

<b>ITEM 12.2</b>	<b>PLANNING PROPOSAL TO REZONE LAND WITHIN AND ADJOINING THE MANLY WARRINGAH WAR MEMORIAL STATE PARK</b>
<b>REPORTING MANAGER</b>	<b>EXECUTIVE MANAGER STRATEGIC AND PLACE PLANNING</b>
<b>TRIM FILE REF</b>	<b>2019/204904</b>
<b>ATTACHMENTS</b>	<b>1 Planning Proposal (Included In Attachments Booklet)</b>

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## SUMMARY

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### PURPOSE

To seek Council's approval to submit a Planning Proposal to the Department of Planning and Industry to rezone land within and adjoining 'Manly Warringah War Memorial State Park' from R2 (Low Density Residential) to RE1 (Public Recreation) and SP2 (Infrastructure) under Warringah Local Environmental Plan 2011 (WLEP2011), and to omit residential development standards and controls that would no longer be relevant in the proposed new zones.

### SUMMARY

On 27 November 2018 Council resolved to prepare a planning proposal to amend WLEP2011 to rezone three (3) Crown Land lots and two (2) Sydney Water lots located within and adjoining the Manly Warringah War Memorial State Park (State Park) from R2 (Low Density Residential) to RE1 (Public Recreation), to protect the environmental, recreational, aesthetic and cultural values of the subject land, the State Park, and the water quality of Manly Dam.

In preparing the Planning Proposal, Council staff recommended that further changes be made as follows:

- That additional Crown land (Lot 1 DP 1200869) be rezoned from R2 to RE1.
- That Sydney Water Lot 1 DP 835123 (water tower - reservoir) be rezoned from R2 (Low Density Residential) to SP2 (Infrastructure) rather than RE1 (Public Recreation) to support its current and ongoing public infrastructure use as a 'water supply system'.
- That residential development controls for height of buildings and minimum lot size be removed from the subject lots to reflect the zoning changes.

Council's Biodiversity and Bushland Team and Heritage Advisor support the proposal as the rezoning will serve to protect the subject land and the State Parks ecological, scientific, recreational, scenic, aesthetic or cultural values.

The planning proposal is consistent with the objectives and actions of the Greater Sydney Regional Plan, North District Plan and the Manly Warringah War Memorial Park Plan of Management, 2014 (POM).

Approval from Sydney Water and the Department of Planning and Industry is required to rezone the land for public purpose i.e. RE1 (Public Recreation) as per Ministerial Direction 6.2 – *Reservation of Land for Public Purposes* and Clause 12 of the Environmental Planning and Assessment Regulations 2000.

Roads Maritime Services (RMS) has earmarked Lot 1 DP 710023 (Bushland Site) and part of Sydney Water Lot 1 DP 835123 for possible acquisition as a temporary construction site for the Beaches Link Tunnel Project. The use of the site for this purpose could be undertaken under State Environmental Planning Policy – Infrastructure, whether or not the sites are rezoned RE1.

Although outside the scope of this Planning Proposal, it is recommended that Lot 1 DP 710023 be ultimately acquired by the Crown and incorporated into the State Park to support the Park's vision and enable more effective management of the "urban edge".

It is also recommended that the Warringah Development Control Plan 2011 be amended by removing residential development controls, including setback and minimum landscaped area controls, from the subject land given the proposed rezoning.

The Northern Beaches Local Planning Panel considered the Planning Proposal at its meeting on 1 May 2019 and resolved to support the officer's recommendations for the reasons outlined in the report.

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## RECOMMENDATION OF DIRECTOR PLANNING AND PLACE

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.

## BACKGROUND

This Planning Proposal was initiated by a resolution of Northern Beaches Council 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)

The following changes are recommended to the Planning Proposal following investigations by Council staff:

- A small (approximately 82sqm) southern adjoining Crown Land lot (Lot 1 DP 1200869) is proposed to be included in the Planning Proposal and rezoned from R2 to RE1. This land adjoins the Sydney Water lot and State Park and is located within the Manly Dam and Surrounds Heritage Conservation Area.
- 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.

Figure 1 (below) shows the location of the four Crown Land lots and two Sydney Water lots that are the subject of this Planning Proposal.



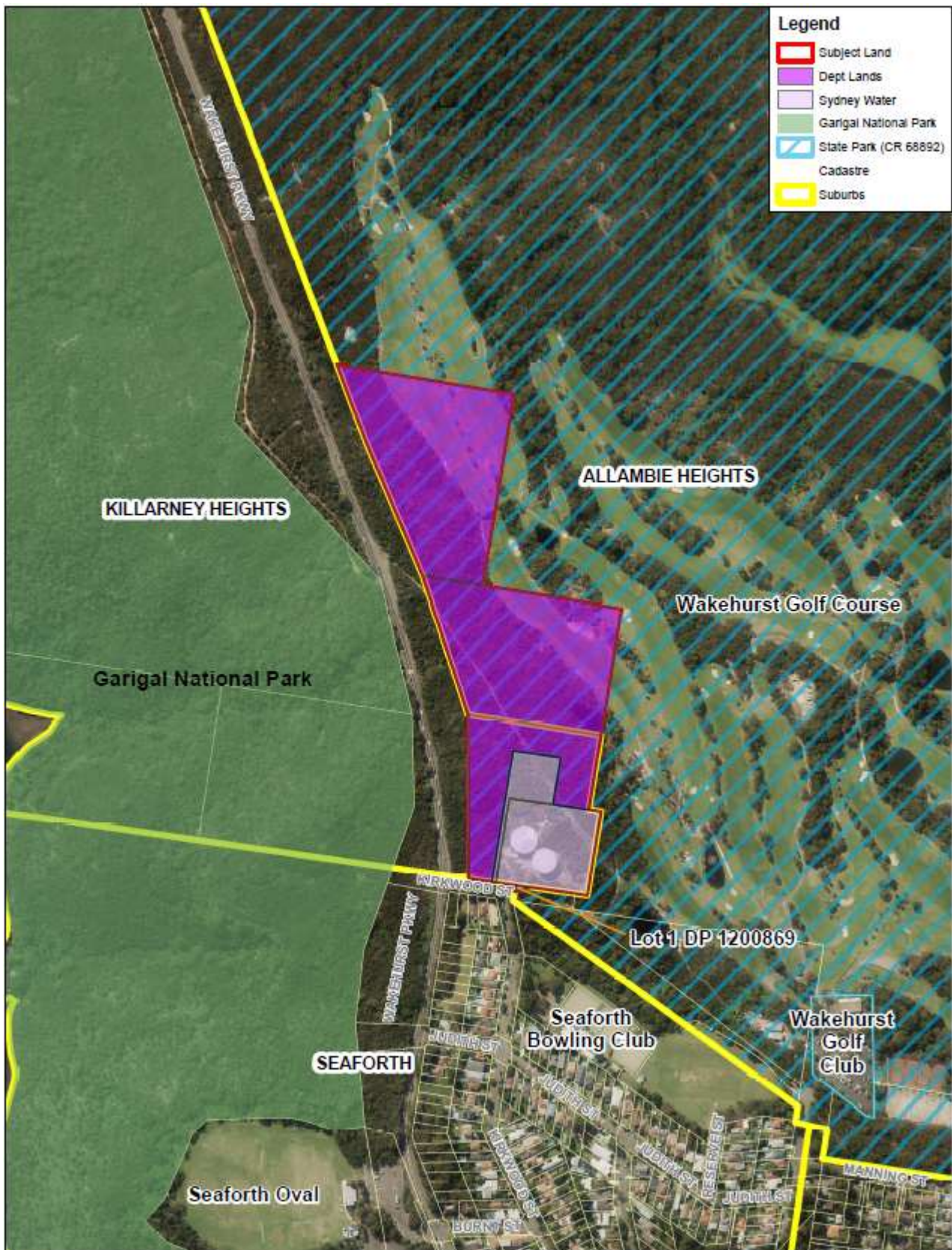


Figure 1: Location Map

## CONTEXT

The six lots are located within or surrounding the south-west boundary of the Manly Warringah War Memorial State Park (State Park) and are generally surrounded 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 development to the South.

All of the six lots are currently zoned R2 Low Density Residential under WLEP2011. The proposed rezoning of the land to RE1 and SP2 is generally consistent with the former Warringah Local Environmental Plan 19852005 (WLEP1985) zoning of the subject land as County Open Space and Special Uses and would correct what is considered an anomaly in WLEP2011 (as detailed further in the Planning Proposal).

The three northern Crown Land Lots are also located within the State Park and all four Crown Land lots are located within the Manly Dam and Surrounds Heritage Conservation Area.

The six 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 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 and identified on the Land Slip Risk Map (Area A) under WLEP2011.

The three northern Crown Land lots:

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

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

- 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.
- Are identified as a potential temporary construction site (Option 2) for the Beaches Link Tunnel Project.
- 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.
- Provides public infrastructure – 'Water Supply System' as defined under LEP2011.

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

- Has a total area of approximately 82sqm.
- Is bounded by the 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.

Figures 2, 3 and 4 (below) shows the current and proposed land use zones, height of building and lot size controls under WLEP2011 respectively.



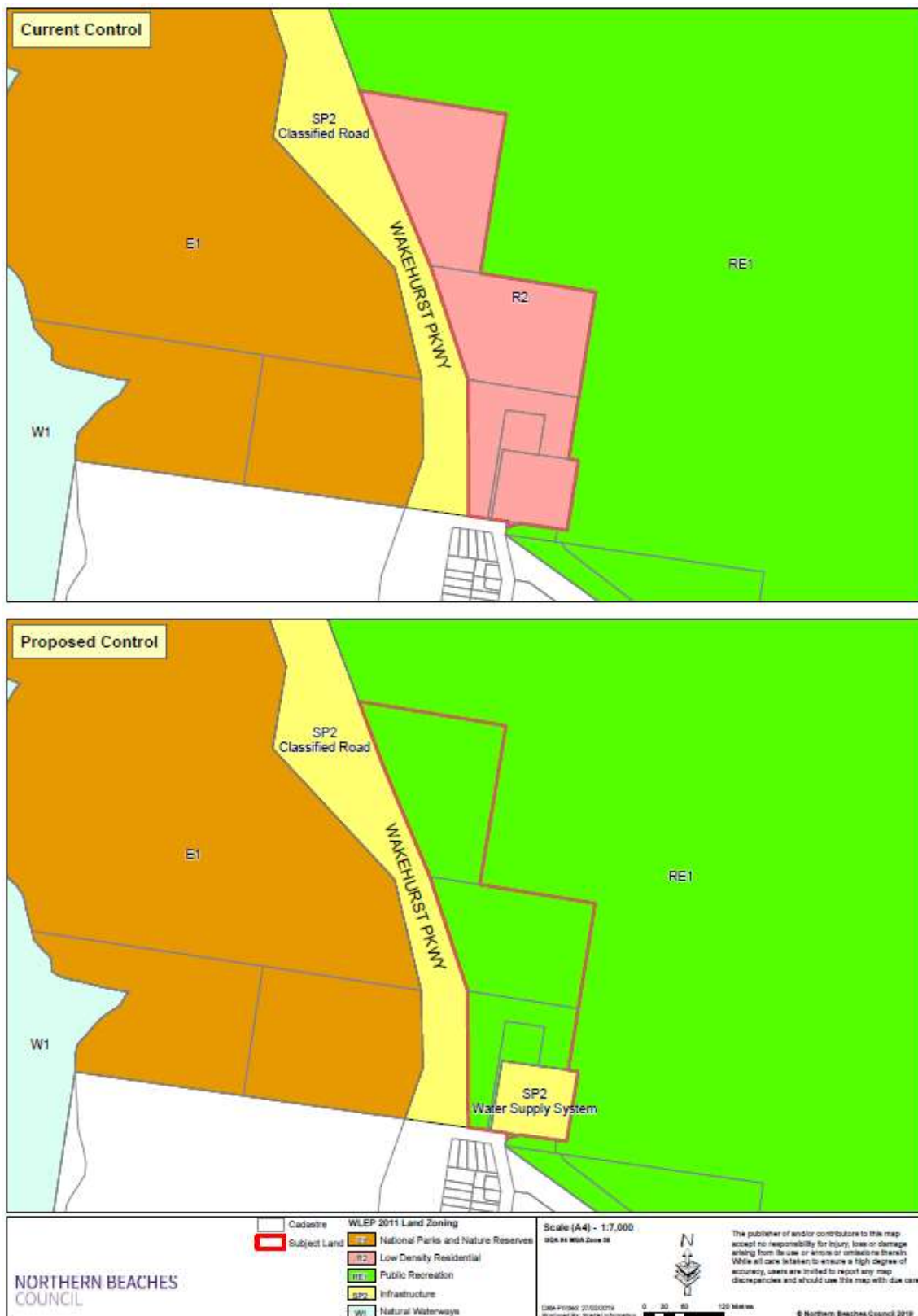


Figure 2: Current and Proposed Land Zoning Map under WLEP2011



Figure 3: Current and Proposed Height of Building Map under WLEP2011



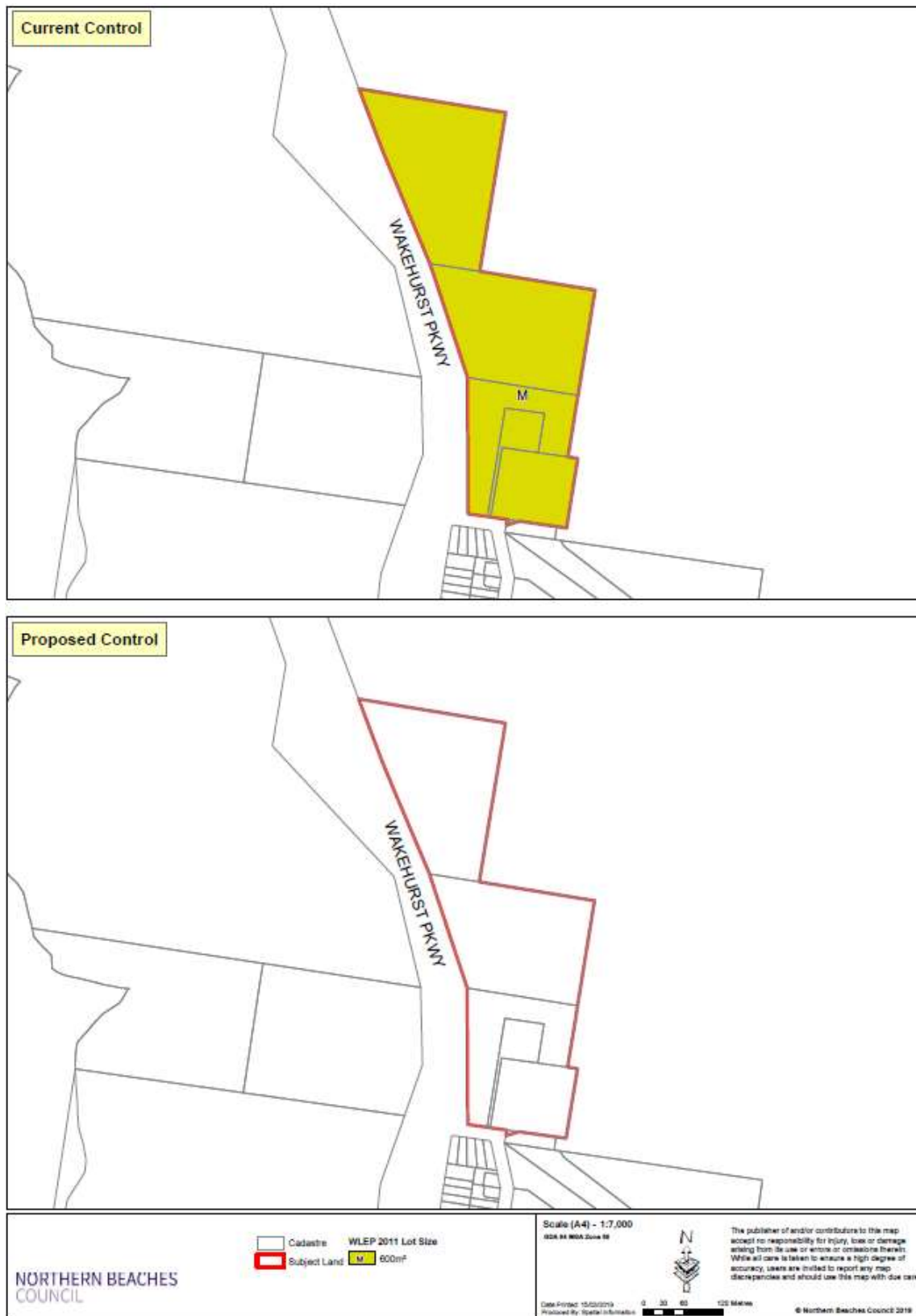


Figure 4: Current and Proposed Minimum Lot Size Map under WLEP2011

## PLANNING PROPOSAL

The Planning Proposal (Attachment 1) has been drafted in accordance with the Department's Planning Proposals: A guide to preparing planning proposals (2016).

### Part 1 Intended Outcomes

The intended outcomes of the Planning Proposal are:

- to 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
- to support the current ongoing public infrastructure use of Sydney Water Lot 1 DP 835 123 as a 'Water Supply System'.

### Part 2 Explanation of Provisions

Council's Planning Proposal seeks to amend WLEP2011 by updating the Land Zoning Map to rezone five (5) of the six (6) lots from R2 (Low Density Residential) to RE1 (Public Recreation) and to rezone the sixth lot being Sydney Water Lot 1 DP 835123 (water tower - reservoir) from R2 (low density residential) to SP2 (Infrastructure). It is also proposed that certain residential development standards for height of building and minimum lot size for subdivision are removed for the subject lots given residential development will no longer be permitted on the land.

### Part 3 Justification

This section justifies the need for the Planning Proposal and outlines why it is the best means of achieving the intended outcomes for the subject land.

The Planning Proposal has been assessed as being consistent with and supported by applicable Regional, Sub regional and Local Plans/Strategies/databases including the:

- Greater Sydney Regional Plan
- North District Plan
- Manly Warringah War Memorial State Park, 2017 (State Park)
- Manly Warringah War Memorial Park Plan of Management, 2014 (POM)
- Northern Beaches Community Strategic Plan 2017-2028 'SHAPE 2028'
- Warringah Bush Fire Prone Land Map 2016 and Draft Northern Beaches Bush Fire Prone Land Map 2018
- Warringah Local Environmental Plan 2011 (WLEP2011)
- Objectives and permitted/prohibited land uses of the proposed RE1 and SP2 Zones
- Land Slip, Minimum Lot Size, Height of Buildings requirements
- Manly Dam and Surrounds Heritage Conservation Area and two heritage items: Item 1147 Bantry Bay Reservoir (WS 0008) and Item 1148 Bantry Bay Water Pumping Station (WPS 122), are located on the subject land as listed in Schedule 5 of WLEP2011.

Although the Sydney Water lots are identified as a potential temporary construction site for the Beaches Link Tunnel Project, preliminary feedback from Roads Maritime Services (RMS) is that the proposed RE1 and SP2 zones are unlikely to impact this project.

The Planning Proposal was also assessed against its consistency with applicable State Environmental Planning Policies (SEPPs) and Ministerial Directions. Inconsistency with SEPP 55 (Remediation of Land) and Ministerial Directions 3.1 (Residential Zones) and 6.2 (Reserving Land for Public Purposes) were considered as follows:

***SEPP 55 (Remediation of Land)***

Refer to the discussion under the *Potentially Contaminated Land* heading below.

***Ministerial Direction 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*
- c) *To minimise the impact of residential development on the environment and resource lands.*

Specifically, the Direction states that a Planning Proposal should not contain provisions, which will reduce the permissible residential density of land. The Planning Proposal may be inconsistent with the terms of this direction if Council can satisfy the Secretary of the Department of Planning and Industry (DPI) that the provisions of the inconsistencies of the Planning Proposal are 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 based on the size of the land involved, and given that the subject land is unlikely ever be developed for residential purposes in the future given environmental constraints.

***Ministerial Direction 6.2 - Reserving Land for Public Purposes***

This direction requires that approval is granted from the Department of Planning and Industry and Sydney Water to reserve the land for a public purpose via the proposed RE1 (Public Recreation) zone. Compliance with this Ministerial Direction will be sought via the Gateway Determination statutory consultation process.

**CONSULTATION**

Public exhibition of the Planning Proposal will take place following receipt of a Gateway Determination from DPI to proceed with the Planning Proposal. The Gateway Determination will prescribe the minimum requirements for consultation including the exhibition period and government agency consultation requirements. Council would usually undertake consultation as follows:

- A public notice in the Manly Daily notifying of the public exhibition at the commencement and midway through the exhibition
- Notification in writing to affected and adjoining landowners
- Notification of key stakeholders, including but not limited to the 'State Park Advisory Committee' and the local environmental conservation group 'Save Manly Dam Catchment Committee'
- Electronic copies of the exhibition material on Council's website
- An email to registered community members who have listed their interest on Council's Community Engagement Register.

The following State Government Agencies are identified as requiring consultation following a Gateway Determination to proceed with the Planning Proposal:

***The Department of Planning and Industry – Water, Property and Housing (WPH)***

WPH is the landowner of the four (4) Crown Land lots that are proposed to be rezoned from R2 to RE1. Preliminary feedback was sought from WPH however, no response had been received at the time of writing of this report.

***Sydney Water***

Sydney Water is the landowner of Lot 1 DP 835123 (Water Tower- Reservoir) and Lot 1 DP 710023 (Sydney Water - Surplus Bushland Site) which are proposed to be rezoned from R2 to SP2 and RE1 respectively.

Preliminary feedback from Sydney Water indicates support for the proposed SP2 zoning of Lot 1 DP 835123 (Water Tower -Reservoir).

Sydney Water does not object to the proposed RE1 zoning of Lot 1 DP 710023 (Bushland Site); however, they consider the site should be acquired by Council at market value based on the proposed RE1 zoning. This is not Council's intention and Council does not propose to create an acquisition clause in the Planning Proposal.

Sydney Water also note that Roads Maritime Services (RMS) has earmarked this lot and part of Sydney Water Lot 1 DP 835123 for possible acquisition as a temporary construction site for the Beaches Link Tunnel Project (refer to RMS comments below).

Sydney Water's approval is required to rezone Lot 1 DP 710023 to a public purpose i.e. RE1 (Public Recreation) as per Ministerial Direction 6.2 – *Reservation of Land for Public Purposes* and Clause 12 of the Environmental Planning and Assessment Regulations 2000.

Whilst outside the scope of this Planning Proposal, it is recommended that Lot 1 DP 710023 be acquired by the Crown and incorporated into the State Park to support the Park's vision and to enable more effective management of the "urban edge" (under the *Crown Lands Act 1989*, land must be owned by the Crown to be included in a State Park).

***Roads and Maritime Services (RMS)***

The Beaches Link Tunnel Project 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 of the Planning Proposal for more detail).

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 State Environmental Planning Policy – Infrastructure (SEPP Infrastructure).

***Aboriginal Heritage Office***

The Aboriginal Heritage Office will be consulted as the subject land has been identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site.

***Local Planning Panel***

Council's Local Planning Panel considered the Planning Proposal at its meeting on 1 May 2019 and resolved to support the officer's recommendations for the reasons outlined in the report.



**TIMING**

It is anticipated that the Planning Proposal will be completed in 6 - 12 months from the date of Council's approval to proceed. Following the issue of a Gateway determination, Council will be required to formally exhibit the Planning Proposal for 28 days. The matter will be reported back to Council for final consideration following that exhibition.

**LINK TO COUNCIL STRATEGY**

This reports relates to the following Community Strategic Plan Outcomes

Protection of the Environment

Goal 1 - Our bushland, coast and waterways are protected to ensure safe and sustainable use for present and future generations.

Goal 2 - Our environment and community are resilient to natural hazards and climate change.

Goal 3 - Our community is well-supported in protecting the environment.

Places for People

Goal 9 - Our community is healthy, active and enjoys a broad range of creative, sporting and recreational opportunities.

**FINANCIAL CONSIDERATIONS**

The Planning Proposal process will be undertaken within the existing Strategic and Place Planning budget.

**SOCIAL CONSIDERATIONS**

The subject land is valued socially for:

- Public recreation such as bushwalking, mountain bike riding and golf
- 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 (containing two heritage items and partially covered by the Manly Dam and Surrounds Heritage Conservation Area under WLEP2011)
- Aboriginal Heritage Significance - with the land identified as Aboriginal Potential Area 1 and within 100 metres of an Aboriginal site
- The Bantry Bay Reservoir and Bantry Bay Pumping Station that are listed as locally significant heritage items under WLEP2011
- Opportunities for educational activities and community engagement programs
- Public infrastructure with regard to the Sydney Water Tower/Reservoir.

The proposed RE1 and SP2 zoning of the subject land will 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. The proposed SP2 zone will also support the current ongoing public infrastructure use of Sydney Water Lot 1 DP 835 123 as a 'Water Supply System'.

Consultation with the NSW Aboriginal Heritage Office is required following a Gateway Determination to ensure any potential impacts on Aboriginal Heritage are adequately addressed.

## **ENVIRONMENTAL CONSIDERATIONS**

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 Planning proposal references several local and state ecological studies and mapping databases that 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 that 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 Area
- 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 threatened species have already been recorded within Lot 1 DP 835123
- The immediate locality is known to contain at least thirty (30) threatened flora and fauna species.

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 the current R2 zone. No adverse effects on critical habitat or threatened species, populations or ecological communities, or their habitats are likely because of the proposal.

### ***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 affecting the water quality of Manly Dam.

**GOVERNANCE AND RISK CONSIDERATIONS**

The following Governance and Risks considerations have been identified with regard to the Planning Proposal:

***Delegation of Plan Making Authority***

As the Planning Proposal is considered of local significance only, it is recommended that Council requests delegation to exercise the function of local plan making authority for the Planning Proposal from the Department of Planning and Industry.

***Warringah Development Control Plan 2011 (WDCP2011)***

In support of the proposed RE1 and SP2 zones it is recommended that Council prepare and exhibit consequential amendments to WDCP2011 to remove residential development controls, including setback and minimum landscaped area controls, from the subject land.

***The State Park and associated Plan of Management (POM) - Boundary Amendments and Land Ownership***

The Manly-Warringah War Memorial State Park was established on 7 April 2017 and is under the care, control and management of the Manly Warringah War Memorial Park (R68892) Reserve Trust. Northern Beaches Council manages the affairs of the Trust and carries out the day-to-day management of the Park on behalf of the Trust under the provisions of the *Crown Lands Act 1989*.

As the POM was finalised before the formation of the State Park in 2017, the land managed by the POM differs slightly from the State Park boundaries. Although outside the scope of this Planning Proposal, the POM requires updating so that Council can properly manage all of the land within the State Park.

In order for land to be included in a State Park it must be owned by the Crown under the *Crown Lands Act 1989*. It is recommended that ownership of Sydney Water Lot 1 DP 710023 (surplus bushland site) is transferred to the Crown (Department of Planning and Industry) and that this lot and the small southern Crown Land lot (Lot 1 DP 1200869) are consolidated into the State Park to support the Park's vision and enable more effective management of the "urban edge".

***State Government Approvals***

The approval of Sydney Water and the Department of Planning and Industry is required to rezone the land for a public purpose (i.e. proposed RE1 (Public Recreation)) as per Ministerial Direction 6.2 – *Reservation of Land for Public Purposes* and Clause 12 of the Environmental Planning and Assessment Regulations 2000. This requirement represents a potential risk to the progression of this Planning Proposal.

***Landslip Risk***

WLEP2011 identifies 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. Council must therefore consider 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 storm water 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.

***Potentially Contaminated Land***

Parts of the two northern Crown Land lots (the flat part of the lots under the Wakehurst Golf Course) contain 'demolition' and 'excavation' landfill materials and possibly other types of landfill material that may be contaminated.

It is considered that the land is suitable in its current state for its current and ongoing use as a golf course, which forms part of the State Park. The proposed RE1 zone would support the continued use of the land as a golf course.

As detailed in the Planning Proposal, to satisfy the requirements of SEPP 55 (Remediation) it is recommended that detailed site investigation and contamination testing should be conducted in conjunction with any future development application for a use of the land that is different to the current golf course use. 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 (Remediation).

***Bush Fire Prone Land***

The land is Bush Fire Prone Land 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 potential bush fire hazards by discouraging the establishment of incompatible residential land uses in the bush fire prone area. It would also protect native flora and fauna from land clearing pressure to create bush fire asset protection zones along the Park's boundaries.



## 12.2 PLANNING PROPOSAL TO REZONE LAND WITHIN AND ADJOINING THE MANLY WARRINGAH WAR MEMORIAL STATE PARK

*NOTE: Councillor Bingham expressed her thanks to the Save Manly Dam Committee, the Trustees of the War Memorial State Park and staff for their work on this proposal.*

### **Cr Heins / Cr Harrison**

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.

**RESOLVED BY EXCEPTION**