 1 Location of the Subject Land

1.2 Description of the Six (6) Lots and Surrounding Land

A brief description of the subject lots is provided below and discussed in more detail under relevant sections of this Planning Proposal.

All of the six (6) lots:

- Contain or are likely to contain important core habitat for local native species including many threatened species and their habitat.
- Contain bushland that protects the water quality of the Manly Dam Catchment and contributes to the environmental, cultural and aesthetic values of the adjoining State Park
- Function as an important wildlife corridor, connecting Manly Dam to Garigal National Park and as one of only two north-south links within the Manly Dam Reserve
- Are identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site
- Are Bush Fire Prone Land
- Are Land Slip Risk Map-Area A under WLEP2011
- Are currently zoned R2 (Low Density Residential) under WLEP2011

The three (3) northern Crown Land lots more specifically:

- Have a total area of approximately 8.67ha
- Are located within the State Park
- Are managed by the Manly Warringah War Memorial Park Plan of Management, 2014 (POM)
- Are located within the Manly Dam and Surrounds Heritage Conservation Area under WLEP2011
- Are important for their recreational values, forming part of the Manly Dam Mountain Bike Track loop and the Wakehurst Golf Course
- Contain landfill under the eastern flat areas of the Wakehurst Golf Course

The two (2) southern Sydney Water lots (Lot 1 DP 710023 and Lot 1 DP 835123) more specifically:

- Have a total area of approximately 4132sqm and 12347.6sqm respectively.
- Are surrounded by the State Park, *Manly Dam and Surrounds* Heritage Conservation Area and the POM.
- Lot 1 DP 835123 (Water Tower – Reservoir) - Contains Bantry Bay Reservoir and Bantry Bay Pumping Station that are listed as locally significant heritage items under WLEP2011.
- Lot 1 DP 835123 (Water Tower – Reservoir) provides public infrastructure - 'Water Supply System' as defined under WLEP2011
- Are identified as a potential temporary construction site (Option 2) for the Beaches Link Tunnel Project

The small southern Crown Land lot (Lot 1 DP 1200869) more specifically:

- Has a total area of approximately 82sqm
- Is bounded by heritage listed Sydney Water Tower to the north, State Park to the east and west and Kirkwood Road to the west.
- Is located within the Manly Dam and Surrounds Heritage Conservation Area under WLEP2011

1.3 Historic Zoning of the Lots

The historic zoning of the lots is outlined as follows:

Warringah Local Environmental Plan 1985 (WLEP1985)

Under WLEP1985:

- The three northern Crown Land Lots and Sydney Water Lot 1 DP 710023 (bushland site) were zoned as County Open Space similar to other Crown Land around the boundaries of the Catchment that have since been incorporated into the State Park.
- Sydney Water Lot 1 DP 835123 (Water Tower - Reservoir) and the small southern Crown Land Lot 1 DP 1200869 were zoned Special Uses

Warringah Local Environmental Plan 2000 (WLEP2000):

Under WLEP2000:

- All of the subject lots were located within the G3 Manly Lagoon Suburbs Locality under WLEP2000. The G3 Desired Future Character Statement states that “Substantial regional parklands and bushland will remain significant elements of the locality”.
- Crown land identified as County Open Space in WLEP1985 within the Manly Dam Catchment was identified on the Public Open Space Map in WLEP2000, with the exception of the four Crown Land lots.
- The four Crown Land lots were managed generally under the G3 Manly Lagoon Suburbs Locality of WLEP2000 and were also included within the Manly Dam Heritage Conservation Area under WLEP2000. The exclusion of the Crown Land lots from being identified on the Public Open Space Map appears to be an anomaly.
- WLEP2000 did not identify special uses (Infrastructure) sites.

Warringah Local Environmental Plan 2011 (WLEP2011):

Under WLEP2011:

- When preparing WLEP2011, Council was required to translate the existing provisions of WLEP2000 to the State Government’s new Standard Instrument LEP format.
- The subject lots were all located in the G3 Manly Lagoon Suburbs Locality under WLEP2000 and were deemed to be residential land. Under WLEP2000, none of these parcels were zoned Public Open Space, Open Space Reservation or Special Use (Infrastructure). Accordingly, in making WLEP2011, all of these lots were zoned R2 Low Density Residential.
- Similar to WLEP2000, the four Crown Land Lots were included within the Manly Dam Conservation Area under WLEP2011. The Sydney Water Lot 1 DP 835123 (Water Tower - Reservoir) was also identified as a local heritage item under WLEP2011.

Consideration:

It is recommended that the former WLEP1985 zoning of the subject land as County Open Space and Special Uses be acknowledged and the heritage significance, environmental, recreational and public infrastructure values of the State Park protected by:

- Rezoning the four Crown Land lots and surplus Sydney Water bushland lot (Lot 1 DP 710023) to RE1 (Public Recreation) consistent with the values of the State Park.
- Rezoning the Sydney Water Lot 1 DP 835123 (Water Tower (reservoir)) to SP2 (Infrastructure) consistent with its utility and similar to how it was previously zoned under WLEP1985.

The rezoning proposal would correct an anomaly in WLEP2011 and ensure that future land use is consistent with the protection and management of the State Park and heritage significance of the land.

Part 1 – Intended Outcomes

With regard to the four (4) Crown Land lots (Lots 76 and 77 DP 504237; Lot 2 DP 710023 and Lot 1 DP 1200869) and Sydney Water Lot 1 DP 710023 – bushland site (surplus land):

- Provide for a range of recreational settings, activities and land uses that are compatible with and protect the environmental, recreational, aesthetic and cultural values of the State Park and the water quality of Manly Dam.

With regard to the Sydney Water Lot 1 DP 835 123 (water tower - reservoir):

- Support the current ongoing public infrastructure use of this lot as a 'Water Supply System'
- Protect the lands environmental and cultural heritage significance.
- Protect the values of the adjoining State Park and water quality of Manly Dam.

Part 2 – Explanation of Provisions

The proposed outcome will be achieved (as illustrated under Part 4 – Maps) by:

- Amending the WLEP2011 Land Zoning Map to rezone the following lots from R2 (Low Density Residential) to RE1 (Public Recreation):
 - Lot 76 DP 504237 being Crown Land to the eastern side of Wakehurst Parkway, Allambie Heights
 - Lot 77 DP 504237 being Crown Land to the eastern side of Wakehurst Parkway, Allambie Heights
 - Lot 2 DP 710023 being Crown Land to the eastern side of Wakehurst Parkway, Allambie Heights
 - Lot 1 DP 1200869 being Crown Land to the eastern side of Wakehurst Parkway, Allambie Heights
 - Lot 1 DP 710023 being Sydney Water Land (surplus bushland site) known as Lot 1 Kirkwood Street, North Balgowlah
- Amending the WLEP2011 Land Zoning Map to rezone the following lot from R2 (Low Density Residential) to SP2 (Infrastructure) – ‘Water Supply System’:
 - Lot 1 DP 835123 being Sydney Water Land (water tower – reservoir) known as Lot 1 Kirkwood Street, North Balgowlah
- Amending the WLEP2011 Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots to reflect the abovementioned zoning changes.

Part 3 – Justification

Section A – Need for the Planning Proposal

Q1. Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal was initiated based on a Northern Beaches Council Resolution at its meeting on 27 November 2018, Item 12.5 – Notice of Motion No 65/2018 - *Rezoning of parcels of land, Manly Warringah War Memorial Park*, that:

- A. *Council prepare a Planning proposal to rezone the five lots owned by Sydney water and the Crown at the north east corner of the intersection of Wakehurst Parkway and Kirkwood Street in Allambie Heights/Seaforth, from Low Density Residential (R2) to Public Recreation (RE1) under the Warringah Local Environmental Plan 2011. The five lots consist of:*
- a) *Three Crown land lots:*
 - i. *Lot 76 DP 504237*
 - ii. *Lot 77 DP 504237*
 - iii. *Lot 2 DP 710023*
 - b) *Two Sydney Water lots:*
 - i. *Lot 1 DP 710023 – bushland site (surplus land)*
 - ii. *Lot 1 DP 835 123 – with water tower (reservoir)*

A Planning Proposal was subsequently prepared that varies from the above mentioned Council Resolution as follows:

- A small approximately 82sqm southern adjoining Crown Land lot (Lot 1 DP 1200869) has been added and is similarly proposed to be rezoned from R2 to RE1.
- Sydney Water Lot 1 DP 835123 is alternatively proposed to be rezoned from R2 to SP2 (Infrastructure) to reflect its current and ongoing operational use as ‘water supply system’
- Residential development standards for height and minimum lot size are proposed to be removed from the *Height of Building Map* and *Minimum Lot Size Map* of WLEP2011 for all of the subject lots, to reflect the abovementioned zoning changes.

This Planning Proposal was reported to the Northern Beaches Local Planning Panel Meeting on 1 May 2019. The Panel viewed the site and its surrounds. At the public meeting which followed the Panel was addressed by two members of the public who supported the planning proposal. The Panel recommended that Council accept the recommendations of Council Staff and submit this Planning Proposal to the Department of Planning and Industry for a Gateway Determination to amend WLEP2011. The Panel agreed with the reasons set out in the report.

Council subsequently resolved by exception at its Council Meeting on 28 May 2019 that Council:

- A. *Submit the attached Manly Warringah War Memorial State Park Planning Proposal to the Department of Planning and Industry for a Gateway Determination to amend Warringah Local Environmental Plan 2011 to:*
- a. *Rezone the following lots from R2 (Low Density Residential) to RE1 (Public Recreation):*
 - *Lot 76 DP 504237 (Crown Land)*
 - *Lot 77 DP 504237 (Crown Land)*

- Lot 2 DP 710023 (Crown Land)
 - Lot 1 DP 1200869 (Crown Land)
 - Lot 1 DP 710023 (Sydney Water - Surplus Bushland Site)
- b. *Rezone Sydney Water Lot 1 DP 835123 (Water Tower - Reservoir) from R2 (Low Density Residential) to SP2 (Infrastructure) - 'Water Supply System'*
- c. *Amend the Height of Building Map and Minimum Lot Size Map to remove the residential development standards for height and minimum lot size from all of the subject lots.*
- B. *Request approval to exercise the function of 'Local Plan Making Authority' from the Department of Planning and Industry via the Gateway Determination for the Manly Warringah War Memorial State Park Planning Proposal.*
- C. *Prepare and exhibit consequential amendments to Warringah Development Control Plan 2011 to remove residential development controls, including setback and minimum landscaped area controls, from land covered by the Manly Warringah War Memorial State Park Planning Proposal.*
- D. *Seeks approval from Sydney Water and the Department of Planning and Industry (Water, Property and Housing) to rezone land for a public purpose (RE1 (Public Recreation)) following a Gateway Determination being issued by the Department of Planning and Industry (Planning and Places).*
- E. *Writes to the relevant Minister to advocate for the inclusion of Sydney Water Lot 1 DP 710023 (Surplus Bushland Site) and Crown Land (Lot 1 DP 1200869) into the Manly Warringah War Memorial State Park.*

A number of existing studies/policies/plans/reports/databases also indirectly support the current Planning Proposal as follows:

- Connected Corridors for Biodiversity Project by Southern Sydney Regional Organisation of Councils, December 2016
- Rapid Fauna Habitat Assessment of the Sydney Metropolitan Catchment Management Authority Area by the Department of Environment and Climate Change, June 2008
- Biodiversity Values Map by Office of Environment and Heritage (OEH), 2018
- Sydney Metropolitan Catchment Management Authority v3 Mapping, OEH 2016
- BioNet Threatened Species Records, OEH 2018
- Manly Dam Ongoing Comprehensive Species List Project by Northern Beaches Council, 2018
- Biodiversity Assessment of nearby Sydney Water Land by Sydney Water, 2018
- The Manly Dam and Surrounds Heritage Conservation Area and two heritage items: Item I147 Bantry Bay Reservoir (WS 0008) and Item I148 Bantry Bay Water Pumping Station (WPS 122), as listed in Schedule 5 of WLEP2011
- Preliminary identification of the lots as Aboriginal Potential Area 1 and within 100m of an Aboriginal site.
- Native Vegetation DCP Mapping, former Warringah Council
- The Manly Warringah War Memorial State Park
- The Manly Warringah War Memorial Park Plan of Management, 2014

All of the above studies/reports/databases are further detailed under Part 3B – Relationship to Strategic Planning Framework and Part 3C – Environmental Impacts

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal to rezone the four (4) Crown Land Lots and Sydney Water Lot 1 DP 710023 (surplus bushland) from R2 to RE1 is the best means of achieving the objectives to provide for a range of recreational settings, activities and land uses that are compatible with and protect the environmental, recreational and cultural heritage values of the State Park and the water quality of Manly Dam. The objectives of this Planning Proposal more closely align to the objectives of the RE1 zone compared to the objectives of the current R2 zone.

In order for land to be included in the State Park it must be owned by the Crown under the *Crown Lands Act 1989*. In this regard, although outside the scope of this Planning Proposal, it is also recommended that Sydney Water Lot 1 DP 710023 (Bushland site) and the small southern Crown Land Lot 1 DP 1200869 be consolidated into the State Park boundaries to support the Parks vision and enable more effective management of the “urban edge”.

The proposed rezoning of Sydney Water Lot 1 DP 835 123 (water tower -reservoir) from R2 to SP2 is also the best means of achieving the objective to reflect the ongoing public infrastructure us as a ‘water supply system’ whilst continuing to protect its environmental and cultural heritage significance and the values of the State Park which surrounds this lot and the water quality of Manly Dam.

Section B – Relationship to Strategic Planning Framework

Q3. Is the Planning Proposal consistent with the objective and actions of the applicable Regional or Sub-Regional Strategy (including the Sydney Metropolitan Strategy and exhibited Draft Strategies)?

The following section provides a review against the requirements of the applicable Regional Plan, the North District Plan, the Manly Warringah War Memorial State Park, Beaches Link Project and the Biodiversity Conservation Act, 2016.

Q3(a) The Greater Sydney Regional Plan

The Planning Proposal has been reviewed against relevant outcomes of the Greater Sydney Regional Plan “A Metropolis of Three Cities – connecting people” published on 18 March 2018. The Plan identifies a number of strategic directions and specific policy settings regarding transport, housing growth, employment and centres.

The Planning Proposal is consistent with a number of general goals of the Regional Plan and satisfies a range of objectives as follows:

- Objective 25 - The coast and waterways are protected and healthier
- Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced
- Objective 28 – Scenic and cultural landscapes are protected
- Objective 30 – Urban Tree Canopy is increased
- Objective 31 – Public open space is accessible, protected and enhanced
- Objective 32 – The Green Grid links parks, open spaces, bushland and walking and cycling paths

Q3(b) North District Plan

The Planning Proposal supports the North District Plan vision for ‘A city in its Landscape’ and Directions ‘Valuing green spaces and landscape’.

The Planning Proposal is consistent with a number of Planning Priorities of the North District Plan as follows:

- Planning Priority N15 – Protecting and improving the health and enjoyment of Sydney Harbour and Waterways
- Planning Priority N16 – Protecting and enhancing bushland and biodiversity
- Planning Priority N17 – Protecting and enhancing scenic and cultural landscapes
- Planning Priority N19 – Increasing urban tree canopy cover and delivering Green Grid Connections
- Planning Priority N20 – Delivering high quality open space

Q3(c) Manly Warringah War Memorial State Park, 2017 (State Park)

The State Park was established on 7 April 2017 as a significant environmental and recreation asset that is highly valued both locally and regionally as a recreation venue, conservation area, scenic asset, place of remembrance and for its water catchment roles. Establishment of the State park reflects the significance of Manly Dam and surrounding public lands to the Manly community and the people of NSW.

Northern Beaches Council manages the affairs of the State Park Trust and an Advisory Committee has also been established for community input into the management of the State Park. In this regard, it is recommended that the State Park Advisory Committee be consulted following a Gateway Determination to proceed with this Planning Proposal.

With regard to this Planning Proposal, the three northern Crown Land Lots are contained within the State Park and the two Sydney Water lots and small southern Crown Land Lot are surrounded by the State Park.

All of the Planning Proposal land, excluding Sydney Water Lot 1 DP 835123 (Water Tower – Reservoir) is proposed to be rezoned from R2 (low density residential) to RE1 (Public Recreation). The Sydney Water Tower lot is proposed to be rezoned from R2 to SP2 (Infrastructure).

Unlike the current R2 Zone, the objectives of the proposed RE1 Zone closely align with the values of the Park as they:

- *enable land to be used for public open space or recreational purposes.*
- *provide a range of recreational settings and activities and compatible land uses.*
- *protect and enhance the natural environment for recreational purposes.*
- *protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.*
- *prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

Unlike the current R2 Zone the proposed SP2 zone would also serve to better protect the biodiversity values of Sydney Water Lot 1 DP 835123 (Water Tower – Reservoir) and the surrounding Park, because landuse in the SP2 zone would be limited to the 'Water Supply System', with additional protection provided via its local heritage listing under Schedule 5 of WEP2011 and the requirements of SEPP 19 Bushland in Urban Areas.

In order for land to be included in a State Park it must be owned by the Crown under the *Crown Lands Act 1989*. In this regard, although outside the scope of this Planning Proposal, it is also recommended that Sydney Water Lot 1 DP 710023 (Bushland site) and the small southern Crown Land Lot 1 DP 1200869 be consolidated into the State Parks boundaries to support the Parks vision and enable more effective management of the "urban edge".



Map 2 Manly Warringah War Memorial State Park, 2017

Q4(d) Manly Warringah War Memorial Park Plan of Management, 2014 (POM)

Manly Warringah War Memorial Park is an area of reserved Crown Land (known as a Crown Reserve) for the purposes of “public recreation”. The Park is under the care, control and management of the Manly Warringah War Memorial Park (R68892) Reserve Trust, with Warringah Council both managing the affairs of the Trust and carrying out the day-to-day management of the Park on behalf of the Trust – under the provisions of the *Crown Lands Act 1989*.

The 2014 POM was finalised before the formation of the State Park in 2017. The boundaries of land covered by the POM differ slightly from the State Park, for example, the POM does not cover the Warringah Aquatic Centre and eastern adjoining sports field in Frenchs Forest. The POM does however cover the small southern Crown Land lot 1 DP 1200869 which is not currently covered by the State Park. Although the vision and guiding management principles of the POM are still relevant, the POM requires updating to reflect the formation of the State Park.

The Park area managed by the POM covers approximately 377 hectares. The Park includes the four (4) Crown Land lots and surrounds the two (2) Sydney Water Lots that are the subject to this Planning Proposal. (Refer to the below map).

The Park is located among the suburbs of Manly Vale, North Balgowlah, Allambie Heights and Frenchs Forest. It features an extensive area of typical Sydney sandstone bushland surrounding the 30 hectare sheltered freshwater waterbody retained behind the historic Manly Dam. The area is both a significant environmental and recreation asset and highly valued by the local and regional community as a recreation venue, conservation area, scenic asset and for its water catchment roles. Picnicking, water sports and walking are common recreation pursuits and the Park is a popular venue for mountain biking and water-skiing.

The POM aims to provide a clear, concise and practical framework for the Park’s future management. A value-based approach to land planning and management has been used. Management actions have been developed to protect and enhance the Park’s values, address any issues that may threaten these values and ensure that the Park is managed in line with current community expectations – and consistent with the purposes for which the area was reserved.

The Management Vision for the POM is – *“a large protected area of bushland and waterways, with a diversity of flora and fauna, high water quality and scenic value, that ensures protection of its natural environment and cultural values, conserves threatened species and communities, provides opportunity for a variety of recreational activities in a low-key natural setting, offers an educational asset and acknowledges its importance as a war memorial park”*.

The following guiding principles of management have been identified for the Park:

- *Sustainable management of the Park to protect its natural areas, while providing for a variety of passive and active recreational activities;*
- *Protect and enhance threatened flora and fauna within the Park;*
- *Protect and enhance the water quality of the dam waterbody and Park waterways;*
- *Provide safe, fair and equitable access to the Park and its facilities for all user groups; and*
- *Protect and enhance the Park’s heritage.*

The POM also identifies the following threats to the values of the Park that can be attributed to urban development (such as development permissible under the current R2 zone):

- The “edge effect” disturbance and pressure such as garden plant escapees – weeds.
- Fertiliser use and uncontrolled or polluted stormwater runoff impacting the water quality of Manly Dam.
- Increased feral/domestic animals impact on native flora and fauna.

- Illegal vegetation clearing and property encroachments.
- Pressure to clear native bushland to create bush fire asset protection zones along the Park's boundaries.
- Large bulk or high rise developments in the Park's visual catchment, and/or on the skyline, detracting from the Parks natural visual aesthetic appeal.
- Potential clearing of endangered ecological communities, communities of local conservation significance and threatened or significant species, including potential loss of wildlife corridors.
- Continuing urban development provides increased pressures on the Park, increased number of visitors, increased edge effects and potential for pollution.

The POM also notes that a number of adjacent areas could be usefully added to the Park to consolidate the area's boundaries and provide a more effective management "edge". (Pp67)

Consideration:

All of the Planning Proposal land, excluding Sydney Water Lot 1 DP 835123 (Water Tower – Reservoir) is proposed to be rezoned from R2 (low density residential) to RE1 (Public Recreation). The Sydney Water Tower lot is proposed to be rezoned from R2 to SP2 (Infrastructure).

Unlike the current R2 Zone, the objectives of the proposed RE1 Zone closely align with the values of the Park as they:

- *enable land to be used for public open space or recreational purposes.*
- *provide a range of recreational settings and activities and compatible land uses.*
- *protect and enhance the natural environment for recreational purposes.*
- *protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.*
- *prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

Unlike the current R2 Zone the proposed SP2 zone would also serve to better protect the biodiversity values of Sydney Water Lot 1 DP 835123 (Water Tower – Reservoir) and the surrounding Park, because landuses would be limited to the 'Water Supply System', with additional protection provided via its local heritage listing under Schedule 5 of WEP2011 and the requirements of SEPP 19 Bushland in Urban Areas.

Although outside the scope of this Planning Proposal, it is also recommended that Sydney Water Lot 1 DP 710023 (Bushland site) and the small southern Crown Land Lot 1 DP 1200869 be consolidated into the State Parks boundaries to support the POMs vision and enable more effective management of the "urban edge".



Map 3 Land Covered by the Manly Warringah War Memorial Park Plan of Management, 2014

Q3(e) Beaches Link Project Update, RMS, August 2018

In March 2017, the NSW Government released a project concept and started detailed design work on the Beaches Link Tunnel Project. As outlined in Beaches Link Project Update, RMS, August 2018 (the Update) and mapped below, the Beaches Link Project is proposed to comprise of a new tunnel with two tunnel entry/exit points on the Northern Beaches (being Wakehurst Parkway and Burnt Bridge Creek Deviation), which would connect the Northern Beaches under Middle Harbour to Gore Hill Freeway and the Warringah Freeway.

The proposed reference design was publicly exhibited from July to December 2018. RMS are currently preparing and Environmental Impact Statement for public exhibition. Planning Approval would then be sought prior to commencement of construction.



Map 4 Beaches Link Project Update, RMS, August 2018, Page 10

The Planning Proposals relationship to the Beaches Link Project is as follows:

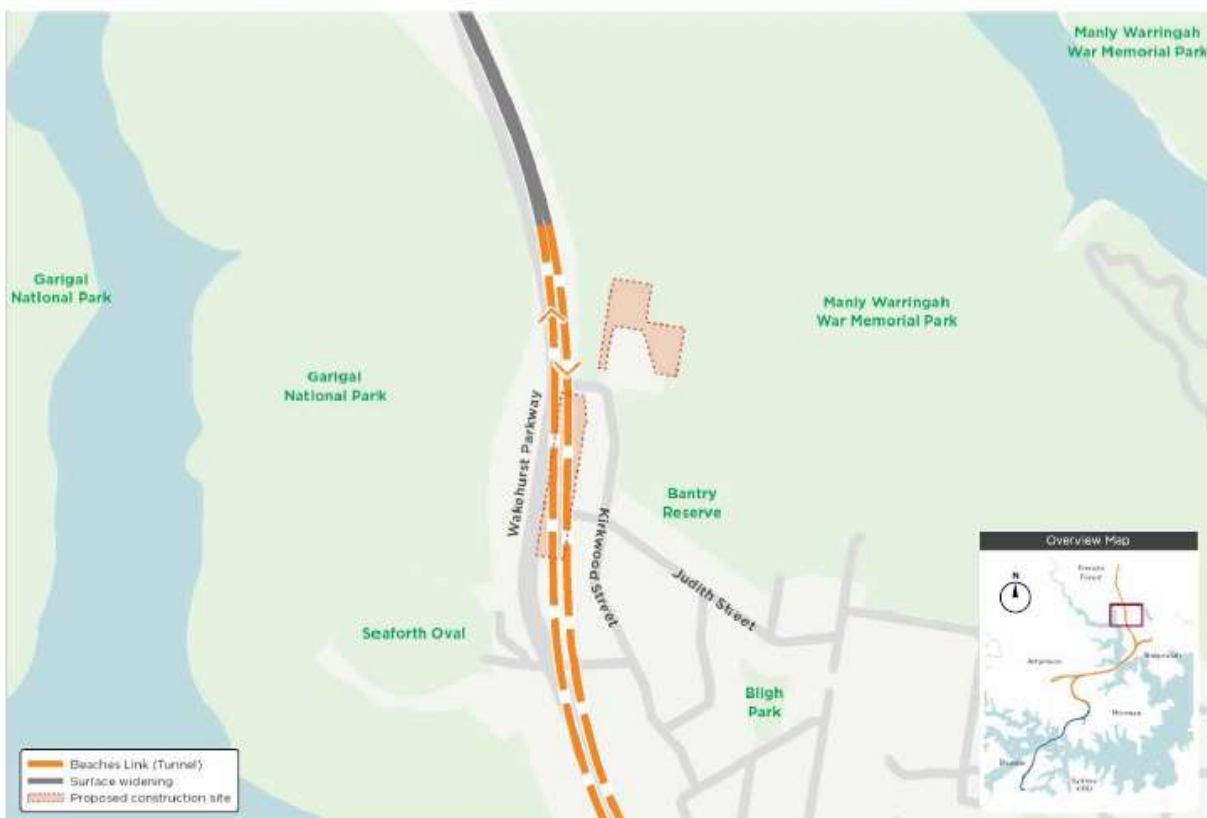
The three (3) Northern Crown Land Lots:

- The western boundary of the three (3) northern Crown Land lots adjoin the potential location for the tunnel ramp onto Wakehurst Parkway (300m north of Kirkwood Street). The Update notes that all works at the location of the tunnel is proposed to be within the existing road reserve and clear of the Garigal National Park and the Manly Dam Reserve,

so the Planning Proposal to rezone these lots from R2 to RE1 should have no implications for the project in this regard.

Sydney Water Lot 1 DP710023 (bushland site) and part of Sydney Water Lot 835123 (water tower- reservoir):

- These lots have been identified as a potential temporary construction site (Option 2) as per page 41 of the Update (see below map). The Update notes that the construction site would be temporary and after works have been completed, the land would be remediated for future use.
- Sydney Water Letter dated 27 February 2019 (Attachment 2) notes that RMS has earmarked Sydney Water Lot 1 DP710023 and part of Sydney Water Lot 835123 for acquisition as part of the Beaches Link Project.
- Initial discussions with RMS indicate that the proposed rezoning of the Sydney Water lots from R2 to RE1 and SP2 would not impact on their potential plans for these lots as works would be undertaken via SEPP (Infrastructure) and the land is not under Federal ownership. Further consultation with RMS following a Gateway Determination is recommended in this regard.
- Although outside the scope of this Planning Proposal it is recommended that if RMS utilises Sydney Water Lot 1 DP710023 (bushland site) as a temporary construction site that this lot be remediated upon completion of the tunnel and ownership handed over to the Department of Industry – Lands and Water as Crown Land for incorporation into the State Park. Noting that in order for land to be included in a State Park it must be owned by the Crown under the *Crown Lands Act 1989*.



Map 5 Option 2 Wakehurst Parkway East Side – Beaches Link Update, Page 41

Q3(f) Biodiversity Conservation Act, 2016

The Biodiversity Values (BV) Map is a regulatory tool under the *Biodiversity Conservation Act 2016*, which acts as one of the thresholds for entry into the Biodiversity Offsets Scheme. This map is published by the OEH under the *Biodiversity Conservation Regulation 2017*. One of the reasons for inclusion of, “*land that, in the opinion of the Environment Agency Head, contains any threatened species or threatened ecological communities that are identified in a list of potential serious and irreversible impacts on biodiversity values under section 6.5 (2) of the Act*”. Any development proposed that will directly or indirectly impact areas mapped “Biodiversity Value” automatically assumes a significant impact to biodiversity.

All of the subject lots (except the tiny triangle lot) have some areas mapped as “Biodiversity Value” under this regulatory tool. The BV Map criterion provided by the “identify” tool is “*threatened species or communities with potential for serious and irreversible impacts*”.

The concept of serious and irreversible impacts is fundamentally about protecting threatened entities that are **most at risk of extinction** from potential development. These principles are set out in clause 6.7 of the *Biodiversity Conservation Regulation 2017*. As the consent authority, Council cannot approve a development which is likely to have a significant impact on entities listed as a serious and irreversible impact.

The specific threatened entity/ies that triggered the BV mapping within the subject lots can be determined by requesting an Explanation Report from the Office of Environment and Heritage (OEH). See below map.



Map 6 Biodiversity Values Map with all Subject Lots (OEH 2018)

Consideration:

The proposed RE1 Zone objective and permissible/prohibited uses would serve to better protect the biodiversity values of the four (4) Crown Land lots and Sydney Water Lot 1 DP 710023 (bushland site) whilst also protecting the lots public recreation values.

The proposed SP2 zone would also serve to better protect the biodiversity values of Sydney Water Lot 1 DP 835123 (Water Tower – Reservoir), as landuses would be limited to the 'Water Supply System' as indicated on the Land Zoning Map, with additional protection provided via its local heritage listing under Schedule 5 of WEP2011 and the requirements of SEPP 19 Bushland in Urban Areas.

Q4. Is the Planning Proposal consistent with Council's Local Strategy?

A review has been undertaken against applicable policies and plans of Northern Beaches Council as follows:

Q4(a) Northern Beaches Community Strategic Plan 2017-2028 'SHAPE 2028'

The Northern Beaches Community Strategic Plan was adopted by the Northern Beaches Council in June 2018 following 2 stages of engagement and drafting in September/October 2016 (developing community issues, priorities and visions) and in March/April 2017 (developing draft goals and strategies to achieve the vision).

The Plan is built around themes of community, place, environment and leadership. The objectives and intended outcomes of the Planning Proposal are supported by the Community Strategic Plan.

Q4(b) Warringah Local Environmental Plan 2011 (WLEP2011)

Applicable requirements of WLEP2011 have been considered in this section.

Q4(b)(1) WLEP2011 Land Use Zone Analysis***Existing: Zone R2 Low Density Residential***

The six (6) lots are currently zoned R2 (Low Density Residential) under WLEP2011 which has the following objectives and permitted/prohibited land uses:

Zone R2 Low Density Residential**1. Objectives of zone**

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that low density residential environments are characterised by landscaped settings that are in harmony with the natural environment of Warringah.*

2. Permitted without consent

Home-based child care; Home occupations

3. Permitted with consent

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental

protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Veterinary hospitals

4. Prohibited

Any development not specified in item 2 or 3

Consideration:

Given the location of the subject lots which are encompassed by the State Park, the objectives and majority of the permitted land uses within the R2 zone would be detrimental to:

- The values of the State Park, noting that the State Park is valued both locally and regionally as a public recreation venue, heritage conservation area, environmental and scenic asset, place of remembrance and for its water catchment roles for Manly Dam.
- Core habitat for local native species located on and surrounding the subject lots.
- Threatened species and their habitat located on and surrounding the subject lots.
- The likely wildlife corridor, connecting Manly Dam to Garigal National Park.
- The water quality of Many Dam.
- The Manly Dam and Surrounds Heritage Conservation Area and Local Heritage Items being the Bantry Bay Reservoir and Bantry Bay Water Pumping Station as listed in Schedule 5 of WLEP2011 and also potentially detrimental to the Aboriginal Heritage significance of the land.

The R2 Zone also does not adequately reflect the ongoing public infrastructure use of Sydney Water Lot 1 DP 835123 (water tower - reservoir) or the ongoing public recreation use of the Crown Land lots that form part of the State Park.

Proposed: RE1 (Public Recreation) Zone

The four (4) Crown Land lots and Sydney Water Lot 1 DP 710023 (bushland site) are proposed to be rezoned RE1 (Public Recreation) which has the following objectives and permitted/prohibited land uses:

Zone RE1 Public Recreation

1. Objectives of zone

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect, manage and restore public land that is of ecological, scientific, cultural or aesthetic value.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

2. Permitted without consent

Environmental facilities; Environmental protection works; Roads

3. Permitted with consent

Boat building and repair facilities; Boat sheds; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Community facilities; Emergency services facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Water recreation structures

4. Prohibited

Any development not specified in item 2 or 3

Consideration:

Rezoning the four (4) Crown Land lots and Sydney Water Lot 1 DP 710023 (bushland site) to RE1 would be consistent with the objectives and permissible/prohibited uses of the RE1 Zone as follows:

- The three northern Crown Land lots already form part of the State Park and are currently used for recreational purposes such as bushwalking and the mountain bike track that runs along the north east boundaries of these lots that links up to the Manly Dam mountain bike track loop and the Wakehurst Golf Course which is in part contained within these lots.
- This land connects well with adjacent land for public recreation, including Manly Dam and Garigal National Park. Rezoning the land to RE1 will support the continuation of these recreational activities on the subject lots and consistency with adjacent land uses.
- The subject land also has important ecological, scientific, cultural and aesthetic value. Ecologically, this land provides potential and known habitat for hundreds of local native species and its bushland state helps protect the water quality of Manly Dam. Scientifically, this land provides potential habitat for State and Commonwealth listed threatened species. Culturally, this land is identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site, contains two heritage items and is contained within or adjoins the 'Manly Dam and Surrounds' Heritage Conservation Area and is a place of Remembrance as the Manly Warringah War Memorial.
- Any development, except those permissible within RE1 zoning, may significantly impact or otherwise have an adverse effect on the ecological, scientific, cultural and aesthetic values listed above and described throughout this Planning Proposal.
- The subject lots contain locally and regionally significant environmental features with intact bushland and heritage significance which should be protected and conserved, to be enjoyed by many future generations via the proposed RE1 zone.

Proposed: SP2 (Infrastructure) Zone

Sydney Water Lot 1 DP 835123 (Water Tower – Reservoir) is proposed to be zoned SP2 (Infrastructure) for the purpose of 'water supply system' as indicated on the proposed Land Zoning Map. The SP2 zone has the following objectives and permissible/prohibited land uses:

Zone SP2 Infrastructure**1. Objectives of zone**

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

2. Permitted without consent

Nil

3. Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Environmental protection works; Roads

4. Prohibited

Any development not specified in item 2 or 3

Definition: 'Water Supply System'

The Standard Instrument definition of 'Water Supply System' is as follows:

water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)-(c).

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure and dosing facilities.

Note. Water reticulation systems are a type of water supply system—see the definition of that term in this Dictionary.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note. Water storage facilities are a type of water supply system—see the definition of that term in this Dictionary.

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note. Water treatment facilities are a type of water supply system—see the definition of that term in this Dictionary.

Consideration:

The SP2 zoning for ‘water supply system’ of the Sydney Water Lot 1 DP 835123 is appropriate as it reflects the existing and ongoing use of the heritage listed site as containing public infrastructure being the Water Tower- Reservoir and Water Pumping Station.

The proposed SP2 zone would also serve to better protect the environmental and heritage significant values of the lot and adjoining State Park as land uses would be limited to the ‘Water Supply System’, with additional protection provided via its local heritage listing under Schedule 5 of WLEP2011 and the requirements of SEPP 19 Bushland in Urban Areas.

Q4(b)(2) Heritage Significance

Out of the six (6) lots, five (5) are subject to heritage listing under the provisions of WLEP2011 as follows:

- Lots 76 and 77 DP 504237, Lot 2 DP 710023 and Lot 1 DP 1200869 are all part of Heritage Conservation Area C9 – Manly Dam and Surrounds, listed in Schedule 5 of WLEP2011.
- The Sydney Water property known as Lot 1 DP 835123 contains two listed heritage items: Item I147 Bantry Bay Reservoir (WS 0008) and Item I148 Bantry Bay Water Pumping Station (WPS 122), which are both listed in Schedule 5 of WLEP2011.
- The only lot not affected by a local heritage listing (but in the vicinity), is the Sydney Water bushland site (Lot 1 DP 710023).

The lots are also identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site.

Consideration:

Councils Heritage Advisor has reviewed the Planning Proposal and provided the following comments:

The Planning Proposal proposes to rezone all these lots, with the exception of the Sydney Water Reservoir Site (Lot 1 DP 835123), from R2 (Low Density Residential) to RE1 (Public Recreation).

The Sydney Water Reservoir Site is proposed to be rezoned from R2 (Low Density Residential) to SP2 (Infrastructure). In both cases, no change is proposed to the heritage status of these properties.

As no change to the heritage status of these properties is proposed, it is considered that the change in zonings will not have any adverse impact upon the Manly Dam and Surrounds Heritage Conservation Area nor the Bantry Bay Reservoir and Water Pumping Station heritage items. Removal of the Residential zoning will remove the potential for residential development to occur on these sites, which would be detrimental to the existing heritage listings under WLEP2011. The RE1 zoning will protect these lots which are currently part of the gazetted Manly-Warringah War Memorial State Park, therefore recognising their current use. The SP2 zoning of the Sydney Water heritage site is appropriate as it recognises that the site contains operational infrastructure.

Therefore, no objections are raised to the Manly Dam Planning Proposal on heritage grounds.

The lots are also identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site. The Aboriginal Heritage Office is proposed to be consulted regarding any potential impacts of the Planning Proposal on Aboriginal Heritage Area and Sites following a Gateway Resolution.

Q4(b)(3) Land Slip Risk

WLEP2011 maps the subject land as 'Area A – Slopes less than 5 degrees' and 'Area B – Flanking Slopes from 5 to 25 degrees' in terms of landslip risk. Consideration is required to be given to risk associated with landslides and their impact on both property and life when assessing development applications. Furthermore, such development must not cause significant detrimental impacts because of stormwater discharge from the development site or impact on or affect the existing subsurface flow conditions.

The Planning Proposal is consistent with the existing provisions as applicable to the land to be rezoned.

Q4(b)(4) Minimum Lot Size

WLEP2011 'Lot Size Map- Sheet LSZ_008' currently maps all of the subject lots as having a minimum lot size of 600sqm. The current lot size reflects the current R2 zoning of the land.

It is proposed that WLEP2011 'Lot Size Map- Sheet LSZ_008' be amended to remove the residential development standard for minimum lot size from all of the subject lots to reflect the proposed RE1 and SP2 zoning changes. (Refer to Part 4 – Maps to view proposed map amendments)

Q4(b)(5) Height of Buildings

WLEP2011 'Height of Buildings Map- Sheet HOB_008' currently maps all of the subject lots as having a maximum building height of 8.5m. The current height of building requirement reflects the current R2 zoning of the land.

It is proposed that WLEP2011 'Height of Buildings Map- Sheet HOB_008' be amended to remove the residential development standard for maximum height building height from all of the subject lots to reflect the proposed RE1 and SP2 zoning changes. (Refer to Part 4 – Maps to view proposed map amendments)

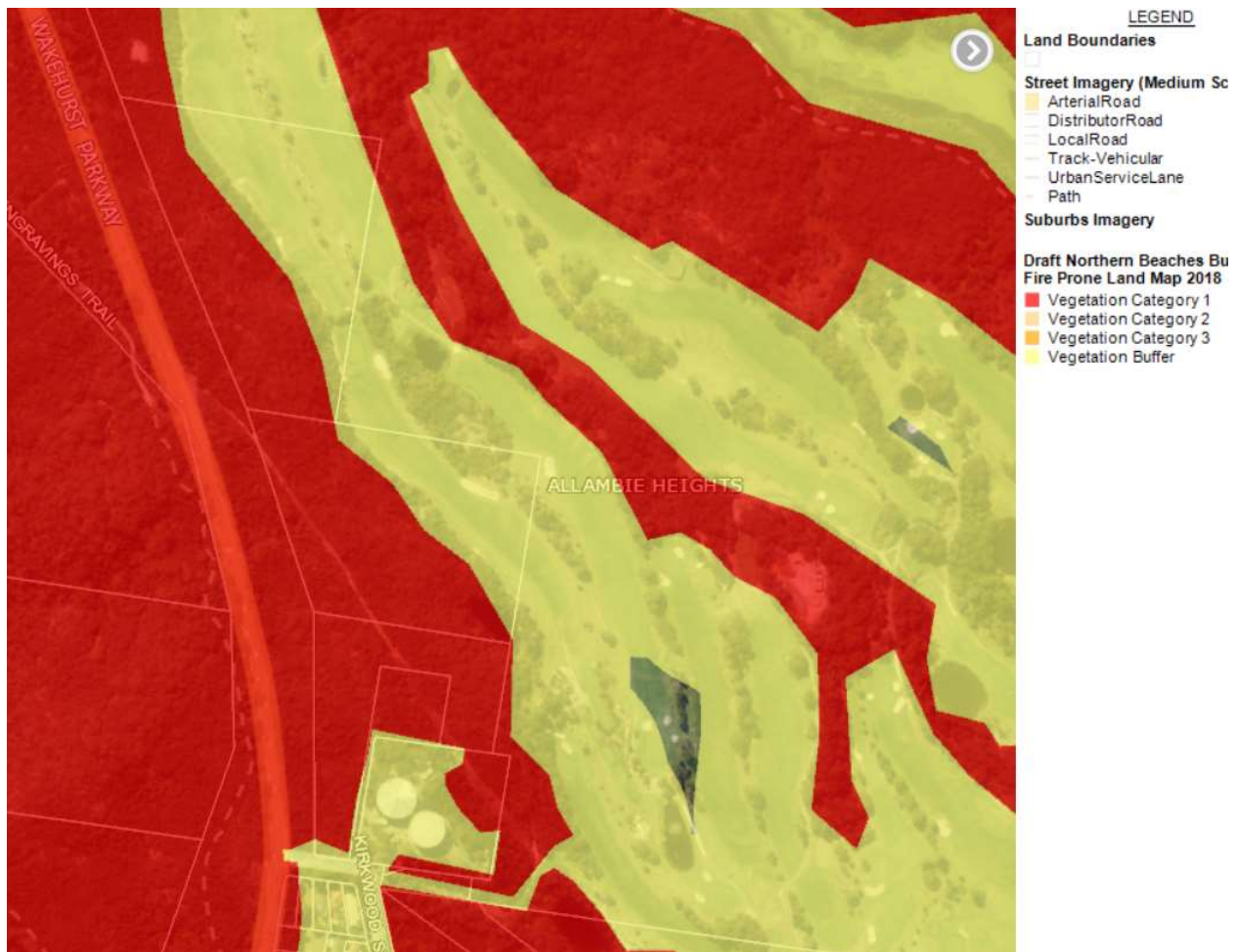
Q4(c) Warringah Bush Fire Prone Land Map 2016 and Draft Northern Beaches Bush Fire Prone Land Map 2018

The subject lots are identified on the current Warringah Bush Fire Prone Land Map 2016 and Draft Northern Beaches Bush Fire Prone Land Map 2018 as containing Category 1 Vegetation and/or Vegetation Buffer Area (See map extracts below).

The land is in close proximity to Garigal National Park and dense bushland of the State Park. The proposed rezoning from R2 to RE1 and SP2 would serve to protect life and property from bush fire hazards by discouraging the establishment of incompatible residential land uses in the bush fire prone areas. It would also protect native flora and fauna from pressure to clear native bushland to create bush fire asset protection zones along the Park's boundaries.



Map 7 Warringah Bush Fire Prone Land Map 2016



Map 8 Draft Northern Beaches Bush Fire Prone Land Map 2016

Q4(d) Warringah Development Control Plan 2011 (WDCP)

Existing Residential Development Controls

In support of the proposed RE1 and SP2 zones it is recommended that Council prepare and exhibit consequential amendments to the WDCP to remove residential development controls, including setback and minimum landscaped area controls, from subject land.

Native Vegetation Controls

The land is mapped as “Native Vegetation” under WDCP E5 Native Vegetation (See below map extract).

The proposed rezoning of the subject lots to RE1 and SP2 will support the WDCP objectives of E5 Native Vegetation:

To provide natural habitat for local wildlife, maintain natural shade profiles and provide psychological & social benefits.

Promote the retention of native vegetation in parcels of a size, condition and configuration which will as far as possible enable local plant and animal communities to survive in the long term.

To maintain the amount, local occurrence and diversity of native vegetation in the area



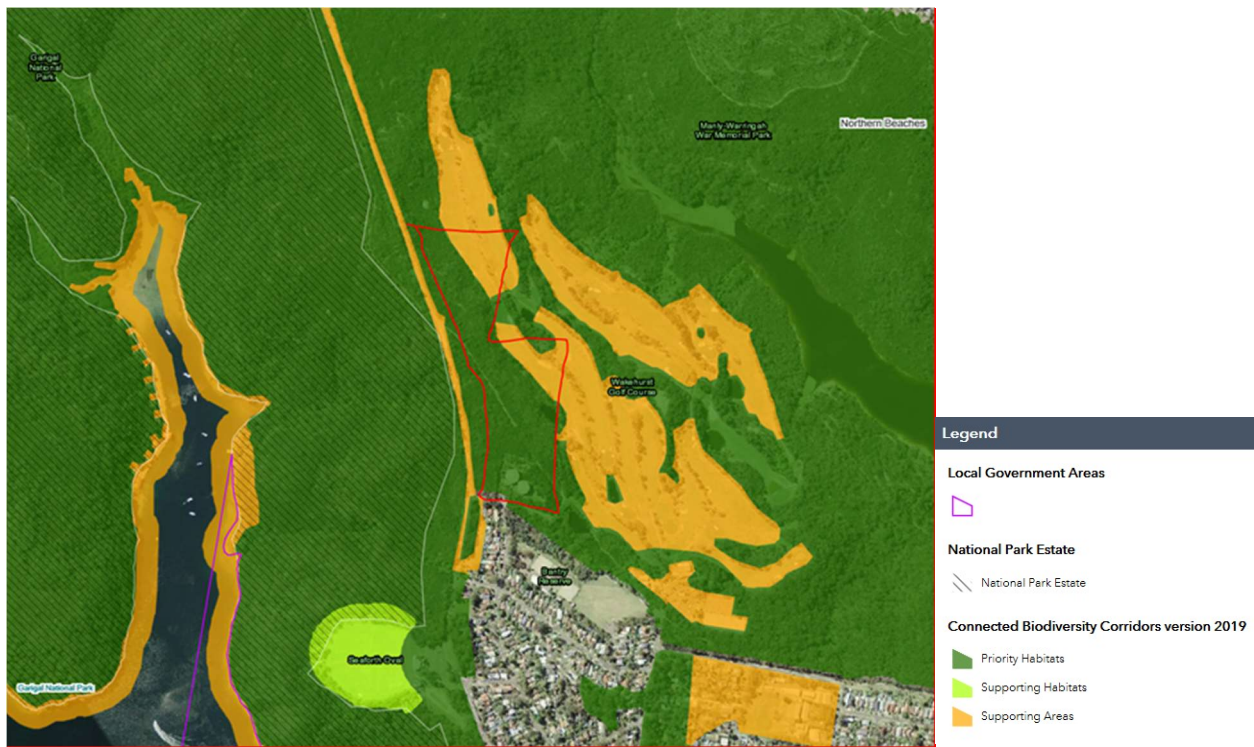
Map 9 Native Vegetation DCP Mapping

Q4(e) Connected Corridors for Biodiversity project by Southern Sydney Regional Organisation of Councils, December 2016

The main aim of the Connected Corridors for Biodiversity project was to create tools to be used by Councils to facilitate increased habitat connectivity. This included a preparation of a habitat corridor map.

The majority of the subject lots and surrounding land are mapped (below) as “**Priority Habitats**” (coloured green) within the Connected Corridors for Biodiversity project by Southern Sydney Regional Organisation of Councils in December 2016. Some areas are mapped as “Supporting Area” (coloured yellow).

This information further supports the proposed rezoning to RE1 and SP2 zones which would provide greater environmental protection for the “priority habitats” than the current R2 zone.



Map 10 Biodiversity Corridor Mapping (SSROC 2016), Subject Lots outlined in red



Map 11 Biodiversity Corridor linking southern bushland of Manly Dam to Garigal National Park (SSROC 2016), approximate location of Subject Lots indicated in red

Q4(f) The Sydney Metropolitan Catchment Management Authority V3 mapping (OEH 2016)

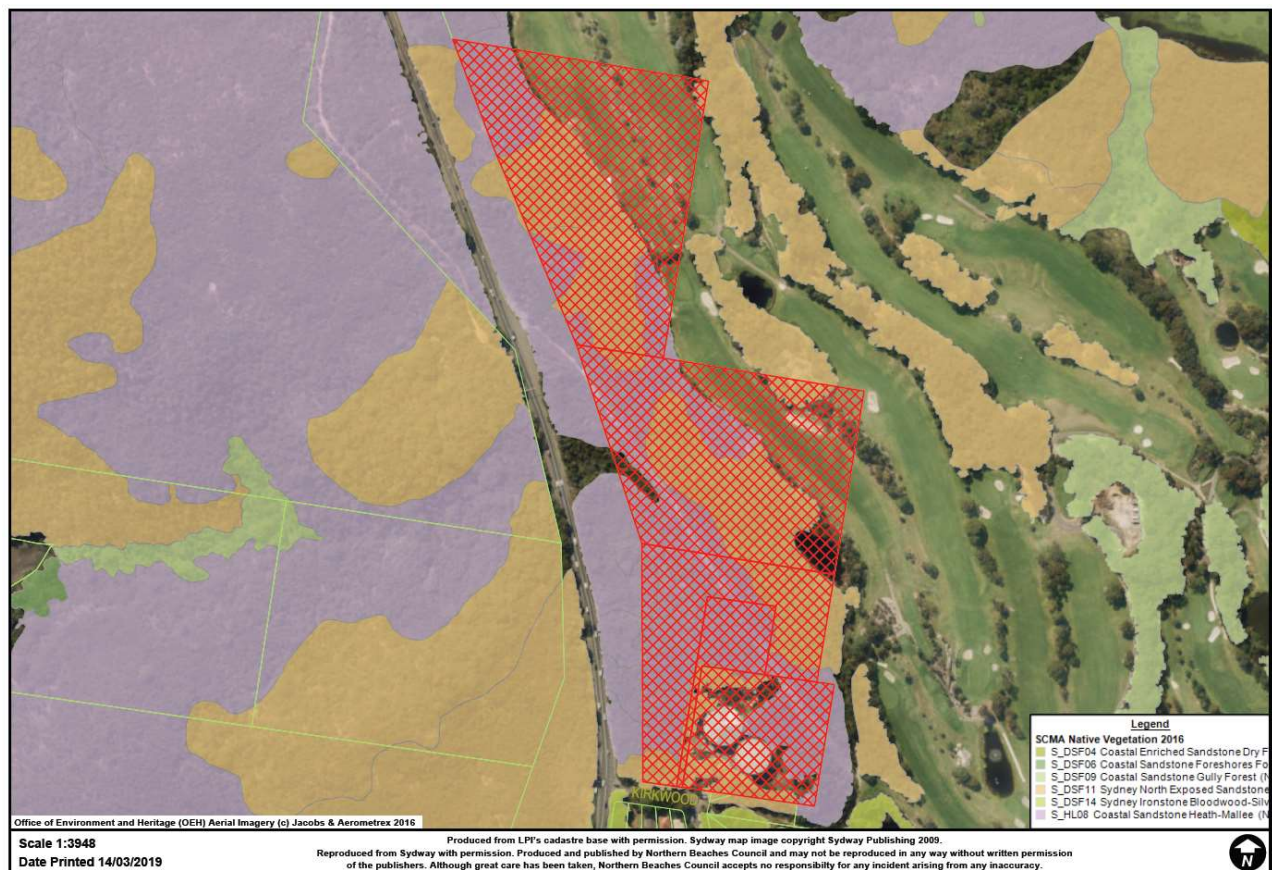
The Sydney Metropolitan Catchment Management Authority have mapped all areas of intact vegetation on the subject lots as being made up of two (2) Plant Community Types (PCT) (See below map):

- PCT 1783 - S_DSF11: Sydney North Exposed Sandstone Woodland (coloured orange)
- PCT 1824 - S_HL08: Coastal Sandstone Heath-Mallee (coloured purple)

Duffys Forest Endangered Ecological Community (EEC) is mapped immediately to the south of the subject lot extent.

Vegetation communities have been ground truthed by Ecologists within Lot 1 DP 835123 and Lot 1 DP 710023 (approximately 1.05 ha). Council's Bushland Team notes that further survey and assessment of vegetation communities is recommended within the larger three (3) lots being Lot 2 DP 710023, Lot 77 DP 504237 and Lot 76 DP 504237 (collectively approximately 6.3 ha).

This information further supports the proposed rezoning to RE1 and SP2 zones which would provide greater environmental protection than the current R2 zone.



Map 12 SMCMA V3 mapping (OEH 2016)

Q4(g) Manly Dam Species List Project (Northern Beaches Council 2018)

Manly Dam have an ongoing records of species recorded within Manly Dam. This list currently contains 97 bird species, 23 reptile species, 9 amphibian species, 13 mammal species, 6 fish species, and 320 flora species.

Manly Dam rangers recently observed (26/3/2019) two (2) threatened Rosenberg's Goannas (*Varanus rosenbergi*) basking on rock outcrops within one of the subject Crown Land lots (Lot 76 DP 504237).

Targeted surveys for the Eastern Pygmy Possum (*Cercartetus nanus*) were also undertaken by Council staff between 30/03/2019 and 14/05/2019. Survey methods involved installation and deployment of three infrared motion detecting cameras installed on flowering *Banksia ericifolia*, a known food species and an additional attractant, creamed honey, was smeared on nearby branches. One camera was installed within each of the three larger Crown Land lots (Lot 76 and Lot 77 DP 504237, Lot 2 DP 710023) in suitable habitat. The Eastern Pygmy Possum (*Cercartetus nanus*) was confirmed on 3 of the survey nights (02/04/2019, 07/05/2019, 09/05/2019). Images were verified internally and also externally by experts in the industry.

Two (2) threatened mammal species previously recorded are now locally extinct, the *Phascolarctos cinereus* Koala and *Dasyurus maculatus* Spotted-tailed Quoll.

This information further supports the proposed rezoning of the subject land to RE1 and SP2 zones which would provide greater environmental protection than the current R2 zone.

Q4(h) Biodiversity Assessment on nearby Sydney Water land (Sydney Water 2018)

In 2018, Sydney Water undertook a biodiversity survey on their land (Lot 1 DP 835123) which is one of the subject lots. As discussed in the section Q4(g) above vegetation communities were confirmed as being PCT 1783 (S_DS11) and PCT 1824 (S_HL08).

Three (3) threatened microbat species were positively identified onsite by their distinctive ultrasonic calls. These were the *Chalinolobus dwyeri* Large-eared pied bat (Vulnerable under the BC Act), *Miniopterus australis* Little Bent-winged Bat (Vulnerable under the BC Act 2016 and the EPBC Act 1999) and *Miniopterus orianae oceanensis* Eastern Bent-winged Bat (Vulnerable under the BC Act 2016). It is worth noting that the *Chalinolobus dwyeri* Large-eared pied bat has not been recorded within 2km of the subject lots prior to this survey.

The subject lots and surrounding land are likely to suitable potential breeding habitat for the ***Chalinolobus dwyeri* Large-eared pied bat**, which is listed as a SAIL under the BC Act. "Habitat" for bat species is defined by OEH as, all areas of potential habitat on the subject land where the species is determined to be present. Potential habitat for this species is defined by OEH as "*Potential breeding habitat is PCTs associated with the species within 100m of rocky areas containing caves, or overhangs or crevices, cliffs or escarpments, or old mines, tunnels, culverts, derelict concrete buildings. Surveys must be undertaken as per the Threatened Bat Survey Guide to confirm breeding habitat*".

The survey also potentially recorded an infrared image of a threatened ***Cercartetus nanus* Eastern Pygmy Possum**. All of the subject lots contain important core habitat, with many Common Ring-tailed Possum dreys, low dense vegetation and feed species including *Banksia* spp.

As noted above, the lot also contained a high density of Ring-tailed Possum dreys, which is indicative of a healthy population of one of the key food species for the threatened ***Ninox strenua* Powerful Owl**.

Personal communication with Sydney Water staff also noted a Goanna (unconfirmed sp.) which had been seen within one of the buildings. There are two (2) possible species in the area, one being the threatened *Varanus rosenbergi* Rosenberg's Goanna.

This project demonstrates that previously unrecorded threatened species are still being recorded within the locality. This point, along with the fact that to date there has been no comprehensive and systematic biodiversity study of Manly Dam Reserve, suggests that further biodiversity surveys are required and further supports the proposed rezoning of the subject land to RE1 and SP2 zones which would provide greater environmental protection than the current R2 zone.

Q4(i) Rapid Fauna Habitat Assessment of the Sydney Metropolitan Catchment Management Authority Area (DECC June 2008)

This study was designed to assist the Sydney Metropolitan Catchment Management Authority (CMA) address the conservation of native fauna (including threatened species) in their Catchment Action Plan and supporting investment strategies. The study is also designed to assist DECC's (now OEH) own recovery planning program by implementing a number of recovery actions under the Threatened Species Priorities Action Statement (PAS). It should be noted that this study is meant to be used as a guide at a landscape scale, and any mapped areas should be verified at site-scale to confirm the findings.

The subject lots are part of the "Middle Harbour Valley" habitat area which is mapped as the highest fauna habitat ranking. Middle Harbour Valley is only one of 13 fauna habitat areas mapped as the highest ranking within the Sydney Metropolitan. A large component of this habitat area is the adjoining Garigal National Park.

High fauna diversity values is noted within this habitat area including "heathy; very large bushland area; Southern Brown Bandicoot."

A comprehensive biodiversity study would be required within subject lots to verify the findings of this study.

This information further supports the proposed rezoning of the subject land to RE1 and SP2 zones which would provide greater environmental protection than the current R2 zone.

Q4(j) BioNet Threatened Species Records accessed 13/02/2019

A BioNet search in the locality immediately surrounding (approx. 2km radius) the subject lots (report generated on 13th of February 2019, Office of Environment & Heritage 2018), returned thirty (30) threatened species over 392 records. Two (2) threatened amphibian species, eight (8) threatened bird species, one threatened reptile species, seven (7) threatened mammal species and twelve (12) threatened flora species.

The most abundant threatened species recorded within the locality is the:

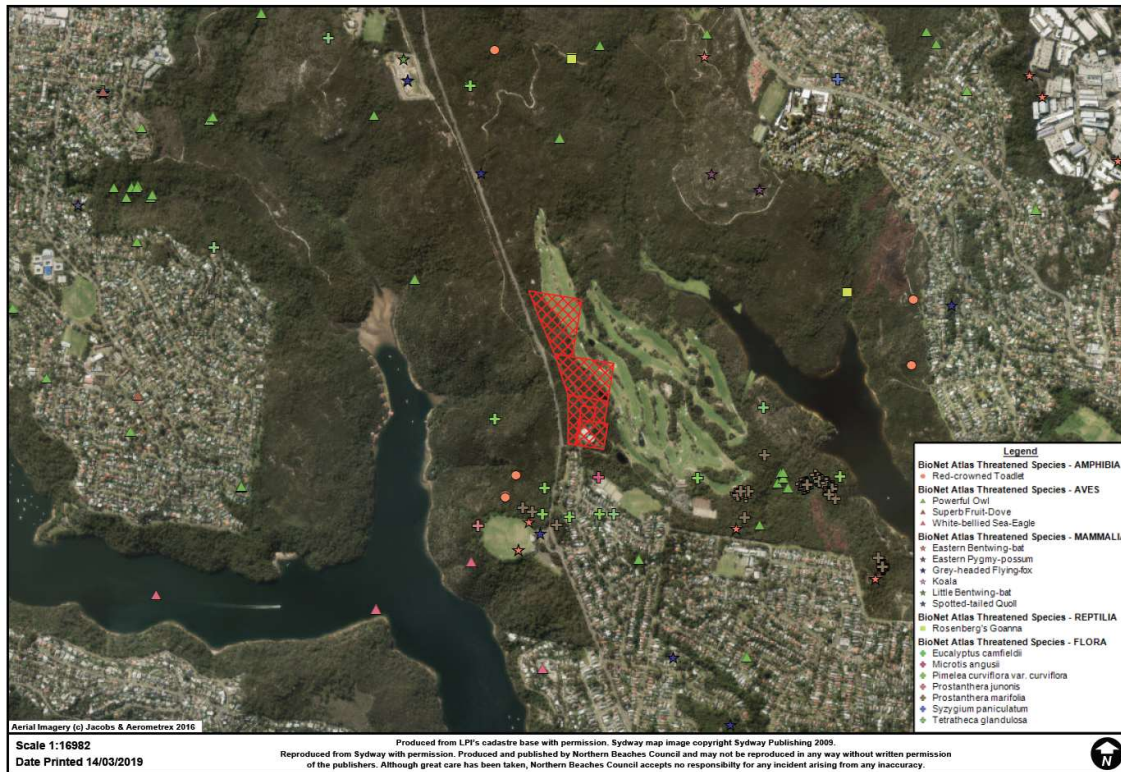
- *Prostanthera marifolia* Seaforth Mintbush, which is listed as Critically Endangered under both the NSW *Biodiversity Conservation Act 2016* (BC Act 2016) and Commonwealth *Environment Protection & Biodiversity Conservation Act 1999* (EPBC Act 1999);
- threatened fauna including *Cercartetus nanus* Eastern Pygmy-possum;
- *Ninox strenua* Powerful Owl;
- *Varanus rosenbergi* Rosenberg's Goanna and;

- *Pseudophryne australis* Red-crowned Toadlet, all listed as Vulnerable under the NSW BC Act 2016.

The below map extract identifies the record locations for threatened species within the locality. There is known *Ninox strenua* Powerful Owl breeding habitat nearby to the lots.

The immediate locality (approx. 2km radius) has records for over 500 native protected flora and fauna species.

This information further supports the proposed rezoning of the subject land to RE1 and SP2 zones which would provide greater environmental protection than the current R2 zone.



Map 13 BioNet Threatened Species Records (OEH 2018)

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Compliance with applicable SEPPs is summarised in the below table and discussed further where applicable below.

Q5(a) Compliance with Applicable State Environmental Planning Policies (SEPPs)

SEPPs (as at September 2017)		Applicable	Consistent
1	Development Standards	NO	N/A
14	Coastal Wetlands	NO	N/A
19	Bushland in Urban Areas	YES	YES
21	Caravan Parks	NO	N/A
26	Littoral Rainforests	NO	N/A
30	Intensive Agriculture	NO	N/A
33	Hazardous and Offensive Development	NO	N/A
36	Manufactured Home Estates	NO	N/A
44	Koala Habitat Protection	NO	N/A
47	Moore Park Showground	NO	N/A
50	Canal Estate Development	NO	N/A
52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	N/A
55	Remediation of Land	YES	NO
62	Sustainable Aquaculture	NO	N/A
64	Advertising and Signage	NO	N/A
65	Design Quality of Residential Apartment Development	NO	N/A
70	Affordable Housing (Revised Schemes)	NO	N/A
	Coastal Management	NO	N/A
	Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	NO	N/A
	(Affordable Rental Housing) 2009	NO	N/A
	(Building Sustainability Index: BASIX) 2004	NO	N/A
	(Exempt and Complying Development Codes) 2008	NO	N/A
	(Housing for Seniors or People with a Disability) 2004	NO	N/A
	(Infrastructure) 2007	YES	YES
	(Integration and Repeals) 2016	NO	N/A
	(Kosciuszko National Park – Alpine Resorts) 2007	NO	N/A
	(Kurnell Peninsula) 1989	NO	N/A
	(Mining, Petroleum Production and Extractive Industries) 2007	NO	N/A
	(Miscellaneous Consent Provisions) 2007	NO	N/A
	(Penrith Lakes Scheme) 1989	NO	N/A
	(Rural Lands) 2008	NO	N/A
	(State and Regional Development) 2011	NO	N/A
	(State Significant Precincts) 2005	NO	N/A
	(Sydney Drinking Water Catchment) 2011	NO	N/A
	(Sydney Region Growth Centres) 2006	NO	N/A
	(Three Ports) 2013	NO	N/A
	(Urban Renewal) 2010	NO	N/A
	(Western Sydney Employment Area) 2009	NO	N/A
	(Western Sydney Parklands) 2009	NO	N/A

Table 2 Compliance with State Environmental Planning Policies (SEPPs)

Q5(b) SEPP 19 Bushland in Urban Areas

The general aim of the SEPP 19 is to protect and preserve bushland within urban areas (including bushland on the subject land) because of its natural heritage value to the community, its aesthetic value, and its value as a recreational, educational and scientific resource.

The specific aims of the SEPP are:

- a) *to protect the remnants of plant communities which were once characteristic of land now within an urban area,*
- b) *to retain bushland in parcels of a size and configuration which will enable the existing plant and animal communities to survive in the long term,*
- c) *to protect rare and endangered flora and fauna species,*
- d) *to protect habitats for native flora and fauna,*
- e) *to protect wildlife corridors and vegetation links with other nearby bushland,*
- f) *to protect bushland as a natural stabiliser of the soil surface,*
- g) *to protect bushland for its scenic values, and to retain the unique visual identity of the landscape,*
- h) *to protect significant geological features,*
- i) *to protect existing landforms, such as natural drainage lines, watercourses and foreshores,*
- j) *to protect archaeological relics,*
- k) *to protect the recreational potential of bushland,*
- l) *to protect the educational potential of bushland,*
- m) *to maintain bushland in locations which are readily accessible to the community, and*
- n) *to promote the management of bushland in a manner which protects and enhances the quality of the bushland and facilitates public enjoyment of the bushland compatible with its conservation.*

The proposed RE1 and SP2 zones are consistent with the general and specific aims of the SEPP as they would provide greater protection of bushland from incompatible landuses that are currently permissible under the R2 zone. The proposed amendment to the minimum lot size map to remove the minimum lots size requirement of 600sqm would also support the specific aim (b) outlined above.

Clause 9 of SEPP 19 applies to land which adjoins bushland zoned or reserved for public open space. It requires that a public authority shall not carry out development or grant approval or development consent on that land unless it has taken into account the need to retain any bushland on the land and the effect of the proposed development on bushland zoned or reserved for open space purposes, in particular:

- on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland and
- any other matters that are relevant to the protection and preservation of bushland zoned or reserved for public open space.

The subject land is currently surrounded by RE1 'Public Open Space' zoned land (the State Park) to the north, east and in part south and Garigal National Park to the west. Clause 9 of SEPP 19 provides further support for the need to protect the bushland on the subject sites, and within the State Park and Manly Dam catchment from any adverse development impacts that could result from the current R2 zone. The proposed rezoning of the subject lots to RE1 and SP2 would serve to minimise development impacts and supports the requirements of this Clause.

Clause 10 of SEPP 19 requires that when preparing draft LEPs for any land to which the SEPP applies, other than rural land, Council shall have regard to the general and specific aims of the SEPP and give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland. In this regard, the proposed zoning of the subject land to RE1 and SP2 would give greater priority to retention of bushland than the current R2 zone, satisfying the requirements of this Clause.

Q5(c) SEPP 55 (Remediation of Land)

SEPP 55 requires the issue of contamination be considered whenever a planning authority considers a development or rezoning proposal where the new use may increase risk from contamination (if it is present). In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 6(1) requires that when rezoning land Council is not to include contaminated land in a particular zone, unless satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the proposed zone is permitted to be used. And, if the land requires remediation to be made suitable for any purpose for which land in the zone is permitted to be used, then Council is satisfied that the land will be remediated before used for that purpose.

Clause 6(2) requires that before including contaminated land in the proposed zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

Council's Co-ordinator of Parks, Open Space and Recreation provided the following 'Preliminary Investigation' information regarding possible contamination on the subject land:

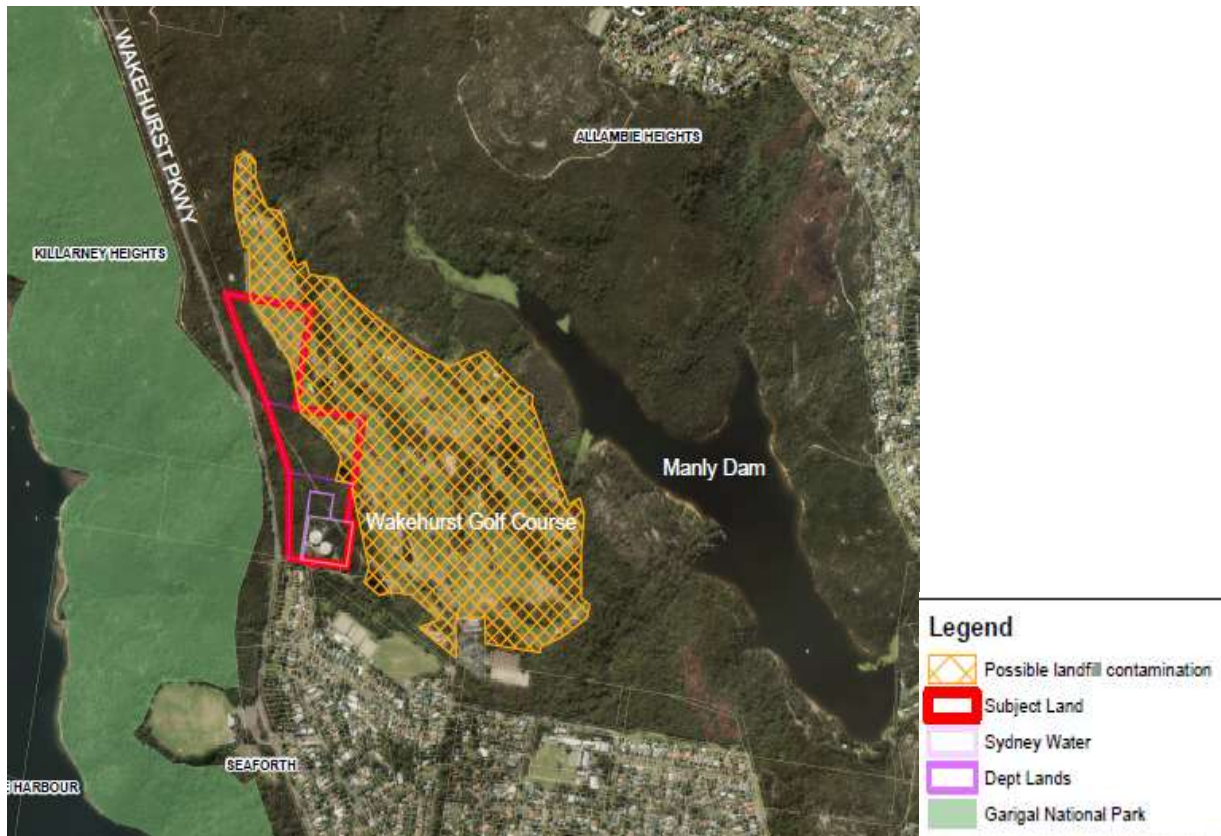
Much of the Wakehurst golf course is built on landfill and this includes the open-non-"bushy" parts of the.... two northern Crown Land lots that form part of the Wakehurst Golf Course (see below map). This work began in the late 1960's and was completed in 1990. Different contractors were involved over this period.

The original landform of the site was the usual rough sandstone terrace arrangement. The area was excavated to accommodate landfill cells. The landfill licence (from the old NSW State Pollution Control Commission) was for demolition (building waste) and excavation material. The material was progressively compacted into each cell via a mobile compactor machine. When "full" the cell was capped with a thin layer of earth and "soil" and then turfed. Cells were sloped inwards back in to the rear of the original land slope so drainage would run into drains at the rear of the cells. The water so collected drains into pipes which emerge on the bottom of the cell batters. This water plus the surface run-off ultimately drains into the lake (Manly Dam) down natural creek lines.

There was the ever present discussion of "leachate" possibilities from the drains because they collect storm water both from the surface of the cells (aka golfing fairways) and also storm water that had infiltrated down through the cell itself. An irrigation system was installed on the fairway surface soon after cell sealing. This adds additional water to the surface and some of this must seep through the consolidated fill material. This water no doubt picked up undesired chemical and microorganism material on the way through. The original waste mix would have included materials not strictly "demolition" or "excavation" as always happens with these operations.

Water sampling carried out (by us) in subsequent years did not however indicate significant leachate problems. The presence of nutrients that may have stimulated additional algal growth in the lake's recreational waters was noted. We believe most of this was due to the fertiliser regimes then being employed on Wakehurst golf course. These were subsequently changed. Issues of substantial toxic leachates, odours etc. have never arisen due principally to the small scale of any observed events.

The above considerations have not been an impediment to the growth and maintenance of quality recreational turf on the former waste disposal site and its uses for those purposes. I rate its current impact on water quality in Manly Dam (lake) exceptionally small.



Map 14 Potential Landfill Contamination of Crown Land lots containing Wakehurst Golf Course

Consideration:

The two northern Crown Land lots in-part contain 'demolition' and 'excavation' landfill materials and possibly other types of landfill material that may be contaminated as outlined in the above 'preliminary investigation'. Infill is listed in Table 1 of the *Contaminated Lands Planning Guidelines, 1998* as an activity that may cause contamination.

The potentially contaminated land is located within the State Park and currently operates as part of the Wakehurst Golf Course. Council considers that the land is suitable in its current state for its current and ongoing use as a golf course. The proposed RE1 zoning would support the continued use of the land as a golf course.

It is considered that permissible land uses within the RE1 zone are more likely to reduce risk rather than increase risk from contamination compared to permissible land uses within the current R2 zone. That said however, Council can not be certain that the land is suitable in its potentially contaminated state (or will be suitable, after remediation) for a number of other land uses that are permitted within the current R2 or proposed RE1 zone (for example, centre-based child care facilities; community facilities; restaurants or cafes).

It is recommended that detailed site investigation and contamination testing be conducted in the future if there was a proposal for a change of use to something other than the golf course. In this regard, a trigger is proposed to be included on Council's spatial information system to alert Council Officers to potential land contamination on the subject properties and the requirements of SEPP 55.

Q5(d) SEPP (Infrastructure) 2007

The aim of this SEPP is to facilitate the effective delivery of infrastructure across the State by simplifying the process for providing infrastructure like hospitals, roads, railways, emergency services, water supply and electricity delivery.

Two aspects of the Planning Proposal have been considered against the provisions of the SEPP:

1. Rezoning implications for the Beaches Link Tunnel Project.

Consideration:

The Beaches Link Tunnel Projects identifies Sydney Water Lot 1 DP 710023 (bushland site) and part of Sydney Water Lot 1 DP 835123 (water tower- reservoir) as a potential temporary construction site during the construction of the tunnel (refer to Section B above for more detail).

This project (if undertaken) is likely to be permitted without consent via an amendment to Clause 95 of the SEPP - *Development permitted without consent—particular roads or road projects*. Therefore, the proposed RE1 and SP2 zones are unlikely to impact on the development approval process of the Beaches Link Tunnel.

2. The proposed rezoning of Sydney Water Lot 1 DP 835123 (water tower- reservoir) from R2 to SP2 and the provisions of the SEPP.

Consideration:

The current and ongoing primary purpose of Sydney Water Lot 1 DP 835123 is 'water supply system' as defined under the Standard Instrument LEP.

Part 3, Division 24 *Water Supply Systems* of the SEPP outlines what development is permitted with and without consent and what is exempt development. In this regard:

- Clause 124 Definitions specifies prescribed zones which permit a greater range of these types of development without consent. The proposed SP2 zone is a prescribed zone. The current R2 zone is not a prescribed zone.
- Clause 127 Exempt Development of the SEPP enables Sydney Water to conduct a range of works (predominantly maintenance works) to the existing 'Water Supply System' as exempt development independent of what the land is zoned.

It is recommended that Sydney Water Lot 1 DP 835123 is zoned SP2 (infrastructure) via an amendment to the WLEP2011 Land Zoning Map, as this would clearly indicate to the community that the primary purpose of the land is to provide water infrastructure 'water supply system'. Also given the SP2 zone is a prescribed zone under Clause 124 of the SEPP, rezoning the land to SP2 (infrastructure) would facilitate the aim of the SEPP to effectively deliver infrastructure across the State by simplifying the process for providing this infrastructure.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions?

Section 9.1 of the EP&A Act enables the Minister to issue directions regarding the content of LEPs to the extent that the content must achieve or give effect to particular principles, aims, objectives or policies set out in those directions.

Applicable Ministerial Directions are summarised at Attachment 1 and comments on each of the applicable directions are provided in the below table. Where there is inconsistency this is examined further under Q6(b) below.

Q6(a) Summary of Applicable Ministerial Directions

Ministerial Direction	Comment
2 Environment and Heritage	
2.1 Environment Protection Zones	
The objective of this direction is to protect and conserve environmentally sensitive areas.	The Planning Proposal seeks to rezone certain lands which will facilitate the protection and conservation of environmentally sensitive areas and does not reduce any environmental protection standards that apply to the land.
2.3 Heritage Conservation	
The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Whilst the Planning Proposal applies to three Crown Land lots that are located within the Manly Dam and Surrounds Heritage Conservation Area under WLEP2011 and also Lot 1 DP 710023 containing the Bantry Bay Reservoir and Bantry Bay Pumping Station, listed as locally significant heritage items under WLEP2011, the proposed rezoning is not considered to impact on the heritage significance of any listed heritage item or conservation area as detailed in the Planning Proposal.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	
The objectives of this direction are to: a) encourage a variety of choice of housing types to provide for existing and future housing needs, b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and c) To minimise the impact of residential development on the environment and resource lands.	Inconsistency with the terms of this Direction is addressed in accordance with the requirements of the Direction (detailed below).
3.4 Integrating Land Use and Transport	
The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs,	This direction applies as the planning proposal will alter zones or provisions relating to urban land, including land zoned for residential purposes. In this regard the

<p>subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	<p>planning proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001).</p>
4. Hazard and Risk	
4.4 Planning for Bushfire Protection	
<p>The objectives of this direction are:</p> <p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage sound management of bush fire prone areas.</p>	<p>All of the subject lots are identified on the Warringah Bush Fire Prone Land Map as Category 1 Vegetation and/or Vegetation Buffer Area. The land is in close proximity to Garigal National Park and dense bushland of the State Park. The proposed rezoning from R2 to RE1 and SP2 would be in line with the objectives of this direction, to protect life and property from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas.</p>
6. Local Plan Making	
6.1 Approval and Referral Requirements	
<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p>	<p>The Planning Proposal is consistent with the terms of this direction as follows:</p> <p>a) provisions that require the concurrence, consultation or referral of DAs to a Minister or public authority are minimised</p> <p>(b) no provisions are contained in the Planning Proposal requiring concurrence, consultation or referral of a Minister or public authority without approval prior to undertaking consultation.</p> <p>(c) no development is identified as designated development.</p>
6.2 Reserving Land for Public Purposes	
<p>The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	<p>Approval requirements of the relevant public authority and Department Secretary under the terms of this Direction are addressed below in detail.</p>
6.3 Site Specific Provisions	

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.	The Planning Proposal does not seek to allow a particular development proposal under the terms of the Direction.
7 Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	
The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.	The Planning Proposal is consistent with the NSW Government's Greater Sydney Regional Plan "A Metropolis of Three Cities – connecting people" published on 18 March 2018, as outlined in Part 3, Section B of this report.

Table 3 Summary of Applicable Ministerial Directions

Q6(b) Inconsistency with Ministerial Directions

The following comments are provided where the Planning Proposal may be inconsistent with the terms of any direction.

Q6(b)(1) Ministerial Direction 3.1 Residential Zones

This direction applies as the Planning Proposal affects land within an existing residential zone i.e. Zone R2 Low Density Residential.

(1) *The objectives of this direction are:*

- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) *to minimise the impact of residential development on the environment and resource lands.*

(4) *A planning proposal must include provisions that encourage the provision of housing that will:*

- (a) *broaden the choice of building types and locations available in the housing market, and*
- (b) *make more efficient use of existing infrastructure and services, and*
- (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) *be of good design.*

(5) *A planning proposal must, in relation to land to which this direction applies:*

- (a) *contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) *not contain provisions which will reduce the permissible residential density of land.*

The Planning Proposal is inconsistent with the above requirements as the proposed rezoning will not provide for residential development on the subject land. In this regard, a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning and Industry (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objective of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
- (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
- (c) *in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
- (d) *of minor significance.*

The provisions of the Planning Proposal to rezone the land from a residential zone to zones that do not support residential development are considered of minor significance because it is highly unlikely that the subject land would ever be developed for residential purposes in the future based on the following considerations:

- The three northern Crown Land lots currently form part of the State Park, Wakehurst Golf Course and the Manly-Warringah Heritage Conservation area. As part of the State Park, these lots are highly valued both locally and regionally for their recreational, ecological, scientific, cultural and aesthetic values and for their water catchment roles. It is highly unlikely that they would ever be developed for residential purposes in the future.
- The Sydney Water Lot 1 DP 710023 (bushland site) is surrounded by State Park and the Manly Warringah Heritage Conservation Area to the north, east and west and adjoins heritage listed Sydney Water (water tower-reservoir) to the south. Residential development of this lot would be detrimental to the native flora and fauna on the lot and to the ecological, scientific, cultural and aesthetic values of the subject land, the State Park and the water quality of Manly Dam. Residential development on this lot is also likely to put lives, properties and the environment at risk from bushfire.
- The Sydney Water Lot 1 DP 835123 is used for infrastructure purposes (water tower – reservoir) and is also heritage listed. This lot has never been intended for residential land uses.
- The small southern Crown land Lot 1 DP 1200869 is a bushland site that is approximately 82sqm in size. This lot is considered too small to support low density residential development. This lot is also bounded by the heritage listed Sydney Water Tower-Reservoir to the north and the State Park to the east and west. Any residential development on this lot would have negligible impact on the overall supply of housing needs.

Q6(b)(2) Ministerial Direction 6.2 - Reserving Land for Public Purposes

This direction applies as the Planning Proposal seeks to reserve land for public purposes via the proposed RE1 (public recreation) and SP2 (Infrastructure) zones. This requires approval of the relevant public authorities and the Director-General of the Department of Planning and Industry (or an officer of the Department nominated by the Director-General).

(1) The objectives of this direction are:

- a) to facilitate the provision of public services and facilities by reserving land for public purposes, and*
- b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.*

(4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

Other requirements apply at paragraphs (5)-(7) in respect of when a Minister or public authority may request that Council reserve land for a public purpose and in other circumstances where the land is to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991.

The Planning Proposal seeks to rezone certain Crown Land and Sydney Water owned land from R2 (low density residential) to RE1 and SP2 zones. The Planning Proposal does not involve the reservation of land and does not involve changes to the WLEP2011 Land Acquisition Map.

Preliminary feedback from Sydney Water supported the proposed rezoning of Lot 1 DP 835123 (water tower – reservoir) from R2 to SP2. Sydney Water also welcomed the opportunity for Council to acquire Lot 1 DP 710023 (bushland site) at an agreed value based on the proposed RE1 zoning, so that it could be incorporated into the State Park. Sydney Water does however note that RMS has earmarked this site for potential acquisition for the Beaches Link Tunnel.

Preliminary feedback was sought from the Department of Industry - Land and Water (DI) however no response had been received at the time of writing of this report.

Preliminary advice from the Department of Planning and Industry is that statutory consultation with the Crown Land Office and Sydney Water would likely be a condition of any Gateway Determination to seek compliance with the Ministerial Direction.

Section C – Environmental, Social and Economic Impact

Q7. 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?

The studies and mapping outlined and discussed in the sections above provide evidence that the subject lots contain important core habitat for local native species including many threatened species and their habitat. The land is also likely to function as an important wildlife corridor, connecting Manly Dam to Garigal National Park.

The subject lots have the following biodiversity values:

- Mapped as “Priority Habitats” (coloured green) within the Connected Corridors for Biodiversity project by Southern Sydney Regional Organisation of Councils in December 2016;
- The subject lots are part of the “Middle Harbour Valley” habitat area which is mapped as the highest fauna habitat ranking. Middle Harbour Valley is only one of 13 fauna habitat areas mapped as the highest ranking within the Sydney Metropolitan;
- Mapped as having “Biodiversity Value” under the Biodiversity Conservation Act 2016 due to “threatened species or communities with potential for serious and irreversible impacts”;
- Connectivity values between Manly Dam Reserve and Garigal National Park;
- The subject lots all contain intact native bush, all mapped as native plant community types;
- At least four (4) threatened species have already been recorded within Lot 1 DP 835123, and;
- The immediate locality is known to contain at least thirty (30) threatened flora and fauna species.

To date, no comprehensive biodiversity study has been undertaken across all of the subject lots, and within the broader Manly Dam Reserve. A Biodiversity Study of Manly Dam Reserve would build on the information suggesting very high biodiversity values.

The proposed RE1 and SP2 zones will introduce new zone objectives and land use permissibility that will better protect the local flora and fauna and their habitats compared to permissible development under the current R2 zone. No adverse effects on critical habitat or threatened species, populations or ecological communities, or their habitats are likely as a result of the proposal.

Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Council's Bushland & Biodiversity team has assisted in the preparation of the Planning Proposal and confirms that the likely environmental effects of the planning proposal will be to better protect manage and restore the public lands ecological, scientific, cultural or aesthetic values.

The Planning Proposal supports the following environmental considerations:

Biodiversity Impacts

The studies and mapping outlined and discussed in this Planning Proposal provide evidence that the subject lots are highly likely to contain habitat for local native species including threatened species, and are also likely to function as an important wildlife corridor, particularly for local native species.

Scenic Protection

The State Park is highly valued for the scenic beauty of its natural bushland environment. The proposed RE1 and SP2 zones would preclude future residential development on the subject land which would intrude into the Park's visual catchment, and/or skyline, detracting from the Parks natural aesthetic appeal.

Water Quality of Manly Dam

The subject land drains into Manly Dam which is valued by the community for its high water quality and recreational uses. The proposed RE1 and SP2 zones would minimise potential residential development impacts such as fertiliser use and uncontrolled or polluted stormwater runoff from impacting the water quality of Manly Dam.

Q.9 Has the Planning Proposal adequately addressed any social and economic effects?

The proposed RE1 and SP2 zones will protect the social value of the subject lots and surrounding land. The land is valued socially for:

- Public recreation;
- Bushland environment - aesthetic / scenic beauty;
- A place of remembrance – Manly Warringah War Memorial;
- Manly Dam Water Catchment;
- Ecological Value - providing potential and known habitat for hundreds of local native species;
- Scientific Value – providing potential habitat for state and Commonwealth listed threatened species;
- European Heritage Significance (as detailed in Section B);
- Opportunities for educational activities and community engagement programs;
- Public infrastructure with regard to the Sydney Water Tower/Reservoir.

The subject lots contain locally and regionally significant environmental features with intact bushland and heritage significance which should be protected and conserved, to be enjoyed by many future generations via the proposed RE1 and SP2 zones.

The subject land has also been identified as containing Aboriginal Heritage Significance as detailed under Section B above. Consultation with the NSW Aboriginal Heritage Office is required following a Gateway Determination to ensure any social impacts of the Planning Proposal are adequately addressed in this regard.

No economic impacts are envisaged as a result of the Planning Proposal.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the Planning Proposal?

Yes, the proposed rezoning to RE1 and SP2 zones is supported by adequate infrastructure.

Q11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the Gateway Determination?

The Planning Proposal is being prepared in accordance with consultation guidelines and provisions prepared by the Department of Planning and Industry and all statutory consultation will occur in accordance with the requirements of any future Gateway determination.

The following State Government Agencies are proposed to be consulted following a Gateway Determination to proceed with the Planning Proposal:

- The Department of Industry – Land and Water (Landowner – Crown Land)
- Sydney Water (Landowner)
- Roads and Maritime Services (RMS) (Regarding implications for the Beaches Link Tunnel)
- Aboriginal Heritage Office (Regarding the land being identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site)

Preliminary feedback from Sydney Water (Attachment 2) and RMS was provided and considered as follows:

Q11(a) Sydney Water - preliminary feedback

Regarding Lot 1 DP 835123 – Water Tower (Reservoir), Sydney Water:

- Supports the proposed rezoning from R2 (Low Density Residential) to SP2 (Infrastructure) as the lot contains an operational water reservoir and its primary purpose is to provide water infrastructure.
- Does not support a rezoning to RE1 (Public Recreation) because the lot features an operational water reservoir and public access is prohibited. The lot does not provide any opportunity for public recreation.

Regarding Lot 1 DP 710023 – Bushland Site, Sydney Water:

- Welcomes the opportunity for Council to acquire the property at an agreed market value based on the proposed RE1 zoning, so that it can be incorporated into the Manly Warringah War Memorial State Park and be under Council's control and management.
- Notes that the land is surplus to Sydney Water requirements and its sale was postponed in 2015 after Council and the community raised concerns.
- Notes that RMS has earmarked this lot (and part of Lot 1 DP835123) for acquisition as part of the Beaches Link Project (refer to Page 41 of the Beaches Link Project Update, RMS August 2018).
- Notes that prior to finalising the Planning Proposal, Council may like to consider the impact of the Beaches Link Project and the likely boundary changes that will result from the proposed RMS acquisition.

Consideration:

Support for the proposed SP2 zoning of Lot 1 DP 835123 (Water Tower -Reservoir) is noted.

Sydney water does not appear to object to the proposed RE1 (Public Recreation) zoning of Lot 1 DP 710023 (Bushland Site) subject to acquisition. It is noted here that in order for land to be included in the State Park it must be owned by the Crown under the *Crown Lands Act 1989*, therefore, the ideal future outcome for this land would be for the lot to be rezoned RE1 (Public Recreation) and owned by the Crown (not Council), for incorporation into the State Park.

Sydney Water's reference to the Beaches Link Project is discussed under RMS consultation below. Rezoning to accommodate potential boundary changes relating to the Beaches Link Project falls outside the scope of this Planning Proposal.

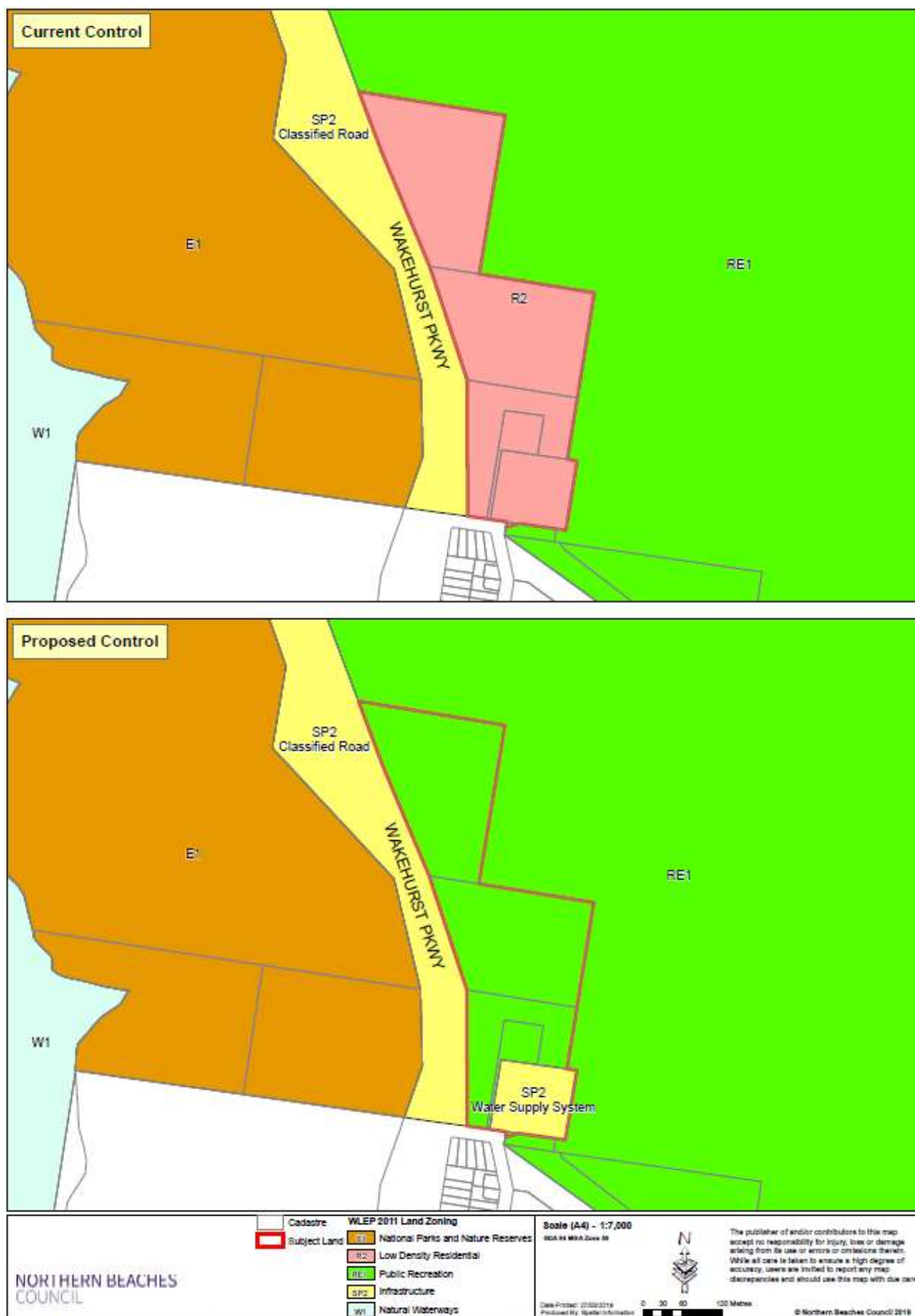
Q11(c) Roads and Maritime Services

Council has had preliminary telephone conversations with RMS regarding the proposed rezoning of the six (6) lots to a combination of RE1 and SP2 zones.

RMS has given preliminary feedback that the proposed RE1 and SP2 zones would not have any adverse implications for the Beaches Link Tunnel Project as these works could be undertaken via SEPP (Infrastructure).

For more details on the Beaches Link Project refer to Section B of this proposal.

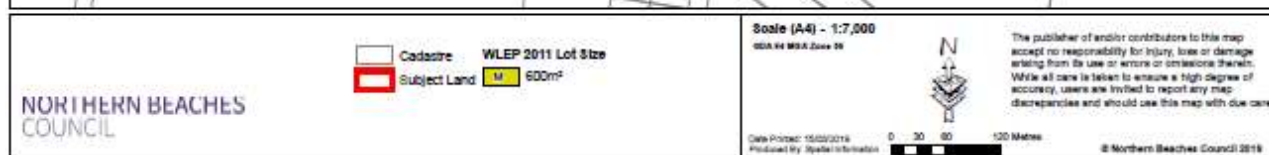
Part 4 – Maps



Map 15 Current and Proposed Land Zoning Map under WLEP2011



Map 16 Current and Proposed Height of Building Map under WLEP2011



Map 17 Current and Proposed Lot Size Map under WLEP2011

Part 5 – Community Consultation

Council proposes to place the Planning Proposal on public exhibition for a minimum period of 28 days, consistent with Council's Community Engagement Policy including:

- A public notice in the Manly Daily notifying of the public exhibition;
- Notification in writing to affected and adjoining landowners
- Notification of key stakeholders, including but not limited to the Manly Warringah War Memorial State Park Advisory Committee.
- Electronic copies of the exhibition material on Council's website.

The Gateway determination will confirm the public consultation that must be undertaken.

Part 6 – Project Timeline

Task	Anticipated timeframe
Referral to Department of Planning and Industry for Gateway determination	June 2019
Issue of Gateway determination	July 2019
Government agency consultation (if required)	August 2019
Public exhibition period	September 2019
Consideration of submissions	November 2019
Report to Council to determine Planning Proposal	December 2019
Submit Planning Proposal to the Department of Planning and Industry and Parliamentary Counsel for LEP drafting and publication	January 2020

Table 4 Project Timeline

Part 7 – Delegation of Local Plan Making Authority

When submitting a Planning Proposal for a Gateway Determination, Council is required to identify whether or not Council is seeking to be the local plan-making authority for the Planning Proposal.

With regard to this Planning Proposal, Council seeks to exercise the function of local plan making authority, noting that the matter is of local significance.

Attachments

Attachment 1 – Ministerial Directions

Directions		Applicable	Consistent
1	Employment and Resources		
1.1	Business and Industrial Zones	NO	N/A
1.2	Rural Zones	NO	N/A
1.3	Mining, Petroleum Production and Extractive Industries	NO	N/A
1.4	Oyster Aquaculture	NO	N/A
1.5	Rural Lands	NO	N/A
2	Environment and Heritage		
2.1	Environment Protection Zones	YES	YES
2.2	Coastal Management	NO	NO
2.3	Heritage Conservation	YES	YES
2.4	Recreation Vehicle Areas	NO	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEP's	NO	N/A
3	Housing, Infrastructure and Urban Development		
3.1	Residential Zones	YES	NO
3.2	Caravan Parks and Manufactured Home Estates	NO	N/A
3.3	Home Occupations	NO	N/A
3.4	Integrating Land Use and Transport	YES	YES
3.5	Development Near Licensed Aerodromes	NO	N/A
3.6	Shooting Ranges	NO	N/A
4	Hazard and Risk		
4.1	Acid Sulfate Soils	NO	NO
4.2	Mine Subsidence and Unstable Land	NO	N/A
4.3	Flood Prone Land	NO	NO
4.4	Planning for Bushfire Protection	YES	YES
5	Regional Planning		
5.1	Implementation of Regional Strategies	NO	N/A
5.2	Sydney Drinking Water Catchments	NO	N/A
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	NO	N/A
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008 See amended Direction 5.1)	NO	N/A
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	NO	N/A
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A
5.9	North West Rail Link Corridor Strategy	NO	N/A
5.10	Implementation of Regional Plans	NO	N/A
6	Local Plan Making		
6.1	Approval and Referral Requirements	YES	YES
6.2	Reserving Land for Public Purposes	YES	YES
6.3	Site Specific Provisions	YES	YES
7	Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	YES	YES
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	NO
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	NO	NO

7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	NO
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	NO
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NO	NO

Table 5 Summary of All Ministerial Directions

Attachment 2 – Sydney Water Preliminary Consultation Response

27 February 2019

General Manager
Northern Beaches Council
PO Box 82
Manly NSW 1655

Via email: amber.pedersen@northernbeaches.nsw.gov.au

Dear General Manager

Proposed rezoning of Lot 1 DP 835123 and Lot 1 DP 710023 – Kirkwood St Seaforth

Thank you for the opportunity to respond Council's proposal to rezone Sydney Water land from R2 Low Density Residential to RE1 Public Recreation.

Sydney Water does not support Lot 1 DP 835123 being rezoned to RE1 Public Recreation. This Lot features an operational water reservoir and public access is prohibited. It does not provide any opportunity for public recreation. However, we agree that this Lot should not be zoned R2 Low Density Residential and recommend that it be rezoned to SP2 Infrastructure as its primary purpose is to provide water infrastructure.

Regarding Lot 1 DP 710023, we note that in the Notice of Motion No 65/2018, the background provided by Councillor Candy Bingham and the Chief Executive Report is silent on the issue that this Lot is surplus to Sydney Water requirements, and its sale was postponed in 2015 after Council and community stakeholder raised their concerns.

Sydney Water would welcome the opportunity for Council to acquire the property at an agreed market value based on an RE1 zoning, so that it can be incorporated in the Manly Warringah War Memorial Park and be under Council's control and management.

However, we note that Roads and Maritime Services (RMS) have earmarked this Lot (and part of Lot 1 DP 835123) for acquisition as part of the Beaches Link Project (refer to page 41 of the August 2018 update <https://www.rms.nsw.gov.au/documents/projects/sydney-north/western-harbour-tunnel-beaches-link/beaches-link-project-update.pdf>).

Prior to finalising the planning proposal, Council may like to consider the impact of the Beaches Link Project and the likely boundary changes that will result from the proposed RMS acquisition.

Should you have any further questions, please contact Mark Willis, Team Manager Disposals on 8849 3637 or mark.willis@sydneywater.com.au.

Yours sincerely,


Grant May
Property Portfolio Manager

